

THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

WEST BURTON SOLAR PROJECT

**RESPONSE SUBMITTED ON BEHALF OF EDF ENERGY (THERMAL GENERATION)
LIMITED TO THE EXAMINING AUTHORITY'S FIRST WRITTEN QUESTION (NO. 1.4.7)**

DEADLINE 3

9 JANUARY 2024

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1. INTRODUCTION

1.1 EDF Energy (Thermal Generation) Limited (“**EDF**”) is an Affected Person for the purposes of the Planning Act 2008 and the Infrastructure Planning (Interested Parties) Regulations 2010, as its land is subject to proposed compulsory acquisition rights by the applicant, West Burton Solar Project Limited (the “**Promoter**”). The Book of Reference (APP-021) identifies plots 10-183, 10-184 and 10-185 as land owned by EDF over which compulsory acquisition powers to acquire new rights and imposition of restrictions are sought. As such, EDF is an Interested Party by virtue of being an Affected Person as defined by s. 59(4) of the Planning Act 2008.

1.2 EDF also registered as an Interested Party and submitted a relevant representation on 5 June 2023 in order to protect its existing assets (RR-077).

1.3 The Examining Authority’s written questions and requests for information (ExQ1) issued on 15 December 2023 (PD-009) included question no. 1.4.7 in respect of EDF’s land and interest:

“Noting the update provided by the Applicant at in the Schedule of Progress regarding Protective Provisions and Statutory Undertakers, (REP1-048) EDF Energy is asked to please explain how the proposed acquisition of new rights over plots 10-183, 10-184 and 10-185 would affect their undertaking and to comment on the status of negotiations over protective provisions.”

1.4 EDF’s response to the question 1.4.7 is set out below.

2. THE WEST BURTON A POWER STATION

EDF’s apparatus

2.1 EDF owns the West Burton A Power Station (the “**Station**”), a closed coal-fired power station in close proximity to the proposed Order Limits, through which part of the proposed cable corridor of the West Burton Solar Project (the “**Proposed Development**”) will run. A plan of the site owned by EDF is included at Appendix 1 to this response.

2.2 The Station ceased generating in March 2023, and EDF is responsible for the safe decommissioning and demolition of the Station. Decommissioning is complete and the site has now been handed over to the demolition team, with demolition expected to be complete in February 2028. In this context, EDF notes that, if granted consent, construction of the Proposed Development is expected to, at the earliest, start in Q4 2024 and be likely to run until Q4 2026 (see para. 4.3.6 of the Environmental Statement, Chapter 4, APP-042). As such, the early stages of construction of the Proposed Development, including cable installation, would overlap with demolition of the Station.

2.3 The decommissioning and demolition programme is complex and includes demolition events involving explosives. It is therefore important that EDF has full control over the land holdings, in particular in relation to construction and operational activity thereon to ensure the safe completion of the demolition programme within the prescribed timetable. In the event that this was not the case, and the Promoter was authorised to acquire rights over, and take temporary possession, of EDF’s land then EDF considers that it would cause serious detriment to its undertaking.

Third Party Apparatus

2.4 In addition to EDF’s assets, the site continues to house critical live infrastructure for National Grid and the operational West Burton B CCGT Power Station. There are also land agreements

in place for the following third-party critical infrastructure housed at the site which the cable for the Proposed Development may cross:

- 2.4.1 An underground gas pipeline and underground 132/400kV cables used for the West Burton B CCGT Power Station;
 - 2.4.2 Two oil pipelines operated by Exolum Oil;
 - 2.4.3 Underground cables and overhead lines owned by National Grid; and
 - 2.4.4 Potable water pipelines supplying the Station and West Burton B.
- 2.5 EDF understand that discussions are ongoing between the Promoter and the third parties in respect of the protection of this live infrastructure. However, EDF must also ensure that it can comply with legal obligations it has to these third parties. Any agreement entered into between EDF and the Promoter may require consent from third parties.
- 2.6 Any infrastructure or operations associated with the Proposed Development must protect this third-party infrastructure and be undertaken in full compliance with the terms of the existing legal agreements and obligations entered into by EDF. The Promoter will need to obtain all necessary consents for crossing this third-party infrastructure.

Future Development

The West Burton A site has also been selected by the UK Atomic Energy Authority for the development of the UK's first Nuclear Fusion Plant, with the potential to yield significant quantities of low carbon energy, generate employment opportunities and encourage investment in the region. EDF wishes to facilitate the implementation of this project and any other potential future development opportunities at the site. It is therefore imperative that the proposed cable route for the Project does not sterilise development land or detract from future development plans.

