
West Burton C (Gas Fired Generating Station)

The West Burton C (Generating Station) Order

Land to the north of the West Burton B Power Station
Nottinghamshire

Statement of Common Ground

Between

- (1) EDF Energy (Thermal Generation) Limited
- (2) Natural England



Dated 04 October 2019

West Burton C (Gas Fired Generating Station)
Statement of Common Ground between EDF Energy (Thermal Generation) Limited and Natural England
PINS Ref: EN010088



Signed	
Name	Carly Vince
Position	Chief Planning Officer
For	EDF Energy (Thermal Generation) Limited
Date	4 th October 2019
Signed	
Name	Roslyn Deeming
Position	Senior Advisor
For	Natural England
Date	25 th September 2019

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1.0 INTRODUCTION

Overview

- 1.1 This Statement of Common Ground (SoCG) has been prepared in relation to an application for development consent (the Application) submitted by EDF Energy (Thermal Generation) Limited (the Applicant) to the Secretary of State for Business, Energy and Industrial Strategy (BEIS) under Section 37 of the Planning Act 2008 (2008 Act).
- 1.2 The Application seeks consent to construct, operate (including maintenance) and decommission a gas fired generating station of up to 299 megawatts (MW) of electrical generation capacity (the Proposed Development) at the existing West Burton Power Station site near Gainsborough, Nottinghamshire.

Purpose of this SoCG

- 1.3 This SoCG has been prepared jointly by the Applicant and Natural England, jointly referred to as 'the Parties'. It has been informed by a series of meetings and discussions between the Parties.
- 1.4 This SoCG sets out agreed factual information about the Application and matters on which the Parties are agreed, to reflect the statutory duty and other topics of interest to the Natural England. There are no outstanding areas of disagreement.
- 1.5 This SoCG is intended to provide a clear position on the extent of agreement between the Parties to facilitate an efficient examination process.

The Application

- 1.6 The Application was submitted on 30th April 2019 and accepted for examination on 23rd May 2019. The Application was accompanied by an Environmental Statement (ES) (**Application Document Ref. 5.1** and **5.2**) and associated reports (Section 4), additional information (Section 6) and other documents (Section 7) which are referenced within the ES.
- 1.7 It is agreed that the ES forms the full and complete Environmental Impact Assessment (EIA) for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009, as amended ('the 2009 EIA Regulations').

The Site

- 1.8 The Proposed Development site (the Site) is located within the boundary of the existing West Burton Power Station site, near Gainsborough, Nottinghamshire. The existing Power Station site encompasses two power stations, West Burton A (WBA) and West Burton B (WBB), owned and operated by the Applicant. The Proposed Development would be located north of the existing WBB Power Station.

- 1.9 The Site covers an area of approximately 32.8 hectares and falls within the administrative area of Bassetlaw District Council (BDC), close to the border of West Lindsey District Council (WLDC).

The Proposed Development

- 1.10 The Proposed Development comprises the construction, operation (including maintenance) and decommissioning of a gas fired generating station with a gross electrical output of 299MW and associated buildings, structures and plant.

2.0 CONSULTATION WITH NATURAL ENGLAND

2.1 The consultation that has taken place with Natural England prior to submission of the Application is presented in **Table 2.1**. The Applicant engaged with Natural England on the development proposals during the pre-application process, both through non-statutory engagement and statutory consultation carried out pursuant to Section 42 of the 2008 Act.

Table 2.1: Consultation with the Natural England

Date	Details
March 2017	The Applicant commenced engagement with Natural England, introducing the Proposed Development and intended approach. Natural England responded on 14 March 2017.
May 2017	A meeting on 5 May 2017 to discuss the Proposed Development and the approach to the EIA. Natural England also responded on 19 May 2017 to the consultation by the Planning Inspectorate on the Scoping Report provided by the Applicant.
September – October 2017	Natural England was consulted as part of the statutory consultation process. Natural England responded to the statutory consultation period, providing comments on the Preliminary Environmental Information (PEI) Report. A copy of Natural England’s response is provided in Appendix 2.1 .
September – November 2017	<p>The draft application documents were provided to Natural England on 22 September 2017, with comments requested by 17 November 2017.</p> <p>Natural England requested copies of badger surveys undertaken and the preliminary results of the badger survey were provided as confidential information on 13 October 2017. Additional information on great crested newts was also requested and a plan and table illustrating results of the great crested newt surveys was provided.</p> <p>Natural England provided written comments in response to the PEI report on 16 October 2017 and further verbal comments in relation to badger, great crested newt and other matters at a telecon meeting on 6 November 2017. Additional written comments were provided on 8 November 2017.</p>

Date	Details
March 2019	<p>The project was temporarily put on hold in 2018 and then remobilised in January 2019. The Applicant subsequently wrote to Natural England on 13 March 2019 to notify of the Applicant's intention to submit the Application and requested engagement. Copies of the draft DCO and Application documents were provided for comment.</p>
April 2019	<p>A meeting (telecon) was held on 5 April 2019 to discuss the Proposed Development, any queries arising following review of the draft DCO and Application documents, the examination process and the preparation of a SoCG.</p> <p>The Application was submitted in April 2019 and accompanied by the Consultation Report (Application Document Ref. 4.1), which explained how the Applicant sought to address previous comments from Natural England.</p>

3.0 MATTERS AGREED BETWEEN THE PARTIES

3.1 The Parties are agreed on all matters and in particular, are agreed on the points set out in **Table 3.1**.

Table 3.1: Matters Agreed between the Applicant and Natural England

Topic	Matters Agreed
Consultation	<p>A summary of pre-application consultation is contained in the Consultation Report (Application Document Ref 4.1), ES Volume I (Application Document Ref. 5.2) and in Section 2 of this SoCG.</p> <p>It is agreed that the consultation summary is an accurate record of consultation with the Natural England on matters to date.</p>
Ecology, Biodiversity and Habitats	<p>It is agreed that the approach taken by the Applicant to assess the effects of the Proposed Development on ecology set out in Chapter 9: Ecology, Appendix 9A-9I and Figure 9.1 of ES Volumes I-III (Application Document Ref. 5.2) is appropriate (including methodology, data collection methods, baseline data, approach to surveys taking into account seasonal requirements, assessment and presentation of results).</p> <p>It is agreed that the scope of species surveyed, is appropriate and that Appendix 9C-9I of ES Volume II (Application Document Ref. 5.2) present adequate details of the baseline ecological surveys undertaken on-Site to inform the assessment of the impacts of the Proposed Development on statutory and non-statutory nature conservation designations and protected and notable habitats and species.</p> <p>The Parties agree that the development design and impact avoidance measures outlined as embedded mitigation in Section 9.5 of Chapter 9: Ecology and Nature Conservation of ES Volume I (Application Document Ref. 5.2) are appropriate and that all mitigation measures that would be necessary to ensure compliance with protected species legislation, as well as good practice measures to safeguard animal welfare, are included. It is further agreed that the specified control measures within the Framework Construction Environmental Management Plan (CEMP) provided at Application Document Ref. 7.3, and to be secured via Application Document Ref. 2.1: Draft DCO (Requirement 15), are appropriate for the control of potential</p>

Topic	Matters Agreed
	<p>effects on protected species during construction of the Proposed Development.</p> <p>It is agreed that there is no potential for significant effects on international statutory designations and as such a detailed Habitats Regulations Assessment (HRA) is not required. A HRA No Significant Effects Report (NSER) is provided as Application Document Ref. 4.3 and it is agreed by the Parties that this provides sufficient information to make an assessment of the implications of the Proposed Development on internationally designated sites.</p> <p>The Parties have agreed that the Applicant should prepare a draft European Protected Species Mitigation (EPSM) licence application for great crested newt for protection of that species during construction, and that it would be beneficial for the licence application to be submitted to Natural England for consideration during the DCO examination period. The EPSM licence application will be submitted by the Applicant prior to the Preliminary Meeting being held.</p> <p>The Parties agree that the temporary and permanent loss of the terrestrial habitat within the footprint of the Proposed Power Plant Site that was created as part of the WBB Power Station Landscape and Creative Conservation Plan for the benefit of great crested newts and other species will be suitably compensated by the restoration and enhancement of other nearby on-site habitat for great crested newts. It is agreed that the Landscaping and Biodiversity Management and Enhancement Plan (Application Document Ref 7.5) provides an appropriate description of the proposals designed to compensate for the loss of habitat to the Proposed Development, in order to ensure no net loss of biodiversity occurs (as calculated using the 2012 Defra offsetting metric).</p> <p>The Parties agree the need for Ecological Clerk of Works during the construction phase and that this is identified in the Impact Avoidance measures in Chapter 9: Ecology of ES Volume I (Application Document Ref. 5.2) and in the Landscaping and Biodiversity Management and Enhancement Plan (Application Document Ref. 7.5) and secured through Requirement 6 of the draft DCO (Application Document Ref. 2.1).</p>

