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To the Applicant and the Canal and  
River Trust

Your Ref:

Our Ref: EN010088

Date: 5 February 2020

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Dear Sir / Madam

## **Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17**

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

#### **Request for further information from the Applicant and the Canal and River Trust**

##### A. Protective Provisions

The Examining Authority (ExA) is aware of a dispute between the Applicant and the Canal and River Trust (CRT) in respect of the necessity for Protective Provisions within the draft Development Consent Order (dDCO).

To assist the ExA in the consideration of this matter, he requests the following from **the Applicant and the CRT**:

1. For **the Applicant and the CRT** to come to an agreement on the wording of Protective Provisions, should the ExA consider them necessary;
2. For **the CRT** to provide a plan showing the extent of the sloping masonry along the banks of the River Trent that it has responsibility for/ maintains and is concerned about potential damage to;
3. For **the Applicant** to confirm that River Road alongside the River Trent to the east of the application site will not be used by any construction traffic/HGVs; and
4. For **the Applicant and the CRT** to consider whether there might be any alternative to Protective Provisions, such as by way of an additional Requirement or an amendment to Requirement 9 of the most recent dDCO [REP4-012], to provide for a method statement for any works to be undertaken in respect of Work No.5 in proximity to the banks of the River Trent, to be submitted to and approved by the relevant planning authority prior to the relevant works commencing and after consultation with the CRT.

## B. Soil Management

As part of the recent Issue Specific Hearing, the ExA queried how the provisions made in Requirement 5 of the dDCO for minimum ground levels of 7.1 metres (m) Above Ordnance Datum (AOD) had been accounted for as a worst-case scenario, particular with regard to soil management/potential for vehicular movements of soil off-site.

The ExA notes the submission from the Applicant at Deadline 4 setting out that the intention, other than for an access road, is not to reduce the whole of the part of the application site that the proposed power station (including for Works 1, 2 and 4) would occupy to this level, and as a result a detailed assessment of this as the worst-case scenario has not been undertaken.

Nonetheless, the dDCO would allow for such overall reductions in levels. This would be likely to necessitate the movement of large volumes of soil. The Environmental Statement (ES) should take the worst-case parameters of the Proposed Development as set out within the dDCO into account.

On this basis, the ExA asks **the Applicant** to:

1. Provide an assessment of the worst-case scenario of the Proposed Development, in terms of soil management/potential for vehicular movements of soil off-site and any other inter-related effects, on the basis that the proposed power station could sit at 7.1m AOD (and provide a view on whether any further assessment and environmental information requires further consultation); or
2. Amend the dDCO appropriately to negate the necessity for this and to bring the wording/parameters of the dDCO in line with the assessment in the ES.

The ExA is required to submit to the Secretary of State a DCO which is capable of being implemented. As such, the ExA will be required to ensure that it is drafted to reflect the assessment in the ES.

## C. Abnormal Indivisible Loads (AILs) and Transportation

The ExA notes that the Traffic and Transport assessment provides, as stated by the Applicant, the worst-case scenario. However, he also notes that paragraph 5.13.10 of National Policy Statement EN-1 sets out that water-borne (or rail transport) is preferred over road transport at all stages of the project, where cost-effective. Noting this and the submissions which refer to Highways England's publication 'Water preferred policy- Guidelines for the movement of abnormal indivisible loads' including by CRT [REP2-022] and the Commercial Boat Operators Association [REP4-018], can **the Applicant**:

1. Provide its view on the importance/status of this publication; and
2. Provide its view as to whether there is scope to strengthen its commitment to the use of water transport for AILs, where possible, within the framework Construction Traffic Management Plan, and if so, amend it accordingly.

D. Biodiversity

Can **the Applicant**:

1. Amend paragraphs 5.1.4, 5.4.1 and 5.4.5 of the most recent Landscaping and Biodiversity Management and Enhancement Plan [REP4-014] to reference either the correct document (10.4 or 11.4?) or the correct Deadline at which this was submitted (if document 10.4 then Deadline 3 rather than Deadline 4) or to reference both documents 10.4 and 11.4 (submitted at Deadline 4) if necessary; and
2. Update ES Chapter 9 [APP-038] (and any other relevant documents) as necessary to make reference to the Applicant's use of the Biodiversity Metric 2.0.

E. Draft Development Consent Order [REP4-012]

Can **the Applicant**:

1. Change the bold '(a)' in Article 14 to not bold and change the not bold '(a)' in Article 15(3)(c) to bold to reflect the correct footnote reference;
2. Put brackets around the '12' in Schedule 3 4(11);
3. Remove any reference to 'public right of way' in Article 9, given none are listed in Schedule 4, or further justify power sought in this respect;
4. Add 'minor' or 'non-material' before the word 'changes' in the fourth line of Requirement 1(3);
5. For consistency, amend numbers in words to figures, including in Schedule 1 Work No.1(a), Schedule 1 Work No.1, Article 9(4), Requirement 2(1), Requirement 4, Requirement 5(4), Requirement 6(5), Schedule 3 1(2)(a) and (b), Schedule 3 2(2) and Schedule 3 3(2); and
6. Update references to any revised documents as necessary.

The deadline for submission of this information is **Deadline 5 (24 February 2020)** in the Examination Timetable.

If you have any questions about the content of this letter, please contact the Case Team using the details in the above header.

Yours faithfully

*Alex Hutson*

**Alex Hutson**  
**Examining Authority**