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24th February 2020

Dear Mr Jones,

Planning Act 2008 (as amended)

Application by EDF Energy (Thermal Generation) Limited for an Order Granting Development Consent for the West Burton C power station – Examination – Applicant's Response to Deadline 5

On behalf of EDF Energy (Thermal Generation) Limited, please find enclosed the Applicant's responses and information pursuant to Deadline 5, in accordance with the Rule 8 Letter, dated 6th November 2019.

Deadline 5 submissions

The documents submitted in support of the Applicant's submission to Deadline 5 are as follows:

1. the Applicant's Covering Letter (i.e. this document) (**Document 12.1**);
2. an updated Navigation Document including all documentation submitted since the Application was submitted (**Document 1.3E**);
3. the agreed Statement of Common Ground with Nottinghamshire County Council (Version 1) (**Document 12.2**);
4. Memo – Canal and River Trust (CRT) outstanding matters (**Document 12.3**);

5. Memo – Spoil Management (**Document 12.4**);
6. Memo – Abnormal Indivisible Loads (AIL) and Transportation (**Document 12.5**);
7. Environmental Statement Volume I Chapter 9: Ecology (Version 1) – Tracked (**Document 5.2A**) and Clean (**Document 5.2B**);
8. Landscaping and Biodiversity Management and Enhancement Plan (Version 3) – Tracked (**Document 7.5E**) and Clean (**Document 7.5F**);
9. Framework Construction Traffic Management Plan (CTMP) (Version 3) – Tracked (**Document 7.6E**) and Clean (**Document 7.6F**);
10. updated draft Development Consent Order (Version 4) – Tracked (**Document 2.1G**) and Clean (**Document 2.1H**); and,
11. Table of Amendments to the draft Development Consent Order (**Document 12.6**).

Statement of Common Ground

An updated Statement of Common Ground has been agreed between the Applicant and Nottinghamshire County Council (NCC) and is contained at **Document 12.2**. NCC has confirmed its agreement to the Applicant's approach to the use of the Biodiversity Net Gain metric calculations, the net gain calculations and the assumptions that have been made. This agreement is reflected in the updated Statement of Common Ground.

Rule 17 Letter dated 5th February 2020

The ExA issued a Rule 17 Letter on 5th February 2020 requesting further information from the Applicant and the Canal and River Trust on a range of topics. The Applicant's response, where requested, is provided below and each item is taken in turn.

Topic	ExA's Request	Applicant's Response
A. Protective Provisions	1. For the Applicant and the CRT to come to an agreement on the wording of Protective Provisions, should the ExA consider them necessary.	The Applicant provided additional technical information to the CRT on 18 th February 2020. Please refer to the Memo entitled 'Canal and River Trust (CRT) outstanding matters' at Document 12.3 .

		The Applicant and the CRT have subsequently agreed that Protective Provisions are not necessary.
	2. For the CRT to provide a plan showing the extent of the sloping masonry along the banks of the River Trent that it has responsibility for/maintains and is concerned about potential damage to.	This action lies with CRT to respond to. The Applicant invited CRT to visit the site to assist in preparing this plan and a subsequent site meeting took place on 18 th February 2020.
	3. For the Applicant to confirm that River Road alongside the River Trent to the east of the application site will not be used by any construction traffic/HGVs.	River Road will not be used as a route for construction traffic. The Framework CTMP has been updated to secure this position and is contained at Document 7.6E (Tracked) and Document 7.6F (Clean).
	4. For the Applicant and the CRT to consider whether there might be any alternative to Protective Provisions, such as by way of an additional Requirement or an amendment to Requirement 9 of the most recent d DCO [REP4-012], to provide for a method statement for any works to be undertaken in respect of Work No.5 in proximity to the banks of the River Trent, to be submitted to and approved by the relevant planning authority prior to the relevant works commencing and after consultation with the CRT.	The Applicant and the CRT have agreed amendments to Requirement 9, as contained in the updated draft Development Consent Order (Version 4) – Tracked (Document 2.1G) and Clean (Document 2.1H).
B. Soil Management	The ExA asks the Applicant to: 1. Provide an assessment of the worst-case scenario of the Proposed Development, in	Please refer to the Memo entitled 'Spoil Management' at Document 12.4 .

