



## Meeting note

<b>File reference</b>	EN010088
<b>Project</b>	West Burton C Power Station
<b>Status</b>	<b>Final</b>
<b>Author</b>	Siân Evans
<b>Date</b>	22 November 2017
<b>Meeting with</b>	EDF Energy
<b>Venue</b>	Temple Quay House, Bristol
<b>Attendees</b>	<b>The Planning Inspectorate</b> Chris White (Infrastructure Planning Lead) Tracey Williams (Case Manager) Siân Evans (Case Officer) Richard Hunt (Senior EIA and Land Rights Advisor) Justin John (Legal Adviser to the Inspectorate) Nick Bandu (Legal Adviser to the Inspectorate – observing)
	<b>Applicant</b> Carly Vince (EDF Energy) Elizabeth Dunn (Burgess Salmon)
<b>Meeting objectives</b>	West Burton C Project Draft Documents Feedback Meeting
<b>Circulation</b>	All attendees

### Summary of key points discussed and advice given

#### Introduction

The Applicant and the Planning Inspectorate (the Inspectorate) case team introduced themselves and their respective roles. The Inspectorate outlined its openness policy and ensured those present understood that any issues discussed and advice given would be recorded and placed on the Inspectorate's website under s51 of the Planning Act 2008 (PA2008). Further to this, it was made clear that any advice given did not constitute legal advice upon which the Applicant (or others) can rely.

#### Project update

The Applicant explained that the statutory consultation closed on 16 October 2017. The Applicant has completed their studies and concluded that drainage can be dealt with using existing West Burton power station infrastructure. Therefore, a deemed Marine Licence will not be included in the Development Consent Order (DCO) application as no new outfall will be required to the River Trent. For that reason the Applicant is also now of the opinion that no Crown land will be affected by the

proposed application. The red line boundary will be amended to omit the areas of land previously identified at the formal consultation stage. The ecology and landscape mitigation areas remain as they are. The Applicant is in discussions with the Environment Agency regarding a variation to the existing permit.

The Applicant advised that a Town and Country Planning Act 1990 application for planning permission will be made for West Burton D and will be submitted prior to the West Burton C PA2008 application for an order granting development consent. The Applicant confirmed that their cumulative effects/ impacts assessment for the West Burton C PA2008 application will include the West Burton D development (and vice versa).

## **Consultation**

The Applicant advised that only one local authority has formally responded to the consultation. However the Applicant is in discussions with all local authorities and they are broadly content with the proposals. The Applicant proposes to draft Statements of Common Ground (SoCG) with the local authorities and get these to an advanced stage around the time the application is submitted. The Inspectorate advised the Applicant to signpost in the Consultation Report any agreement with the local authorities.

The Applicant has given presentations about the PA2008 process to some of the local parish councils. The nearby community of Bole does not have a parish council however the Applicant advised that they are engaging with this community.

The Applicant advised that Historic England have some concerns about the impact on the historic landscape. The Inspectorate advised the Applicant that this issue may usefully be set out in the SoCG.

## **Draft documents**

### Development Consent Order and Explanatory Memorandum

The Inspectorate gave some advice on the draft Development Consent Order and Explanatory Memorandum. Non-exhaustive summary tables of these comments appear at Appendices A and B.

### Preliminary Environmental Information Report

The Applicant provided introductory chapters from the Preliminary Environmental Information Report for review, in lieu of a draft Environmental Statement. The Inspectorate provided comments on these documents. These comments are at Appendix C.

### Consultation Report

The Inspectorate gave general advice to the Applicant to ensure that they demonstrate how they have taken consultation responses into account.

The Inspectorate advised the Applicant to provide a full and clear explanation as to why they had to re-issue their s46 PA2008 notification.

The Inspectorate advised that one of the Acceptance checks (as part of the s55 PA2008 process) is to compare the list of s42 PA2008 consultees against the Book of Reference (BoR) if a BoR is submitted. Therefore if there are any discrepancies these should be explained in the Consultation Report.

