



# SCOPING OPINION

## Proposed Millbrook Power Project



July 2014





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## EXECUTIVE SUMMARY

This is the Scoping Opinion ('the Opinion') provided by the Secretary of State ('SoS') in respect of the content of the Environmental Statement for the Millbrook Power Project ('the Project') at 'The Rookery', near Stewartby, Bedfordshire. The proposal is for a new power generation plant in the form of a Simple Cycle Gas Turbine (SCGT) gas fired peaking power generating station fuelled by natural gas and capable of providing an electrical capacity of up to 299 megawatts (MW).

This report sets out the Secretary of State's opinion on the basis of the information provided in the report by Millbrook Power Limited ('the applicant') entitled 'Millbrook Power Project Environmental Impact Assessment Scoping Report - June 2014' ('the Scoping Report'). This 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 not 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 EIA Regulations'). The Secretary of State recommends that the environmental statement should also cover potential impacts caused by the removal and disposal of waste, and by electric and magnetic fields associated with electricity transmission.

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:

- Air quality
- Noise and vibration
- Ecology
- Water quality and resources
- Geology, ground conditions and land use
- Landscape and visual
- Traffic and transport
- Cultural heritage and archaeology

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 Habitats Regulations<sup>1</sup>.

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<sup>1</sup> The Conservation of Habitats and Species Regulations 2010 (as amended)



# 1.0 INTRODUCTION

## Background

- 1.1 On 20 June 2014 the SoS received a scoping report submitted by Millbrook Power Limited under Regulation 8 of the EIA Regulations in order to request a scoping opinion for the proposed Millbrook Power Project. This Opinion is adopted 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 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 SoS 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 SoS 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 SoS considers should be included in the ES for the proposed development. The Opinion has taken account of:
  - i the EIA Regulations
  - ii the nature and scale of the proposed development
  - iii the nature of the receiving environment, and
  - iv current best practice in the preparation of environmental statements.
- 1.6 The SoS has also taken account of the responses received from the statutory consultees (see Appendix 2 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 SoS will take account of relevant legislation and guidelines (as appropriate). The SoS 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 SoS agrees with the information or comments provided by the applicant in their request for an opinion from the SoS. In particular, comments from the SoS in this Opinion are without prejudice to any decision taken by the SoS (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 SoS considers that this has been provided in the applicant's Scoping Report.

## The Secretary of State's Consultation

- 1.10 The SoS has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a scoping opinion. A full list of the bodies consulted for the purposes of this scoping opinion is provided at Appendix 1. The list has been compiled by the SoS under their duty to notify the consultees in accordance with Regulation 9(1)(a). The applicant should note that whilst the SoS'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, 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 in 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.

## Structure of the Document

- 1.14 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

This Opinion is accompanied by the following Appendices:

Appendix 1 List of consultees  
Appendix 2 Respondents to consultation and copies of replies  
Appendix 3 Presentation of the environmental statement

## 2.0 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 Millbrook Power Project comprises a new power generation plant in the form of a simple cycle gas turbine (SCGT) gas fired peaking power generating station, fuelled by natural gas and capable of providing an electrical capacity of up to 299MW.
- 2.3 Section 1.1.2 of the Scoping Report identifies the following principal components of the proposed development:
- generating equipment including gas turbine generators which would be located within the generating equipment site;
  - a new purpose built access Road;
  - a temporary construction compound (the laydown area),
  - a new gas connection to bring natural gas to the generating equipment from the National Transmission System (NTS); and
  - a new electrical connection to export power from the generating equipment to the National Grid Electricity Transmission System (NETS).

#### Description of the site and surrounding area

##### *The Application Site*

- 2.4 The generating equipment, access road and laydown area are described in the Scoping Report as forming the 'Power Generation Plant' and as being located within the 'Power Generation Plant Site'. The new gas and electrical connections are described respectively as located within the 'Gas Connection Opportunity Area' and the 'Electrical Connection Opportunity Area'. The project site encompasses the power generation plant site and both Opportunity Areas.
- 2.5 The power generation plant site and part of the gas and electrical connections would be situated on land within former clay pits

known as 'The Rookery' and designated as Rookery Clay Pits County Wildlife Site (CWS).

