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30th March 2020

Dear Mr Jones,

Planning Act 2008 (as amended)

Application by EDF Energy (Thermal Generation) Limited for an Order Granting Development Consent for the West Burton C power station – Examination – Applicant’s Response to Deadline 6

On behalf of EDF Energy (Thermal Generation) Limited, please find enclosed the Applicant’s responses and information pursuant to Deadline 6, in accordance with the Rule 8 Letter, dated 6th November 2019.

Deadline 6 submissions

The documents submitted in support of the Applicant’s submission to Deadline 6 are as follows:

1. the Applicant’s Covering Letter (i.e. this document) (**Document 13.1**);
2. an updated Navigation Document including all documentation submitted since the Application was submitted (**Document 1.3F**);
3. Schedule of Other Consents and Licenses (Version 2) – Tracked (**Document 4.2C**) and Clean (**Document 4.2D**);

4. Framework Construction Environmental Management Plan (Version 1) – Tracked (**Document 7.3A**) and Clean (**Document 7.3B**);
5. updated draft Development Consent Order (Version 5) – Tracked (**Document 2.1I**) and Clean (**Document 2.1J**);
6. Table of Amendments to the draft Development Consent Order (**Document 13.2**); and,
7. Note on Policy Compliance (**Document 13.3**).

Rule 17 Letter dated 9th March 2020

The ExA issued a Rule 17 Letter on 9th March 2020 requesting further information from the Applicant, as well as Bassetlaw District Council, Natural England and West Lindsey District Council, on a range of topics. The Applicant’s response, where requested is provided below and each item is taken in turn.

Topic	ExA’s Request	Applicant’s Response												
A. Soil Management	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)”.	<p>The Applicant has removed the reference to Work No. 1 within the dDCO (Version 5), contained at Document 2.1I (Tracked) and Document 2.1J (Clean), in order to revert to the original drafting (Table 1 and Table 2 of Requirement 5) (REP4-012).</p> <p>Table 1 Main Dimensions for Single OCGT</p> <table border="1"> <thead> <tr> <th><i>Component</i></th> <th><i>Maximum length (m)</i></th> <th><i>Maximum width (m)</i></th> <th><i>Maximum height (mAOD)</i></th> </tr> </thead> <tbody> <tr> <td>Minimum final ground height (mAOD) (Work No.1)</td> <td colspan="3">+7.1m</td> </tr> <tr> <td>Maximum final ground height (mAOD)</td> <td colspan="3">+14m</td> </tr> </tbody> </table>	<i>Component</i>	<i>Maximum length (m)</i>	<i>Maximum width (m)</i>	<i>Maximum height (mAOD)</i>	Minimum final ground height (mAOD) (Work No.1)	+7.1m			Maximum final ground height (mAOD)	+14m		
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	2. To include within the Framework Construction Environmental Management Plan [APP-137] information to reflect the contents	As suggested by the ExA, the Framework Construction Environmental Management Plan (CEMP) (APP-137) has been updated to reflect the Applicant’s intended approach to soil												

	<p>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.</p>	<p>management. This has been achieved by inserting a new section (2.9 – Soil Management) into the Framework CEMP that reflects the content of Document 12.4 (REP5-013) submitted at Deadline 5 to provide greater certainty that a 'cut' and 'fill' approach would be adopted and levels only reduced to +7.1mAOD to tie in with the existing access road. Further, that any surplus spoil arising from such work would be accommodated within the DCO order limits and not disposed of off-site. The updated Framework CEMP is contained at Document 7.3A (Tracked) and Document 7.3B (Clean). As the Framework CEMP is a document to be used by the contractor, the word Site has been used in Section 2.9 rather than order limits, as this will reflect the area within the red line boundary over which the contractor will have control.</p>
	<p>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.</p>	<p>This question is directed to Bassetlaw District Council, however the Applicant is aware that Bassetlaw District Council (BDC) has confirmed to PINS (as part of its Deadline 6 submission) that it does not have any objections or any comments to make on this point and considers that the suggested changes will not negatively impact the Council's ability to consider the CEMP once it is submitted to BDC for consideration.</p>
<p>B. Biodiversity</p>	<p>1. Clarify why, in the most recent schedule of other consents and licences [REP2-005 and REP2-006], the Conservation of Habitats and Species Regulations 2010 (as amended) is cited, rather than the Conservation of Habitats and</p>	<p>The Applicant can confirm that the Schedule of Other Consents and Licences submitted with the Application (APP-026) should have referenced the Conservation of Habitats and Species Regulations 2017 (as amended), rather than the Conservation of Habitats and Species Regulations 2010 (as amended). This has now been updated and is</p>

