
West Burton C (Gas Fired Generating Station)

The West Burton C (Generating Station) Order ~~2019~~

Land to the north of the West Burton B Power Station,
Nottinghamshire

Habitats Regulations Assessment No Significant Effects Report



Applicant: EDF Energy (Thermal Generation) Limited
Date: April 20192020

DOCUMENT HISTORY

DOCUMENT NUMBER	4.3		
Revision	<u>01</u>		
Author	Steven Ward MCIEEM		
Signed		Date	April <u>2019</u> <u>2020</u>
Approved By	R. Lowe		
Signed		Date	April <u>2019</u> <u>2020</u>
Document Owner	AECOM		

GLOSSARY

ABBREVIATION	DESCRIPTION
Applicant	EDF Energy (Thermal Generation) Limited.
BDC	Bassetlaw District Council – the local planning authority with jurisdiction over the area within which the West Burton Power Station Site and Proposed Development Site (the Site) are situated.
CCGT	Combined Cycle Gas Turbine – a CCGT is a combustion plant where a gas turbine is used to generate electricity and the waste heat from the flue-gas of the gas turbine is converted to useful energy in a heat recovery steam generator (HRSG), where it is used to generate steam. The steam then expands in a steam turbine to produce additional electricity.
DCO	Development Consent Order - made by the relevant Secretary of State pursuant to the Planning Act 2008 to authorise a Nationally Significant Infrastructure Project. A DCO can incorporate or remove the need for a range of consents which would otherwise be required for a development. A DCO can also include rights of compulsory acquisition.
ES	Environmental Statement – a report in which the process and results of an Environment Impact Assessment are documented.
HRA	Habitats Regulations Assessment – the assessment of the impacts of implementing a plan or policy on a Natura 2000 site required under the Habitats Directive.
HRSG	Heat Recovery Steam Generator – an energy recovery heat exchanger that recovers heat from a hot gas stream. It produces steam that can be used in a process (cogeneration) or used to drive a steam turbine (combined cycle).

ABBREVIATION	DESCRIPTION
km	Kilometre – unit of distance.
kV	Kilovolt – unit of voltage
MW	Megawatt – unit of power
NSER	No Significant Effects Report – a report describing the findings of the Habitats Regulations Assessment (HRA).
OCGT	Open Cycle Gas Turbine – a combustion turbine plant fired by gas or liquid fuel to turn a generator rotor that produces electricity.
PEI	Preliminary Environmental Information –the information referred to in Part 1 of Schedule 4 of the EIA Regulations that has been reasonably compiled by the applicant, and is reasonably required to assess the environmental effects of a development project.
PINS	Planning Inspectorate – executive agency of the Ministry of Housing, Communities and Local Government of the United Kingdom Government.
SAC	Special Area of Conservation – high quality conservation sites that are protected under the European Union Habitats Directive, due to their contribution to conserving those habitat types that are considered to be most in need of conservation.
SPA	Special Protection Area – strictly protected sites classified in accordance with Article 4 of the EC Birds Directive. Special Protection Areas are Natura sites which are internationally important sites for the protection of threatened habitats and species.
WBA	West Burton A - the existing coal-fired power station within the West Burton Power Station Site, owned and operated by the Applicant.
WBB	West Burton B - the existing gas-fired power station, using Combined Cycle Gas Turbine (CCGT) technology, owned and operated by the Applicant.
WLDC	West Lindsey District Council – the adjoining local planning authority to Bassetlaw District Council in which the West Burton Power Station Site and Proposed Development Site (the Site) are situated.

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Executive Summary

This Habitats Regulations Assessment No Significant Effects Report has been prepared on behalf of EDF Energy (Thermal Generation) Limited (the Applicant) and forms part of the application for development consent for the construction, operation (and maintenance) and decommissioning of a new gas fired electricity generating station ('the Proposed Development'). The Proposed Development is located within the wider West Burton Power Station site, to the north of West Burton B Power Station, in Nottinghamshire.

Section 1 provides an overview of the Proposed Development, the Applicant and a description of the Site. It also details the components of the Proposed Development, the purpose of this document and provides an overview of the Habitats Risk Assessment (HRA) procedure. Additionally, it provides details of the relevant statutory consultees who were contacted and their responses.

Section 2 explains the screening assessment that has been conducted and the sites that have been assessed.

Section 3 concludes that the Proposed Development would have no likely significant effects on any of the assessed sites.

