

## Planning Act 2008 – section 91

**EN010088**

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

### **Agenda for Issue Specific Hearing (ISH) on Environmental Matters and the draft Development Consent Order (dDCO)**

The Examining Authority (ExA) notified Interested Parties (IPs) on 16 December 2019 of the decision to hold an ISH:

<b>Hearing</b>	<b>Date and time</b>	<b>Venue</b>
<b>ISH on Environmental Matters and the dDCO</b>	<b>Wednesday 22 January 2020</b> Seating available from 9.30am. The ISH will start at 10.00am.	Best Western West Retford Hotel, 24 North Road, Retford DN22 7XG

#### **Access and Parking**

There is free parking available at the venue. Retford train station is approximately a mile from the venue.

#### **Purpose of the ISH**

The main purpose of the ISH is to consider certain Environmental Matters and aspects of the dDCO, set out in further detail below.

#### **Environmental Matters**

In respect of Environmental Matters, the purpose of the ISH is to consider:

- Biodiversity mitigation;
- Soil management;
- Construction traffic routing and management;
- Drainage; and
- Environmental permits

#### **dDCO**

In respect of the dDCO, the purpose of the ISH is to:

- Clarify issues around how the dDCO is intended to work, what is to be consented, the extent of the powers and what requirements, provisions and agreements are proposed;
- Identify any possible issues not covered by the dDCO as currently drafted; and
- Establish or confirm the views of IPs as to the appropriateness, proportionality and efficacy of the provisions and requirements as currently drafted.

The decision to hold the ISH should not be taken to imply that the ExA has reached any view at this stage of the examination as to whether or not the Order should be granted. The ISH will, accordingly, be conducted on a without prejudice basis.

### **Agendas**

In order to ensure that those attending the ISH can make the best use of the time, the ExA has prepared the agendas below. Please note that these agendas are indicative and may be amended. The ExA may wish to raise other matters arising from submissions and pursue lines of enquiry during the discussion which are not on the agenda.

### **Invited Participants**

The Applicant, all IPs and Statutory Parties are invited to attend. It would be particularly useful for representatives of the following organisations to attend to address matters identified in the agendas.

- The Applicant
- Environment Agency
- Natural England
- Nottinghamshire County Council
- Bassetlaw District Council
- West Lindsey District Council
- Canal and Rivers Trust
- Any other Interested Parties and Statutory Parties who wish to take part in the ISH

Although not registered as an IP, it would be useful if a representative from Nottinghamshire Wildlife Trust could attend the ISH to contribute to discussions.

### **Participation, conduct and management of ISH**

Participants may be legally represented if they wish, but the ISH will not be adversarial.

Participation is subject to the ExA's power to control the ISH.

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making representations at the ISH. Questioning at the ISH will be led by the ExA and no cross examination will take place.

The ExA will be referring to the revised version of the dDCO submitted at Deadline 3 [REP3-008].



