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To the Applicant,
Bassetlaw District Council,
West Lindsey District Council and
Natural England

Your Ref:

Our Ref: EN010088

Date: 9 March 2020

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, Bassetlaw District Council, West Lindsey District Council and Natural England

A. Soil Management

The Examining Authority (ExA) notes the content of the Memo [REP5-013] and the amendment to Table 1 of Requirement 5 of the draft Development Consent Order (dDCO) [REP5-002], submitted at Deadline 5, with regard to minimum ground levels. However, the dDCO would still allow for the whole area of Work No 1 to be reduced to +7.1mAOD (and by amending the dDCO in the manner undertaken sets no minimum ground level for Works 2, 4 and 5) which, as the Applicant sets out, has not been considered as the worst-case scenario. Thus, the ExA's concerns in respect of soil management and potential for a need to dispose of large volumes of it off-site, without a full assessment of any potential effects, prevail.

In order to address this matter, the ExA asks **the Applicant** to consider the following:

1. To maintain the dDCO in respect of Table 1 of Requirement 5 as per the previous iteration [REP4-012] (i.e. not to incorporate the amendment specifying "(Work No 1)"); and
2. To include within the Framework Construction Environmental Management Plan [APP-137] information to reflect the contents of the Memo [REP5-013] to provide greater certainty (than the 3rd bullet point of Table 10 currently does), that a 'cut' and 'fill' approach would be adopted and levels only reduced to +7.1mAOD in respect of an access tie in only, and further, that any surplus

spoil arising from such work would be accommodated within the red line boundary and not disposed of off-site.

The ExA also asks that **Bassetlaw District Council** provides any comments on the above matters, given that it is the authority which would have the responsibility for approving the Construction Environmental Management Plan under Requirement 16 of the dDCO.

B. Biodiversity

Can **the Applicant**:

1. Clarify why, in the most recent schedule of other consents and licenses [REP2-005 and REP2-006], the Conservation of Habitats and Species Regulations 2010 (as amended) is cited, rather than the Conservation of Habitats and Species Regulations 2017 (as amended), and whether, by not referring to the most recent legislation, this has any bearing on the consideration of the application?; and
2. Highlight where in the application documents the Conservation of Habitats and Species Regulations 2017 has been referred to, and if not, the reasons for this (albeit that the ExA notes that reference is made to the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018)?

C. Protected Species

The Applicant sets out in the most recent schedule of other consents and licenses [REP2-005 and REP2-006] that a badger licence to interfere with any setts for development purposes may be required from Natural England prior to construction, though no action is required at present.

Bearing in mind that a draft great crested newt licence application has been submitted to Natural England and a letter of no lawful impediment issued, can **Natural England** confirm whether the Applicant's approach to a badger licence is appropriate and reasonable?

D. Design

Paragraph 10.3.28 of ES Chapter 10 [APP-039] states that a north-south configuration of multiple stacks would have a greater visual effect than an east-west configuration. Paragraph 4.3.3 of ES Chapter 4 [APP-033] sets out that certain parameters have been fixed, including that 'if multiple turbines are installed, the units (and stacks) are located in a nominal north-south orientation'. However, paragraph 4.3.9 of ES Chapter 4 states that 'The exact positions of the OCGT stack(s) cannot be fixed until the detailed design stage as they will depend on the final technical configuration and plant optimisation'. The dDCO also does not appear to secure a configuration if multiple stacks were to be used which suggests that an east-west configuration, with lesser visual impact, could be adopted in any final design. Can **the Applicant** provide clarification on these matters?

E. Draft Development Consent Order

Paragraph 6.5.6 of ES Chapter 6 [APP-035] sets out that 'Emission to air impacts have been assessed based on 35m stack heights (for each of up to five unit stacks) and 40m stack height (for a single gas turbine stack) based on height above finished ground level. These are the stack heights considered to adequately disperse emissions from the Proposed Development assessed options.' Table 1 of Requirement 5 of the dDCO provides for maximum stack heights of 59m Above Ordnance Datum (AOD) which has been assessed in visual impact terms. However, the dDCO should reflect all assessments in the ES.

Therefore, **the Applicant** is requested, for clarity, to ensure that Table 1 of Requirement 5 of the dDCO includes all relevant stack height parameters corresponding to the Environmental Impact Assessment undertaken, including minimum and maximum heights, in terms of both Above Ground Level (AGL) and AOD.

F. Planning Policy

Can **West Lindsey District Council** provide copies of the Central Lincolnshire Local Plan 2012-2036 policies cited in its Local Impact Report [REP1-020]?

The deadline for submission of this information is **Deadline 6 (30 March 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