

Appendix 1B: Environmental Impact Assessment Scoping Opinion



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

SCOPING OPINION

Proposed Eggborough CCGT Project

Planning Inspectorate Reference: EN010081

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EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State in respect of the content of the Environmental Statement for the Eggborough CCGT, the Eggborough Power Station site, Goole, East Yorkshire.

This report sets out the Secretary of State's Opinion on the basis of the information provided in Eggborough Power Ltd ('the applicant') report entitled Eggborough CCGT Project Environmental Impact Assessment: Scoping Report (August 2016) ('the Scoping Report'). The Opinion can only reflect the proposals as currently described by the applicant.

The Secretary of State has consulted on the Scoping Report and the responses received have been taken into account in adopting this Opinion. The Secretary of State is satisfied that the topic areas identified in the Scoping Report encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended).

The Secretary of State draws attention both to the general points and those made in respect of each of the specialist topic areas in this Opinion. The main potential issues identified are:

- Emissions to air during construction and operation;
- Geological, hydrogeological and hydrological impacts during construction;
- Ecological impacts associated with the gas connection;
- Construction traffic impacts; and
- Cumulative impacts of the proposed development and decommissioning of the existing Eggborough Power Station (across all topic areas).

Matters are not scoped out unless specifically addressed and justified by the applicant, and confirmed as being scoped out by the Secretary of State.

The Secretary of State notes the potential need to carry out an assessment under The Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations).

1 INTRODUCTION

Background

- 1.1 On 17 August 2016, the Secretary of State received the Scoping Report submitted by Eggborough Power Limited ('the applicant') under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) in order to request a scoping opinion for the proposed Eggborough CCGT Project ('the proposed development'). This Opinion is made in response to this request and should be read in conjunction with the applicant's Scoping Report.
- 1.2 The applicant has formally provided notification under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an Environmental Statement (ES) in respect of the proposed development. Therefore, in accordance with Regulation 4(2)(a) of the EIA Regulations, the proposed development is determined to be EIA development.
- 1.3 The EIA Regulations enable an applicant, before making an application for an order granting development consent, to ask the Secretary of State to state in writing their formal opinion (a 'scoping opinion') on the information to be provided in the environmental statement (ES).
- 1.4 Before adopting a scoping opinion the Secretary of State must take into account:
- (a) the specific characteristics of the particular development;*
 - (b) the specific characteristics of the development of the type concerned; and*
 - (c) environmental features likely to be affected by the development'.*
- (EIA Regulation 8 (9))*
- 1.5 This Opinion sets out what information the Secretary of State considers should be included in the ES for the proposed development. The Opinion has taken account of:
- The EIA Regulations;
 - The nature and scale of the proposed development;
 - The nature of the receiving environment; and
 - Current best practice in the preparation of an ES.
- 1.6 The Secretary of State has also taken account of the responses received from the statutory consultees (see Appendix 3 of this Opinion). The matters addressed by the applicant have been carefully

considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the Secretary of State will take account of relevant legislation and guidelines (as appropriate). The Secretary of State will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with that application when considering the application for a development consent order (DCO).

- 1.7 This Opinion should not be construed as implying that the Secretary of State agrees with the information or comments provided by the applicant in their request for an opinion from the Secretary of State. In particular, comments from the Secretary of State in this Opinion are without prejudice to any decision taken by the Secretary of State (on submission of the application) that any development identified by the applicant is necessarily to be treated as part of a nationally significant infrastructure project (NSIP), or associated development, or development that does not require development consent.
- 1.8 Regulation 8(3) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) a plan sufficient to identify the land;*
 - (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and*
 - (c) such other information or representations as the person making the request may wish to provide or make.*
- (EIA Regulation 8 (3))*
- 1.9 The Secretary of State considers that this has been provided in the applicant's Scoping Report.

The Secretary of State's Consultation

- 1.10 The Secretary of State has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a scoping opinion. A full list of the consultation bodies is provided at Appendix 2. The applicant should note that whilst the Secretary of State's list can inform their consultation, it should not be relied upon for that purpose.
- 1.11 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided at Appendix 2 along with copies of their comments at Appendix 3, to which the applicant should refer in undertaking the EIA.
- 1.12 The ES submitted by the applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended

that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.

- 1.13 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the applicant and will be made available on the Planning Inspectorate's website. The applicant should also give due consideration to those comments in carrying out the EIA.
- 1.14 Due to an administrative error the Marine Management Organisation (MMO) was not identified as a consultation body for the purposes of Regulation 8(6). However, on 14 September 2016, the MMO were notified of their duties under Regulation 9(1)(3) to make available to the applicant any information which is considered relevant to the preparation of the ES.
- 1.15 The MMO has voluntarily provided comments on the proposed scope of the applicant's EIA in response to their Regulation 9 notification. The MMO's response has been provided to the applicant and the Secretary of State expects the applicant to have regard to these comments.

Structure of the Document

- 1.16 This Opinion is structured as follows:
- **Section 1** – Introduction
 - **Section 2** – The proposed development
 - **Section 3** – EIA approach and topic areas
 - **Section 4** – Other information
- 1.17 This Opinion is accompanied by the following Appendices:
- **Appendix 1** – Presentation of the environmental statement
 - **Appendix 2** – List of bodies formally consulted
 - **Appendix 3** – Respondents to consultation and copies of replies

2 THE PROPOSED DEVELOPMENT

Introduction

- 2.1 The following is a summary of the information on the proposed development and its site and surroundings prepared by the applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the proposed development and the potential receptors/resources.

The Applicant's Information

Overview of the proposed development

- 2.2 The proposed development comprises a Combined Cycle Gas Turbine (CCGT) power station situated primarily within the boundary of the existing Eggborough Power Station site in Goole, East Yorkshire.
- 2.3 The proposed development would have an electrical generation capacity of 2 GW, comprising up to three combined cycle turbines and associated steam turbines and two open cycle gas turbines (OCGT), a construction laydown area, electricity and water connections, and access points. The proposed development would also include a new gas pipeline connection to the National Grid Transmission gas network to the north of the site.

Description of the site and surrounding area

The Application Site

- 2.4 The Scoping Report describes the proposed development site by reference to two areas:
- the 'Main Site', comprising the generating station and related buildings and structures; and
 - the 'Gas Connection Search Areas' denoting two potential indicative route corridors for the gas connection.
- 2.5 A description of the site is provided in section 2.0 of the Scoping Report, with site location plans provided at Figures 1 and 2. Both the Main Site and Gas Connection areas are located entirely within the administrative areas of Selby District Council (SDC) and North Yorkshire County Council (NYCC).
- 2.6 The Main Site is approximately 114ha in size. It currently comprises the existing coal-fired power station, including a coal stockyard and lagoon for storing cooling water. As an existing industrial site it consists mainly of hardstanding, buildings and structures and bare ground.

- 2.7 The proposed CCGT plant would be located to the east and south-east of the existing power station buildings. Potential layout options are provided in Figures 4A and 4B.
- 2.8 The gas connection search areas consist primarily of agricultural land, but also include the need for crossings of roads, a railway, the River Aire, and a number of drains and ditches.

The Surrounding Area

- 2.9 There are a number of villages within approximately 2km of the Main Site, including Eggborough 100m to the south-west. A number of villages lie in close proximity to the gas connection search areas, including the village of West Haddlesey which lies partly within the north-western search area. There are also a number of individual residential properties within the vicinity of the Main Site and gas connection search areas.
- 2.10 The A19 runs north-south along the western boundary of the Main Site, and crosses the gas connection search areas. A number of Public Rights of Way (PRoW) fall within the gas connection search areas and lie within close proximity to the Main Site. The northern gas connection search area also crosses the East Coast Main Line Railway.
- 2.11 The Main Site and gas connection search areas are located entirely within the Humberhead Levels National Landscape Character Area, characterised as a 'flat, low-lying and large scale agricultural landscape'.
- 2.12 There are no Conservation Areas within 5km of the Main Site or gas connection search areas. A Scheduled Monument (Roman Fort) is located 630m to the north-west of the existing Power Station's main entrance, 1.5km to the west of the northern gas connection search area corridor at its closest point. A number of listed buildings are located in the vicinity of the Main Site and the gas connection search areas.
- 2.13 The closest internationally designated site is the River Derwent Special Area of Conservation (SAC), located approximately 8.5km to the east of the northern gas connection search area. The Humber Estuary Special Protection Area (SPA) / SAC / Ramsar / Site of Special Scientific Interest (SSSI) lies approximately 15km downstream of the proposed development site.
- 2.14 There are no SSSIs within 5km of the Main Site and connection search areas. Burr Closes SSSI is approximately 6km to the north-east of the northern gas connection search area, and Forlorn Hope Meadows SSSI is approximately 7km to the south-west of the Main Site.

- 2.15 There are a number of watercourses near the application site, including the River Aire, located adjacent to the water abstraction and discharge points (600m north of Wand Lane) and Ings and Tetherings Drain (300m to the north of Wand Lane) which is crossed by the cooling water abstraction pipework. The majority of the Main Site is located within Flood Zone 1 except for a small area within the emergency coal stockpile area which is Flood Zone 3. The gas connection search areas pass through Flood Zones 1, 2 and 3.

Alternatives

- 2.16 The applicant discusses alternatives to the proposed development at section 4 of the Scoping Report, including alternative sites, alternative developments / site layouts within the existing site, and alternative technologies. The applicant is also considering alternative route corridors for the proposed gas connection.

Main Site

- 2.17 The existing Power Station site was favoured for reasons such as the history of power generation and industrial use, the potential for retention of workforce, the grid, water and transport connections, and that the site is largely within the freehold ownership of the applicant.
- 2.18 Within the site, three "site options" were considered (as identified in Appendix 1, Figure A1 and described at paragraph 4.4 of the Scoping Report)
- Golf Course;
 - Coal Stockyard; and
 - Lagoon.
- 2.19 Paragraph 4.6 states that the Golf Course was ruled out due to space constraints, concerns for road safety on the adjacent A19, proximity to overhead power lines and designated heritage assets, and the loss of amenity and habitat.
- 2.20 Figures 4A and 4B show the indicative development footprints and configurations of the lagoon and coal stockyard sites respectively.
- 2.21 The Secretary of State notes an error in the legend of Appendix 1, Figure A1 which states that the Coal Stockyard option was discounted during the early options appraisal. The Secretary of State understands (in accordance with paragraph 4.6 of the Scoping Opinion) that this figure should refer to the Golf Course option having been discounted and the Coal Stockyard and Lagoon sites being still under consideration.
- 2.22 In terms of alternative technologies, the applicant also considered the conversion of the coal-fired power station to biomass fuel but this was found to be economically unviable.

- 2.23 The Scoping Report states that justification for the chosen technology (including cooling options, and what constitutes Best Available Techniques) would be provided in the ES (paragraph 4.15).

Gas Connection

- 2.24 Three potential route corridors (gas connection search areas) for the gas pipeline to connect to Feeder 29 were also considered: north-west (~3.5km), north (~4km), and east (~5km) (Figure A2). Of these, the eastern route was ruled out due to its length, proximity to residential areas, and river and railway crossings.
- 2.25 The remaining two gas connection search areas are currently being considered by the applicant and these route corridors are shown in Appendix 1, Figure A2 of the Scoping Report.

Description of the proposed development

- 2.26 The proposed development is described in section 3 of the Scoping Report.
- 2.27 The development comprises the construction and operation of a CCGT power station with a capacity of around 2GW, comprising up to three high efficiency CCGTs and associated steam turbines and up to two OCGTs. The applicant is still considering the design of the proposed development such that the number of emission stacks remains undecided. At this stage, it is anticipated to include up to:
- Three main stacks (up to 90 m above ground); and
 - Two smaller stacks (45m in height), or multiple low level stacks (up to 10m in height).
- 2.28 The applicant has not finalised its choice of cooling technology at this stage but the Scoping report suggests that it is favouring hybrid-cooling technology (a combination of dry-cooling and wet-cooling), as opposed to entirely dry-cooling or wet-cooling (paragraph 3.23). Cooling water would be abstracted and discharged at the existing points on the River Aire, although the existing pipework would require replacement.
- 2.29 The applicant is also considering the feasibility of including fast response OCGTs to provide extra peaking capacity, and a black start gas turbine capable of starting the CCGT units independently, in the event of total or partial shutdown of the national transmission system.
- 2.30 Connection to the grid would be via the existing National Grid 400 kV substation on site. Paragraph 3.31 states that 'there may also be an extra, new substation as part of the CCGT plant'.

- 2.31 The gas connection to the power station would be via a new connection to the National Grid Transmission gas network to the north of the site. The route and exact connection point remain under consideration. At the chosen connection point, a National Grid Above Ground Installation compound (30m²) would be required as well as a similarly sized compound to house the Applicant's metering and Pipe Inline Gauging equipment.
- 2.32 The proposed development includes an area set aside for the future installation of carbon capture technology.
- 2.33 The applicant explains at paragraph 3.45 that the demolition of the existing power station at the site is being progressed separately of the proposed development, 'other than where relatively small elements of demolition may be required as enabling works for the proposed development'.

Proposed access

- 2.34 The Scoping Report anticipates three access points for construction and operation: the existing access from Wand Lane; the existing main Power Station entrance from the A19; and the existing access via Tranmore Lane (off the A19, to the south of the main entrance).
- 2.35 There is an existing rail loop at the south-eastern end of the site. The Scoping Report states that this may need to be partially removed to enable construction of the new development, but that this would not preclude the consideration of rail use for the delivery of construction materials as the Main Site would still be rail-connected.

Construction

- 2.36 Construction is expected to start in 2019 and last approximately three years. Paragraph 3.49 of the Scoping Report states that the ES will include further information in respect of the proposed construction activities and their duration.
- 2.37 The applicant also states that a Construction Method Statement (CMS) and Construction Environmental Management Plan (CEMP) will be provided (in outline) to describe the specific mitigation measures to reduce impacts of the construction phases (with a full CMS and CEMP to be secured by requirement(s) in the DCO).
- 2.38 No further information on the construction phase is provided, for example, describing the nature of construction works, size of construction compounds, and hours of working or construction work force.

Operation and maintenance

- 2.39 The proposed plant would be designed to operate for at least 25 years, at which point its future operation would be reviewed.

Paragraph 3.2 of the Scoping Report states that if it is not appropriate to continue operation, the proposed development will be decommissioned.

Decommissioning

- 2.40 The Scoping Report states that at the end of its operating life 'the most likely scenario is that the proposed development would be shut down and all above ground structures removed from Site' (paragraph 3.55). Decommissioning methods and timescales have not been considered in the Scoping Report.

The Secretary of State's Comments

Description of the application site and surrounding area

- 2.41 In addition to detailed baseline information to be provided within topic specific chapters of the ES, the Secretary of State would expect the ES to include a section that summarises the site and surroundings. This would identify the context of the proposed development, any relevant designations and sensitive receptors. This section should identify land that could be directly or indirectly affected by the proposed development and any associated auxiliary facilities, landscaping areas and potential off site mitigation or compensation schemes.
- 2.42 The Secretary of State welcomes the inclusion of section 2 in the Scoping Report, and considers that the distinction between the Main Site and the Gas Connection Search Areas is clear.
- 2.43 The Scoping Report makes reference to Gas Connection Points A, B and C (paragraphs 2.14 - 2.17) and Feeder 29, however it is not clear where these are located. Care should be taken in preparing the ES to ensure that the site is clearly defined, and all the elements of the proposed development and their locations on the site are clearly and correctly identified in the text and on the figures and plans.
- 2.44 The Secretary of State also recommends that the Golf Course and Sports and Social club are included when considering sensitive receptors to the proposed development during construction and operation.

Description of the proposed development

- 2.45 The Secretary of State recommends that the ES should include a clear description of all aspects of the proposed development, at the construction, operation and decommissioning stages, and include:
- Land use requirements;
 - Site preparation;

- Construction processes and methods;
 - Transport routes;
 - Operational requirements including the main characteristics of the production process and the nature and quantity of materials used, as well as waste arisings and their disposal;
 - Maintenance activities; and
 - Emissions - water, air and soil pollution, noise, vibration, light, heat, radiation.
- 2.46 The environmental effects of all wastes to be processed and removed from the site should be addressed. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste off site. All waste types should be quantified and classified. Further comments on waste are provided in section 3 of this Scoping Opinion.
- 2.47 The Secretary of State notes the potential interaction between the construction and operation of the proposed development and the decommissioning of the existing power station. The Secretary of State notes that this will likely be a key component of the EIA and should be appropriately explored and assessed. The project description and anticipated construction programme of the proposed development (as well as the proceeding topic chapters of the ES) should clearly set out the extent to which activities could overlap and outline any uncertainties or assumptions made in adopting a worst case approach to the assessment. The Secretary of State welcomes the applicant's intention that the ES will conservatively assess scenarios in terms of cumulative effects and recommends that the applicant give consideration to the definition of a 'worst case' approach within each topic chapter to recognise that it may vary between them.
- 2.48 Where uncertainty remains during the preparation of the ES, the applicant should consider the need for the ES to present different scenarios in terms of the interaction between the proposed development and decommissioning of the existing power station. This could include, for example, differing timescales of the decommissioning programme or differing extents to which existing power station structures will be retained on site (as the case may be).
- 2.49 The Secretary of State notes from paragraphs 6.152 – 6.154 of the Scoping Report that consideration will be given to Combined Heat and Power (CHP) in accordance with Section 4.6 of National Policy Statement EN-1. The ES should provide clear evidence to show that the possibilities of CHP have been fully explored and clearly state whether it is intended to bring CHP forward as part of the proposed scheme.

- 2.50 The Scoping Report notes that the proposed development will be designed to be carbon-capture ready, that an area would be set aside on the power plant site for the future installation of a carbon capture plant if required, and that a carbon capture readiness report will be submitted with the ES. The Secretary of State would expect suitable cross reference between the ES and the carbon capture readiness report such that the potential environmental effects of any additional plant (to the extent that it is known) can be considered throughout the ES. The Applicant's attention is drawn to the requirements for carbon-capture readiness set out in section 4.7 of DECC's 'Overarching National Policy Statement for Energy (EN-1)'. The ES should where possible consider the potential effects associated with providing such abatement technology.
- 2.51 The Secretary of State notes that it is intended that the gas pipeline will be included in the DCO application as associated development. The Applicant should clearly define in the DCO application which elements of the proposed development are integral to the NSIP, and which are 'associated development' or 'ancillary matters' under the Planning Act 2008. Any proposed works and/or infrastructure required as associated development, or as an ancillary matter, (whether on or off-site) should be considered as part of an integrated approach to environmental assessment.
- 2.52 Paragraph 3.45 of the Scoping Report states that 'plans for the future decommissioning and demolition of the coal-fired Power Station are being developed, and demolition is expected to be ongoing during the CCGT construction phase'. The Secretary of State considers that understanding the relationship between the existing facility and the proposed development is extremely important. The ES should therefore clearly explain the likely timing and characteristics of development on site during each stage of construction and the likely stage(s) of works that represent the worst case scenario for potential effects on the environment.

Grid connection

- 2.53 The connection of the power station into the gas and electricity networks is an important consideration. Therefore, the Secretary of State welcomes the intention to include both connections within the proposed DCO application so that all potential effects can be assessed within the accompanying ES. The Secretary of State is pleased to note that a number of options for both connections are being considered to fully assess the environmental impacts of all options.
- 2.54 The Secretary of State advises that once the route for the gas connection has been determined, it should be refined to ensure a robust assessment of the environmental impacts is carried out. The DCO order limits should however be broad enough to encompass both temporary and permanent land take and development requirements. The assessment of environmental effects needs to account for any

limits of deviation that may be included within the order limits and these should be appropriately reflected in each of the EIA topic chapters.

- 2.55 Paragraph 3.31 states that '*there may also be an extra, new sub station as part of the CCGT plant*'. At this stage, the Secretary of State does not have sufficient information to understand the scale and nature of any new substation that may be required. Where this is to form part of the proposed development, the EIA must assess its potential effects (including any flexibility as to its parameters and location that may be sought by the applicant). Where any new substation may be required in the future (or will be delivered under a separate consent) and will therefore not form part of the DCO application, the potential for cumulative effects should be considered as part of the EIA for the proposed development.

