

**From:** Wakefield, Nick <nick.wakefield@environment-agency.gov.uk>  
**Sent:** 23 September 2019 17:13  
**To:** West Burton C <WestBurtonC@planninginspectorate.gov.uk>; Jones, Hefin <HEFIN.JONES@planninginspectorate.gov.uk>  
**Cc:** Patterson, Jeremy <Jeremy.Patterson@environment-agency.gov.uk>; Blackeby, Eleanor <eleanor.Blackeby@environment-agency.gov.uk>; Smith, Heather <heather.smith@environment-agency.gov.uk>  
**Subject:** EN010088 WEST BURTON C (GAS FIRED GENERATING STATION) - Environment Agency's Relevant Representations.

Dear Sir/Madam,

The Environment Agency issued our Relevant Representation for the West Burton C (Gas Fired Generating Station) NSIP on 28 August 2019 (our letter dated 19 August, reference LT/2019/124504/01-L01).

We would like to update the Inspector with the latest information we have regarding the Permit Variation application. To this end we have revised some of the wording under the heading EPR/CP3035MK West Burton C Permit variation Application - September 2019 and provided an updated response (letter dated 18 September 2019, attached). All the other comments we previously made remain valid and are reproduced in this latest letter.

We would appreciate confirmation of receipt of this email and apologise for any inconvenience caused.

Thank you.

Regards  
Nick

**Nick Wakefield**

Planning Specialist, Sustainable Places Team

**Environment Agency** | Trentside Offices, Scarrington Road, West Bridgford, Nottingham NG2 5BR

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**Our ref:** LT/2019/124504/01-L02  
**Your ref:** EN010088  
**Date:** 18 September 2019

Dear Sir/Madam

**WEST BURTON C (GAS FIRED GENERATING STATION)  
WEST BURTON POWER STATION SITE**

Please find below our relevant representation for the West Burton C (Gas Fired Generating Station).

**The Role of the Environment Agency**

The Environment Agency has a responsibility for protecting and improving the environment, as well as contributing to sustainable development.

We have three main roles:

We are an **environmental regulator** – we take a risk-based approach and target our effort to maintain and improve environmental standards and to minimise unnecessary burdens on business. We issue a range of permits and consents.

We are an **environmental operator** – we are a national organisation that operates locally. We work with people and communities across England to protect and improve the environment in an integrated way. We provide a vital incident response capability.

We are an **environmental advisor** – we compile and assess the best available evidence and use this to report on the state of the environment. We use our own monitoring information and that of others to inform this activity. We provide technical information and advice to national and local governments to support their roles in policy and decision-making.

One of our specific functions is as a Flood Risk Management Authority. We have a general supervisory duty relating to specific flood risk management matters in respect of flood risk arising from Main Rivers or the sea.

Environment Agency  
Trentside Offices Scarrington Road, West Bridgford, Nottingham, NG2 5FA.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

**Outstanding information and issues of concern**

Our relevant representation outlines where further work, clarification or mitigation is required to ensure that the proposal has no detrimental impact on the environment.

For the Inspectors information, we have been provided with a draft Statement of Common Ground from the applicant.

Please do not hesitate to contact me if you require any further information. We look forward to continuing to work with the applicant to resolve the outstanding issues provided in our Relevant Representation and to ensure the best environmental outcome for this project.

Yours faithfully

**Mr Nick Wakefield  
Planning Specialist**

Direct dial 02030 253354

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## On behalf of the Environment Agency

The Environment Agency has undertaken significant pre application work with the applicant and their consultants.

### **Flood risk**

The submitted Flood Risk Assessment (FRA) confirms that all of the proposed development site lies within Flood Zone 1, the area of land deemed at least risk of flooding, according to Environment Agency maps. We are therefore satisfied that the development will remain high, dry and safe even during extreme flood events.

Further, AECOM, acting on behalf of EDF Energy, have also carried out site specific breach assessments to ensure that the site will remain safe during an extreme event. While a breach of the flood defences is a residual risk it is reassuring to see that the main site will remain dry even during a 1 in 1000 year breach scenario (in this case the 1 in 1000 year data has been used as a 'proxy' in the absence of 1 in 100 year 50% climate change allowances as agreed with the Environment Agency).

Whilst it is not within the Environment Agency's remit to comment on or approve surface water drainage schemes (this role lies with the Lead local Flood Authority (LLFA), in this instance Nottinghamshire County Council) we wish to advise the Inspector as follows:

The surface water drainage scheme for the development has yet to be finalised. We understand that it is the applicants intention for surface water to be managed using the existing infrastructure on site. The LLFA will therefore need to be satisfied that surface water can be adequately managed within the constraints of the existing infrastructure.

In the event of the existing infrastructure not being sufficient to manage surface water then either the northern or southern (or both) outfall corridors are to be used. If this were to happen then the following two comments apply:

. The FRA has indicated that the northern and southern outfall corridors are within flood zone 2 and 3. Neither outfall corridor has been assessed as part of the FRA. Therefore if either or both of the outfall corridors need to be constructed then the FRA will need to be updated and resubmitted for review.

. The applicant will need to contact the Environment Agency regarding obtaining the relevant Flood Risk Activity Permits (FRAP). The outfall structures would interact with existing Environment Agency maintained flood defences and therefore we would need to ensure that they are constructed to the required standard. In such a scenario the applicant is advised to contact the Environment Agency for pre-Permit application advice. This would allow the Environment Agency to work collaboratively with the applicant in order to ensure there are no delays at the Permit application stage.

It is noted that the area identified as the construction laydown area partially lies within flood zone 2. However, given that a very small area within the north western section of the lay down area is affected by flood zone 2 and that the area in question is far in excess of 16 metres away from the Environment Agency maintained flood defences, a FRAP would not be required in this instance.