1. Introduction

1.1 Overview

- 1.1.1 This Habitats Regulations Assessment (HRA) No Significant Effects Report (NSER) has been prepared on behalf of EDF Energy (Thermal Generation) Limited (the Applicant). It forms part of the application (the Application) for development consent that has been submitted to the Secretary of State pursuant to the Planning Act 2008 (2008 Act) (Ref 1).
- 1.1.2 The Applicant is seeking development consent for the construction, operation (including maintenance) and decommissioning of a new gas fired electricity generating station of up to 299 megawatts (MW) of gross electrical output, including electrical, gas and utility connections, a construction laydown area and other associated works (the Proposed Development) on land to the north of the existing West Burton B (WBB) Power Station, in Nottinghamshire. The Proposed Development is described in **Chapter 4: The Proposed Development (ES Volume I) (Application Document Ref. 5.2)**.
- 1.1.3 The Proposed Development falls within the definition of a '*Nationally Significant Infrastructure Project*' (NSIP) under Section 14(1)(a) and Sections 15(1) and (2) of the 2008 Act, as it is an onshore generating station in England that would have a generating capacity greater than 50MW electrical output (50MWe). As such, a DCO is required to authorise the Proposed Development in accordance with Section 31 of the 2008 Act.
- 1.1.4 The DCO, if made by the Secretary of State, would be known as the 'West Burton C (Gas Fired Generating Station) Order' (the Order).

1.2 The Applicant

- 1.2.1 As described above, the Applicant is EDF Energy (Thermal General) Limited which owns and operates the two existing power stations at the West Burton Power Station site; West Burton A (WBA) and West Burton B (WBB), as well as the nearby Cottam Power Station.
- 1.2.2 EDF Energy (Thermal Generation) Limited is part of EDF Energy which is the UK's largest producer of low-carbon electricity, the biggest supplier of electricity by volume in Great Britain and the largest supplier to British business.

1.3 The Site

- 1.3.1 The Site comprises land within the boundary of the existing West Burton Power Station site near Gainsborough, Nottinghamshire. The land is within the ownership of the Applicant. The Site is centred on national grid reference 480275, 386241 (the middle of the Proposed Power Plant Site, as defined in **Chapter 3:**

Description of the Site and its Surroundings (ES Volume I) (**Application Document Ref. 5.2**).

- 1.3.2 The West Burton Power Station site is located approximately 3.5km to the south-west of the town of Gainsborough and 1km to the north-east of Sturton-le-Steeple and lies close to the junction of the A631/A620, being accessed by a C-class road (the C2), which joins the A620 at Bole Corner. The nearest settlement is the village of Bole located approximately 1km to the north-west of the Proposed Power Plant site.
- 1.3.3 The entire Site lies within the administrative boundary of Bassetlaw District Council (BDC), close to the border with West Lindsey District Council (WLDC) (defined by the River Trent to the east).
- 1.3.4 The West Burton Power Station site covers in excess of 200ha. WBA Power Station is a coal fired power station, which was commissioned in 1968. It comprises four coal-fired units with two chimney stacks (each 198m high) and eight natural draught cooling towers (each 112m high), with cooling water sourced from the River Trent. It supplies up to 2,000MW of electricity to the National Grid.
- 1.3.5 Adjacent to the east of WBA Power Station is the WBB Power Station, a combined cycle gas turbine (CCGT) Power Station, which was commissioned in 2013. It comprises three units, each having a gas turbine, a heat recovery steam generator (HRSG) and an associated steam turbine, with a combined output capacity of 1,332MW. The WBB Power Station connects to the National Grid Transmission System approximately 0.7km to the south of the WBB Power Station site via the existing WBA 400 kilovolt (kV) substation, located within the confines of the overall West Burton Power Station site. The WBB Power Station is also served by an underground gas pipeline connection entering the WBB Power Station site at its north-eastern boundary.

1.4 The Proposed Development

- 1.4.1 The Proposed Development would comprise a gas fired generating station with gross electrical output capacity of up to 299MW with associated buildings, structures and plant defined in the draft DCO as Work No. 1 and shown on the Works Plans (**Application Document Ref. 3.2**) as **Work No. 1: Sheet 1 of 10** including:
 - up to five open cycle gas turbine (OCGT) units and associated generators, potentially housed within building(s), with stack(s), transformer(s), air inlet filter(s) and exhaust gas diffuser(s);
 - associated switchgear and ancillary equipment; and
 - auxiliary closed loop cooling equipment/systems.
- 1.4.2 In an OCGT, natural gas fuel is mixed and combusted with air from the compressor section of the gas turbine and the hot gases are expanded through

the power turbine section of the turbine, which drives a generator to produce electricity for export to the National Grid electricity transmission system.

- 1.4.3 Peaking plants, such as that proposed, are used to rapidly supply electricity to the network when required by the National Grid. These plants can be fired up at short notice to help cope with periods of high demand or low electricity supply nationally (for example when the wind is not blowing to enable sufficient output to be achieved from the wind farms in the UK), or when required to provide ancillary services to support the National Grid. This is expected to be weighted towards the winter period, usually for a few hours at a time. However, as the operation of the plant is driven by the dynamics of the energy market, the plant could run for longer periods, at any time of day, up to the maximum allowed under its Environmental Permit, which is anticipated to be 1,500 hours per year on a rolling five year average.
- 1.4.4 The Proposed Development is described in further detail in the Environmental Statement (ES) (Volume I) (**Application Document Ref. 5.2, Chapter 4: The Proposed Development**).

