



**Canal &
River Trust**

Making life better by water

For the attention of Alex Hutson
WestBurtonC@planninginspectorate.gov.uk

Your Ref EN010088

Our Ref IPP-50

Thursday 5 December 2019

Dear Alex Hutson

Application by EDF Energy (Thermal Generation) Limited for an Order Granting Development Consent for the West Burton C power station

Canal & River Trust (the "Trust") Submission for Deadline Two

Thank you for your consultation.

Further to our Relevant Representation, made on 09th August 2019, please find below our latest comment in relation to the examination. I hope that you will find this clear and helpful.

Clarification of Land ownership and interest

Further investigations have identified that whilst the Trust is not landowner of the River Trent, it is a tenant in respect of the river and immediate river bank, with obligations to the landowner, who is the Crown Estates). It is unknown to what extent the Crown Estate (as freehold owner) has elected to respond to these proposals.

The Canal & River Trust also has an obligation to maintain navigation upon the river as part of our role as Navigation Authority

The Need for Protective Provisions - Background

As summarised in our relevant representation, the Canal & River Trust ("Trust") in its capacity as navigation authority, is concerned with ensuring that there are no adverse impacts on navigation or navigational safety on the River Trent arising from the proposed development, including as a consequence of any detrimental impact on the structural integrity of the river and river banks.

The site boundary extends to approximately 30m from the river in respect of an area required for 'work no.5', which relates to the provision of a surface water drainage system.

The existing river banks are re-enforced with sloping masonry in this location and as such may be vulnerable to the impact of, for example, vibrations caused by construction works, the movement of heavy plant and equipment etc. which could adversely impact the stability of the riverside bank and necessitate future repair work.

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk

The Trust would also wish to be assured that any amended volumes of discharge and/or impact on water flow and velocity will not impact upon safe navigation or the structural integrity of the waterway.

Furthermore, in the event of any damage being caused to the river, the Trust do not wish to face the risk of potential costs and losses to repair any damage through no fault of its own. Given the above risks, we respectfully request that a future Development Consent Order (DCO) should include protective provisions to secure the position of the Trust in our capacity as Navigation Authority.

The Need for Protective Provisions - Current Position

Following submission of its relevant representation the Trust has been in communication with the applicant, and has provided a list of suggested Protective Provisions (set out in Appendix A.)

These suggested provisions are more limited in scope than those that have been included in recent Development Consent Orders affecting the Trust's interests elsewhere, such as the Eggborough CCGT DCO (your ref: EN010081). They have been intentionally redrafted to reflect the more limited scale to which the development is considered likely to affect the waterway, given that the current development boundary does not extend to the waterway itself.

We consider that the proposed protective provisions are necessary to secure the interests of the Trust and are proportionate to the nature of the development and its potential impact on our property and interests.

It is understood that the applicant disagrees with this assessment and would prefer for the protective provisions to not be included within the DCO.

To this end, the applicant has provided further documentation to the Trust in respect of the three possible options currently being considered (Appendix B).

Whilst it is appreciated that the specific scheme has yet to be finalised, in the absence of any certainty as to which of the three options proposed is to be used and the lack of detail relating to proposed works methodology it is submitted the Trust is of the opinion that they lack sufficient detail to fully negate the possibility of harm to the waterway.

The Trust's position is that the applicant should be the appropriate party to take on development risk. The Trust do not believe that we should not be expected to take on the risk of harm and accordingly, it is submitted that the use of Protective Provisions should be considered for this application.

Potential for Waterborne Freight

Our relevant representation highlights the potential for use of the waterway for the transportation of waterborne freight (especially bulk materials and abnormal loads) as a form of sustainable transport, which would help in reducing greenhouse gas emissions, reduce congestion on the local highway network and, in the case of abnormal indivisible loads, accord with guidance contained in the governments water preferred policy www.gov.uk/government/publications/movement-of-abnormal-loads-by-water. The Trust has indicated that it would be willing to work with the applicant in respect of this matter and would wish to be consulted on the Framework Construction Transport Management Plan (CTMP) in respect of this issue.

Table 2.1 of the applicant's response on the relevant representation made by the Trust indicates, amongst other things, that the appointed contractor "will review options for the use of rail and water when sourcing construction materials". The applicant does not however consider it appropriate to include reference to

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk

consultation with the Trust on the CTMP given the plans focus on the movement of transport by road (although the Trust will be consulted at a later time if it is considered that waterborne freight should be used.)

The applicant has indicated that they are committed to reviewing the viability of transporting materials by sustainable modes of transport during the construction of the Proposed Development and that this is proposed to be secured through Requirement 17: Construction Traffic and Routing Management Plan of the draft Development Consent Order (APP-004, Document)

It is notable that this Requirement does not include the Trust as a consultee to the traffic and routing management plan and does not overtly comply with the water preferred policy and advisory letter to PINS in respect of this matter which seeks that "all reasonable opportunities should be taken to use waterborne transport for the public benefit ". It instead includes reference to the traffic and routing management plan including "details of the routing strategy and procedures... for the conveyance of abnormal indivisible loads, including agreed routes, the numbers of abnormal loads to be delivered by road and measures to mitigate traffic impact"

The Trust has seen no evidence to substantiate why the use of inland waterways has not been adequately considered within this Requirement and would ask that Requirement 17 should be amended to ensure that all reasonable opportunities are taken to use waterborne transport. As Harbour and Navigation authority for the River Trent, the Trust is able and willing to work with the applicant to advise on the transportation of abnormal loads by river to site, and would also wish to be consulted on the CTPM in respect of this matter.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,



Simon Tucker MRTPI
Area Planner

Simon.Tucker@canalrivertrust.org.uk
07885 241223

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN
T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk