

Dear Sirs,

I enclose a document with E.ON's comments on the applicant's responses to Relevant Representations and the supplementary information supplied by the applicant in connection with those responses. In addition to the document referred to, I have also attached enclosures to that document which comprise:

Appendix 1 – E.ON's position statement submitted to the applicant on 20 July 2012  
Appendix 2 – Capita Symonds Report - Addendum to CW Pipelines – Permanent Easement Report for Killingholme Power Station (July 2012) and three drawings.

Regards

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PLANNING ACT 2008  
AND  
THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

THE ABLE MARINE ENERGY PARK DEVELOPMENT CONSENT ORDER 2012  
(PINS REFERENCE NUMBER: TR030001)

COMMENTS ON THE APPLICANT'S RESPONSES TO RELEVANT REPRESENTATIONS  
(INCLUDING COMMENTS ON THE SUPPLEMENTARY INFORMATION SUBMITTED BY  
THE APPLICANT AS PART OF THEIR RESPONSE)

ON BEHALF OF  
E.ON UK PLC  
(UNIQUE REFERENCE NUMBER: [REDACTED])

2 August 2012

## 1 INTRODUCTION

- 1.1 On 30 March 2012, E.ON UK plc (“E.ON”), owner and operator of Killingholme Power Station and a Statutory Undertaker in that respect, submitted Relevant Representations in respect of the Able Marine Energy Park (“AMEP”) application currently being considered by the Planning Inspectorate (the “Examining Authority”). On 29 June 2012, E.ON submitted a more detailed Written Representation to the Examining Authority, expanding upon its concerns about the proposals.
- 1.2 In accordance with the Examining Authority’s instructions, this document now provides E.ON’s comments on the applicant’s responses to the Relevant Representations including the supplementary information submitted by the applicant.
- 1.3 E.ON is continuing to co-operate with the applicant to seek to resolve its concerns about the potential significant effect that the AMEP development could have upon the operation of Killingholme Power Station, particularly in respect of the cooling water system required for the power station to operate.
- 1.4 Despite the AMEP development now being in the examination stage of the Planning Act process, no new substantive information has come to light to provide E.ON with the necessary reassurance that the power station cooling system will be adequately protected against the effects of the proposed AMEP during its construction or operation, and concerns remain that without mitigation measures having been fully established, the proposal could significantly affect the operation of the power station. E.ON believes that mitigation measures around the design of the AMEP should have been more thoroughly explored and consulted upon during the pre-application stage.
- 1.5 E.ON has found it difficult to absorb the significant additional information which has been lodged by the applicant as part of its response to Relevant Representations – amounting to around 2,000 pages of documents with very little attempt to guide the website reader on the content. This has clearly hindered rather than helped in the assessment of this proposal, and raises the likelihood that some issues will not have been properly captured by E.ON at this stage of the process.
- 1.6 E.ON provided a position statement to Able on 20 July 2012 in respect of key outstanding information, but at the time of preparing this submission no further information has been received. The position statement is at **Appendix 1** to this document.

## **2 THE APPLICANT'S COMMENTS ON E.ON'S RELEVANT REPRESENTATIONS**

- 2.1 E.ON's Relevant Representation has not been reproduced in this document, it is available on the AMEP part of the PINS website; at Appendix 1 to E.ON's Written Representations; and set out within the applicant's document commenting on all Relevant Representations. E.ON's Relevant Representation has been allocated Representation Number 49.
- 2.2 The applicant commented on E.ON's Relevant Representations as follows:
- “44.2 The applicant acknowledges that E.ON requires access to its apparatus that needs to be of sufficient width to enable maintenance, including renewal. The applicant is in the process of agreeing a wider easement with E.ON.
- 44.3 The applicant acknowledges that E.ON will require an easement over part of land parcels 04021 and 05041 in order to access their pumping station and maintain their pipelines.
- 44.4 The layout of the site has had regard to E.ON's buried services passing through it and all buildings have been sited to avoid them, refer to paragraph 4.7.19 of the ES. Final ground levels will be maintained close to existing levels over the pipes, so avoiding any increased loading. Where roads are necessarily routed over existing E.ON pipelines then, paragraph 4.7.19 records that heavy duty crossing points will be constructed.
- 44.5 The relationship between AMEP and E.ON's infrastructure as it passes under the foreshore is detailed in Figure 44.1. The intake structure lies clear of the berthing face and is in an area where sedimentation is not predicted by the long term modelling presented in Annex 8.3 of the ES and updated in Supplementary Report EX8.8 included in the Volume of SEI accompanying this report. The E.ON outfall lies behind the berthing face and the same modelling reports predicted accretion at the outfall. Whilst the timescales for this accretion are uncertain it appears, from an assessment of the impact of HIT (Supplementary Report EX8.9) included in the Volume of SEI accompanying this report that accretion will progress over decadal periods.
- 44.6 Overflowing during trailing suction hopper dredging is only of benefit when sands are being dredged as these settle rapidly in the hopper. By contrast alluvium will not settle rapidly and there is no benefit in allowing the hopper to overflow. Accordingly the applicant can confirm that, when dredging alluvium, the hopper will not be allowed to overflow.

