

---

# 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

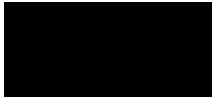

## Statement of Common Ground

Between

- (1) EDF Energy (Thermal Generation) Limited
- (2) Nottinghamshire County Council



Dated 15<sup>th</sup> November 2019

Signed	
Name	Carly Vince
Position	Chief Planning Officer
For	EDF Energy (Thermal Generation) Limited
Date	15 <sup>th</sup> November 2019
Signed	
Name	Sally Gill
Position	Group Manager for Planning
For	Nottinghamshire County Council
Date	14 <sup>th</sup> November 2019

## **Table of Contents**

1.0	Introduction .....	1
2.0	Consultation with Nottinghamshire County Council .....	3
3.0	Matters Agreed between the Parties .....	5
4.0	Matters not yet agreed.....	15

## **Tables**

Table 2.1: Consultation with Nottinghamshire County Council

Table 3.1: Matters Agreed between the Applicant and Nottinghamshire County Council

## **Appendices**

Appendix 2.1: Nottinghamshire County Council Formal Consultation Response

## 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 Nottinghamshire County Council (NCC), 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 NCC. 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 30<sup>th</sup> April 2019 and accepted for examination on 23<sup>rd</sup> May 2019. The Application was accompanied by an Environmental Statement (ES) (**Application Document Ref. 5.1 and 5.2**) 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 (ha) 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 up to 299MW and associated buildings, structures and plant.

## 2.0 CONSULTATION WITH NOTTINGHAMSHIRE COUNTY COUNCIL

2.1 The consultation that has taken place with NCC prior to the submission of the Application is presented in **Table 2.1**. The Applicant engaged with NCC 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 NCC**

Date	Details
March 2017	The Applicant issued an initial draft of the Statement of Community Consultation (SoCC) to NCC on 10 March 2017.
April 2017	A meeting took place on 11 April 2017 to discuss the Proposed Development and the approach to the EIA.
May 2017	NCC provided feedback on the draft SoCC, confirming it was content with the proposed consultation approach.
May – June 2017	NCC provided a written response on 9 May 2017 to the Planning Inspectorate on the Scoping Report provided by the Applicant. This was also provided informally to the Applicant on 30 May 2017.
June 2017	The Applicant issued a draft of the SoCC to NCC on 7 June 2017 and requested feedback by 6 July 2017.  NCC responded to the SoCC consultation on 26 June 2017.
July 2017	NCC was consulted on the proposed scope of the Transport Assessment to accompany the Application and raised requests for clarification on 2 August 2017 that were responded to by the Applicant on 7 August 2017.  The Applicant's appointed landscape consultant sought agreement on selection of representative viewpoints to be used within the Landscape and Visual Impact Assessment (LVIA) chapter on 6 July 2017. NCC requested that their appointed advisor Via East Midlands Ltd be consulted on the viewpoints proposed. Via East Midlands Ltd responded on 14 July 2017 confirming that the viewpoints proposed were acceptable, requesting that public rights of way (PRoW) be described using unique name and reference number and confirming that the study area of 5km was accepted for the LVIA, based on a maximum height of 45m for the

Date	Details
	stacks. An additional viewpoint from Whitton's Mill apartments on the western edge of Gainsborough was included in the assessment presented following consultation with Via East Midlands Ltd.
September – October 2017	NCC was consulted as part of the statutory consultation process. NCC responded to the statutory consultation period, providing comments on the Preliminary Environmental Information (PEI) Report. A copy of NCC's response is provided in <b>Appendix 2.1</b> .
September – November 2017	<p>The draft application documents were provided to NCC on 22 September 2017, with comments requested by 17 November 2017.</p> <p>A meeting (telecom) was held on 29 November 2017, where the draft DCO was discussed and any matters which NCC wished to raise.</p>
March 2019	The project was temporarily put on hold in 2018 and then remobilised in January 2019. The Applicant subsequently wrote to NCC 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.
April 2019	<p>A meeting was held on 4 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 (<b>Application Document Ref 4.1</b>) which explained how the Applicant sought to address previous comments from NCC.</p>
May 2019	NCC provided detailed comments on <b>Application Document Ref. 7.5A</b> : Landscaping and Biodiversity Management and Enhancement Plan on 8 May 2019. Given that the points raised were after submission of the Application, it was not possible to consider these within the Application documents and thus this SoCG seeks to respond to the matters raised.

