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9th April 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 7

On behalf of EDF Energy (Thermal Generation) Limited, please find enclosed the Applicant’s responses and information pursuant to Deadline 7, in accordance with the Rule 8 Letter, dated 6th November 2019.

Deadline 7 submissions

The documents submitted in support of the Applicant’s submission to Deadline 7 are as follows:

1. the Applicant’s Covering Letter (i.e. this document) (**Document 14.1**);
2. an updated Navigation Document including all documentation provided since the Application was submitted (**Document 1.3G**);
3. updated draft Development Consent Order (Version 6) – Tracked (**Document 2.1K**) and Clean (**Document 2.1L**);
4. Table of Amendments to the draft Development Consent Order (**Document 14.2**);

5. Schedule of Other Consents and Licences (Version 3) – Tracked (**Document 4.2E**) and Clean (**Document 4.2F**).
6. Habitats Regulations No Significant Effects Report (Version 1) – Tracked (**Document 4.3A**) and Clean (**Document 4.3B**);
7. Environmental Statement (ES) Volume I, Chapter 9: Ecology (Version 2) – Tracked (**Document 5.2C**) and Clean (**Document 5.2D**);
8. ES Volume II, Appendix 9A: Legislation and Planning Policy (Version 1) – Tracked (**Document 5.2C**) and Clean (**Document 5.2D**);
9. ES Volume II, Appendix 9C: Preliminary Ecological Appraisal (Version 1) – Tracked (**Document 5.2C**) and Clean (**Document 5.2D**);
10. ES Volume II, Appendix 9E: Great Crested Newt Survey Report (Version 1) – Tracked (**Document 5.2C**) and Clean (**Document 5.2D**);
11. ES Volume II, Appendix 9G: Bat Survey Report (Version 1) – Tracked (**Document 5.2C**) and Clean (**Document 5.2D**);
12. ES Volume II, Appendix 9I: Riparian Mammal Survey Report (Version 1) – Tracked (**Document 5.2C**) and Clean (**Document 5.2D**);
13. Framework Construction Environmental Management Plan (Version 2) – Tracked (**Document 7.3C**) and Clean (**Document 7.3D**); and
14. Landscaping and Biodiversity Management and Enhancement Plan (Version 4) – Tracked (**Document 7.5G**) and Clean (**Document 7.5H**).

Rule 17 Letter dated 3rd April 2020

The ExA issued a Rule 17 Letter on 3rd April 2020 requesting further information from the Applicant. The Applicant's response is provided below and each item is taken in turn.

Topic	ExA's Request	Applicant's Response
A. Soil Management	The Examining Authority (ExA0) notes the revision to the content of the Framework Construction Environmental Management Plan (CEMP) [REP6-007] submitted at Deadline 6 to include section 2.9	The Applicant accepts the proposed wording amendment and has updated the Framework Construction Environmental Management Plan (CEMP) (REP6-007) submitted at Deadline 6. Version 2 is contained at Document 7.3C (Tracked) and Document 7.3D (Clean).

	<p>relating to soil management and minimum ground levels. However, the wording does not go far enough to fully alleviate his concerns. The Applicant is therefore requested the change the words 'has no intention of taking' in the second line of paragraph 2.9.1 of the Framework CEMP to 'will not take'.</p>	
B. Biodiversity	<p>Can the Applicant please provide an answer to this question, which is as follows:</p> <p>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>The Applicant has undertaken a review of documents that cite the Conservation of Habitats and Species Regulations 2017 and Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018). A table indicating the Application documents citing each of these regulations is provided in Appendix A of this letter.</p> <p>The Applicant acknowledges that all instances should be referred as 'The Conservation of Habitats and Species Regulations 2017 (as amended)'. This change does not affect the approach taken to undertaking the assessments presented in the ES or the conclusions of those assessments. An updated suite of reports is therefore provided to the ExA. Please refer to Appendix A for further details.</p>
C. Decommissioning	<p>The ExA notes that ES Chapter 7: Traffic and Transport [APP-036] refers to a Decommissioning Traffic Management Plan (DTMP) to be secured as a Requirement of the</p>	<p>The Applicant has amended the dDCO to include a requirement to provide a decommissioning traffic management plan in Requirement 27 (Decommissioning). The updated dDCO (Version</p>