Flexibility

- 2.56 The Secretary of State notes that the detailed design of the power station is still being developed and that the draft description of development contains a number of variables. The Secretary of State recognises that at this stage the design of the project may not be sufficiently advanced for the various components (e.g. stack number, heights, cooling technology, OCGTs, etc.) to be accurately defined. The Secretary of State recommends however that the Applicant should make every attempt to ensure that the description of the development (e.g. footprint, height, design, emissions) is sufficient to enable an assessment of the worst case impacts in the ES.
- 2.57 The applicant's attention is drawn to Advice Note nine 'Using the 'Rochdale Envelope' which is available on the Planning Inspectorate's website and to the 'Flexibility' section in Appendix 1 of this Opinion which provides additional details on the recommended approach.
- 2.58 The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. At the time of application, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes. The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES. It is a matter for the applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. 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.
- 2.59 It should be noted that if the proposed development changes substantially during the EIA process, prior to application submission,

the applicant may wish to consider the need to request a new scoping opinion.

Proposed access

- 2.60 The Scoping Report refers to three access routes for vehicles during construction and operation, but these relate to the Main Site only (paragraph 3.38). The Secretary of State would anticipate a comprehensive description of the temporary and permanent access to all sites to be provided within the ES.
- 2.61 Paragraph 3.38 also states that 'both' access routes are capable of accommodating normal Heavy Goods Vehicle (HGV) traffic. It is not clear whether all access routes will be used for both construction and operation. The ES should detail the impacts of each option considered, including the worst-case impacts. The ES should also describe the likely type, nature and extent of any other works necessary to construct or improve the accesses (e.g. demolition works, widening, road closures, footpath/pipeline diversions and tree felling).
- 2.62 The Secretary of State would expect the extent of works required for the 'partial removal' of the existing rail loop to be defined and assessed if they are part of the DCO or clarification provided that this would be delivered under permitted development or another consenting route.

Alternatives

- 2.63 The EIA Regulations require that the applicant provide 'An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects' (See Appendix 1 of this Scoping Opinion).
- 2.64 The Secretary of State welcomes the inclusion of section 4 of the Scoping Report outlining the alternatives considered, and the statements indicating that more detailed information will be provided in the ES (paragraphs 4.14 and 4.15), including justification as to the chosen technology and a discussion of Best Available Techniques (BAT) in respect of the cooling options.
- 2.65 The Secretary of State would also expect to see the consideration of alternatives in respect of the peaking plant and / or 'black start' gas turbine options that are currently being considered as potentially forming part of the proposed development, as described at paragraphs 3.24 – 3.28 of the Scoping Report. The Secretary of State also notes that, whereas paragraphs 3.24 – 3.28 describe these aspects as 'being considered' for inclusion as part of the proposed development, paragraph 3.3 implies that there 'will be' a stack for the black start facility.

- 2.66 In reference to the labelling error noted in the legend of Figure A1 of Appendix 1, care should be taken in preparing the ES to ensure that the site is clearly defined, and all the elements of the proposed development and their locations on the site are clearly, correctly and consistently identified in the text and on the figures and plans.

Construction

- 2.67 The Secretary of State notes that very little information has been provided in the Scoping Report regarding construction. The Secretary of State therefore notes and welcomes (at paragraph 3.49) that more detailed information on construction methods and programme will be provided in the ES.
- 2.68 The Secretary of State considers that information on construction should be clearly indicated in the ES, including: phasing of the programme; construction methods and activities associated with each phase; siting and size of construction compounds; lighting equipment/requirements; and number, movements and parking of construction vehicles (both HGVs and staff).
- 2.69 The Secretary of State notes that demolition of the existing coal-fired Power Station is expected to be ongoing during the construction of the proposed development (paragraph 3.45 of the Scoping Report).
- 2.70 The Secretary of State recommends that the outline Construction Environmental Management Plan (CEMP) (as described at paragraph 3.50) be appended to the ES providing details of specific mitigation measures required to reduce construction related impacts.
- 2.71 The Secretary of State notes the applicant's intention that the CEMP and a Construction Method Statement (CMS) are to be provided in 'framework' terms with a DCO requirement to secure detailed versions of these plans post-consent.
- 2.72 The CEMP should provide the mitigation measures necessary to address the impacts identified. The likely efficacy of these measures should be explained along with details confirming how the measures are secured by the DCO. The Secretary of State also recommends the submission of a visual aid in the form of a hierarchy organogram to demonstrate the relationships between the CMS, the CEMP and their respective component parts including any other plans relied upon for the purposes of mitigation.
- 2.73 The applicant does not provide an indication of the likely crossing methods for the features listed at paragraphs 2.13 – 2.14 of the Scoping Report, be they drilled, open trenched, tunnelled or otherwise. The ES should describe the need for crossings including options considered and should also include a description and assessment of the environmental effects of these, for example any culvert or diversions to watercourses that may be required.

Operation and maintenance

- 2.74 The Scoping Report does not provide information regarding the operation and maintenance requirements for the power station or the electricity and gas connections. The ES should clearly describe these requirements for all elements of the development and should cover but not be limited to such matters as: the number of full/part-time jobs; the operational hours and if appropriate, shift patterns; the number and types of vehicle movements generated during the operational stage. In particular, the ES should also consider the likely activities associated with, and frequency of, foreseeable maintenance activity alongside an assessment of the associated environmental effects.
- 2.75 At paragraph 2.6 of the Scoping Report, the applicant explains that the proposed development and the existing power station will not be able to operate concurrently as they require the same export grid connection, river water abstraction, discharge infrastructure and groundwater abstraction. Where existing infrastructure is being relied upon for the proposed development, this should be clearly defined alongside the need for new and / or upgrades to existing infrastructure for the operation of the proposed development.

Decommissioning

- 2.76 The Scoping Report provides very little information about decommissioning. Whilst it is acknowledged that information on the decommissioning strategy may not be fully developed at this early stage, the purpose of such a long term assessment is to enable the decommissioning of the works to be taken into account in the design and use of materials such that structures can be taken down with the minimum of disruption. Given the description at paragraph 3.2 of the Scoping Report, the EIA process should consider and present the likely options as to decommissioning or extension of the proposed development's operational life beyond 25 years and the likely environmental effects of these options (to the extent to which they can be known).
- 2.77 The Secretary of State advises that as much detail as possible on the proposed approach, including the process and methods of decommissioning, is provided within the ES to ensure that the long term assessment can consider the impacts of decommissioning for each element of the proposed scheme.
- 2.78 The Scoping Report (paragraph 3.54) indicates that the design life of the power station is 25 years. The Secretary of State recommends that the EIA covers the life span of the proposed development, including construction, operation and likely decommissioning.

3 EIA APPROACH AND TOPIC AREAS

Introduction

- 3.1 This section contains the Secretary of State's specific comments on the approach to the ES and topic areas as set out in the Scoping Report. General advice on the presentation of an ES is provided at Appendix 1 of this Opinion and should be read in conjunction with this Section.

EU Directive 2014/52/EU

- 3.2 The Secretary of State draws the applicant's attention to European Union (EU) Directive 2014/52/EU (amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment) which was made in April 2014.
- 3.3 Under the terms of the 2014/52/EU Directive, Member States are required to bring into force the laws, regulations and administrative provisions necessary to comply with the Directive by 16 May 2017.
- 3.4 Whilst transitional provisions will apply to such new regulations, the applicant is advised to consider the effect of the implementation of the revised Directive in terms of the production and content of the ES.
- 3.5 On 23 June 2016, the UK held a referendum and voted to leave the EU. There is no immediate change to infrastructure legislation or policy. Relevant EU directives have been transposed into UK law and those are unchanged until amended by Parliament.

National Policy Statements (NPS)

- 3.6 Sector specific NPSs are produced by the relevant Government Departments and set out national policy for nationally significant infrastructure projects (NSIPs). They provide the framework within which the Examining Authority will make their recommendations to the Secretary of State and include the Government's objectives for the development of NSIPs.
- 3.7 The relevant NPSs for the proposed development ('EN-1: Overarching National Policy Statement for Energy', 'EN-2: National Policy Statement for Fossil Fuel Electricity Generating Infrastructure', 'EN-4: National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines' and 'EN-5: National Policy Statement for Electricity Networks Infrastructure) set out both the generic and technology-specific impacts that should be considered in the EIA for the proposed development. When undertaking the EIA, the applicant must have regard to both the generic and technology-specific impacts and identify how these impacts have been assessed in the ES.

- 3.8 The Secretary of State must have regard to any matter that the Secretary of State thinks is important and relevant to the Secretary of State's decision. This could include the draft NPS if the relevant NPS has not been formally designated.

Environmental Statement Approach

- 3.9 The ES should not be a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development.
- 3.10 The Secretary of State would suggest that the applicant ensures that appropriate consultation is undertaken with the relevant consultees in order to agree wherever possible the timing and relevance of survey work as well as the methodologies to be used. The Secretary of State notes and welcomes the intention to finalise the scope of investigations in conjunction with ongoing stakeholder liaison and consultation with the relevant regulatory authorities and their advisors, and that such consultation is already being undertaken as described at paragraphs 8.27 – 8.33 of the Scoping Report.
- 3.11 The Secretary of State recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.
- 3.12 Paragraph 2.6 states that the proposed development will not become operational before the existing Eggborough Power Station has ceased generation. The Secretary of State welcomes the description and definition of both 'baseline conditions' and 'future baseline conditions' at paragraphs 8.16 – 8.17 of the Scoping Report.
- 3.13 The Secretary of State welcomes reference at paragraph 8.26 of the Scoping Report to the assessment of combined (or inter-related) environmental effects on a single receptor. The Secretary of State considers that the assessment of these inter-related effects will be of particular importance in relation to transport, air quality, noise and ecological receptors.
- 3.14 The Secretary of State recommends that in order to assist the decision making process, the applicant may wish to consider the use of tables:

- (a) to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts;
- (b) to demonstrate how the assessment has taken account of this Opinion and other responses to consultation;
- (c) to set out the mitigation measures proposed, as well as assisting the reader, the Secretary of State considers that this would also enable the applicant to cross refer mitigation to specific provisions proposed to be included within the draft DCO; and
- (d) to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

Environmental Statement Structure

3.15 Section 8.7 of the Scoping Report sets out the proposed structure of the ES and notes that it is anticipated that the ES will be produced in three volumes:

- Non-Technical Summary
- Volume 1: Environmental Statement
- Volume 2: Figures
- Volume 3: Technical Appendices.

3.16 The Secretary of State notes that the indicative contents of the ES are described at Section 8.7 of the Scoping Report. Alongside the introductory chapters describing the proposed development, assessment methodology, and design evolution, the EIA would cover a number of assessments under the broad headings (and chapter numbers) of:

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|---|--|
| (8) Air Quality | (15) Land Use, Agriculture and Socio-economics |
| (9) Noise and Vibration | (16) Landscape and Visual Amenity |
| (10) Ecology and Nature Conservation | (17) Waste Management |
| (11) Flood Risk, Hydrology and Water Resources | (18) Sustainability and Climate Change |
| (12) Geology, Hydrogeology and Land Contamination | (19) Cumulative and Combined Effects |
| (13) Cultural Heritage | (20) Summary of Significant Residual Effects |
| (14) Traffic and Transportation | |

- 3.17 The Secretary of State welcomes the inclusion of a summary chapter of significant residual effects, although considers that this should be expanded to summarise and consolidate all impacts reported in the EIA and their proposed mitigation measures (including reference to how such measures are to be secured as part of the DCO through requirements or otherwise).

Matters to be Scoped in/out

- 3.18 The applicant has identified in the section 7 of the Scoping Report the matters it proposes to be 'scoped out' of the EIA. The topic areas the applicant is seeking to scope out at this stage are:

- Electronic Interference;
- Aviation; and
- Accidental Events/ Health and Safety.

- 3.19 Whilst the Secretary of State may not necessarily agree to scope out certain topics or matters within the Opinion on the basis of the information available at the time, this does not prevent the applicant from subsequently agreeing with the relevant consultees to scope matters out of the ES, where further evidence has been provided to justify this approach. This approach should be explained fully in the ES.

- 3.20 In order to demonstrate that topics have not simply been overlooked, where topics are scoped out prior to submission of the DCO application, the ES should still explain the reasoning and justify the approach taken.

- 3.21 The Secretary of State also notes that the potentially significant environmental issues section of the Scoping Report (section 6.0) describes certain elements of the assessment within topic areas as being proposed to be scoped out of the EIA. These are addressed within the Secretary of State's comments on the relevant topic areas.

Electronic Interference

- 3.22 The applicant considers that the proposed maximum building heights and expected temporary construction cranes will not exceed the height of the existing stacks associated with the Power Station.

- 3.23 The proposed development's potential to interfere with television, radio (both analogue and digital) and mobile phone reception is considered negligible on the basis that analogue signals have ceased to be transmitted and have been replaced by digital signals.

- 3.24 The Secretary of State does not agree, at this stage, that this topic can be scoped out of the EIA based on the level of detail provided. Further technical justification supported by agreements with the

relevant consultees should be included as part of the ES if the applicant intends to exclude this topic from the scope of the EIA.

Aviation

- 3.25 The applicant is seeking to scope out impacts to aviation on the basis that the Civil Aviation Association (CAA) has a general interest in structures of 91.4 m (300 feet) or more above ground level and none of the proposed development's buildings or structures exceed this height. Further, the main site is approximately 3.8km to the south of the nearest airfield (Burn (Selby) Airfield).
- 3.26 The applicant also explains that the CAA will be consulted on the proposed development to review any requirements for aviation lighting on the new stack(s) once the stack associated with the existing power station is demolished.
- 3.27 The Secretary of State notes the comments made by Leeds City Council (at Appendix 3 of this Scoping Opinion) with regard to potential impact of the proposed development on Leeds Bradford Airport, private aerodromes in the Leeds area and nearby military aerodromes.
- 3.28 Given the fact that the existing structures that have aviation lighting on are to be demolished and the maximum new structures are less than the height at which the CAA would 'have a general interest', the Secretary of State agrees that this can be scoped out of the EIA. The comments from NATS (included at Appendix 3 of this Scoping Opinion) are also noted here and they confirm that the proposed development site "*is over 50km from NATS's nearest infrastructure and as such NATS anticipates no impact upon its operations*".

Accidental Events / Health and Safety

- 3.29 The Secretary of State agrees that a standalone chapter to consider accidental events / health and safety need not be provided on the basis that accidental events will be covered by a risk assessment in the ES, and that such events will be considered as part of the technical assessment chapters where relevant (e.g. fuel spillages considered as part of the hydrology / hydrogeology chapters and abnormal emissions to air considered as part of the air quality assessment chapter).

Topic Areas

- 3.30 The Secretary of State notes that the topic area / proposed ES chapter titles included at paragraph 8.7 of the Scoping Report are not always consistent with the topic subheadings within chapter 6 of the Scoping Report. In the following section, the Secretary of State refers to the topic subheadings in the latter.

Air Quality (Scoping Report paragraphs 6.2 – 6.20)

- 3.31 The Secretary of State welcomes the proposed approach to undertaking an assessment of the potential effects of the proposed development on air quality arising from CCGT operations (emissions from the stacks); emissions from vehicles from construction, operation and decommissioning; and construction and decommissioning dust emissions.
- 3.32 Paragraphs 6.2 to 6.8 of the Scoping Report summarise the currently available baseline data. The applicant proposes to conduct a 'limited ambient air monitoring survey' to supplement the background data described. The applicant is encouraged to discuss the adequacy of the data with relevant consultees to ensure it is robust and representative of the baseline conditions.
- 3.33 Paragraphs 6.2 to 6.8 of the Scoping Report appear to suggest that the baseline assumes that the existing coal-fired power station will still be in operation. The Secretary of State notes that combined emissions from the existing power station and the proposed CCGT development are likely to constitute the worst case scenario in terms of absolute emissions. However, if the existing coal-fired station is likely to be decommissioned and / or demolished before the proposed development is in operation (as implied from paragraph 3.45 in the Project Description section of the Scoping Report), this could have a greater relative effect in terms of significance. The applicant is advised to justify its choice of baseline scenario(s). The ES should describe and assess the potential worst case impacts that could occur. This applies to each topic assessment in the ES.
- 3.34 The implications of stack height and dispersion on the discharge of emissions need to be clearly explained in the ES, alongside a justification of the modelled parameters. The Secretary of State recommends that dispersion modelling considers a range of possibilities and seeks to ensure that the 'worst case' scenario is assessed (even if this is only a short term impact).
- 3.35 The assessment should take account of the vehicular movements associated with the existing power station within the baseline, whether it continues to be operational or, as is implied in paragraph 3.45, is in the process of being decommissioned or demolished.
- 3.36 Air quality and dust levels should be considered not only on site but also off site, including along access roads, local footpaths and other PRoW.
- 3.37 The Scoping Report acknowledges that the proposed development is located near to two Air Quality Management Areas (AQMAs). The Secretary of State welcomes that the air quality impact assessment will give specific consideration to the proposed development's potential effects on the nearby AQMAs (paragraph 6.11 of the

Scoping Report) and would expect this to extend to the construction, operational and decommissioning phases of the proposed development. The Secretary of State considers that adverse change to air quality should be assessed in relation to compliance with Air Quality Standards Regulations 2010.

- 3.38 The Scoping Report acknowledges that the proposed development is located near to a number of local and national designated sites for nature conservation. The potential impact on these habitats and designations due to any predicted increase in airborne pollutant emissions during construction and operational phases should be assessed in the EIA.

Noise and Vibration (Scoping Report paragraphs 6.2 – 6.20)

- 3.39 The Secretary of State welcomes that the applicant intends to agree baseline noise monitoring requirements with the Environmental Health Officer at SDC (paragraph 6.29). Paragraphs 6.21 to 6.23 of the Scoping Report on baseline conditions do not make reference to the gas connection; therefore the Secretary of State welcomes the confirmation in paragraph 6.26 that the assessment will consider the construction, operation and decommissioning of the power station and associated connections.
- 3.40 The Secretary of State recommends that the methodology and choice of noise receptors should be agreed with the relevant Environmental Health Department of the Council and with the Environment Agency (EA).
- 3.41 Information should be provided on the types of vehicles and plant to be used during the construction phase. Once operational, noise sources generated should be identified and assessed. Where appropriate, effective measures should be provided to mitigate noise nuisance.
- 3.42 Noise impacts on people should be specifically addressed and particularly any potential noise disturbance at night and other unsocial hours such as weekends and public holidays.
- 3.43 The noise and vibration assessments should take account of the traffic movements along access routes, especially during the construction phase. The results from the noise and vibration assessments will also provide information to inform the ecological assessments.
- 3.44 Consideration should be given to monitoring noise complaints during construction and when the development is operational.
- 3.45 The Secretary of State would expect the noise assessment to clearly set out how a 'worst case' assessment at the nearest sensitive receptors has been defined in respect of the construction and

operation of the proposed development and the decommissioning activities associated with the existing power station.