The Applicant enquired whether the Preliminary Environmental Information Report should be included in the Consultation Report. The Inspectorate advised that evidence to show that it was available during the statutory consultation period should be provided in the Consultation Report. This could be done by providing a screen shot from the Applicant's website.

### Works Plans

The Inspectorate gave general advice to the Applicant to ensure that where multiple sets of plans are submitted they should all be identical. The Inspectorate also advised to ensure that the key matches the plan detail in all instances. The Inspectorate suggested the Applicant may wish to have a look at recent s51 advice which had been issued for the Tilbury2 application.

### Book of Reference

The Applicant explained that they did not consider it necessary to submit a BoR as there is no compulsory acquisition of land or interests. The Inspectorate advised the Applicant to consider whether **any** provisions of Regulation 7 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 apply. If **any** of them apply then a BoR should be submitted. This should be in five parts, with any inapplicable parts either left blank or marked 'None'. If no BoR is submitted then the Applicant should clearly explain why when submitting its application for an order granting development consent.

### **Next steps**

The Inspectorate informed the Applicant that under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 applicants are now required to allow at least 30 days for Relevant Representations. Although this project falls under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 the Inspectorate advised the Applicant that they may wish to consider allowing 30 days, rather than the statutory 28 days. The Applicant advised that they do usually allow longer than the statutory minimum.

The Inspectorate advised the Applicant to carry out a thorough Quality Assurance check of the application documents before submission to check all documents and appendices are present in all copies of the application.

The Applicant advised that they expect to submit the application in Q1 2018.





**West Burton C Power Station: Comments on the DCO**

These queries relate solely to matters raised by the drafting of the DCO, and not the merits of the proposal. They are limited by the time available for consideration, and raised without prejudice to the acceptance or otherwise of the eventual application. They are provided to assist the preparation of the next iteration.

<b>Provision</b>	<b>Extract from/ reference in DCO</b>	<b>Question/Comment</b>
Preamble and throughout DCO		The Applicant should check that the DCO does not refer to legislation that has been repealed, Circulars that have been withdrawn, and that all cross-references to other provisions in the DCO are accurate.  All Schedules should be populated fully.
Preamble	Refers to section 147 of the Planning Act 2008 (PA2008).	The Inspectorate queried whether inclusion of section 147 (Development of Green Belt land) was relevant and, if so, which paragraph of s147(1) applies.
Preamble	Footnotes	Require accuracy check.
Interpretation	"authorised development"	Check accuracy of Schedule reference.
Interpretation	"commence"	It would be advisable to justify the exceptions in the Explanatory Memorandum.
Interpretation	"the decision-maker"	There is no such definition in s103 of PA2008. Therefore any references to this phrase elsewhere in the DCO should also be reconsidered.
Interpretation	"maintain"	Justification of all aspects of the definition may be queried during any Examination.

Interpretation	"Order limits" and "Order limits plan"	Are both necessary and do they currently conflict with one another?
Interpretation	"undertaker"	Possible amendments to this definition were discussed, including adding the Applicant's company number.
Interpretation	"West Burton B" means West Burton B CCGT"	The term CCGT should be defined.
Interpretation	"West Burton Power Station Site"	The definition may require greater clarity.
Interpretation		Consider whether additional definitions are required, e.g. relevant highway authority, Lead Local Flood Authority, relevant internal drainage board, associated plant, construction environmental management plan, Book of Reference (if required) and that all plans referred to in the DCO are accurately defined.
Part 2		Suggest adding a paragraph to restrict development to situations shown on Works plan and any sections, subject to Article 6.
Article 3	Development consent etc granted by the Order.	May require some re-drafting.
Article 6	Limits of deviation "In carrying out the authorised development the undertaker may deviate vertically to any extent downwards as may be found necessary or convenient".	The assumed limits of vertical deviation downwards should be set out in accompanying application documents so that the parameters and Rochdale Envelope for ground effects (e.g. groundwater, contamination, archaeology) and for transport (e.g. waste disposal) are clearly defined. This may be queried during Examination.
Article 16(4)(a)	"In land located within the highway boundary without the consent of the highway authority;"	The DCO should be clear about which highway boundary this refers to.
Article 20	Felling or lopping of trees or hedgerows	Anything outside the Order limits may need to be justified during the Examination.