## AGENDA FOR ISSUE SPECIFIC HEARING (ISH)

### ENVIRONMENTAL MATTERS AND DRAFT DEVELOPMENT CONSENT ORDER

Item	Matters
1.	<b>Welcome, introductions and arrangements for the ISH</b>
2.	<b>Issues arising from the responses to the ExA's Written Questions on Environmental Matters and from Written Representations</b> <ul style="list-style-type: none"><li>- Biodiversity mitigation- Applicant to provide an explanation of its Biodiversity Metric 2.0 data submitted at Deadline 3. It would be helpful for the Applicant to:<ul style="list-style-type: none"><li>- Provide the Biodiversity Metric 2.0 data tables in a format that is easily readable (i.e. whole tables on a single sheet);</li><li>- Clarify whether the ecological baseline data used for the Biodiversity Metric 2.0 assessment is the same as that used for the biodiversity metric assessment contained within the LBMEP and if not, provide the surveys or information used and explain the change in baseline data;</li><li>- Update the LBMEP, and any other relevant chapters and related documents of the ES, to reflect the Biodiversity Metric 2.0 data and guidance;</li><li>- Clarify how/whether the Biodiversity Metric 2.0 data affects the assessment of the Proposed Development in the ES; and</li><li>- Explain how the habitat within Area 5 would be enhanced.</li></ul></li><li>- Biodiversity mitigation- Nottinghamshire County Council to explain any outstanding concerns relating to the biodiversity mitigation proposed;</li><li>- Soil management- Within the dDCO (Requirement 5), the minimum final ground height is +7.1mAOD. Applicant to explain how this has been accounted for as a worst-case scenario in the ES and specifically explain how this has been assessed in relation to vehicular movements off-site and air quality;</li><li>- Construction traffic routing and management- Applicant to set out how construction traffic would be routed and managed to avoid HGV travel through villages and HGV parking/waiting on the public highway and how this would be secured;</li><li>- Construction traffic routing and management- Applicant to set out potential for waterborne material transportation and implications of this on the local highway network;</li><li>- Drainage- Applicant to clarify whether drainage scenarios would be linked to existing infrastructure of West Burton A or West Burton B and any implications of this in the event that West Burton A was to be decommissioned;</li><li>- Environmental permits- Applicant and Environment Agency to explain the need for the permits, to provide an update on their</li></ul>



	<p>progress and to set out any implications which may arise if these are not consented during the course of the examination; and</p> <ul style="list-style-type: none"><li>- Miscellaneous matters relating to environmental documents.</li></ul>
<b>3.</b>	<b>Opportunity for IPs to comment on environmental matters</b>
<b>4.</b>	<b>Structure of the dDCO</b> The Applicant to briefly: <ul style="list-style-type: none"><li>- Summarise the structure of the dDCO;</li><li>- Describe the extent of the Works, provisions and powers sought;</li><li>- Introduce each of the Requirements and Schedules and their purpose; and</li><li>- Provide a brief summary of changes made in the revised dDCOs submitted at Deadlines 2 and 3 and the reasons for this.</li></ul>
<b>5.</b>	<b>Main discussion points around dDCO</b> <ul style="list-style-type: none"><li>- Typos and minor miscellaneous matters;</li><li>- The need for Land Plans and Order Limit Plans;</li><li>- Article 9- Applicant to justify powers to stop up streets and public rights of way;</li><li>- Article 15- Applicant to justify powers to undertake tree work on publicly maintainable highway;</li><li>- Article 15- Applicant to justify why any Tree Preservation Orders have not been identified;</li><li>- Requirement 1(3)- Applicant to justify scope of changes to an approval or agreement;</li><li>- Requirement 25- Applicant to justify the reasonableness for a local liaison committee meeting not to be held if a majority of members are in agreement;</li><li>- Requirement 28- Applicant to explain how consultation to discharge requirements would work in practice and whether there is sufficient clarity in respect of who would undertake the consultation and how any responses would be made available to the relevant planning authority;</li><li>- Requirement 28- Consideration of whether a consultation period of 21 days is reasonable and appropriate;</li><li>- Requirement 28- Applicant to clarify why this is a Requirement rather than included in Schedule 3: Procedure for Discharge of Requirements;</li><li>- Schedule 3 2(2)- Applicant to justify period of 7 days for notification of further information required;</li><li>- Schedule 3 3(2)- Applicant to justify a fee refund; and</li><li>- Protective Provisions- Applicant and Canal and Rivers Trust to justify views on necessity of protective provisions.</li></ul>
<b>6.</b>	<b>Opportunity for IPs to comment on the proposed dDCO</b>



## The Planning Inspectorate

<b>7.</b>	<b>Update on Statements of Common Ground</b>
<b>8.</b>	<b>Other Matters</b>
<b>9.</b>	<b>Close of the ISH</b>

**Please note:** Any lack of discussion of a particular issue at the ISH does not preclude further examination of this issue.

The agendas may be subject to change at the discretion of the ExA. The ISH will close at the conclusion of business. IPs who have registered to speak in advance will be provided with a table and microphone. IPs who have not registered in advance may participate at the discretion of the ExA.