



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

SCOPING OPINION

Proposed West Burton C Power Station

Planning Inspectorate Reference: EN010088

June 2017

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EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State (SoS) in respect of the content of the Environmental Statement (ES) for a proposed gas-fired generating station at West Burton C Power Station near Gainsborough, Nottinghamshire.

This report **sets out the SoS's Opinion on the basis of the information provided in the EDF Energy (West Burton Power) Limited ('the Applicant') report entitled "West Burton C Power Station Environmental Impact Assessment Scoping Report, April 2017" ('the Scoping Report'). The Opinion can only reflect the proposals as currently described by the Applicant.**

The SoS has consulted on the Scoping Report and the responses received have been taken into account in adopting this Opinion. The SoS is satisfied that the topic areas identified in the Scoping Report encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) ('the EIA Regulations 2009').

The SoS draws attention both to the general points and those made in respect of each of the specialist topic areas in this Opinion. The main potential issues identified are:

- Emissions to air;
- Noise and vibration;
- Biodiversity and inter-related water quality effects; and
- Landscape and visual effects.

Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the SoS.

1 INTRODUCTION

Background

- 1.1 On 27 April 2017, the Secretary of State (SoS) received the Scoping Report submitted by EDF Energy (West Burton Power) Limited ('the Applicant') under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 ('the EIA Regulations 2009') in order to request a Scoping Opinion ('the Opinion') for the proposed gas-fired generating station at West Burton C Power Station near Gainsborough, Nottinghamshire ('the Proposed Development'). This Opinion is made in response to this request and should be read in conjunction with the Applicant's Scoping Report.
- 1.2 The Applicant has formally provided notification under Regulation 6(1)(b) of the EIA Regulations 2009 that it proposes to provide an ES in respect of the Proposed Development. Therefore, in accordance with Regulation 4(2)(a) of the EIA Regulations 2009, the Proposed Development is determined to be EIA development.
- 1.3 The SoS notes that the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 Regulations) came into force in England and Wales on 16 May 2017. Regulation 37 of the 2017 Regulations provides transitional arrangements for the continued applicability of the EIA Regulations 2009 to any application for an order granting development consent or subsequent consent where before the commencement of the 2017 Regulations an Applicant has requested the SoS or the relevant authority to adopt a Scoping Opinion (as defined in the EIA Regulations 2009) in respect of the development to which the application relates. Consequently **since the Applicant's request for a Scoping Opinion was made before the 16 May the EIA Regulations 2009 continue to apply and this Opinion has been prepared in accordance with those Regulations.**
- 1.4 The EIA Regulations 2009 enable an Applicant, before making an application for an order granting development consent, to ask the SoS **to state in writing their formal opinion (a 'Scoping Opinion') on the information to be provided in the ES.**
- 1.5 Before adopting a Scoping Opinion the SoS must take into account:
 - *the specific characteristics of the particular development;*
 - *the specific characteristics of development of the type concerned; and*
 - *the environmental features likely to be affected by the development.*

(EIA Regulation 8 (9))

- 1.6 This Opinion sets out what information the SoS considers should be included in the ES for the Proposed Development. The Opinion has taken account of:
- the EIA Regulations 2009;
 - the nature and scale of the Proposed Development;
 - the nature of the receiving environment; and
 - current best practice in the preparation of an ES.
- 1.7 The SoS has also taken account of the responses received from the statutory consultees (see Appendix 3 of this Opinion). The matters addressed by the Applicant have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the SoS will take account of relevant legislation and guidelines (as appropriate). The SoS will not be precluded from requiring additional information, if it is considered necessary in connection with the ES submitted with that application, when considering the Proposed Development for a Development Consent Order (DCO).
- 1.8 This Opinion should not be construed as implying that the SoS agrees with the information or comments provided by the Applicant in their request for an opinion from the SoS. In particular, comments from the SoS in this Opinion are without prejudice to any decision taken by the SoS (on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP), Associated Development, or development that does not require development consent.
- 1.9 Regulation 8(3) of the EIA Regulations 2009 states that a request for a Scoping Opinion must include:
- *a plan sufficient to identify the land;*
 - *a brief description of the nature and purpose of the development and of its possible effects on the environment;*
and
 - *such other information or representations as the person making the request may wish to provide or make.*
- 1.10 The SoS considers that this has been provided in the Applicant's Scoping Report.

The Secretary of State's Consultation

- 1.11 The SoS has a duty under Regulation 8(6) of the EIA Regulations 2009 to consult widely before adopting a Scoping Opinion. A full list of the Consultation Bodies is provided at Appendix 2. A list has also

been compiled by the SoS under their duty to notify the Consultation Bodies in accordance with Regulation 9(1)(a) of the EIA Regulations 2009. The Applicant should note that whilst the SoS's list can inform their consultation, it should not be relied upon for that purpose.

- 1.12 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided at Appendix 2 along with copies of their comments at Appendix 3, to which the Applicant should refer in undertaking the EIA.
- 1.13 The ES submitted by the Applicant should demonstrate consideration of the points raised by the Consultation Bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the Consultation Bodies and how they are, or are not, addressed in the ES.
- 1.14 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on our website. The Applicant should also give due consideration to those comments in carrying out the EIA.

Structure of the Document

- 1.15 This Opinion is structured as follows:
- **Section 1:** Introduction
 - **Section 2:** The Proposed Development
 - **Section 3:** EIA approach and topic areas
 - **Section 4:** Other information.
- 1.16 This Opinion is accompanied by the following Appendices:
- **Appendix 1:** Presentation of the Environmental Statement
 - **Appendix 2:** List of Consultation Bodies formally consulted
 - **Appendix 3:** Respondents to consultation and copies of replies.

2 THE PROPOSED DEVELOPMENT

Introduction

- 2.1 The following is a summary of the information on the Proposed Development and its site and surroundings prepared by the Applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the Proposed Development and the potential receptors/ resources.

The Applicant's Information

Overview of the Proposed Development

- 2.2 The Proposed Development site for West Burton C (WBC) lies within the existing West Burton Power Station site, approximately 3.5km south-west of the town of Gainsborough and 1km north-east of the village of Sturton-le-Steeple, in the county of Nottinghamshire, close to the border with Lincolnshire (Scoping Report, Figure 1). The Proposed Development site covers a total area of approximately 21.5ha.
- 2.3 The Proposed Development comprises the construction and operation of a gas-fired power station with a gross electrical output of up to 299MW and associated infrastructure.

Description of the site and surrounding area

The Application Site

- 2.4 A description of the site is provided in sections 2.1 and 2.2 of the Scoping Report, with a site location plan having been provided as Figure 1. Indicative DCO site boundary plans have also been provided as Figures 2 and 3. Figure 4 of the Scoping Report shows the indicative footprint of the Proposed Development. The Proposed Development would be located within the existing West Burton Power Station site, which includes two existing power stations owned and operated by the Applicant; the recently commissioned combined cycle gas turbine (CCGT) West Burton B Power Station (WBB), adjacent to the older coal-fired West Burton A Power Station (WBA). WBB consists of three units producing up to 1332MW. WBA consists of four units producing up to 2000MW, with two chimney stacks and eight cooling towers approximately 200m and 110m in height respectively. The proposed peaking plant would be immediately north of WBB.
- 2.5 The Applicant indicates that the Proposed Development total site area allows for several options for potential gas and electrical grid connections which will be finalised following technical studies (Scoping Report, paragraph 2.2.2 and Section 3.1). The proposed

generating station would occupy an area of approximately 3.4ha (Scoping Report, paragraph 2.2.2 and Figure 4).

- 2.6 The site includes a Gas Reception Facility which receives natural gas from outside the site. The Proposed Development would connect a new gas pipeline to the Facility to fuel the proposed generating station and a new electrical connection to the existing onsite 400kV switchyard (Scoping Report, paragraph 2.2.3).
- 2.7 The Proposed Development site is within the local authority administrative boundary of Bassetlaw District Council (BDC), Nottinghamshire County Council (NCC) and close to the border with West Lindsey District Council (WLDC) and Lincolnshire.
- 2.8 The River Trent forms part of the eastern boundary to the site (Scoping Report, Figures 1-4) which is a navigable waterway. The Proposed Development site lies within land designated as Flood Zone 1 although parts of the eastern boundary of the site including the two outfall routes for the Proposed Development are within Flood Zone 2 (Scoping Report, Section 2.3 and Figure 7).
- 2.9 The landscape of the site is currently industrial, comprising infrastructure and plant for the existing power stations, and land associated with industrial use such as the storage and conveyance of **coal and other materials**. The site of the Proposed Development's generating station was formerly used for pulverised ash and as a construction laydown area for WBB but now comprises grassland and planted scrub according to the Scoping Report in Section 2.2.
- 2.10 Access to the Proposed Development would be from the A620 Gainsborough Road to the south-west, which also serves as the main entrance to the existing power stations WBA and WBB (Scoping Report, Figures 1 to 3).
- 2.11 A railway link is located in the west side of the existing site, which provides coal and material supplies to WBA. This connects with the railway line between Lincoln and Sheffield.
- 2.12 A number of Public Rights of Way (PRoW) pass within 500m of the site (Scoping Report, Section 5.6).
- 2.13 Preliminary ecological surveys have identified records of, or the potential for, various protected and notable species to be present on or around the application site, including great crested newt, reptiles, breeding and non-breeding birds, otter, water vole and badger (Scoping Report, Section 5.5). The Scoping Report indicates that further ecological surveys will be undertaken during 2017 to inform the EIA (Scoping Report, Table 5.1).

- 2.14 The site is within an Environment Agency (EA) recorded historic landfill associated with historic disposal of waste generated from WBA (Scoping Report, Section 2.3).
- 2.15 The Applicant indicates that the groundwater levels vary from 12m Above Ordnance Datum (AOD) to 2-6m AOD across the West Burton power station site and the site is not within a groundwater Source Protection Zone (SPZ) and no groundwater abstractions have been identified within 1km of the site.
- 2.16 **The site's** existing power station cooling towers and stack associated with WBA are 112m and 198m in height respectively.

The Surrounding Area

- 2.17 There are a number of small and medium sized settlements within approximately 5–10km of the site including the town of Gainsborough to the north-east. Larger sized settlements of Scunthorpe, Doncaster, Worksop and Lincoln lie within approximately 20km of the site.
- 2.18 Air quality at certain locations within Worksop approximately 22km south-east of the site and along the A1(M) corridor have been identified as having elevated Nitrogen Dioxide (NO₂) levels (Scoping Report, Section 2.3). Key air quality receptors are identified as local villages and towns near to the site (Scoping Report, Section 2.3).
- 2.19 The roads connecting to the site are the A620 (Gainsborough Road) which gives access to the site and connects to the A631 near Beckingham to the north. The A631 links the site to Gainsborough to the east and the A156 to Lincoln to the south and the A159 to Scunthorpe in the north. The A631 also connects up to the A1, A1(M) and M1 in the west and through link roads to Doncaster, Nottingham and Sheffield.
- 2.20 The nearest airfield is Sturgate Airfield, a private aerodrome located approximately 7km east of the Proposed Development site.
- 2.21 The site lies within National Landscape Character Area 48 (NE 429 Trent and Belvoir Vales), characterised by undulating, low-lying rural and mainly arable farming land with relatively little woodland cover, with long, open views surrounding the River Trent. The River Trent and its flood plain is a major landscape feature and is considered (by Natural England (NE)) to be a major corridor for wildlife moving through the area, supporting a variety of wetland habitats. The site is within the Trent Washlands Regional Character Area (RCA) as defined by the Bassetlaw Landscape Character Assessment (LCA). The existing power station site is visible from open views surrounding the site because field boundary vegetation does not reduce the visual **impact of the power station's structures due to their scale**. Bassetlaw LCA considers that the power station of West Burton and Cottam are

“dominant and visually intrusive landscape features” (Scoping Report, paragraph 5.6.2).

- 2.22 The River Trent runs alongside the eastern boundary of the Proposed Development site (Scoping Report, Figures 1 to 4). This flows from Staffordshire through the Midlands to meet the River Ouse and together join the Humber Estuary. Wheatley Beck, Railway Dyke and Catchwater Drain are water bodies located near to the site. Catchwater Drain and Wheatley Beck have ecological classification under the Water Framework Directive (WFD). Paragraph 5.8.1 of the Scoping Report notes that tidal flood defences have been raised adjacent to the site along the western bank of the River Trent, which are not identified in the EA flood maps.
- 2.23 West Burton Sewage Treatment Works (STW) is located to the east of the site and this takes in foul water from the existing power station.
- 2.24 The Scoping Report does not describe any international statutory nature conservation designations beyond 15km of the site. The closest internationally designated site to the Proposed Development Hatfield Moor Special Area of Conservation (SAC), located approximately 19.5km north-west of the Proposed Development site, was designated for its habitat of raised bogs and is still the second-largest area of extant lowland raised bog peat in England. The Special Protection Area (SPA) of Thorne Moor, located approximately 25km from the Proposed Development site, was designated for its habitat **as England’s largest area of raised bog within the former floodplain of rivers feeding into the Humber estuary** (known as the Humberhead Levels). The Birklands and Bilhaugh SAC lies approximately 25km south-west of the site, which is designated for acidophilous oak woods. The Humber Estuary SAC lies further north approximately 30-40km north-east of the Proposed Development site.
- 2.25 Environmental receptors within 10km and 5km of the site are identified in Scoping Report Figures 5 and 6 respectively, although the Scoping Report explains that the list of receptors may not be exhaustive at this stage. Lea Marsh Site of Special Scientific Interest (SSSI), which is located approximately 1km north-east of the Proposed Development site, is designated for its lowland grassland habitat. Clarborough Tunnel SSSI which lies approximately 6km south-west of the Proposed Development site and west of Clarborough village, is identified in Scoping Report Figure 5. This SSSI is designated as one of the best examples of calcareous grassland in Nottinghamshire and the mix of grassland and scrub habitat provides suitable conditions for breeding birds and insect fauna. Treswell Wood SSSI and Castle Hill Wood SSSI are approximately 8km south-west of the site. There are two former Gravel Pits located approximately 9km west of the Proposed Development site and known collectively as Sutton and Lound Gravel Pits. They are designated SSSI sites for their habitat of standing open water which support an exceptionally rich assemblage of breeding

wetland birds. Chesterfield Canal SSSI is also located within 10km of the Proposed Development site and comprises a 20 km stretch of canal running between Retford and Misterton in north Nottinghamshire designated because it supports a nationally scarce aquatic plant community.

- 2.26 A number of named ancient woodland sites have been identified by the Scoping Report (Figure 6) within 2-5km of the Proposed Development site.
- 2.27 Eleven Local Wildlife Sites (LWSs) have been identified by the Scoping Report (Scoping Report, Figure 6 and Section 2.3). Amongst these the West Burton LWS, West Burton Reedbed LWS, and Burton Round Ditch LWS are within or adjacent to the Proposed Development site. Bole Ings LWS and Bole Ings Drains LWS are also in close vicinity to the northern boundary of the site at Bole Ings (Scoping Report, Figure 6).
- 2.28 Non-statutory sites include Royal Society for the Protection of Birds (RSPB) Beckingham Marshes reserve located approximately 4km north of the Proposed Development site. This is a local wetland habitat managed for birdlife such as lapwings and redshanks, and wildlife species such as water voles, dragonflies and damselflies, amphibians and a variety of aquatic plants.
- 2.29 The Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) lies approximately 35km east of the Proposed Development site.
- 2.30 The Scoping Report states that no sites listed on the English Heritage Register of Parks and Gardens of Special Historic Interest are within 5km of the Proposed Development site, nor any statutory or non-statutory battlefield sites. Scheduled monuments (SM) identified within 2km of the Proposed Development site include the deserted medieval village of West Burton, located to the south side of the WBA site (Scoping Report, figures 5 and 6 and Section 5.9), listed by Historic England as a **13.4ha** 'Medieval settlement and open field system immediately south east of Low Farm' (SM 1017741). Section 5.9 of the Scoping Report states that a Roman road may run from North Wheatley to the west of the Proposed Development site in a south-east direction to the River Trent; a second Roman road is identified between the villages of North Wheatley, Sturton le Steeple and Marton south of the site, running in a south-east direction to the River Trent and further on to Sturton by Stow and beyond. It runs adjacent to Segelocum Roman town (SM 1003669), approximately 4km to the south-east of the Proposed Development site.
- 2.31 The Scoping Report identifies several clusters of listed buildings within 10km of the Proposed Development (Scoping Report, Figure 6 and Section 5.9) in the nearby villages and Gainsborough and include Grade I and Grade II* Listed Buildings. Three Conservation Areas (CAs) are identified as being within 5km of the Proposed

Development site; the Conservation Area (CA) of Saundby village, located approximately 2km north-west of the site; Wheatley CA, located approximately 3.5km to the west; and Gainsborough CA located approximately 4.2km to the north-east (Scoping Report, Figure 6 and Section 2.3, and Section 5.9).

- 2.32 A number of PRow pass within 500m of the site (Scoping Report, Section 5.6) and in the surrounding area of the Proposed Development (Scoping Report, Figure 6). The Scoping Report specifically refers to public footpath closest to the east of the Proposed Development site; this runs along the eastern bank of the River Trent and connects with another PRow which branches off from the river, north of the sewage works, in a north-westerly direction, passing around Bole Ings (Scoping Report, paragraph 5.6.5)

Alternatives

- 2.33 The Applicant does not discuss alternatives to the Proposed Development in the Scoping Report, although the choice of plant configurations and technology, such as the choice of type of gas turbines, are outlined in Scoping Report, Section 3.1.

Description of the Proposed Development

- 2.34 The description of the Proposed Development is set out in the Scoping Report Section 3.1. At present the Applicant is considering two main technology options:
- Open Cycle Gas Turbine (OCGT); or
 - Gas engines.
- 2.35 The Proposed Development would also comprise either units with a stack; or co-located stacks and a transformer; or associated stacks and a transformer (or transformers).
- 2.36 For any of these options chosen the Proposed Development would additionally comprise: associated switch gear and ancillary equipment; gas receiving area and gas reception building, gas treatment control facilities and pipeline to the WBB Gas Reception Facility; electrical connection; water supply and pipelines; liquid fuel tank; electrical, control, administration and welfare buildings; workshop and stores; ground water and fire water storage tanks; storm water attenuation system; access roads and car parking; construction laydown areas and a potential rail offloading area from the existing rail loop on site; auxiliary cooling equipment and cooling water supply; and other minor infrastructure, plant and equipment.
- 2.37 The Scoping Report indicates that the number and sizes of proposed gas engines would be dependent on the gas output selected (Scoping Report, paragraphs 3.1.10-3.1.13).

- 2.38 The existing 400kV switchyard in the WBB power station would be connected to the Proposed Development through either overhead cabling; below ground cabling; or a combination of both options (Scoping Report, paragraphs 3.1.16-3.1.17).
- 2.39 The proposed gas connection for WBC would be from the WBB gas reception facility located in the north-east corner of the WBB site. A tee connection is proposed between the existing WBB gas reception facility with a pipeline extending northwards into the Proposed Development site connecting to a new gas reception facility (Scoping Report, paragraph 3.1.18).
- 2.40 The Scoping Report indicates that the maximum stack height(s) would be up to 30-45m (Scoping Report, paragraphs 3.1.8 and 5.6.13).

Proposed access

- 2.41 No new vehicular access arrangements are required for the Proposed Development. The Scoping Report states that the existing West Burton power station (WBA and WBB) site access would be used to access the proposed development (Scoping Report, paragraph 2.2.4).

Construction

- 2.42 The construction of the Proposed Development is described in the Scoping Report at Section 3.2.
- 2.43 The construction period is expected to last for up to six years and be conducted over three phases (Scoping Report, Section 3.2). Construction is not anticipated to start before the second quarter of 2020. The earliest completion date for the proposed development is likely to be in 2026.
- 2.44 The Applicant states that approximately 150 temporary construction jobs would be created at peak but it is not stated whether these are full or part time jobs or whether shift work is required.
- 2.45 The construction activities (eg site clearance/preparation, levelling, demolition) and methods required for the construction have not been set out in the Scoping Report.
- 2.46 The Scoping Report does not describe the plant and equipment to be used during construction, or the number and types of construction vehicles and staff vehicles during construction.
- 2.47 The Applicant does not indicate if any materials would be transported by rail or via waterways, although a potential rail offloading facility is discussed (Scoping Report, paragraph 3.1.1).
- 2.48 The working hours are anticipated during construction to be 07.00 to 19.00 Mondays to Fridays, and 08.00 to 18.00 on Saturdays. The

Applicant indicates that any construction work required outside these hours would comply with restrictions agreed with planning authorities through the DCO process.

- 2.49 A detailed construction programme has not been included in the Scoping Report. The Scoping Report states that ES will provide details of the construction programme, including construction activities, method and anticipated duration of works and that a framework Construction Environmental Management Plan (CEMP) would support the ES providing details of specific mitigation measures required to reduce the construction related impacts (Scoping Report, paragraphs 3.2.4-3.2.5).
- 2.50 The Applicant indicates that laydown areas for storage of plant and **equipment and the siting of construction contractors' compounds** during the construction phase would be located within the Proposed Development site boundary (Scoping Report, Section 3.1).

Operation and maintenance

- 2.51 Once operational, the Applicant estimates that the Proposed Development would generate 15 full/part-time jobs. The Applicant indicates that these could be new jobs or filled by staff from the existing WBA and WBB stations.
- 2.52 The operational hours are not indicated or shift patterns but the Applicant anticipates that the maximum number of hours the power station could run would be up to 1,500 per year.
- 2.53 The number and types of vehicles to be employed during the operational stage and if any materials will be transported by rail or waterway is not indicated. However, the Scoping Report Section 5.3 suggests that transport movements would be negligible.