Article 22	Certification of plans etc.	The documents should be defined more precisely by reference to drawing plan numbers, and revision numbers etc, which should be updated throughout the Examination. Descriptions of all listed documents should match their definitions elsewhere in the DCO.
Article 23	Procedure in relation to certain approvals etc	Consider how this fits with Requirement 31.
Article 25	Crown rights	It may be that this is no longer needed?
Article 26	Deemed Marine Licence	It appears that this is no longer needed (and neither is Schedule 8).
Schedule 1	<p><i>Authorised Development</i></p> <p><i>Page 16</i></p> <p><i>"such other works or operations as may be necessary or expedient for the purpose of or in connection with the construction, operation and maintenance of the works in this Schedule whether or not shown on the plans referred to in the Requirements falling within the scope of the works assessed in the environmental statement"</i></p>	This is very broad. The Applicant should ensure that this definition is consistent with the scope of the environmental assessment.

Schedule 1	<p>“And to the extent that they do not otherwise form part of any such works, associated development within the meaning of section 115(2) of the 2008 Act comprising such other works or operations as may be necessary or expedient for the purpose of or in connection with the construction, operation and maintenance of the works in this Schedule whether or not shown on the plans referred to in the requirements falling within the scope of the works assessed in the environmental statement including</p> <p>(a) vehicle parking and cycle storage facilities;</p> <p>(b) construction laydown areas; generators; concrete batching facilities; offices and staff welfare facilities; security fencing and gates; external lighting; roadways and haul routes; wheel wash facilities; and signage;</p> <p>(c) internal access roads, roadways and footpaths;</p> <p>(d) landscaping, fencing and security provisions; and</p> <p>(e) lighting columns and lighting.”</p>	<p>Should this state ‘comprising’ rather than ‘including’? Is this precise enough to describe the relevant development? It is advised to consider the Planning Inspectorate’s <a href="#">Advice note thirteen: Preparation of a draft order granting development consent and explanatory memorandum</a>.</p>
Schedule 2 - Requirement 5	<p><i>Detailed design</i></p> <p><i>“(b) Each stage of the authorised development unless otherwise agreed with the relevant planning authority must be carried out in accordance with the relevant parameters.”</i></p>	<p>Is the scope for deviating from the Proposed Development too broad? The Applicant should consider making reference to works ‘not environmentally worse than’ assessed within the EIA.</p>



Schedule 2 – Requirement 7	<i>Public rights of way temporary stopping up</i>	Is there any intention to divert the path rather than just stop up?
Schedule 2 – Requirement 9	<i>Means of enclosure</i>	Requirement 9(3) – typographical error: ‘inly’
Schedule 2 – Requirement 11	<i>Surface and foul water drainage</i>	The Applicant should consider whether the requirement should also refer to the Canal and River Trust.
Schedule 2 – Requirement 13	<i>Contaminated land and groundwater</i>	Restriction of contamination plan to ‘significant harm’. The inclusion of the term ‘significant harm’ sets a high bar to be reached before undertaking the scheme to deal with contamination of land must be submitted, etc. The process should be to assess whether contamination is present, what the appropriate approach to manage the contamination is and then move to agree the mitigation approach with the local planning authority.
Schedule 2 – Requirement 15(1)	<i>Archaeology</i>	The name of the relevant statutory body (The Historic Buildings and Monuments Commission for England) should either be defined earlier or used here in place of “Historic England”.
Schedule 2 – Requirement 19(1) and (5)	<i>Construction traffic and routing management plan</i>	Highways England’s full company name and number should either be defined earlier or used here, (in place of “Highways England”).
Schedule 2 – Requirement 21	<i>Construction hours</i>	The caveats allow 24 hour construction. This could require 24 hour task lighting, 24 hour dust creation, 24 hour staff movement. The Applicant must ensure that all factors giving rise to effects are considered in the Environmental Statement not just noise at the boundary. The Applicant should quantify the number of Abnormal Indivisible Loads likely to arise over the project duration.
Schedule 2 - Requirements 22 & 23	<i>Control of noise and vibration – construction</i> <i>Control of noise - operation</i>	Both requirements rely on agreeing noise limits with the relevant Planning Authority, these limits should form the basis of the submitted ES. The Applicant should demonstrate consideration of noise impacts on protected species, where relevant.
Schedule 2 – Requirement 24	<i>Piling and penetrative foundation design</i>	The impact of any piling works should be considered as part of the noise and vibration assessment.