### 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 NCC**

Topic	Matters Agreed
<b>Consultation</b>	<p>A summary of pre-application consultation is contained in the Consultation Report (<b>Application Document Ref. 4.1</b>), ES Volume I (<b>Application Document Ref. 5.2</b>) and in Section 2 of this SoCG.</p> <p>It is agreed that the consultation summary provides an accurate record of consultation with NCC on matters to date.</p>
<b>General</b>	<p>The Parties are agreed that the ES Volumes I and II (<b>Application Document Ref. 5.2</b>) provide a satisfactory assessment of the Proposed Development effects.</p>
<b>Traffic and Transport</b>	<p>It is agreed that the approach taken by the Applicant to assess the effects relating to traffic and transport for the Proposed Development set out in Section 7: Traffic and Transport and Appendix 7A: Transport Assessment of ES Volumes I-II (<b>Application Document Ref. 5.2</b>) is appropriate (including methodology, baseline data, assumptions approach to junction modelling and data analysis).</p> <p>It is agreed that the residual effects of construction traffic related to the Proposed Development on all road sections and junctions are anticipated to be negligible and thus not significant. Notwithstanding this, the Applicant proposes to incorporate a range of good practice mitigation measures during the construction phase to minimise traffic impacts upon local highways. This includes the provision of a Framework Construction Traffic Management Plan and Framework Construction Workers' Travel Plan (<b>Application Document Ref. 7.6</b> and <b>7.7</b> respectively) which the appointed contractor would be required to take account of in preparing a Construction Traffic and Routing Management Plan and Travel Plan for construction staff. It is agreed that these measures are appropriately secured by <b>Application Document Ref. 2.1: Draft DCO (Requirements 17 and 18)</b> to ensure that the Proposed Development would not result in unacceptable impacts in traffic and</p>



Topic	Matters Agreed
	transportation terms, including upon the local highway network.
<b>Public Rights of Way (PRoW)</b>	<p>The Parties agree that the ES provides an appropriate assessment of impacts on users of existing PRoW and that the Proposed Development will not impinge upon the PRoW identified in Chapter 4: The Proposed Development (<b>Application Document Ref. 5.2</b>).</p> <p>It is further agreed that although the Applicant is supportive of the use of existing non-definitive PRoW, these footpaths shall be maintained as non-definitive PRoW to prevent increase in human presence, which could impact on wildlife susceptible to disturbance, e.g. grass snakes, breeding birds.</p>
<b>Ecology, Biodiversity and Habitats</b>	<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 (<b>Application Document Ref. 5.2</b>) 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 present adequate details of the baseline ecological surveys undertaken on-Site to inform the assessment presented in Chapter 9: Ecology and Nature Conservation.</p> <p>The Parties agree that the development design and impact avoidance measures outlined as embedded mitigation in Section 9.5 of Chapter 9 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 these are appropriately secured through the specified control measures within the Framework Construction Environmental Management Plan (CEMP) provided at <b>Application Document Ref. 7.3</b>, to be secured via <b>Application Document Ref. 2.1</b>: Draft DCO</p>

Topic	Matters Agreed
	<p>(Requirement 15).</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 habitat for great crested newts. It is agreed that the Landscaping and Biodiversity Management and Enhancement Plan (Version 1) (<b>Application Document Ref. 7.5A</b>) provides an appropriate framework for determining the proposals designed to compensate for the loss of habitat to the Proposed Development, in order to ensure no net loss of biodiversity (as calculated using the Defra offsetting metric).</p> <p>The Parties acknowledge that the Applicant is preparing a draft European Protected Species Mitigation (EPSM) licence application for great crested newt for consideration by Natural England during the examination period. Through the mitigation measures proposed, the Parties agree that the effect of the Proposed Development on great crested newt populations at the Site will be reduced to neutral (not significant).</p> <p>It is acknowledged by the Parties that the Applicant has used the version of the 2012 Defra Offsetting Pilot metric and that this remained the extant version published and available at the time of the Application.</p> <p>It is agreed by both Parties that the 2012 Defra Offsetting Pilot metric is suitable to quantify the loss of biodiversity as a result of the Proposed Development and to calculate the required habitat restoration/creation to achieve no net loss and net gain of biodiversity in a development, recognising that there is some subjectivity to the values prescribed.</p> <p>With regards to the proposals for habitat restoration and enhancement set out in the Landscaping and Biodiversity Management and Enhancement Plan (<b>Application Document Ref. 7.5A</b>), both Parties are agreed that there should be no net loss of biodiversity as a result of the Proposed Development and that net gain</p>

