



The Planning Inspectorate Yr Arolygiaeth Gynllunio

S. 51 Advice – EN010081 Eggborough CCGT Project

File ref. EN010081-000054 (8086C – ECCGT Project - EIA Note - 15.11.16)

The Applicant provided a draft note on the proposed approach to be taken within the EIA to assessing the potential cumulative effects of the CCGT Project with the future decommissioning/demolition of the existing coal-fired power station.

Any advice given here under s51 of the Planning Act 2008 (as amended) (PA2008) does not constitute legal advice upon which developer (or others) can rely.

The following are the Planning Inspectorate's comments on the Applicant's document.

Paragraph 2:

"...with the exception of the removal of some ancillary operations and structures, including coal handling facilities and some conveyors, which are being assessed within the EIA as part of the CCGT Project"

The ES should provide sufficient detail as to the ancillary operations and structures that will be decommissioned. It is welcomed that these ancillary operations and structures are being considered as part of the EIA and they should be specifically cited as part of the existing power station infrastructure alongside clarity as to why these (and not other) ancillary structures would require removal (e.g. to facilitate the proposed development etc). This comment applies equally at paragraph 8 where it states that *"the two projects...are distinct and separate"*.

Paragraph 3 / 4:

It would be useful for the ES and / or other documents to set out (likely) minimum and maximum timescales of the various aspects and scenarios as set out in paragraph 4. Setting out the temporal ranges of activities graphically would be of benefit in understanding the potential overlap between the cessation of operation of the existing power station (including SBR contracts etc) and the construction / operation of the proposed development.

Paragraph 5:

It is a little unclear as to the timings of the proposed EIA screening request to Selby District Council regarding the demolition of the existing coal power station. In particular, whether such a request would be made pre or post-DCO submission. The Secretary of State would not expect the extent to which the demolition would be considered as a cumulative effect to differ in regard to whether the LPA screening request is positive or negative.

Principally, although the consenting route for the decommissioning of the existing power station is not a primary concern for the proposed CCGT power station's ES, the potential for the impacts to interact or cumulate with the proposed CCGT power

station is of great importance and therefore so is the understanding of what the decommissioning process is likely to / could involve.

Paragraph 6:

The Secretary of State would welcome early agreement with EA in respect of the approach to Environmental Permitting. If possible, this should be evidenced as part of the Application documents or captured through an early Statement of Common Ground.

Paragraph 9:

In relation to the assessment chapters listed under paragraph 9, the ES will need to be clear on the use of (and difference between) the terms 'opening year' and 'operational phase'. The Secretary of State would typically expect to interpret 'opening year' as the start of the operational phase but the definition of these will need to be made clear (e.g. if the 'opening year' reflects part of the 'operational phase').

For clarification, in relation to all assessment chapters (including but not limited to the four set out in the note), the assumed temporal difference between the 'opening year' and 'operational phase' assessments should be set out.

LVIA: The section contains a paragraph which reads "*Effectively, in relation to landscape and visual impacts, the CCGT Project will replace a larger and more visible structure in the landscape, and we envisage that the impact assessment will reflect this*". The Planning Inspectorate notes the implication here in assessing the difference from one structure effectively replacing another. Arguably, the introduction of the CCGT power station in to an environment whereby the decommissioning of the existing power station has been completed could be construed as being more of a "worst case". To this end, the ES should consider the possibility that the demolition of the existing power station will be complete at the opening year of the proposed development.

Also, the ES should explain the extent to which planting / landscaping and other mitigation has been factored in to the assessment of the opening year and operational phases. This is particularly the case in terms of any assessment of future years where assumptions may have to be made in respect of the effectiveness of landscaping mitigation measures.

Air Quality: Any predictions made in respect of gradual improvements in ambient air quality on an annual basis (reducing predicted environmental concentrations) should be evidence based and, where possible, quantified. In particular, the applicant should consider any implications of the ClientEarth vs the Secretary of State for the Environment, Food and Rural Affairs judgement in respect of the 2015 Air Quality Plan (and the draft modified Air Quality Plan that must be published by 4pm on 24 April 2017 and the final modified Air Quality Plan (due to be published on Monday 31 July 2017)).

If the existing baseline considers a 'worst case' scenario in terms of emissions from existing background pollutant concentrations, the assessment will need to consider what year and therefore what level of operation of the existing coal fired station has been factored in to the

baseline conditions (in relation to the back-up and reserve electricity generating capacity contracts with National Grid).

Paragraph 10:

Although the applicant considers the assessments of other potential environmental effects of the CCGT Project are not affected by the presence or absence of the coal power station, it is expected that each of the topic chapters would separately present rationale / justification for these conclusions.

The ExA (in response to representations by statutory bodies, interested parties or otherwise) may seek to question the adopted approaches to the assessment(s). Given the uncertainties in timescales leading to such an array of potential assessment scenarios, the applicant should be prepared to defend their adopted approaches and, in particular, rationale as to why one approach has been adopted over another (with a view to the definition of a 'worst case' assessment(s)).