1.5 The Purpose of this Document

- 1.5.1 This report presents the outcomes of the HRA screening exercise undertaken for the Proposed Development. It has been prepared in accordance with Planning Inspectorate (PINS) guidance on HRA for Nationally Significant Infrastructure Projects (NSIPs) (Ref 2).
- 1.5.2 The Report contains, or cross-references to, the information necessary for the competent authority to determine whether an appropriate assessment of the implications of the Proposed Development on relevant European sites¹ is required, in order to meet its obligations under Article 6(3) of the Habitats Directive (Ref 3) and Regulation 63 of The Conservation of Habitats and Species ~~and Planning (Various Amendments) (England and Wales)~~ Regulations 2017 (as amended)⁸ (Ref 4) (the Habitats Regulations).

1.6 Interaction with other competent authorities

- 1.6.1 PINS Advice Note Ten (Ref 2) requires an evaluation of the potential for the Proposed Development to require other consents which could also require HRA by different competent authorities, and a statement as to whether the Order Limits for the Application overlaps with devolved administrations or other European Economic Area (EEA) States.
- 1.6.2 It is confirmed that the Order Limits for the Proposed Development does not overlap with areas of devolved administrations, nor with those of other EEA States.

¹ Special Areas of Conservation (SAC), candidate SAC (cSAC), possible SAC (pSAC), Special Protection Areas (SPA), possible SPA (pSPA) or Ramsar sites

1.7 Consultation with Natural England and/ or General Public

- 1.7.1 Regulation 63(3) & (4) of the Habitats Regulations refer to the need for, and option of, consultation with Natural England and the public respectively.
- 1.7.2 At EIA scoping stage, Natural England was consulted on the proposed scope of the ecological impact assessment (EclA). In their response to statutory consultation on the Preliminary Environmental Information (PEI) report, Natural England acknowledged that the assessment undertaken followed their advice at the scoping stage and has been undertaken in accordance with published best practice guidance. Natural England also acknowledged that given there is no potential for effects on international statutory designations; the Proposed Development does not require HRA. Their responses to both scoping and formal consultation stages of the ES are presented in **Appendix A**. The Applicant also undertook further engagement with Natural England (meeting 6 November 2017) to discuss comments raised on the PEI Report. A summary of the comments received from Natural England in respect of the potential for adverse effects on statutory designated sites is provided in **Table 9-2 of Chapter 9: Ecology (ES Volume I) (Application Document Ref. 5.2)**.
- 1.7.3 Engagement has continued leading up to submission of the Application, to provide copies of final draft documents and offer a pre-application meeting (which took place on 6 April 2019) to:
- discuss final proposals and assessments;
 - obtain feedback prior to submission of Application; and
 - agree an approach to drafting of Statements of Common Ground (SoCG) prior to submission of the Application
- 1.7.4 Other consultees, including the Environment Agency, Marine Management Organisation, Nottinghamshire County Council, Bassetlaw District Council and Nottinghamshire Wildlife Trust, either deferred to Natural England's judgement regarding HRA or made no specific comment on HRA in their responses to statutory consultation (see **Table 9-2 within Chapter 9: Ecology (ES Volume I) (Application Document Ref. 5.2)**).
- 1.7.5 The public have been able to take part and provide their views of the Proposed Development through the Applicant's pre-application consultation processes (information on responses is set out in the Consultation Report (**Application Document Ref 4.1**)).

1.8 Overview of HRA Procedure and Context

- 1.8.1 The Office of Deputy Prime Minister (ODPM) Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the

Planning System) (Ref 5) provides guidance on how the Regulations should be implemented. This is interpreted and summarised as follows:

