

LATE SCOPING CONSULTATION RESPONSES

Consultation bodies have 28 days to respond with any comments, stating either the information that they consider should be included in the ES or that they do not have any comments.

Any responses received after the deadline are not considered within the scoping opinion but are forwarded to the applicant for consideration in accordance with the policy set out in Advice Note 7: Environmental Impact Assessment, Screening and Scoping.

The following EIA scoping consultation responses were received after the consultation deadline specified under legislation and therefore did not form part of the Secretary of State's scoping opinion.

From: [Sykes, Roy](#)
To: [Environmental Services](#)
Cc: [Elliott, Nicola](#)
Subject: EN010081-000009 - Doncaster MBC response (Eggborough)
Date: 19 September 2016 09:21:07

Dear Mr Kent,

I am forwarding this email on, on behalf of my colleague Nicola Elliott (Principal Planning Officer).

Further to your recent correspondence, please see below the comments of Doncaster MBC on the above scoping opinion for a proposed Combined Cycle Gas Turbine power station near Eggborough;

Cultural Heritage;

The Eggborough site is at least 5 miles to the north of Doncaster's northern boundary so there appears to be no direct impact on our heritage assets although the nature of the development and the topography is such that there may be a wider impact on their setting. There are a number of scattered heritage assets in this rural part of the borough most notably isolated groups of agricultural listed buildings.

The scope of the assessment of the potential impact on heritage assets is covered in the Cultural Heritage sections 6.80 to 6.91 of the Scoping Opinion Report where impact on the setting of heritage assets will be considered. This assessment references the most up to date guidance by Historic England. The assessment will be based on identifying a Zone of Theoretical Visibility (ZTV). This should reveal which, if any, of our heritage assets might theoretically be affected after which the impact on setting and significance can be assessed.

Once the ZTV is established any Listed buildings or nationally registered parks and gardens that fall within the ZTV can be identified from the National Heritage List mentioned as a source of information.

This would not reveal all the heritage assets that may be affected. The locations and extent of our conservation areas and parks and gardens of local historic interest can be found on our website.

http://doncaster.opus3.co.uk/ldf/maps/Heritage_Map#x=457590.07840993&y=412395.8332076&scale=100000&1332&1333&1334&1335

Further details as to their significance can be found through these links

<http://www.doncaster.gov.uk/services/planning/conservation-areas-in-doncaster>

<http://www.doncaster.gov.uk/services/planning/local-parks-and-gardens>

We do not have a local list of buildings of heritage significance.

The Cultural Heritage section of the EIA scoping report appears fit for the task and the above sources of information may be of value should the ZTV extend significantly into the Doncaster area. No doubt we will be invited to comment on the EIA at the appropriate time.

Environmental Health;

We note that all aspects of the development including the three CCGT units, generator transformer, hybrid cooling towers, cooling water pumps, cycle gas turbines, exhaust stack and other ancillary services for the plant shall be located within the district of Selby.

The documentation does not indicate that the gas pipeline serving the development will be within the Doncaster district, we therefore have no comments to make.

If in the future gas pipelines or other ancillary works are required and located within the Doncaster area, this office would have concerns of noise associated with the construction works or plant equipment and therefore may seek to impose conditions to minimise the impact on residential dwellings once additional information has been submitted.

Highways and Transportation;

We have considered the Traffic and Transportation section and a TA will be produced in liaison with SDC, NYCC and Highways England mainly due to the impacts of construction traffic. Unlikely to materially affect junctions within Doncaster, however if there are 30 or more vehicle movements in any assessed period on any junction within Doncaster Borough we will require a technical assessment to be undertaken as part of the TA.

Ecology;

The scoping report covers the issues expected from an ecology point of view. No issues have been identified in relation to impacts on sites in Doncaster. Having looked at the information provided it is considered that this is a fair assessment and we do not wish to add anything further to what is proposed.

Air Quality;

We have no comments to make, the methodology set out is standard.

I hope that the above is helpful, should you have any further queries, please do not hesitate to contact this office.

Kind Regards

Nicola

**Nicola Elliott BA(Hons) MSc MRTPI
Principal Planning Officer
Development Management**

Telephone Number: 01302 734860
Fax Number: 01302 734949
Email Address: nicola.elliott@doncaster.gov.uk

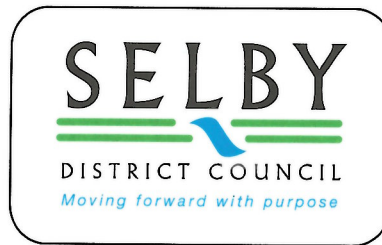
Residing Address

Development
Floor 4
Civic Office
Waterdale
Doncaster
DN1 3BU

Correspondence Address

Development
Colonnades House
Duke Street
Doncaster
DN1 1ER

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PINS RECEIVED

26 SEP 2016

Please ask for: Jill Low
Tel No: 01757 705101 x42298

Our Ref: SCO/2016
Email: j.low@selby.gov.uk
Date: 16th September 2016

The Planning Inspectorate
3D Temple Quay House
Temple Quay,
Bristol
BS1 6PN

RECEIVED BY THE
PLANNING INSPECTORATE:
23/09/2016 - BY EMAIL
26/09/2016 - BY POST

Dear Mr Kent

Re: Scoping Opinion for Environmental Impact Assessment (EIA); Development Proposal – Gas Turbine Powered Generating Station at Eggborough Power Station site

I refer to your recent correspondence regarding the Scoping Report and Appendices in connection with the above. Having considered the submitted details, I am writing to provide you with our comments and apologise for our late response. Our IT Section apparently regarded your message and attachments as being unsafe and that is why we did not receive it. I hope however, that it will not be too late for our comments to be passed on to the applicants.