Decommissioning

- 2.54 The decommissioning of the Project has been considered in the Scoping Report in Section 3.4 and is not considered by the Applicant to present any significant environmental impacts beyond those assessed for the construction phase for the Proposed Development.

The Secretary of State's Comments

Description of the application site and surrounding area

- 2.55 The SoS expects that, in addition to the baseline information to be provided within topic specific chapters of the ES, the ES should include information that summarises the site and its surroundings. This would build on information presented in the Scoping Report at Chapter 2 and Figures 1-8 and would identify the context of the Proposed Development, any relevant designations and sensitive

receptors. This section should identify land that could be directly or indirectly affected by the Proposed Development and any associated auxiliary facilities, landscaping areas and potential off site mitigation or compensation schemes.

Description of the Proposed Development

- 2.56 The Applicant should ensure that the description of the Proposed Development which is being applied for is as accurate and firm as possible as this will form the basis of the EIA. It is understood that at this stage in the evolution of the scheme the description of the proposals is not confirmed. The Applicant should however be aware that the description of the Proposed Development in the ES must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations 2009 and there should therefore be more certainty by the time the ES is submitted with the DCO.
- 2.57 If a draft DCO is to be submitted, the Applicant should clearly define what elements of the Proposed Development are integral to the NSIP **and which is 'Associated Development' under the Planning Act 2008** (as amended) (PA2008) or is an ancillary matter. Associated Development is defined in the PA2008 as development which is associated with the principal development. Guidance on Associated Development can be found in the Department of Communities and Local Government (DCLG) **publication 'Planning Act 2008: Guidance on associated development applications for major infrastructure projects'**.
- 2.58 Any proposed works and/or infrastructure required as Associated Development, or as an ancillary matter, (whether on or off-site) should be assessed as part of an integrated approach to environmental assessment.
- 2.59 The SoS recommends that the ES should include a clear description of all aspects of the Proposed Development, at the construction, operation and decommissioning stages, and include:
- land use requirements;
 - site preparation;
 - construction processes and methods;
 - transport routes;
 - operational requirements, including the main characteristics of the production process and the nature and quantity of materials used, as well as waste arisings and their disposal;
 - maintenance activities including any potential environmental impacts; and

- emissions - water, air and soil pollution, noise, vibration, light, heat, radiation.

2.60 The environmental effects of all wastes to be processed and removed from the site should be addressed. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste off site. All waste types should be quantified and classified.

Flexibility

2.61 The Applicant's attention is drawn to Advice Note nine 'Using the 'Rochdale Envelope' which is available on our website and to the 'Flexibility' section in Appendix 1 of this Opinion which provides additional details on the recommended approach.

2.62 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. At the time of application, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes. The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations 2009.

2.63 It should be noted that if the Proposed Development changes substantially during the EIA process, prior to application submission, the Applicant may wish to consider the need to request a new Scoping Opinion.

Proposed access

2.64 The Applicant indicates that the Proposed Development site would be accessed via the main entrance to the West Burton Power Station site from Gainsborough Road. The Applicant should indicate if any alternative accesses are proposed during construction, the scale and nature of any offsite junction alterations and full details of this should be included in the ES.

Alternatives

2.65 The EIA Regulations 2009 require that the Applicant provide 'An outline of the main alternatives studied by the Applicant and an indication of the main reasons for the Applicant's choice, taking into account the environmental effects' (see Appendix 1).

- 2.66 In particular, the Applicant should set out the reason for their selection of technology option and why this is their preferred choice for the Proposed Development.

Construction

- 2.67 The SoS notes that no information has been provided in the **Applicant's** Scoping Report regarding the size and location of construction compounds. Whilst it is appreciated that this information may not be available at this stage of the Proposed Development, the Applicant is reminded that this information will be required and should be included in the DCO order limits.
- 2.68 The SoS considers that information on construction including: phasing of programme; construction methods and activities associated with each phase; siting of construction compounds (including on and off site); lighting equipment/ requirements; and number, movements and parking of construction vehicles (both HGVs and staff) should be clearly indicated in the ES.
- 2.69 The Applicant indicates in the Scoping Report that laydown areas for storage of plant and equipment and the siting of construction **contractors' compounds during the construction phase would be** located within the Proposed Development site boundary (Scoping Report, Section 3.1). It is not clear from Figures 2 and 3 where these compounds and laydown areas would be located and this should be clearly marked on any supporting diagrams and plans to the final ES.
- 2.70 The Applicant should make clear whether the number of temporary workers required during construction will be full time or if this is anticipated to be a mix of full and part time jobs, and whether shift work will be required.

Operation and maintenance

- 2.71 Information on the operation and maintenance of the Proposed Development should be included in the ES and should cover but not be limited to such matters as: the number of full/ part-time jobs; the operational hours and if appropriate, shift patterns; and the number and types of vehicle movements generated during the operational stage, including any maintenance outages.
- 2.72 The Applicant should set out the likely frequency and duration of black start events.

Decommissioning

- 2.73 The Scoping Report indicates that the design life of the Proposed Development peaking plant is 40 years. The SoS recommends that the EIA covers the life span of the Proposed Development, including construction, operation and decommissioning.

- 2.74 In terms of decommissioning, the SoS acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment is to enable the decommissioning of the works to be taken into account in the design and use of materials such that structures can be taken down with the minimum of disruption. The process and methods of decommissioning should be considered and options presented in the ES. The SoS encourages the Applicant to expand on the detail provided in Scoping Report section 3.4 providing further details in the ES where possible.

3 EIA APPROACH AND TOPIC AREAS

Introduction

- 3.1 This section contains the SoS's **specific comments** on the approach to the ES and topic areas as set out in the Scoping Report. General advice on the presentation of an ES is provided at Appendix 1 of this Opinion and should be read in conjunction with this Section.

EU Directive 2014/52/EU

- 3.2 The SoS draws the **Applicant's attention to** European Union (EU) Directive 2014/52/EU (amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment) which was made in April 2014.
- 3.3 Under the terms of the 2014/52/EU Directive, Member States were required to bring into force the laws, regulations and administrative provisions necessary to comply with the Directive by 16 May 2017.
- 3.4 The SoS notes that The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 have now been made and came into force on 16th May 2017. The Applicant should be aware that these Regulations include a revocation and transitional provision relevant to the current Regulations.
- 3.5 On 23 June 2016, the UK held a referendum and voted to leave the EU. There is no immediate change to infrastructure legislation or policy. Relevant EU directives have been transposed in to UK law and those are unchanged until amended by Parliament.

National Policy Statements (NPS)

- 3.6 Sector specific NPSs are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority (ExA) will make their recommendations to the SoS and **include the Government's** objectives for the development of NSIPs.
- 3.7 The relevant NPSs are EN-1 and EN-2 for the Proposed Development, which set out both the generic and technology-specific impacts that should be considered in the EIA. When undertaking the EIA, the Applicant must have regard to both the generic and technology-specific impacts and identify how these impacts have been assessed in the ES.
- 3.8 The SoS must have regard to any matter that the SoS thinks is important and relevant to the SoS's **decision**. This could include a draft NPS if the relevant NPS has not been formally designated.

Environmental Statement Approach

- 3.9 The Scoping Report contains limited detail and evidence on which to base this Opinion, for example in relation to the nature of the Proposed Development, the baseline information gathered to-date, the approach to be taken to assessing environmental impacts, and proposed mitigation measures. This has constrained the SoS's **ability** to comment in detail on the scope of the assessment. The purpose of scoping is to help Applicants in the preparation of their ES.
- 3.10 The SoS would suggest that the Applicant ensures that appropriate consultation is undertaken with the relevant consultees in order to agree wherever possible the timing and relevance of survey work as well as the methodologies to be used. The SoS notes and welcomes the intention to finalise the scope of investigations in conjunction with ongoing stakeholder liaison and consultation with the relevant regulatory authorities and their advisors. The SoS recommends that the physical scope of the study areas should be identified for each of the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.
- 3.11 The SoS recommends that in order to assist the decision making process, the Applicant may wish to consider the use of tables:
- to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts;
 - to demonstrate how the assessment has taken account of this Opinion and other responses to consultation;
 - to set out the mitigation measures proposed, as well as assisting the reader, the SoS considers that this would also enable the Applicant to cross refer mitigation to specific provisions proposed to be included within the draft DCO; and
 - to cross reference where details in the Habitats Regulations Assessment (HRA) (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

Environmental Statement Structure

- 3.12 Section 7.3 of the Scoping Report sets out the proposed structure of the ES and notes that it is anticipated that the ES will be produced in four volumes:

- Non-Technical Summary;
- Volume I: Environmental Statement;
- Volume II: Figures; and
- Volume III: Technical Appendices.

3.13 Section 7.3 of the Scoping Report sets out the proposed Contents list of the ES on which the Applicant seeks the opinion of the SoS as follows:

- Chapter 1: Introduction
- Chapter 2: Assessment methodology
- Chapter 3: Description of the site
- Chapter 4: The Proposed Development
- Chapter 5: Planning Policy Context
- Chapter 6: Air Quality
- Chapter 7: Traffic and Transport
- Chapter 8: Noise and vibration
- Chapter 8: Ecology and Nature Conservation (*The two chapter 8 references in Section 7.3.1 are assumed to be a typographic error, therefore chapters would be numbered 1-17).
- Chapter 9: Landscape and Visual Amenity
- Chapter 10: Ground Conditions and Hydrogeology
- Chapter 11: Flood Risk, Hydrogeology and Water Resources
- Chapter 12: Cultural Heritage
- Chapter 13: Socio-Economics
- Chapter 14: Sustainability and Climate Change
- Chapter 15: Cumulative and Combined Effects
- Chapter 16: Summary of Significant Residual Effects and Mitigation

3.14 The ES should not be a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the Proposed Development. This is particularly important when assessing impacts associated with any permutations or parameters to the Proposed Development.

Matters to be Scoped in/ out

3.15 The Applicant has identified in Chapter 6 of the Scoping Report the matters considered to be non-significant EIA issues and therefore **proposed to be 'scoped out'**. These include:

- Waste management;
- Electronic interference;
- Aviation; and
- Accidental events/health and safety.

3.16 In addition, the following matters have been identified as being scoped out within the topic chapters (topic chapters and paragraph numbers indicated):

Air quality

- A separate Human Health Risk Assessment (HHRA) (Scoping Report, paragraph 5.2.14)
- Operational vehicle emissions (Scoping Report, paragraph 5.2.15)

Traffic and Transport

- Operational traffic assessment (Scoping Report, paragraph 5.3.6)

Ecology and Nature Conservation

- Wintering bird surveys (Scoping Report, paragraph 5.5.10)
 - Terrestrial invertebrate surveys (Scoping Report, paragraph 5.5.10)
 - Botanical surveys (Scoping Report, paragraph 5.5.10)
 - Fish surveys (if baseline data on species assemblages is available) (Scoping Report, Table 5.1)

3.17 Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the SoS.

3.18 It is proposed that waste management is scoped out, however **Scoping Report paragraph 5.11.2 states that "waste minimisation and implementation of the waste hierarchy, including a waste management plan" will be considered within the Sustainability and Climate Change chapter.** In light of NPS-EN1 requirements regarding SWMP and waste management it is not considered appropriate to scope out waste management as an issue; however, the SoS considers that provision of relevant information as part of the

Sustainability and Climate Change Chapter would be acceptable. In providing this information, the Applicant should have regard to comments from NCC regarding the approach to waste management.

- 3.19 It is proposed to scope out electronic interference issues based on the low height of the proposed structures and their relative height compared with existing structures. On this basis, the SoS considers that a stand-alone ES chapter is not required; however, consultation with stakeholders should be undertaken to ensure that any design mitigation requirements are integrated into the proposed development. **The Applicant's attention is** however drawn to comments from Public Health England (PHE) regarding electro-magnetic fields (EMF) and from National Grid regarding the need for appropriate safety clearances.
- 3.20 It is proposed to scope out impacts on aviation based on the low height of the proposed structures and distance from the nearest airfields. On this basis, the SoS considers that a stand-alone chapter **is not required, however the SoS welcomes the Applicant's proposed** consultation with the Civil Aviation Authority (CAA) and recommends that the Applicant to maintain consultation with NATS and the MOD during the design development. **The Applicant's attention is drawn to** the comments from the CAA regarding lighting of tall structures and the need to notify Sturgate and Retford Gamston Aerodromes of the Proposed Development (see Appendix 3), the Applicant should also have regard to WLDC comments regarding meteorological radar and should consult with the Met Office regarding the effect of the Proposed Development on the Ingham meteorological radar.
- 3.21 It is proposed to scope out an assessment of accidental events and health and safety, with potential risks such as fuel spillages, fires and abnormal issues intended to be addressed under topic specific chapters. On this basis and noting that an Environmental Permit will be required to be submitted to the EA for approval, the SoS agrees that a standalone chapter may be scoped out of the ES.
- 3.22 Scoping Report paragraph 5.2.14 proposes that the air quality assessment will ensure compliance with the National Air Quality Strategy (NAQS) air quality objectives (AQO) therefore a separate HHRA is not required. The SoS considers that under the EIA Regulations 2009 the provision of such a document is a matter for the Applicant to decide but acknowledges that compliance with emissions limits would be regulated through the Industrial Emissions Directive and Environmental Permitting regime.
- 3.23 Scoping Report paragraph 5.2.4 references the potential for air quality impacts to arise from operational vehicles but the road traffic screening assessment discussion at paragraph 5.2.12 only refers to construction traffic assessment. Therefore it is unclear to the SoS whether the assessment of air quality effects arising from operational traffic is intended to be scoped out. For the avoidance of doubt the

SoS considers that operational road traffic assessment should be assessed unless otherwise agreed with BDC.

- 3.24 Based on the limited number of operational roles (15) to be created and the nature of the operational site, the traffic and transport scope paragraph 5.3.6 specifically excludes operational traffic assessment. **The Applicant's attention is drawn to the apparent inconsistency with the noise and vibration scope paragraph 5.4.13, where the scope suggests that operation of the proposed development may have a potentially significant impact on traffic flows on local roads around the site.** In light of the contradictory statements, the assessment is not scoped out unless otherwise agreed with the relevant Highways Authority, any subsequent discussions to address the scope of the assessment should take into account the potential for increased operational transport movements associated with planned outages.
- 3.25 Scoping Report paragraph 5.5.10 and Table 5.1 propose to scope out wintering bird surveys, terrestrial invertebrate surveys, botanical surveys and fish surveys (if baseline data on species assemblages is available). The justification for scoping out these surveys is very limited and is not supported by the evidence provided. Therefore these surveys should be carried out unless otherwise agreed with the relevant local authority biodiversity officer and/or NE and more detailed justification is provided.
- 3.26 Whilst the SoS has not agreed to scope out certain topic(s) or matters within the Opinion on the basis of the information available at the time, this does not prevent the Applicant from subsequently agreeing with the relevant consultees to scope matters out of the ES, where further evidence has been provided to justify this approach. This approach should be explained fully in the ES.
- 3.27 In order to demonstrate that topics have not simply been overlooked, where topics are scoped out prior to submission of the DCO application, the ES should still explain the reasoning and justify the approach taken.

Topic Areas

Air Quality and Dust (see Scoping Report Section 5.2)

- 3.28 The SoS welcomes the proposed dispersion modelling study based on the Atmospheric Dispersion Modelling System (ADMS) v5.1 model. In light of the ongoing technology optioneering between OCGT plant and Gas Engines and the desired design flexibility the SoS considers that the modelling must assess the full range of potential options to be brought forward at DCO application. The worst case operational scenario(s) must be assessed and all assumptions and/or limitations to the assessment clearly stated. This should include any cumulative effects arising from the operation of WBA and WBB power stations.

- 3.29 The SoS expects the ES to provide a clear link between the assessment parameters used to define the worst case and the relevant parameters described in the DCO (eg stack height/diameter).
- 3.30 Scoping Report paragraphs 3.1.14 and 3.1.15 discuss the potential inclusion of black start capability within the Proposed Development. This is not referenced within the air quality scope but would need to be considered as part of modelling study, in particular the longer term and more frequent use of the black start facility as an emergency supply.
- 3.31 Scoping Report paragraph 5.2.12 refers to the Design Manual for Roads and Bridges (DMRB) screening model for construction traffic. The SoS considers that the Applicant should justify the use of DMRB screening criteria, when more recent Environmental Protection UK and Institute of Air Quality Management (IAQM) Guidance¹ is available that may be more applicable to the scale and nature of the project.
- 3.32 The SoS welcomes the proposed assessment of construction dust and mobile plant emissions using IAQM guidance but queries why the **Applicant proposes to adopt the "Guidance on the Assessment of Mineral Dust Impacts for Planning" rather than "Guidance on the assessment of dust from demolition and construction" IAQM 2014**, which provides clear significance criteria for construction and demolition works.
- 3.33 The Applicant makes reference to the use of AECOM quantitative significance criteria in Scoping Report paragraph 5.2.15. In the absence of presenting these criteria, the SoS is unable to comment on their appropriateness. Any significance criteria should be based on recognised standards and robustly justified. The assessment should be made in accordance with NPS EN-1 and the Applicant should identify any substantial changes in air quality relative to the baseline and the absolute emissions levels of the proposed development after mitigation methods have been applied.
- 3.34 Scoping Report paragraph 5.2.13 states that mitigation measures to **minimise effects will be recommended "where necessary"**. The SoS expects that appropriate measures would be outlined in a draft CEMP, Air Quality Management Plan (AQMP) or equivalent submitted as part of the DCO application and secured through a requirement in the draft DCO. Construction and operational mitigation measures should be clearly distinguished.

¹ Land-Use Planning & Development Control: Planning For Air Quality. EPUK and IAQM. 2017.

Traffic and Transport (see Scoping Report Section 5.3)

- 3.35 The SoS welcomes the development of the assessment of transport impacts in association with the local highways authority (NCC) and Highways England (HE). The SoS would expect on-going discussions and agreement, where possible, with such bodies. **The Applicant's attention is drawn to HE's comments regarding a staged approach to assessment.**
- 3.36 The SoS notes **the Applicant's proposal for the assessment to be informed by Planning Practice Guidance incorporating the principles of the Department for Transport 'Guidance on Transport Assessment (GTA)' and Circular 02/2013. The Applicant should consider this approach alongside requirements in NPS-EN1 paragraph 5.13.3.**
- 3.37 The Applicant should take account of the NPS preference for rail and water-borne transportation, where feasible, over road transport to reduce traffic and associated impacts.
- 3.38 Scoping Report paragraph 5.3.8 states that the traffic and transport chapter will ***"summarise salient points from the TA" and "relate the magnitude and significance of potential impacts to criteria contained in the Guidelines for the Environmental Assessment of Road Traffic"*** (GEART). It is unclear whether some or all of the criteria in GEART are proposed to be assessed, consequently the SoS expects that further justification for the criteria assessed are provided in the ES.
- 3.39 Scoping Report paragraph 5.3.12 states that traffic surveys may need to be undertaken and that this would be discussed with the local Highways Authority and HE. The full survey method should be detailed within the ES and agreed with the relevant authorities.
- 3.40 The SoS welcomes the proposed submission of a Travel Plan and Construction Traffic Management Plan (CTMP) to manage transport impacts during construction. Any such documents should clearly cross reference to the relevant effects within the ES and be secured in the draft DCO requirements.

Noise and Vibration (see Scoping Report Section 5.4)

- 3.41 The SoS agrees that the methodology and choice of noise receptors should be confirmed with the BDC Environmental Health Officer (EHO) and in so far as it relates to the Environmental Permit, with the EA. The SoS recommends that the Applicant take into account the noise monitoring locations set out by WLDC in their scoping response (see Appendix 3).
- 3.42 Detailed information should be provided on the construction and operational noise data and assumptions used to underpin the proposed noise modelling (for example atmospheric and ground parameters used in ISO9613-2 calculations).

- 3.43 **The SoS acknowledges the Applicant's intention to use BS4142:2014** criteria to assess likely significant operational noise effects which is appropriate having had regard to the nature of the Proposed Development. The SoS reminds the Applicant of the requirements in the Noise Policy Statement England, which suggests that noise assessment thresholds should be described in terms of the Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL). The Applicant should identify mitigation measures to address adverse effects.
- 3.44 Scoping Report paragraph 5.4.2 states that annual noise surveys associated with WBA have been undertaken. The surveys include day, evening and night 15 minute noise measurements undertaken at noise sensitive receptors. Whilst the SoS notes that the Applicant proposes to agree noise monitoring requirements with the BDC EHO, the Applicant would also need to provide a clear justification for any departure from the reference time intervals stated within BS4142:2014.
- 3.45 The noise assessment should state any assumptions made in relation to the rating level for operational noise sources and the range of likely operational conditions, allowing for diurnal variation.
- 3.46 Scoping Report paragraph 5.4.10 states that the focus of the assessment will be on recommendations for appropriate mitigation. The SoS recommends that mitigation proposals are presented in the form of Construction Noise and Vibration Management Plans or as part of a CEMP and/or that the Applicant demonstrates that such mitigation is secured through appropriate requirements in the draft DCO.
- 3.47 Operational noise mitigation measures should be addressed in the ES, including any measures to address the risk of low frequency noise emissions from gas turbine exhausts. Measures such as engineering design to reduce noise; layout of plant and equipment to minimise transmission; and any operational controls should be discussed. The SoS recommends that operational noise requirements in the draft DCO are clearly distinguished from construction noise requirements.
- 3.48 Consideration should be given to monitoring noise complaints during construction and when the development is operational.
- 3.49 The results from the noise and vibration assessments should inform the terrestrial, aquatic/marine ecological assessments.