Topic	Matters Agreed
	<p>Application Document Ref. 7.4: Lighting Strategy provides the principles that would be adopted for the lighting of the Proposed Development during both construction and operation. The Parties agree that the Lighting Strategy provides an appropriate means of controlling the effects of external lighting on features of nature conservation interest, including bats.</p> <p>It is agreed that the scheme of noise monitoring and management set out in Chapter 8: Noise and Vibration of ES Volume I (Application Document Ref. 5.2) is suitable and appropriate in order to ensure that residual effects of noise on features of ecological interest will not be significant.</p> <p>It is also agreed that, in line with the conclusions of the ES presented in Chapter 17: Summary of Significant Effects (Application Document Ref. 5.2) the Proposed Development during the construction, operation or decommissioning phases would not result in significant residual effects upon statutory and non-statutory sites, habitats or protected species.</p>
Draft DCO	<p>The Parties are agreed on the wording of the following requirements contained in Schedule 2 of the draft DCO and the procedure for the discharge of requirements contained in Schedule 3:</p> <p>6. Landscaping and biodiversity management and enhancement;</p> <p><i>6.—(1) In relation to Work No. 1, Work No. 2 and Work No. 4, no development must be commenced until a landscaping and biodiversity management and enhancement plan, where relevant for that Work, has been submitted to and, after consultation with the Environment Agency, Natural England, Lincolnshire County Council, Nottinghamshire County Council and West Lindsey District Council, approved by the relevant planning authority.</i></p> <p><i>The plan submitted and approved must include details of—</i></p> <p><i>measures to protect, manage and enhance existing shrub and tree planting that is to be retained;</i></p> <p><i>biodiversity and habitat mitigation and impact avoidance;</i></p> <p><i>an implementation timetable; and</i></p>

Topic	Matters Agreed
	<p><i>maintenance and management, including a landscaping maintenance plan incorporating measures to protect, manage and enhance all shrub and tree planting.</i></p> <p><i>The plan submitted and approved must be in accordance with the landscaping and biodiversity management and enhancement plan unless otherwise agreed with the relevant planning authority.</i></p> <p><i>The plan must be implemented prior to commissioning and maintained as approved unless otherwise agreed with the relevant planning authority.</i></p> <p><i>Any shrub or tree planted as part of the approved plan that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless otherwise agreed with the relevant planning authority.</i></p> <p>14. Protected species:</p> <p>14.—(1) <i>No stage of the authorised development must commence until further survey work for that stage has been carried out to establish whether any protected species is present on any of the land affected, or likely to be affected, by that part of the authorised development.</i></p> <p>(2) <i>Where a protected species is shown to be present, no authorised development of that part must commence until, after consultation with Natural England and the Environment Agency, a scheme of protection and mitigation measures has been submitted to and approved in writing by the relevant planning authority.</i></p> <p>(3) <i>The authorised development must be implemented in accordance with the approved scheme unless otherwise agreed with the relevant planning authority.</i></p> <p>No changes are sought in relation to the draft DCO; and Natural England is satisfied with the wording of the draft requirements, including those in which it is a named consulted.</p>

4.0 MATTERS TO BE AGREED

4.1 The Parties confirm that all matters are agreed.

Appendix 2.1: Natural England Formal Consultation Response

Date: 16 October 2017
Our ref: 225488
Your ref: none



Carly Vince
Chief Planning Officer
EDF Energy

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BY EMAIL ONLY

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Dear Ms Vince

Planning consultation: West Burton C Power Station – Formal Consultation Section 42 (Planning Act 2008) for new gas-fired peaking plant power station of up to 299MW

Location: Existing West Burton Power Station Site

Thank you for your consultation on the above dated 06 September 2017 which was received by Natural England on the same date.