The document appears to us to cover all of the relevant subject areas and the proposed layout and method of analysis is considered acceptable. The areas where we have some comments are with regard to the section on relevant Planning Policies and with regard to Air Quality and Noise. We also have a few general points which are listed below.

Planning Policies

It is suggested that the following planning policies should also be referred to in the document, in addition to those that are already mentioned -

Selby District Core Strategy Local Plan Policies(October 2013):

SP13 – Scale and Distribution of Economic Growth
SP17 –Low carbon and Renewable Energy

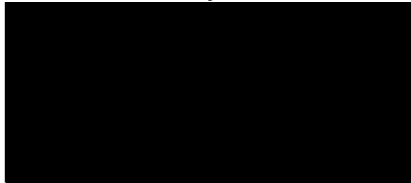
Selby District Local Plan (February 2005):

EMP9 – Expansion of existing employment uses in rural areas
EMP11 – Exceptional Major Industrial and Business Development

- It is noted that prior to the noise monitoring being undertaken requirements will be discussed with Environmental Health staff at SDC. This approach is welcomed.
- The comment in relation to vibration is noted and would ask that vibration due to movement of plant is also considered.

I would be grateful if these comments could be passed on to the applicants and once again I apologise for our late reply.

Yours sincerely



Consultant Principal Planning Officer - Development Management



Marine Management Organisation

Marine Management
Organisation
Lancaster House
Newcastle upon Tyne
NE4 7YH

T +44 (0)300 123 1032
www.gov.uk/mmo

The Planning Inspectorate
3/18 Eagle Wing
Temple quay House
2 The Square
Bristol, BS1 6PN

Our reference: DCO/2016/00006
Your reference: EN010081-000020

BY EMAIL ONLY

27 September 2016

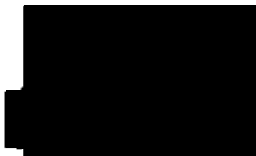
Dear Mr Kent

Eggborough Combined Cycle Gas Turbine

Thank you for your letter dated 14 September 2016 requesting the Marine Management Organisation's comments on the Eggborough Combined Cycle Gas Turbine Environmental Impact Assessment Scoping Report, dated August 2016. Enclosed with this letter are the Marine Management Organisation's comments on that report.

If you have any queries or require clarification on any of the above, then please do not hesitate to contact me.

Yours sincerely,



Chris Turner

Marine Licensing Case Officer

D +44 (0)208 225 6640

E chris.turner@marinemanagement.org.uk



Marine
Management
Organisation

Eggborough Combined Cycle Gas Turbine

Comments on the Environmental Impact Assessment Scoping Report

September 2016

1. The proposal

- 1.1. The Proposed Development comprises the construction and operation of a Combined Cycle Gas Turbine (“CCGT”) power station with a capacity of around 2 gigawatts (“GW”), comprising up to three high efficiency combined cycle gas turbines and associated steam turbines, plus up to two ‘fast response’ open cycle gas turbines (“OCGT”) or reciprocating gas engines to be installed in the same area.
- 1.2. The Proposed Development will comprise a range of buildings and structures, the tallest of which will be the CCGT exhaust stacks (up to 90 m above ground). The number of stacks is currently under consideration, though at this stage it is expected that there would be up to three main stacks, with the potential for up to two additional, smaller stacks (up to 45 m in height) associated with the OCGT units or multiple low level stacks (one per engine up to 10 m in height) associated with the gas engines. There will also be a stack for the ‘black start’ facility.
- 1.2. Gas will be supplied via a new pipeline connection to the existing National Grid Transmission gas network to the north of the Site.
- 1.3. Cooling water is expected to be supplied from the existing surface water abstraction point on the River Aire that is currently used by the coal-fired power station, and the existing outfall to the River Aire is proposed to be used for discharge. However, the connecting pipes between the abstraction/ discharge points and the generating station may be upgraded as part of the Proposed Development.
- 1.4. An Environmental Impact Assessment Scoping Report ‘Eggborough CCGT Project, Environmental Impact Assessment: Scoping Report’ dated August 2016 (the “Report”) has been prepared by AECOM Infrastructure and Environment Ltd (“AECOM”) for Eggborough Power Ltd as part of the Environmental Impact Assessment (“EIA”) process.