Schedule 2 - Requirement 25	<i>Restoration of land used temporarily for construction</i>	The Applicant should consider the potential to bring forward advance planting proposals (e.g. to allow establishment of boundary screen planting).
Schedule 2 - Requirement 26	<i>Combined heat and power</i>	The Applicant should consider the effect of CHP proposals on air quality and is "CHP assessment" consistent with other references to the intended document in the DCO.
Schedule 2 - Requirement 27	<i>Aviation warning lighting</i>	The Applicant should confirm the height of the proposed structures, since it was the Inspectorate's understanding at the scoping stage that structures would not be of a height required to trigger aviation lighting measures.
Schedule 2 - Requirement 28	<i>Local liaison committee</i>	Should 'local...organisations' be defined? The Applicant should consider limiting the number of members representing the undertaker so that they cannot form a majority.
Schedule 2 - Requirement 29	<i>Employment, skills and training plan</i>	Should "not" be deleted?
Schedule 6 (2)(2)	"If the discharging authority considers such further information necessary the discharging authority shall, within 7 business days of receipt of the application, notify the undertaker in writing specifying the further information required."	The Applicant may wish to consider extending the notification period.
Schedule 6 (4)(2)(a)	"...the undertaker must submit the appeal documentation to the Secretary of State..."	The Applicant may wish to set out what the appeal documentation is, and this should include ground(s) of appeal.
Schedule 6 (4)(2)(c)	"...the Secretary of State must appoint a person..."	The Applicant may wish to consider the possibility of the Secretary of State wishing to decide the appeal himself.

Schedule 7	Protective Provisions	This schedule should be populated before the application is submitted. The Applicant is advised to consider the Planning Inspectorate's <a href="#">Advice note fifteen: Drafting Development Consent Orders</a> .
Explanatory Note		This should be drafted before the application is submitted, and preferably with the agreement of the relevant party (e.g. the local authority) as to where copies of the Order and related documents can be viewed.

## Appendix B

### West Burton C Power Station: Comments on the Explanatory Memorandum

These queries relate solely to matters raised by the drafting of the Explanatory Memorandum, and not the merits of the proposal. They are limited by the time available for consideration, and raised without prejudice to the acceptance or otherwise of the eventual application. They are provided to assist the preparation of the next iteration.

<b>Section/ Paragraph</b>	<b>Extract from EM</b>	<b>Question/Comment</b>
General		Where any model provision is referred to the Applicant is advised to identify which numbered model provision it is based on and how modified (if modified). If there are provisions for which the Applicant has not explained what precedent or model provision it is based on the Applicant is advised to do so. The Applicant should explain why any precedents are justifiable for use in this DCO.
2.7	"The Associated Development Guidance illustrates the types of development that may qualify as associated development and sets out the defining characteristics of associated development."	The Associated Development Guidance does not define anything. It sets out the core principles the Secretary of State will take into account in deciding whether or not development should be treated as associated development.
2.8		The Applicant is advised to list the relevant DCO work numbers here.
3.3	"Article 2 ( <i>Interpretation</i> ) provides for the interpretation of the Order. Amongst other things, this article defines "maintain" as including inspect, repair, adjust, alter, remove, clear, refurbish, reconstruct, decommission, demolish, replace and improve."	The Applicant is advised to consider whether this list should be in in the same order as in the DCO.  It is noted that "demolish" is not in the DCO.
3.3		The Applicant is advised to add justification of exclusions to the definition of "commence" here.