- 2.6 The Rookery is situated in the Marston Vale between Milton Keynes and Bedford, approximately 3 km north of Ampthill, and 7 km south west of Bedford. The gas and electrical connections would be located within the Opportunity Areas (identified on Figure 1 of the Scoping Report) and would extend out from The Rookery into farmland to the south and/or east.
- 2.7 The Rookery comprises two large former clay pits, Rookery North and Rookery South Pits, separated by an east-west spine of unexcavated clay. The generating equipment site, laydown area and parts of the access road and gas and electrical connections would be located within Rookery South Pit which is approximately 95ha and is bound by steep clay banks. The pit base includes a range of wetland habitats, including open water, reed beds, pools and bare inundated clay with ephemeral water bodies. The remaining land at the original ground level around the periphery of Rookery South Pit, approximately 42m above ordnance datum (AOD), is predominantly bare ground that has been cleared of vegetation.
- 2.8 The Rookery is currently the subject of an ongoing Low Level Restoration Scheme (LLRS) by the landowner. Once restored, Rookery South Pit will be approximately 15m below the surrounding ground level in the vicinity of the generating equipment site and laydown area.
- 2.9 Road access to the power generation plant site is currently from the north near Stewartby via the A421, Bedford Road and Green Lane (Figure 1 of the Scoping Report refers). A junction on Green Lane leads to an access track on land on the western side of Rookery North Pit which extends southwards into Rookery South Pit and the generating equipment site. Depending on their selected locations, the gas and electrical connections would either be primarily accessed from Junction 13 of the M1 (to the south west of the project site) via the A507, Sandhill Close, Houghton Lane, Millbrook Road and the B530 Ampthill Road, or from Bedford Road, via Woburn Road, Manor Road, B530 Ampthill Road and Millbrook Road.
- 2.10 There are overhead power lines that run west to east south of Rookery South Pit.
- 2.11 A number of existing public footpaths are located in and around the project site, linking it to the wider Marston Vale. There is limited public access to Rookery South Pit itself.
- 2.12 A watercourse, the Mill Brook, flows in a northerly direction along the western side of Rookery South Pit whilst a tributary watercourse passes to the south of Rookery South Pit within the

project site, joining Mill Brook in the vicinity of South Pillinge Farm (Figure 2 of the Scoping Report).

### *The Surrounding Area*

- 2.13 Significant areas of land around Stewartby, including The Rookery, have previously been worked for clay that was used in Stewartby Brickworks until it closed in 2008. To the north of The Rookery, buildings associated with the former Stewartby Brickworks, including the chimneys, remain. The sites have been restored and are in different uses, including water based recreation and commercial. The area to the south and east of the project site is made up of large open fields, hedgerows, and groups of trees and is crossed by electricity pylons.
- 2.14 The parts of the gas and electrical connection Opportunity Areas within the project site that lie outside of Rookery South Pit are located within a mostly undeveloped agricultural landscape (within fields classified as Grade 3) which includes areas of woodland, native hedgerows and a number of water-bodies such as ditches.
- 2.15 Watercourses within and surrounding the project site are shown on Figure 2. They include Elstow Brook to the west of the site, and Stewartby Lake, which is within 2km of the site. Mill Brook crosses the site. There are smaller streams, brooks and ditches near the perimeter of Rookery South Pit, and ponds and lakes in both Rookery North Pit and Rookery South Pit close to the access road. The project site is entirely within Flood Zone 1.
- 2.16 Nearby roads include the A421 which is approximately 2 km to the west and the B530 which lies to the east of the Proposed development Site (Figure 2 of the Scoping Report refers). The A421 connects directly to Junction 13 of the M1 Motorway which is approximately 5.6 km to the south west of the project site. The Midland Mainline railway and Marston Vale line border the power generation plant site to the east and west respectively.
- 2.17 The site is within the Northern Marston Vale Growth Area, which is allocated in Central Bedfordshire Council's Core Strategy for regeneration and development. Neighbouring residential areas include: Stewartby to the north of Green Lane and The Rookery; Houghton Conquest approximately 1.5 km to the east; Marston Moretaine approximately 1.2 km to the west; and Millbrook approximately 400 m to the south (Figures 2 and 3 of the Scoping Report refer). The Houghton Park residential care home is within 1km of the project site. A vehicle testing ground is located to the west of the gas and electrical connection Opportunity Areas.
- 2.18 Marston Vale Millennium Country Park is 50m to the west of the project site and provides habitat conservation opportunities, indoor and outdoor community amenities, a wind turbine and a Forest Centre.