### **Foul drainage**

We note that, as currently submitted, the Outline Drainage Strategy does not include provision for the disposal of foul drainage associated with the welfare offices (either

temporary or permanent provision). Whilst acknowledging that West Burton Sewage Treatment Works (STW) is within the wider site, the submitted FRA (paragraph 4.7.3) proposes foul drainage from any permanent welfare facilities would be directed to an on-site septic tank for storage and treatment. Conversely, the National Planning Policy Framework makes clear that discharge of foul drainage arising from developments should be directed to the mains sewage network where it is reasonable to do so. We therefore look forward to continue working with the applicant in ensuring the best solution for disposing of foul drainage, both temporary and permanent, is achieved.

### **Protection of controlled waters**

As stated above, under 'Flood risk', we understand that the final surface water drainage scheme is yet to be decided upon, and once it is, this will need to be approved by the LLFA. However at this stage we wish to advise the following:

Details of the site investigation undertaken has shown that a limited number of contaminants are leachable and groundwater impact is locally significant, likely due to ongoing leaching of contaminants within the PFA/made ground at the site. Consequently, from the perspective of the protection of controlled waters, we would expect that any attenuation pond forming a part of the surface water drainage scheme would be lined to avoid infiltration into the PFA/made ground. We therefore look forward to continue working with the applicant and in particular look forward to receipt of the following: Further detail on the attenuation pond as (detailed above); the location of surface water samples which have already been taken on site; proposals for sealed surface water drainage systems.

We note from the submitted Framework Construction Environmental Management Plan (CEMP) that a foundation risk assessment and proposed piling methodology is to be undertaken. We look forward to receipt of these by the applicant.

### **Biodiversity**

We expect the recommendations set out in the submitted Landscaping and Biodiversity Management and Enhancement Plan to be followed in full and on this understanding we have no objections to the proposals from a biodiversity and habitat perspective.

### **Informative –Potential Abstraction Licence**

Activities associated with power stations, such as evaporative and non-evaporative cooling, may require an abstraction licence 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). It should be noted that 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>.

### **Draft Development Consent Order**

We have reviewed the submitted draft Development Consent Order and we are comfortable with its content/wording.

## **EPR/CP3035MK West Burton C Permit variation Application - September 2019**

The proposed development will require the applicant to vary the existing Permit it holds for the site and we wish to advise the Inspector of the current status of the permit variation application and also what aspects of the development the granted (varied) Permit will cover.

1.1 A permit variation application has been received by the Environment Agency (EA). This is to vary the current West Burton Combined Cycle Gas Turbine (CCGT) Power Station Environmental Permit EPR/CP3035MK/V008 to include the new West Burton C Power Station. The EA previously discussed with the applicant the benefits of parallel tracking the Development Consent Order (DCO) and permit application.

1.2 The EA consider this to be a substantial variation. The variation is to add a new Open Cycle Gas Turbine (OCGT) Power Station with a gross thermal input of 750MWth to operate for a maximum of 2250 hours.

1.3 Current Environment Agency Best Available Technique (BAT) guidance is for OCGT power stations to operate for 1500hrs per year on a rolling five year average with a maximum of 2250 hours in and one year.

1.4 The technology has still to be decided but environmental assessment modelling has been undertaken and submitted on 5 OCGT units with individual stacks.

1.5 As well as the permit variation application submission, the EA has also received an application for a part surrender to the West Burton A station permit. The substantial variation to West Burton B station's permit will include an extension of the installation boundary to include the aforementioned surrendered land, on which the applicant intends building West Burton C.

1.6 The substantial variation is dependent on the surrendered land and therefore the surrender application needs to be duly made before the variation can be duly made. If no issues arise that require further information, duly making the surrender application will likely be complete within 2 weeks from the date of this letter. If further information is required it will take longer. The EA is not in a position to state at this time when the substantial variation will be duly made.

1.7 Once the substantial variation application is duly made we have to publicise it and also carry out a number of internal and external consultations/assessments. We currently expect the determination of the substantial variation to take until at least February 2020.

We intend to issue the two applications at the same time so that the surrendered land isn't unpermitted while the variation is being determined.

1.8 Due to the above, no assessment of any information provided to us regarding emissions to air, land, water or amenity such as noise or odour has been undertaken.

1.9 Adjacent to this site are 2 Environmental Permitted installations:  
West Burton A Coal Fired Power Station EPR/SP3039LW and  
West Burton Bole Ings Ash Disposal Landfill EPR/YP3134SC.

Other than the transfer of land between the 2 Power Stations there are no expected permitting implications between the installations.

2. Our determination of the permit variation will cover key points from the permitted

activity, these being:

Management: including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery;

Operating activities and techniques: including the use of Best Available Techniques for process design and management;

Combined Heat and Power;

Eels Management;

Emissions to air and discharges to water, land and groundwater;  
Amenity issues such as odour, noise and vibration;

Information: - monitoring, records, reporting and notifications.

1.8 In determining the application for the permit we will set conditions to ensure the emissions and discharges are at a level that will not result in significant impact on people and the environment, reflecting current statutory requirements. We cannot grant a permit until we are satisfied that the operations will not cause significant pollution to the environment or harm to human health.

1.9 Any waste from the activity applied for will be similar in nature to those already generated from the current site operations though an increase in these is likely.

1.10 During the construction and decommissioning phases of the power station there may be a requirement for wastes generated to be either reused, treated or disposed. The applicant should be aware of the waste legislation applicable to the activity being undertaken (for example environmental permits, exemptions, regulatory position statements and codes of practice).