<b>Topic</b>	<b>Matters Agreed</b>
	<p>should be achieved where feasible.</p> <p>The Parties have not yet reached agreement on all the details of proposed enhancements set out in <b>Application Document Ref. 7.5A</b> (Landscaping and Biodiversity Management and Enhancement Plan). Further engagement between parties is proposed.</p> <p>The Parties agree that <b>Application Document Ref. 2.1: Draft DCO (Requirement 6)</b> provides an appropriate mechanism to secure the necessary mitigation and enhancement measures in relation to landscape and biodiversity management.</p>
<b>Landscape and Visual Amenity</b>	<p>The assessment of the effects of the Proposed Development in relation to landscape and visual amenity is set out in Chapter 10: Landscape and Visual Amenity in ES Volume I (<b>Application Document Ref. 5.2</b>).</p> <p>The Parties agree that the Landscape and Visual Impact Assessment (LVIA) suitably follows guidelines contained in the Landscape and Visual Impact Assessment Third Edition (GLVIA3) as described in Appendix 10A: LVIA Methodology of the ES Volume II (<b>Application Document Ref. 5.2</b>). The Parties also agree that the 5km radius study area is acceptable for the LVIA.</p> <p>The Parties are agreed that the viewpoints used within the LVIA, contained in Chapter 10: Landscape and Visual Amenity, accompanying Figures 10.6–10.20 and the photomontages presented as Figures 10.21–10.40 of ES Volume III (<b>Application Document Ref. 5.2</b>) are suitable and appropriate. On the basis of the findings of the Chapter, it is agreed that the landscape and visual effects associated with the Proposed Development are acceptable.</p>
<b>Flood risk, hydrology and water resources</b>	<p>A Flood Risk Assessment (FRA) is contained in Appendix 12A of the ES Volume II (<b>Application Document Ref. 5.2</b>). It confirms that the majority of the Site lies within Flood Zone 1. Some areas within the northern and eastern sections of the Site are located within Flood Zones 2 and 3.</p> <p>Mitigation measures are set out in Chapter 12 of ES</p>

Topic	Matters Agreed
	<p>Volume I and Appendix 12A of the ES Volume II (<b>Application Document Ref. 5.2</b>). Following the implementation of mitigation measures, it is agreed that there would be no on or off-site impacts as a result of the Proposed Development in relation to flood risk.</p> <p>It is agreed that surface water runoff would be restricted to the equivalent greenfield runoff rate of 5 litres per second. The Parties agree that the proposals for drainage presented in the Outline Drainage Strategy (<b>Document Ref. 7.8</b>) accompanying the Application are appropriate.</p> <p>The Parties agree that the FRA (Appendix 12A) and Chapter 12: Flood Risk, Hydrology and Water Resources of the ES (<b>Application Document Ref. 5.2</b>) provides a satisfactory assessment of the potential flood risks, hydrology and water resources and that <b>Application Document Ref. 2.1</b>: Draft DCO (Requirements 9 and 10) provide an appropriate mechanism to secure the necessary mitigation measures in relation to surface water, foul drainage and flood risk mitigation.</p>
<b>Cultural Heritage</b>	<p>The assessment of the effects of the Proposed Development in relation to cultural heritage is set out in Chapter 14: Cultural Heritage in ES Volume I. This is informed by a Desk Based Assessment (Appendix 14A (ES Volume II)) which presents the findings of the archaeological appraisal of the Site (<b>Application Document Ref. 5.2</b>).</p> <p>The Applicant's proposals for a programme of archaeological monitoring and environmental sampling as part of future pre-construction site investigation works are set out within the Outline Written Scheme of Investigation (OWSI) (<b>Application Document Ref. 7.9</b>). This is proposed to be secured by a Requirement of the draft DCO (<b>Application Document Ref. 2.1</b>) and both Parties agree with this approach and the wording of the OWSI. It is agreed that matters that would otherwise have been dealt with by NCC senior archaeologist can be dealt with by BDC Historic Environment Officer through to completion. The OWSI submitted with the</p>

