



**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

Monday 24 February 2020

Dear Alex Hutson

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

Response to ExA Request for Further Information from the Applicant and the Canal and River Trust - Rule 17

Thank you for your request for further information from the Canal & River Trust. Please find our response below.

1. For the Applicant and the CRT to come to an agreement on the wording of Protective Provisions, should the ExA consider them necessary

CRT and the applicant met on 18 February to visit the site and to discuss outstanding concerns. At that time, further clarification and assurances were provided to CRT on the following matters:

- The position of Connection Option A has now been provided, which is confirmed as being (at closest) approximately 45m metres from the River Trent.
- The detailed arrangement for Connection Option B provided in strategy document (A00-142) was confirmed as also being representative of Option A, including use of a 150mm (6") diameter pipe.
- Construction vehicles will not use River Road alongside the River Trent. We note that confirmation of this matter has also been sought by the ExA in Question 3 of the recent request for further information (5 February)
- In terms of construction methodology (whilst not finalised), it has been indicated that the works will be open cut trench work, performed by a JCB (or equivalent) and that there will be no requirement for piling associated with these works.
- Any temporary roads will be minimised and only required to provide access for JCB or equivalent.
- The applicant has indicated that they would be happy for CRT to be included as a consultee on the final method statement for the drainage works which will be discharged by Requirement.

It is understood that this information has been sent by the applicant to the Inspectorate.

CRT has also undertaken further research into its responsibilities for the masonry slope (pitching) which appears to indicate that whilst the River Trent and its banks are leased to CRT from the Crown Estate and CRT has a statutory duty to maintain navigation on the River Trent, a Regulating Lease between the Crown Estate Commissioners and The British Waterways Board (CRT's preceding organisation) confirms that CRT is not

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responsible for keeping the pitching (which we understand to mean the masonry bank) in good repair and condition. It is understood that the responsibility to maintain the pitching remains with the Crown Estate, however, we note that they have not submitted a relevant representation. It is unknown what maintenance regime the Crown Estate have in place for this pitching/sloping masonry.

CRT maintains that it should not face the risk of any potential costs associated with adverse impact arising from the proposed development. However, on the basis of the above information, it is now considered that that the risk to CRT either during or post construction is unlikely to require the imposition of Protective Provisions.

Concerns relating to the impact of construction works could be addressed by alternative means, as discussed with the applicant and detailed in our response to ExA question 4 below.

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.

Please find the attached plan which shows:

- i) the extent of land which is leased by CRT from the Crown Estate in the vicinity of this proposal and for which the Trust has a statutory duty to maintain navigation;
- ii) an indication of the sloping masonry/stone pitching based on information contained within that lease.

The plan is based on the documentation attached to a Regulating Lease (16 February 2011) and Deed of Consent (19 December 1968). CRT would be happy to submit should this assist the ExA in their consideration.

Unfortunately, it has not been possible to more accurately map the extent of this pitching/ masonry. CRT visited the site with the applicant on 18 February, at which time, the riverbanks were under water due to extremely high-water levels caused by recent adverse weather conditions.

Recent investigations into ownership and responsibilities indicate, however, that CRT has no responsibility to maintain or repair the pitching (which we understand to mean the masonry bank) as outlined in our response to ExA Question 1 above). As indicated above, CRT was previously concerned about potential damage to the sloping masonry and the subsequent impact this may have on the navigation.

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 DCO [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.

To ensure the protection of the River Trent, CRT requires the applicant to provide the following details, to be submitted to and approved by the relevant planning authority prior to the relevant works commencing and after consultation with the CRT.

- the design of the proposed drainage arrangements in Work No. 5, specifically the location and design of the proposed connection;
- a detailed construction method statement and associated risk assessment for works relating to the proposed surface water drainage in the vicinity of the River Trent, including construction traffic management and details of construction and use of any temporary access roads.

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Following discussion with the applicant, CRT can confirm that a new or amended requirement 9 could address its concerns in respect of this proposal and any potential impact from construction works on the River Trent. The following proposed wording has been agreed with the applicant in respect of Requirement 9 to address this matter:

Surface water drainage

9.—(1) In relation to Work No. 1, Work No. 2, Work No. 4 and Work No.5, no development must commence until, where relevant for that Work, details of the temporary surface water drainage system, including means of pollution control, have been submitted to and, after consultation with the Environment Agency, Lead Local Flood Authority, relevant internal drainage board and Canal & River Trust in relation to Work No. 5 only, been submitted to and approved in writing by the relevant planning authority.

(2) Details of the permanent surface water drainage system, including a programme for its implementation and maintenance, must be submitted to and, after consultation with the Lead Local Flood Authority, Environment Agency, relevant internal drainage board and Canal & River Trust in relation to Work No. 5 only, be submitted to and approved by the relevant planning authority prior to the start of construction of any part of that system.

(3) The details submitted and approved pursuant to paragraphs (1) and (2) of this requirement in relation to Work No. 5 must include a detailed construction method statement for the proposed works, including temporary access arrangements and construction vehicle routes to facilitate the drainage connection.

(4) The details submitted and approved pursuant to paragraphs (1) and (2) of this requirement must be in accordance with the outline drainage strategy.

(5) The schemes must be implemented as approved and maintained throughout the construction and operation of the authorised development unless otherwise agreed with the relevant planning authority.

In addition, the applicant has proposed that the following text will be included in the next version of the Framework Construction Traffic Management Plan (document 7.6):

2.1.3 In order that it is not affected by construction traffic, construction access within the West Burton Power Station site will exclude the use of River Road.

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



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