

The Eggborough CCGT Project

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The Eggborough CCGT (Generating Station) Order

Land at and in the vicinity of the Eggborough Power Station site,
near Selby, North Yorkshire, DN14 0BS

Statement of Common Ground with The Civil Aviation Authority

The Planning Act 2008



Applicant: Eggborough Power Limited
Date: October 2017

DOCUMENT HISTORY

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GLOSSARY

Abbreviation	Description
AGI	Above Ground Installation
Applicant	Eggborough Power Limited
CAA	Civil Aviation Authority
CCGT	combined cycle gas turbine
DCO	Development Consent Order
DIO	Defence Infrastructure Organisation
EIA	Environmental Impact Assessment
EP UK	EP UK Investments Ltd
EPL	Eggborough Power Limited
kV	kilovolt
m	metres
MOD	Ministry of Defence
MW	megawatts
NSIP	Nationally Significant Infrastructure Project
NTS	National Transmission System
NYCC	North Yorkshire County Council
Order	Eggborough CCGT (Generating Station) Order
PA 2008	Planning Act 2008
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
SDC	Selby District Council
SoCG	Statement of Common Ground
SoS	Secretary of State
the Site	The Proposed Development Site

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1.0 INTRODUCTION

Overview

- 1.1 This Statement of Common Ground has been prepared on behalf of Eggborough Power Limited ('EPL' or the 'Applicant') in respect of its application (the 'Application') for a Development Consent Order (a 'DCO').
- 1.2 The Application has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy, under Section 37 of 'The Planning Act 2008' (the 'PA 2008'). It seeks consent for the construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 2,500 megawatts ('MW') and associated works (the 'Proposed Development') on land at and within the vicinity of the existing Eggborough coal-fired power station, near Selby, North Yorkshire.
- 1.3 A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under Sections 14 and 15(2) of the PA 2008.
- 1.4 The DCO, if made by the SoS, would be known as the 'Eggborough CCGT (Generating Station) Order' (the 'Order').

EPL

- 1.5 EPL owns and operates the existing Eggborough coal-fired power station (the 'coal-fired power station'), near Selby, including a significant proportion of the land required for the Proposed Development.
- 1.6 EPL was acquired by EP UK Investments Ltd (EP UK) in late 2014; a subsidiary of Energetický A Průmyslový Holding ('EPH'). EPH owns and operates energy generation assets in the Czech Republic, Slovak Republic, Germany, Italy, Hungary, Poland and the United Kingdom.

The Site

- 1.7 The Proposed Development Site (the 'Site') is located at and in the vicinity of Eggborough coal-fired power station south of Selby. The River Aire is located just to the north with the A19 immediately to the west. Eggborough Village is situated to the south-west.
- 1.8 The entire Site lies within the administrative boundaries of Selby District Council ('SDC') and North Yorkshire County Council ('NYCC').
- 1.9 The coal-fired power station was officially opened in 1970 and comprises four coal-fired boilers units, which together are capable of generating up to 2,000 MW of electricity. The coal-fired power station also includes a turbine hall and boiler house, an emissions stack (chimney) of approximately 198 metres ('m') in height, eight concrete cooling towers of approximately 113 m in height, an administration and control block, coal stock yards and a dedicated rail line for the delivery of coal, in addition to ancillary buildings, structures and infrastructure and utility connections.
- 1.10 The Site itself extends to approximately 102 hectares and comprises land within the operational area of the existing coal-fired power station for the new generating station and electrical

connection in addition to corridors of land outside this area for the water connections and gas supply pipeline. The generating station would be located on the existing main coal stock yard.

- 1.11 The land required for the generating station and electrical connection is owned by EPL, as well as the majority of the land for water connections. The land required for the majority of the gas supply pipeline is not owned by EPL.
- 1.12 The area surrounding the Site is predominantly flat and for the most part comprises agricultural land interspersed with small settlements and farmsteads. It is however crossed by transport infrastructure, notably the A19 and railway lines, including the East Coast Mainline, in addition to overhead electricity lines associated with coal-fired power station and other power stations within the wider area.

The Proposed Development

- 1.13 The main components of the Proposed Development are summarised below:
- an electricity generating station fuelled by natural gas with a gross output capacity of up to 2,500 MW, comprising:
 - a combined cycle gas turbine ('CCGT') plant, comprising up to three CCGT units, including turbine and heat recovery steam generator buildings, emissions stacks, cooling towers and cooling water treatment plant, administration/control building, ancillary buildings, plant and equipment;
 - a peaking plant and black start plant with a combined generating capacity of up to 299 MW, emissions stacks and ancillary buildings, plant and equipment; and
 - other ancillary buildings, enclosures, plant, equipment and infrastructure connections and works;
 - electrical connection works, comprising up to 400 kilovolt ('kV') underground cables to the existing National Grid 400 kV substation at the coal-fired power station site and works within the substation;
 - cooling water connection works, comprising works to the existing cooling water supply and discharge pipelines and intake and outfall structures within the River Aire;
 - ground and towns water supply connection works, comprising works to the existing ground and towns water supply pipelines and boreholes;
 - an underground gas supply pipeline to the National Transmission System ('NTS') for gas of up to 1,000 millimetres (nominal bore) in diameter and approximately 4.7 km in length running north, under the River Aire, to a connection point with the NTS to the south-west of Burn Village; and
 - an 'Above Ground Installation' ('AGI') to the south-west of Burn Village for the connection of the gas supply pipeline to the NTS.
- 1.14 The Proposed Development also includes a temporary construction laydown area for the accommodation of plant and materials and contractors compounds and facilities during the construction phase, which would last for approximately three years. This would be provided on land within the operational area of the coal-fired power station, north of the main coal stock yard.