- 44.7 The applicant will be responsible for monitoring the impact of tidal works on other receptors within the estuary. Schedule 9, Parts 1 and 2 of the draft DCO provide for monitoring of the estuary in relation to sediment transport and geomorphological impacts (paragraph 4) and for remedial action to be instructed by the Harbour Master (paragraph 20).”
- 2.3 E.ON welcomes the acknowledgment in the applicant’s response at paragraph 44.2 but awaits further discussion with the applicant regarding E.ON’s requirement for a minimum easement width of 32.5m, full details of which are set out in E.ON’s Written Representation.
- 2.4 E.ON welcomes the acknowledgement in the applicant’s response at paragraph 44.3. With regard to the land to the east of the pump house, E.ON set out in section 3 of its Written Representations the existing land arrangements, including details of land currently leased to Able, adjacent to the cooling water pump house. E.ON explained that it would not wish to give up the rights to that land, and would require access rights to it under any new agreement. This was reiterated in the 20 July 2012 position statement sent to Able (**Appendix 1**).
- 2.5 E.ON wishes to reiterate that it will continue to require access to the pump house and associated cooling water infrastructure and will continue to engage with the applicant regarding its requirements.
- 2.6 E.ON would consider the 32.5m easement width based around the CW pipes extending to the foreshore across land currently beyond the existing pipeline easement (by virtue of it being land currently owned by E.ON and leased to Able) in order to accommodate the CW pumphouse. This would also provide for future maintenance of the pumphouse, including vehicle parking.
- 2.7 Section 44.4 of the applicant’s comments on E.ON’s Relevant Representation relates to the relationship between the pipeline easement and existing buildings and structures. E.ON has explained within its Written Representation the need for a minimum easement of 32.5m, taking into account actual ground conditions and ensuring safe working practices.
- 2.8 Capita Symonds has now considered how such an easement could be included in practice, including any pinch points where there is impingement upon buildings or structures, and potential solutions. Capita Symonds Addendum Report (July 2012) is attached at **Appendix 2**.

- 2.9 The Capita Symonds Report confirms the requirement for a minimum easement of 32.5m and assesses the impact of this on the current AMEP scheme. Hatched areas are shown on the drawings in the Capita Symonds Addendum Report and explained in the text in section 2 of that Report. E.ON are not proposing that the easement should be widened beyond 32.5m to include these hatched areas, rather that an agreement should be reached with the applicant to allow access to these hatched areas, as required, for the maintenance, repair or replacement of E.ON's apparatus.
- 2.10 E.ON remains concerned about the likelihood of sediment build up and the likely need for maintenance dredging in relation to the current locations of intake and outfall.
- 2.11 E.ON has considered Supplementary Report EX 8.9 (Assessment of Changes to Morphology (particularly intertidal) between the Humber International Terminal (HIT) and Humber Sea Terminal (HST)).
- 2.12 This report does not model the proposed AMEP development. Rather, it reviews data before and after construction of the HIT, approximately 600 m downstream of the proposed AMEP, to attempt to estimate possible future long term morphological changes to the northwest of the AMEP (i.e. in the vicinity of the E.ON intake and outfall). No modelling of the AMEP is included, but actual data related to the effect of the HIT has been examined.
- 2.13 The intertidal area is the area between the land and sea that is covered by water at high tide and uncovered at low tide. The sub-tidal area is always covered by water and is essentially the area covered by water at low tide. The review of historical data concludes stable morphology will not be reached within a decade. Ultimately a new low water is likely to develop coming off the end of the quay/dredged side slope, running parallel and seawards of the existing low water line up as far as the HST.
- 2.14 The implication of this is that eventually the current E.ON outfall may be above the water line for at least part of the tide. Clearly this is not acceptable.
- 2.15 The applicant's report "Update to longer term morphological predictions in the region of the Centrica and E.ON intakes and outfalls" assessed morphological changes over a much shorter period (30 weeks). This specifically modelled the effect of the AMEP. The model results appear to predict that the E.ON outfall structure will become covered by deposition of sediment and possibly become blocked during periods of Cooling Water system inactivity.