Ecology and Nature Conservation (see Scoping Report Section 5.5)

- 3.50 The SoS agrees that the Chartered Institute of Ecology and Environmental Management (CIEEM) guidance is an appropriate basis for assessing the ecological effect of the Proposed Development. The

SoS recommends that surveys should be thorough, up to date and take account of other development proposed in the vicinity. The detailed scope of surveys should be agreed with the local authority ecology officer, NE and the Marine Management Organisation (MMO) as appropriate. **The Applicant's attention is drawn to the relevant ecological data sources highlighted by NE.**

- 3.51 The SoS recommends that the Proposed Development should fully address the need of protecting and enhancing biodiversity. The assessment should cover habitats, species and processes within the sites and surroundings.
- 3.52 The potential impacts on international and nationally designated sites should be addressed as well as regional and local designations.
- 3.53 When considering the effects of emissions to air on designated and non-statutory sites, the Applicant should refer to EA guidance - **EA Guidance 1 'Air emissions risk assessment for your environmental permit'**. This is available from <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>.
- 3.54 The EA guidance states that *"some larger (greater than 50 megawatt) emitters may be required to screen to 15km for European sites and to 10km or 15km for SSSIs"*. The SoS expects to see justification within the ES for the defined distances used in the assessment in accordance with this guidance and agreement with the EA and NE as to the approach. In line with NPS-EN1 and NPS-EN2 the Applicant should consider the effect of eutrophication on sensitive habitats.
- 3.55 **The SoS notes the Applicant's views in the Scoping Report that an** Appropriate Assessment will not be required under the Habitats Regulations in view of the Proposed Development **site's location in** relation to the nearest Natura 2000 sites being further than 15km from the site and the nature of potential impacts arising from the Proposed Development (see Section 4 of this Opinion). The Applicant should confirm this approach with NE.
- 3.56 The **Applicant's ES should consider the effects of the** Proposed Development on habitats and species associated with the River Trent located near to the site, particularly in relation to the proposed outfalls and the impacts of any dredging including sediment type and quality. The impacts of the intake of cooling water and the release of warm water to the river should be assessed. **The Applicant's attention is drawn to the MMO's comments regarding the need to address effects on marine ecology.**
- 3.57 The SoS notes that the RSPB Beckingham Marshes reserve site has not been identified in the Scoping Report.
- 3.58 **The SoS recommends that the Applicant's ES** and design layout addresses adverse impacts on species and habitats and presents

mitigation measures eg. in the form of a biodiversity management plan or similar, secured as part of the draft requirements, this document should be integrated with any proposed landscape mitigation or enhancement. The Applicant should provide justification for the amount of habitat created.

- 3.59 The assessment should take account of impacts from noise, vibration, artificial lighting and air quality (including dust) and on water quality. Cross reference should be made to these specialist reports.
- 3.60 The SoS recommends that cumulative and inter-related impacts for the operational and decommissioning phases of the Proposed Development should be considered in the ES.

Landscape and Visual (see Scoping Report Section 5.6)

- 3.61 The SoS considers that the Applicant should assess the landscape and visual effects of the Proposed Development in accordance with the Guidelines for Landscape and Visual Impact Assessment (Third Edition) (GLVIA3). Any departure from the methodology should be fully justified within the ES.
- 3.62 The assessment baseline should consider relevant policy zones within the Bassetlaw Landscape Character Assessment Trent Washlands and **Mid Nottinghamshire Farmlands. The Applicant's attention is drawn to NCC comments in this respect.**
- 3.63 The proposals will be for large structures. The SoS recommends that careful consideration should be given to the form, siting, and use of materials and colours in terms of minimising the adverse visual impact of these structures in accordance with NPS-EN2. The cumulative landscape and visual effect of massing due to WBA, WBB and WBC should be considered. The potential for visible plumes to occur should be addressed and justification that the technology adopted is Best Available Technique (BAT).
- 3.64 Scoping Report paragraph 5.6.12 refers to the preparation of a Zone of Theoretical Visibility (ZTV). The SoS advises that the ES should describe the model used, provide information on the area covered and the timing of any survey work and the methodology used.
- 3.65 The visual impact of the stack or stacks to be erected as part of the Proposed Development will need to be considered. Given the relatively flat landscape, the ZTV should seek to ensure that all potentially sensitive receptors are considered and viewpoints are agreed with the relevant local authorities. This includes receptors on both the east and west banks of the River Trent.
- 3.66 The Applicant should liaise with BDC, WLDC and Nottinghamshire CC to agree the number and location of accurate Visual Representations to be undertaken. Views from the PRoW on the eastern side of the

River Trent should be included as well as night time views. The assessment of night-time lighting effects from the Proposed Development should consider the cumulative effect of lighting from WBA, WBB and WBC.

- 3.67 The Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) lies approximately 35km east of the Proposed Development site.
- 3.68 Scoping Report paragraph 5.6.15 refers to the potential need for mitigation as a result of significant effects on landscape character or visual amenity. The Applicant also refers to a detailed landscaping strategy including green infrastructure to be prepared with the local authorities as a requirement of the DCO. This should be cross-referenced to the cultural heritage chapter of the ES and consideration should be given to integrating the landscape masterplan with any proposed ecological mitigation. The species list for both Mid Nottinghamshire Farmlands and Trent Washlands Landscape Character Area should be referenced in developing the landscape strategy. When discussing mitigation requirements, the **Applicant's assessment should** also address the potential measures set out in NPS-EN1 and EN2.

Ground Conditions and Hydrogeology (see Scoping Report Section 5.7)

- 3.69 The SoS welcomes the proposed submission of a ground conditions and hydrogeological impact assessment based on the findings of a desk based assessment and conceptual site model (CSM). No standards or guidance are identified in the text that discuss how these documents will be prepared or the proposed significance criteria, which limit the SoS ability to comment on the appropriateness of the approach.
- 3.70 Scoping Report 5.7.7 identifies the potential requirement for ground investigation. The SoS agrees that the scope of such investigations should be agreed with BDC EHO and the EA as appropriate and should inform the assessment of likely significant effects.
- 3.71 The description of baseline conditions refers to the presence of aquifers within the site. No reference is made to the Water Framework Directive (WFD) status of these waterbodies or their context within the relevant River Basin Management Plan (RBMP). The Applicant should provide this information as part of a WFD Assessment. The SoS notes that the Planning Inspectorate intends to release a WFD Advice Note in the coming months, which will provide advice in this respect.
- 3.72 Scoping Report paragraph 5.7.3 makes reference to the sensitivity of the hydrogeology as being moderate. No reference framework is provided for this assessment. Any assessment of importance, value, sensitivity or significance should be related to recognised criteria

where available, eg. such as WebTAG or DMRB and agreed with consultees.

- 3.73 Scoping Report paragraph 5.7.5 makes reference to the application of Construction and Operational Environmental Management Plans to control pollution and contamination issues on site. The SoS recommends that the ES sets out how such mitigation measures will be secured eg. through draft copies of plans submitted with an application and secured in the DCO requirements.
- 3.74 In the light of the proposed outfall works to the River Trent, cross reference should be made between this chapter; the flood risk, hydrogeology and water resources; and ecology and nature conservation chapters in order to address the potential impacts of contaminated soils on the River Trent and its ecology.

Flood Risk, Hydrology and Water Quality (see Scoping Report Section 5.8)

- 3.75 The SoS notes that the Applicant intends to prepare a National Planning Policy Framework (NPPF) compliant Flood Risk Assessment (FRA) and an assessment of effects on water quality. This should reflect the approach set out in NPS-EN1 section 5.7. The FRA should cover tidal flood risk as well as fluvial impacts and therefore should consider the potential for breaching/overtopping of the flood defence under present and projected climate change scenarios. The SoS recommends that the scope of these assessments are agreed with the EA, BDC/NCC (as lead local flood authority) and the MMO as appropriate. The FRA should form an appendix to the ES.
- 3.76 **The Applicant suggests that a WFD assessment “may be undertaken to the support the assessment”.** Due to the potential for the scheme to impact on the River Trent, the SoS considers that a WFD assessment should be undertaken and that the scope and approach to the assessment should be confirmed with the EA and by reference **to the Planning Inspectorate’s forthcoming WFD advice note**. This must have regard to the relevant objectives of the RBMP (NPS-EN1 section 5.15). Scoping Report paragraphs 5.8.4 and 5.8.5 make reference to the River Trent, Wheatley Beck and Catchwater Drain having ecological classification under the WFD and state that they are therefore of high importance with regards to biodiversity. As the Applicant has not presented an assessment methodology or significance criteria to support this valuation (eg. WebTAG or DMRB) it is not possible to comment on the assigned level of importance. The assessment of likely significant water quality effects should be based on a recognised methodological approach.
- 3.77 The SoS recommends that full consideration will need to be given to the potential effects of the outfall – including scour, change in temperature and the introduction of biocide (where applicable). This may include dispersion modelling. The SoS recommends that

appropriate consultation is undertaken with the Canal & River Trust and the EA in respect of the positioning and flow rate of the outfall for the proposed development, including a risk assessment. The **Applicant's attention is also drawn to Trent Valley Internal Drainage Board (IDB) comments regarding the need for consent when working within 9m of their assets.**

- 3.78 It is currently unclear whether the Applicant intends to use abstracted water for cooling or whether a potable supply is anticipated. The rate of potable water use should be clarified, as should any abstraction requirements. The SoS recommends ongoing consultation with Severn Trent Water regarding discharges and water supply and with the EA regarding the potential implications for abstraction licensing.
- 3.79 The ES should continue to cross reference to the Environmental Permitting Regime and, where relevant, provide the information required to support a Deemed Marine Licence based on consultation with the MMO.
- 3.80 Scoping Report paragraph 5.8.9 refers to mitigation via Environmental Management Plans, Environmental Permits (or an appropriate Operational Environmental Management System). Draft management plans for construction and operation should be submitted with the DCO application and secured through the draft requirements. Consideration should be given to mitigation measures set out in the NPS-EN1 section 5.7.
- 3.81 On-going monitoring during construction and operation should be addressed and agreed with the relevant authorities to ensure that any mitigation measures are effective.
- 3.82 The SoS recommends that the ground conditions and hydrogeology; flood risk, hydrogeology and water resources; and ecology and nature conservation chapters should avoid duplication of information and provide clear cross-referencing between the assessment of any inter-related effects.

Cultural Heritage including Archaeology (see Scoping Report Section 5.9)

- 3.83 The SoS agrees with the staged approach to cultural heritage assessment, including settings effects and study area outlined. The desk study should consider effects on non-designated as well as designated heritage assets. **The Applicant's attention is drawn to the list of sensitive receptors identified by WLDC in the Gainsborough area.**
- 3.84 The desk study should also consider the potential effects on palaeochannels and the potential for prehistoric remains to occur within the Proposed Development order limits. The Applicant is referred to Historic **England's comments in this respect.**

- 3.85 The Applicant should confirm the need, or otherwise, for further archaeological evaluation with Historic England and the county archaeologist as appropriate.
- 3.86 Scoping Report paragraph 5.9.12 states that significance of effects will be assessed “**according to accepted criteria**”. The SoS cannot comment on the appropriateness of the criteria, which are not presented. The criteria used in the assessment should be set out in the ES submitted with the DCO application.
- 3.87 The SoS notes the linkage between the cultural heritage assessment and the landscape and visual amenity assessment and ZTV preparation. Cross reference should be made between these chapters in the ES. The Applicant should give appropriate consideration to the existing baseline and intrusion due to WBA and WBB and the cumulative settings effect on heritage assets. Commentary should be provided regarding sight lines between Lea and Bole.
- 3.88 The SoS notes that Figure 6 includes Segelocum Roman town SM (SM 1003669), which appears to be approximately 5km from the site. No reference is made to the SM in the text. The Applicant should ensure that any features just beyond the edge of the study area are not artificially excluded, or that sufficient justification is provided for not assessing effects on these features.
- 3.89 Where applicable, an archaeological watching brief or written scheme of investigation should be secured as a requirement in the draft DCO.

Socio-economics (see Scoping Report Section 5.10)

- 3.90 The SoS recommends that the scope of the socio-economic assessment addresses the matters set out in NPS-EN1 Section 5.12, where appropriate.
- 3.91 Types of jobs generated should be considered in the context of the available workforce in the area, this applies equally to the construction and operational stages.
- 3.92 The SoS recommends that the detailed assessment criteria are agreed with BDC.
- 3.93 The SoS recommends that the Applicant carries out consultation with local, sub-regional and, if necessary, regional stakeholders to gain the most up to date and accurate baseline information, as referred to in paragraph 5.10.7.
- 3.94 Scoping Report paragraph 5.10.9 references use of professional judgement in the assessment of significant effects. The Applicant is advised that any assessments based on professional judgement should be fully evidenced.

- 3.95 The socioeconomic effects arising from decommissioning should be considered and described in the ES.
- 3.96 The Applicant is advised that BIS no longer exists as an entity and that its functions and responsibilities now largely rest with the Department for Business, Energy and Industrial Strategy (BEIS).

Sustainability and Climate Change (see Scoping Report Section 5.11)

- 3.97 The Scoping Report does not set out the methodological approach to the sustainability and climate change assessment or identify any significance criteria. This limits the SoS ability to comment on the proposed approach. The SoS recommends that the Applicant specifically address the issue of climate change adaptation and resilience within the ES accompanying their application in line with NPS-EN1 and EN2. Adaptation and resilience considerations should ideally be integrated throughout the assessment and design documentation.
- 3.98 The SoS notes that the Applicant has sought to scope out Waste Management as an issue in Scoping Report Section 6.2. The Applicant is drawn to the SoS comments at the start of Section 3 of this Scoping Opinion in this respect.

Cumulative Effects (see Scoping Report Section 5.12)

- 3.99 The SoS notes that at present three planned developments have been identified within the vicinity of the proposed development. The Applicant states that other developments having the potential for **cumulative effects will be identified through consultation with “the relevant local planning authorities”**. **No other methodological information is provided.** The Applicant’s attention is drawn to the **Inspectorate’s Advice Note 17: Cumulative Effects Assessment²**, which sets out the recommended approach to such assessments.

Combined Heat and Power (CHP) Assessment (see Scoping Report Section 5.13)

- 3.100 The Applicant identifies that a CHP assessment is not formally part of the EIA. On this basis, the SoS provides no comment relating to the CHP assessment.

² Advice note seventeen: Cumulative effects assessment.
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

4 OTHER INFORMATION

- 4.1 This section does not form part of the SoS's **Opinion as to the** information to be provided in the ES. However, it does respond to other issues that the SoS has identified which may help to inform the preparation of the application for the DCO.

Pre-application Prospectus

- 4.2 The Planning Inspectorate offers a service for Applicants at the Pre-application stage of the NSIP process. Details are set out in the **prospectus 'Pre-application service for NSIPs'**³. The prospectus explains what the Planning Inspectorate can offer during the Pre-application phase and what is expected in return. The Planning Inspectorate can provide advice about the merits of a scheme in respect of national policy; can review certain draft documents; as well as advice about procedural and other planning matters. Where necessary a facilitation role can be provided. The service is optional and free of charge.
- 4.3 The level of Pre-application support provided by the Planning Inspectorate will be agreed between an applicant and the Planning Inspectorate at the beginning of the Pre-application stage and will be kept under review.

Preliminary Environmental Information (PEI)

- 4.4 Consultation forms a crucial aspect of environmental impact assessment. As part of their Pre-application consultation duties, Applicants are required to prepare a Statement of Community Consultation (SoCC). This sets out how the local community will be consulted about the Proposed Development. The SoCC must state whether the Proposed Development is EIA development and if it is, how the Applicant intends to publicise and consult on PEI. Further information in respect of PEI may be found in Advice Note seven 'Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping'.

Habitats Regulations Assessment (HRA)

- 4.5 **It is the Applicant's responsibility to provide sufficient information to** the competent authority to enable them to carry out an AA if required, or to provide sufficient information to satisfy the relevant SoS (as the competent authority) that an AA is not required (ie that

³ The prospectus is available from:
<http://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

the Proposed Development is not likely to have a significant effect on a European site).

- 4.6 **It is noted that paragraph 5.5.14 of the Applicant's Scoping Report** states that the Applicant does not anticipate an HRA will be required in support of the Proposed Development, as there are no European sites within 15 km of the Proposed Development. The SoS recommends that early agreement on this approach with the relevant Statutory Nature Conservation Bodies (SNCBs) is sought, and that evidence of this agreement is provided as part of the DCO application.
- 4.7 Further information with regard to the HRA process is contained **within Planning Inspectorate's Advice Note ten 'Habitat Regulations Assessment relevant to nationally significant infrastructure projects'** available on our website.

Plan To Agree Habitats Information

- 4.8 A Plan may be prepared to agree upfront what information in respect of Habitats Regulations the Applicant needs to supply to the Planning Inspectorate as part of a DCO application. This is termed an Evidence Plan for proposals in England or in both England and Wales, but a similar approach can be adopted for proposals only in Wales. For ease **these are all termed 'evidence plans'** here.
- 4.9 An evidence plan will help to ensure compliance with the Habitats Regulations. It will be particularly relevant to NSIPs where impacts may be complex, large amounts of evidence may be needed or there are a number of uncertainties. It will also help Applicants meet the requirement to provide sufficient information (as explained in Advice Note ten) in their application, so the ExA can recommend to the SoS whether or not to accept the application for Examination and whether an AA is required.
- 4.10 Any Applicant of a proposed NSIP can request an evidence plan. A request for an evidence plan should be made at the start of Pre-application (eg after notifying the Planning Inspectorate on an informal basis) by contacting NE.

Sites of Special Scientific Interest (SSSIs)

- 4.11 The SoS notes that a number of SSSIs are located close to or within the Proposed Development. Where there may be potential impacts on the SSSIs, the SoS has duties under sections 28(G) and 28(I) of the Wildlife and Countryside Act 1981 (as amended) (the W&C Act). These are set out below for information.
- 4.12 Under s28(G), the SoS has a general duty *'... to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or*

geological or physiographical features by reason of which the site is of special scientific interest'.

- 4.13 Under s28(1), the SoS must notify the relevant nature conservation body (NCB), JNCC/NE in this case, before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent, and the SoS must take account of any advice received from the NCB, including advice on attaching conditions to the consent. The NCB will be notified during the Examination period.
- 4.14 If Applicants consider it likely that notification may be necessary under s28(1), they are advised to resolve any issues with the NCB before the DCO application is submitted to the SoS. If, following assessment by applicants, it is considered that operations affecting the SSSI will not lead to damage of the special interest features, applicants should make this clear in the ES. The application documents submitted in accordance with Regulation 5(2)(1) could also provide this information. Applicants should seek to agree with the NCB the DCO requirements which will provide protection for the SSSI before the DCO application is submitted.

European Protected Species (EPS)

- 4.15 Applicants should be aware that the decision maker under the PA2008 has, as the competent authority (CA), a duty to engage with the Habitats Directive. Where a potential risk to a European Protected Species (EPS) is identified, and before making a decision to grant development consent, the CA must, amongst other things, address the derogation tests in Regulation 53 of the Habitats Regulations. Therefore the Applicant may wish to provide information which will assist the decision maker to meet this duty.
- 4.16 If an Applicant has concluded that an EPS licence is required the ExA will need to understand whether there is any impediment to the licence being granted. The decision to apply for a licence or not will rest with the Applicant as the person responsible for commissioning the proposed activity by taking into account the advice of their consultant ecologist.
- 4.17 Applicants are encouraged to consult with NE and, where required, to agree appropriate requirements to secure necessary mitigation. It would assist the Examination if Applicants could provide, with the application documents, confirmation from NE whether any issues have been identified which would prevent the EPS licence being granted.
- 4.18 Generally, NE are unable to grant an EPS licence in respect of any development until all the necessary consents required have been secured in order to proceed. For NSIPs, NE will assess a draft licence

application in order to ensure that all the relevant issues have been **addressed. Within 30 working days of receipt, NE will either issue 'a letter of no impediment' stating that it is satisfied, insofar as it can** make a judgement, that the proposals presented comply with the regulations or will issue a letter outlining why NE consider the proposals do not meet licensing requirements and what further **information is required before a 'letter of no impediment' can be** issued. The Applicant is responsible for ensuring draft licence applications are satisfactory for the purposes of informing formal Pre-application assessment by NE.

- 4.19 Ecological conditions on the site may change over time. It will be the **Applicant's responsibility to ensure information is satisfactory for the** purposes of informing the assessment of no detriment to the maintenance of favourable conservation status (FCS) of the population of EPS affected by the proposals. Applicants are advised that current conservation status of populations may or may not be favourable. Demonstration of no detriment to favourable populations may require further survey and/or submission of revised short or long term mitigation or compensation proposals.
- 4.20 In England the focus concerns the provision of up to date survey information which is then made available to NE (along with any resulting amendments to the draft licence application). Applicants with projects in England (including activities undertaken landward of the mean low water mark) can find further information in Advice Note eleven, Annex C⁴.