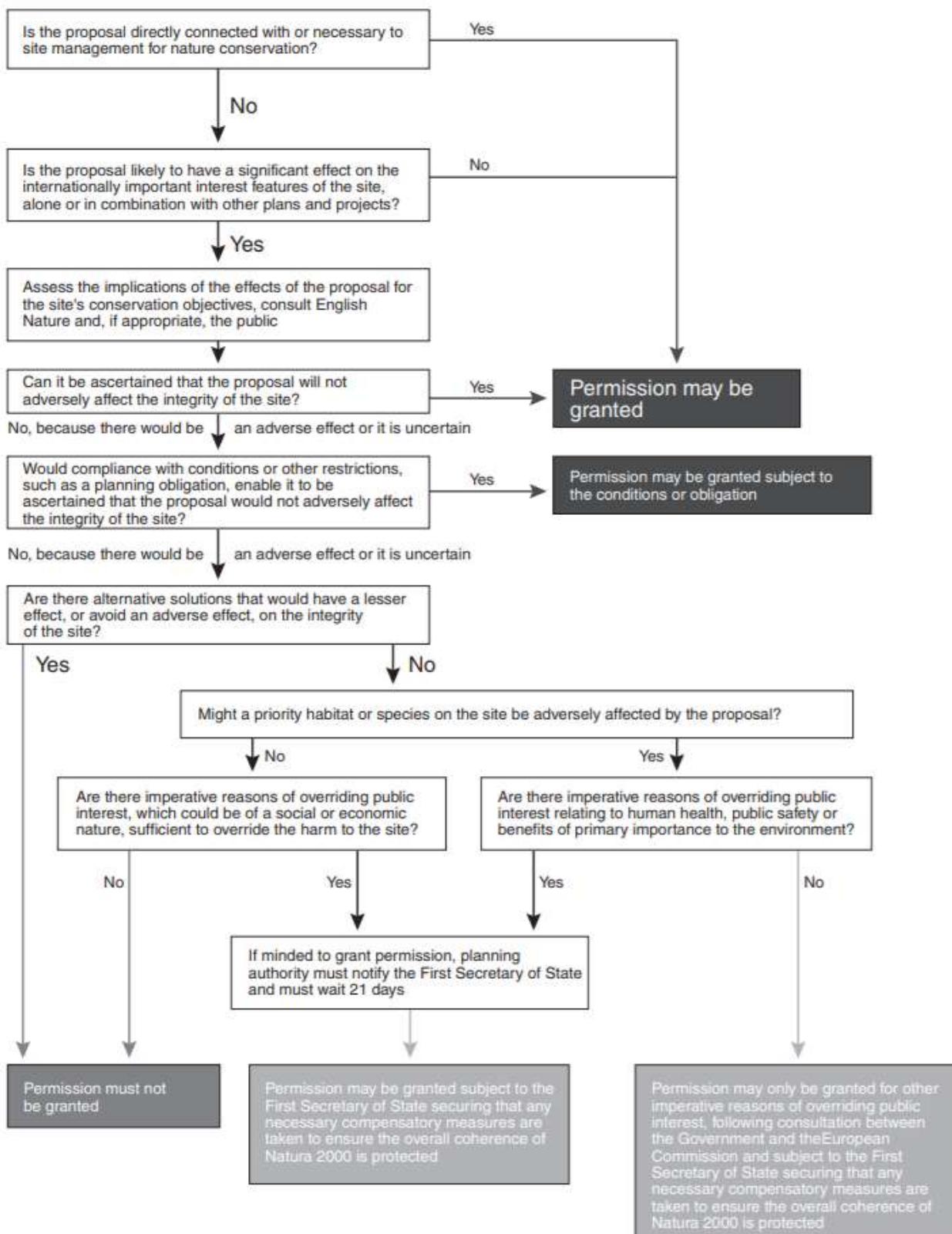
- determination of whether the proposal is likely to have a significant effect, either alone or cumulatively (referred to as 'in-combination' in HRA terms) with other plans or projects, on a European site;
- if a significant effect is likely, the competent authority must conduct an Appropriate Assessment of the implications for the site in view of the site's conservation objectives;
- in considering the project's effects on the site's conservation objectives, the competent authority must determine whether it can ascertain that the proposal will not adversely affect the integrity of the site;
- taking account of the way in which works are proposed to be carried-out, and the site conditions or other restrictions;
- being satisfied that there are no alternative solutions which would have a lesser effect on site integrity;
- considering whether there are Imperative Reasons of Overriding Public Interest (IROPI) to justify granting of permission for the development, despite a potentially negative effect on site integrity; and
- in the absence of alternatives, and where the importance of the development outweighs the harm to a European site, consideration of proposed compensatory measures (to ensure that the overall coherence of the network of wider network of Natura 2000 sites is protected).

1.8.2 A flow chart of the HRA process (showing the decisions that are required at each stage) is provided as [Figure 1](#). A four-stage methodology for HRA would therefore include:

- HRA Stage 1: Screening (including a 'likely significant effect' judgement);
- HRA Stage 2: Appropriate Assessment;
- HRA Stage 3: Assessment of Alternative Solutions; and
- HRA Stage 4: Assessment where no alternative solutions exist and where adverse effects remain.

1.8.3 Whilst the process is undertaken by a competent authority, the information needed to undertake the assessments is generally provided by the Applicant. For the Proposed Development, the necessary information is presented within **Chapter 4** (The Proposed Development), **Chapter 6** (Air Quality), **Chapter 9** (Ecology) and **Chapter 12** (Flood Risk, Hydrology and Water Resources) of the ES (**Application Document Ref 5.2**).