- 1.15 In addition, land would be set aside adjacent to the new generating station to accommodate any future carbon capture plant, should the deployment of such technology become viable in the future. It is proposed that this 'reserve' land would be provided on the area to be used for temporary construction and laydown area during construction of the Proposed Development.

The purpose of the Statement of Common Ground

- 1.16 The purpose of the Statement of Common Ground ('SoCG') is to set out the agreement that has been reached between EPL and The Civil Aviation Authority in respect of the following matters relating to the Proposed Development:

- aerodrome safeguarding;
- aviation warning lighting;
- gas venting and flaring;
- aviation promulgation; and
- military aviation.

2.0 RELEVANT MATTERS

Consultation with The Civil Aviation Authority

2.1 The Civil Aviation Authority (the 'CAA') was first consulted on the Proposed Development by The Planning Inspectorate ('PINS') in August 2016 in response to EPL's request for an Environmental Impact Assessment ('EIA') Scoping Opinion. EPL's request for an EIA Scoping Opinion sought for aviation to be scoped out of the EIA process for the Proposed Development.

2.2 In its EIA Scoping Opinion (dated 28 September 2016) PINS agreed that aviation could be scoped out of the EIA process, stating that:

"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 note 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 NAT's nearest infrastructure and as such NATS anticipates no impact upon its operations."

2.3 Further to the EIA scoping consultation, the CAA was consulted on the Proposed Development by EPL as part of its Stage 1 'non-statutory consultation' in September/October 2016 and subsequent to this, as part of its Stage 2 'statutory consultation' in January/February 2017. The Stage 2 consultation documents provided to the CAA included EPL's Preliminary Environmental Information Report ('PEIR'), which in effect represented a draft Environmental Statement for the Proposed Development.

Civil aerodrome safeguarding

2.4 EPL has assessed, as part of its EIA Scoping Report submitted to PINS, the potential for the Proposed Development to impact upon civil aerodromes. This assessment did not identify any aerodromes in respect of which the Proposed Development would raise any safeguarding issues.

2.5 Furthermore, consultation responses received from NATS in response to PINS' EIA scoping consultation (dated 24 August 2016) and EPL's Stage 2 'statutory consultation' (dated 13 January 2017) both confirmed that as the Site is over 50 km from NATS's nearest infrastructure it anticipates no impact upon its operations. A copy of the NATS responses are provided at **Appendix 1**.

2.6 In addition, on the advice of Leeds City Council, Leeds Bradford Airport was consulted on the Proposed Development during both the Stage 1 and Stage 2 consultation. No responses were received from Leeds Bradford Airport.

2.7 Doncaster Sheffield Airport was consulted during Stage 2. A response was received (dated 27 January 2017) stating that:

“...the location is outside the physical safe guarding areas for obstacle limitations. However, the site does remain in a safeguarded area for wind turbines.

We only require notification if wind turbines are to be installed on site.”

2.8 A copy of the response from Doncaster Sheffield Airport is provided at **Appendix 2**.

2.9 It is therefore agreed that the Proposed Development raises no civil aerodrome safeguarding matters.

Aviation warning lighting

2.10 The Proposed Development includes a number of co-located CCGT emissions stacks that would have a maximum height of 90 m (a maximum of 99.9 m above ordnance datum). Article 219 of the ‘UK Air Navigation Order’ requires that for en-route obstructions (i.e. away from aerodromes) aviation warning lighting is legally required for structures of 150 m or more in height. There is also a requirement to notify the CAA of any cranes of 60 m or above erected during construction and for these to be fitted with appropriate lighting.

2.11 The proposed emissions stacks are significantly below the 150 m threshold referred to above, while there is already aviation warning lighting in place on the emissions stack (approximately 198 m high) of the existing coal-fired power station. While the proposed emissions stacks are below the Article 219 threshold and the height of the stack for the coal-fired power station, in recognition that the coal-fired power station is likely to close in the relatively near future and be decommissioned and demolished, EPL intends to install aviation warning lighting to the proposed emissions stacks. It is proposed to secure the aviation warning lighting through Requirement 29 at Schedule 2 of the draft DCO:

“Aviation warning lighting

29. -(1) No part of the authorised development comprised within Work No. 1 must commence until details of the aviation warning lighting to be installed for that part during construction and operation have been submitted to, and after consultation with the Civil Aviation Authority, approved by the relevant planning authority.