Other Regulatory Regimes

- 4.21 The SoS recommends that the Applicant should state clearly what regulatory areas are addressed in the ES and that the Applicant should ensure that all relevant authorisations, licences, permits and consents that are necessary to enable operations to proceed are described in the ES. Also it should be clear that any likely significant effects of the Proposed Development which may be regulated by other statutory regimes have been properly taken into account in the ES.
- 4.22 It will not necessarily follow that the granting of consent under one regime will ensure consent under another regime. For those consents not capable of being included in an application for consent under the PA2008, the SoS will require a level of assurance or comfort from the relevant regulatory authorities that the proposal is acceptable and likely to be approved, before they make a recommendation or decision on an application. The Applicant is encouraged to make early

⁴ Advice Note eleven, Annex C – Natural England and the Planning Inspectorate available from: http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

contact with other regulators. Information from the Applicant about progress in obtaining other permits, licences or consents, including any confirmation that there is no obvious reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the SoS.

Water Framework Directive

4.23 **EU Directive 2000/60/EC ('the Water Framework Directive')** establishes a framework for the protection of inland surface waters (rivers and lakes), transitional waters (estuaries), coastal waters and groundwater. Under the terms of the Directive, Member States are required to establish river basin districts and corresponding river basin management plans outlining how the environmental objectives outlined in Article 4 of the Directive are to be met.

4.24 In determining an application for a DCO, the SoS must be satisfied that the Applicant has had regard to relevant river basin management plans and that the Proposed Development is compliant with the terms of the WFD and its daughter directives. In this respect, the **Applicant's attention is drawn to Regulation 5(2)(I) of the APFP Regulations** which requires an application for an NSIP to be accompanied by:

'where applicable, a plan with accompanying information identifying.....(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development'.

- 4.25 In particular, any WFD assessment should, as a minimum, include:
- the risk of deterioration of any water body quality element to a lower status class;
 - **support for measures to achieve 'good' status** (or potential) for water bodies;
 - how the application does not hinder or preclude implementation of measures in the river basin management plan to improve a surface water body or groundwater (or propose acceptable alternatives to meet river basin management plan requirements); and
 - the risk of harming any protected area.

The Environmental Permitting Regulations and the Water Resources Act

Environmental Permitting (England and Wales) Regulations 2016

4.26 The Environmental Permitting (England and Wales) Regulations 2016 require operators of certain facilities, which could harm the environment or human health, to obtain permits from the EA. Environmental permits can combine several activities into one permit. **There are standard permits supported by 'rules' for straightforward situations and bespoke permits for complex situations.** For further information, please **see the Government's advice on determining the need for an environmental permit**⁵.

4.27 The EA's environmental permits cover:

- industry regulation;
- waste management (waste treatment, recovery or disposal operations);
- discharges to surface water;
- groundwater activities;
- radioactive substances activities; and
- flood risk activities (eg. works in, under, over or near a main river (including where the river is in a culvert); on or near a flood defence on a main river; in the flood plain of a main river; or on or near a sea defence.

4.28 Characteristics of environmental permits include:

- they are granted to operators (not to land);
- they can be revoked or varied by the EA;
- operators are subject to tests of competence;
- operators may apply to transfer environmental permits to another operator (subject to a test of competence); and
- conditions may be attached.

The Water Resources Act 1991

4.29 Under the Water Resources Act 1991 (as amended), anyone who wishes to abstract more than 20m³/day of water from a surface source such as a river or stream or an underground source, such as an aquifer, will normally require an abstraction licence from the EA. For example, an abstraction licence may be required to abstract water for use in cooling at a power station. An impoundment licence is usually needed to impede the flow of water, such as in the creation of a reservoir or dam, or construction of a fish pass.

4.30 Abstraction licences and impoundment licences are commonly referred to as 'water resources licences'. They are required to ensure

⁵ Available from: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

that there is no detrimental impact on existing abstractors or the environment.

4.31 Characteristics of water resources licences include:

- they are granted to licence holders (not to land);
- they can be revoked or varied;
- they can be transferred to another licence holder; and
- in the case of abstraction licences, they are time limited.

4.32 For further information, **please see the EA's guidance**⁶:

Role of the Applicant

4.33 It is the responsibility of Applicants to identify whether an environmental permit and / or water resources licence is required from the EA before an NSIP can be constructed or operated. Failure to obtain the appropriate consent(s) is an offence.

4.34 The EA allocates a limited amount of Pre-application advice for environmental permits and water resources licences free of charge. Further advice can be provided, but this will be subject to cost recovery.

4.35 The EA encourages Applicants to engage with them early in relation to the requirements of the application process. Where a project is complex or novel, or requires a HRA, Applicants are encouraged to **"parallel track" their applications to the EA with their DCO applications to the Planning Inspectorate**. Further information on the **EA's role in the infrastructure planning process** is available in Annex D **of the Planning Inspectorate's Advice Note eleven (working with public bodies in the infrastructure planning process)**⁷

4.36 When considering the timetable to submit their applications, Applicants should bear in mind that the EA will not be in a position to provide a detailed view on the Proposed Development until it issues its draft decision for public consultation (for sites of high public interest) or its final decision. Therefore the Applicant should ideally submit its application sufficiently early so that the EA is at this point in the determination by the time the DCO reaches Examination.

4.37 It is also in the interests of an applicant to ensure that any specific requirements arising from their permit or licence are capable of being carried out under the works permitted by the DCO. Otherwise there is

⁶ Available from: <https://www.gov.uk/government/publications/water-abstraction-application-for-a-water-resources-licence>

⁷ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

a risk that requirements could conflict with the works which have been authorised by the DCO (eg a stack of greater height than that authorised by the DCO could be required) and render the DCO impossible to implement.

Health Impact Assessment

- 4.38 The SoS considers that it is a matter for the Applicant to decide whether or not to submit a stand-alone Health Impact Assessment (HIA). However, the Applicant should have regard to the responses received from the relevant consultees regarding health, and in particular to the comments from PHE in relation to electric and magnetic fields (EMF) and from the Health and Safety Executive in relation to the location of gas pipeline infrastructure (see Appendix 3).

Transboundary Impacts

- 4.39 The SoS notes that the Applicant has not indicated whether the Proposed Development is likely to have significant impacts on another European Economic Area (EEA) State.
- 4.40 Regulation 24 of the EIA Regulations 2009, which inter alia require the SoS to publicise a DCO application if the SoS is of the view that the Proposed Development is likely to have significant effects on the environment of another EEA state and where relevant to consult with the EEA state affected. The SoS considers that where Regulation 24 applies, this is likely to have implications for the Examination of a DCO application.
- 4.41 The SoS recommends that the ES should identify whether the Proposed Development has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.

APPENDIX 1 – PRESENTATION OF THE ENVIRONMENTAL STATEMENT

- A1.1 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264) (as amended) (APFP Regulations) sets out the information which must be provided for an application for a Development Consent Order (DCO for nationally significant infrastructure under the Planning Act 2008 (as amended) (PA2008)). Where required, this includes an Environmental Statement (ES). Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information need not be replicated or included in the ES.
- A1.2 An ES is described under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations 2009) as a statement:
- *that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and of any associated development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but that includes at least the information required in Part 2 of Schedule 4.*

(EIA Regulations 2009, Regulation 2)

- A1.3 The purpose of an ES is to ensure that the environmental effects of a Proposed Development are fully considered, together with the economic or social benefits of the development, before the development consent application under the PA2008 is determined. The ES should be an aid to decision making.
- A1.4 The SoS (SoS) advises that the ES should be laid out clearly with a minimum amount of technical terms and should provide a clear objective and realistic description of the likely significant impacts of the Proposed Development. The information should be presented so as to be comprehensible to the specialist and non-specialist alike. The SoS recommends that the ES be concise with technical information placed in appendices.

ES Indicative Contents

- A1.5 The SoS emphasises that **the ES should be a 'stand-alone' document** in line with best practice and case law. Schedule 4, Parts 1 and 2 of the EIA Regulations 2009 set out the information for inclusion in ES.

A1.6 Schedule 4 Part 1 of the EIA Regulations 2009 states this information includes:

17. Description of the development, including in particular—

- *a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;*
- *a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;*
- *an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.*

18. An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.

19. A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.

20. A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:

- *the existence of the development;*
- *the use of natural resources;*

the emission of pollutants, the creation of nuisances and the elimination of waste,

and the description by the applicant of the forecasting methods used to assess the effects on the environment.

21. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

22. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.

23. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

(EIA Regulations 2009, Schedule 4 Part 1)

- A1.7 The content of the ES must include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regulations 2009. This includes **the consideration of 'the main alternatives studied by the applicant'** which the SoS recommends could be addressed as a separate chapter in the ES. Part 2 is included below for reference:

24. A description of the development comprising information on the site, design and size of the development

25. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects

26. The data required to identify and assess the main effects which the development is likely to have on the environment

27. An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects, and

28. A non-technical summary of the information provided [under the four paragraphs of Schedule 4 part 2 above].

(EIA Regulations 2009, Schedule 4 Part 2)

- A1.8 Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the SoS considers it is an important consideration *per se*, as well as being the source of further impacts in terms of air quality and noise and vibration.

Balance

- A1.9 The SoS recommends that the ES should be balanced, with matters which give rise to a greater number or more significant impacts being given greater prominence. Where few or no impacts are identified, the technical section may be much shorter, with greater use of information in appendices as appropriate.

The SoS considers that the ES should not be a series of disparate reports and stresses the importance of considering inter-relationships between factors and cumulative impacts.

Scheme Proposals

- A1.10 The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES which should support the

application as described. The SoS is not able to entertain material changes to a project once an application is submitted. The SoS draws the attention of the Applicant to the DCLG and the Planning **Inspectorate's published advice on the preparation of a draft DCO and accompanying application documents.**

Flexibility

- A1.11 The SoS acknowledges that the EIA process is iterative, and therefore the proposals may change and evolve. For example, there may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES. However, at the time of the application for a DCO, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes.
- A1.12 It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to assess robustly a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations 2009.
- A1.13 The Rochdale Envelope principle (*see R v Rochdale MBC ex parte Tew (1999) and R v Rochdale MBC ex parte Milne (2000)*) is an accepted way of dealing with uncertainty in preparing development applications. The **Applicant's attention is drawn to the Planning Inspectorate's Advice Note Nine 'Rochdale Envelope' which is available on our website.**
- A1.14 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. Where some flexibility is sought and the precise details are not known, the Applicant should assess the maximum potential adverse impacts the Proposed Development could have to ensure that the Proposed Development, as it may be constructed, has been properly assessed.
- A1.15 The ES should be able to confirm that any changes to the development within any proposed parameters would not result in significant impacts not previously identified and assessed. The maximum and other dimensions of the Proposed Development should be clearly described in the ES, with appropriate justification. It will also be important to consider choice of materials, colour and the form of the structures and of any buildings. Lighting proposals should also be described.

Scope

- A1.16 The SoS recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent

of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and local authorities and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

Physical Scope

A1.17 In general the SoS recommends that the physical scope for the EIA should be determined in the light of:

- the nature of the proposal being considered;
- the relevance in terms of the specialist topic;
- the breadth of the topic;
- the physical extent of any surveys or the study area; and
- the potential significant impacts.

A1.18 The SoS recommends that the physical scope of the study areas should be identified for each of the environmental topics and should be sufficiently robust in order to undertake the assessment. This should include at least the whole of the application site, and include all offsite works. For certain topics, such as landscape and transport, the study area will need to be wider. The extent of the study areas should be on the basis of recognised professional guidance and best practice, whenever this is available, and determined by establishing the physical extent of the likely impacts. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given.

Breadth of the Topic Area

A1.19 The ES should explain the range of matters to be considered under each topic and this may respond partly to the type of project being considered. If the range considered is drawn narrowly then a justification for the approach should be provided.

Temporal Scope

A1.20 The assessment should consider:

- environmental impacts during construction works;
- environmental impacts on completion/ operation of the proposed development;
- where appropriate, environmental impacts a suitable number of years after completion of the proposed development (for

example, in order to allow for traffic growth or maturing of any landscape proposals); and

- environmental impacts during decommissioning.

A1.21 In terms of decommissioning, the SoS acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment, as well as to enable the decommissioning of the works to be taken into account, is to encourage early consideration as to how structures can be taken down. The purpose of this is to seek to minimise disruption, to re-use materials and to restore the site or put it to a suitable new use. The SoS encourages consideration of such matters in the ES.

A1.22 The SoS recommends that these matters should be set out clearly in the ES and that the suitable time period for the assessment should be agreed with the relevant statutory consultees.

A1.23 The SoS recommends that throughout the ES a standard terminology **for time periods should be defined, such that for example, 'short term' always refers** to the same period of time.

Baseline

A1.24 The SoS recommends that the baseline should describe the position from which the impacts of the Proposed Development are measured. The baseline should be chosen carefully and, whenever possible, be consistent between topics. The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although it is recognised that this may not always be possible.

A1.25 The SoS recommends that the baseline environment should be clearly explained in the ES, including any dates of surveys, and care should be taken to ensure that all the baseline data remains relevant and up to date.

A1.26 For each of the environmental topics, the data source(s) for the baseline should be set out together with any survey work undertaken with the dates. The timing and scope of all surveys should be agreed with the relevant statutory bodies and appropriate consultees, wherever possible.

A1.27 The baseline situation and the Proposed Development should be described within the context of the site and any other proposals in the vicinity.

Identification of Impacts and Method Statement

Legislation and Guidelines

A1.28 In terms of the EIA methodology, the SoS recommends that reference should be made to best practice and any standards, guidelines and legislation that have been used to inform the assessment. This should include guidelines prepared by relevant professional bodies.

A1.29 In terms of other regulatory regimes, the SoS recommends that relevant legislation and all permit and licences required should be listed in the ES where relevant to each topic. This information should also be submitted with the application in accordance with the APFP Regulations.

A1.30 In terms of assessing the impacts, the ES should approach all relevant planning and environmental policy – local, regional and national (and where appropriate international) – in a consistent manner.

Assessment of Effects and Impact Significance

A1.31 The EIA Regulations 2009 require the identification of the '*likely significant effects of the development on the environment*' (Schedule 4 Part 1 Paragraph 20).

A1.32 As a matter of principle, the SoS applies the precautionary approach **to follow the Court's reasoning in judging 'significant effects'**. In other words '**likely to affect**' will be taken as meaning that there is a probability or risk that the Proposed Development will have an effect, and not that a development will definitely have an effect.

A1.33 The SoS considers it is imperative for the ES to define the meaning of '**significant**' in the context of each of the specialist topics and for significant impacts to be clearly identified. The SoS recommends that the criteria should be set out fully and that the ES should set out **clearly the interpretation of 'significant' in terms of each of the EIA topics**. Quantitative criteria should be used where available. The SoS considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.

A1.34 The SoS recognises that the way in which each element of the environment may be affected by the Proposed Development can be approached in a number of ways. However it considers that it would be helpful, in terms of ease of understanding and in terms of clarity of presentation, to consider the impact assessment in a similar manner for each of the specialist topic areas. The SoS recommends that a common format should be applied where possible.

Inter-relationships between environmental factors

A1.35 The inter-relationship between aspects of the environments likely to be significantly affected is a requirement of the EIA Regulations 2009 (see Schedule 4 Part 1 of the EIA Regulations 2009). These occur

where a number of separate impacts, eg noise and air quality, affect a single receptor such as fauna.

A1.36 The SoS considers that the inter-relationships between factors must be assessed in order to address the environmental impacts of the proposal as a whole. This will help to ensure that the ES is not a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the Proposed Development. This is particularly important when considering impacts in terms of any permutations or parameters to the Proposed Development.

Cumulative Impacts

A1.37 The potential cumulative impacts with other major developments will need to be identified, as required by the Directive. The significance of such impacts should be shown to have been assessed against the baseline position (which would include built and operational development). In assessing cumulative impacts, other major development should be identified through consultation with the local planning authorities and other relevant authorities. Applicants should refer to Planning Inspectorate Advice Note 17 Cumulative Effects **Assessment for further guidance on the Inspectorate's recommended approach to cumulative effects assessment.**

A1.38 Details should be provided in the ES, including the types of development, location and key aspects that may affect the EIA and how these have been taken into account as part of the assessment will be crucial in this regard.

A1.39 For the purposes of identifying any cumulative effects with other developments in the area, Applicants should also consult consenting bodies in other EU states to assist in identifying those developments (see commentary on transboundary effects below).

Related Development

A1.40 The ES should give equal prominence to any development which is related with the Proposed Development to ensure that all the impacts of the proposal are assessed.

A1.41 The SoS recommends that the Applicant should distinguish between the Proposed Development for which development consent will be sought and any other development. This distinction should be clear in the ES.

Alternatives

A1.42 The ES must set out an outline of the main alternatives studied by the Applicant and provide an indication of the main reasons for the **Applicant's choice**, taking account of the environmental effect (Schedule 4 Part 1 paragraph 18).

A1.43 Matters should be included, such as inter alia alternative design options and alternative mitigation measures. The justification for the final choice and evolution of the scheme development should be made clear. Where other sites have been considered, the reasons for the final choice should be addressed.

A1.44 The SoS advises that the ES should give sufficient attention to the alternative forms and locations for the off-site proposals, where appropriate, and justify the needs and choices made in terms of the form of the Development Proposed and the sites chosen.

Mitigation Measures

A1.45 Mitigation measures may fall into certain categories namely: avoid; reduce; compensate or enhance (see Schedule 4 Part 1 Paragraph 21); and should be identified as such in the specialist topics. Mitigation measures should not be developed in isolation as they may relate to more than one topic area. For each topic, the ES should set out any mitigation measures required to prevent, reduce and where possible offset any significant adverse effects, and to identify any residual effects with mitigation in place. Any proposed mitigation should be discussed and agreed with the relevant consultees.

A1.46 The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment and can be shown to be deliverable should be taken into account as part of the assessment.

A1.47 It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed within the draft DCO. This could be achieved by means of describing the mitigation measures proposed either in each of the specialist reports or collating these within a summary section on mitigation.

A1.48 The SoS advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan and safety procedures which will be adopted during construction and operation and may be adopted during decommissioning.

Cross References and Interactions

A1.49 The SoS recommends that all the specialist topics in the ES should cross reference their text to other relevant disciplines. Interactions between the specialist topics is essential to the production of a robust assessment, as the ES should not be a collection of separate specialist topics, but a comprehensive assessment of the environmental impacts of the proposal and how these impacts can be mitigated.

A1.50 As set out in EIA Regulations 2009 Schedule 4 Part 1 paragraph 23, the ES should include an indication of any technical difficulties

(technical deficiencies or lack of know-how) encountered by the Applicant in compiling the required information.

Consultation

- A1.51 The SoS recommends that ongoing consultation is maintained with relevant stakeholders and that any specific areas of agreement or disagreement regarding the content or approach to assessment should be documented. The SoS recommends that any changes to the scheme design in response to consultation should be addressed in the ES.
- A1.52 Consultation with the local community should be carried out in accordance with the SoCC which will state how the Applicant intends to consult on the Preliminary Environmental Information (PEI). This PEI could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with Section 47 of the PA2008, this could usefully assist the Applicant in the EIA process – for example the local community may be able to identify possible mitigation measures to address the impacts identified in the PEI. Attention is drawn to the duty upon Applicants under Section 50 of the PA2008 to have regard to the guidance on Pre-application consultation.

Transboundary Effects

- A1.53 The SoS recommends that consideration should be given in the ES to any likely significant effects on the environment of another Member State of the European Economic Area. In particular, the SoS recommends consideration should be given to discharges to the air and water and to potential impacts on migratory species and to impacts on shipping and fishing areas.
- A1.54 **The Applicant's attention is also drawn to the Planning Inspectorate's Advice Note twelve 'Development with significant transboundary impacts consultation' which is available on our website⁸.**

Summary Tables

- A1.55 The SoS recommends that in order to assist the decision making process, the Applicant may wish to consider the use of tables:

Table X: to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts.

⁸ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Table XX: to demonstrate how the assessment has taken account of this Opinion and other responses to consultation.

Table XXX: to set out the mitigation measures proposed, as well as assisting the reader, the SoS considers that this would also enable the Applicant to cross refer mitigation to specific provisions proposed to be included within the draft DCO.

Table XXXX: to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

Terminology and Glossary of Technical Terms

A1.56 The SoS recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the **decision making process. For example, 'the site' should be defined** and used only in terms of this definition so as to avoid confusion with, for example, the wider site area or the surrounding site. A glossary of technical terms should be included in the ES.

Presentation

A1.57 The ES should have all of its paragraphs numbered, as this makes referencing easier as well as accurate. Appendices must be clearly referenced, again with all paragraphs numbered. All figures and drawings, photographs and photomontages should be clearly referenced. Figures should clearly show the proposed site application boundary.

Confidential Information

A1.58 In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential the Applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title, and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Planning Inspectorate would be required to disclose under the Environmental Information Regulations 2014.

Bibliography

A1.59 A bibliography should be included in the ES. The author, date and publication title should be included for all references. All publications referred to within the technical reports should be included.

Non-Technical Summary

A1.60 The EIA Regulations 2009 require a Non-Technical Summary (EIA Regulations 2009 Schedule 4 Part 1 paragraph 22). This should be a summary of the assessment in simple language. It should be supported by appropriate figures, photographs and photomontages.

APPENDIX 2 – LIST OF CONSULTATION BODIES FORMALLY CONSULTED

Note: the prescribed Consultees Bodies have been consulted in accordance with the Planning Inspectorate’s Advice Note three ‘EIA Consultation and Notification’.