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.

Planning Act 2008

Wildlife and Countryside Act (as amended) 1981

Countryside and Rights of Way Act 2000

Natural England has reviewed the Preliminary Environmental Information Report (PEIR) which comprises Volume 1 to 3 and the Non-Technical Summary. We have provided our comments on each chapter as an annex to this letter. Our comments are on the basis of the information provided within the PEIR and understanding gained during pre-application discussions with EDF Energy and AECOM.

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.

Yours sincerely

Roslyn Deeming
Lead Adviser
Sustainable Development Team
East Midlands Area

Annexe to letter response

Chapter 1 Introduction

Natural England is satisfied with the information provided within this chapter.

Chapter 2 Assessment Methodology

Natural England is satisfied with the information provided within this chapter.

Chapter 3 Description of the Site and its Surroundings

Natural England is satisfied with the information provided within this chapter. We particularly welcome the explanation of the proposed area for ecological mitigation and enhancement for the permanent and temporary loss of habitat used by protected species and the reference to Figures 3.3 and 9.1 in PEI Report Volume III. We note that a Landscaping and Biodiversity Strategy will be included as part of the documents accompanying the application for development consent. We understand that this Strategy will detail the measures to be implemented by requirement of the Development Consent Order (DCO).

We acknowledge that the ecological receptors have been identified. We are also pleased to note the reference to the National Character Areas (NCA) and the Lincolnshire Wolds AONB.

Chapter 4 The Proposed Development

Natural England is satisfied with the information provided within this chapter. As previously mentioned above under chapter 3, we note that a Landscaping and Biodiversity Strategy will be submitted with the proposed application for development consent.

Chapter 5 Legislative Context and Planning Policy Framework

Natural England is satisfied with the information provided within this chapter.

Chapter 6 Air Quality

We note that identified receptors are detailed in Table 6-11 including ecological sites within 2km of the proposed development which includes the Lea Marsh SSSI. We acknowledge that baseline pollutant concentrations for Lea Marsh SSSI has been obtained from the APIS website and have been set out in Appendix 6A (PEI report Volume II).

The report has correctly assessed that the Lea Marsh SSSI is designated for species that may be sensitive to nutrient nitrogen deposition and acid deposition. The assessment shows that the maximum process contribution from the proposed development of nutrient nitrogen deposition at Lea Marsh is less than 1% of the critical load published for the most sensitive habitat type. We are therefore satisfied with the report's assessment that the effect of nutrient nitrogen and acid deposition from the proposed development is described as negligible adverse (i.e. not significant)

Chapter 7 Traffic and Transport

Natural England has no comment to make on this chapter.

Chapter 8 Noise and Vibration

Natural England notes that potential effects of noise on ecology and nature conservation interests have been considered in Chapter 9: Ecology, and has no further comment to make on this chapter.

Chapter 9 Ecology

Natural England acknowledges that the assessment within this chapter has followed our advice at the scoping stage to consider impacts on statutory and non-statutory nature conservation designations, and protected and notable habitats and species and has been undertaken in accordance with published best practice guidance.

We note from Table 9-5: Scope of ecological field survey work, that the survey work is up to date, being carried out over the last year (2017). We also note that a number of surveys are only partially complete (bat roost & bat activity and otter & water vole) and we will look forward to receiving the

completed information for these.

We acknowledge there are no international nature conservation designations within a 10km radius of the Site, which is the worst-case zone of influence defined in Table 9-4. We also acknowledge that given there is no potential for effects on international statutory designations the proposed development does not require Habitats Regulations Assessment (HRA).

We note that the Lea Marsh SSSI has been identified as a designation of national nature conservation value.

Great Crested Newts

We note in paragraph 9.4.7 that the proposed development would be located on a landscaped area which included several artificial amphibian hibernacula established as part of the agreed habitat compensation for the loss of great crested newt habitat associated with the construction of the West Burton B power station. This would result in a loss of terrestrial habitat within the site which may be suitable for great crested newts.