4.4	<p>"Article 5 (<i>Operation of generating station</i>) permits the operation and use of the generating station comprised in the authorised development and is included in accordance with s.140 of the PA 2008. <i>Article 5(2)</i> specifically preserves the need for the undertaker to obtain any other operational consent that may be needed for the generating station, in addition to the Order."</p>	<p>It is noted that Article 5 refers to "associated plant" but it is not referred to here.</p>
4.6	<p>"Article 7 (<i>Benefit of the Order</i>) makes provision for the transfer of the benefit of the Order. The consent of the Secretary of State is needed before the undertaker can transfer or lease all or any of the benefit of the provisions of the Order except where the transferee or lessee is the holder of an electricity generating licence."</p>	<p>The Applicant is advised to justify this exception here.</p>
4.8	<p>"Article 9 (<i>Defence to proceedings in respect of statutory nuisance</i>) provides that no one shall be able to bring statutory nuisance proceedings under the Environmental Protection Act 1990, if the nuisance is created in the course of carrying out or maintenance of the authorised development and for which notice has been given under section 60 or consent obtained under section 61 or 65 of the Control of Pollution Act 1974 or which is unavoidable. The version of this article in the model provisions applies only to noise but the article has been given wider scope here to reflect the particular circumstances of the authorised development."</p>	<p>The Applicant is advised that this explanation is incomplete as it does not include the monitoring and attenuation scheme.</p> <p>In relation to "wider scope" the Applicant is advised to explain what things, other than noise, are included.</p>

4.10	<p><i>"Article 11 (Temporary stopping up of streets and public rights of way) provides for the temporary stopping up of streets and public rights of way subject to the consent of the local highway authority..."</i></p>	<p>Article 11 uses the term "street authority", rather than "local highway authority". The Applicant is advised to ensure that all paragraphs of the Explanatory Memorandum are consistent with the DCO.</p>
4.13	<p><i>"Article 14 (recovery of costs of new connections) provides that persons who have to create a new connection following the exercise of powers under article 13 may recover the costs of new connections from the undertaker."</i></p>	<p>The Applicant is advised to explain what types of connection this refers to.</p>
4.14	<p><i>"Article 15 (Discharge of water) enables the undertaker to discharge water into any watercourse, public sewer or drain in connection with the construction and maintenance of the authorised development with the approval and superintendence (if provided) of the authority to which the watercourse, public sewer or drain belongs (such approval not to be unreasonably withheld) and subject to certain other conditions."</i></p>	<p>It is noted that this is not a full explanation of all the provisions of Article 15. The Applicant is advised to expand this.</p>
4.18	<p><i>"Article 19 (Operational land for purposes of 1990 Act) provides that for the purposes of section 264(3)(a) of the 1990 Act the development consent granted by the Order shall be treated as specific planning permission."</i></p>	<p>It is suggested that the Applicant could explain the consequences of this here.</p>

4.19	<p>"Article 20 (<i>Felling or lopping of trees</i>) enables the undertaker to fell or lop trees and shrubs within the Order limits or within the extent of the publicly maintainable highway for the purposes of preventing obstruction or interference with the authorised development. Provision is included for the payment of compensation for loss and damage."</p>	<p>Article 20 also refers to removing hedgerows. The Applicant is advised to ensure that the Explanatory Memorandum is consistent with the DCO.</p>
4.23	<p>"...and unless otherwise agreed between the parties, to be settled by arbitration."</p>	<p>This is not in Article 24. The Applicant is advised to ensure that the Explanatory Memorandum is consistent with the DCO.</p>
4.24	<p>Article 25 (Crown rights)</p>	<p>If Article 25 is needed the Applicant is advised to look at recent DCOs, such as those for the East Anglia Three Offshore Wind Farm or the Richborough Connection Project, which are more up to date precedents.</p>
4.28 (d)	<p>"<i>Requirement 5: Detailed Design</i> – this is based on a model provision. It requires the specific design details of each of the stages, or parts of them, to be submitted to and approved by the planning authority before commencement, and for the authorised development to be constructed in accordance with those approved details."</p>	<p>Requirement 5 does not state that the authorised development is "to be constructed in accordance with those approved details." The Applicant is advised to ensure that the Explanatory Memorandum is consistent with the DCO.</p>