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	Bassetlaw Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England - East Midlands
The Relevant Fire and Rescue Authority	Nottinghamshire Fire and Rescue Service
The Relevant Police and Crime Commissioner	Nottinghamshire Police Crime Commissioner
The Relevant Parish Council(s) or Relevant Community Council	West Burton Parish Council
The Environment Agency	The Environment Agency - East Midlands
The Maritime and Coastguard Agency	Maritime & Coastguard Agency
The Maritime and Coastguard Agency – Regional Office	The Maritime and Coastguard Agency - Hull Marine and Fishing Office
The Marine Management Organisation	Marine Management Organisation (MMO)
	Natural Resources Wales
The Civil Aviation Authority	Civil Aviation Authority
The Relevant Highways Authority	Nottinghamshire County Council
The Relevant Strategic Highways Company	Highways England - Midlands
The Relevant Internal Drainage	Trent Valley Internal Drainage Board

SCHEDULE 1 DESCRIPTION	ORGANISATION
Board	Scunthorpe and Gainsborough Water Management Board
The Canal and River Trust	The Canal and River Trust
Trinity House	Trinity House
Public Health England, an executive agency to the Department of Health	Public Health England
The Crown Estate Commissioners	The Crown Estate

RELEVANT STATUTORY UNDERTAKERS	
The relevant Clinical Commissioning Group	Bassetlaw Clinical Commissioning Group
The National Health Service Commissioning Board	NHS England
NHS Trusts	East Midlands Ambulance Service NHS Trust
Railways	Network Rail Infrastructure Ltd
	Highways England Historical Railways Estate
Canal Or Inland Navigation Authorities	The Canal and River Trust
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Relevant Environment Agency	Environment Agency - East Midlands
Water and Sewage Undertakers	Severn Trent
Public Gas Transporter	Energetics Gas Limited
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Quadrant Pipelines Limited
National Grid Gas Plc	
National Grid Gas Distribution	

RELEVANT STATUTORY UNDERTAKERS	
	Limited
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	Wales and West Utilities Ltd
Electricity Distributors With CPO Powers	Energetics Electricity Limited
	ESP Electricity Limited
	G2 Energy IDNO Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Peel Electricity Networks Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Western Power Distribution (East Midlands) plc
	Electricity Transmitters With CPO Powers

SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(B))	
Local Authorities	Bassetlaw District Council
	Bolsover District Council
	Doncaster Metropolitan District Council
	Mansfield District Council
	Newark and Sherwood District Council
	North Lincolnshire Council
	Rotherham District Council
	Nottingham City Council
	West Lindsey District Council
	Nottinghamshire County Council
	Derbyshire County Council
	Leicestershire County Council
	Lincolnshire County Council

APPENDIX 3 – RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

List of bodies who replied by the Statutory Deadline:

Canal & River Trust
Civil Aviation Authority (CAA)
Derbyshire County Council
Health and Safety Executive (HSE)
Highways England
Historic England
Leicestershire County Council
Marine Management Organisation
National Grid Electricity Transmission Plc
National Grid Gas Plc
Natural England
Nottingham City Council
Nottinghamshire County Council
Public Health England
Southern Gas Networks (SGN)
The Environment Agency - East Midlands
Trent Valley Internal Drainage Board
Trinity House
West Lindsey District Council



24 May 2017

The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our Ref

Your Ref

170427_EN010088-
000011

Dear Sirs,

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended)- Regulations 8 and 9.
Application by EDF Energy (West Burton Power) Limited for a Development Consent Order for a proposed peaking plant project at West Burton Power Station.
Scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested.**

Thank you for your consultation in respect of the above.

In respect of the scoping consultation and the EIA Scoping Report submitted by EDF Energy, we have the following comments to make:

The West Burton Power Station site is located to the west of the River Trent. The Canal & River Trust is Navigation Authority for the river at this point, although we do not own the river itself. Our interest in this proposal is therefore to ensure that there are no adverse impacts on navigation on the river or on navigational safety.

The indicative DCO site boundary shown at Fig. 2 extends to the west bank of the River Trent in two places, although we note that the indicative development footprint shown at Fig. 4 suggests that the proposed peaking plant will be in excess of 150m from the river.

The Scoping Report indicates at 5.8.12 that the EIA will consider the potential for impacts on surface watercourses, including the River Trent. The possibility of surface water discharges to the river will also be considered. This matter is to be evaluated as the design of the surface water management system is progressed.

We recommend that EDF Energy liaise with us over any surface water outfalls to the River Trent as may be identified as being required so that we can agree the flow rate of the discharges and ensure that their location and means of construction do not impede navigation on the river or otherwise raise any navigational safety issues. Any need for such outfalls and any measures required to maintain safe navigation should be fully addressed within the EIA.

**Canal & River Trust Fradley Junction, Alrewas, Burton-Upon-Trent,
Staffordshire, DE13 7DN**

T 0303 040 4040 **E** planning@canalrivertrust.org.uk **W** www.canalrivertrust.org.uk

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB



Canal &
River Trust

It does not appear likely that the proposed development will have any other potential impact on the Trust in our capacity as Navigation Authority and we therefore have no further comments to make on the matters that are identified within the Scoping Report for inclusion in the EIA. We would encourage that the appropriate liaison take place with the Environment Agency in order that the Environmental Assessment is adequately informed on all other flood and water management matters relating to the River Trent.

Yours faithfully

Ian Dickinson MRTPI
Area Planner (East and West Midlands)
ian.dickinson@canalrivertrust.org.uk
01636 675790

**Canal & River Trust Fradley Junction, Alrewas, Burton-Upon-Trent,
Staffordshire, DE13 7DN**

T 0303 040 4040 E planning@canalrivertrust.org.uk W www.canalrivertrust.org.uk
Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB

From: [Jiggins Craig](#)
To: [Environmental Services](#)
Subject: RE: EN010088 - Proposed peaking plant project at West Burton C Power Station - EIA Scoping Report Notification and Consultation - CAA Comment V02
Date: 01 June 2017 10:23:05

Dear Richard

Please see below my comments regarding the above (this a slightly amended version to the one that I had originally sent on the 25th May), regarding the planning application concerning the proposed new Peaking Plant at West Burton Power station.

Aviation Warning Lighting

In the UK, the need for aviation obstruction lighting on 'tall' structures depends in the first instance upon any particular structure's location in relationship to an aerodrome. If the structure constitutes an 'aerodrome obstruction' it is the aerodrome operator that with review the lighting requirement (part of the safeguarding process). For civil aerodromes, they will, in general terms, follow the requirements of CAP 168 - Licensing of Aerodromes. This document can be downloaded from the Civil Aviation CAA website at <http://publicapps.caa.co.uk/docs/33/CAP168LicensingofAerodromes.pdf> - Chapter 4 refers to obstacles and obstacle lighting (I have included an extract from CAP168).

Away from aerodromes Article 222 of the UK Air Navigation Order applies (CAP 393 published on our website at: http://publicapps.caa.co.uk/docs/33/CAP393Ed5Am1_OCT2016.pdf – to get there quickly, open the document and search for 'Lights and Lighting'. Article 222 requires that for En-route obstructions (i.e. away from aerodromes) lighting only becomes legally mandated for structures of a height of 150m or more above ground level.

Typically, structures less than 150m above ground level and away from the immediate vicinity of an aerodrome are not routinely lit for civil aviation purposes. However, structures of lesser high might need aviation obstruction lighting if, by virtue of their location and nature, they are considered a significant navigational hazard.

Note that if the structure is to be 150m or higher, the lighting specification set out in Article 222 becomes a statutory requirement. In this latter case, any proposal to seek a lighting specification at odds with Article 222 should involve the CAA at the earliest convenience (0207 453 6559 / craig.jiggins@caa.co.uk).

With reference to para 6.3 'Electronic Interference' which refers to maximum building heights and temporary construction cranes being no higher than the existing cooling towers/stacks associated with the WBA Power Station. At this height (WBA Stack) there would be a requirement for them to be lit.

I would also recommend that this proposal should be brought to the attention of the Safeguarding Department within the MoD's Defence Infrastructure Organisation, email: DIO-safeguarding-statutory@mod.uk, to ensure that military aircraft safety is taken into consideration.

Finally, I would also recommend, due to the proximity of this power Station that Sturgate and

Retford Gamston Aerodromes are advised of this proposal.

Regards

Craig Jiggins
CAA-Airspace Regulation
020-7453 6559

From: [Buffery, Steven \(Economy Transport and Communities\)](#)
To: [West Burton C](#)
Subject: Scoping Consultation for Proposed Peaking Plant Project at West Burton Power Station
Date: 24 May 2017 16:10:05

For the Attention of Ian Wallis

Dear Mr Wallis,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9

Application by EDF Energy (West Burton Power) Limited (EDF Energy) for an Order Granting Development Consent for the proposed peaking plant project at West Burton Power Station, capable of generating up to 299MW

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Thank you for consulting Derbyshire County Council on the above Scoping consultation. Having assessed the Scoping Report in consultation with my respective County Council colleagues, I would confirm that Derbyshire County Council does not have any comments to make on the Scoping Report.

Regards

Steve Buffery

Steve Buffery | Principal Planner
Policy and Monitoring
Economy, Transport and Environment | Derbyshire County Council
Shand House, Dale Road South, Matlock, Derbyshire, DE4 3RY
01629 539808

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From: Dave.Adams2@hse.gov.uk on behalf of NSIP.Applications@hse.gov.uk
To: [Environmental Services](#)
Subject: NSIP - Proposed peaking plant project at West Burton C Power Station - EIA Scoping Consultation, HSE PDF Response
Date: 23 May 2017 14:27:27
Attachments: [image001.png](#)
[NSIP - Proposed Peaking Plant Project at West Burton C Power Station - EIA Scoping Consultation, HSE PDF Response.PDF](#)

FAO Ian Wallis

Dear Mr Wallis,

Thank you for your letter dated 27 April 2017. HSE does not comment on scoping reports but the attached information is likely to be useful to the applicant.

Kind regards,

Dave Adams

Dave.MHPD.Adams

Land Use Planning Policy, Chemicals, Explosives & Microbiological Hazards Division, Health and Safety Executive.

Desk 76, 2.2, Redgrave Court, Merton Road, Bootle, Merseyside L20 7HS

+44 (0) 20 3028 3408 dave.mhpd.adams@hse.gov.uk

Please note that my phone number has changed

HSE is engaging with stakeholders to shape a new strategy for occupational safety and health in Great Britain [Find out more](#) and join the conversation #HelpGBWorkWell

www.hse.gov.uk | <http://hse.gov.uk/landuseplanning>

From: Environmental Services [mailto:environmentalservices@pins.gsi.gov.uk]

Sent: 27 April 2017 16:01

To: Environmental Services

Subject: TRIM: EN010088 - Proposed peaking plant project at West Burton C Power Station - EIA Scoping Report Notification and Consultation

Dear Sir/Madam

Please see attached correspondence on the proposed peaking plant project at West Burton C Power Station.

Please note the deadline for consultation responses is 25 May 2017, and is a statutory requirement that cannot be extended.

Kind regards,

Ian Wallis

EIA Advisor

Major Applications and Plans

The Planning Inspectorate, 3D Temple Quay House, Temple Quay, Bristol BS1 6PN

Helpline: 0303 444 5000

Email: environmentalservices@pins.gsi.gov.uk

Web: www.gov.uk/government/organisations/planning-inspectorate (The Planning Inspectorate)

Web: www.infrastructure.planninginspectorate.gov.uk (National

Infrastructure Planning)

Twitter: [@PINSgov](https://twitter.com/PINSgov)

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www.hse.gov.uk

CEMHD Policy - Land Use Planning
NSIP Consultations
Building 2.2, Redgrave Court
Merton Road, Bootle
Merseyside, L20 7HS

Your ref: EN010088
Our ref: 4.2.1.5935

HSE email: NSIP.applications@hse.gov.uk

FAO Ian Wallis
The Planning Inspectorate
Temple Quay House
Temple Quay,
Bristol
BS1 6PN

Dear Mr Wallis

23 May 2017

**PROPOSED PEAKING PLANT PROJECT AT WEST BURTON POWER STATION (the project)
PROPOSAL BY EDF ENERGY (WEST BURTON POWER) LTD (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (as
amended) – Regulations 8 and 9**

Thank you for your letter of 27th April 2017 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records, there are no major accident hazard installations that would impact on the infrastructure project. However, HSE does not have the GIS data for the gas pipeline supplying West Burton B (WBB) Gas Reception Facility and this information is required to ensure there are no implications from the pipeline on the infrastructure project. Furthermore, given the proposal to install a new gas connection pipeline to link the proposed development with the existing WBB Gas Reception Facility, a Pipeline Safety Regulations Change Notification may be required.

Would Hazardous Substances Consent be needed?

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015.

Hazardous Substances Consent would be required if the site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority for the proposed development.

Explosives sites

HSE has no comment to make, as there are no licensed explosive sites in the vicinity

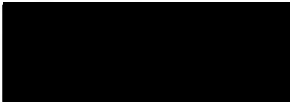
Electrical Safety

No comment from a planning perspective.

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to:

Mr Dave Adams (MHPD)
NSIP Consultations
2.2 Redgrave Court
Merton Road
Bootle, Merseyside
L20 7HS

Yours sincerely,



Dave Adams
CEMHD4 Policy

Our ref:
Your ref: EN010088

The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Martin Seldon
Highways England
The Cube
199 Wharfside Street
Birmingham
B1 1RN

Direct Line: 0300 470 3345

12 May 2017

FAO Ian Wallis

Dear Ian,

Development Consent Order for peaking plant project at West Burton Power Station – EIA Scoping Opinion

You have invited Highways England to provide comments on the scoping opinion for a proposed peaking plant project at West Burton Power Station, capable of generating up to 299MW, located at West Burton Power Station, Retford, DN22 9BL.

I have set out below both the general and specific areas of concern that Highways England would wish to see considered as part of an Environmental Statement. The comments relate specifically to matters arising from Highways England's responsibilities to manage and maintain the Strategic Road Network (SRN) in England.

Comments relating to the local road network should be sought from the appropriate local highway authority.

General aspects to be addressed in all cases include:

- An assessment of transport related impacts of the proposal should be carried out and reported as described in the Department for Transport '*Guidance on Transport Assessment (GTA)*' and in accordance with Circular 02/2013. It is noted that this guidance has been archived, however still provides a good practice guide in preparing a Transport Assessment (TA). In addition, the Department for Communities and Local Government (DCLG) also provide guidance on preparing Transport Assessments.
- Environmental impact arising from any disruption during construction, traffic volume, composition or routing change and transport infrastructure modification should be fully assessed and reported.
- Adverse change to noise and air quality should be particularly considered, including in relation to compliance with the European air quality limit values and/or in local authority designated Air Quality Management Areas (AQMAs).



Information should be provided regarding the likely traffic impacts on the wider SRN in order to determine any need for highway impact assessment and capacity improvements.

We recommend that the TA is agreed in a staged approach, that is the overall methodology and elements such as assessment years, trip generation and distribution be agreed prior to further assessment work being carried out. This approach should avoid any abortive work.

These comments imply no pre-determined view as to the acceptability of the proposed development in traffic, environmental or highway terms. Should the applicant wish to discuss the merits of the proposal in terms of the likely impact on the SRN please contact me on 0300 470 3345 or Martin.Seldon@highwaysengland.co.uk

Yours sincerely,



Martin Seldon
Midlands Spatial Planning & Economic Development Team
Email: martin.seldon@highwaysengland.co.uk



Historic England

EAST MIDLANDS OFFICE

Mr Ian Wallis
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Dial: 01604 735460

Our ref: PL00083654

15 May 2017

Dear Mr Wallis

EN010088 - Proposed peaking plant project at West Burton C Power Station - EIA Scoping Report Notification and Consultation

Thank you for forwarding me the April 2017 'West Burton C Power Station Environmental Impact Scoping Report'. I have also met with EDF and their consultants AECOM on the 5th May 2017.

To appropriately assess impacts in respect of the historic environment we have the following recommendations as to the scope of the report:-

A staged process of archaeological investigation should work from consultation with the County Council Historic Environment Record (HER) and the expert advice of the County Council Archaeologist. Such records as survive of the site condition prior to previous works and any on site investigations made at that time should be consulted. Mapping of palaeochannels from air photographic and Lidar sources has been carried in Nottinghamshire and may provide targets for investigation (this is available through the HER. Existing borehole survey data should be assessed and where necessary augmented to provide (alongside other sources such as geophysical survey), a deposit model of the development area. Where new engineering boreholes are planned their methodology should be integrated with archaeological requirements from an early stage. With the benefit of an understanding of the site history and deposit model targeted trial trenching can be focussed on locations where archaeological potential is likely to survive, past experience at Willington Power Station suggests substantial cut features can survive previous operations in this environment. Particular attention should also be paid to the potential for prehistoric timber survival (eg boats) in and alongside former channels.

Visual impacts upon the significance of designated heritage assets should be assessed within a robust and structured setting assessment. We recommend the use of Historic Environment Good Practice Advice Note 3 *Setting of Heritage Assets*. We note that the existing A and B stations represent a significant intrusion into the setting of nearby assets and as such any study should start from a clear understanding of the present position as baseline to which station C will add. In this case we are content



2nd Floor, WINDSOR HOUSE, CLIFTONVILLE, NORTHAMPTON, NN1 5BE

Telephone 01604 735460
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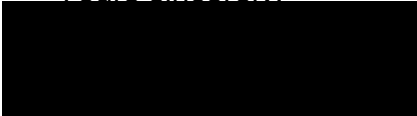
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EAST MIDLANDS OFFICE

with the 5km radius scope for designated heritage asset setting assessment proposed in para 5.9.6. In some views we anticipate the additional impact may be slight, however efforts should be made to establish the effect on current surviving sight lines that support significance, for instance such as may exist between Lea and Bole.

Please contact me if I can be of further assistance for instance in commenting on a draft assessment.

Yours sincerely,



Tim Allen
Inspector of Ancient Monuments
tim.allen@HistoricEngland.org.uk

cc: Ursilla Spence - County Archaeological Officer NCC
Nich Lowe - AECOM (for EDF)



2nd Floor, WINDSOR HOUSE, CLIFTONVILLE, NORTHAMPTON, NN1 5BE

Telephone 01604 735460
HistoricEngland.org.uk



From: [John R Wright](#)
To: [West Burton C](#)
Subject: EN010088 - Proposed peaking plant project at West Burton C Power Station - EIA Scoping Report Notification and Consultation
Date: 08 May 2017 15:35:30

FAO Ian Wallis

Dear Mr Wallis,

Thank you for consulting Leicestershire County Council before adopting a Scoping Opinion on the above project. I confirm that this Council has no comment to make.

Regards

John Wright

Team Manager Planning
Planning Historic and Natural Environment
Chief Executives Department
Leicestershire County Council
County Hall
Glenfield
Leicester
LE3 8RA
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From: [McPherson, Jamie \(MMO\)](#)
To: [West Burton C](#)
Cc: [Calvert, Laura \(MMO\)](#); [Champney, Tracey \(MMO\)](#)
Subject: Ref 170427_EN010088-000011 - West Barton Power Station - Scoping Advice
Date: 25 May 2017 17:06:58
Attachments: [EN010088 - Marine Management Organisation Covering Letter 25 May 2017.pdf](#)
[EN010088 - Marine Management Organisation Response 25 May 2017.pdf](#)

Dear Mr Wallis,

Further to your letter of 27 April 2017 please find attached the MMO's response to your consultation under the Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9.

This is submitted on behalf of Laura Calvert, the MMO case officer, who is out of the office today. Please could you add us both and Tracey Champney (Case Manager; cc'd) to any project email distribution lists?

If you have any queries on the attached please do not hesitate to contact Laura or myself.

Kind regards,

Jamie

Jamie McPherson | Senior Marine Licensing Case Manager | Marine Licensing Team | Marine Management Organisation.
Direct Line: 0208 026 5281 | Mobile: 0789 909 6926 |
jamie.mcpherson@marinemanagement.org.uk | Lancaster House, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH

[Website](#) [Blog](#) [Twitter](#) [Facebook](#) [LinkedIn](#) [YouTube](#)

The Marine Management Organisation (MMO)

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3D Eagle Wing
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BS1 6PN

Our reference: DCO/2017/00004
PINS reference: 170427_EN010088-
000011

By email only

24 May 2017

Dear Mr Wallis,

RE: Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9

Application by EDF Energy (West Burton Power) Limited (EDF Energy) for an Order Granting Development Consent for the proposed peaking plant project at West Burton Power Station, capable of generating up to 299MW

Thank you for your letter dated 27 April 2017, notifying the Marine Management Organisation (the “MMO”) of EDF Energy’s intention to prepare an Environmental Statement to support an application for Development Consent under the Planning Act 2008 (the “2008 Act”). This application is to authorise the construction and operation of a gas-fired generating station, near Gainsborough, Nottinghamshire, which will provide a gross electrical output of up to 299 megawatts (MW) of electrical generation capacity for export onto the UK national transmission system.

Please find enclosed the MMO’s Scoping Opinion Advice.

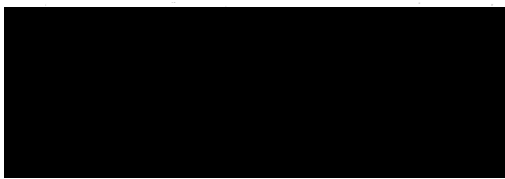
Your feedback

We are committed to providing excellent customer service and continually improving our standards and we would be delighted to know what you thought of the service you have received from us. Please help us by taking a few minutes to complete the following short survey (<https://www.surveymonkey.com/r/MMOMLcustomer>).

If you require any further information please do not hesitate to contact me using the details provided below.