Ecology (Scoping Report paragraphs 6.37 – 6.52)

- 3.46 The Secretary of State welcomes the description of the baseline conditions at the site, including statutory designations that will be considered as part of the assessment (or ruled out as described in paragraphs 6.37 – 6.39). The spatial extent of the designated sites relative to the proposed development site is presented in Figure 5A of the Scoping Report.
- 3.47 Given the hydraulic connectivity of the site to the Humber Estuary SPA / SAC / Ramsar / SSSI the Secretary of State welcomes the inclusion of these sites within the ecological assessment.
- 3.48 The Secretary of State draws the applicant's attention to the consultation response from NYCC in relation to other European designated sites that may need to be considered as part of the assessment:
- River Derwent SAC;
 - North York Moors SAC;
 - Strensall Common SAC;
 - Skipwith Common SAC; and
 - Humberhead Peatlands SAC;
- 3.49 In respect of the River Derwent SAC, the Secretary of State notes the applicant's early justification as to its exclusion from further consideration in paragraph 6.54 of the Scoping Report, and would expect the ES to build on this justification taking into account the final design of the proposed development.
- 3.50 The Secretary of State notes the inherent overlapping relationship between the assessment of air quality effects on ecologically designated sites and the ecological assessment itself. Paragraph 6.52 of the Scoping Report excludes assessment of air quality effects on SSSI's on the basis that there are no designations within 5km. Similarly, impacts on SACs, SPAs and Ramsar sites are ruled out on the basis that there are no designations within 10 km. Paragraph 6.15 of the Scoping Report cites EA Guidance¹ in defining a 10km zone for consideration of statutory designated sites and 2km for non-statutory sites. This EA guidance also states that "*Some larger (greater than 50 megawatt) emitters may be required to screen to 15km for European sites and to 10km or 15km for SSSIs*". The

¹ 'Air emissions risk assessment for your environmental permit'. Available from <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>

Secretary of State would expect to see justification within the ES as to the defined distances used in the assessment in accordance with this guidance and agreement with the EA and Natural England (NE) as to the approach.

- 3.51 Potential effects of the proposed development on Sites of Importance for Nature Conservation (SINCs) as designated by NYCC should also be considered as part of the EIA process following the EA guidance as cited above (or justification provided as to their exclusion from the assessment).
- 3.52 The applicant describes that the assessment of potential impacts will be undertaken in accordance with the Institute for Ecology and Environmental Management (IEEM) Ecological Impact Assessment Guidelines (2006), although for reference, the Secretary of State notes that this guidance has been superseded by a second version published in January 2016² and would expect the latter to be used as the basis for the ecological impact assessment of the proposed development.
- 3.53 Table 6.2 of the Scoping Report summarises the scope and extent of ecological surveys undertaken (and still to be undertaken) to inform the EIA for the proposed development. This table (and paragraph 6.49) explain that some additional surveys (eDNA testing for Great Crested Newts) may be required in spring 2017 and thus post-date the submission of the DCO application. The Secretary of State reminds the applicant of the status afforded to protected species and the obligations that apply and are placed on the applicant. The Secretary of State therefore expects the applicant to agree any approach that deviates from best practice with NE and provide evidence of such agreement and justification as part of the ES or supporting documents. The Applicant's attention is drawn to sections 5.3 of NPS EN-1 and 2.21 NPS EN-4 in this regard and the need to provide sufficient information so as to understand the impacts of the proposed development on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity.
- 3.54 Paragraph 6.48 of the Scoping Report explains that species surveys for the following have been scoped out of further assessment (including a brief justification for their exclusion):
- Reptiles;
 - Breeding birds;
 - Wintering and passage birds; and

² 'Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal' (Second Edition). Available from:
<http://www.cieem.net/ecia-guidelines-terrestrial->

- White clawed crayfish.

- 3.55 The Secretary of State does not agree that sufficient information has been provided to justify scoping out these surveys from the assessment at this time. The Secretary of State recommends further engagement with relevant statutory advisors and the local planning authorities to agree the approach. This comment applies equally to those surveys that are highlighted as 'IR' (if required) in table 6.2 of the Scoping Report. In the case of reptiles and breeding birds, the applicant refers to mitigation through precautionary method statements and the timing of vegetation removal respectively as part of their justification. Measures relied upon in the findings of the assessment should be adequately secured as part of the DCO.
- 3.56 The Secretary of State welcomes the applicant's intention to present mitigation and enhancement proposals considering the wider strategic aims of the Selby area. There should be a clear distinction between those aspects that are presented as mitigation in response to significant effects identified and those enhancement measures which the applicant has identified as part of or alongside necessary mitigation measures. The Secretary of State requires any such mitigation measures or plans should be sufficiently developed and secured as part of the DCO to provide confidence in the conclusions on residual effects in the ES.

Habitats Regulations Assessment (Scoping Report paragraphs 6.52 – 6.56)

- 3.57 The Secretary of State's comments in relation to Habitats Regulations Assessment (HRA) matters do not form part of the formal Scoping Opinion, but are instead presented in Section 4 of this document.

Water Resources and Flood Risk (Scoping Report paragraphs 6.57 – 6.63)

- 3.58 Reference is made to Figures 5C and 5E of the Scoping Report to illustrate the extent to which the proposed development site (including gas connection search areas) lie within flood zones 1, 2 and 3. The Secretary of State expects that the Flood Risk Assessment (FRA) will be prepared as a standalone document to be appended or otherwise cross referred as part of the ES, but that the ES chapter itself will also include an assessment of the environmental effects of the proposed development in terms of susceptibility to flooding and the potential for the proposed development to increase flood risk off site.
- 3.59 As referred to in Chapter 2 of this Scoping Opinion, there is minimal reference in the Scoping Report to the methods of river / land drains and drainage ditch crossings that may be required along the gas connection route. The Secretary of State expects the water resources and flood risk chapter of the ES (and the FRA) to fully consider the

impacts associated with the chosen crossing methods as well as any culverts or diversion to watercourses that may be required.

- 3.60 Paragraphs 2.8 and 3.6 of the Scoping Report state that existing cooling water abstraction and discharge points will be used to connect to the proposed development as well as existing boreholes for boiler make-up water. It is noted that some upgrades to the pipeline connections to the abstraction and discharge points may also be required. In terms of both abstraction and discharge, there will need to be a clear description and assessment within the ES as to the reliance on existing infrastructure, quantities and licenses versus how these will vary in the context of the proposed development.
- 3.61 The applicant is referred back to the comments made in terms of design flexibility in section 2.56 of this Scoping Opinion (of particular relevance to the water resources assessment is the current level of uncertainty regarding the cooling technology to be employed by the proposed development).
- 3.62 The Secretary of State notes the use of various technical terms in the description of water use by the proposed development. For example, the terms: boiler make-up water, back-up cooling water, feedwater, demineralised water, raw water and waste water are all referred to but not appear to be sufficiently defined. The Secretary of State reminds the applicant to ensure the description of the development in the ES is clear and that the operational processes applicable (including those which relate to use of water) are clearly explained.
- 3.63 Given their inherent inter-relationship, cross reference should be made between the assessment of water resources and ecology, particularly in the context of inter-related effects.
- 3.64 The applicant refers to the current method of surface water collection within the existing power station site and the fact that, once operation is ceased, an alternative strategy is to be implemented as part of the design of the proposed development. The Secretary of State would expect to see a description of the proposed drainage design (incorporating sustainable drainage techniques) including any land take and attenuation features that may be required. The Secretary of State welcomes the applicant's statement that designs are currently being worked up and are to be discussed with the EA and the local Internal Drainage Boards.
- 3.65 No reference is made to the use of any established methods or guidance in terms of the impact assessment itself including reference to significance criteria. The Secretary of State will expect such details to be presented in the ES, including (if applicable) separate criteria for the assessment of flood risk and water resources impacts. Where professional judgement is to be used, this should be clearly described and fully justified, particularly where there is any deviation from established guidance.

- 3.66 Reference is made at paragraph 6.60 of the Scoping Report (in the broad context of mitigation) to both an Operational Environmental Management Plan (and /or drainage system) and an Environmental Management Plan during construction and decommissioning (elsewhere referred to in the Scoping Report as CMS and CEMP). The Secretary of State expects that plans relied upon in the assessment should contain sufficient detail and be adequately secured as part of the DCO.
- 3.67 Although reference is made to the Water Framework Directive (WFD) as part of the glossary in the Scoping Report, no reference is made to the need or scope of such an assessment as part of the report itself. Given the description of the proposed development and the surrounding area (including the need for a crossing of the River Aire and the proposed development's use of existing water abstraction and discharge points) the Secretary of State expects the DCO application to be accompanied by a WFD assessment. Further comments on WFD are provided in Section 4 of this Scoping Opinion.

Geology, Hydrogeology and Land Contamination (Scoping Report paragraphs 6.64 – 6.79)

- 3.68 The Secretary of State notes that, whilst the proposed development falls outside of the defined Development High Risk Area for coal mining activities (and that there are no recorded coal mining legacy hazards at shallow depth that could pose a risk to land stability), the site does fall within the licence area of Kellingley Colliery (with active deep underground coal mining until December 2015). The Secretary of State therefore welcomes the acknowledgement that the surface subsidence can occur for several years after cessation of activities (paragraph 6.65 of the Scoping Report) and therefore expects the EIA to consider the potential land instability risks to and from the proposed development. The description of the proposed development and the design process should include specific reference to the measures incorporated in minimising these risks as well as any mitigation and monitoring that may be required (and how it will be delivered as part of the DCO).
- 3.69 Paragraph 6.66 of the Scoping Report identifies the groundwater vulnerability around the main site as either being of a high leaching potential for major or minor aquifers, and the overall sensitivity of groundwater as being 'high' as a result (paragraph 6.74). The assessment of impacts on groundwater quality and quantity should also consider the extent to which new abstractions may be required or where existing abstractions are to be relied upon or upgraded as part of the proposed development works.
- 3.70 The Secretary of State notes that no description of groundwater vulnerability is provided in relation to the gas connection search areas but welcomes that the assessment will consider potential creation of

new pathways to / from such receptors (paragraph 6.75 of the Scoping Report) as a result of the proposed development.

- 3.71 The applicant has identified the site as being partially located within a Groundwater Drinking Water Safeguard Zone, and the Secretary of State expects the ES to consider how deposition of nitrate emissions may affect this safeguarded zone.
- 3.72 Where the assessment(s) make recommendations for '*further intrusive investigation to address residual data gaps*' (as described at paragraph 6.79 of the Scoping Report), the Secretary of State will expect assessment to be based on relevant and up to date information. The need for further intrusive surveys to inform the assessment should be agreed with relevant consultees.
- 3.73 Where further investigation recommendations are made as mitigation of potential impacts identified as part of the ES, the Secretary of State will need to understand how they can be secured and the extent to which they will be effective in mitigating these impacts. The Secretary of State will also expect a construction and operational monitoring strategy to be defined and secured as part of the DCO.
- 3.74 The Secretary of State notes that no reference has been made to any established methods or guidance in terms of the impact assessment in particular, no established significance criteria. The Secretary of State would expect that the methodology used to determine likely significant effects is in accordance with good practice, clearly explained and appropriately applied throughout the assessment.

Cultural Heritage (Scoping Report paragraphs 6.80 – 6.91)

- 3.75 The Secretary of State notes that designated and non-designated heritage assets have the potential to experience direct impacts or indirect impacts to their setting arising from the proposed development, and the Secretary of State welcomes that these will be assessed in the ES.
- 3.76 The Secretary of State notes that two different study areas have been identified in paragraph 6.86 of the Scoping Report. These study areas should be agreed with the relevant planning authorities and Historic England and justified within the ES.
- 3.77 Where relevant, cross reference should be made to the Landscape and Visual section of the ES, for example in respect of any defined zone of visual influence (ZVI) and the potential heritage assets identified within the ZVI.
- 3.78 The Secretary of State welcomes the reference at paragraph 6.87 to the established guidance which will form the basis of the impact assessment, in particular that produced by the Chartered Institute for Archaeologists (CIfA) and Historic England relating to desk-based

assessments and managing significance in decision-taking respectively.

- 3.79 The Secretary of State also welcomes the acknowledgement of the potential need for further archaeological evaluation to inform the understanding of baseline conditions (e.g. through geophysical survey), and that the need for further work will be discussed with NYCC. Although not expressly stated, the Secretary of State anticipates that this need could extend to the main site (as may or may not be appropriate given its existing and former land use) as well as the gas connection search areas.
- 3.80 The Secretary of State also notes the intention for an archaeological watching brief to be present during intrusive ground investigation works during the preparation of the EIA (paragraph 6.88 of the Scoping Report). In relation to intrusive ground investigation, paragraph 6.77 of the Scoping Report implies that this may not be required, and therefore no data would be available to inform the archaeological assessment.
- 3.81 Reference is made at paragraph 6.90 to 'design or embedded mitigation', and the Secretary of State would expect a clear definition between these two terms and how they are applied in the assessment. Where written schemes of investigation (WSI) or watching briefs are proposed as mitigation for known or potentially previously unknown heritage assets, the scope of these should be agreed with the relevant local planning authorities and Historic England, and they should be appropriately secured as part of the DCO.

Traffic and Transport (Scoping Report paragraphs 6.92 – 6.103)

- 3.82 The Secretary of State welcomes the development of the assessment of transport impacts in association with the local highways authority and the Highways England. The Secretary of State would expect on-going discussions and agreement, where possible, with such bodies.
- 3.83 Paragraph 6.99 of the Scoping Report states that a Transport Assessment will be produced 'though this will be confirmed following determination of the number of construction movements, in liaison SDC and NYCC'. The peak volumes of traffic during construction as identified in the preliminary assessment are presented in paragraph 6.97 of the Scoping Report (600-900 one-way movements during peak activity). The potential need for the import or export of material during construction (unquantified at this stage) is also presented in paragraph 3.47 of the Scoping Report and the Secretary of State's previous comments on the potential overlap between the project and the decommissioning of the existing power station are also relevant here.

- 3.84 Having regard to the scale of the development, the anticipated construction vehicle movement and the potential overlap with decommissioning activities associated with the existing power station as indicated by the applicant, the Secretary of State requires a full Transport Assessment be undertaken. The applicant is referred to paragraph 5.13.3 of NPS EN-1 and the Planning Practice Guidance on 'Travel plans, transport assessments and statements in decision-taking'³ for further guidance as to determining the need for a Transport Assessment.
- 3.85 The applicant should consider, in particular, the overlap and inherent linkages between the transport assessment and the assessment of noise and air quality impacts (and in particular the effects on the AQMAs as previously discussed in section 3 of the Scoping Opinion).
- 3.86 Information should be provided on the types of vehicles and plant to be used, the number of vehicle trips. This should include vehicular movements required during shut down and maintenance periods.
- 3.87 The choice of access route to the site has not been confirmed within the Scoping Report (four existing routes are described in paragraph 6.95). The ES should detail the transport routes to be used during construction and operational phases, both within the site and along the strategic road network. The measures to be employed to ensure that these roads will be utilised should be detailed.
- 3.88 The applicant is advised to consider the inclusion of information within the Transport Assessment (TA) regarding non-road transportation impacts. Government policy encourages multi-modal transport and transportation of materials by water or rail routes where possible (NPS EN-1, EN-2). The Secretary of State recommends that ES and TA should take account of alternatives to road transport, for example via Aire & Calder.
- 3.89 The Secretary of State recommends that the ES should take account of the location of footpaths and any PRoW including bridleways and byways. The ES should clearly set out impacts on them including within the wider area. It is important to minimise hindrance to them where possible. A clear indication should be given as to how the proposed development will affect the existing and future facilities in the area and what mitigation would be appropriate in the short, medium and long term.
- 3.90 The significance of an identified effect from transportation will need to take into account a number of criteria. These criteria will need to be carefully described so that impact significance is clearly defined within

³ Planning Practice Guidance: Travel plans, transport assessments and statements in decision-taking. Available from:
<http://planningguidance.communities.gov.uk/blog/guidance/travel-plans-transport-assessments-and-statements-in-decision-taking/>

the ES and so that it can be clearly understood how significance has been concluded.

- 3.91 Paragraph 6.98 states that, given the likely scale of operational traffic that is predicted at this stage, the effects are likely to be negligible and a detailed assessment of the operational phase is therefore scoped out of the ES. Whilst a detailed assessment may not be required, the Secretary of State would expect to see a quantification of the operational impacts in the traffic and transport chapter of the ES (in justifying its conclusion) and reference to the overlapping cumulative effects of this operational traffic with the decommissioning activities associated with the existing power station.
- 3.92 Mitigation measures should be considered such as a travel plan and methods and locations material sourcing so as to minimise transport.
- 3.93 Cross reference should be made to the Air Quality, Noise and Vibration, and Waste assessments where appropriate.

Land Use, Agriculture and Socio-Economics (Scoping Report paragraphs 6.104 – 6.115)

- 3.94 Given that the proposed development is stated to span agricultural land classification (ALC) grade 3 and grade 2 (i.e. includes best and most versatile land (BMV)), the Secretary of State welcomes the applicant's intended approach to the EIA in considering the temporary and permanent effects of the loss of agricultural land. The applicant's attention is drawn to the NE guidance⁴ on the protection of BMV and that the potential need for further definition of baseline conditions in terms of ALC associated with the main site and gas connection search areas (noting paragraph 6.112 of the Scoping Reports cites 'provisional' ALC gradings).
- 3.95 At paragraph 6.111, the applicant states that the chapter will consider potential impacts that might affect recreational activities in the surrounding areas, but does not include users of the PRoW in the list of such users. The Secretary of State notes the PRoW identified by the applicant in relation to the main site and the gas connection search areas at paragraphs 2.13 and 2.16 of the Scoping Report respectively (and identified on Figure 5f), and would expect to see an assessment of the potential temporary and permanent effects on the recreational users of these paths (including cross reference where appropriate to the landscape and visual and other relevant topic chapters).
- 3.96 The Secretary of State welcomes reference to stated HM Treasury and Homes and Communities (HCA) national standards to be referred

⁴ Agricultural Land Classification: protecting the best and most versatile agricultural land. Available from: <http://publications.naturalengland.org.uk/file/4424325>

to as part of the assessment of socio-economic effects but also notes that a degree of professional judgement will be applied where no recognised standards exist. Where professional judgment is to be applied, the Secretary of State welcomes early agreement with the relevant consultees as to the definition of these criteria. Furthermore, these criteria should be spatially specific and applicable to each of the discreet topic areas to be assessed as part of this chapter (i.e. different criteria are likely to be required to determine the overall significance of effects between impacts on agricultural land, economics and PRow users).

Landscape and Visual Amenity (Scoping Report paragraphs 6.116 – 6.135)

- 3.97 The visual impact of the proposed development (in particular the stack(s)) will be a key component of the landscape and visual assessment given the relatively flat and open landscape as described at paragraphs 6.116 – 6.122 of the Scoping Report. Given the current level of uncertainty in the proposed design including the number, height and location of the stacks, as well as the building location, orientation and scale, as described at paragraphs 3.3 and 3.4 of the Scoping Report, the Secretary of State would expect the ES to present how landscape and visual considerations are incorporated into the final design.
- 3.98 The assessment should also give particular consideration to the AGI infrastructure at the point of the gas connection to feeder 29 (paragraphs 3.34 – 3.37 of the Scoping Report) in terms of its landscape and visual impacts. The same applies to the need for a new substation and any extension and overhead lines required to connect to the existing national grid substation described at paragraphs 3.29 – 3.30 of the Scoping Report.
- 3.99 The Secretary of State is unclear how the applicant has derived that 'up to ten representative views' and 'up to four accurate visual representations' will be sufficient to inform the assessment, and would expect to see agreement with the relevant consultees as to these numbers and their location (as acknowledged by the applicant at paragraph 6.134. The selection of viewpoints and potential interaction with the cultural heritage and socio-economic assessments (in terms of PRow) should also be described as well as potential consideration of River Aire and its users as a visual receptor.
- 3.100 The Secretary of State will need to understand the potential overlap (if any) between the future decommissioning and restoration of the existing power station and the mitigation and offsetting of adverse effects that may be required in the context of the proposed development. The specific comments made by NYCC in relation to this point should be considered in this respect (see Appendix 3 of this Scoping Opinion).

3.101 The Applicant states that a detailed landscaping strategy (including green infrastructure) will be prepared where the assessment indicates potentially significant effects on landscape character or visual amenity that may require mitigation. The Secretary of State would expect this plan to be sufficiently detailed and integrated / complementary to any other mitigation plans (in particular any ecological enhancement or compensatory measures that are being described as part of the ecological assessment).

Waste Management (Scoping Report paragraphs 6.136 – 6.145)

3.102 At paragraph 6.140, the applicant states that cut and fill volumes will be balanced as closely as possible to minimise environmental impacts and costs, and this is also echoed at paragraph 3.47 of the Scoping Report.