	<p>draft Development Consent Order (dDCO), including at paragraphs 7.5.5 and 7.9.3. However, the dDCO makes no provision for this. Can the Applicant please amend the most recent version of the dDCO to include this Requirement, or provide an explanation as to why this has been omitted?</p>	<p>6) is contained at Document 2.1K (Tracked) and Document 2.1L (Clean).</p>
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In addition to the above points raised by the ExA, in reviewing the Application documents another minor referencing error was also noted within the Schedule of Consents and Other Licences (**REP6-004** and **REP6-005**). A reference had been made to The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675) but these Regulations were consolidated and replaced by The Environmental Permitting (England and Wales) Regulations 2016. This has therefore been corrected. All other Application documents refer to the 2016 Environmental Permitting Regulations and this minor referencing error has no bearing on the Application. An updated copy of the Schedule of Other Consents and Licences (Version 3) has been included within this submission at **Document 4.2E** (Tracked) and **Document 4.2F** (Clean).

Comments on any information submitted for Deadline 6

The Applicant notes that Mr Peter Coomber has provided a response at Deadline 6 (**REP6-012**). The Applicant wishes to make the following comments on this submission.

The Applicant notes that Mr Peter Coomber has made the following representations:

- Deadline 1 – **REP1-021**
- Deadline 2 – **REP2-029**
- Deadline 4 – **REP4-020**
- Deadline 6 – **REP6-012**

The Applicant would note in respect of Item 7 of **REP6-012** that comments have been provided by the Applicant in relation to Mr Peter Coomber’s representations at Deadline 1 (**REP1-005**) and Deadline 3 (**REP3-003**). It is

considered by the Applicant that the points raised within **REP6-012** that are relevant to the determination of this application have all been addressed previously in the Applicant's written responses, but for clarity key points in the most recent representation are addressed below.

Regarding point 1, the West Burton B power station has a nominal output capacity of ~1332MW and this has not changed since it was commissioned in 2013. Regarding point 2, the viability of the Proposed Development is not affected by the future operating regime of the West Burton A coal-fired power station.

In relation to background noise monitoring, the approach taken by the Applicant, including the methodology used to derive the representative background sound levels from the monitoring data set, was subject to discussion and agreement with Bassetlaw District Council as described in the Statement of Common Ground (**AS-005**). The approach taken followed the British Standard BS 4142:2014. Following analysis of noise data in the vicinity of the Site, representative background sound level values were selected based upon the 10th percentile of the measured range. This is considered conservative and the sound levels selected are representative of when West Burton A and B power stations were not generating elevated noise levels at the monitoring locations. The results of the background noise monitoring can be found in Table 8-17 – Table 8-24 of ES (Volume I) Chapter 8: Noise and Vibration (**APP-037**).

Related to point 8 of **REP6-012**, the Applicant would like to re-iterate that the cumulative traffic and transportation effects of the Proposed Development presented in the Environmental Statement that accompanied the DCO Application included contributions from Sturton Quarry and the other committed developments, as reported in **APP-052** (Appendix 7A: Transport Assessment) and **APP-036** (Chapter 7: Traffic and Transport). These cumulative effects were identified as negligible and therefore not significant.

Any further background monitoring to be carried out before the commencement of any development at Sturton Quarry will be a matter for Bassetlaw District Council and is not a matter for the Applicant to comment upon.

Related to point 11 of **REP6-012**, the Applicant confirms that by adopting the embedded and proposed additional noise mitigation measures outlined in Section 3 of **APP-134**, no significant noise effects are anticipated and therefore no noise nuisance is envisaged.