	<p>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?</p>	<p>contained at Document 4.2C (Tracked) and Document 4.2D (Clean).</p>
	<p>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)?</p>	
<p>C. Protected Species</p>	<p>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?</p>	<p>Based on the discussions between Natural England and the Applicant, the Applicant's view is that:</p> <ul style="list-style-type: none"> a) it is agreed there is the potential need to obtain a licence to close setts from Natural England; b) due to the mobility of this species and potential changes to survey findings which might occur in the intervening period, a draft licence would not be needed prior to determination of the DCO; c) a draft licence application should be prepared at a suitable time during detailed design of the Proposed Development, prior to construction. This draft licence application should take into account the findings of updated surveys for this species to ensure that the draft licence application accurately

		<p>reflects conditions for this species prior to construction, and incorporates mitigation required in respect of any closure of setts or disturbance impacts as a consequence of the Proposed Development. A formal licence application would then be submitted.</p> <p>The Applicant understands that Natural England has separately confirmed to the ExA that the above approach is appropriate and reasonable.</p>
<p>D. Design</p>	<p>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</p>	<p>A number of the elements of the design of the Proposed Development cannot be finalised until the tendering process for the design and construction of the generating station has been completed. The decision on the plant configuration and other aspects such as size or orientation of enclosures or buildings would depend on the contractor's selection of plant and process equipment, as well as detailed design work. The Applicant therefore considers it important that the consent retains suitable flexibility to allow for changing market conditions and in particular, the advancement of gas turbine technology in the period between the DCO application and starting construction.</p> <p>Consequently, in preparing the Proposed Development and the Application documentation (in particular the ES (APP-028 – APP-131, REP5-004 and REP5-005) and dDCO (Document 2.1I and Document 2.1J), the Applicant has had careful regard to the Planning Inspectorate's Advice Note 9: Using the 'Rochdale Envelope'. This advice recognises that "the 'Rochdale Envelope' is employed where the nature of the development</p>