3.103 Where estimated construction waste will be '*based on engineering calculations, industry benchmark figures and on experience gained from constructing similar facilities*', the Secretary of State would expect to see worst case assumptions both in terms of the likely need to import material and the extent to which the material derived on site is suitable for re-use (subject to assessment of contamination, suitability of structural integrity and the like).

3.104 It is noted that some of the effects linked to waste such as impacts on air or water quality would be covered in other chapters of the ES. The inter-relationship between the chapter on waste and these other chapters should be clearly explained in the ES and cross-referenced, where appropriate.

3.105 The SoS considers it essential to also take account of materials to be removed from the site and to identify where potential traffic movements would be routed. Such details should be reflected and assessed as part of the ES as well as in the supporting documents (for example the CEMP).

3.106 There is no reference to the need for site waste management plans (SWMP) or materials management plans (MMP) as forming part of the mitigation strategy for the proposed development. The Secretary of State would expect such plans to form part of the CEMP as referred to at paragraph 6.141 of the Scoping Report. The applicant should consider the extent to which the waste generation associated with the decommissioning and demolition of the existing power station could be factored into the waste management strategies for the proposed development (although it is acknowledged that these are distinctly separate applications).

3.107 The Secretary of State acknowledges the applicant's explanation that relatively little waste would be produced during the operation of the proposed development. However, in the absence of sufficient detail to understand the potential operational waste streams associated with

the proposed development, the ES should provide a description of such wastes and how they are proposed to be managed. In particular, no reference is made to potential waste streams associated with maintenance of the proposed development, including solid and or liquid wastes that may require particular disposal or treatment.

Sustainability and Climate Change (Scoping Report paragraphs 6.146 – 6.148)

- 3.108 The Secretary of State recognises that sustainability is not an environmental aspect formally identified as part of the EIA Regulations and as such does not offer specific comments as to the scope of this assessment in this opinion.
- 3.109 Although reference is made to an assessment of sustainability and climate change 'against established sustainability criteria', these criteria are not cited and the Secretary of State expects this to be clearly presented and referenced as part of the ES.
- 3.110 Based on the scope of the assessment as defined at paragraphs 6.147 and 6.148 of the Scoping Report, the Secretary of State notes a degree of potential overlap between the other proposed topic chapters within the ES, for example land use, waste and air quality. The applicant is encouraged to provide cross references between such chapters where the same evidence base or impact assessment is being presented so as to fully understand the scope of the sustainability chapter and how it supplements the assessments presented elsewhere as part of the ES.
- 3.111 The Secretary of State notes that a standalone Climate Change Impact Report is to be prepared, and where relevant, this should be cross referred to the assessment and conclusions within the ES. The Secretary of State would expect that any carbon emission or carbon footprinting assessment should be presented in the context of the 'baseline' and 'future baseline' conditions in respect of the existing Eggborough Power Station.

Cumulative Effects (Scoping Report paragraphs 6.149 – 6.151)

- 3.112 The Applicant is referred to additional guidance on the assessment of cumulative effects published by the Planning Inspectorate in Advice Note 17⁵.
- 3.113 The Secretary of State notes the list of reasonably foreseeable future projects in the vicinity of the proposed development provided at paragraph 6.150. In the ES, the Applicant is requested to describe and justify the criteria used to produce this list. The Secretary of

⁵ Advice Note 17: Cumulative effects assessment, available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

State also encourages the Applicant to consult the Local Authorities on the list of projects to be included.

- 3.114 The Secretary of State welcomes the inclusion of the decommissioning and demolition of the existing Eggborough coal-fired power station as a development for consideration in the cumulative assessment. The applicant is referred here to comments made at paragraph 2.47 (and elsewhere) of this Scoping Opinion.
- 3.115 The applicant is also referred here to the comments made at paragraph 3.13 of this Scoping Opinion and encourages the applicant to present clearly the assessment of inter-related effects (as described at paragraph 8.26 of the Scoping Report) alongside consideration of cumulative developments (in particular the decommissioning of the existing power station).

Combined Heat and Power (CHP) Assessment (Scoping Report paragraphs 6.152 – 6.154)

- 3.116 The Secretary of State welcomes the applicant's reference to the requirements of the NPS⁶ in respect of CHP at paragraph 6.152 of the Scoping Report.
- 3.117 The Secretary of State recognises that CHP assessment is not formally part of the EIA process and as such does not offer specific comments as to the scope of the CHP assessment in this opinion.
- 3.118 The applicant intends to provide a CHP feasibility review to consider heat availability and demand opportunities in the locality. Paragraph 6.154 states that this review will also consider future carbon capture readiness (CCR) implications of the proposed development. The Secretary of State understands this statement to refer to the space implications as set out in paragraph 4.6.9 of NPS EN-1.
- 3.119 The Secretary of State recommends that cross references are made between the CHP assessment and the ES, particularly in the context of the description of the proposed development and consideration of alternatives. This is so as to allow an assessment of the potential environmental effects of any additional plant (to the extent that it is known at the point of the application submission) to be considered throughout the EIA topic areas.

⁶ Section 4.6 of NPS EN-1, and paragraphs 2.3.2 – 2.3.3 of NPS EN-2.

4 OTHER INFORMATION

- 4.1 This section does not form part of the Secretary of State's Opinion as to the information to be provided in the environmental statement. However, it does respond to other issues that the Secretary of State has identified which may help to inform the preparation of the application for the DCO.

Pre-application Prospectus

- 4.2 The Planning Inspectorate offers a service for applicants at the pre-application stage of the nationally significant infrastructure planning process. Details are set out in the prospectus 'Pre-application service for NSIPs'⁷. The prospectus explains what the Planning Inspectorate can offer during the pre-application phase and what is expected in return. The Planning Inspectorate can provide advice about the merits of a scheme in respect of national policy; can review certain draft documents; as well as advice about procedural and other planning matters. Where necessary a facilitation role can be provided. The service is optional and free of charge.
- 4.3 The level of pre-application support provided by the Planning Inspectorate will be agreed between an applicant and the Inspectorate at the beginning of the pre-application stage and will be kept under review.

Preliminary Environmental Information (PEI)

- 4.4 Consultation forms a crucial aspect of environmental impact assessment. As part of their pre-application consultation duties, applicants are required to prepare a Statement of Community Consultation (SoCC). This sets out how the local community will be consulted about the proposed development. The SoCC must state whether the proposed development is EIA development and if it is, how the applicant intends to publicise and consult on PEI (defined under Regulation 2 'Interpretation' of the EIA Regulations). Further information in respect of PEI may be found in Advice Note seven 'Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping'.

⁷ The prospectus is available from:
<http://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

Habitats Regulations Assessment (HRA)

- 4.5 The Secretary of State notes that European sites⁸ could be potentially affected by the proposed development including:
- Humber Estuary SPA / SAC / Ramsar site;
 - River Derwent SAC;
 - North York Moors SAC;
 - Strensall Common SAC;
 - Skipwith Common SAC; and,
 - Humberhead Peatlands SAC.
- 4.6 The Habitats Regulations require competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects). Applicants should note that the competent authority in respect of NSIPs is the relevant Secretary of State. It is the Applicant's responsibility to provide sufficient information to the competent authority to enable them to carry out an AA or determine whether an AA is required.
- 4.7 The Applicant's attention is drawn to Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (The APFP Regulations) and the need to include with the DCO application a report identifying European sites to which the Habitats Regulations apply and Ramsar sites, which may be affected by the proposed development.
- 4.8 The report to be submitted under Regulation 5(2)(g) of the APFP Regulations with the application must deal with two issues: the first is to enable a formal assessment by the competent authority of whether there is a likely significant effect; and the second, should it be required, is to enable the carrying out of an AA by the competent authority.
- 4.9 The Applicant's attention is also drawn to UK Government policy⁹, which states that the following sites should be given the same protection as European sites: possible SACs (pSACs); potential SPAs (pSPAs); and (in England) proposed Ramsar sites and sites identified,

⁸ The term European Sites in this context includes Sites of Community Importance (SCIs), Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs), possible SACs, potential SPAs, Ramsar sites, proposed Ramsar sites, and any sites identified as compensatory measures for adverse effects on any of the above. For a full description of the designations to which the Habitats Regulations apply, and/or are applied as a matter of Government policy, see PINS Advice Note ten

⁹ In England, the NPPF paragraph 118. In Wales, TAN5 paragraphs 5.2.2 and 5.2.3.

or required, as compensatory measures for adverse effects on any of the above sites. Therefore, Applicants should also consider the need to provide information on such sites where they may be affected by the proposed development.

- 4.10 Further information on the HRA process is contained within Planning Inspectorate Advice Note ten 'Habitat Regulations Assessment relevant to nationally significant infrastructure projects', available on the National Infrastructure Planning pages of the Planning Inspectorate's website. It is recommended that Applicants follow the advice contained within this Advice Note.

Plan To Agree Habitats Information

- 4.11 A Plan may be prepared to agree upfront what information in respect of Habitats Regulations the applicant needs to supply to the Planning Inspectorate as part of a DCO application. This is termed an Evidence Plan for proposals in England or in both England and Wales, but a similar approach can be adopted for proposals only in Wales. For ease these are all termed 'evidence plans' here.
- 4.12 Any applicant of a proposed NSIP can request an evidence plan. A request for an evidence plan should be made at the start of pre-application (eg after notifying the Planning Inspectorate on an informal basis) by contacting NE.
- 4.13 An evidence plan will help to ensure compliance with the Habitats Regulations. It will be particularly relevant to NSIPs where impacts may be complex, large amounts of evidence may be needed or there are a number of uncertainties. It will also help applicants meet the requirement to provide sufficient information (as explained in Advice Note ten) in their application, so the Examining Authority can recommend to the Secretary of State whether or not to accept the application for examination and whether an appropriate assessment is required.

Sites of Special Scientific Interest (SSSIs)

- 4.14 The Secretary of State notes that a number of SSSIs are located close to or within the proposed development. Where there may be potential impacts on the SSSIs, the Secretary of State has duties under sections 28(G) and 28(I) of the Wildlife and Countryside Act 1981 (as amended) (the W&C Act). These are set out below for information.
- 4.15 Under s28(G), the Secretary of State has a general duty '... to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest'.

- 4.16 Under s28(I), the Secretary of State must notify the relevant nature conservation body (NCB) before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent, and the Secretary of State must take account of any advice received from the NCB, including advice on attaching conditions to the consent. The NCB will be notified during the examination period.
- 4.17 If applicants consider it likely that notification may be necessary under s28(I), they are advised to resolve any issues with the NCB before the DCO application is submitted to the Secretary of State. If, following assessment by applicants, it is considered that operations affecting the SSSI will not lead to damage of the special interest features, applicants should make this clear in the ES. The application documents submitted in accordance with Regulation 5(2)(I) could also provide this information. Applicants should seek to agree with the NCB the DCO requirements which will provide protection for the SSSI before the DCO application is submitted.

European Protected Species (EPS)

- 4.18 Applicants should be aware that the decision maker under the Planning Act 2008 (PA 2008) has, as the CA, a duty to engage with the Habitats Directive. Where a potential risk to a European Protected Species (EPS) is identified, and before making a decision to grant development consent, the CA must, amongst other things, address the derogation tests in Regulation 53 of the Habitats Regulations. Therefore the applicant may wish to provide information which will assist the decision maker to meet this duty.
- 4.19 If an applicant has concluded that an EPS licence is required the ExA will need to understand whether there is any impediment to the licence being granted. The decision to apply for a licence or not will rest with the applicant as the person responsible for commissioning the proposed activity by taking into account the advice of their consultant ecologist.
- 4.20 Applicants are encouraged to consult with NE and, where required, to agree appropriate requirements to secure necessary mitigation. It would assist the examination if applicants could provide, with the application documents, confirmation from NE whether any issues have been identified which would prevent the EPS licence being granted.
- 4.21 Generally, NE are unable to grant an EPS licence in respect of any development until all the necessary consents required have been secured in order to proceed. For NSIPs, NE will assess a draft licence application in order to ensure that all the relevant issues have been addressed. Within 30 working days of receipt, NE will either issue 'a letter of no impediment' stating that it is satisfied, insofar as it can

make a judgement, that the proposals presented comply with the regulations or will issue a letter outlining why NE consider the proposals do not meet licensing requirements and what further information is required before a 'letter of no impediment' can be issued. The applicant is responsible for ensuring draft licence applications are satisfactory for the purposes of informing formal pre-application assessment by NE.

- 4.22 Ecological conditions on the site may change over time. It will be the applicant's responsibility to ensure information is satisfactory for the purposes of informing the assessment of no detriment to the maintenance of favourable conservation status (FCS) of the population of EPS affected by the proposals. Applicants are advised that current conservation status of populations may or may not be favourable. Demonstration of no detriment to favourable populations may require further survey and/or submission of revised short or long term mitigation or compensation proposals.
- 4.23 In England the focus concerns the provision of up to date survey information which is then made available to NE (along with any resulting amendments to the draft licence application). Applicants with projects in England (including activities undertaken landward of the mean low water mark) can find further information in Advice Note eleven, Annex C¹⁰.

Other Regulatory Regimes

- 4.24 The Secretary of State recommends that the applicant should state clearly what regulatory areas are addressed in the ES and that the applicant should ensure that all relevant authorisations, licences, permits and consents that are necessary to enable operations to proceed are described in the ES. Also it should be clear that any likely significant effects of the proposed development which may be regulated by other statutory regimes have been properly taken into account in the ES.
- 4.25 It will not necessarily follow that the granting of consent under one regime will ensure consent under another regime. For those consents not capable of being included in an application for consent under the PA 2008, the Secretary of State will require a level of assurance or comfort from the relevant regulatory authorities that the proposal is acceptable and likely to be approved, before they make a recommendation or decision on an application. The applicant is encouraged to make early contact with other regulators. Information from the applicant about progress in obtaining other permits, licences or consents, including any confirmation that there is no obvious

¹⁰ Advice Note eleven, Annex C – Natural England and the Planning Inspectorate available from: http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the Secretary of State.

Water Framework Directive

- 4.26 EU Directive 2000/60/EC (the Water Framework Directive) establishes a framework for the protection of inland surface waters (rivers and lakes), transitional waters (estuaries), coastal waters and groundwater. Under the terms of the Directive, Member States are required to establish river basin districts and corresponding river basin management plans outlining how the environmental objectives outlined in Article 4 of the Directive are to be met.
- 4.27 In determining an application for a DCO, the Secretary of State must be satisfied that the applicant has had regard to relevant river basin management plans (RBMP) and that the proposed development is compliant with the terms of the Water Framework Directive and its daughter directives. In the case of the proposed development, the relevant RBMP is the Humber River Basin Management Plan (HRBMP).
- 4.28 In this respect, the Applicant's attention is drawn to Regulation 5(2)(l) of the APFP Regulations which requires an application for an NSIP to be accompanied by *'where applicable, a plan with accompanying information identifying-... ..(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development'*. In particular, the WFD assessment should, as a minimum, include:
- The risk of deterioration of any water body quality element to a lower status class;
 - Support for measures to achieve 'good' status (or potential) for water bodies;
 - How the application does not hinder or preclude implementation of measures in the RBMP to improve a surface water body or groundwater (or propose acceptable alternatives to meet RBMP requirements); and
 - The risk of harming any protected area.

The Environmental Permitting Regulations and the Water Resources Act

Environmental Permitting Regulations 2010

- 4.29 The Environmental Permitting Regulations 2010 require operators of certain facilities, which could harm the environment or human health, to obtain permits from the EA. Environmental permits can combine several activities into one permit. There are standard permits

supported by 'rules' for straightforward situations and bespoke permits for complex situations. For further information, please see the Government's advice on determining the need for an environmental permit¹¹.

4.30 The EA's environmental permits cover:

- Industry regulation;
- Waste management (waste treatment, recovery or disposal operations);
- Discharges to surface water;
- Groundwater activities; and
- Radioactive substances activities.

4.31 Characteristics of environmental permits include:

- They are granted to operators (not to land);
- They can be revoked or varied by the EA;
- Operators are subject to tests of competence;
- Operators may apply to transfer environmental permits to another operator (subject to a test of competence); and
- Conditions may be attached.

The Water Resources Act 1991

4.32 Under the Water Resources Act 1991 (as amended), anyone who wishes to abstract more than 20m³/day of water from a surface source such as a river or stream or an underground source, such as an aquifer, will normally require an abstraction licence from the EA. For example, an abstraction licence may be required to abstract water for use in cooling at a power station. An impoundment licence is usually needed to impede the flow of water, such as in the creation of a reservoir or dam, or construction of a fish pass.

4.33 Abstraction licences and impoundment licences are commonly referred to as 'water resources licences'. They are required to ensure that there is no detrimental impact on existing abstractors or the environment. For further information, please see the EA's WR176 guidance form on applying for a full, transfer or impounding licence¹²:

4.34 Characteristics of water resources licences include:

- They are granted to licence holders (not to land);

¹¹ Available from: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

¹² Available from: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence>

- They can be revoked or varied;
- They can be transferred to another licence holder; and
- In the case of abstraction licences, they are time limited.

Role of the Applicant

- 4.35 It is the responsibility of applicants to identify whether an environmental permit and / or water resources licence is required from the EA before an NSIP can be constructed or operated. Failure to obtain the appropriate consent(s) is an offence.
- 4.36 The EA allocates a limited amount of pre-application advice for environmental permits and water resources licences free of charge. Further advice can be provided, but this will be subject to cost recovery.
- 4.37 The EA encourages applicants to engage with them early in relation to the requirements of the application process. Where a project is complex or novel, or requires a Habitats Regulations Assessment, applicants are encouraged to “parallel track” their applications to the EA with their DCO applications to the Planning Inspectorate. Further information on the EA’s role in the infrastructure planning process is available in Annex D of the Planning Inspectorate’s Advice note eleven (working with public bodies in the infrastructure planning process)¹³.
- 4.38 When considering the timetable to submit their applications, applicants should bear in mind that the EA will not be in a position to provide a detailed view on the application until it issues its draft decision for public consultation (for sites of high public interest) or its final decision. Therefore the applicant should ideally submit its application sufficiently early so that the EA is at this point in the determination by the time the Development Consent Order reaches examination.
- 4.39 It is also in the interests of an applicant to ensure that any specific requirements arising from their permit or licence are capable of being carried out under the works permitted by the DCO. Otherwise there is a risk that requirements could conflict with the works which have been authorised by the DCO (e.g. a stack of greater height than that authorised by the DCO could be required) and render the DCO impossible to implement.

¹³ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Health Impact Assessment

- 4.40 The Secretary of State considers that it is a matter for the applicant to decide whether or not to submit a stand-alone Health Impact Assessment (HIA). However, the applicant should have regard to the responses received from the relevant consultees regarding health, and in particular to the comments from the Health and Safety Executive and Public Health England (see Appendix 3 of this Scoping Opinion).
- 4.41 The methodology for the HIA, if prepared, should be agreed with the relevant statutory consultees and take into account mitigation measures for acute risks.

Transboundary Impacts

- 4.42 The Secretary of State notes that the applicant has not indicated whether the proposed development is likely to have significant impacts on another European Economic Area (EEA) State.
- 4.43 Regulation 24 of the EIA Regulations, which inter alia require the Secretary of State to publicise a DCO application if the Secretary of State is of the view that the proposal is likely to have significant effects on the environment of another EEA state and where relevant to consult with the EEA state affected. The Secretary of State considers that where Regulation 24 applies, this is likely to have implications for the examination of a DCO application.

APPENDIX 1 – PRESENTATION OF THE ENVIRONMENTAL STATEMENT

A1.1 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264) (as amended) sets out the information which must be provided for an application for a development consent order (DCO) for nationally significant infrastructure under the Planning Act 2008. Where required, this includes an environmental statement. Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information need not be replicated or included in the ES.

A1.2 An environmental statement (ES) is described under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) as a statement:

- (a) that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and of any associated development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but*
- (b) that includes at least the information required in Part 2 of Schedule 4.*

(EIA Regulations Regulation 2)

A1.3 The purpose of an ES is to ensure that the environmental effects of a proposed development are fully considered, together with the economic or social benefits of the development, before the development consent application under the Planning Act 2008 is determined. The ES should be an aid to decision making.