2. The MMO’s role in Nationally Significant Infrastructure Projects

- 2.1. The Marine Management Organisation (the “MMO”) was established by the Marine and Coastal Access Act 2009 (the “2009 Act”) to make a contribution to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas.
- 2.2. The responsibilities of the MMO include the licensing of construction works, deposits and removals in the marine area by way of a marine licence¹. Marine licences are required for deposits or removals of articles or substances below the level of mean high water springs (“MHWS”), unless a relevant exemption applies under the Marine Licensing (Exempted Activities) (Amendment) Order 2013 (the “2013 Order”).

¹ Under Part 4 of the 2009 Act

- 2.3. In the case of Nationally Significant Infrastructure Projects (“NSIPs”), the Planning Act 2008 (the “2008 Act”) enables Development Consent Order’s (“DCO”) for projects which affect the marine environment to include provisions which deem marine licences². Alternatively, applicants may wish to separately seek consent for a marine licence directly from the MMO rather than having it deemed by a DCO.
- 2.4. For NSIPs where applicants choose to have a marine licence deemed by a DCO, during pre-application the MMO will advise developers on the aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction within the marine area, this would also include assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works.
- 2.5. Whether a marine licence is deemed within a DCO or consented independently by the MMO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence enable the MMO to fulfil these obligations. This includes ensuring that there has been a thorough assessment of the impact of the works on the marine environment (both direct and indirect), that it is clear within the DCO which works are consented within the deemed marine licence, that conditions or provisions imposed are proportionate, robust and enforceable and that there is clear and sufficient detail to allow for monitoring and enforcement. To achieve this, the MMO would seek to agree the deemed marine licence with the developer for inclusion with their application to the Planning Inspectorate (“PINS”).
- 2.6. Further information on licensable activities can be found on the MMOs website³. Further information on the interaction between PINS and the MMO can be found in our joint advice note⁴.
- 2.7. The MMO recognises there is some overlap between the geographical jurisdiction of the MMO and the local planning authorities (i.e. between MHWS and mean low water springs).
- 2.8. The MMO has considered this and is of the view that matters which fall within the scope of the marine licensing provisions of the 2009 Act (i.e. anything below MHWS) are generally best regulated by conditions on marine licences. This should minimize the risk of inconsistency between different schemes of regulation, or of a duplication of controls.

² Section 149A of the 2008 Act

³ <http://www.marinemanagement.org.uk/licensing/marine.htm>

⁴ <http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-11-v2.pdf>

2.9. In considering applications for marine licences to be consented independently by the MMO, the MMO regularly consults with bodies including, but not limited, to:

- the Environment Agency
- Natural England
- Natural Resources Wales (for works in or affecting Wales)
- the Maritime and Coastguard Agency
- Historic England
- local planning authorities
- local harbour authorities
- local inshore fisheries and conservation authorities
- the Royal Yachting Association
- the Royal Society for the Protection of Birds
- the corporation of the Trinity House of Deptford Strond.

Where a marine licence is to be deemed within a DCO, the MMO would expect that comments provided by the above list of bodies and any other relevant bodies are taken into consideration.

3. Activities for this project which would be licensable under the 2009 Act

3.1. Based on the information provided in the Report, the MMO has identified the following activities which may require licensing under the 2009 Act:

- Construction of a new gas pipeline – The Report notes that there are currently two gas pipeline search areas. The northern search area would involve the pipeline crossing the tidal River Aire. All work within the marine environment, including within and over the tidal extents of rivers, will require a marine licence under the 2009 Act.
- Upgrading of existing connecting pipes between the abstraction/discharge points and the generating station, most likely around the discharge point on the south side of the River Aire at Boynton Reach.

3.2. Any additional works or activities in the marine area which may require a marine licence under the 2009 Act should be notified to the MMO at the earliest opportunity and the impacts of such works considered in the EIA process.

4. Comments on the Report

General comments

4.1. The Report provides a broad overview of the Project; however, due to the high level nature of the document and lack of Project detail, confidence in the assessments made is limited, including whether all relevant elements of the project have been scoped with regards to impact pathways and receptors.

- 4.2. The Report includes limited detail regarding work activities and their associated methodologies. Further detail is required in order to ascertain what, if any, activities require licensing under the 2009 Act, and to enable a thorough and robust assessment of their impacts upon the marine environment.

Chapter 4 – Consideration of alternatives

- 4.3. The Report sets out a consideration of alternative layouts and technologies for the new CCGT power station.
- 4.4. The MMO supports the use of construction methods which minimise the impact upon the environment and should be advised of any proposed works methodologies.

Chapter 6 – Scope of the EIA

- 4.5. The Report provides a high level overview of the proposed scope of the EIA, including environmental topics to be covered. This includes limited scope with regards to marine aspects with no clear consideration given to impacts upon river navigation, marine ecology, hydrodynamics, recreational fishing, or other marine users.
- 4.6. As with all works within the marine environment, the MMO would expect to see a thorough and robust assessment of impacts upon marine receptors and clear justification provided for topics/impacts/receptors which have been scoped out.

5. Consultation process and next steps

- 5.1 The MMO welcomes further consultation and recommends that Eggborough Power Ltd discuss the licensing requirements under the 2009 Act with the MMO at the earliest opportunity.