	<p>terms of soil management/potential for vehicular movements of soil off-site and any other inter-related effects, on the basis that the proposed power station could sit at 7.1m AOD (and provide a view on whether any further assessment and environmental information requires further consultation); or</p> <p>2. Amend the dDCO appropriately to negate the necessity for this and to bring wording/parameters of the dDCO in line with the assessment in the ES.</p>	
C. Abnormal Indivisible Loads (AILs) and Transportation	Can the Applicant:	Please refer to the Memo entitled 'Abnormal Indivisible Loads (AIL) and Transportation' at Document 12.5 .
	<p>1. Provide its view on the importance/status of this publication.</p> <p>2. Provide its view as to whether there is scope to strengthen its commitment to the use of water transport for AILs, where possible, within the framework Construction Traffic Management Plan, and if so, amend it accordingly.</p>	
D. Biodiversity	1. Amend paragraphs 5.1.4, 5.4.1 and 5.4.5 of the most recent Landscaping and Biodiversity Management and Enhancement Plan [REP4-014] to reference either the correct document (10.4 or 11.4?) or the correct Deadline at which this was submitted (if document 10.4 then Deadline 3 rather than Deadline 4) or to reference both documents 10.4 and 11.4 (submitted at Deadline 4) if necessary.	The LBMEP has been updated to refer to Document 10.4 submitted at Deadline 3 and is contained at Document 7.5E (Tracked) and Document 7.5F (Clean).
	2. Update ES Chapter 9 [APP-038] (and any other relevant documents) as necessary to	Chapter 9: Ecology of the Environmental Statement Volume 1 has been updated and is

	make reference to the Applicant's use of the Biodiversity Metric 2.0.	contained at Document 5.2A (Tracked) and Document 5.2B (Clean).
E. Draft Development Consent Order	1. Change the bold '(a)' in Article 14 to not bold and change the not bold '(a)' in Article 15(3)(c) to bold to reflect the correct footnote reference.	Please refer to the updated draft Development Consent Order (Version 4) contained at Document 2.1G (Tracked) and Document 2.1H (Clean); and the updated Table of Amendments to the draft Development Consent Order (Document 12.6).
	2. Put brackets around the '12' in Schedule 3 4(11).	
	3. Remove any reference to 'public rights of way' in Article 9, given none are listed in Schedule 4, or further justify power sought in this respect.	
	4. Add 'minor' or 'non-material' before the word 'changes' in the fourth line of Requirement 1(3).	
	5. For consistency, amend numbers in word to figures, including in Schedule 1 Work No.1(a), Schedule 1 Work No.1, Article 9(4), Requirement 2(1), Requirement 4, Requirement 5(4), Requirement 6(5), Schedule 3 1(2)(a) and (b), Schedule 3 2(2) and Schedule 3 3(2).	
	Update references to any revised documents as necessary.	

Comments on any information submitted for Deadline 4

The Applicant has reviewed the submissions from the Canal and River Trust (**REP4-017**) and the Commercial Boat Operators Association (**REP4-018**). It is considered that the topics raised by the parties have been covered in the response to the ExA's Rule 17 Letter (dated 5th February 2020) provided above. The Applicant has no further comment to make.

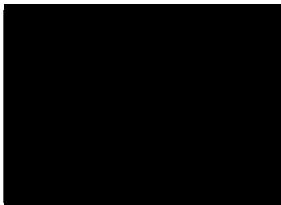
Councillor Naish submitted a written summary of his oral submission to the Open Floor Hearing on 21st February 2020 on behalf of Sturton Ward (**REP4-019**). The Applicant responded to Councillor Naish at the Hearing itself (**REP4-003**) and provided an update on discussions between the parties at Deadline 4 (**REP4-001** and **REP4-004**). Since Deadline 4, the Applicant has continued to liaise with the local community, through Councillor James Naish, and the principles for delivery by EDF of the agreed community fund set out in the Bole Residents document (**REP4-004**) have been agreed with Councillor James Naish.

Mr Peter Coomber's submission (**REP4-020**) comprises a letter from the Environmental Agency in respect of a noise audit at West Burton B power station. The letter relates to the existing West Burton power stations and is not considered material to the Examination, and therefore the Applicant has no comment to make.

Taking Matters Forward

I would be grateful if you would confirm receipt of the enclosed documentation and above information. Please do not hesitate to contact Emma Wreathall (emma.wreathall@quod.com) or Elizabeth Dunn (Elizabeth.Dunn@burges-salmon.com) should there be any queries.

Yours sincerely,



Jeremy Bush

Head of Business Development
Jeremy.Bush@edfenergy.com

Encs. As above