A1.4 The Secretary of State advises that the ES should be laid out clearly with a minimum amount of technical terms and should provide a clear objective and realistic description of the likely significant impacts of the proposed development. The information should be presented so as to be comprehensible to the specialist and non-specialist alike. The Secretary of State recommends that the ES be concise with technical information placed in appendices.

ES Indicative Contents

A1.5 The Secretary of State emphasises that the ES should be a 'stand alone' document in line with best practice and case law. The EIA Regulations Schedule 4, Parts 1 and 2, set out the information for inclusion in environmental statements.

A1.6 Schedule 4 Part 1 of the EIA Regulations states this information includes:

17. Description of the development, including in particular—

- (a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;*
- (b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;*
- (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.*

18. An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.

19. 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.

20. A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:

- (a) the existence of the development;*
- (b) the use of natural resources;*
- (c) the emission of pollutants, the creation of nuisances and the elimination of waste,*

and the description by the applicant of the forecasting methods used to assess the effects on the environment.

21. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

22. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.

23. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

(EIA Regulations Schedule 4 Part 1)

The content of the ES must include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regulations. This includes the consideration of 'the main alternatives studied by the applicant' which the Secretary of State recommends could be addressed as a separate chapter in the ES. Part 2 is included below for reference:

24. A description of the development comprising information on the site, design and size of the development

25. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects

26. The data required to identify and assess the main effects which the development is likely to have on the environment

27. An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects, and

28. A non-technical summary of the information provided [under the four paragraphs of Schedule 4 part 2 above].

(EIA Regulations Schedule 4 Part 2)

- A1.7 Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the Secretary of State considers it is an important consideration *per se*, as well as being the source of further impacts in terms of air quality and noise and vibration.

Balance

- A1.8 The Secretary of State recommends that the ES should be balanced, with matters which give rise to a greater number or more significant impacts being given greater prominence. Where few or no impacts are identified, the technical section may be much shorter, with greater use of information in appendices as appropriate.

The Secretary of State considers that the ES should not be a series of disparate reports and stresses the importance of considering inter-relationships between factors and cumulative impacts.

Scheme Proposals

- A1.9 The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES which should support the application as described. The Secretary of State is not able to entertain material changes to a project once an application is submitted. The Secretary of State draws the attention of the

applicant to the DCLG and the Planning Inspectorate's published advice on the preparation of a draft DCO and accompanying application documents.

Flexibility

A1.10 The Secretary of State acknowledges that the EIA process is iterative, and therefore the proposals may change and evolve. For example, there may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES. However, at the time of the application for a DCO, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes.

A1.11 It is a matter for the applicant, in preparing an ES, to consider whether it is possible to assess robustly a range of impacts resulting from a large number of undecided parameters. 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.

A1.12 The Rochdale Envelope principle (*see R v Rochdale MBC ex parte Tew (1999) and R v Rochdale MBC ex parte Milne (2000)*) is an accepted way of dealing with uncertainty in preparing development applications. The applicant's attention is drawn to the Planning Inspectorate's Advice Note nine 'Rochdale Envelope' which is available on the Advice Note's page of the National Infrastructure Planning website.

A1.13 The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. Where some flexibility is sought and the precise details are not known, the applicant should assess the maximum potential adverse impacts the project could have to ensure that the project as it may be constructed has been properly assessed.

A1.14 The ES should be able to confirm that any changes to the development within any proposed parameters would not result in significant impacts not previously identified and assessed. The maximum and other dimensions of the proposed development should be clearly described in the ES, with appropriate justification. It will also be important to consider choice of materials, colour and the form of the structures and of any buildings. Lighting proposals should also be described.

Scope

A1.15 The Secretary of State recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the

assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and local authorities and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

Physical Scope

A1.16 In general the Secretary of State recommends that the physical scope for the EIA should be determined in the light of:

- The nature of the proposal being considered;
- The relevance in terms of the specialist topic;
- The breadth of the topic;
- The physical extent of any surveys or the study area; and
- The potential significant impacts.

A1.17 The Secretary of State recommends that the physical scope of the study areas should be identified for each of the environmental topics and should be sufficiently robust in order to undertake the assessment. This should include at least the whole of the application site, and include all offsite works. For certain topics, such as landscape and transport, the study area will need to be wider. The extent of the study areas should be on the basis of recognised professional guidance and best practice, whenever this is available, and determined by establishing the physical extent of the likely impacts. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given.

Breadth of the Topic Area

A1.18 The ES should explain the range of matters to be considered under each topic and this may respond partly to the type of project being considered. If the range considered is drawn narrowly then a justification for the approach should be provided.

Temporal Scope

A1.19 The assessment should consider:

- Environmental impacts during construction works;
- Environmental impacts on completion/operation of the proposed development;
- Where appropriate, environmental impacts a suitable number of years after completion of the proposed development (for

example, in order to allow for traffic growth or maturing of any landscape proposals); and

- Environmental impacts during decommissioning.

A1.20 In terms of decommissioning, the Secretary of State acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment, as well as to enable the decommissioning of the works to be taken into account, is to encourage early consideration as to how structures can be taken down. The purpose of this is to seek to minimise disruption, to re-use materials and to restore the site or put it to a suitable new use. The Secretary of State encourages consideration of such matters in the ES.

A1.21 The Secretary of State recommends that these matters should be set out clearly in the ES and that the suitable time period for the assessment should be agreed with the relevant statutory consultees.

A1.22 The Secretary of State recommends that throughout the ES a standard terminology for time periods should be defined, such that for example, 'short term' always refers to the same period of time.

Baseline

A1.23 The Secretary of State recommends that the baseline should describe the position from which the impacts of the proposed development are measured. The baseline should be chosen carefully and, whenever possible, be consistent between topics. The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although it is recognised that this may not always be possible.

A1.24 The Secretary of State recommends that the baseline environment should be clearly explained in the ES, including any dates of surveys, and care should be taken to ensure that all the baseline data remains relevant and up to date.

A1.25 For each of the environmental topics, the data source(s) for the baseline should be set out together with any survey work undertaken with the dates. The timing and scope of all surveys should be agreed with the relevant statutory bodies and appropriate consultees, wherever possible.

A1.26 The baseline situation and the proposed development should be described within the context of the site and any other proposals in the vicinity.

Identification of Impacts and Method Statement

Legislation and Guidelines

- A1.27 In terms of the EIA methodology, the Secretary of State recommends that reference should be made to best practice and any standards, guidelines and legislation that have been used to inform the assessment. This should include guidelines prepared by relevant professional bodies.
- A1.28 In terms of other regulatory regimes, the Secretary of State recommends that relevant legislation and all permit and licences required should be listed in the ES where relevant to each topic. This information should also be submitted with the application in accordance with the APFP Regulations.
- A1.29 In terms of assessing the impacts, the ES should approach all relevant planning and environmental policy – local, regional and national (and where appropriate international) – in a consistent manner.

Assessment of Effects and Impact Significance

- A1.30 The EIA Regulations require the identification of the 'likely significant effects of the development on the environment' (Schedule 4 Part 1 paragraph 20).
- A1.31 As a matter of principle, the Secretary of State applies the precautionary approach to follow the Court's reasoning in judging 'significant effects'. In other words 'likely to affect' will be taken as meaning that there is a probability or risk that the proposed development will have an effect, and not that a development will definitely have an effect.
- A1.32 The Secretary of State considers it is imperative for the ES to define the meaning of 'significant' in the context of each of the specialist topics and for significant impacts to be clearly identified. The Secretary of State recommends that the criteria should be set out fully and that the ES should set out clearly the interpretation of 'significant' in terms of each of the EIA topics. Quantitative criteria should be used where available. The Secretary of State considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.
- A1.33 The Secretary of State recognises that the way in which each element of the environment may be affected by the proposed development can be approached in a number of ways. However it considers that it would be helpful, in terms of ease of understanding and in terms of clarity of presentation, to consider the impact assessment in a similar manner for each of the specialist topic areas. The Secretary of State

recommends that a common format should be applied where possible.

Inter-relationships between environmental factors

A1.34 The inter-relationship between aspects of the environments likely to be significantly affected is a requirement of the EIA Regulations (see Schedule 4 Part 1 of the EIA Regulations). These occur where a number of separate impacts, e.g. noise and air quality, affect a single receptor such as fauna.

A1.35 The Secretary of State considers that the inter-relationships between factors must be assessed in order to address the environmental impacts of the proposal as a whole. This will help to ensure that the ES is not a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development.

Cumulative Impacts

A1.36 The potential cumulative impacts with other major developments will need to be identified, as required by the Directive. The significance of such impacts should be shown to have been assessed against the baseline position (which would include built and operational development). In assessing cumulative impacts, other major development should be identified through consultation with the local planning authorities and other relevant authorities. Applicants should refer to Planning Inspectorate Advice Note 17 Cumulative Effects Assessment for further guidance on the Inspectorate's recommended approach to cumulative effects assessment.

A1.37 Details should be provided in the ES, including the types of development, location and key aspects that may affect the EIA and how these have been taken into account as part of the assessment will be crucial in this regard.

A1.38 For the purposes of identifying any cumulative effects with other developments in the area, Applicants should also consult consenting bodies in other EU states to assist in identifying those developments (see commentary on transboundary effects below).

Related Development

A1.39 The ES should give equal prominence to any development which is related with the proposed development to ensure that all the impacts of the proposal are assessed.

A1.40 The Secretary of State recommends that the applicant should distinguish between the proposed development for which

development consent will be sought and any other development. This distinction should be clear in the ES.

Alternatives

A1.41 The ES must set out an outline of the main alternatives studied by the applicant and provide an indication of the main reasons for the applicant's choice, taking account of the environmental effect (Schedule 4 Part 1 paragraph 18).

A1.42 Matters should be included, such as inter alia alternative design options and alternative mitigation measures. The justification for the final choice and evolution of the scheme development should be made clear. Where other sites have been considered, the reasons for the final choice should be addressed.

A1.43 The Secretary of State advises that the ES should give sufficient attention to the alternative forms and locations for the off-site proposals, where appropriate, and justify the needs and choices made in terms of the form of the development proposed and the sites chosen.

Mitigation Measures

A1.44 Mitigation measures may fall into certain categories namely: avoid; reduce; compensate or enhance (see Schedule 4 Part 1 paragraph 21); and should be identified as such in the specialist topics. Mitigation measures should not be developed in isolation as they may relate to more than one topic area. For each topic, the ES should set out any mitigation measures required to prevent, reduce and where possible offset any significant adverse effects, and to identify any residual effects with mitigation in place. Any proposed mitigation should be discussed and agreed with the relevant consultees.

A1.45 The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment and can be shown to be deliverable should be taken into account as part of the assessment.

A1.46 It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed within the draft development consent order. This could be achieved by means of describing the mitigation measures proposed either in each of the specialist reports or collating these within a summary section on mitigation.

A1.47 The Secretary of State advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan and safety procedures which will be adopted during construction and operation and may be adopted during decommissioning.

Cross References and Interactions

A1.48 The Secretary of State recommends that all the specialist topics in the ES should cross reference their text to other relevant disciplines. Interactions between the specialist topics is essential to the production of a robust assessment, as the ES should not be a collection of separate specialist topics, but a comprehensive assessment of the environmental impacts of the proposal and how these impacts can be mitigated.

A1.49 As set out in EIA Regulations Schedule 4 Part 1 paragraph 23, the ES should include an indication of any technical difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

Consultation

A1.50 The Secretary of State recommends that ongoing consultation is maintained with relevant stakeholders and that any specific areas of agreement or disagreement regarding the content or approach to assessment should be documented. The Secretary of State recommends that any changes to the scheme design in response to consultation should be addressed in the ES.

A1.51 Consultation with the local community should be carried out in accordance with the SoCC which will state how the applicant intends to consult on the preliminary environmental information (PEI). This PEI could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with Section 47 of the Planning Act, this could usefully assist the applicant in the EIA process – for example the local community may be able to identify possible mitigation measures to address the impacts identified in the PEI. Attention is drawn to the duty upon applicants under Section 50 of the Planning Act to have regard to the guidance on pre-application consultation.

Transboundary Effects

A1.52 The Secretary of State recommends that consideration should be given in the ES to any likely significant effects on the environment of another Member State of the European Economic Area. In particular, the Secretary of State recommends consideration should be given to discharges to the air and water and to potential impacts on migratory species and to impacts on shipping and fishing areas.

A1.53 The Applicant's attention is also drawn to the Planning Inspectorate's Advice Note twelve 'Development with significant transboundary

impacts consultation' which is available on the Advice Notes Page of the National Infrastructure Planning website¹⁴.

Summary Tables

A1.54 The Secretary of State recommends that in order to assist the decision making process, the applicant may wish to consider the use of tables:

Table X: to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts.

Table XX: to demonstrate how the assessment has taken account of this Opinion and other responses to consultation.

Table XXX: to set out the mitigation measures proposed, as well as assisting the reader, the Secretary of State considers that this would also enable the applicant to cross refer mitigation to specific provisions proposed to be included within the draft Development Consent Order.

Table XXXX: to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

Terminology and Glossary of Technical Terms

A1.55 The Secretary of State recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the decision making process. For example, 'the site' should be defined and used only in terms of this definition so as to avoid confusion with, for example, the wider site area or the surrounding site. A glossary of technical terms should be included in the ES.

Presentation

A1.56 The ES should have all of its paragraphs numbered, as this makes referencing easier as well as accurate. Appendices must be clearly referenced, again with all paragraphs numbered. All figures and drawings, photographs and photomontages should be clearly referenced. Figures should clearly show the proposed site application boundary.

¹⁴ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Confidential Information

A1.57 In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential the applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title, and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Planning Inspectorate would be required to disclose under the Environmental Information Regulations 2014.

Bibliography

A1.58 A bibliography should be included in the ES. The author, date and publication title should be included for all references. All publications referred to within the technical reports should be included.

Non Technical Summary

A1.59 The EIA Regulations require a Non Technical Summary (EIA Regulations Schedule 4 Part 1 paragraph 22). This should be a summary of the assessment in simple language. It should be supported by appropriate figures, photographs and photomontages.

APPENDIX 2 – LIST OF CONSULTATION BODIES FORMALLY CONSULTED

Note: the Prescribed Consultees have been consulted in accordance with the Planning Inspectorate’s Advice Note three ‘EIA Consultation and Notification’ (version 5, July 2013)¹⁵.

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	NHS Vale of York Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England
The relevant fire and rescue authority	North Yorkshire Fire and Rescue Service
The relevant police and crime commissioner	North Yorkshire Police and Crime Commissioner
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Gateforth Parish Council
	Burn Parish Council
	West Haddlesey Parish Council
	Chapel Haddlesey Parish Council
	Kellington Parish Council
	Eggborough Parish Council
	Hensall Parish Council
The Environment Agency	The Environment Agency
The Marine Management Organisation	Marine Management Organisation (MMO)
The Civil Aviation Authority	Civil Aviation Authority
Integrated Transport Authorities (ITAs) and Passenger Transport	West Yorkshire Combined Authority

¹⁵ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

SCHEDULE 1 DESCRIPTION	ORGANISATION
Executives (PTEs)	South Yorkshire Passenger Transport Executive
	The Sheffield City Region Combined Authority (formerly the South Yorkshire Integrated Transport Authority (ITA))
The Relevant Highways Authority	North Yorkshire County Council Highways Department
The relevant strategic highways company	Highways England (Yorkshire and the North East)
The Coal Authority	The Coal Authority
The relevant internal drainage board	Selby Area Internal Drainage Board
The relevant internal drainage board	Danvm Drainage Commission
The Canal and River Trust	The Canal and River Trust
Public Health England, an executive agency of the Department of Health	Public Health England
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	Forestry Commission Yorkshire and North East Area
The Secretary of State for Defence	Ministry of Defence

RELEVANT STATUTORY UNDERTAKERS	
The relevant Clinical Commissioning Group	NHS Vale of York Clinical Commissioning Group
The National Health Service Commissioning Board	NHS England
The relevant NHS Trust	Yorkshire Ambulance Service NHS Trust
Railways	Network Rail Infrastructure Ltd
	Highways England Historical Railways Estate
Canal Or Inland Navigation Authorities	The Canal and River Trust

RELEVANT STATUTORY UNDERTAKERS	
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
The relevant Environment Agency	Environment Agency
The relevant water and sewage undertaker	Yorkshire Water
The relevant public gas transporter	Energetics Gas Limited
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Quadrant Pipelines Limited
	LNG Portable Pipeline Services Limited
	National Grid Gas Plc
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
Wales and West Utilities Ltd	
Northern Gas Networks Limited	
The relevant electricity generator with CPO Powers	Eggborough Power Limited
	Energetics Electricity Limited
	ESP Electricity Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Peel Electricity Networks Limited
	The Electricity Network

RELEVANT STATUTORY UNDERTAKERS	
	Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Northern Powergrid (Yorkshire) plc
	National Grid Electricity Transmission Plc

SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(B))	
Local Authority	City of Bradford Metropolitan District Council
	City of York Council
	Cumbria County Council
	Darlington Borough Council
	Doncaster Metropolitan Borough Council
	Durham County Council
	East Riding of Yorkshire Council
	Harrogate Borough Council
	Lancashire County Council
	Leeds City Council
	Middlesbrough Borough Council
	North York Moors National Park Authority
	North Yorkshire County Council
	Redcar and Cleveland Borough Council
	Selby District Council
	Stockton-on-Tees Borough Council
Wakefield Council	
Yorkshire Dales National Park Authority	

APPENDIX 3 – RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

List of bodies who replied by the Statutory Deadline:

Utility Grid Installations
Independent Pipelines
GTC
Electric Network Company
Quadrant Pipelines
Independent Power Networks
NATS
Leeds City Council
Natural England
Highways England
Harrogate Borough Council
North Yorkshire County Council Highways & Transportation (as the Relevant Highways Authority)
Public Health England
National Grid Electricity Transmission plc National Grid Gas plc
Redcar & Cleveland Borough Council
Hensall Parish Council
The Coal Authority
The Health and Safety Executive
Wakefield Metropolitan District Council
Historic England
North Yorkshire County Council (as a Local Planning Authority)
Canal and River Trust
Network Rail
The Environment Agency

From: Thomas.Anderson@gtc-uk.co.uk [mailto:Thomas.Anderson@gtc-uk.co.uk]
Sent: 23 August 2016 15:54
To: Environmental Services
Subject: EN010081-000009

Please note in respect of the above reference, we have no comment to make.

This regards the following companies

Utility Grid Installations
Independent Pipelines
GTC
Electric Network Company
Quadrant Pipelines
Independent Power Networks

Kind Regards

Tom Anderson
Engineering Support Officer

GTC
Engineering
Energy House
Woolpit Business Park
Woolpit
Bury St. Edmunds
Suffolk
IP30 9UP
Tel: 01359 243376 (ext. 3376)
Fax: 01359 244046
Email: tom.anderson@gtc-uk.co.uk
Web: www.gtc-uk.co.uk

From: ROSSI, Sacha [mailto:Sacha.Rossi@nats.co.uk]
Sent: 24 August 2016 16:14
To: Environmental Services
Cc: NATS Safeguarding
Subject: RE: EN010081 – Eggborough CCGT – EIA Scoping Notification and Consultation

Dear Sir/Madam,

Application by Eggborough Power Limited for an Order Granting Development Consent for the Eggborough CCGT Project

I refer to the Scoping Notification quoted above. The Eggborough site is over 50km from NATS's nearest infrastructure and as such NATS anticipates no impact upon its operations.

Accordingly, we have no comments to make on the application.

Regards
S. Rossi
NATS Safeguarding Office

Mr Sacha Rossi
NATS Safeguarding Office

☎: 01489 444 205
✉: sacha.rossi@nats.co.uk

4000 Parkway,
Whiteley, PO15 7FL

<http://www.nats.co.uk/windfarms>

From: Jones, Simon [mailto:Simon.Jones@highwaysengland.co.uk]
Sent: 30 August 2016 14:50
To: Environmental Services
Subject: RE: EN010081 – Eggborough CCGT – EIA Scoping Notification and Consultation

Dear Richard

Our thanks for the consultation regarding the new proposal at Eggborough. As with previous consultations between ourselves and the owners of the site, the Secretary of State for Transport has primary regard for the continued safe operation of the Strategic Road Network in the area, specifically the M62.