4.28 (f)	<p><i>“Requirement 7: Public rights of way diversions – this is based on a model provision. It requires that before any part of the authorised development is commenced, a public rights of way management plan for any public rights of way that are to be temporarily closed or diverted for that part must be submitted to and approved by the planning authority.”</i></p>	<p>It is noted that there is no reference to paths being diverted in Requirement 7 of the DCO. The Applicant is advised to ensure that the Explanatory Memorandum is consistent with the DCO.</p>
4.28 (r)	<p><i>“Requirement 19: Construction traffic and routing management plan – this is a modified model provision. It requires a Construction Traffic Routing and Management Plan to be submitted to and approved by the planning authority, following consultation with highway authority, before commencement of the relevant stage of the authorised development.”</i></p>	<p>The Applicant is advised to also include reference to consultation with Highways England here.</p>
4.28 (aa)	<p><i>“The committee must meet at least every quarter, starting in the month prior to commencement of the authorised development throughout construction, and then once a year during operation.”</i></p>	<p>It is noted that Requirement 28 refers to a need for a majority of the members to agree to meet at certain intervals. The Applicant is advised to ensure that the Explanatory Memorandum is consistent with the DCO.</p>
4.28 (bb)	<p><i>“Requirement 29 – Employment, skills and training plan – this is not a model provision, and has been included to secure an employment, skills and training plan, particularly in relation to local people during construction.”</i></p>	<p>The Applicant is advised to expand this to fully explain what Requirement 29 does.</p>



4.28 (cc)	"The planning authority must approve the scheme before any decommissioning works are carried out and the scheme must be implemented as approved."	Requirement 30 states "The plan must be implemented as approved unless otherwise agreed with the relevant planning authority." The Applicant is advised to ensure that the Explanatory Memorandum is consistent with the DCO.
4.32	Schedule 6	The Applicant is advised to explain here how and why the relevant provisions of the precedent 2013 Order referred to have been modified.

**West Burton C Power Station: Comments on the draft Preliminary Environmental Information Report Vol I**

These queries relate solely to matters raised by the drafting of the Preliminary Environmental Information Report (PEIR) Volume I, and not the merits of the proposal. They are limited by the time available for consideration, and raised without prejudice to the acceptance or otherwise of the eventual application.

<b>PEIR para</b>	<b>Extract from PEIR</b>	<b>Question/Comment</b>
4.1.4 4.3.2 - 4.3.3 4.7.12	<p><i>"...the EIA has adopted the principles of the 'Rochdale Envelope' where appropriate, as described in the PINS advice note 9... in order to retain flexibility where needed. Where this approach is applied to the specific aspects of the EIA, this has been confirmed within the relevant chapters of the PEIR. Justification for the need to retain flexibility in certain parameters is also outlined".</i></p> <p><i>"Focussed use of the Rochdale Envelope approach is...being adopted to present a worst case assessment of potential environmental effects of the different parameters of the Proposed Development that cannot yet be fixed."</i></p> <p>Table 4-1 sets out the maximum building and fixed designed parameters that the Applicant states have been assessed within the PEIR.</p>	<p>The PEIR (para 4.7.12) states that "The final Rochdale Envelope will be detailed in the application for development consent."</p> <p>The scheme parameters will need to be clearly defined in the draft DCO and accompanying ES. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations 2009.</p> <p>The Applicant should ensure that the assessments of any potential effects on groundwater, contamination, transport numbers (due to waste removal) that could potentially arise if the vertical downward deviation is greater than anticipated have been adequately assessed.</p>
4.2.10	<i>Black-start Capability</i>	As raised in the Secretary of State's scoping opinion the Applicant should consider the worst case noise and vibration and emissions to air from black start events – this should include any routine generator runs to test operational readiness.
4.3.2 - 4.3.3, 4.1.5, 4.4.4	<i>"A number of the design aspects and features of the Proposed Development cannot be confirmed until the tendering process for the design and construction of the generating station has been completed".</i>	To avoid uncertainty for the Secretary of State over what has been assessed in the EIA accompanying the DCO application, all of the application's design aspects and features that have been assessed for the EIA should be confirmed and clearly described; these could be signposted within the EIA against the plans and drawing designs in addition to any other relevant supporting documents when submitted.