Operational noise would be controlled via Requirement 22 of the draft DCO (**Document 2.1K** and **Document 2.1L**), requiring noise to be controlled in accordance with an agreed scheme of noise monitoring. Furthermore,

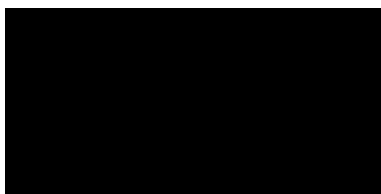


the operation of the generating station is to be regulated by the Environment Agency through an Environmental Permit which will be used to control emissions from the generating station so as to prevent or minimise off-site nuisance impacts through the use of Best Available Techniques (BAT). On this basis, it is considered that environmental noise from the Proposed Development during operation would be adequately controlled so as to not give rise to nuisance impacts at any identified sensitive receptors.

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

Appendix A

Documents Referring to the Conservation of Species and Habitats Regulations

Ref	Document	Paragraph	Applicant to provide an updated copy?
APP-025	4.1 Consultation Report	Table 1: Statutory Consultees Written Responses, Paragraph 1.7 <i>'1.7 The MMO recognise the consideration of statutory international nature conservation designations within 10km under section 9.4.2. As above, the MMO defer to Natural England's judgments in relation to the suitability of this approach and wider compliance with Conservation of Habitats and Species Regulations 2010.'</i>	No This is a quotation from another party.
APP-027	4.3 Habitat Regulations Assessment No Significant Effects Report	Paragraph 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 sites ¹ 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 2018 (Ref 4) (the Habitats Regulations).'	Yes – updated to state at Paragraph 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 sites ¹ 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 Regulations 2017 (as amended) (Ref 4) (the Habitats Regulations).'
		Annex A – Advice relating to EIA Scoping Requirements, paragraph 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	No – Annex A is the advice provided by Natural England and is not for the Applicant to update.

		of the Conservation of Habitats and Species Regulations 2010.'	
		Annex A – Advice relating to EIA Scoping Requirements, paragraph 2.2. Internationally and Nationally Designated 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.'	No – Annex A is the advice provided by Natural England and is not for the Applicant to update.
APP-027	4.3 Habitat Regulations Assessment No Significant Effects Report	Annex A – Advice relating to EIA Scoping Requirements, paragraph 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'	No – Annex A is the advice provided by Natural England and is not for the Applicant to update.
APP-048	5.2 ES Volume II, Appendix 1B: Scoping Opinion Proposed West Burton C Power Station	Annex A – Advice relating to EIA Scoping Requirements, paragraph 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.'	No – Annex A is the advice provided by Natural England and is not for the Applicant to update.
		Annex A – Advice relating to EIA Scoping Requirements, paragraph 2.2. Internationally and Nationally Designated 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	No – Annex A is the advice provided by Natural England and is not for the Applicant to update.

		directly connected with or necessary to the management of the site.'	
		Annex A – Advice relating to EIA Scoping Requirements, paragraph 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'	No – Annex A is the advice provided by Natural England and is not for the Applicant to update.
APP-053	5.2 ES Volume II, Appendix 9A: Legislation and Planning Policy	Table 1: Summary of relevant legislation. Under statute column: 'The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 (the Habitats Regulations)'	These regulations are relevant to cite in the Appendix relating to legislative context for the Ecology chapter, in so far as they amend and update the primary 2017 Regulations – however, this document has been updated to cite the Conservation of Habitats and Species Regulations 2017 (as amended) at Table 1. The updated version of Appendix 9A is contained at Document 5.2C (Tracked) and Document 5.2D (Clean).
APP-055	5.2 ES Volume II, Appendix 9C: Preliminary Ecological Appraisal	Paragraph 2.1.1, legislation potentially relevant to the Proposed Development 'The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018'	These regulations are relevant to cite in the Appendix relating to legislative context for the Ecology chapter, in so far as they amend and update the primary 2017 Regulations – however, this document has been updated to cite the Conservation of Habitats and Species Regulations 2017 (as amended) at paragraph 2.1.1. The updated version of Appendix 9C is contained at Document 5.2C (Tracked) and Document 5.2D (Clean).
		Footnote to Table 2: Desk study areas and data sources. 'The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018;'	Correct as stated.
APP-057	5.2 ES Volume II, Appendix 9E: Great Crested	Paragraph 1.3.1 'The great crested newt is listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) (Ref 9E-2) and Schedule 2 of The Conservation of Habitats and	Yes – updated Paragraph 1.3.1 to read: 'The great crested newt is listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as