The two primary concerns which we would wish to see addressed in the future Transport Assessment work have been outlined by the scope already:

- Generation of traffic during construction (and decommissioning)
- Generation of traffic during operation

Focusing on the peak hour impacts along the M62 corridor, specifically at Junction 34, and the potential for reducing that impact through the implementation of sustainable transport measures where possible. We have no further comments to make at this point in time and welcome the opportunity to formally engage with the project team further in the future.

Kindest ongoing regards

Simon Jones, Asset Development Manager
Yorkshire & North East

Highways England | Lateral | 8 City Walk | Leeds | LS11 9AT

Tel: +44 (0) 300 4702472 | **Mobile:** + 44 (0) 7710 958399

Web: <http://www.highways.gov.uk>

GTN: 0300 470 2472

From: White, Louise [mailto:Louise.White@leeds.gcsx.gov.uk]
Sent: 30 August 2016 11:09
To: Environmental Services
Subject: OFFICIAL : FAO: Richard Kent - EN010081-000009 - Application by Eggborough Power Limited for an Order Granting Development Consent for the Eggborough CCGT Project

Dear Mr Kent,

Thank you for your consultation letter of 19th August 2016 regarding the above proposed development and associated Scoping Report.

I can confirm that Leeds City Council is comfortable with the Scoping Report dated Aug 2016 other than for paras. 7.4 – 7.6. These sections provide no evidence to demonstrate that consultation has been had with the Leeds Bradford Airport and other private aerodromes in Leeds, and that their operators agree that no significant environmental effects would result. Likewise, no consideration of the impact on nearby military aerodromes is evident. In the absence of such evidence, we are minded to recommend that aviation impacts are 'scoped-in' to the assessment.

Please do not hesitate to contact me should you require any further information.

With kind regards,

Louise White
Minerals & Waste Team Leader
Development Management
Leeds City Council.

Date: 30 August 2016
Our ref: 194030
Your ref: EN010081-000009



Richard Kent
The Planning Inspectorate
3D Eagle Wing, Temple Quay House
2 The Square
Bristol
BS1 6PN

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Richard

Environmental Impact Assessment Scoping consultation (Regulation 15 (3) (i) of the EIA Regulations 2011): Eggborough CCGT Project
Location:

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 19 August 2016.

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 James Walsh on 0208 026 8639. 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

James Walsh
Yorkshire & Northern Lincolnshire Team

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 (eg 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 Planning Inspectorate) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

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 local wildlife trust, geoconservation group or local sites body in this area 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.

We note the proposed ecological baseline surveys as set out in Table 6.2 of the EIA scoping report, and have discussed these with the applicant. 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 in the Defra publication '[Guidance for Local Authorities on Implementing the Biodiversity Duty](#)'.

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.

We note the proposed extended phase 1 habitat survey, and further species-specific surveys as detailed in Table 6.2. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (eg 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 local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

Local Record Centre (LRC) in Selby please contact:

North & East Yorkshire Ecological Data Centre
5 College Street
York
YO1 7JF
Tel 01904 641631
Email info@neyedc.co.uk

Geological sites in Selby please contact:

North Yorkshire Geodiversity Partnership
10 St Olave's Close
Whitcliffe Lane
Ripon
North Yorkshire
HG4 2JF
Tel 01765 600749
Email Adrian.kidd@worldonline.co.uk

3. Designated Landscapes and Landscape Character

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. We are therefore pleased to note that the landscape assessment will be undertaken in accordance with this guidance, as stated in Section 6.126 of the report.

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 and further information can be found on Natural England's landscape pages [here](#).

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, rights of way and coastal access routes in the vicinity of the development. 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.

The applicant should consider the degree to which soils are going to be disturbed / harmed as part of this development and whether 'best and most versatile' agricultural land is involved. The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#).

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.

From: Mike Parkes [mailto:Mike.Parkes@harrogate.gov.uk]
Sent: 02 September 2016 11:06
To: Environmental Services
Subject: EN010081-000009 Eggborough Power Station

Dear Sir/Madam

Thank you for your letter of 19 August 2016.

I confirm that Harrogate Borough Council does not have any comment on this matter.

Mike Parkes
Principal Planner
Planning and Development
Harrogate Borough Council
PO Box 787
Harrogate
HG1 9RW

01423 500600 ext 56553

ippu@harrogate.gov.uk

www.harrogate.gov.uk/planning

Your ref: EN010081-000009

Our ref: TD/D7/193

Contact: Tim Coyne

Date: 02 September 2016

Transport & Development

Highways & Transportation
County Hall, Northallerton,
North Yorkshire, DL7 8AH

Tel: 01609 532685

Fax: 01609 775885

e-mail: tim.coyne@northyorks.gov.uk

www.northyorks.gov.uk

The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol BS1 6PN

Dear Sirs,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9

Application by Eggborough Power Limited for an Order Granting Development Consent for the Eggborough CCGT Project

Scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested.

I refer to your consultation letter dated 19th August 2016.

I confirm that North Yorkshire County Council as Local Highway Authority is satisfied with the proposals contained in the Scoping Report to assess the Traffic and Transportation implications of the proposed development.

Yours faithfully



Tim Coyne
Senior Transport & Development Engineer



Public Health
England

CRCE/NSIP Consultations T +44 (0) 1235 825278
Chilton F +44 (0) 1235 822614
Didcot
Oxfordshire OX11 0RQ www.gov.uk/phe

The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Your Ref : EN010081

Our Ref : 23949

FAO: Richard Kent

6th September 2016

Dear Richard,

**Re: Scoping Consultation
Application for an Order Granting Development Consent for the
proposed Eggborough CCGT Project**

Thank you for including Public Health England (PHE) in the scoping consultation phase of the above application. Our response focuses on health protection issues relating to chemicals and radiation. Advice offered by PHE is impartial and independent.

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the ES. PHE however believes the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. Any assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal, therefore we accept that, in some circumstances particular assessments may not be relevant to an application, or that an assessment may be adequately completed using a qualitative rather than quantitative methodology. In cases where this decision is made the promoters should fully explain and justify their rationale in the submitted documentation.

It is noted that the current proposals do not appear to consider possible health impacts of Electric and Magnetic Fields (EMF). The proposer should confirm either that the proposed development does include or impact upon any potential sources of

EMF; or ensure that an adequate assessment of the possible impacts is undertaken and included in the ES.

The attached appendix outlines generic areas that should be addressed by all promoters when preparing ES for inclusion with an NSIP submission. We are happy to assist and discuss proposals further in the light of this advice.

Yours sincerely,



Principal Environmental Public Health Scientist
nsipconsultations@phe.gov.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

Appendix: PHE recommendations regarding the scoping document

General approach

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA¹. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

It is not PHE's role to undertake these assessments on behalf of promoters as this would conflict with PHE's role as an impartial and independent body.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES².

The following text covers a range of issues that PHE would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. PHE's advice and recommendations carry no statutory weight and constitute non-binding guidance.

Receptors

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

¹ Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from:

<http://www.communities.gov.uk/archived/publications/planningandbuilding/environmentalimpactassessment>

² DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

Impacts arising from construction and decommissioning

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

Emissions to air and water

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions

- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
 - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
 - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.

PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

Additional points specific to emissions to air

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

Additional points specific to emissions to water

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

Land quality

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the

migration of material off-site should be assessed³ and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

Waste

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

Other aspects

Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the these Regulations.

³ Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report⁴, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible." PHE supports the inclusion of this information within EIAs as good practice.

Electromagnetic fields (EMF)

There is a potential health impact associated with the electric and magnetic fields around substations and the connecting cables or lines. The following information provides a framework for considering the potential health impact.

In March 2004, the National Radiological Protection Board, NRPB (now part of PHE), published advice on limiting public exposure to electromagnetic fields. The advice was based on an extensive review of the science and a public consultation on its website, and recommended the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP):

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Abstd1502/>

The ICNIRP guidelines are based on the avoidance of known adverse effects of exposure to electromagnetic fields (EMF) at frequencies up to 300 GHz (gigahertz), which includes static magnetic fields and 50 Hz electric and magnetic fields associated with electricity transmission.

PHE notes the current Government policy is that the ICNIRP guidelines are implemented in line with the terms of the EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/PublicHealth/HealthProtection/DH_4089500

For static magnetic fields, the latest ICNIRP guidelines (2009) recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT as advised by the International Electrotechnical Commission.

⁴ Available from: <http://www.cph.org.uk/showPublication.aspx?pubid=538>

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m^{-1} (kilovolts per metre) and $100 \text{ } \mu\text{T}$ (microtesla). If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects. Further clarification on advice on exposure guidelines for 50 Hz electric and magnetic fields is provided in the following note on the HPA website:

http://webarchive.nationalarchives.gov.uk/20140714084352/http://www.hpa.org.uk/Topics/Radiation/UnderstandingRadiation/InformationSheets/info_IcnirpExpGuidelines/

The Department of Energy and Climate Change has also published voluntary code of practices which set out key principles for complying with the ICNIRP guidelines for the industry.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE) was then set up to take this recommendation forward, explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government. In the First Interim Assessment of the Group, consideration was given to mitigation options such as the 'corridor option' near power lines, and optimal phasing to reduce electric and magnetic fields. A Second Interim Assessment addresses electricity distribution systems up to 66 kV. The SAGE reports can be found at the following link:

<http://sagedialogue.org.uk/> (go to “Document Index” and Scroll to SAGE/Formal reports with recommendations)

The Agency has given advice to Health Ministers on the First Interim Assessment of SAGE regarding precautionary approaches to ELF EMFs and specifically regarding power lines and property, wiring and electrical equipment in homes:

http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage/

The evidence to date suggests that in general there are no adverse effects on the health of the population of the UK caused by exposure to ELF EMFs below the guideline levels. The scientific evidence, as reviewed by PHE, supports the view that precautionary measures should address solely the possible association with childhood leukaemia and not other more speculative health effects. The measures should be proportionate in that overall benefits outweigh the fiscal and social costs, have a convincing evidence base to show that they will be successful in reducing exposure, and be effective in providing reassurance to the public.

The Government response to the First SAGE Interim Assessment is given in the written Ministerial Statement by Gillian Merron, then Minister of State, Department of Health, published on 16th October 2009:

<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm091016/wmstext/91016m0001.htm>

http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124

HPA and Government responses to the Second Interim Assessment of SAGE are available at the following links:

http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage2/

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_130703

The above information provides a framework for considering the health impact associated with the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

Liaison with other stakeholders, comments should be sought from:

- the local authority for matters relating to noise, odour, vermin and dust nuisance

- the local authority regarding any site investigation and subsequent construction (and remediation) proposals to ensure that the site could not be determined as 'contaminated land' under Part 2A of the Environmental Protection Act
- the local authority regarding any impacts on existing or proposed Air Quality Management Areas
- the Food Standards Agency for matters relating to the impact on human health of pollutants deposited on land used for growing food/ crops
- the Environment Agency for matters relating to flood risk and releases with the potential to impact on surface and groundwaters
- the Environment Agency for matters relating to waste characterisation and acceptance
- the Clinical Commissioning Groups, NHS commissioning Boards and Local Planning Authority for matters relating to wider public health

Environmental Permitting

Amongst other permits and consents, the development will require an environmental permit from the Environment Agency to operate (under the Environmental Permitting (England and Wales) Regulations 2010). Therefore the installation will need to comply with the requirements of best available techniques (BAT). PHE is a consultee for bespoke environmental permit applications and will respond separately to any such consultation.

Annex 1

Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach⁵ is used

⁵ Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24

Sent electronically to:

environmentalservices@pins.gsi.gov.uk

Nick Dexter
DCO Liaison Officer
Land & Business Support

Nicholas.dexter@nationalgrid.com
Tel: +44 (0)7917 791925

www.nationalgrid.com

07th September 2016

Dear Sir/Madam,

Ref: EN010081 – Eggborough CCGT – EIA Scoping Notification and Consultation

I refer to your letter dated 19th August 2016 in relation to the above proposed application for a Development Consent Order for the proposed Eggborough CCGT Power Station. Having reviewed the Scoping Report, I would like to make the following comments:

National Grid infrastructure within / in close proximity to the order boundary

Electricity Transmission

National Grid Electricity Transmission has high voltage electricity overhead transmission lines and a high voltage substation which lie within or in close proximity to the proposed order limits. The overhead lines and substation form an essential part of the electricity transmission network in England and Wales and include the following:

- 4YS (400kV) overhead line route
- 4VJ (400kV) overhead line route
- 4YQ (400kV) overhead line route
- 4YT(400kV) overhead line route

The following substation is also located in close proximity to the proposed order limits:

- Eggborough (400kV) Substation

Gas Transmission

National Grid Gas has a high pressure gas transmission pipeline located within or in close proximity to the proposed order limits. The transmission pipeline forms an essential part of the gas transmission network in England, Wales and Scotland:

- Feeder Main 29 (Asselby to Pannal)

I enclose a plan showing the route of National Grid's overhead line, the location of the substation and the gas transmission pipeline.

Gas Distribution

National Grid has no gas distribution assets located within or in close proximity to the proposed order limits.

The following points should be taken into consideration:

Electricity Infrastructure:

- National Grid's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. National Grid recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for “overhead line clearances Issue 3 (2004) available at: http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl_final/appendixIII/appIII-part2
- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- Further guidance on development near electricity transmission overhead lines is available here: <http://www.nationalgrid.com/NR/rdonlyres/1E990EE5-D068-4DD6-8C9A-4D0B06A1BA79/31436/Developmentnearoverheadlines1.pdf>
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance Note GS 6 “Avoidance of Danger from Overhead Electric Lines” and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum “sag” and “swing” and overhead line profile (maximum “sag” and “swing”) drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or “pillars of support” of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation (“pillar of support”) drawings can be obtained using the contact details above

- National Grid Electricity Transmission high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide National Grid full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with National Grid prior to any works taking place.
- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

Gas Infrastructure:

The following points should be taken into consideration:

- National Grid has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent / temporary buildings, or structures, change to existing ground levels, storage of materials etc.

Pipeline Crossings:

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at previously agreed locations.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.
- The type of raft shall be agreed with National Grid prior to installation.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid.
- National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission is required before any works commence within the National Grid easement strip.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Consent is required for any crossing of the easement

Cables Crossing:

- Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A National Grid representative shall supervise any cable crossing of a pipeline.
- Clearance must be at least 600mm above or below the pipeline.
- Impact protection slab should be laid between the cable and pipeline if cable crossing is above the pipeline.
- A Deed of Consent is required for any cable crossing the easement.
- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service shall cross below the pipeline with a clearance distance of 0.6 metres.

General Notes on Pipeline Safety:

- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and National Grid's specification for Safe Working in the Vicinity of National Grid High Pressure gas pipelines and associated installations - requirements for third parties T/SP/SSW22.
- National Grid will also need to ensure that our pipelines access is maintained during and after construction.
- Our pipelines are normally buried to a depth cover of 1.1 metres however; actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Grid representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of National Grid High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Grid representative. A safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision of a National Grid representative. Similarly, excavation with hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance.

To view the SSW22 Document, please use the link below:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/GasElectricNW/safeworking.htm>

To view the National Grid Policy's for our Sense of Place Document. Please use the link below:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/>

To download a copy of the HSE Guidance HS(G)47, please use the following link:

National Grid is a trading name for:
National Grid Electricity Transmission plc
Registered Office: 1-3 Strand, London WC2N 5EH
Registered in England and Wales, No 2366977

National Grid is a trading name for:
National Grid Gas plc
Registered Office: 1-3 Strand, London WC2N 5EH
Registered in England and Wales, No 2006000

<http://www.hse.gov.uk/pubns/books/hsg47.htm>

Further information in relation to National Grid's gas transmission pipelines can be accessed via the following internet link:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/gastransmission/gaspipes/>

Further Advice

We would request that the potential impact of the proposed scheme on National Grid's existing assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.

Where any diversion of apparatus may be required to facilitate a scheme, National Grid is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by National Grid. Further information relating to this can be obtained by contacting the email address below.

Where the promoter intends to acquire land, extinguish rights, or interfere with any of National Grid apparatus protective provisions will be required in a form acceptable to it to be included within the DCO.

National Grid requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following: box.landandacquisitions@nationalgrid.com as well as by post to the following address:

The Company Secretary
1-3 The Strand
London
WC2N 5EH

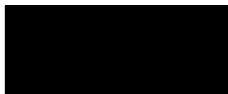
In order to respond at the earliest opportunity National Grid will require the following:

- Draft DCO including the Book of Reference and relevant Land Plans
- Shape Files or CAD Files for the order limits

I hope the above information is useful. If you require any further information please do not hesitate to contact me.

The information in this letter is provided notwithstanding any discussions taking place in relation to connections with electricity or gas customer services.

Yours Faithfully




Nick Dexter.

Eggborough Scoping, NG Assets plan 2016



September 7, 2016

 Substation_Site

LINE

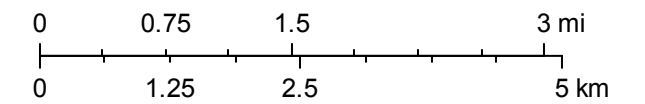
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 CABLE

GAS_PIPE_FEEDER

 N

1:72,224



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

From: Pedlow, David [mailto:David.Pedlow@redcar-cleveland.gov.uk]
Sent: 08 September 2016 15:33
To: Environmental Services
Subject: Consultation Response EN010081-000009

Good afternoon

Having considered the information provided I can confirm that Redcar and Cleveland Borough Council LPA have no comments to make with regard to the application.

Kind Regards

David Pedlow MRTPI
Principal Planning Officer
Redcar & Cleveland Borough Council

Redcar & Cleveland House
Kirkleatham Street
Redcar
Yorkshire
TS10 1RT
Tel: 01287 612546
Email: david.pedlow@redcar-cleveland.gov.uk
Website: <http://www.redcar-cleveland.gov.uk>



The Coal
Authority

200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG

0345 762 6848
01623 637 119 (Planning Enquiries)
planningconsultation@coal.gov.uk
www.gov.uk/coalauthority

Mr R. Kent – EIA and Land Rights Advisor
The Planning Inspectorate

[By Email: environmentalservices@pins.gsi.gov.uk]

Your Ref: EN010081

13 September 2016

Dear Mr Kent

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9

The Eggborough CCGT Project Development Consent Order – EIA Scoping Consultation

Thank you for your letter of 19 August 2016 seeking the views of the Coal Authority on the EIA Scoping Opinion for the above proposal.

The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy and Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response:

I have reviewed the proposals and confirm that, whilst the proposed development would be located within the defined coalfield, it would fall outside of the defined Development High Risk Area, meaning that there are no recorded coal mining legacy hazards at shallow depth that could pose a risk to land stability.

The site is also located outside of any area of surface coal resource, and therefore we would not expect the applicant to afford due consideration to the potential for prior extraction of coal resources as part of this development.

However, the site does fall within the licence area of Kellingley Colliery, which ceased deep underground coal mining activity in December 2015. The Coal Authority is therefore pleased

to note that this is identified in Section 6.65 of the EIA Scoping Report (dated August 2016), together with appropriate acknowledgement that the longwall method of mining employed can potentially result in surface subsidence for several years following cessation of mining activities. It is assumed that this potential land instability risk will therefore be afforded due consideration as part of the design process for this development and the accompanying Environmental Statement.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

Mark Harrison

Mark E. N. Harrison *B.A.(Hons), DipTP, LL.M, MInstLM, MRTPI*
Principal Manager - Planning & Local Authority Liaison

HID Policy - Land Use Planning
NSIP Consultations
Building 2.2, Redgrave Court
Merton Road, Bootle
Merseyside, L20 7HS

Your ref: EN010081
Our ref: 4.2.1.5405

HSE email: NSIP.applications@hse.gov.uk

FAO Richard Kent
The Planning Inspectorate
Temple Quay House
Temple Quay,
Bristol
BS1 6PN

Dear Mr Kent

15th September 2016

**PROPOSED EGGBOROUGH CCGT (the project)
PROPOSAL BY EGGBOROUGH POWER LTD (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (as amended) – Regulations 8 and 9**

Thank you for your letter of 19th August 2016 regarding the information to be provided in an environmental statement relating to the above project.

HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

Using Figure 2 of the EIA Scoping Report, 'Indicative DCO site (Main Site) Boundary and Gas Connection Search Areas', dated 17/08/2016, the development falls within HSE's Consultation Distance of Air Liquide UK Limited (HSE ref: 3279).

The EIA Scoping Report states that the development will include 'electrical, control room and admin building', 'workshop and stores' and a 'gatehouse'. It is unlikely that HSE would advise against the development, subject to the assumption that when the development is completed these 'workplaces' will contain less than 100 occupants in each building and have less than three occupied storeys. If this is the case, the development would be assessed as a Sensitivity Level 1 (SL1) and would produce a do not advise against response.

Please note the above advice is based on HSE's existing policy for providing land-use planning advice and the information which has been provided. HSE's advice in response to a subsequent planning application may differ should HSE's policy or the scope of the development change by the time the Development Consent Order application is submitted.

Would Hazardous Substances Consent be needed?

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC

is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015.

Hazardous Substances Consent would be required if the site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.

The EIA scoping report does not make reference to the storage of hazardous substances. The developer is advised to consider whether storage of hazardous substances is required and, if so, whether Hazardous Substances Consent would be required.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

Explosives sites

The proposed Eggborough CCGT does not impinge on any licensed explosive sites as there are none in the vicinity; therefore HSE has no comment to make.

Electrical Safety

No comment.

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to:

Mr Dave Adams (MHPD)
NSIP Consultations
2.2 Redgrave Court
Merton Road
Bootle, Merseyside
L20 7HS

Yours sincerely,



Dave Adams
CEMHD4 Policy



Historic England

YORKSHIRE OFFICE

Mr Richard Kent
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House, 2 The Square
Bristol
BS1 6PN

Direct Dial: 01904 601982

Our ref: PL00035415

15 September 2016

Dear Mr Kent

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended)- Regulations 8 and 9

Application by Eggborough Power Limited for an Order Granting Development Consent for the Eggborough CCGT Project

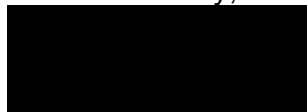
Scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested

Thank you for consulting Historic England on the above EIA Scoping Request.

We have reviewed the Scoping Report (Document Ref: 6.1, date August 2016) and we are comfortable with the scope and approach outlined in the Cultural Heritage section (paragraphs 6.70-6.91). We particularly welcome the acknowledgement of the potential impact on setting in paragraph 6.87 and the proposed approach to understanding the impact on below-ground archaeology set out in paragraph 6.88. We do not have any additional comments to make on the content of the report.

I trust that the above is helpful to the Secretary of State in adopting its scoping opinion. If there are any queries please do not hesitate to contact me.

Yours sincerely,



Emma Sharpe
Assistant Inspector of Historic Buildings and Areas
emma.sharpe@HistoricEngland.org.uk



37 TANNER ROW YORK YO1 6WP

Telephone 01904 601948
HistoricEngland.org.uk



From: Rachel Wigginton [mailto:Rachel.Wigginton@northyorks.gov.uk]

Sent: 15 September 2016 16:25

To: Environmental Services

Cc: Carl Bunnage; Amy Davis; Helen Robinson1; Julia Casterton; Liz Small; Michael Reynolds; paths; Paul N Roberts; Peter Rowe1; Rachel Pillar; Ruth Benson; Stuart Edwards

Subject: RE: EN010081 – Eggborough CCGT – EIA Scoping Notification and Consultation

Dear Mr Kent

Thank you for consulting North Yorkshire County Council on the above. The comments from our service areas are as follows:

Heritage Services

Ecology

Species surveys

We are broadly happy that Protected Species surveys have been scoped adequately (Para 6.48). However, it is stated (Para 6.48) that, “*there is negligible potential for the arable farmland crossed by the Gas Connection route in the floodplain of the River Aire to support important assemblages of wintering and passage birds, including qualifying species of the Humber Estuary internationally designated site*”. While we have no specific data relating to the Gas Connection Search Area, arable farmland in the Humberhead Levels can support large numbers of Lapwing and Golden Plover outside the breeding season. Golden Plover is a qualifying species for the Humber SPA; in fact, the SPA is the most important wintering site in the UK for this species, supporting 12.3% of the population in Great Britain^[1]. It would therefore be appropriate to assess any impact on this species.

Detailed surveys for Grass Snake have been scoped out but it should be noted that this species appears to be widespread in farmland south of Selby, so may well be found in association with ponds, ditches and hedgerows in the Gas Connection Search Areas.

Sites of Importance for Nature Conservation

Several SINCs are located in relatively close proximity to the site (e.g. Beal Carrs, 3 km to the north-west). Although it is unlikely that any of these will be impacted directly, possible effects should be considered as part of the EIA process. Further information on North Yorkshire SINCs can be obtained from the North & East Yorkshire Ecological Data Centre.

Impacts on air quality

The Scoping Report claims (Para 6.52) that,

“...as there are no SSSIs within 5 km of the proposed CCGT plant and no SACs, SPAs or Ramsar sites within 10 km of the proposed CCGT plant, there are considered to be no likely significant effects on statutory designated nature conservation sites as a result in changes in air quality”

^[1] <http://jncc.defra.gov.uk/pdf/SPA/UK9006111.pdf>

This may be an unduly conservative approach given the wide-ranging impacts of Atmospheric Nitrogen Deposition (AND). Natural England estimates that more than 80% of Special Areas of Conservation (SACs) in England which are sensitive to nitrogen receive levels of AND in excess of the 'Critical Load' for one or more of their protected features. This includes the North York Moors, Strensall and Skipwith Commons, the Humberhead Peatlands and Humber Estuary^[2]. For all these sites, 'non-agricultural point sources' of oxides of nitrogen (NOx) have been identified as important sources. Natural England's *Atmospheric nitrogen theme plan* states that:

"Threats to protected sites from (non-agricultural) point sources are associated mainly with NOx emissions from combustion plants, especially in the electricity supply industry".

In the case of the North York Moors SAC, critical thresholds for sensitive habitats are exceeded by up to 22 kg N/ha⁻¹/yr⁻¹, with 27% of AND attributed to non-agricultural point sources^[3]. Since the North York Moors are downwind of Eggborough, Drax and Ferrybridge, these may be significant sources. It is therefore important to assess the effects of emissions on sites and habitats in the wider region. This has implications for Habitats Regulation Assessment.

Potential for enhancement

The EIA should consider opportunities for ecological enhancement in accordance with the NPPF. Opportunities within the power station site are likely to be very limited and whilst the Aire floodplain is an obvious target, this is now predominantly under arable cultivation. However, the river corridor lies within the RSPB's Humberhead Levels *Futurescapes* target area and opportunities relating to this should be considered:

<https://www.rspb.org.uk/whatwedo/futurescapes/humberheadlevels/index.aspx>

In addition, the numerous former sand pits in the area east of Eggborough may have significant biodiversity interest. Although these have been quarried, they represent remnants of the formerly extensive areas of sandy common which once surrounded Eggborough and are therefore locally distinctive habitats.

Little ecological information is available (except for the sand pit east of Hensall). Therefore surveys, management plans and funding for practical works could provide a cost-effective, local focus for any ecological enhancement programme.

^[1] <http://jncc.defra.gov.uk/pdf/SPA/UK9006111.pdf>

^[2] Natural England (2015). Atmospheric nitrogen theme plan.

^[3] U. Dragosits, E.J. Carnell, T. Misselbrook & M. Sutton (2015). Atmospheric nitrogen profile for the North York Moors Special Area of Conservation. *Site categorization for nitrogen measures: Appendix F*. Natural England

Cultural Heritage & Archaeology

We agree that Cultural Heritage should be scoped into the EIA. We support the recommendation for an initial archaeological desk based assessment (para 6.86) to establish the baseline conditions.

^[2] Natural England (2015). Atmospheric nitrogen theme plan.

^[3] U. Dragosits, E.J. Carnell, T. Misselbrook & M. Sutton (2015). Atmospheric nitrogen profile for the North York Moors Special Area of Conservation. *Site categorization for nitrogen measures: Appendix F*. Natural England.

The developer should act on the assumption that the desk based assessment will be insufficient to properly assess the impact of the proposal on the significance of the archaeological remains. Further archaeological field evaluation is likely to be necessary and the results should be included in the EIA to allow a reasonable decision to be made. This is in line with the advice given in the NPPF (para. 128). The EIA should also include a strategy for any necessary mitigation prior to, or during, the construction period.

Landscape

Project alternatives (section 4.0)

The decommissioning and demolition of the existing power station is not currently part of the NSIP application but there could be some benefits in including it since environmental impacts, particularly those perceived by local people, would be caused by the transformation of the site as a whole. In any case, the Scoping Report should highlight the importance of the assessment of cumulative effects with the existing power station at different stages and with different scenarios.

The future use of the land now occupied by the existing power station is a factor – how far could restoration of the coal fired power station site contribute to mitigation and offsetting of adverse effects? There will be limited space for on-site mitigation but existing plantations that are offsite in relation to the application area could make an important contribution to mitigation, as could other land within the control of the applicant.

It is suggested that a further scenario of demolition of the existing power station before construction of the CCGT power station is considered. Even though this may not be the best solution economically, it may allow for a final scheme in the long term that is better designed and with greater environmental benefits since the current proposals are very constrained by the current power station and the need to keep it operational for what may be a very short time.

Potentially significant environmental issues (section 6.0)

Multifunctional green Infrastructure (GI)

This cross-disciplinary topic is mentioned in current national and local planning policy and strategies (EN-1 Overarching NPS for Energy section 5.10 (Land use including open space, green infrastructure and Green Belt), NPPF, Leeds City Region GI Strategy, SDC Core Strategy Policy SP18) and there could be benefits from considering it further under relevant topic headings or as a separate section. It is mentioned briefly in the Scoping Report under paragraphs 6.129 and 6.135 of the Landscape and Visual Amenity section but not under ecology, land use or other topic such as water, recreation or sustainable transport. A key aspect of green (and blue) infrastructure is connectivity, at a local scale and with the wider environment, and so a full understanding of the GI context and the likely effects of the development is relevant to ensuring that mitigation, compensation and enhancement measures are as effective and beneficial as possible.

Cultural heritage

There are aspects of cultural heritage which overlap with landscape, particularly historic landscape character and visible historic features. Where there are references to the setting of 'historic landscape character areas' it is not clear what is being referred to. The North Yorkshire & Lower Tees Valley HLC is a potential reference but the 'setting' of its historic character types is not normally a consideration.

Landscape and visual amenity

This is likely to be a key topic due to the existing prominence of the site, the open nature of the landscape and the relative proximity of settlements and local and national transport routes from which views can be obtained. The principles of the European Landscape Convention need to be taken into account.

Air quality, noise and vibration will be assessed separately within the ES but they also need to be taken into consideration as part of the landscape and visual amenity topic as they contribute to perception of tranquility (or otherwise) and landscape quality. The results of other assessments may also be relevant in some respects to the landscape and visual amenity assessment.

The possible form and appearance of a future Carbon Capture plant was discussed in relation to the Knottingley Power Plant so could be included in this assessment. At this point in time, a decision has not been made on the National Grid carbon capture pipeline which it would be feasible to link with.

Landscape character assessment

The assessment needs to have a sound baseline. GLVIA3 5.15 – 5.16 discusses the need to review and interpret existing assessments, the need to consider appropriate scale, and the need to carry out project specific landscape assessment, including character of settlements affected by the development. It is recommended that the approach to landscape character assessment is discussed with the local authorities concerned.

Cumulative effects on landscape character, landscape capacity and sensitivity need to be considered as an integral part of the assessment.

Visual impact assessment

10 viewpoints are suggested but the number and location are still to be agreed, and additional viewpoints are likely to be needed for cumulative visual impact assessment. The purpose of the viewpoints selected should be stated in the LVIA i.e. whether it is to show landscape, visual, cumulative, sequential assessment or a representative view for assessment of impact on areas such as settlements, transport routes, designated sites etc.

In selecting viewpoints the location of the development site within a transport and recreational corridor with linear viewpoints needs to be taken into account, as should the changing nature of the landscape and the general need for regeneration. Wireframe illustrations may be helpful in addition to photomontages, particularly for illustrating sequential views or likely contextual changes. The viewpoint locations should be clearly mapped so that they can be located on site.

The Scoping Report proposes (paragraph 6.126) using LI Advice Note 01/11: Photography and photomontage in landscape and visual impact assessment. Whilst this is acceptable, the objective is to provide the most realistic representation (which would have to take into account perception of scale by the viewer), so if that can be achieved through varying the method e.g. using a 75 mm focal length rather than 50 mm that would also be acceptable if justification is provided.

ZTVs (paragraph 6.131) will be needed before and after current power station demolition due to the screening effects of existing buildings. The bare ground DTM could be made more useful in this flat open area by adding the largest features within the local area, if data is available – otherwise it may not be particularly helpful in identifying viewpoints. Due to the flat and open nature of the landscape, the development will be very widely visible but local buildings, screening, embankments

etc make a significant difference. The existing power stations are seen as landmarks from far beyond the 10 km study area radius.

Cumulative landscape and visual impact assessment

The Guidelines for Landscape and Visual Impact Assessment revision 3 (GLVIA3, 2013) chapter 7 should be followed. The extent of the study area for the Cumulative ZTV needs to be agreed but it may well be larger than 10 km radius. Additional visual impact of any plumes need to be taken into account in identifying study areas.

Mitigation of landscape and visual impacts

Mitigation of landscape impacts is very briefly discussed under 6.135 but there could be more focus on this aspect since identifying primary and secondary measures to prevent/avoid, reduce and where possible offset/compensate for any significant effects are a key part of the EIA process, to be secured through DCO requirements or legal agreement. Consideration may need to be given to offsite mitigation and how it can be delivered, including through partners, community offset/compensation, local authority actions, offsite works through agreement with landowners etc. It is particularly difficult to mitigate for cumulative effects, and more clarity is needed on the possible future of the existing power station site so that its role in mitigation can be assessed. There may well be an overlap with ecological mitigation.

Landscape strategy

In paragraph 6.135 a 'detailed landscaping strategy including green infrastructure' is proposed. We would like to see a 'detailed landscape and biodiversity strategy' (which would include consideration of green infrastructure) which clarifies onsite and offsite works, to be prepared in liaison with both SDC and NYCC, although SDC would be the relevant planning authority for discharge of the DCO requirements.

Cumulative effects

It is recommended that details of cumulative effects are described first under relative topic headings and that this section in the ES brings together summaries of significant effects and discusses the interactions and combined effects. Whilst the EIA will cover project-specific cumulative effects, cumulative effects nationally will also need to be taken into account under topics such as climate change.

EN-1 para 4.2.5 states that the ES should provide information on how the effects of the applicant's proposal would combine and interact with the effects of other development (including projects for which consent has been sought or granted,) as well as those already in existence) e.g. Drax Power Station. The developments to be taken into account may require further discussion.

8.0 Structure of the Environmental Statement

See comments on cross-disciplinary issues and the approach to cumulative and combined effects above.

Carbon Capture plant

The CCR feasibility study is in a technical appendix but would have relevance for the Landscape and Visual Amenity study (and other topics). The use of the land reserved for the CCR plant if it is not constructed, or until it is constructed, needs to be considered.

Please do not hesitate to contact us if you have any queries. We would be happy to discuss the approach to LVIA further with the applicant if required.

Minerals and Waste Planning

Paragraph 2.13

The seventh bullet point of *Hydrology/Flood Risk, Geology & Hydrogeology* refers to the presence of 5 historic and 3 authorised landfill sites within 1km, & the naming of some of the sites, in conjunction with Figure 5D, does help partially clarify which are being referred to in the document. However, this information is slightly misleading as it differentiates between historic and authorised landfill site but appears to be solely based on data sourced from the Environment Agency, and does not reflect the planning status of the site. Notably that some of the planning permissions for landfill in the area have expired and hence, whilst they may still have an Agency permit and are described as authorised rather than historic, they are no longer authorised for use for landfill unless a further grant of planning permission is obtained from the County Planning Authority, i.e. North Yorkshire County Council.

Therefore to assist with the availability of information regarding the sites in the vicinity of the proposal some details for the sites on Hazel Old Lane, Hensall (such as Hazel Grove Quarry), and on Roall Lane, Kellington can now be viewed using the County Council's online planning register <https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx>. If any further clarification regarding the planning history of these sites, or those further from the power station, is needed please just let us know and we will try to assist.

Paragraph 2.16

The third bullet point of the *Hydrology/Flood Risk, Geology & Hydrogeology* section states that no authorised or historic landfill sites are within 1km of corridor, but it appears that the site at Hazel Grove is within 1km of the southern end of the corridor.

Paragraph 2.17

The third bullet point of the *Hydrology/Flood Risk, Geology & Hydrogeology* section states that two landfills are within 1km - Roall Lane Quarry (authorised) & Cross Lane Roads (historic). The County Council's online planning register has been updated so that more of the history of these sites is available to be viewed, including details of any planning permissions and their expiry. However, it should be noted that there is no record of a site named Cross Lane Roads in our records, rather the site can be found on the online register using the phrase: Roall Lane.

Paragraphs 2.18-19

It is agreed that planning permission OG/1299 was granted for sand & gravel extraction in vicinity of the power station rail loop, but there are no details on file as to what depth mineral was extracted, where within the overall polygon extraction took place, or how, or with what that site was filled. Our records also indicate that there were a number of other planning permissions for minerals extraction granted prior to the construction of the power station, but which included land within or in the near vicinity of, the overall current footprint of the power station. These include:

- OG/149 which was located in the north-west corner of the station, approximately where the Golf course Main CCGT plant footprint is shown on Figure A1.
- OG/1282 was on land approximately where the Lagoon Main CCGT plant footprint is shown on Figure A1.
- OG/333A was located to the west of the Lagoon Main CCGT plant footprint.
- Based on the description within the Inspector's report into an appeal into the planning application OG/1109 for sand & gravel extraction, it appears that the appeal decision, which was upheld, granted extraction in the vicinity of the Lagoon Main CCGT plant footprint.

Some details of these cases can be viewed on the online planning register via the following link <https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx> and the online application references MIN3008, MIN2068, MIN2069, MIN3010 and MIN3011 respectively. There is also reference made on some of the case files that unauthorised extraction took place in the vicinity of the power station, so a precautionary approach regarding establishing the ground conditions is recommended.

Paragraph 5.20

The reference to the emerging planning policy documents is noted. The Minerals and Waste Joint Plan is being prepared by 3 authorities: North Yorkshire County Council, the City of York Council and the North York Moors National Park Authority, and it is now expected that a final 'publication' draft plan will be available in November 2016 with the subsequent stages of the plan process through to examination and adoption being in 2017.

Paragraph 6.76

With regard to the desk-based assessment of the potential for land contamination, as referred to above, there may be made up ground within and in the vicinity of the power station arising from the infilling of past authorised and unauthorised mineral workings.

Paragraph 6.78

The proposed assessment of the sterilisation of potential mineral deposits is noted and supported.

Paragraph 6.141

The production of a construction environmental management plan is supported, both in terms of proposed management of waste and recycling opportunities, but should also include consideration of the materials which might need to be imported. For example, if the lagoon site is to be used what material will be used to fill in the lagoon, what quantity and from where would this be sourced?

North Yorkshire Highways Authority

The existing site is well served by the local highway network and access onto the A19 can be gained by the existing right turn facility built when the original power station was constructed. The

A19 also bypasses Eggborough village and allows direct access onto the M62 for construction traffic so avoiding an increase in traffic through the village.