Topic	Matters Agreed
	<p>Application reflects this agreement.</p> <p>It is therefore agreed by both Parties that the approach to be taken with regard to archaeological investigation and mitigation is acceptable and that appropriate controls are in place to secure mitigation.</p> <p>The Parties agree that Chapter 14: Cultural Heritage and Appendix 14A: Desk Based Assessment includes a suitable assessment of West Burton Power Station, as an identified non-designated heritage asset.</p> <p>The Parties agree that the Proposed Development will not result in significant effects on designated built heritage assets and that no further specific mitigation beyond the design and impact avoidance measures set out in Chapter 14: Cultural Heritage is required.</p>
<p><b>Cumulative Effects</b></p>	<p>The Parties are agreed that Chapter 16: Cumulative and Combined Effects and accompanying Figures 16.1 – 16.2 of ES Volume I and III (<b>Application Document Ref. 5.2</b>) provides an appropriate assessment of the cumulative effects of the Proposed Development with other developments located in proximity to the Proposed Development. It is further agreed that the short list of committed developments for cumulative effects assessment was appropriate at the time of the Application.</p>
<p><b>Draft DCO</b></p>	<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>3. Notice of commencement and completion of commissioning;</p> <p><i>3—(1) Notice of the intended commissioning of the authorised development must be given to the relevant planning authority, Nottinghamshire County Council, Lincolnshire County Council and West Lindsey District Council prior to such commencement and in any event not less than 7 (seven) days from the date that commissioning is commenced.</i></p> <p><i>(2) Notice of the intended completion of commissioning of the authorised development must be given to the</i></p>

Topic	Matters Agreed
	<p><i>relevant planning authority where practicable prior to such completion and in any event within seven days from the date that commissioning is completed.</i></p> <p>6. Landscaping and biodiversity management and enhancement;</p> <p><b>6.—(1)</b> <i>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>(2) The plan submitted and approved must include details of—</i></p> <ul style="list-style-type: none"> <li><i>(a) measures to protect, manage and enhance existing shrub and tree planting that is to be retained;</i></li> <li><i>(b) biodiversity and habitat mitigation and impact avoidance;</i></li> <li><i>(c) an implementation timetable; and</i></li> <li><i>(d) maintenance and management, including a landscaping maintenance plan incorporating measures to protect, manage and enhance all shrub and tree planting.</i></li> </ul> <p><i>(3) 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>(4) The plan must be implemented prior to commissioning and maintained as approved unless otherwise agreed with the relevant planning authority.</i></p> <p><i>(5) 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. Archaeology;</p>

Topic	Matters Agreed
	<p><b>14.—(1)</b> <i>No stage of the authorised development must commence until a written scheme of investigation for that stage has been submitted to and, after consultation with Historic England and Nottinghamshire County Council in its capacity as the relevant archaeological body, approved by the relevant planning authority.</i></p> <p><i>(2) The scheme submitted and approved must be in accordance with the outline written scheme of investigation.</i></p> <p><i>(3) The scheme must identify any areas where further archaeological investigations and/or design mitigation are required and the nature and extent of the investigation required in order to preserve by knowledge or in-situ any archaeological features that are identified.</i></p> <p><i>(4) Pre-construction archaeological investigations and pre-commencement activities which include intensive ground works may take place only in accordance with a specific written scheme of investigations which has been submitted to and approved by the relevant planning authority.</i></p> <p><i>(5) Any archaeological investigations implemented must be carried out—</i></p> <ul style="list-style-type: none"> <li><i>(a) in accordance with the approved scheme; and</i></li> <li><i>(b) by a suitably qualified person or organisation approved by the relevant planning authority unless otherwise agreed with the relevant planning authority.</i></li> </ul> <p><b>17. Construction traffic and routing management plan;</b></p> <p><b>17.—(1)</b> <i>No stage of the authorised development must commence until a written construction traffic and routing management plan has been submitted to and, after consultation with Highways England, the highway authority, Lincolnshire County Council and West Lindsey District Council and approved by the relevant planning authority.</i></p> <p><i>(2) The plan submitted and approved must be in accordance with the principles set out in the framework construction transport management plan.</i></p> <p><i>(3) The plan submitted and approved must include—</i></p> <ul style="list-style-type: none"> <li><i>(a) details of the routes to be used for the delivery of construction materials and any temporary signage to identify routes and promote their safe use,</i></li> </ul>