3. PROTECTIVE PROVISIONS

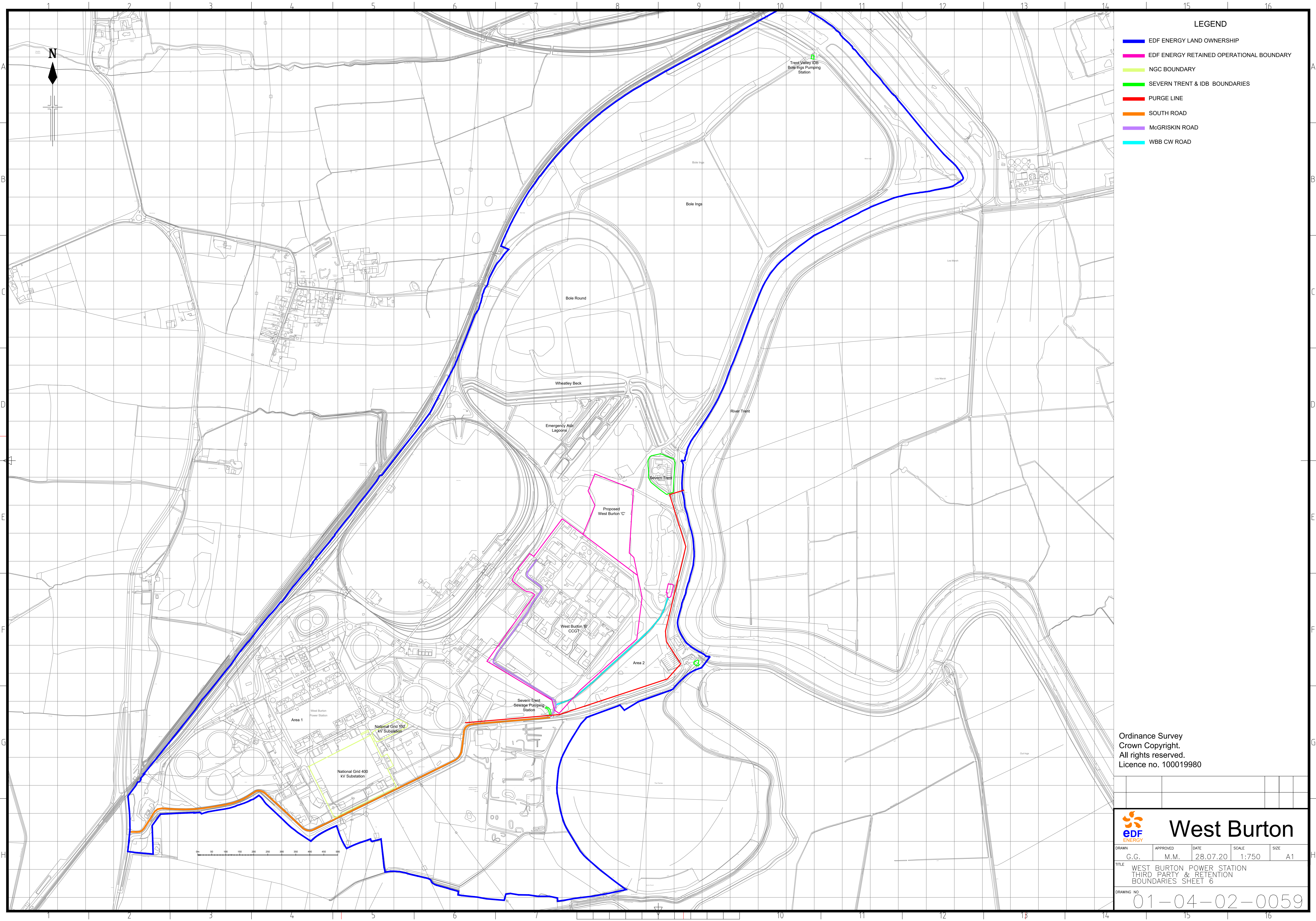
- 3.1 EDF does not object in principle to the Proposed Development. EDF recognises the potential benefits of the Proposed Development for the local and national energy supply and supports the principle of co-locating renewable and low-carbon energy generation facilities where possible.
- 3.2 However, EDF considers it necessary for the protection and continued safe decommissioning and demolition of the Station that protective provisions be included within the dDCO. It is EDF's position that protective provisions are necessary and reasonable to avoid an adverse impact on and serious detriment to EDF's existing (and future) operations and to ensure that the Station can be safely demolished. They are also necessary to ensure the protection of third-party operational infrastructure.
- 3.3 EDF are engaging with the Promoter as to the content and form of the proposed protective provisions, and, as such, the dDCO does not yet contain agreed protective provisions for the protection of EDF to EDF's satisfaction.
- 3.4 Template protective provisions have been provided to the Promoter. EDF will continue to engage with the Promoter on protective provisions and is targeting Deadline 4 for inclusion of its protective provisions in the dDCO.

CMS Cameron McKenna Nabarro Olswang LLP

For and on behalf of EDF Energy (Thermal Generation) Limited

9 January 2024

Appendix 1
Site Plan of West Burton A Power Station



LEGEND

- █ EDF ENERGY LAND OWNERSHIP
- █ EDF ENERGY RETAINED OPERATIONAL BOUNDARY
- █ NGC BOUNDARY
- █ SEVERN TRENT & IDB BOUNDARIES
- █ PURGE LINE
- █ SOUTH ROAD
- █ McGRISKIN ROAD
- █ WBB CW ROAD

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		West Burton				
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