However we have concerns about the other large scale developments in the area such as Knottingley Power Station, Ferrybridge multi fuel facility and the combined effect these developments may have on the network. Clearly this needs to be considered and I would look to the developer to prepare a Construction Management Plan to reduce the effect of any congestion.

The new gas pipe line is another part of the development which will impact on the road network. Diversions may be required and these will need input from ourselves as the streetworks authority. Methods employed by the developer to construct the pipe line will need to be discussed to avoid unnecessary delays on the network.

Therefore the Local Highway Authority would like to work closely with Eggborough Power to limit as much as possible the impact the construction and likely demolition will have on the road network and would expect to see methods of working to reduce travel on the network as much as possible.

Public Rights of Way

North Yorkshire is responsible for managing the Rights of Way network and would wish to work closely with Eggborough Power in relation to implications for the network as the project progresses.

Flood Risk Management

We have no comments at this stage. It is noted that section 6.62 refers to a Flood Risk Assessment that will be produced which should identify any concerns and we shall comment on this if necessary when it appears.

Yours sincerely

Michael Reynolds

Project Manager Level 1 (Infrastructure)

Strategic Policy & Economic Growth | Business & Environmental Services |
North Yorkshire County Council | County Hall | Racecourse Lane |
Northallerton | North Yorkshire | DL7 8AD

Tel: 01609 533253

www.northyorks.gov.uk

From: Environmental Services [<mailto:environmentalservices@pins.gsi.gov.uk>]

Sent: 19 August 2016 17:21

Subject: EN010081 – Eggborough CCGT – EIA Scoping Notification and Consultation

Dear Sir/Madam

Please see the attached correspondence on the proposed Eggborough CCGT project.

Please note the deadline for consultation responses is **18 September 2016**, and is a statutory requirement that cannot be extended.

Kind regards,

Richard Kent

EIA and Land Rights Advisor

Major Applications and Plans, The Planning Inspectorate, Temple Quay House,
Temple Quay, Bristol, BS1 6PN

Direct Line: 0303 444 5895

Twitter: [@PINSgov](https://twitter.com/PINSgov)

Helpline: 0303 444 5000

Email: EnvironmentalServices@pins.gsi.gov.uk

Web: <http://infrastructure.planninginspectorate.gov.uk> (National Infrastructure Planning website)

This communication does not constitute legal advice.

Please view our [Information Charter](#) before sending information to the Planning Inspectorate.

Your Ref: EN010081-000009
Our Ref:
Date: 15 September 2016
Please reply to: Ian Pollard
Telephone: 01924 306396
E-mail address: ianpollard@wakefield.gov.uk

Planning Services

Service Director for Planning, Transportation and Highways: Neil Rodgers

Wakefield One, PO Box 700, Burton Street, Wakefield WF1 2EB
Typetalk calls welcome

3D Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

F.A.O Richard Kent

By email only

Dear Sir / Madam

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9

Application by Eggborough Power Limited for an Order Granting Development Consent for the Eggborough CCGT Project

Scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested

Thank you for your letter dated 19 August 2016 which invites Wakefield Metropolitan District Council (WMDC) to comment upon the scoping documentation submitted by the applicants ahead of the Secretary of State adopting its scoping opinion, and informing the Council of the applicant's name and address.

Having reviewed the documentation and carried out a limited internal consultation exercise, I can confirm that WMDC do not wish offer any comments in this instance.

If you require any clarification please do not hesitate to contact me.

Yours faithfully


Ian Pollard
Principal Planning Officer
Wakefield Council
Development Management



Canal &
River Trust

16 September 2016

Sent by email
The Planning Inspectorate

Your Ref EN010081-000009

Dear Mr Richard Kent,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9

Application by Eggborough Power Limited for an Order Granting Development Consent for the Eggborough CCGT Project

Scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested

Thank you for your letter dated 19 August 2016.

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives". We are a statutory consultee in the development management process.

We have reviewed the information provided by the Applicant as part of the 'scoping opinion' consultation to shape the Environmental Statement (ES) and have the following comments to make.

General comments

We note that the scheme proposes a new gas powered power station to replace the existing coal fired power station. Although, the power station site is over 1km from the River Aire, which forms part of the Aire & Calder Navigation for which we are the Navigation Authority, we note that the scheme will include the abstraction and discharge of water from the river for cooling purposes and the possible crossing of a pipeline under the river Aire.

We note that the existing power station utilises the river for abstraction and discharge. Furthermore, the proposed gas pipeline route under the river is one of several options to connect the new power station to the national gas network.

Visual Impact

The application site is located over 1km from the River Aire. Furthermore, the application site hosts an existing power station which already dominates the immediate area. However, we would recommend that the ES acknowledges the River Aire as a visual receptor and analyses the visual impact of the scheme on the River Aire and its users.

Canal & River Trust Peel's Wharf Lichfield Street Fazeley Tamworth B78 3QZ

T 0303 040 4040 E National.Planning@canalrivertrust.org.uk www.canalrivertrust.org.uk

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB

Navigational Impacts

As Navigation Authority for the River Aire we seek to ensure that development proposals do not have a negative impact on the river levels to ensure that safe navigation is maintained. The Applicant states that the existing power station abstracts and discharges from the river for cooling purposes and that this system will be adopted for the new power station, adding that abstractions rates are expected to be less for the new power station.

Abstracting less water from the river will not adversely impact on the safe navigation of the river. However, we recommend that the ES provides more information on the proposed changes to the abstraction and discharge rates associated with the new power station for us to fully understand any impacts the scheme may have on the river.

Although we fully recognise that the current option of abstracting from the River Aire is proposed, please note that the Aire & Calder Canal to the south of the application site has the potential to also be utilised for abstraction and discharge. We advise the Applicant to consider this option in the ES for completeness.

Environmental Impacts

We note and welcome that the Applicant recommends that Eel Regulations compliance will be included within the ES. However, we also recommend that the ES should also consider the impacts of abstraction and discharge on elvers and lamprey to ensure that their environmental requirements are considered.

Eels are protected under the Eel Regulations, 2009, and Lamprey are listed under Annex II of the Habitats Directive, both of which are also listed under Section 41b of the NERC Act 2006. Adults and juveniles are vulnerable to intakes and outfalls. The Environment Agency has produced "The Eel Manual – Screening at intakes and outfalls: measure to protect eel" which outlines the screen mesh sizes and appropriate intake velocities. This is to avoid the impingement and entrainment of eel, elver and glass eels in intakes and outfalls. Some of these screens can be as small as 1-2mm mesh size. The Eel Manual can be viewed at the link below and should be fully referenced in the production of the ES:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297342/geho0411btqd-e-e.pdf.

Furthermore, the ES should consider the following matters:

- Impacts on the water quality of the river in this location.
- Impacts on the water temperature and subsequent impacts on ecology.
- What impacts would the change in abstraction and discharge have on water levels in relation to bank dwelling species. For example, water voles and nesting birds.
- What impacts would the change of operation have on the potential for increased river bank erosion.

Structural impacts

We note that one of the indicative gas pipeline connections would traverse under the River Aire. As Navigation Authority for the river, we recommend that the ES provides information on the method and infrastructure required to cross the river. This information is required to ensure that should the pipeline cross the river in this location it will not impede on the safe navigation and operation of the Aire & Calder Navigation.

Transport

Although, we recognise that the site is not adjacent to the canal network and is directly linked to the rail network, we recommend that the ES considers the use of the Aire & Calder Canal to transport materials in the construction phase of the scheme. For example, abnormal large loads may be more appropriately delivered on the canal network. We would welcome the opportunity to meet with the Applicant to discuss this matter further.

If you have any queries please contact me, my details are below.

Yours sincerely

Martyn Coy
Area Planner Yorkshire & NE
Martyn.Coy@canalrivertrust.org.uk
0113 2816803

Your ref: EN010081-000009
Date: 16 September 2016

Mr Richard Kent
3d Eagle Quay House
2 The Square
Bristol
BS1 6PN

Dear Mr Kent,

Scoping opinion request for the Eggborough CCGT Project: Eggborough Power, Eggborough, Goole DN14 0BS

Thank you for consulting us on Eggborough Power Limited's EIA scoping report.

Overall, we are pleased that the scoping report (dated 17 August 2016) identifies the key matters which will need to be addressed in the Environmental Statement (ES). We have included some further comments in relation to drinking water safeguard zones, flood risk, the Water Framework Directive, and compliance with the Eel (England and Wales) Regulations 2009 below. Our response also details other environmental permitting guidance which provides further regulatory advice to the applicant.

Geology, Hydrogeology and Land Contamination

We agree with the characterisation of the site's geology and hydrogeology. Specifically, we are satisfied that the groundwater sensitivity beneath the main site has been classed as high, given the relatively thin and permeable superficial deposits which do not afford much protection to the groundwater should a pollution incident occur.

The main site is correctly stated to be partially located within a Safeguard Zone (SgZ) for nitrate within a Drinking Water Protected Area (DWPA). As the power station's operation will result in nitrate emission, the scoping report should consider how aerial deposition of nitrate emissions may affect the aquifer with the SgZ to the east of the main site. This risk should be investigated within the desk-based assessment; subsequent mitigation should be identified in the Environmental Statement if the risk is found to be significant.



Flood risk

Section 6.58 mentions that the site's surface water management plan and drainage details will need to be discussed with the Environment Agency and the relevant internal drainage boards. North Yorkshire County Council, in their role as lead local flood authority, will also need to be included in this consultation.

Section 6.59 should be amended so that it is clear that the gas connection area traverses flood zones 1, 2 and 3. It currently implies that it is located solely within flood zone 2.

Gas connection areas

As it has not yet been decided where the gas connection areas will be located, the scoping report contains relatively limited information on the environmental considerations associated with these areas (such the tunnelling methods used to cross rivers) Once the route for the gas supply pipeline connection has been decided, we may require further information about any associated environmental impacts.

Fisheries - Eel Regulations (England and Wales) 2009)

We are pleased to see that sections 3.32 and 6.51 detail the requirement for an eel screen. The site is currently non-compliant due to the fish screen mesh's aperture being too large and there being no fish return system (i.e. the screen backwashing system that conveys debris, including fish, back to the river safely). Whilst the site currently has an exemption which addresses this lack of compliance, if operating beyond 2019, a screen upgrade (to 2mm) will be required alongside a fish return system.

If the applicant wants to discuss this aspect of the project, or would like further advice, they should contact Pat O'Brien (02030256669, pat.obrien@environment-agency.gov.uk)

Water Framework Directive

We are pleased to see the inclusion of sections on water quality and flood risk, both of which are central to the aims of the Water Framework Directive (WFD) and its associated Humber River Basin Management Plan (HRBMP). In England and Wales compliance with the WFD is achieved through meeting the requirements of the relevant River Basin Management Plan.

A WFD assessment should show how the application meets RBMP requirements. As a minimum, an assessment should include:

- The risk of deterioration - a proposed development must not cause any water body quality element to deteriorate to a lower status class.
- Support for measures to achieve good status (or potential) - a proposed development must not prevent implementation of a measure in the RBMP to improve a surface water body or groundwater unless the applicant proposes an acceptable alternative to meet RBMP requirements.

- The risk of harming any protected area - a proposed development must not harm a protected area in a RBMP.

We therefore support the inclusion of a full assessment of the potential impacts of the proposed development on water quality, giving due consideration to the WFD.

Water abstraction licence

Once the cooling method has been decided, alongside the quantity of water that will be required, the applicant is advised to contact Karen Wooster (02030256808, karen.wooster@environment-agency.gov.uk) to further discuss water abstraction licence requirements.

Environmental permitting and other regulation – information to applicant

This development will require an environmental permit under the Environmental Permitting (England and Wales) (Amendment) Regulations 2013 from the Environment Agency. The applicant is advised to contact Chris Gaughan, 02030253913, chris.gaughan@environment-agency.gov.uk to discuss the issues likely to be raised.

Under the Environmental Permitting (England and Wales) (Amendment) Regulations 2013, permitted sites should not cause harm to human health or pollution of the environment. The operator is required to have appropriate measures in place to prevent pollution to the environment, harm to human health or the quality of the environment, detriment to surrounding amenity, offence to a human sense or damage to material property. If measures are not included within the application then it is likely that we would reject any application received for an environmental permit under the Environmental Permitting (England and Wales) (Amendment) Regulations 2013.

The environmental permit will control the following activities and emissions from the installation:

- Reception, handling and use of natural gas
- In process control systems
- Process efficiency including energy, water, raw materials and waste
- Emissions to air. As a new build this facility will comply with the IED Annex V Emission Limit Values for CCGTs. Emissions will be monitored continuously via Monitoring Certification (MCERTs) approved units. The air impact assessment must take into effect in-combination effects from other industrial sources of oxides of Nitrogen and Carbon Monoxide – the principle air pollutants. Careful consideration needs to be given to the effect on local sensitive receptors and the designated Air Quality Management Area (AQMA) along the M62 corridor
- Noise and vibration. It is noted that there are a number of local sensitive receptors that could potentially be affected by adverse noise and vibration.

- Groundwater and land contamination. The Site Condition Report (SCR) will introduce a system to continually monitor the potential for pollution from the 'baseline' in order to demonstrate that there has been no impact through the life of the facility
- Water abstraction and discharge pipelines. Whilst it is acknowledged the pipelines will transport 'water', due to the quantities involved, it is important to have a maintenance and inspection regime to ensure that leaks from the system are minimised.

The environmental permit application must demonstrate that people and the environment will be protected from these activities and emissions. Mitigation is likely to be required to control:

- Emissions to air
- Emissions to water
- Noise and vibration
- Water pipeline infrastructure

We expect new combustion developments to comply with the environmental performance standards in the EPR Technical Guidance Note: Combustion Activities (EPR1.01). We will justify any derogation we allow from these standards in our decisions.

Under the environmental permitting regime we will be including the following key areas of potential harm when making an assessment for the permit:

- Management – including energy efficiency and avoidance, recovery and disposal of wastes
- Operations including gaseous and liquid fuels
- Emissions and monitoring including point source emissions to water, point source emissions to air, fugitive emissions and monitoring

In this location you may need higher stacks for adequate dispersion of emissions to air to satisfactorily protect people and the environment and obtain an environmental permit to operate. We note that there are a number of options for consideration:

- Up to three main stacks (one for each of the CCGTs) – suggesting these will be individual standalone windshields, AND;
- Two additional stacks (one for each of the OCGTs) – suggesting these will be individual standalone windshields, OR;
- Multiple low level stacks (one for each engine) – suggesting these will be individual standalone windshields.

Consideration should be given in the BAT justification to combining these into a single common flues, one for the CCGTs, one for the OCGTs and one for the engines. A further BAT justification will be required to support the choice of OCGT v engines for the fast response option. It is therefore possible that a revision or resubmission of the planning application may be required. In addition, some local planning policy restricts stack height.

We advise joint discussions between the operator, the local planning authority and the Environment Agency and whilst not a legal requirement, parallel tracking of the planning and permit applications to allow these issues to be resolved. This should reduce uncertainty as to whether the activity is likely to be permitted, which in turn will reduce uncertainty and promote faster decision making for both planning and permitting applications.

Combined Heat and Power (CHP) Ready requirements

As a minimum, we will require proposed combustion facilities to be built CHP ready by imposing specific permit conditions. For example, conditions requiring the operator to provide and maintain steam and/or hot water pass-outs such that opportunities for the further use of waste heat may be capitalised upon should they become practicable, and a condition that requires the operator to review and report on the practicability of CHP implementation at least every 2 years. The applicant is advised to refer to the latest Environment agency guidance on 'CHP Ready' at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296450/LIT_7978_e06fa0.pdf

The Environment Agency is also able to offer guidance on undertaking cost benefit assessments for installations under Article 14 of the Energy Efficiency Directive.

Carbon Capture (CC) Ready requirements

As a minimum, we will require proposed combustion facilities to be built CCR ready. This will be in-line with the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2).

It should be noted that we are only able to comment on the suitability of the space set aside on or near the site for carbon capture equipment and the technical feasibility of carbon capture equipment retrofit.

Please note that the comments above are without prejudice to future decisions we make regarding any applications subsequently made to us for our permits or consents for operations at the site.

If you have any further questions, please do not hesitate to contact me.

Yours sincerely,

Nick Pedder

Planning Specialist - Sustainable Places

Phone: 02030256658

Email: nick.pedder@environment-agency.gov.uk

From: Parish Clerk [mailto:parishclerkdt@talktalk.net]
Sent: 12 September 2016 13:55
To: Environmental Services
Cc: 'Jake Barnes-Gott'
Subject: EN010081-000009 Eggborough Power Station.

FAO Richard Kent

I refer to your letter Dated 19th August 2016.

The applicant has held a number of advanced consultations which Councillors from Hensall Parish Council attended.

Whilst having no major concern with the proposals it was felt that two factors need to be addressed in more detail than was made available at these meetings.

The first relates to the existing power station, particularly the cooling towers and the turbine house, none of which will be part of the new plant. It is considered essential that the removal of these is required as soon as they become redundant and they do not remain in situ for years as is the case at many other locations.

The second relates to the monitoring of the discharges from the chimney stacks. As a village we are downwind of the prevailing wind and would request that the monitoring is designed to ensure that we are protected from any problems with the exhaust fumes.

Dennis Tredgett
Clerk to Hensall Parish Council

From: Cunningham Frances [mailto:Frances.Cunningham@networkrail.co.uk]
Sent: 16 September 2016 15:07
To: Environmental Services
Subject: Eggborough Scoping report - EN010081-000009

Dear Richard,

Thank you for consulting Network Rail on the 19th August on the scoping consultation by Eggborough Power Limited for the Eggborough CCGT Project ref EN010081-000009.

For the purposes of the scoping opinion we are pleased to set out below those matters which we consider relevant in the context of the development site's proximity to our infrastructure.

Please note that Network Rail have a statutory obligation to ensure the availability of safe train paths and as such we are required to take an active interest in any construction/ demolition activity adjacent to our property that potentially could affect the safe operation of the railway.

On specific matters, clearly our key interest is to protect the physical railway infrastructure. The development site bounded to the south by the Knottingly to Snaith line, which encompasses a series of sidings adjacent to the site. To the north of the site the proposed gas corridor crosses the line from Selby. The EIA should demonstrate that the railway infrastructure will not be compromised and be adequately protected. Part of this will be to demonstrate that the development will not interfere with the existing railway level crossings to the south of the site. The EIA will also need to demonstrate that the proposed gas pipeline corridor which crosses the railway to the north will not have a detrimental impact upon our infrastructure. We would suggest that the developer contacts the Network Rail Asset Protection team in advance of a submission to discuss this further AssetProtectionLNEEM@networkrail.co.uk.

It is understood that the rail freight link will be removed once the site is complete unless EPL can provide substantive reasons for the retention of this link. This would be in-line with EPLs current connection agreement with Network Rail. We would ask that EPL discuss the connection in further detail with Network Rail.

I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact me. I would also be grateful if you could inform me of the outcome of the scoping opinion and any relevant further correspondence in due course.

Kind Regards

Frances Cunningham

Town Planner | Property

Network Rail

George Stephenson House | Toft Green | York | YO1 6JT

M 07740 223 489

E frances.cunningham@networkrail.co.uk

www.networkrail.co.uk/property



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**

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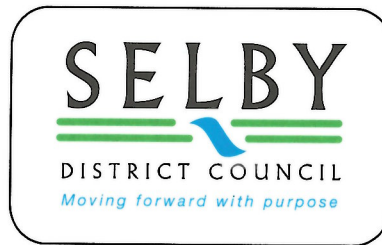
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PINS RECEIVED

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

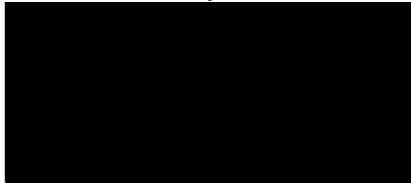
Selby District Local Plan (February 2005):

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

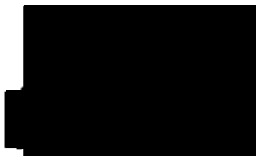
Dear Mr Kent

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

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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.