Topic	Matters Agreed
	<p><i>including details of the access points to the construction site to be used by light goods vehicles and heavy goods vehicles;</i></p> <p><i>(b) details of the routing strategy and procedures for the notification and conveyance of abnormal indivisible loads, including agreed routes, the numbers of abnormal loads to be delivered by road and measures to mitigate traffic impact;</i></p> <p><i>(c) the construction programme; and</i></p> <p><i>(d) any necessary measures for the temporary protection of carriageway surfaces, the protection of statutory undertakers' plant and equipment and any temporary removal of street furniture.</i></p> <p><i>(4) Notices must be erected and maintained throughout the period of construction at every entrance to and exit from the construction site, indicating to drivers the approved routes for traffic entering and leaving the construction site.</i></p> <p><i>(5) The plan must be implemented as approved unless otherwise agreed with the relevant planning authority in consultation with Highways England and the highway authority.</i></p> <p>24. Local liaison committee; and</p> <p><b>24.—(1)</b> <i>The authorised development must not commence until the undertaker has established a committee to liaise with local residents and local organisations about matters relating to the authorised development (a 'local liaison committee').</i></p> <p><i>(2) The local liaison committee must include representatives of the undertaker.</i></p> <p><i>(3) The undertaker must invite the relevant planning authority, Lincolnshire County Council, Nottinghamshire County Council, West Lindsey District Council, and other relevant interest groups as agreed with the relevant planning authority, to nominate representatives to join the local liaison committee.</i></p> <p><i>(4) The undertaker must provide a full secretariat service and supply an appropriate venue.</i></p> <p><i>(5) The local liaison committee must meet every quarter, starting in the month prior to commencement of the authorised development, until the completion of construction, testing and commissioning works unless</i></p>



Topic	Matters Agreed
	<p><i>otherwise agreed in writing by the majority of the members of the local liaison committee.</i></p> <p><i>(6) During the operation of the authorised development, the local liaison committee must meet once a year unless otherwise agreed in writing by the majority of the members of the local liaison committee.</i></p> <p>25. Employment, skills and training plan.</p> <p><b>25.—(1)</b> <i>No part of the authorised development must commence until a plan detailing arrangements to promote employment, skills and training development opportunities for local residents during construction of the authorised development has been submitted to and, after consultation with Lincolnshire County Council and Nottinghamshire County Council, approved by the relevant planning authority.</i></p> <p><i>(2) The approved plan must be implemented and maintained during the construction of the authorised development unless otherwise agreed by the relevant planning authority.</i></p> <p>No changes are sought in relation to the draft DCO; and the Council is satisfied with the wording of the draft requirements, including those in which it is a named consulted.</p>

## **4.0 MATTERS NOT YET AGREED**

- 4.1 It is recognised that agreement is yet to be reached between the Parties on the extent and approach to biodiversity enhancement associated with the Proposed Development. The Parties confirm that further engagement is proposed in respect of this matter.
- 4.2 There are no other matters to be agreed.

---

## **Appendix 2.1: Nottinghamshire County Council Formal Consultation Response**

---

This matter is being dealt with by:  
**Nina Wilson**  
Reference: n/a  
T 0115 977 3793  
E nina.wilson@nottscc.gov.uk  
W nottinghamshire.gov.uk



Sent via email to  
enquiries@westburtonc.co.uk

11<sup>th</sup> October 2017

Dear Carly

### **West Burton C power Station Development Formal Consultation Section 42 of the Planning Act 2008**

Thank you for your letter dated the 13<sup>th</sup> September 2017 requesting strategic planning observations on the above formal consultation. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.