	<p>any final design. Can the Applicant provide clarification on these matters?</p>	<p>means that some details of the whole project have not been confirmed (for instance the precise dimensions of structures) when the application is submitted, and flexibility is sought to address uncertainty" (paragraph 1.2).</p> <p>The ES therefore assessed the realistic worst-case scenario for each environmental discipline taking into account the flexibility sought. In the case of Air Quality, within the Application (APP-035 and APP-051) and dDCO (Document 2.1I and Document 2.1J), the Applicant has assessed a range of different scenarios that reflect the extent of the Rochdale Envelope considered. This includes assessment of up to five OCGT units, emissions parameters from a number of potential OCGT vendors, a range of stack heights and the potential location of the stack(s) within the Proposed Power Plant Site. Specifically, the assessment conservatively considered the potential impacts from stack emissions with stacks located at the defined maximum extents of the Gas Fired Power Station Work Area (Work No. 1) shown on APP-039 in each direction (as shown in Plate 2 of APP-051 – Appendix 6A: Air Quality) and the maximum predicted impacts at receptors have been reported.</p> <p>The predicted concentrations of oxides of nitrogen (NO_x including NO₂) at sensitive receptors from the flexibility/potential variation in stack locations was shown to have limited influence on the maximum reported values for air quality sensitive receptors. The reported impacts are considered worst-case based on the different plant configurations</p>
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		<p>assessed. Any changes within the Rochdale Envelope from the worst-case modelled scenario, for example the modelled outputs for a single large gas turbine, rather than up to five smaller gas turbine units with stacks aligned north to south, would only reduce the level of predicted impact and would not affect the conclusions of the assessment. The conservative assumptions used are presented in paragraph 6.6.25 of APP-035.</p> <p>From a landscape and visual perspective, a north-south configuration of multiple stacks would have a greater visual effects than an east-west configuration and it is therefore this scenario that has been assessed and reported in the ES. As set out in paragraph 10.3.29 of APP-039, the north-south configuration of stacks is assessed having a greater visual effect than an east-west configuration for receptors, as this would increase the visual extent of the Proposed Power Plant Site as a whole within views towards West Burton Power Station. Whereas an east-west configuration would be either viewed against West Burton Power Station or substantially screened by it.</p> <p>If multiple turbines and stacks are installed, a nominal north-south configuration should be adopted, unless it can be shown to the satisfaction of the relevant planning authority that the environmental impacts of an alternative configuration will be no worse than those assessed. Therefore, at the detailed design stage, if an east-west orientation were to be used as the preferred configuration in a multiple stack scenario, this may slightly reduce the visual effect of the Proposed</p>
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		<p>Development at each Viewpoint location. However, in accordance with Requirement 5 of the dDCO, if an east-west configuration was adopted, the air impacts would need to be reassessed to ensure that they remain comparable to those presented in the ES (APP-035 and APP-051), recognising that slightly taller stacks (although still within the maximum height envelope assessed in the ES) may be needed as a result.</p> <p>The Applicant is committed to balancing the environmental effects of the Proposed Development, within the Rochdale Envelope parameters assessed in order to minimise the environmental impacts of the Proposed Development.</p>
<p>E. Draft Development Consent Order</p>	<p>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</p>	<p>Maximum stack heights are included as these are a key parameter for the purposes of the environmental assessment, however it is not considered that minimum stack heights need to be included within Table 1 of Requirement 5 of the dDCO for the following reasons.</p> <p>The air quality assessment undertaken is based on current turbine performance and emission rates for pollutants such as nitrogen oxides, based on information provided by equipment vendors at the time of preparing the application. Turbine technologies are continuing to advance so that by the time the plant is moving to construction the emission performance of turbines may have further improved. In that situation lower stacks may be able to be utilised that achieve the same level of insignificance on environmental effects as presented in the ES. This would enable the</p>

	<p>dDCO should reflect all assessment in the ES.</p> <p>Therefore, the Applicant is required, 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.</p>	<p>Applicant to correspondingly reduce the visual impacts of the stacks. However, the Applicant would not be able to take advantage of any such development or innovation in turbine technology if a minimum stack height is specified in the dDCO.</p>
F. Planning Policy	<p>Can West Lindsey District Council provide copies of the Central Lincolnshire Local Plan 2012-2036 policies cited in its Local Impact Report [REP1-020]?</p>	<p>This request is not directed to the Applicant.</p>

Comments on any information submitted for Deadline 5

The Applicant has reviewed the two submissions from the Canal and River Trust (CRT) (**REP5-016** and **REP5-017**). The submission from the CRT is consistent with the Applicant's submission to Deadline 5 (**REP5-012**) in that the Applicant and CRT have agreed that Protective Provisions are not necessary.

No other submissions were submitted to Deadline 5 by Interested Parties.

Note on Policy Compliance

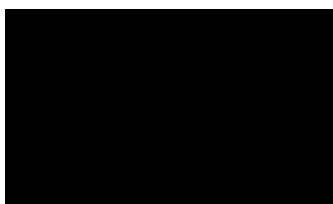
The Applicant has produced a note on policy compliance of the West Burton C Project in the light of recent legal challenges made in respect of the Drax Re-Power DCO and the Airports National Policy Statement. The note is provided to assist the Examining Authority in the consideration of, and the Secretary of State in its determination of, the application. The note is contained at **Document 13.3**.



Taking Matters Forward

I would be grateful if you would confirm receipt of the enclosed documentation and above information. Please do not hesitate to contact Emma Wreathall ([REDACTED]) or Elizabeth Dunn ([REDACTED]) should there be any queries.

Yours sincerely,



Jeremy Bush

Head of Business Development
[REDACTED]

Encs. As above