- 2.19 Section 5.5.5 of the Scoping Report identifies the presence of 6 Sites of Special Scientific Interest (SSSI) within a 5km radius of the survey site, including Cooper's Hill SSSI approximately 550m to the south-east of the south-eastern corner of the survey site. There are also 3 Local Nature Reserves (LNRs) within a 5 km radius of the project site, the closest of which is Flitwick Wood LNR approximately 3.3km to the south of the site. There are also 13 Country Wildlife Sites (CWS) within 2km of the project site, the closest of which is Rookery Clay Pit CWS, within which the site is located.
- 2.20 Section 5.10.4 of the Scoping Report identifies cultural heritage assets within 5km of the project site, including scheduled monuments, listed buildings, the Amptill Park Grade II Registered Park and Garden, and eight conservation areas. Section 5.10.5 notes there are 219 Grade II listed buildings within 5km of the project site, including the closest dwelling, South Pillinge Farmhouse, located approximately 90m to the west, and 49 records of undesignated cultural heritage assets within 5km.

### Description of the proposed development

- 2.21 The proposed power generation plant would be designed as a peaking plant, fired by natural gas supplied by a new underground gas pipeline, connecting the power generation plant to the existing electricity NTS by either an underground cable or an overhead line. It would have a capacity of up to 299MW. The locations of the elements on the project site are yet to be determined.
- 2.22 As a peaking plant, the generating equipment would operate for up to 1,500 hours per year when there is a 'stress event' (i.e. when there is a surge in demand for electricity associated with a particular event) or where there is a sudden drop in power being generated from plants which are constantly operational (e.g. a sudden outage).
- 2.23 Section 3.3.4 of the Scoping Report describes the SCGT gas turbine options capable of generating up to 299MW under consideration by the applicant. These are aero-derivative gas turbines or 'industrial' type gas turbines. The applicant anticipates that 3 – 5 aero-derivative turbines or 1 – 2 industrial turbines would be required to generate 299MW.
- 2.24 The Scoping Report sets out that the main equipment in a SCGT is a gas turbine generator, which comprises the following components:
- inlet air filter;
  - air compressor;
  - combustion chamber;
  - power turbine(s); and

- exhaust silencer.
- 2.25 Sections 3.3.7 – 3.3.8 of the Scoping Report provide operational details of a SCGT plant and refer to Figure 4, a diagram of SCGT operation.
- 2.26 The gas connection would be in the form of a new underground gas pipeline connection ('the Pipeline') and above ground installation (AGI) and is required to connect the generating equipment to the existing high pressure NTS in order to provide a reliable supply of fuel.
- 2.27 Sections 3.4.2 – 3.4.4 identify the NTS feeder possible connection points. Identification of specific route corridor options is still ongoing but it is anticipated that the gas connection would be situated within the gas connection Opportunity Area to the south and east of the generating equipment site (Figure 1 of the Scoping Report refers).
- 2.28 Connection of the pipeline to an NTS feeder would require two AGIs to be installed which will include: a Minimum Offtake Connection (MOC) facility, and a PIG Trap Facility (PTF).
- 2.29 The electrical connection will enable power to be exported from the generating equipment to the NETS, and will comprise a new substation and two new electrical circuits either in the form of an underground cable or overhead line.
- 2.30 Section 3.5.2 of the Scoping Report identifies the most suitable point of connection as a new substation to be located either on the generating equipment site or adjacent to the line of the existing National Grid double circuit 400 kV line which runs from Sundon to Grendon.
- 2.31 If an underground export cable option between the substation and NETS is selected, up to two new sealing end compounds (SECs) would also be required, constructed at the point where the underground cable emerges to facilitate its connection into the NETS. It is possible that one, both or neither of the SEC(s) or substation will be required depending on the selected option for the electrical connection.

#### Proposed access

- 2.32 A new purpose built access road 1.7km long would be constructed within the power generation plant site from Green Lane to the generating equipment site.