Natural England welcomes the intention at paragraph 9.5.7 to apply for a GCN mitigation licence given that the potential for killing or injuring GCN is high. The details of mitigation required would need to be agreed with us prior to submission of the application for development consent and we have suggested that advice is sought through our Pre-Submission Screening Service (PSS) please see the gov.uk website for further information:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/482399/pss-request-form.pdf.

Bats

Natural England is satisfied with the evaluation of impacts upon foraging bats and notes that there is no evidence of bat roosting within the site. The mitigation and enhancement measures identified in section 9.7 which involve the enhancement of wetland and scrub habitat to the north of the site would be appropriate for bats. We also welcome the proposals to minimise lighting and note the preparation of a lighting strategy to support the application.

Badger

We note that the badger survey report (Appendix 9D) identifies that badgers are present within the site in a single subsidiary sett which is used sporadically at the time of survey. Other setts are located within 30m of the site boundary. Construction works would result in the loss of the single subsidiary sett within the site boundary, and would also potentially directly affect other setts in close proximity. We acknowledge that the report recognises that it is likely that it will be necessary to obtain a Natural England licence to close setts that would be affected by the development and this can be discussed further through our Pre-submission Screening Service (see above).

We also acknowledge that design and impact avoidance measures are proposed in order to reduce the potential for adverse effects on badger and will be reported in the Environmental Statement which will accompany the DCO.

Grass Snake

We acknowledge the measures to prevent killing/injury of GCN would also serve to prevent direct impacts on grass-snakes in the same area.

Breeding Birds

We acknowledge that all clearance of vegetation would be undertaken outside of the nesting bird breeding season.

Water Vole

We have noted above that water vole surveys have not as yet been fully completed however we would have expected the ecological report to contain further information on this species at this stage.

Ecological Clerk of Works

We note that works relating to decommissioning would be supervised by an Ecological Clerk of Works which is welcome however we suggest that the need for this level of supervision may be required within the construction phase.

We note that the potential impacts of air quality on Lea Marsh SSSI are assessed within Chapter 6: Air Quality and its accompanying Appendix 6A (see PEI Report Volume II) which we have commented on above.

In the section on mitigation and enhancement measures we are pleased to note that the proposals have been designed to ensure no net loss of biodiversity as a result of the proposed development, and that the Defra offsetting metric has been used in the calculation. This approach is welcome however Natural England advises that developments should ideally result in a net gain of biodiversity where possible to comply with the guidance set out in the NPPF. We also note that the proposals would also deliver compensatory habitat provision for great crested newt to meet EPS licensing requirements which we will discuss further as mentioned above.

Chapter 10 Landscape and Visual Amenity

Natural England welcomes the detailed landscape and visual impact assessment (LVIA) that has been undertaken and provided within this chapter. We support the use of the Landscape Institute and Institute of Environmental Management and Assessment in the publication *Guidelines for Landscape and Visual Impact Assessment- Guidance for England and Scotland* (2013, 3rd edition) which has been followed in the chapter's methodology. We also welcome reference to the National Character Areas (NCA).

Natural England's landscape advice is focussed on impacts upon protected landscapes. As the nearest protected landscape, the Lincolnshire Wolds Area of Outstanding Natural Beauty, lies outside of the study area and no effects resulting from the Proposed Development are predicted we therefore have no further comment on this chapter.

Chapter 11 Ground Conditions and Hydrogeology

Natural England has no comment to make on this chapter.

Chapter 12 Flood Risk, Hydrology and Water Resources

Natural England is satisfied with the information provided within this chapter and acknowledges that the impact on biodiversity has been considered in relation to watercourses, drain and other water features.

Chapter 13 Socio-economics

Natural England has no comment to make on this chapter.

Chapter 14 Cultural Heritage

Natural England has no comment to make on this chapter.

Chapter 15 Sustainability and Climate Change

We welcome the consideration of ecology and biodiversity in relation to the sustainability of the proposed development.

Chapter 16 Cumulative and Combined Effects

Natural England has no comment to make on this chapter.