(2) The aviation warning lighting approved pursuant to paragraph (1) must be installed and operated in accordance with the approved details.”

2.12 Requirement 29 would also secure appropriate lighting in respect of any cranes of 60 m or above involved in the construction of the Proposed Development.

2.13 It is agreed that the inclusion of Requirement 29 is an appropriate means by which to secure any aviation warning lighting that is needed for the Proposed Development during its construction and operation.

Air safety

- 2.14 While the proposed emissions stacks are below the Article 219 threshold and the height of the stack for the coal-fired power station, EPL has included Requirement 30 at Schedule 2 of the draft DCO to require it to provide the necessary information to the Defence Geographic Centre of the Ministry of Defence ('MOD') prior to the commencement of development to ensure that it is charted, as required, upon relevant aviation maps. Requirement 30 states:

"Air safety

30. No part of the authorised development must commence until details of the information that is required by the Defence Geographic Centre of the Ministry of Defence to chart the site for aviation purposes for that part have been submitted to and approved by the relevant planning authority."

- 2.15 It is agreed that the inclusion of Requirement 30 is an appropriate means by which to ensure that the Proposed Development is recorded on aviation charts.

Military aerodrome safeguarding

- 2.16 The Defence Infrastructure Organisation ('DIO') of the MOD has confirmed in its response (dated 23 February 2017) to EPL's Stage 2 'statutory consultation' that the Proposed Development lies outside any MOD safeguarding areas and that as such the MOD has no safeguarding objections to the Proposed Development. A copy of the DIO response is provided at **Appendix 3**.
- 2.17 It is agreed that the Proposed Development does not therefore raise any military aerodrome safeguarding concerns.

Areas of disagreement

- 2.18 There are no areas of disagreement between the parties.

Signed: 

Print name and position: *CEAG JIGGINS, AIRSPACE SPECIALIST (TECHNICAL)*

On behalf of The Civil Aviation Authority

Date: *10th OCTOBER 2017*

Signed: 

Print name and position: Geoff Bullock (Partner), Dalton Warner Davis LLP

On behalf of Eggborough Power Limited

Date: 11 October 2017

APPENDIX 1: NATS RESPONSES DATED 24 AUGUST 2016 & 13 JANUARY 2017

[REDACTED]

From: ECCGT Consultation
Sent: 23 February 2017 18:04
To: [REDACTED]
Subject: FW: EN010081 – Eggborough CCGT – EIA Scoping Notification and Consultation

From: [REDACTED]
Sent: 13 January 2017 09:27
To: [REDACTED]
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 Notice advising of the forthcoming Application 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

[REDACTED]
NATS Safeguarding Office

[REDACTED]

[REDACTED]

4000 Parkway,
Whiteley, PO15 7FL

[REDACTED]

From: [REDACTED]
Sent: 24 August 2016 16:14
To: [REDACTED]
Cc: [REDACTED]
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

[REDACTED]

**APPENDIX 2: DONCASTER SHEFFIELD AIRPORT RESPONSE DATED 27 JANUARY
2017**

From: [REDACTED]
Sent: 27 January 2017 17:26
To: [REDACTED]
Cc: RHA-Safeguarding
Subject: Letter & disk from Eggborough Power Ltd

Good evening,

In response to the application for the new gas fired- power station, the location is outside the physical safe guarding areas for obstacle limitations. However, the site does remain in a safe guarded area for wind turbines.

We only require notification if wind turbines are to be installed on site.

Many thanks
[REDACTED]

RHA-Safeguarding

Doncaster Sheffield Airport



E-mail: [REDACTED]
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Jersey ✈️

**APPENDIX 3: DEFENCE INFRASTRUCTURE ORGANISATION RESPONSE DATED 23
FEBRUARY 2017**



Ministry
of Defence

Eggborough CCGT Consultation
c/o Dalton warner Davis LLP
21, Garlick Hill
London
EC4V 2AU

Defence
Infrastructure
Organisation

Safeguarding Department
Statutory & Offshore

Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands
B75 7RL

[Redacted]
[Redacted]
[Redacted]
[Redacted]

23 February 2017

Your Reference: **Section 48 Notice**
Our reference: 10034604

Dear Sir/Madam

MOD Safeguarding – SITE OUTSIDE SAFEGUARDING AREA (SOSA)

Proposal: The Eggborough CCGT Project

Location: Land within and to the North of Eggborough Power Station site, near Selby, North Yorkshire, DN14 0BS

Grid Ref: 456773, 424237

Thank you for consulting Defence Infrastructure Organisation (DIO) on the above proposed development. This application relates to a site outside of Ministry of Defence safeguarding areas. I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.

I trust this adequately explains our position on this matter.

Yours sincerely

[Redacted Signature]