Figure 1: Consideration of development proposals affecting Internationally Designated Nature Conservation Sites (Ref 5)



2. Stage 1: Screening Assessment

2.1 Scheme Description and Alternatives

- 2.1.1 Whilst section 1 of this report provides an overview of the Proposed Development, a detailed description is provided in **Chapter 3: Description of the Site and its Surroundings** and **Chapter 4: The Proposed Development** (ES Volume I) (**Application Document Ref 5.2**).
- 2.1.2 Consideration of the different alternatives considered in relation to the Proposed Development is provided in **Chapter 4: The Proposed Development** (ES Volume I) (**Application Document Ref 5.2**).

2.2 The Need for the Proposed Development

- 2.2.1 A description of the rationale for the Proposed Development is presented in **Chapter 4: The Proposed Development** (ES Volume I) (**Application Document Ref 5.2**).

2.3 Designated Sites

- 2.3.1 A search was made for European sites within a 10km radius of the Site as part of the desk study undertaken to inform the EclA (see **Chapter 9: Ecology** (ES Volume I) and **Appendix 9C: Preliminary Ecological Appraisal** (ES Volume II) (**Application Document Ref 5.2**)). There are no such statutory designated sites within a 10km radius of the Site.
- 2.3.2 The closest European site is Hatfield Moor Special Area of Conservation (SAC), located approximately 19.5km north-west of the Site. This is the second-largest area of extant lowland raised peat bog in England.
- 2.3.3 Thorne Moor Special Protection Area (SPA), located approximately 25km from the Site, supports important populations of the Annex II species European nightjar (*Caprimulgus europaeus*). Thorne Moor SAC is largely coincidental with the SPA and comprises England's largest area of raised bog, lying a few kilometres from the smaller Hatfield Moor SAC.
- 2.3.4 The Birklands and Bilhaugh SAC lies approximately 25km south-west of the Site, which is designated for acidophilous oak woods.
- 2.3.5 The Humber Estuary SAC, located approximately 30-40km north-east of the Site, is designated for its estuaries, mudflats and sandflats not covered by seawater at low tide. The Humber Estuary SPA is designated for populations of European importance of Annex I and Annex II over-wintering wildfowl and wading birds and internationally important assemblage of migratory and wintering birds. The Humber Estuary Ramsar is designated for its estuarine habitats, including dune systems, intertidal mud and sand flats, saltmarshes and brackish lagoons. It

supports grey seal and internationally important populations of passage wildfowl and waders.

2.4 Screening for Likely Significant Effects on European Sites

Potential Surface Water Impacts

- 2.4.1 The nearest part of the Humber Estuary SPA/SAC/Ramsar is approximately 25km downstream of the Site, near to the confluence of the River Trent and the River Humber. There are no direct discharges to the River Trent proposed either during the construction or operational phase of the Proposed Development. **Chapter 12: Flood Risk, Hydrology and Water Resources (ES Volume I) (Application Document Ref 5.2)** provides further information. Design and impact avoidance measures to minimise the risk of unplanned discharges (e.g. fuel spills during construction) which could impact the River Trent (and theoretically therefore present a risk to the Humber Estuary SPA/SAC/Ramsar) are presented in this chapter. However, over this distance and even in the absence of such design and impact avoidance measures, it is reasonable to assume that any surface water pollution would have significantly diluted over this distance such that it would not pose a risk to designated features. The nearest grey seal breeding colony is at Donna Nook on the Lincolnshire coast, which is approximately 100km from the Site (via the tidal Trent and Humber) and can therefore reasonably be considered to be outside the zone of influence of any potential surface water impacts arising from the Proposed Development.
- 2.4.2 Standard environmental measures to control pollution during the construction phase will adequately minimise the risk of pollution entering the River Trent. These measures are required for best practice and to meet the requirements of environmental legislation for construction. A Construction Environmental Management Plan (CEMP) will be prepared for the construction phase setting out how the risk of surface water impacts will be adequately controlled, and an emergency plan developed in the case of an accidental spillage to minimise impacts on the River Trent. A Framework CEMP is provided as **Application Document Ref. 7.3**.
- 2.4.3 Operationally, discharges of surface water runoff to the River Trent would be managed via a new surface water drainage system comprising pond(s) and/or a tank or similar, with a ‘tie-in’ into the existing purge line and outfall to the River Trent, near the existing sewage treatment works to the north-east of the Site. Discharges would be monitored and controlled through an Environmental Permit required for the operation of the Proposed Development. Operational impacts on the River Trent and thereby on the Humber Estuary designated sites are therefore considered to be not significant.