## Construction

- 2.33 A temporary laydown area for the storage of plant and equipment during construction would be provided adjacent to the generating equipment Site, as shown in Figure 1 of the Scoping Report.
- 2.34 Section 3.3.18 of the Scoping Report states that construction and commissioning of the proposed development would take approximately 22 months. The main works associated with the construction phase would be excavation and site levelling for new foundations, potential piling (if required) and the laying of the gas and electrical connections. No requirements for demolition or remediation have been identified at this stage.
- 2.35 Prior to the construction of the proposed development commencing, it is anticipated the following components of the Rookery LLRS will be complete:
- topsoil stripping and stockpiling of material from the remaining southern permitted extraction area on the southern side of Rookery South Pit to enable the extraction of clay for use in the proposed restoration works;
  - formation of a noise screening bund from stripped topsoil and subsoil along the western edge of the works adjacent to Pillinge Farm;
  - redirection of existing surface water ditches and provision of an upper carrier ditch around the southern perimeter of the southern permitted excavation area;
  - excavation of clay from the southern permitted extraction area to provide material for the proposed restoration works and buttressing works, including provision of a new access ramp from the extraction area into the base of the pit;
  - construction of a new access ramp in the north west corner of Rookery South Pit;
  - construction of a landscaped platform graded so that drainage falls across the entire base of Rookery South Pit, utilising material won from either regrading of the base of the pit or from the southern permitted extraction area, to enable gravity drainage to occur in the base of the pit;
  - construction of surface water interceptor channels collecting to a single attenuation pond located at the north western corner of Rookery South Pit. The surface water interceptor channels and attenuation pond will include habitat mitigation and ecological enhancement measures;
  - provision of a pumping station to enable external discharge of collected waters from the attenuation pond to an existing ditch/culvert discharge to Stewartby Lake;

- buttressing of the pit edge slopes to the south (part), east and north (part) to provide a slope stabilisation solution for the existing slopes; and
- redirection of existing surface water ditches and provision of an upper carrier ditch around the southern perimeter of the southern excavation area.

## Operation and Maintenance

- 2.36 The power generation plant would have an operational life of 25 years, after which it would be decommissioned or re-powered. For the purpose of the EIA, the Scoping Report has assumed that it will be decommissioned.
- 2.37 Operation of the generating equipment would require up to 15 full time staff over the lifetime of the proposed development working in shifts, so less than 15 people will be on site at any one time during normal operations. Contracted engineering staff would undertake regular maintenance shutdowns and maintenance of the gas and electrical connections.

## Decommissioning

- 2.38 Section 3.3.20 of the Scoping Report states that decommissioning would involve the removal of all power generation plant items and restoration of the project site to a similar, pre-construction condition. This process is also likely to take approximately 22 months.

## The Secretary of State's Comments

### Description of the application site and surrounding area

- 2.39 In addition to detailed baseline information to be provided within topic specific chapters of the ES, the SoS 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.
- 2.40 The power generation plant application site and the surrounding area are clearly described within the Scoping Report and it is expected that a comprehensive description would also be provided within the ES.
- 2.41 The power generation plant will require a new underground gas pipeline connection and AGI to connect the generating equipment to the existing high pressure NTS to provide fuel. The SoS notes that the ES will include details of the route selected.

- 2.42 The SoS notes that it is anticipated that some elements of the Rookery LLRS would be complete by the time construction would be expected to begin. The SoS would expect to see a description of the stage that the LLRS had reached at the time of the DCO submission, and a clear explanation of what the ultimate base level of the site proposed for the power generation plant within Rookery South Pit will be in metres AOD (mAOD). The ES should also give consideration to any implications of future works.
- 2.43 The project site plan at Figure 1 does not name the surrounding roads and it is not possible to see them on Figure 3 due to the plan scale. Figure 3 is a useful plan but does not identify environmentally sensitive features such as public rights of way (PROWs). It would be helpful to include relevant plans in each topic section of the ES that identify the study area and receptors, and ensure that the title of identified features reflects that used in the text, eg South Pilling Farm is identified as Pilling Farm South on Figure 2.

### Description of the proposed development

- 2.44 The applicant should ensure that the description of the proposed development that is being applied for is as accurate and firm as possible as this will form the basis of the environmental impact assessment. It is understood that at this stage in the evolution of the scheme the description of the proposals and even the location of the site may not be confirmed. The applicant should be aware however, that the description of the development in the ES must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations, and there should therefore be more certainty by the time the ES is submitted with the DCO.
- 2.45 In the event that a draft DCO is submitted, the applicant should clearly define what elements of the proposed development are integral to the NSIP, and what elements are 'associated development' under the Planning Act 2008 (PA 2008) or an ancillary matter.
- 2.46 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.
- 2.47 The SoS 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, including the area of the offshore elements
  - 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 including any potential environmental or navigation impacts, and
  - emissions - water, air and soil pollution, noise, vibration, light, heat, radiation.
- 2.48 The Scoping Report does not contain a location plan or a layout plan, indicative or otherwise. Although Figures 2 and 3 show the location of the proposed development in the wider area the scale makes it difficult to discern features in the area other than those represented in the keys. The ES should contain plans that clearly identify the proposed development's location in the wider area, and that indicate the position of the main elements of the proposed development on the site.
- 2.49 The SoS notes that Table 3.1 of the Scoping Report provides indicative dimensions for the main plant items, but that AOD levels are not defined and that the height of the stacks is defined in terms of 'ground level surrounding Rookery South Pit'. For the purposes of the ES, the heights of the elements of the development will need to be defined in minimum/maximum mAOD.
- 2.50 Figure 4 does not reflect the same elements of a gas turbine generator as identified in paragraph 3.3.6. Diagrams and figures in the ES should reflect the text so that it is easy to read across between them.
- 2.51 Section 3.4 of the Scoping Report provides information on the gas connection Opportunity Area. It would be useful to include in the ES diagrams of elements that will be required, such as the MOC and PTF.
- 2.52 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.