Yours Sincerely,





Laura Calvert
Marine Licensing Case Officer

D +44 020802 65341

E laura.calvert@marinemanagement.org.uk

Enclosed: Scoping Opinion Advice

Copies to: n/a



Marine Management Organisation

Scoping Opinion Advice

Title: Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9

Application by EDF Energy (West Burton Power) Limited (EDF Energy) for an Order Granting Development Consent for the proposed peaking plant project at West Burton Power Station, capable of generating up to 299MW

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1. The MMO's role in Nationally Significant Infrastructure Projects

The Marine Management Organisation (“MMO”) was established by the Marine and Coastal Access Act 2009 (the “2009 Act”) to make a contribution to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas.

The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and for Welsh and Northern Ireland offshore waters by way of a marine licence¹. Inshore waters include any area which is submerged at mean high water spring (“MHWS”) tide. They also include the waters of every estuary, river or channel where the tide flows at MHWS tide. Waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area.

In the case of Nationally Significant Infrastructure Projects (“NSIPs”), the Planning Act 2008 (the “2008 Act”) enables Development Consent Order’s (“DCO”) for projects which affect the marine environment to include provisions which deem marine licences².

As a prescribed consultee under the 2008 Act, the MMO advises developers during pre-application on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works.

Where a marine licence is deemed within a DCO, 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 deemed marine licence (“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 works are consented within the deemed marine licence, that conditions or provisions imposed are proportionate, robust and enforceable and that there is clear and sufficient detail to allow for monitoring and enforcement. To achieve this, the MMO would seek to agree the deemed marine licence with the developer for inclusion with their application to the Planning Inspectorate (“PINS”).

Further information on licensable activities can be found on the MMO’s website³. Further information on the interaction between the Planning Inspectorate and the MMO can be found in our joint advice note⁴.

2. Proposal

¹ Under Part 4 of the 2009 Act

² Section 149A of the 2008 Act

³ <https://www.gov.uk/planning-development/marine-licences>

⁴ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-11-v2.pdf>

West Burton C Power Station

2.1 Project Background

EDF Energy (West Burton Power) Limited (“EDF Energy”) proposes to construct and operate a gas-fired generating station, near Gainsborough, Nottinghamshire (the “Project”), which will provide a gross electrical output of up to 299 megawatts (MW) of electrical generation capacity for export onto the UK national transmission system.

It is currently anticipated that construction of the Project would commence Q2 2020 and would be undertaken in up to three phases over a period of up to six years, subject to DCO approval.

2.2 Overview of the Project

The Project is to be located within the wider West Burton Power Station site, which is located approximately 3.5km to the south-west of the town of Gainsborough and 1km to the north-east of Sturton-le-Steeple. The site is located within the county of Nottinghamshire, close to the border of Lincolnshire (defined by the River Trent which forms part of the eastern boundary of the Project site), and falls within the administrative area of Bassetlaw District Council.

The West Burton Power Station sits on the western bank of the River Trent, which flows from Staffordshire and through the Midlands to join the River Ouse to form the Humber Estuary.

The wider West Burton Power Station site currently encompasses two power stations, both owned and operated by EDF Energy: West Burton Power Station A, a coal-fired power station commissioned in 1968 and remains in use; and West Burton Power Station B, a combined cycle gas turbine power station which was commissioned in 2013 and remains in use.

At this stage, the proposed Project site encompasses an area of approximately 21.5ha, within the wider West Burton Power Station site, to the north of the West Burton Power Station B.

While the choice of plant and technology are still being considered, it is anticipated that the Project would comprise of: one or more Open Cycle Gas Turbine (“OCGT”) units with a stack, or co-located stacks and a transformer(s), or a number of gas engines with associated stacks and a transformer(s); associated switch gear and ancillary equipment; gas receiving area, gas treatment control facilities, gas reception building and gas pipeline to the West Burton B Power Station Gas Reception Facility; electrical connection with a potential upgrade of switchgear or other existing equipment; water supply and pipelines; liquid fuel tank for start-up of the plant; workshop and stores; electrical, control administration and welfare buildings; above ground raw water and fire water storage tanks; storm water attenuation system or similar; internal access roads and car parking; landscaping and fencing; construction laydown areas and potentially a rail offloading area from the existing rail loop ‘merry-g-round’ that is present on the West Burton Power Station; auxiliary cooling equipment/system

and cooling water supply; and other minor infrastructure and auxiliaries/services.

3. Location

The Project is to be located within the wider West Burton Power Station site, which is located approximately 3.5km to the south-west of the town of Gainsborough and 1km to the north-east of Sturton-le-Steeple, as displayed in Figure 1 below.

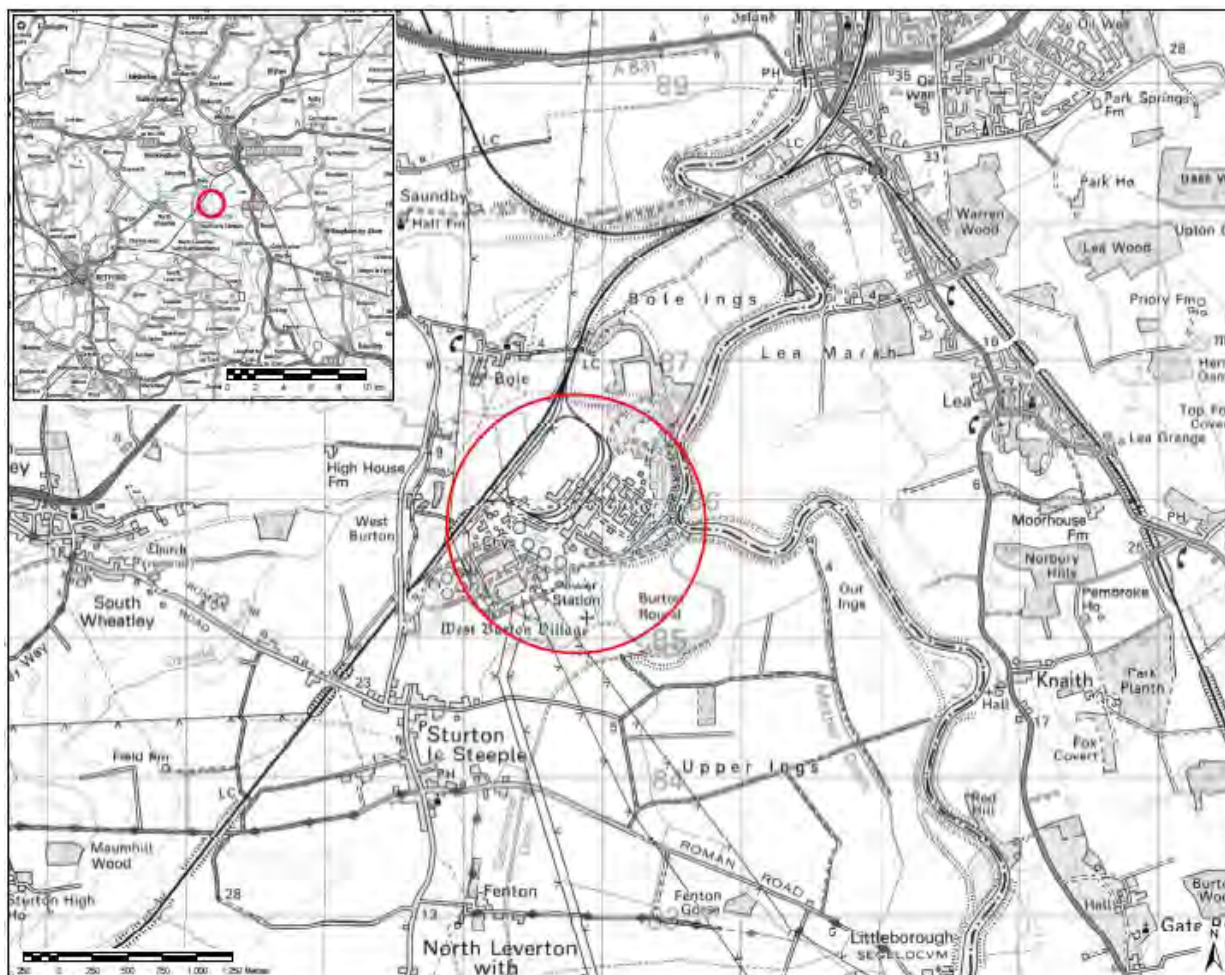


Figure 1: West Burton Power Station site

4. Consenting regime

The Project falls within the definition of a NSIP under Section 14(1)(a) and 15(2) of the 2008 Act as a 'generating station exceeding 50MW'. As such EDF Energy intends to apply for a DCO to construct and operate the power station, under Section 31 of the 2008 Act.

Additionally, the MMO has identified the following aspects of the Project which have the potential to be licensable under section 66 of the 2009 Act. As such, the MMO would expect to see a DML covering all licensable activities as part of any resultant application to PINS:

- Auxilliary cooling equipment/system and cooling water supply, if taken from a tidal river (e.g. the River Trent);
- Water supply and pipelines, if taken from a tidal river (e.g. the River Trent); and
- Other minor infrastructure and auxiliaries/services, if located within the UK marine area⁵.

It should be noted that the Project information held in the Environmental Impact Assessment Scoping Report is very limited in nature and includes little detail regarding the construction of the Project, or the location of the above activities.

Any additional works or activities in the UK marine area which may require a marine licence under the 2009 Act should be notified to the MMO at the earliest opportunity.

5. Environmental Impact Assessment (“EIA”)

The Project falls under Schedule 2, Part 3(a) of The Infrastructure Planning (EIA) Regulations 2009 (as amended) as it constitutes ‘industrial installations for the production of electricity, steam and hot water’. Whilst an EIA is not compulsory for Schedule 2 developments, given the character and scale of the Project, EDF Energy consider that there is potential for the Project to have significant effects on the environment.

As such, an Environmental Impact Assessment Scoping Report dated April 2017 (the “Report”) has been prepared by AECOM Infrastructure and Environment Ltd, on behalf of EDF Energy, as part of the Environmental Impact Assessment (“EIA”) process.

6. MMO Scoping Opinion

It should be noted that the information provided within the Report is quite general and high level in nature. Works locations and methodologies have yet to be presented therefore making it difficult to fully assess potential impacts.

Based on the information available at this time, the MMO agrees with proposed scope as outlined in the Report. However, the MMO recommends that the following aspects are considered further during the EIA and should be included in any resulting Environmental Statement (“ES”) submitted to PINS in support of a DCO application.

6.1 Planning Policy and Need

Section 4 of the Report details both national and local policy statements relevant for the Project. Please note that the ES should also include details regarding other relevant policy and plans, as outlined below.

In determining the DCO application, PINS is required to have regard to the Marine Policy Statement and/or any relevant marine plan. The proposed location of the Project is within the East Inshore plan area.

⁵ As defined by Chapter 4, Part 2, section 42, subsection 3(a) of the 2009 Act

The East Marine Plans were published on 2 April 2014. The East Inshore Marine Plan area covers 6,000 square kilometres of sea and stretches from mean high water springs to 12 nautical miles offshore off the coastline between Flamborough Head and Felixstowe.

The MMO is the marine plan authority for the English inshore and offshore regions. Further information regarding marine planning can be found on the MMO's website: <https://www.gov.uk/topic/planning-development/marine-planning>

6.2 Ecology and Nature Conservation

The Report notes the potential for temporary and permanent impacts on aquatic habitats and water quality in the River Trent due to the construction of new outfall points. The MMO would expect all impacts of the construction of the cooling water infrastructure, along with any other activities within the UK marine area, on marine ecology to be taken into consideration in the ES and the resulting section should contain details on the potential impacts and any proposed mitigation. Additionally, both direct and indirect impacts of the terrestrial works on marine ecology should be considered where appropriate.

The MMO also requests that they, along with Natural England ("NE"), are consulted should the developer require any pre-application advice and/or have any questions regarding the drafting of the ES as subsequent restrictions or mitigation may be secured via the DML.

6.3 Interference with other users of the sea

The Report notes that there are a number of public rights of way within 500m of the Project site, including a footpath which passes along the eastern bank of the River Trent. The ES should contain details on the potential impacts of the Project on any other users of the River Trent, such as recreational fishermen, recreational boat users, and any proposed mitigation measures should these be necessary.

6.4 Ground Conditions and Hydrogeology

The Report notes that the Project site is indicated to lie within the footprint of the Environment Agency recorded historic landfill. Should there be the potential for the release of contaminated sediment into the River Trent, the MMO would expect to see this fully assessed within the ES, with mitigation measures proposed where necessary.

6.5 Flood Risk, Hydrogeology and Water Resources

The Report notes that the River Trent is designated under the Freshwater Fish Directive, the Nitrates Directive and the Urban Wastewater Treatment Directive. The River Trent also has ecological classification under the Water Framework Directive and therefore is considered of high importance with regards to biodiversity.

The Report also notes that the two outfall route options to the River Trent lie within Flood Zone 3, meaning that there is a moderate and high probability of fluvial and/or tidal flooding.

The ES should fully assess the potential impacts of the Project on flood risk, hydrogeology and water resources, with proposed mitigation measures included where necessary. Additionally, should any flood defence work be required, the MMO should be notified and details of this fully presented within the ES, including works methodology, alongside a robust assessment of impacts and any associated mitigation measures. Details of this would also need to be captured within the DML.

The MMO requests that they, along with The Environment Agency ("EA"), are consulted should the developer require any pre-application advice and/or have any questions regarding the drafting of the ES.

6.6 Cumulative Impacts

The Report notes that an assessment of cumulative effects will be undertaken within each of the technical topics within the ES, and presents an initial list of other proposed developments in the vicinity of the Project.

Whilst the Report has covered all cumulative impacts that are known at that time, these should continue to be monitored and any new projects that come about should also be considered.

7. Conclusion

While the MMO notes that the design and layout of the Project is still being refined, with minor changes likely to be made following submission of the Report, it should be noted that the EIA needs to fully assess all potential impacts. Should exact details not be finalised at the time of DCO submission, then the Rochdale Envelope approach should be undertaken with worst case scenarios considered within the ES.

Additionally, full details of works locations and methodologies should be made available at the earliest opportunity during the EIA to enable a full and robust assessment of impacts, and details included within the ES and DML.

The topics highlighted in section 6 of this document should be assessed during the EIA process and the outcome of these assessments should be documented in the ES in support of the DCO application. This statement, however, should not necessarily be seen as a definitive list of all EIA requirements. Given the scale and programme of these planned works, other assessments may prove necessary.

The MMO welcomes further consultation and recommends that EDF Energy contact us at the earliest opportunity to discuss licensing requirements under the 2009 act, including the process of agreeing and obtaining a DML.

Should you have any further questions or wish to discuss the matter further, please do not hesitate to contact me directly quoting the reference above.

Yours sincerely,

Laura Calvert
Marine Licensing Case Officer
25 May 2017

Sent electronically to:

environmentalservices@pins.gsi.gov.uk

Nick Dexter
DCO Liaison Officer
Land & Business Support

Nicholas.dexter@nationalgrid.com

Tel: +44 (0)7917 791925

www.nationalgrid.com

24th May 2017

Dear Sir/Madam,

Ref: EN010088 - Proposed peaking plant project at West Burton C Power Station - EIA Scoping Report Notification and Consultation

This is a joint response on behalf of National Grid Electricity Transmission Plc (NGET) and National Grid Gas Plc (NGG). I refer to your letter dated 27th April 2017 in relation to West Burton C Power Station - EIA Scoping Notification and Consultation. Having reviewed the Scoping Report, I would like to make the following comments:

National Grid infrastructure within / in close proximity to the order boundary

Electricity Transmission

National Grid Electricity Transmission has high voltage electricity overhead transmission lines, substations and underground cables in close proximity to the proposed order limits (please see attached plan showing National Grid's electricity assets). All of the above form an essential part of the electricity transmission network in England and Wales.

Gas Transmission

National Grid Gas does not have any infrastructure within close proximity to the proposed order limits.

Electricity Infrastructure:

- National Grid's Overhead Line is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. National Grid recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for "overhead line clearances Issue 3 (2004) available at:
http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl_final/appendixIII/appIII-part2

- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- Further guidance on development near electricity transmission overhead lines is available here: <http://www.nationalgrid.com/NR/rdonlyres/1E990EE5-D068-4DD6-8C9A-4D0B06A1BA79/31436/Developmentnearoverheadlines1.pdf>
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's (<http://www.hse.gov.uk/>) Guidance Note GS 6 "Avoidance of Danger from Overhead Electric Lines" and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum "sag" and "swing" and overhead line profile (maximum "sag" and "swing") drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or "pillars of support" of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation ("pillar of support") drawings can be obtained using the contact details above
- National Grid Electricity Transmission high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide National Grid full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with National Grid prior to any works taking place.
- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

Further Advice

We would request that the potential impact of the proposed scheme on National Grid's existing assets as set out above is considered in any subsequent reports, including the Environmental Statement, and as part of any subsequent application.

Where any diversion of apparatus may be required to facilitate a scheme, National Grid is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by National Grid. Further information relating to this can be obtained by contacting the email address below.

Where the promoter intends to acquire land, extinguish rights, or interfere with any of National Grid apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO.

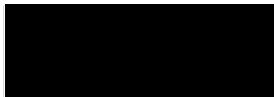
National Grid requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of the apparatus and to remove the requirement for objection. All consultations should be sent to the following: box.landandacquisitions@nationalgrid.com

In order to respond at the earliest opportunity National Grid will require the following:

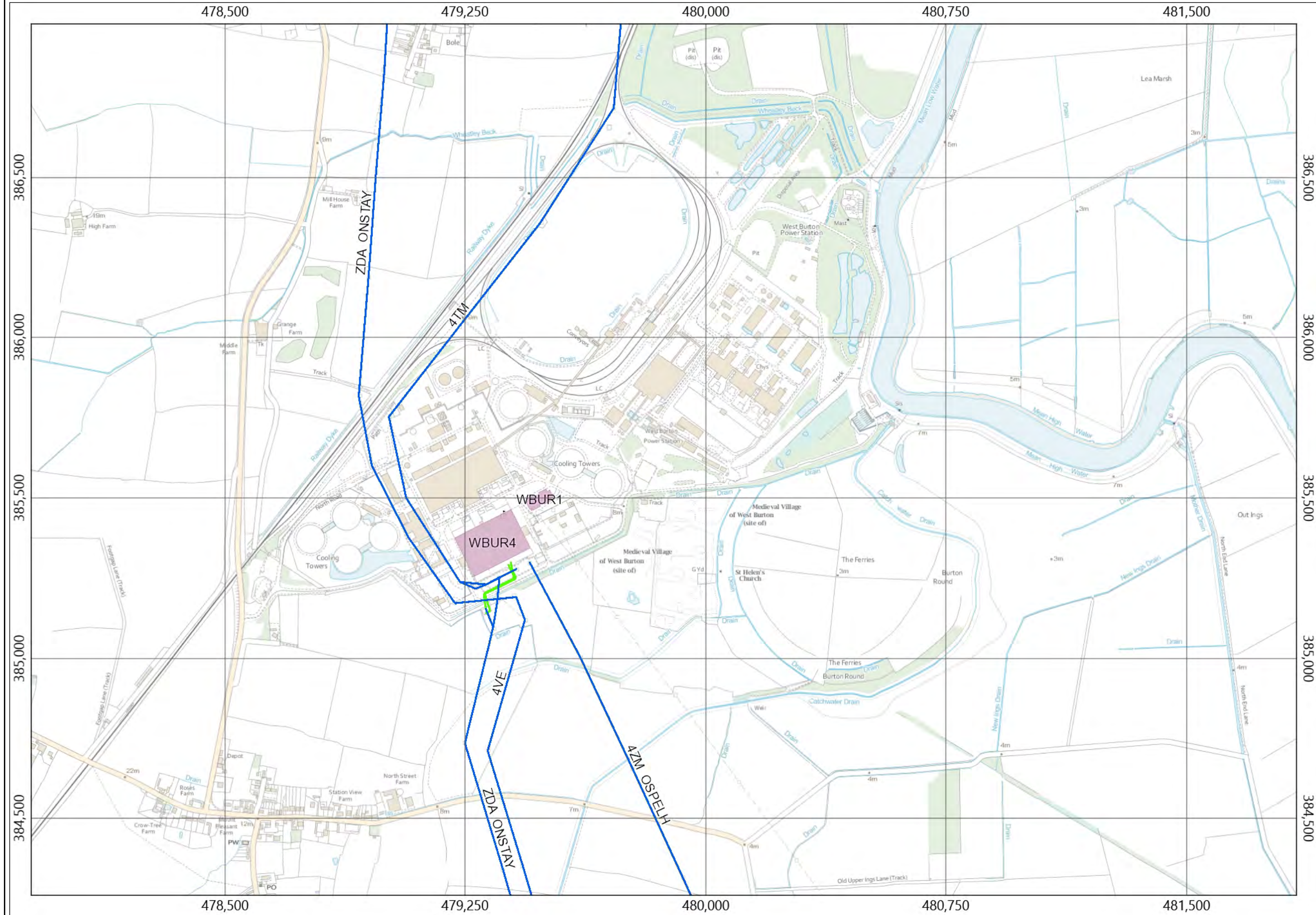
- Shape Files for the order limits

I hope the above information is useful. If you require any further information please do not hesitate to contact me.

Yours Faithfully



Nick Dexter.