#### **Proposed Development**

The proposed development comprises the construction, operation (including maintenance) and decommissioning of a gas-fired generating station with an output of up to 299 MW; comprising one or more Open Cycle Gas Turbine units depending on the technology selected at the detailed design stage.

#### **National Planning Context**

The proposed development falls within the definition of a National Significant Infrastructure Project (NSIP), as the proposal would generate energy with an installed capacity of more than 50MW. As such a Development Consent Order (DCO) is required to authorise the proposed development in accordance with the 2008 Planning Act.

The proposal will need to be assessed against National Planning Statements (NPS) EN-1 (Overarching National Policy Statement for Energy) and EN-2 Fossil Fuel Electricity Generating Infrastructure and relevant Local Planning documents.

Paragraph 3 of the NPPF makes it clear that the document does not contain any specific policies for determining applications for NSIPs, which are to be determined in accordance with the decision making framework set out in the 2008 Planning Act and relevant NPSs.

#### Ecology

With regards to the Preliminary Environmental Information Report, and specifically Chapter 9 (Ecology), NCC have the following comments:

NCC are satisfied with the proposed assessment methodology to be used.

The scope of surveys is appropriate; it is noted that some surveys have been completed, whilst others are partially complete due to their seasonal requirements; NCC would note that Table 95 lists 'otter and water vole survey', but no reference to water voles is made in the list of species provided at 9.4.16, or subsequently. It is therefore unclear if surveys for water voles are being conducted.

The screening of impacts set out in Table 96 and Table 97 (plus associated text that follows each table) appears appropriate; the development design and impact avoidance measures outlined as incorporated mitigation appear generally appropriate, but will need to be examined in more detail when the precise details of the scheme are better established (e.g. outflow options).

A commitment to using the DEFRA biodiversity offsetting metric (an ecological accounting approach) as part of the assessment process, and to ensuring no net loss of biodiversity as a result of the development, is welcomed and supported. However, regarding the fourth bullet point under paragraph 9.7.2, it will be necessary to check what was the intended restoration of the areas referred to within Bole Round, as it is understood that this area was to be restored to species rich grassland, if this is the case then an additional area would need to be found for the purpose of this application. This matter can be further discussed in the forthcoming meeting with the Council's Ecologist, Nick Crouch.

It is noted that the habitat within the footprint of the proposed West Burton C was 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. It is obviously far from ideal that this habitat now needs to be removed, albeit to be replaced elsewhere. Consideration should be given to the likelihood or otherwise of areas created as part of this project being required for operation purposes in the future, to ensure that this issue does not crop up again. NCC would also dispute the statement that the loss of great crested newt habitat is not significant (and therefore does not require specific mitigation), given that the habitat was created in the first place as compensation for the impacts of West Burton B.; the relationship between the two schemes and the status of the great crested newt habitat will need to be carefully considered in the ES.

NCC would expect that the management of existing and created habitats is secured for the operational lifetime of West Burton C.

### Strategic Highways

The County Council's highway development control officers are already discussing with the applicants transport consultant (Aecom) the scope of the necessary Transport Assessment required to support any subsequent planning application.

### Rights of Way

Appendix 1 illustrates the public rights of way at the location of the site.

The documentation that has been provided indicates that two small sections of West Burton Footpath No 4 are within the boundary of the application area, however they will not be affected by the proposals.

As part of the mitigation for this development Nottinghamshire County Council's Countryside Access Team requests that the routes highlighted in pink on the attached plan are created as definitive public rights of way with the status of footpath. It is noted that some of these routes are within the mitigation area as shown on Works Plan No 10. NCC would be grateful if you would liaise with Neil Lewis, the Team Manager of Countryside Access Team, about this matter.

### **Conclusion**

Nottinghamshire County Council are supportive of the West Burton C proposal, however a number of issues are raised in relation to Ecology that should be addressed as the proposal move forward.

Should you require any further assistance in relation to any of these matters please do not hesitate to contact me.

Yours faithfully

Nina Wilson

Nottinghamshire County Council, County Hall, West Bridgford, Nottingham NG2 7QP

Principal Planning Officer  
Nottinghamshire County Council

*This document is unsigned as it is electronically forwarded. If you require a signed copy, then please contact the sender.*