Potential Noise Impacts

2.4.4 No pathways by which noise could give rise to likely significant effects on species within any designated European site have been identified given that any works associated with the Proposed Development will be approximately 19.5km from the nearest designated site. Over such distances, it is reasonable to conclude that there would be no propagation of noise such that the qualifying features could be affected. This pathway is therefore scoped out.

Other Impacts

2.4.5 Given the distance between the European sites and the Site, there is no pathway that could result in direct habitat loss or direct physical damage to any of the designated habitats. Similarly, there are no groundwater pathways over this distance through which the Proposed Development could give rise to any effects on the groundwater dependent terrestrial ecosystems (GWTEs) of the European sites. These pathways are therefore scoped out.

Potential Air Quality Impacts

2.4.6 Given that both Hatfield and Thorne Moor SAC lie outside the 10km screening distance, no assessment of potential air quality impacts on the designated habitat features of these sites was completed as part of the ES (**Application Document Ref 5.2**). Rather, the assessment focussed on assessment of impacts and effects due to point source emissions from stacks at statutory and non-statutory designated sites within a 10km radius.

2.4.7 The air quality assessment of operational impacts has assumed that the emission limit values (ELV) will be met for the operational plant, as required under the IED and in accordance with use of BAT under the Environmental Permitting regime. The effects from operation of the Proposed Development have been identified as not significant through the assessed stack heights for the two gas turbine technology options; therefore no additional mitigation has been identified as necessary for the operational phase of the Proposed Development. Results are presented in full in Tables 20 – 23 of **Appendix 6A: Air Quality (ES Volume II)** and summarised in **Chapter 6: Air Quality** (paragraphs 6.6.22 – 6.6.28) (ES Volume I) (**Application Document Ref 5.2**).

2.4.8 At the closest statutory designated site (Lea Marsh SSSI), located approximately 1km north-east of the Site, the magnitude of change on the Critical Load value for the Site compared to background levels is considered to be imperceptible, resulting in a negligible (not significant) effect on the SSSI. In addition, the technology selected for the Proposed Development will not result in any emissions of ammonia (which would constitute an additional source of nitrogen). Therefore, as no emissions from the Proposed Development would have a significant effect at the closest statutory designated site within 10km, and as the closest European

Site is located 19.5km away, in HRA terms it is not considered that any significant effects on a European Site could occur.

- 2.4.9 No in-combination effects assessment is necessary because no European sites would be affected by the Proposed Development.

3. Conclusions

- 3.1.1 For all potential source-receptor pathways identified, the ES concluded that the Proposed Development will not result in any significant effects on designated sites. When considered in HRA terms, the technical assessments undertaken are considered to present sufficient evidence for a conclusion of no likely significant effect (LSE) on any European site. Given that no European sites would be affected by the Proposed Development, no in-combination effects are predicted.
- 3.1.2 It is, therefore, not considered necessary to carry out any further stages of HRA. This conclusion is supported by the relevant statutory nature conservation body, Natural England.
- 3.1.3 The screening matrices referenced within PINS' HRA guidance (Ref 2) have not been completed because no assessment of the potential effects of the Proposed Development on specific features of European sites has been made.

4. References

- Ref 1 HM Government (2008) *The Planning Act 2008*.
- Ref 2 The Planning Inspectorate (2017) Advice Note Ten: Habitats Regulations Assessment relevant to nationally significant infrastructure projects – Version 8.
- Ref 3 European Commission (1992) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.
- Ref 4 HM Government (2017)⁷⁸ ~~The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales)~~ Regulations 2017 ~~(as amended)~~⁸.
- Ref 5 Office of the Deputy Prime Minister (ODPM) (2005) Government circular: Biodiversity and geological conservation – statutory obligations and their impact within the planning system.

Appendix A Relevant Consultation Responses

Date: 16 October 2017
Our ref: 225488
Your ref: none



Carly Vince
Chief Planning Officer
EDF Energy

BY EMAIL ONLY

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T 0300 060 3900

Dear Ms Vince

Planning consultation: West Burton C Power Station – Formal Consultation Section 42 (Planning Act 2008) for new gas-fired peaking plant power station of up to 299MW

Location: Existing West Burton Power Station Site

Thank you for your consultation on the above dated 06 September 2017 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Planning Act 2008

Wildlife and Countryside Act (as amended) 1981

Countryside and Rights of Way Act 2000

Natural England has reviewed the Preliminary Environmental Information Report (PEIR) which comprises Volume 1 to 3 and the Non-Technical Summary. We have provided our comments on each chapter as an annex to this letter. Our comments are on the basis of the information provided within the PEIR and understanding gained during pre-application discussions with EDF Energy and AECOM.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Roslyn Deeming on 02080268500. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Roslyn Deeming
Lead Adviser
Sustainable Development Team
East Midlands Area

Annexe to letter response

Chapter 1 Introduction

Natural England is satisfied with the information provided within this chapter.