- 2.16 The results of the shorter term modelling and long term effects via a desk study are compatible with each other and suggest morphological changes will occur within a time scale of weeks or months and will continue for longer than a decade.
- 2.17 Given that inferred conclusions from reviewing actual long term morphological changes and conclusions from a site specific modelling study over a shorter period both predict problems for the Killingholme Cooling Water outfall, it is reasonable to assume the AMEP development will have a serious detrimental impact on the operation of the Killingholme CCGT.
- 2.18 Further information is required from the applicant to better understand and consider whether there are appropriate mitigation measures available.
- 2.19 With regard to the comments from the applicant in paragraph 44.7, E.ON has requested some Protective Provisions in the draft DCO which are set out in its Written Representations.

### **3 THE APPLICANT'S COMMENTS ON ANGLIAN WATER'S RELEVANT REPRESENTATIONS**

- 3.1 Anglian Water's Relevant Representation has been allocated representation number 62.
- 3.2 The applicant comments on Anglian Water's representation as follows:
- "The applicant continues to engage in constructive dialogue with Anglian Water with regard to all of the above matters."
- 3.3 As set out in section 5.7 – 5.10 of E.ON's Written Representation, whilst not stated within the application, E.ON understands that the AMEP development may include the relocation by the applicant of a pipeline belonging to Anglian Water. The details of the relocation of the pipeline remain unclear and E.ON remains concerned that it may involve crossing of its cooling water pipelines. Please refer to section 5.7 – 5.10 of E.ON's Written Representation and also to E.ON's position statement included within **Appendix 1** of this document. Since no information is available, further clarification is required to ensure that the necessary safeguards can be included within the DCO and that E.ON is made a party to the discussions between Anglian Water and the applicant regarding any proposed relocation of Anglian Water's pipeline.
- 3.4 In addition to concerns outlined above regarding crossing points, the unresolved question of a possible relocation of the Anglian Water pipeline also remains a

concern for the offshore environment. E.ON has no firm information regarding where the pipeline might discharge, or about the nature of such a discharge, but understands that it could lead to a contamination of the cooling water intake for the power station as a result of the thermal effects or substances being discharged. Further information has been requested from the applicant in the position statement included within **Appendix 1**.

Squire Sanders (UK) LLP  
2 August 2012

## **APPENDIX 1**

E.ON's position statement submitted to the applicant on 20 July 2012

*(Supplied separately)*

## **APPENDIX 2**

Capita Symonds Report:  
Addendum to CW Pipelines – Permanent Easement Report for Killingholme Power  
Station (July 2012)

*(Supplied separately)*



## **E.ON UK PLC position with Respect to the Able Marine Energy Park Development**

This document sets out E.ON's position with respect to the Able Marine Energy park and its impacts on Killingholme power station. All of these areas have been included in the written representations sent to the Planning authority, with the exception of the discussions around Indemnity.

The key issues which are of concern to E.ON are:

- A. CW pipeline easement width & Easement Agreement
- B. The impact of construction activities on the operation of the power station on shore and offshore
- C. Sedimentation and its effect on the operation of E.ON's intake and outfall Pipelines
- D. The Anglian sewage water outfall, route and impact on CW intake
- E. Sale of Land that Able currently Leases
- F. Indemnity

### **CW pipeline easement width**

It is an essential requirement for E.ON to be able to maintain, repair or replace the existing CW intake and outfall pipelines and other services in a safe and timely manner to maintain the ability to operate the power station as a strategic national asset.