Legend:

- Substations Commissioned
- OHL 400kv Commissioned
- OHL 275kv Commissioned
- OHL 132kv & Below Commissioned
- Buried Cable Commissioned
- Fibre Cable Commissioned
- Pilot Cable
- Oil Pipe
- Cooling Pipe
- Cooling Station
- RAMM
- Gas Operational Boundary
- Gas Site Boundary
- Block Valve
- Compressor
- LNG Site
- Multijunction
- Minimum Offtake
- Future Minimum Offtake
- Offtake
- Pressure Reduction Installation
- Pig Trap
- Terminal
- Transferred Offtake
- ▲ Aerial Marker Post
- ▲ CP Test Post
- T Transformer Rectifier
- Gas Pipe Feeder
- Commissioned
- Decommissioned Group
- Planned and Spares
- CP Protected Section Range
- ▲ SRP Sightings - Open
- ▲ SRP Sightings - Closed
- Eagles Enquiries - Open
- Eagles Enquiries - Closed

Notes:



Date: 19 May 2017
Our ref: 214150
Your ref: EN010088



Ian Wallis
EIA Advisor
Major Applications and Plans

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BY EMAIL ONLY

T 0300 060 3900

Dear Mr Wallis

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended): Proposed peaking plant project - EIA Scoping Report Notification and Consultation
Location: West Burton C Power Station, Near Gainsborough

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 27 April 2017 which we received on 28 April 2017.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Roslyn Deeming on 02080268500. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Roslyn Deeming
Lead Adviser, Sustainable Development Team, East Midlands Area

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/+http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. In addition paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site

identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site is in close proximity to the following designated nature conservation site:

- Lea Marsh SSSI
- Further information on the SSSI and its special interest features can be found at www.magic.gov. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within this site and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.
- Natura 2000 network site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the Nottinghamshire Local Wildlife Trust for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted

[standing advice](#) for protected species which includes links to guidance on survey and mitigation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the Nottinghamshire Biological and Geological Records Centre, the Nottinghamshire Wildlife Trust, local geoconservation group or other recording society and a local landscape characterisation document).

3. Designated Landscapes and Landscape Character

Nationally Designated Landscapes

There are no nationally designated landscapes within the vicinity of the site.

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of

Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

Heritage Landscapes

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm.

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Rights of Way, Access land, Coastal access and National Trails

The EIA should consider potential impacts on access land, public open land and rights of way in the vicinity of the development. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

5. Soil and Agricultural Land Quality

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

6. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

7. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

8. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Ancient Woodland – addition to the S41 NERC Act paragraph

The S41 list includes six priority woodland habitats, which will often be ancient woodland, with all ancient semi-natural woodland in the South East falling into one or more of the six types.

Information about ancient woodland can be found in Natural England's standing advice http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland_tcm6-32633.pdf.

Ancient woodland is an irreplaceable resource of great importance for its wildlife, its history and the contribution it makes to our diverse landscapes. Local authorities have a vital role in ensuring its conservation, in particular through the planning system. The ES should have regard to the requirements under the NPPF (Para. 118)² which states:

'Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.'

From: [Matt Gregory](#)
To: [West Burton C](#)
Subject: Application by EDF Energy (West Burton Power) Limited (EDF Energy) for an Order Granting Development Consent for the proposed peaking plant project at West Burton Power Station
Date: 04 May 2017 08:52:55
Attachments: [image001.jpg](#)

Dear Sir/Madam

Application by EDF Energy (West Burton Power) Limited (EDF Energy) for an Order Granting Development Consent for the proposed peaking plant project at West Burton Power Station, capable of generating up to 299MW

I can confirm that Nottingham City Council has no comments in response to the consultation.

Yours faithfully

Matt Gregory
Planning Policy and Research Manager
Planning Services
Nottingham City Council
Loxley House
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Twitter: www.twitter.com/mynottingham



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This matter is being dealt with by:

Name: Nina Wilson

Reference: 170427EN010088-000011

T 0115 977 3793

E nina.wilson@nottscc.gov.uk

W nottinghamshire.gov.uk



Mr K J Johansson
Case Officer
Major Applications & Plans
The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Sent via email to KJ.johansson@pins.gov.uk

9th May 2017

Dear Sir/Madam

Request for a formal EIA Scoping Opinion for a proposed peaking plant project at West Burton Power Station, capable of generating up to 299MW pursuant to Regulation 8 of the Infrastructure Planning (EIA) (England and Wales) Regulations 2009 (as Amended) (The EIA Regulations)

Thank you for your letter dated 27th April 2017 requesting strategic planning observations on the above document. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.

Minerals and Waste

In their consideration of the local planning policy context, (para 4.5.1) the applicant should consider the Nottinghamshire Minerals Local Plan (adopted and emerging) and the Nottinghamshire and Nottingham adopted Waste Local Plan (remaining, saved policies) and adopted Waste Core Strategy as these form part of the development plan for the area. It is noted there is some reference to minerals and waste in the submitted documents, however, NCC would draw particular attention to the following.

In relation to the Minerals Local Plan, the proposed site is close to an allocated sand and gravel quarry (Sturton le Steeple, SGd). Part of the site lies within a Mineral Safeguarding and Consultation Area for sand and gravel. In line with the National Planning Policy Framework (paragraph 143) the Minerals Local Plan Submission Draft (2016) sets out a policy (DM13) concerning these areas. However, as a development on land within the West Burton Power Station on an area of gravel, the proposal is considered to be excluded from the provisions of this policy (under classification as infill development).

In terms of the Waste Core Strategy, the site is not close to any existing waste management site (other than that associated with the operation of the power station, Bole Ings Ash Disposal Site) and so it does not raise any issues in terms of safeguarding our existing waste management facilities (as per Policy WCS10). The County Council would be keen to see the best practice of waste management for the development. As set out in Policy WCS2 of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.

Strategic Highways

NCC can advise that the proposed ES methodology meets with the County Council's strategic transport planning requirements and I look forward to liaising with the applicant on the scope of the necessary Transport Assessment.

Landscape and Visual Impact

Baseline Conditions Paragraph 5.6.2

The following amendment to this paragraph should be noted. 'At a regional level the site lies on the boundary between Group 3 River Valley Floodplains and Group 4 Lowland Vales (East Midlands Regional Landscape Character Assessment). At a county level the site is on the boundary of the Trent Washlands Landscape Character Area and the Mid Nottinghamshire Farmlands Landscape Character Area. The power stations of West Burton and Cottam and the associated power lines are considered in the Bassetlaw Landscape Character Assessment to be the most dominant and visually intrusive features in this area.'

The Landscape Character Assessment should refer to details of the following Policy Zones within the Bassetlaw Landscape Character Assessment Trent Washlands 23,24, 25 and 49 and Mid Nottinghamshire Farmlands 02,03 and 05, which are adjacent to the site. Landscape Character areas within the West Lindsey area of Lincolnshire will also be relevant.

Paragraph 5.6.5

The LVIA should refer to the Public Rights of Way with the appropriate reference number, so that it is clear exactly which PROW is being referred to. All other content is accepted.

Scope of the Assessment

Paragraph 5.6.7 – Accepted as best practice

Paragraph 5.6.13 – A 5 km radius study area is accepted for the Landscape and Visual Impact Assessment

Paragraph 5.6.14 – It is noted that the location of representative views and photomontages is to be agreed.

In advance with Bassetlaw District Council, West Lindsey District Council, and Nottinghamshire County Council.

Paragraph 5.6.15 – It is noted that a landscape strategy is to be agreed In advance with Bassetlaw District Council, West Lindsey District Council, and Nottinghamshire County Council. This should make reference to the species list for both the Mid Nottinghamshire Farmlands and Trent Washlands Landscape Character Area

All other content is accepted.

The structure of the LVIA, as set out in Guidelines for Landscape and Visual Impact Assessment (GLIVA) Third Edition, published by the Landscape Institute and the Institute of Environmental Management and Assessment – 2013, should be as follows:

_ Introduction, including the planning and legal context relevant to landscape and visual impact matters

- _ The scope of the assessment, including a definition of the study area, definitions of sensitivity and magnitude, and significance of landscape and visual impacts
- _ Methodology, including the approach to the cumulative landscape and visual effects assessment
- _ Description of the components of the development that are of particular relevance to the assessment of landscape and visual effects
- _ An explanation of how landscape and visual impact considerations have contributed to the scheme design
- _ A description of baseline conditions, including a description of the landscape character of the study area
- _ Identification and description of the potential significant effects that are likely to occur
- _ An assessment of the significance of landscape impacts, both physical impacts and impacts on landscape character
- _ An assessment of the significance of visual impacts at the construction stage, at year 1 and 15 years after completion. As above Viewpoints should be agreed in advance with Bassetlaw District Council planning officers, West Lindsey District Council planning officers and Nottinghamshire County Council
- Landscape Architects (VIA East Midlands) to reflect potential views from adjacent residential properties, Public Rights of Way, and surrounding roads.
- _ A description of the mitigation measures incorporated into the design
- _ A summary of the significant effects remaining after mitigation
- _ Conclusion

Further information as set out in Appendix 1 and 2 refer to the Mid Notts Farmlands and Trent Valley Washlands.

Heritage

Section 5.9 Cultural Heritage of the EIA Scoping Report dated April 2017 notes that there are clusters of designated built heritage in nearby villages and has identified two churches as the nearest. It also notes the designated conservation area of Saundby. It would be advisable to ensure that the consideration of impacts on the settings of nearby designated built heritage assets utilises viewpoints within a Landscape and Visual Impact Assessment. A failure to ensure that the Cultural Heritage EIA methodology engages with the LIVA could lead to the requirement for further information to support or demonstrate the conclusions reached in the EIA Cultural Heritage chapter.

Section 5.9 of the EIA Scoping Report does not reference non-designated heritage assets. It is important that the EIA takes consideration of the Bassetlaw DC adopted criteria and policies for non-designated heritage assets. West Burton Power Station is identified as a non-designated heritage asset by Bassetlaw DC and has an entry on the Nottinghamshire County Council Historic Environment Record. It is crucial to the understanding of the impacts of the proposals that the heritage significance of the power station is acknowledged and considered within the EIA Cultural Heritage chapter.

Ecology

Overall, NCC are satisfied with the scope of the EIA as proposed, from an ecological perspective. However, NCC wish to raise the following points:

_ It is unclear to what degree indirect impacts will be assessed, including noise, air quality and artificial lighting. It is my opinion that assessments of such indirect impacts should consider non statutory, locally designated sites (i.e. Local Wildlife Sites) as receptors, well as nationally designated SSSIs.

_ NCC request that a 'biodiversity accounting' approach (using the Defra biodiversity offsetting metric) is taken to calculating direct habitat loss arising from the development, so that requirements for onsite mitigation (and potentially offsite compensation) can be determined objectively and transparently, with the aim of delivering no net loss (and ideally net gain) of habitat.

Yours sincerely,

Nina Wilson
Principal Planning Officer
Nottinghamshire County Council

Appendix 1 - Species List Mid Nottinghamshire Farmlands County Landscape Character Area

The following list includes native tree and shrub species that are commonly found within the **Mid Nottinghamshire Farmlands County Landscape Character Area** and are suitable for inclusion in planting schemes. These are important for determining the area's regional character. A range of native species may also be appropriate to particular locations or sites. In these cases professional advice should be sought from Nottinghamshire County Council's nature conservation officer or the Landscape and Reclamation team.

All plant material should be of local provenance or at least of British origin. The document 'Using local stock for planting native trees and shrubs' - Forestry Commission - Practice Note August 1999 by George Herbert, Sam Samuel and Gordon Patterson; provides guidance in this respect. A list of suppliers is provided on the Flora Locale website – www.floralocale.org

TREES	Botanical name	Woodlands	Hedges	Hedgerow trees	Wet areas/ streamsid es
Alder (Common)	<i>Alnus glutinosa</i>				■
Ash	<i>Fraxinus excelsior</i>	■	□	■	□
Aspen	<i>Populus tremula</i>	□			
Cherry (Wild)	<i>Prunus avium</i>	□			
Crab Apple	<i>Malus sylvestris</i>	□	□	□	
Elm (English)	<i>Ulmus minor var, vulgaris</i>		□	□	
Elm (Wych)	<i>Ulmus glabra</i>	■	□		
Maple (Field)	<i>Acer campestre</i>	■	□	□	□
Oak (Common)	<i>Quercus robur</i>	■	□	■	□
Willow (Crack)	<i>Salix fragilis</i>	□		□	■
Willow (White)	<i>Salix alba</i>			□	■

SHRUBS	Botanical name	Woodlands	Hedges	Hedgerow trees	Wet areas/ streamsid es
Blackthorn	<i>Prunus spinosa</i>	■	■		□
Buckthorn (Purging)	<i>Rhamnus cathartica</i>	□	□		
Dogwood (Common)	<i>Cornus sanguinea</i>	□	□		□
Guelder Rose	<i>Viburnum opulus</i>	□	□		□
Hawthorn	<i>Crataegus monogyna</i>	■	■		■
Hawthorn (Midland)	<i>Crataegus laevigata</i>	□	□		□
Hazel	<i>Corylus avellana</i>	■	□		
Holly	<i>Ilex</i>	□	□		

	aquifolium				
Osier	Salix viminalis				<input type="checkbox"/>
Privet (Wild)	Ligustrum vulgare		<input type="checkbox"/>		
Rosa (Dog)	Rosa canina	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>

- Dominant species
- Other species present

Appendix 2 - Species List Trent Washlands County Landscape Character Area

The following list includes native tree and shrub species that are commonly found within the **Trent Washlands County Landscape Character Area** and are suitable for inclusion in planting schemes. These are important for determining the area's regional character. A range of native species may also be appropriate to particular locations or sites. In these cases professional advice should be sought from Nottinghamshire County Council's nature conservation officer or the Landscape and Reclamation team.

All plant material should be of local provenance or at least of British origin. The document 'Using local stock for planting native trees and shrubs' - Forestry Commission - Practice Note August 1999 by George Herbert, Sam Samuel and Gordon Patterson; provides guidance in this respect. A list of suppliers is provided on the Flora Locale website – www.floralocale.org

TREES	Botanical name	Woodlands	Hedges	Hedgerow trees	Wet areas/ streambanks
Ash	<i>Fraxinus excelsior</i>	■	□	■	■
Crab apple	<i>Malus sylvestris</i>	□	□	□	
Elm (English)	<i>Ulmus minor var. vulgaris</i>		□		
Maple (Field)	<i>Acer campestre</i>		□	□	
Oak (English)	<i>Quercus robur</i>	■	□	■	
Willow (Crack)	<i>Salix fragilis</i>	□		□	■
Willow (White)	<i>Salix alba</i>				■

SHRUBS	Botanical name	Woodlands	Hedges	Hedgerows trees	Wet areas/ streambanks
Blackthorn	<i>Prunus spinosa</i>	□	□		
Buckthorn (purging)	<i>Rhamnus cathartica</i>		□		
Dogwood (Common)	<i>Cornus sanguinea</i>		□		

Hawthorn	<i>Crataegus monogyna</i>	■	■	■	■
Hawthorn (Midland)	<i>Crataegus laevigata</i>		□		□
Hazel	<i>Corylus avellana</i>	□	□		□
Holly	<i>Ilex aquifolium</i>	□	□		
Privet	<i>Ligustrum vulgare</i>		□		
Rosa (Dog)	<i>Rosa canina</i>		□		

■ Dominant species

Other species present



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Your Ref : 170427_EN010088-000011

Our Ref : 31331

22nd May 2017

Dear Ian

**Re: Scoping Consultation
Application for an Order Granting Development Consent for the proposed
West Burton C Power Station**

Thank you for including Public Health England (PHE) in the scoping consultation phase of the above application. Our response focuses on health protection issues relating to chemicals and radiation. Advice offered by PHE is impartial and independent.

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the ES. PHE however believes the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. Any assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal, therefore we accept that, in some circumstances particular assessments may not be relevant to an application, or that an assessment may be adequately completed using a qualitative rather than quantitative methodology. In cases where this decision is made the promoters should fully explain and justify their rationale in the submitted documentation.

It is noted that the current proposals do not appear to consider possible health impacts of Electric and Magnetic Fields (EMF). The proposer should confirm either that the proposed development does include or impact upon any potential sources of EMF; or ensure that an adequate assessment of the possible impacts is undertaken and included in the ES.

The attached appendix outlines generic areas that should be addressed by all promoters when preparing ES for inclusion with an NSIP submission. We are happy to assist and discuss proposals further in the light of this advice.

Yours sincerely

Environmental Public Health Scientist

nsipconsultations@phe.gov.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

Appendix: PHE recommendations regarding the scoping document

General approach

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA¹. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

It is not PHE's role to undertake these assessments on behalf of promoters as this would conflict with PHE's role as an impartial and independent body.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES².

The following text covers a range of issues that PHE would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. PHE's advice and recommendations carry no statutory weight and constitute non-binding guidance.

Receptors

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

Impacts arising from construction and decommissioning

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

¹ Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from: <http://webarchive.nationalarchives.gov.uk/20100410180038/http://communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/>

² DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

Emissions to air and water

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
 - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
 - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which

may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken. PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

Additional points specific to emissions to air

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

Additional points specific to emissions to water

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

Land quality

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the

migration of material off-site should be assessed³ and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

Waste

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

Other aspects

Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report⁴, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be

³ Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

⁴ Available from: <http://www.cph.org.uk/wp-content/uploads/2012/08/health-risk-perception-and-environmental-problems--summary-report.pdf>

negligible.” PHE supports the inclusion of this information within EIAs as good practice.

Electromagnetic fields (EMF)

This statement is intended to support planning proposals involving electrical installations such as substations and connecting underground cables or overhead lines. PHE advice on the health effects of power frequency electric and magnetic fields is available in the following link:

<https://www.gov.uk/government/collections/electromagnetic-fields#low-frequency-electric-and-magnetic-fields>

There is a potential health impact associated with the electric and magnetic fields around substations, and power lines and cables. The field strength tends to reduce with distance from such equipment.

The following information provides a framework for considering the health impact associated with the electric and magnetic fields produced by the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

Policy Measures for the Electricity Industry

The Department of Energy and Climate Change has published a voluntary code of practice which sets out key principles for complying with the ICNIRP guidelines:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf

Companion codes of practice dealing with optimum phasing of high voltage power lines and aspects of the guidelines that relate to indirect effects are also available:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224766/powerlines_vcop_microshocks.pdf

Exposure Guidelines

PHE recommends the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP). Formal advice to this effect was published by one of PHE’s predecessor organisations (NRPB) in 2004 based on an accompanying comprehensive review of the scientific evidence:-

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Absd1502/>

Updates to the ICNIRP guidelines for static fields have been issued in 2009 and for low frequency fields in 2010. However, Government policy is that the ICNIRP guidelines are implemented in line with the terms of the 1999 EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/PublicHealth/HealthProtection/DH_4089500

Static magnetic fields

For static magnetic fields, the ICNIRP guidelines published in 2009 recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT.

Power frequency electric and magnetic fields

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines published in 1998 give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m^{-1} (kilovolts per metre) and $100 \text{ } \mu\text{T}$ (microtesla). The reference level for magnetic fields changes to $200 \text{ } \mu\text{T}$ in the revised (ICNIRP 2010) guidelines because of new basic restrictions based on induced electric fields inside the body, rather than induced current density. If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects.

Long term effects

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for

further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE)

SAGE was set up to explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government:

<http://www.emfs.info/policy/sage/>

SAGE issued its First Interim Assessment in 2007, making several recommendations concerning high voltage power lines. Government supported the implantation of low cost options such as optimal phasing to reduce exposure; however it did not support not support the option of creating corridors around power lines on health grounds, which was considered to be a disproportionate measure given the evidence base on the potential long term health risks arising from exposure. The Government response to SAGE's First Interim Assessment is available here:

http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124

The Government also supported calls for providing more information on power frequency electric and magnetic fields, which is available on the PHE web pages (see first link above).

Ionising radiation

Particular considerations apply when an application involves the possibility of exposure to ionising radiation. In such cases it is important that the basic principles of radiation protection recommended by the International Commission on Radiological Protection⁵ (ICRP) are followed. PHE provides advice on the application of these recommendations in the UK. The ICRP recommendations are implemented in the Euratom Basic Safety Standards⁶ (BSS) and these form the basis for UK legislation, including the Ionising Radiation Regulations 1999, the Radioactive Substances Act 1993, and the Environmental Permitting Regulations 2016.

PHE expects promoters to carry out the necessary radiological impact assessments to demonstrate compliance with UK legislation and the principles of radiation protection. This should be set out clearly in a separate section or report and should not require any further analysis by PHE. In particular, the important principles of justification, optimisation and radiation dose limitation should be addressed. In addition compliance with the Euratom BSS and UK legislation should be clear.

⁵ These recommendations are given in publications of the ICRP notably publications 90 and 103 see the website at <http://www.icrp.org/>

⁶ Council Directive 96/29/EURATOM laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation.

When considering the radiological impact of routine discharges of radionuclides to the environment PHE would expect to see a full radiation dose assessment considering both individual and collective (population) doses for the public and, where necessary, workers. For individual doses, consideration should be given to those members of the public who are likely to receive the highest exposures (referred to as the representative person, which is equivalent to the previous term, critical group). Different age groups should be considered as appropriate and should normally include adults, 1 year old and 10 year old children. In particular situations doses to the fetus should also be calculated⁷. The estimated doses to the representative person should be compared to the appropriate radiation dose criteria (dose constraints and dose limits), taking account of other releases of radionuclides from nearby locations as appropriate. Collective doses should also be considered for the UK, European and world populations where appropriate. The methods for assessing individual and collective radiation doses should follow the guidance given in 'Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012'⁸. It is important that the methods used in any radiological dose assessment are clear and that key parameter values and assumptions are given (for example, the location of the representative persons, habit data and models used in the assessment).