Chapter 2 Assessment Methodology

Natural England is satisfied with the information provided within this chapter.

Chapter 3 Description of the Site and its Surroundings

Natural England is satisfied with the information provided within this chapter. We particularly welcome the explanation of the proposed area for ecological mitigation and enhancement for the permanent and temporary loss of habitat used by protected species and the reference to Figures 3.3 and 9.1 in PEI Report Volume III. We note that a Landscaping and Biodiversity Strategy will be included as part of the documents accompanying the application for development consent. We understand that this Strategy will detail the measures to be implemented by requirement of the Development Consent Order (DCO).

We acknowledge that the ecological receptors have been identified. We are also pleased to note the reference to the National Character Areas (NCA) and the Lincolnshire Wolds AONB.

Chapter 4 The Proposed Development

Natural England is satisfied with the information provided within this chapter. As previously mentioned above under chapter 3, we note that a Landscaping and Biodiversity Strategy will be submitted with the proposed application for development consent.

Chapter 5 Legislative Context and Planning Policy Framework

Natural England is satisfied with the information provided within this chapter.

Chapter 6 Air Quality

We note that identified receptors are detailed in Table 6-11 including ecological sites within 2km of the proposed development which includes the Lea Marsh SSSI. We acknowledge that baseline pollutant concentrations for Lea Marsh SSSI has been obtained from the APIS website and have been set out in Appendix 6A (PEI report Volume II).

The report has correctly assessed that the Lea Marsh SSSI is designated for species that may be sensitive to nutrient nitrogen deposition and acid deposition. The assessment shows that the maximum process contribution from the proposed development of nutrient nitrogen deposition at Lea Marsh is less than 1% of the critical load published for the most sensitive habitat type. We are therefore satisfied with the report's assessment that the effect of nutrient nitrogen and acid deposition from the proposed development is described as negligible adverse (i.e. not significant)

Chapter 7 Traffic and Transport

Natural England has no comment to make on this chapter.

Chapter 8 Noise and Vibration

Natural England notes that potential effects of noise on ecology and nature conservation interests have been considered in Chapter 9: Ecology, and has no further comment to make on this chapter.

Chapter 9 Ecology

Natural England acknowledges that the assessment within this chapter has followed our advice at the scoping stage to consider impacts on statutory and non-statutory nature conservation designations, and protected and notable habitats and species and has been undertaken in accordance with published best practice guidance.

We note from Table 9-5: Scope of ecological field survey work, that the survey work is up to date, being carried out over the last year (2017). We also note that a number of surveys are only partially complete (bat roost & bat activity and otter & water vole) and we will look forward to receiving the

completed information for these.

We acknowledge there are no international nature conservation designations within a 10km radius of the Site, which is the worst-case zone of influence defined in Table 9-4. We also acknowledge that given there is no potential for effects on international statutory designations the proposed development does not require Habitats Regulations Assessment (HRA).

We note that the Lea Marsh SSSI has been identified as a designation of national nature conservation value.

Great Crested Newts

We note in paragraph 9.4.7 that the proposed development would be located on a landscaped area which included several artificial amphibian hibernacula established as part of the agreed habitat compensation for the loss of great crested newt habitat associated with the construction of the West Burton B power station. This would result in a loss of terrestrial habitat within the site which may be suitable for great crested newts.

Natural England welcomes the intention at paragraph 9.5.7 to apply for a GCN mitigation licence given that the potential for killing or injuring GCN is high. The details of mitigation required would need to be agreed with us prior to submission of the application for development consent and we have suggested that advice is sought through our Pre-Submission Screening Service (PSS) please see the gov.uk website for further information:

(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/482399/pss-request-form.pdf).

Bats

Natural England is satisfied with the evaluation of impacts upon foraging bats and notes that there is no evidence of bat roosting within the site. The mitigation and enhancement measures identified in section 9.7 which involve the enhancement of wetland and scrub habitat to the north of the site would be appropriate for bats. We also welcome the proposals to minimise lighting and note the preparation of a lighting strategy to support the application.

Badger

We note that the badger survey report (Appendix 9D) identifies that badgers are present within the site in a [REDACTED] which is used sporadically at the time of survey. Other [REDACTED] are located within [REDACTED]. Construction works would result in the loss of the single subsidiary sett within the site boundary, and would also potentially directly affect other [REDACTED] proximity. We acknowledge that the report recognises that it is likely that it will be necessary to obtain a Natural England licence to close setts that would be affected by the development and this can be discussed further through our Pre-submission Screening Service (see above).

We also acknowledge that design and impact avoidance measures are proposed in order to reduce the potential for adverse effects on badger and will be reported in the Environmental Statement which will accompany the DCO.

Grass Snake

We acknowledge the measures to prevent killing/injury of GCN would also serve to prevent direct impacts on grass-snakes in the same area.