	Newt Survey Report	Species and Planning (Various Amendments) (England and Wales) Regulations 2018'	amended) (Ref 9E-2) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended)'. The updated version of Appendix 9E is contained at Document 5.2C (Tracked) and Document 5.2D (Clean).
APP-059	5.2 ES Volume II, Appendix 9G: Bat Survey Report	Paragraph 1.3.2 'In addition, The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 (the 'Habitats Regulations') (Ref 9G-4) transposes the European Union Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (the 'Habitats Directive') into domestic legislation, and places an obligation on the UK to protect bats and their habitats, and requires appropriate monitoring of bat populations to be undertaken.'	Yes, paragraph 1.3.2 updated to read: 'In addition, The Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations') (Ref 9G-4) transposes the European Union Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (the 'Habitats Directive') into domestic legislation, and places an obligation on the UK to protect bats and their habitats, and requires appropriate monitoring of bat populations to be undertaken.' The updated version of Appendix 9G at Document 5.2C (Tracked) and Document 5.2D (Clean).
APP-062	5.2 ES Volume II, Appendix 9I: Riparian Mammal Survey Report	Paragraph 1.3.3 'Otter receives full protection under Section 9 of the Wildlife and Countryside Act 1981 (as amended) (Ref 9I-1) and Schedule 2 of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018'	Yes - paragraph 1.3.3 updated to read: 'Otter receives full protection under Section 9 of the Wildlife and Countryside Act 1981 (as amended) (Ref 9I-1) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended)'. The updated version of Document 9I of Document 5.2C (Tracked) and Document 5.2D (Clean).
REP4-013 / REP4-014	7.5C / 7.5D Landscaping and Biodiversity Management and Enhancement Plan	Table A1: Summary of relevant legislation. Under relevant legal requirements 'The 2018 Regulations amend The Conservation of Habitats and Species Regulations 2017'	No update required.
REP5-004 / REP5-005	5.2A / 5.2B ES Volume I Chapter 9: Ecology	Paragraph 9.2.2, legislative background, legislation considered relevant: ' The Conservation of Habitats and Species and Planning	These regulations are relevant to cite in the chapter relating to legislative context, in so far as they amend and update the primary

		(Various Amendments) (England and Wales) Regulations 2018 (the Habitats Regulations)’	2017 Regulations however, but paragraph 9.2.2 has been updated to cite the Conservation of Habitats and Species Regulations 2017 (as amended) for completeness. The updated version of Chapter 9 is contained at Document 5.2C (Tracked) and Document 5.2D (Clean).
REP5-006 / REP5-007	7.5E / 7.5F Landscaping and Biodiversity Management and Enhancement Plan	Paragraph 2.2.1. Legislation considered ‘The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018’.	Yes – Paragraph 2.2.1. Legislation updated to read: ‘The Conservation of Habitats and Species Regulations 2017 (as amended)’. The updated LBMEP is contained at Document 7.5G (Tracked) and Document 7.5H (Clean).
		Table A1: Summary of relevant legislation. Under statute column: ‘The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018’	Yes – Table A1 updated to read ‘The Conservation of Habitats and Species Regulations 2017 (as amended)’ and is contained at Document 7.5G (Tracked) and Document 7.5H (Clean).
		Table A1: Summary of relevant legislation. Under relevant legal requirements ‘The 2018 Regulations amend The Conservation of Habitats and Species Regulations 2017’	No update required.
REP6-004 / REP6-005	4.2C / 4.2D Schedule of other consents and licences	No. 17 in table, under ‘consent/licence’ column. ‘European Protected Species Licence - The Conservation of Habitats and Species Regulations 2017 (as amended)’	No update required.
		No. 18 in table, under ‘consent/licence’ column. ‘Great Crested Newt Mitigation Licence (The Conservation of Habitats and Species Regulations A2017 (as amended))’	No update required.