4.4.2, 4.4.27	<i>A Construction Environmental Management Plan (CEMP) would be prepared by the contractor, with a framework CEMP submitted in support of the application for development consent. The framework CEMP will set out the key measures to be employed during the main works phase to control and minimise the impacts on the environment. It will describe how monitoring and auditing activities would be undertaken, in order to ensure that mitigation measures are carried out and are effective. A framework CEMP will accompany the application for development consent.</i>	The Applicant should ensure clear cross referencing between the CEMP and any daughter documents (e.g. detailed strategies). In a wider context, the Applicant should also ensure that there is a clear separation between construction and operational control measures within any plans (e.g. landscape plans) that span the construction and operational periods.
4.4.15 - 4.4.15.1	<i>Construction of Drainage Systems</i>	As raised in the Secretary of State's scoping opinion the Applicant should consider any effects on the relevant river basin management plan and its objectives for the River Trent/groundwater. To avoid uncertainty for the Secretary of State the details of the drainage systems which have been assessed for the EIA and of the final chosen drainage system should be provided as part of DCO application.
4.2.30	<i>Rail Off-Loading Area</i>	It would be helpful if the Applicant could set out any commitments that it is making in relation to rail deliveries.
4.3	<i>Design Parameters</i>	The Applicant relies on a Rochdale Envelope approach. The parameters for the assessment should be fully specified and justified and the Applicant may wish to consider incorporating such parameters into Schedule 1 of the draft DCO, to provide certainty regarding the worst case assessment.
4.4.19	<i>Construction Hours of Work</i>	The Applicant should outline how specific construction activities would be restricted at night.
4.4.26	<i>Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP)</i>	The Applicant does not include the SWMP in the list of plans provided in Requirement 17 of the draft DCO.
4.5.3	<i>Maintenance</i>	The Applicant should explain any potential for overlapping maintenance periods with West Burton B station and the potential cumulative effects of such a situation, where relevant.

<p>4.7.8, 4.7.9 - 4.7.12</p>	<p><i>"... no options have been ruled out for the OCGT technology configuration, with further technical evaluation of the strengths of each option still under consideration. Where the type of technology has the potential to materially change the environmental effects of the Proposed Development (i.e. air quality and noise emissions and landscape and visual impact), the various options have been considered in this PEI Report and a worst-case is presented – see Chapter 6: Air Quality, Chapter 8: Noise and Vibration and Chapter 10: Landscape and Visual Assessment."</i></p> <p><i>"Throughout the ongoing design process, consideration is being given to a range of design options. These decisions have, where relevant and possible, been informed by environmental appraisal and assessment work and by consultation with stakeholders. The design has evolved and continues to be refined through a continuous process of environmental assessment, consultation and development."</i></p>	<p>To avoid uncertainty for the Secretary of State over what has been assessed in the EIA accompanying the DCO application, all of the application's design aspects and features that have been assessed should be confirmed and clearly described; these could be signposted within the EIA against the plans and drawing designs in addition to any other relevant supporting documents when submitted.</p>
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