Breeding Birds

We acknowledge that all clearance of vegetation would be undertaken outside of the nesting bird breeding season.

Water Vole

We have noted above that water vole surveys have not as yet been fully completed however we would have expected the ecological report to contain further information on this species at this stage.

Ecological Clerk of Works

We note that works relating to decommissioning would be supervised by an Ecological Clerk of Works which is welcome however we suggest that the need for this level of supervision may be required within the construction phase.

We note that the potential impacts of air quality on Lea Marsh SSSI are assessed within Chapter 6: Air Quality and its accompanying Appendix 6A (see PEI Report Volume II) which we have commented on above.

In the section on mitigation and enhancement measures we are pleased to note that the proposals have been designed to ensure no net loss of biodiversity as a result of the proposed development, and that the Defra offsetting metric has been used in the calculation. This approach is welcome however Natural England advises that developments should ideally result in a net gain of biodiversity where possible to comply with the guidance set out in the NPPF. We also note that the proposals would also deliver compensatory habitat provision for great crested newt to meet EPS licensing requirements which we will discuss further as mentioned above.

Chapter 10 Landscape and Visual Amenity

Natural England welcomes the detailed landscape and visual impact assessment (LVIA) that has been undertaken and provided within this chapter. We support the use of the Landscape Institute and Institute of Environmental Management and Assessment in the publication *Guidelines for Landscape and Visual Impact Assessment- Guidance for England and Scotland* (2013, 3rd edition) which has been followed in the chapter's methodology. We also welcome reference to the National Character Areas (NCA).

Natural England's landscape advice is focussed on impacts upon protected landscapes. As the nearest protected landscape, the Lincolnshire Wolds Area of Outstanding Natural Beauty, lies outside of the study area and no effects resulting from the Proposed Development are predicted we therefore have no further comment on this chapter.

Chapter 11 Ground Conditions and Hydrogeology

Natural England has no comment to make on this chapter.

Chapter 12 Flood Risk, Hydrology and Water Resources

Natural England is satisfied with the information provided within this chapter and acknowledges that the impact on biodiversity has been considered in relation to watercourses, drain and other water features.

Chapter 13 Socio-economics

Natural England has no comment to make on this chapter.

Chapter 14 Cultural Heritage

Natural England has no comment to make on this chapter.

Chapter 15 Sustainability and Climate Change

We welcome the consideration of ecology and biodiversity in relation to the sustainability of the proposed development.

Chapter 16 Cumulative and Combined Effects

Natural England has no comment to make on this chapter.

Date: 19 May 2017
Our ref: 214150
Your ref: EN010088



Ian Wallis
EIA Advisor
Major Applications and Plans

BY EMAIL ONLY

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Dear Mr Wallis

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended): Proposed peaking plant project - EIA Scoping Report Notification and Consultation

Location: West Burton C Power Station, Near Gainsborough

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 27 April 2017 which we received on 28 April 2017.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Roslyn Deeming on 02080268500. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Roslyn Deeming
Lead Adviser, Sustainable Development Team, East Midlands Area

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² Note on Environmental Impact Assessment Directive for Local Planning Authorities Office of the Deputy Prime Minister (April 2004) available from

<http://webarchive.nationalarchives.gov.uk/+//http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the ‘in combination’ effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. In addition paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site

identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site is in close proximity to the following designated nature conservation site:

- Lea Marsh SSSI
- Further information on the SSSI and its special interest features can be found at www.magic.gov. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within this site and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.
- Natura 2000 network site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the Nottinghamshire Local Wildlife Trust for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted

standing advice for protected species which includes links to guidance on survey and mitigation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the Nottinghamshire Biological and Geological Records Centre, the Nottinghamshire Wildlife Trust, local geoconservation group or other recording society and a local landscape characterisation document).

3. Designated Landscapes and Landscape Character

Nationally Designated Landscapes

There are no nationally designated landscapes within the vicinity of the site.

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of

Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

Heritage Landscapes

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm.

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Rights of Way, Access land, Coastal access and National Trails

The EIA should consider potential impacts on access land, public open land and rights of way in the vicinity of the development. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

5. Soil and Agricultural Land Quality

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

6. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

7. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

8. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Ancient Woodland – addition to the S41 NERC Act paragraph

The S41 list includes six priority woodland habitats, which will often be ancient woodland, with all ancient semi-natural woodland in the South East falling into one or more of the six types.

Information about ancient woodland can be found in Natural England's standing advice http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland_tcm6-32633.pdf.

Ancient woodland is an irreplaceable resource of great importance for its wildlife, its history and the contribution it makes to our diverse landscapes. Local authorities have a vital role in ensuring its conservation, in particular through the planning system. The ES should have regard to the requirements under the NPPF (Para. 118)² which states:

'Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.'