Any radiological impact assessment should also consider the possibility of short-term planned releases and the potential for accidental releases of radionuclides to the environment. This can be done by referring to compliance with the Ionising Radiation Regulations and other relevant legislation and guidance.

The radiological impact of any solid waste storage and disposal should also be addressed in the assessment to ensure that this complies with UK practice and legislation; information should be provided on the category of waste involved (e.g. very low level waste, VLLW). It is also important that the radiological impact associated with the decommissioning of the site is addressed. Of relevance here is PHE advice on radiological criteria and assessments for land-based solid waste disposal facilities⁹. PHE advises that assessments of radiological impact during the operational phase should be performed in the same way as for any site authorised to discharge radioactive waste. PHE also advises that assessments of radiological impact during the post operational phase of the facility should consider long timescales (possibly in excess of 10,000 years) that are appropriate to the long-lived nature of the radionuclides in the waste, some of which may have half-lives of millions of years. The radiological assessment should consider exposure of members of hypothetical representative groups for a number of scenarios including the expected migration of radionuclides from the facility, and inadvertent intrusion into the facility once institutional control has ceased. For scenarios where the

⁷ HPA (2008) Guidance on the application of dose coefficients for the embryo, fetus and breastfed infant in dose assessments for members of the public. Doc HPA, RCE-5, 1-78, available at <https://www.gov.uk/government/publications/embryo-fetus-and-breastfed-infant-application-of-dose-coefficients>

⁸ The Environment Agency (EA), Scottish Environment Protection Agency (SEPA), Northern Ireland Environment Agency, Health Protection Agency and the Food Standards Agency (FSA). Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296390/geho1202bklh-e-e.pdf

⁹ HPA RCE-8, Radiological Protection Objectives for the Land-based Disposal of Solid Radioactive Wastes, February 2009

probability of occurrence can be estimated, both doses and health risks should be presented, where the health risk is the product of the probability that the scenario occurs, the dose if the scenario occurs and the health risk corresponding to unit dose. For inadvertent intrusion, the dose if the intrusion occurs should be presented. It is recommended that the post-closure phase be considered as a series of timescales, with the approach changing from more quantitative to more qualitative as times further in the future are considered. The level of detail and sophistication in the modelling should also reflect the level of hazard presented by the waste. The uncertainty due to the long timescales means that the concept of collective dose has very limited use, although estimates of collective dose from the 'expected' migration scenario can be used to compare the relatively early impacts from some disposal options if required.

Annex 1

Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach¹⁰ is used

¹⁰ Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24

From: [Frank, Liam](#) on behalf of [Customer](#)
To: [Environmental Services](#)
Subject: RE: EN010088 - Proposed peaking plant project at West Burton C Power Station - EIA Scoping Report Notification and Consultation
Date: 27 April 2017 18:30:49
Attachments: [image001.jpg](#)

Good Evening

Thank you for the email.

I see that the postcode for the property is SW1X 7EN which is outside of our Network, National Grid maintains the network for this postcode.

Please contact National Grid via wecare@nationalgrid.com

Kind Regards

Liam Frank

Customer Service Advisor

T: 0800 912 1700

E: customer@sgn.co.uk

SGN, Customer Service, Walton Park, Walton Road, Portsmouth, PO6 1UJ

Follow us on Twitter: @sngas



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From: Environmental Services [mailto:environmentalservices@pins.gsi.gov.uk]
Sent: 27 April 2017 16:01
To: Environmental Services <environmentalservices@pins.gsi.gov.uk>
Subject: EN010088 - Proposed peaking plant project at West Burton C Power Station - EIA Scoping Report Notification and Consultation

Dear Sir/Madam

Please see attached correspondence on the proposed peaking plant project at West Burton C Power Station.

Please note the deadline for consultation responses is 25 May 2017, and is a statutory requirement that cannot be extended.

Kind regards,

Ian Wallis
EIA Advisor
Major Applications and Plans
The Planning Inspectorate, 3D Temple Quay House, Temple Quay, Bristol BS1 6PN

Helpline: 0303 444 5000

Email: environmentalservices@pins.gsi.gov.uk
Web: www.gov.uk/government/organisations/planning-inspectorate (The Planning Inspectorate)
Web: www.infrastructure.planninginspectorate.gov.uk (National Infrastructure Planning)
Twitter: [@PINSgov](https://twitter.com/PINSgov)

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SGN Commercial Services Limited reg. 0596 9465
SGN Connections Limited reg. 0561 8886
SGN Contracting Limited reg. 0537 2264
SGN Natural Gas Limited reg. 0882 2715

All of the above are registered in England and Wales. Registered office: St Lawrence House, Station Approach, Horley, Surrey RH6 9HJ

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Mr Ian Wallis
The Planning Inspectorate
Temple Quay House (2 The Square)
Temple Quay
Bristol
Avon
BS1 6PN

Our ref: LT/2017/122166/01-L01
Your ref: EN010088
Date: 25 May 2017

Dear Mr Wallis

**PROPOSED PEAKING PLANT PROJECT AT WEST BURTON C POWER STATION -
EIA SCOPING REPORT NOTIFICATION AND CONSULTATION WITHIN THE
WIDER WEST BURTON POWER STATION SITE, APPROXIMATELY 3.5KM TO THE
SOUTH OF GAINSBOROUGH**

Thank you for consulting us on this scoping opinion for a proposed Peaking Plant at West Burton C Power Station. After review of the scoping report we have the following comments.

Flood Risk

Before the commencement of the site specific flood risk assessment it would be advisable to submit a product 4 data request to the Environment Agency. Guidance on how to request this information can be found by visiting <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#get-information-to-complete-an-assessment>

Given the proximity of parts of the site to the tidal flood defences of the river Trent the FRA should contain site specific breach analysis details. Further information on the site specific breach analysis can be found within the joint Defra/Environment Agency document – [Flood Risk Assessment guidance for New Development \(FD2320\)](#)

The FRA should include an assessment of flooding from all potential sources of flooding detailing relevant mitigation.

FRA should address the increase in impermeable areas within the site and the effect on surface water run off including relevant mitigation measures. Please note that the Lead Local Flood Authority (LLFA) should be consulted to discuss surface water as they are now the lead for surface water. The LLFA for this area can be contacted at the following email address flood.team@nottscc.gov.uk

Dependent on the construction of the outfalls then you may also need to apply for a flood risk permit. Further details on the permit process can be found by visiting <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits#check-if-you-can-get-a-standard-rules-permit-for-your-activity>

Should you wish to discuss any of these points further then please do not hesitate to contact Paul Goldsmith within the Partnership and Strategic Overview team on 02030253833 or paul.goldsmith@environment-agency.gov.uk

Environment Agency
Trent Side North, West Bridgford, Nottingham, NG2 5FA.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

Biodiversity

We feel it might be beneficial for a Preliminary Ecological Appraisal to be submitted rather than or along side the Phase 1 Habitat Survey. This goes into more detailed and provides mitigation proposals where required.

We would recommend the applicant also looks into whether a Water Framework Directive assessment is required for the proposed development

Groundwater

The Environment Agency have reviewed the scoping report and are satisfied with the proposed assessment of risks to controlled waters from land contamination as presented in sections 5.7.5 to 5.7.9.

Water Resources

Potential Abstraction licence

Activities associated with power stations such as evaporative and non-evaporative cooling, may require an abstraction license from the Environment Agency. Under the Water Resources Act 1991, any abstraction of water greater than 20 cubic metres per day, requires an abstraction licence.

The Environment Agency is aware that West Burton Power Station currently has an existing abstraction licence (reference number: 03/28/69/0070) however, changes to abstraction locations, volumes or purpose would require the licence to be varied or a new abstraction licence to be applied for.

The proposed development site lies within the Lower Trent and Erewash Abstraction Licensing Strategy (ALS). This ALS area is open to new applications for abstraction however local conditions may apply. Further information is available here

<https://www.gov.uk/guidance/water-management-abstract-or-impound-water>

Pre Application Advice

If a new application or variation to the existing licence is required you can increase your chance of getting your application right first time. You should complete your [application forms](#), select the pre-application box and [submit them to us](#). We'll discuss your proposals with you.

We can provide up to 15 hours of pre-application advice free. During this time we'll advise if you're likely to exceed this. After 15 hours you will be charged £125 per hour.

Yours sincerely

Mr Joseph Drewry
Planning Advisor

Direct dial 02030 253277

Direct e-mail joe.drewry@environment-agency.gov.uk

From: [Chris Manning](#)
To: [Environmental Services](#)
Cc: [Tracey Richardson](#); [Mat Everett](#)
Subject: FW: EN010088 - Proposed peaking plant project at West Burton C Power Station - EIA Scoping Report Notification and Consultation
Date: 15 May 2017 16:26:25
Attachments: [N010088 - West Burton C.pdf](#)

Dear Sir

Thank you for consulting my Board on the "Proposed peaking plant project at West Burton C Power Station - EIA Scoping Report Notification and Consultation".

I believe that you have identified the appropriate environmental receptors.

I attach a plan of the Board maintained watercourses and the Board's district.

I would advise that the Board's watercourses are protected by byelaws if any of your proposals are within 9m of a Board maintained watercourse the Board's consent will be required - full details can be found here <http://www.wmc-idbs.org.uk/TVIDB/Services/byelaws-and-planning.aspxv>

I would recommend that in line with CIEEM (2016) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, second Edition, the results of your surveys are provided to the Local Environmental Records Centres.

Regards

Chris

Environmental Officer

From: Mat Everett
Sent: 10 May 2017 14:19
To: Chris Manning
Subject: FW: EN010088 - Proposed peaking plant project at West Burton C Power Station - EIA Scoping Report Notification and Consultation

Hi Chris,

This may be more for you as they are asking for an opinion on the Environmental Statement

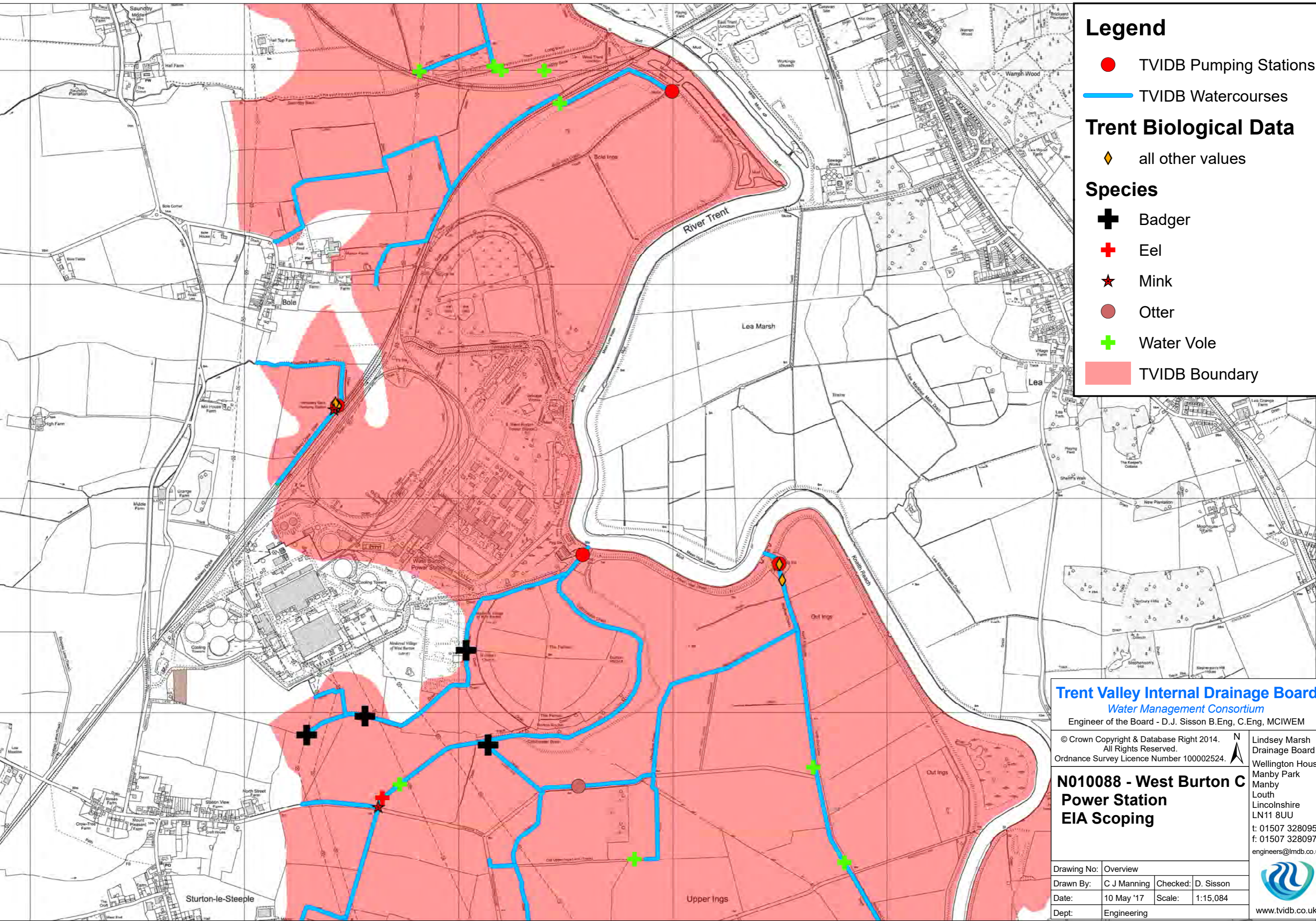
Cheers

Mat

M.S. Everett
Operations Manager,
Trent Valley I.D.B.
31 Castlegate,
Newark,
Notts. NG24 1BB
Tel 01636 704371 Fax 01636 610115
email mat.everett@tvidb.co.uk

Legend

- TVIDB Pumping Stations
- TVIDB Watercourses
- Trent Biological Data**
- ◆ all other values
- Species**
- + Badger
- + Eel
- ★ Mink
- Otter
- + Water Vole
- TVIDB Boundary



Trent Valley Internal Drainage Board

Water Management Consortium
 Engineer of the Board - D.J. Sisson B.Eng, C.Eng, MCIWEM

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N010088 - West Burton C Power Station EIA Scoping

Lindsey Marsh Drainage Board
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 LN11 8UU
 t: 01507 328095
 f: 01507 328097
 engineers@lmdb.co.uk

Drawing No:	Overview		
Drawn By:	C J Manning	Checked:	D. Sisson
Date:	10 May '17	Scale:	1:15,084
Dept:	Engineering		



From: [Stephen Vanstone](#)
To: [Environmental Services](#)
Cc: [Trevor Harris](#); [Thomas Arculus](#)
Subject: RE: EN010088 - Proposed peaking plant project at West Burton C Power Station - EIA Scoping Report Notification and Consultation
Date: 24 May 2017 12:17:54
Attachments: [Letter to stat cons Scoping AND Reg 9 Notification English - emails.pdf](#)

Good afternoon Ian,

With reference to your attached letter, we would expect any works that are to be carried out below the high water mark, such as the proposed outfall(s) into the River Trent, to be fully risk assessed and so form part of the Environmental Statement.

Trinity House would be happy to engage directly with the applicant later in the application process, in order to give further advice concerning the aforementioned.

Kindest regards,

Steve Vanstone
Navigation Services Officer
Trinity House

From: Environmental Services [<mailto:environmentalservices@pins.gsi.gov.uk>]
Sent: 27 April 2017 16:01
To: Navigation
Cc: Thomas Arculus
Subject: EN010088 - Proposed peaking plant project at West Burton C Power Station - EIA Scoping Report Notification and Consultation

FAO Steve Vanstone, Navigation Services Officer

Please see attached correspondence on the proposed peaking plant project at West Burton C Power Station.

Please note the deadline for consultation responses is 25 May 2017, and is a statutory requirement that cannot be extended.

Kind regards,

Ian Wallis
EIA Advisor
Major Applications and Plans
The Planning Inspectorate, 3D Temple Quay House, Temple Quay, Bristol BS1 6PN

Helpline: 0303 444 5000

Email: environmentalservices@pins.gsi.gov.uk

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24th May 2017

Dear Sir

APPLICATION REFERENCE NO: 136207

PROPOSAL: Written enquiry for PINS scoping opinion - proposed peaking plant project at West Burton C Power Station - ref: EN010088

Thank you for identifying West Lindsey District Council as a consultation body and advising that the Secretary of State will be preparing a Scoping Opinion on the information to be provided in an environmental statement (ES), under regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended). We welcome the opportunity to make comment. As the case officer I have read through EDF's Scoping Report (SR) dated April 2017 with Paragraph 3.1.1 of the SR describing the development as a Peaking Plant Project with associated buildings/infrastructure. Overall the SR is well written and has good content.

Planning Policy Context

As identified in the SR and as the site is outside the West Lindsey District, the statutory development plan for the purposes of S38(6) of the Planning and Compulsory Purchase Act 2004 comprises the adopted plan within the Bassetlaw District Core Strategy (December 2011). The development plan for West Lindsey in the Central Lincolnshire Local Plan 2012-2036 adopted on 24th April 2017.

We agree with the list of National Planning Policy and Guidance set out within the Scoping Request, being as follows:

- National Planning Policy Framework (NPPF);
- National Planning Practice Guidance (to include):
 - Climate change
 - Conserving and enhancing the historic environment
 - Environmental Impact Assessment
 - Air Quality
 - Health and wellbeing
 - Natural Environment
 - Noise
 - Renewable and low carbon energy
 - Travel plans, transport assessments and statements in decision-taking
- Overarching National Policy Statement for Energy (EN-1)

Landscape and Visual Impact

The Landscape and Visual Impact Assessment (LVIA) should follow the guidance of the Landscape Institute "Guidelines for Landscape and Visual Impact Assessment 3rd Edition (2013), as proposed. An iterative approach, which guides the layout and scheme design should be followed.

The effect on landscape characters should be assessed with reference to The West Lindsey Landscape Character Assessment 1999 which can be found through the following link:

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/evidence-base-and-monitoring/landscape-character-assessment/>

Paragraph 5.6.13 of the SR states that '*the stacks will be a maximum of 30-45 metres high and a zone of theoretical visibility (ZTV) has been suggested as having a study area of 5km*'. We consider this to be a reasonable study area.

Paragraph 5.6.14 of the SR states that '*The location of representative views and photomontages will be agreed in consultation with BDC, WLDC and Nottinghamshire County Council as appropriate*'. The consultation with WLDC is welcomed, however it is considered that all viewpoints taken from the West Lindsey District are accompanied by a photomontage unless agreed with the West Lindsey Local Planning Authority in advance. There is not a list of identified viewpoints from the West Lindsey District in the SR. The viewpoints proposed shall be comprehensive and provide a good representation of the areas to be affected taking note of the downhill and uphill areas of Gainsborough plus the villages of Morton, Lea, Knaith Park and Marton and hamlets of Knaith and Gate Burton. All of these location will be within or close to the 5km study area.

The impact on residential amenity should be assessed within the ES. This should address the impact on all residential properties/communities within 1km (as a minimum) of the proposed development. The closest residential areas to the east of the application site are to the west of:

- Gainsborough Road, Lea
- Lea Road, Gainsborough
- Bridge Street, Gainsborough

Noise

The impact of noise should be assessed at the construction, operation and decommissioning phases. This must be done in accordance with relevant local and national legislation and guidance.

Existing daytime and night time background noise levels should be established from nearby sensitive receptors to establish the baseline data. The final positioning of the noise monitoring should be agreed with the local planning authority, but for West Lindsey should represent the Town of Gainsborough and the village settlement of Lea.

Ecology & Ornithology

All regionally and locally important sites (including non-statutory sites) and S41 Habitats and Species of Principal Importance within 2km of the site should be assessed. Consideration should also be given to species and habitats within any relevant Local Biodiversity Action Plan (BAP).

Mitigation should consider opportunities for biodiversity creation and enhancement. On the opposite side of the River Trent is Lea Marsh which is a large area designated as a Site of Nature Conservation Interest.

Air Quality

We consider the approach in section 5.2 of the SR to be acceptable

Cultural Heritage

The ES should consider the impact on heritage assets within West Lindsey and their setting.

Within 15km of the site:

Scheduled Monuments (SMs), Grade I and II* Listed Buildings (LBs), Historic Battlefields and Registered Parks and Gardens (RPGs)

Within 5km of the site:

Visual impacts on Grade II LBs and Conservation Areas (CAs) Locally-listed parks and gardens of demonstrably equivalent significance to a designated asset (and potentially sensitive to visual impacts)

These includes Listed Buildings to the west of Bridge Street and Lea Road, Gainsborough including Gainsborough Bridge itself and its former Toll Lodge Buildings. Adjacent to the east of the River Trent is the Gainsborough Riverside Conservation Area. The assessment should be supported by the Zone of Theoretical Visibility (ZTV) and representative photomontage viewpoints.

Access, Transport & Traffic

The primary focus of the Transport Assessment on the construction phase is as expected from a development of this size and type, although the operational and decommissioning phase should be acknowledged.

Socio-economics

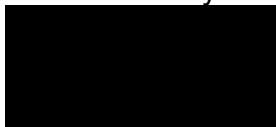
The approach in section 5.10 of the SR appears to be acceptable.

Other topics

We consider the ES should:

- address the likely effect on military and civil aviation infrastructure and Radar. Meteorological radar should also be addressed.
- contain a Flood Risk Assessment.
- assess and address the affect upon telecommunication systems (including television/radio/mobile telephones and data).

Yours faithfully



Ian Elliott
Senior Development Management Officer