The current easement varies in width from approximately 130m at its widest point to 50m at its narrowest. E.ON agrees that there would be scope to reduce this easement, provided that it permits access to the pipeline and other services to allow for safe maintenance, repair or replacement of these assets which are essential to the operation of the power station.

In February 2012, E.ON commissioned an internal desk based study to consider an appropriate minimum easement width which might be technically achievable on the basis of the information available at that time. This recommended a 23m minimum width for the easement corridor.

Since this date we have commissioned Capita Symonds to consider in more detail the easement taking into account the actual ground conditions (Able have raised the level of the land by at least 2m) and, to propose and justify a safe, workable alternative. The conclusion of this assessment is that the easement width should not be set below **32.5m**. Consequently E.ON requires an easement width of **32.5M for the whole length of the easement corridor**. This width will allow the inspection, repair and replacement of the cooling water pipes.



## **CW pipeline deed of agreement**

The easement agreement that has been proposed by Able is not sufficient and does not provide suitable protection to E.ON and would be to the serious detriment of the operation of Killingholme Power Station. We are unable to provide a track changes version of your proposed easement as the number of changes needed is significant.

Therefore we consider that the provisions within the current deed of agreement should be maintained, with changes only to reflect any change in the easement width.

## **The impact of construction activities on the operation of the power station**

### **A. Proximity of proposed buildings and structures**

The site master plan drawing appears to show a number of buildings and structures located within very close proximity to the E.ON pipeline. E.ON has concerns in two respects. Firstly, E.ON needs to be satisfied that buildings being so close do not affect the ability to maintain, repair or replace the pipeline or other services.

Secondly, E.ON need to be satisfied that the proposed foundations and construction techniques do not place the pipelines and other services at risk, either during or after construction as a result of building works and any resulting settlement.

However it is not clear on the exact level of flexibility that Able is prepared to accommodate in finalising this development. E.ON requests that buildings and structures should not be in close proximity to the pipeline. To the extent that this is not possible, E.ON believes that suitable safeguards should be put in place, and these should be agreed prior to any work commencing.

### **B. Crossing points (to include safeguarding during construction)**

There is already one established point of crossing of E.ON's CW pipelines. The development is proposing an additional four crossing points. E.ON request that the number of crossing points is minimised. Where this is not possible, E.ON believes that safeguards should:

- Ensure that any crossing points are designated as such, and suitably reinforced to protect the pipelines and other services below
- Put in place safeguards to ensure that crossing points which are designated are then used during both construction and operation, with appropriate measures to prohibit crossing of the pipeline at non designated points where this would increase the risk of damage to the pipelines.
- Notification procedure to ensure that E.ON are notified prior to any works commencing near to the pipeline and agreement sought from E.ON for works to start, notification to be received at least 48 hours before works needed to be commenced.

### **C. Dredging operations (method inc safeguarding, and likely effects)**

In the Review of Risks Report and the meeting 19<sup>th</sup> June Able provided a number of mitigations to safeguard E.ON's infrastructure during capital dredging and maintenance dredging. We take the view that whilst the initial safeguarding proposals appear sensible, there is insufficient information to provide confidence at this stage, and E.ON would therefore wish to approve mitigation plans to safeguard the CW infrastructure before any dredging takes place.

### **Sedimentation and its effect on the operation of E.ON's intake and outfall Pipelines**

**There are a number of concerns in this area, these are:**

- Increases in SSC affecting power station performance
- Likelihood of significant deposition at outfall
- Potential for seabed erosion and longer term deposition at CW intake

There have been various documents produced by Able which we have reviewed by E.ON and there have been a number of meetings where these issues have been discussed. During the meeting 19<sup>th</sup> June Able put forward a number of sensible options for protecting E.ON's intake and outfall and these are worthy of further investigation. Since this meeting additional information has been provided by Able, we are of yet to fully review this information. However, based upon an initial review we are happy for Able to install a monitoring buoy and would encourage this, however we would not be prepared to maintain this piece of equipment.

We still have significant concerns in this area and we wish to continue the dialogue on these items and wish to see further fully developed plans with respect to these areas of concern.



### **The Anglian sewage water outfall, route and impact on CW intake**

Insufficient information is available to allow E.ON to better understand the implications of this diversion, at the meeting on the 6<sup>th</sup> July Able indicated that the pipe may cross E.ON's CW pipes, but Able were unable to provide any details of the nature, route or the contents of the pipe.

A further area of serious concern is the extent to which the proposed new outfall position might lead to contamination of the CW intake pipe, particularly if it is discharging sludges and warm water which could significantly adversely affect the operational of the power station.

E.ON would not want the water quality or temperature affected in a way that it could adversely affect the operation of the power station.

E.ON object to this relocation and Able need to provide further information in relation to Anglian pipeline as a matter of urgency.

### **Sale of Land that Able currently Leases**

We have considered the sale of the land that you currently lease this land it is considered operational land in respect of any future maintenance requirements such as the need to replace the CW pumps or to make the necessary changes to the intake and outfall to comply with Eel regulations. Therefore, we are willing to discuss the use of this land by Able but we are unlikely to agree to its sale in its entirety.

### **Indemnity**

Please provide the details of the proposed indemnity to Eleanore Merrills

[REDACTED] Please be aware that this indemnity would need to be uncapped to reflect the potential financial impact to E.ON from damage, lost generation and associated costs caused by the activity of the Able Marine Energy development.



**ADDENDUM TO**  
**CW PIPELINES - PERMANENT EASEMENT**  
**REPORT**

**FOR**

**KILLINGHOLME POWER STATION**

**JULY 2012**

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**SECTION 2: Explanatory Notes**

## APPENDICES

**APPENDIX 1: Drawings – CSL/02/005  
CSL/02/006  
CSL/02/007**

Date:	Prepared by:	Checked by:	Approved by:
July 2012	Dave Morgan	Karl Johnson	Karl Johnson

## 1. Introduction

E.ON UK have a 'permanent easement' agreement over the CW pipelines and associated HV cables / potable water supply that are routed to the east of Killingholme Power Station to the River Humber. A Developer wishes to build on the land to the east of the Power Station and in doing so requests the 'permanent easement' to be reduced to 12.5m.

Capita Symonds produced a report in June 2012 to determine the suitability of this request. The conclusion was that a 32.5m permanent easement would be required. Capita Symonds have been asked to show how this permanent easement would work in relation to the proposed development. Drawings CSL/02/005, CSL/02/006 and CSL/02/007 attached are discussed below.

## 2 Explanatory Notes

- **Drawing CSL/02/005** – The drawing details the proposed 32.5m easement with a split of 8.65m / 23.85m from the centre line between the 900mm & 700mm diameter pipes. The narrower side is over the cables and potable water with the wider side being on the side where no buried plant exists. This will allow for the heavy site plant and equipment to operate without impacting on the buried plant.

The drawing shows the easement clashing with the buildings called as C and F (to the east of Building J). This is obviously unacceptable unless the position of these buildings can be altered to avoid the clash.

- **Drawing CSL/02/006** – The drawing details how the easement can be set out to avoid clashes with the buildings. However the easement split noted above (8.65m / 23.85m) is required to be reversed for the section between New Road A and the railway. Consequently the top of the battered excavation is only 2.4m away from the building. Further structural calculations will be required to account for any foundation loading associated with the new building

The reversed easement takes advantage of the space available to the north west of buildings C & F but will result in a more difficult operation to remove / replace the pipe(s). As the cables and water pipe are now sited on the working area side of the excavation protection measures would have to be implemented to avoid damaging the buried plant.

The increased area either side of New Road A would be required to allow for the safe crossing of the construction traffic over the buried plant.

**Hatched Areas** - The drawing also shows a number of additional areas (shown hatched) outside the 32.5m easement at crossing points. Pipeline standard practice is to allow greater working areas at ditch / road / railway crossings. The additional area (box outs) is required to provide storage areas for excavated material arising from the deeper excavations typically required at crossings. It also allows for storage of new materials (pipe, cables, imported trench fill, etc) as well as off road parking for project personnel facilities and vehicles.

- **Drawing CSL/02/007** – The drawing is a cross section view of the proposed 32.5m easement indicating how the pipes can be accessed and how the working area should be laid out including safety zones.

## **APPENDIX 1**

**Drawings - CSL/02/005  
CSL/02/006  
CSL/02/007**