## Alternatives

- 2.53 The ES requires 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 3).

- 2.54 The SoS notes that a number of site locations and technology options were considered by the applicant, and is pleased to note that a detailed appraisal will be included in the ES.

### Flexibility

- 2.55 The SoS notes the comments in the Scoping Report that the detailed design of the power generation plant is still being developed and that the draft description of development contains a number of variables, including the type of turbine, the location on the site of the generating equipment, the routes for the gas and electrical connections, and the configuration of the electrical connection. The SoS welcomes that the proposals are to be firmed up during the pre-application stage but encourages the description to be as accurate and firm as possible so that its environmental impacts can be more accurately assessed.
- 2.56 The SoS notes the applicant's intention where the details of the scheme cannot be defined precisely for the EIA to assess the likely worst case scenario. The SoS welcomes the reference to Planning Inspectorate Advice Note 9 'Using the 'Rochdale Envelope' but also directs attention to the 'Flexibility' section in Appendix 3 of this Opinion which provides additional details on the recommended approach.
- 2.57 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.

### Grid connection

- 2.58 The SoS notes that the proposed routes for the gas and electricity connections, the configuration of the electricity connection, and the location and number of related elements, such as substations, are still to be determined. All options included in the proposed development DCO application must be fully assessed in the ES and plans provided to reflect each option.

### Proposed access

- 2.59 The SoS considers that information regarding site access routes for construction traffic and any vehicles carrying abnormal indivisible loads (AIL) should be clearly identified and assessed within the ES, including any alterations required to the existing road network to accommodate any AIL. The ES should also identify whether any alterations to the existing road network would be retained or reinstated, and assess the potential effects arising.

## Construction

- 2.60 The SoS considers that information on construction including: phasing of programme; construction methods and activities associated with each phase; siting of construction compounds (including on and off site); lighting equipment/requirements; and number, movements and parking of construction vehicles (both HGVs and staff) should be clearly indicated in the ES.

## Operation and maintenance

- 2.61 Information on the operation and maintenance of the proposed development should be included in the ES 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.

## Decommissioning

- 2.62 The SoS welcomes the consideration of 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 so that structures can be taken down with the minimum of disruption. The SoS 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.

## 3.0 EIA APPROACH AND TOPIC AREAS

### Introduction

- 3.1 This section contains the SoS'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 3 of this Opinion and should be read in conjunction with this Section.
- 3.2 Applicants are advised that the scope of the DCO application should be clearly addressed and assessed consistently within the ES.

### Environmental Statement (ES) - approach

- 3.3 The information provided in the Scoping Report sets out the proposed approach to the preparation of the ES. Whilst early engagement on the scope of the ES is to be welcomed, the SoS notes that the level of information provided at this stage is not always sufficient to allow for detailed comments from either the SoS or the consultees.
- 3.4 The SoS 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 SoS 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.
- 3.5 The extent of the study area is not set out for each topic in the Scoping Report. The SoS 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.
- 3.6 The SoS notes that the proposed development includes gas and electrical connections and refers the applicant to the comments of The Health and Safety Executive, Public Health England, National Grid, and ES Pipelines in relation to safety issues and other points, including the locations of existing infrastructure, to be taken into consideration in deciding on the preferred configurations and routes.

- 3.7 The SoS notes that a number of existing wayleaves and/or easements are in place that could be affected by the proposed access routes and the proposed electricity and gas connections, and recommends that the design of the proposed development and assessments in the ES take account of these.
- 3.8 The SoS notes the information in Section 4.2 and 4.3 of the Scoping Report on the assessment of potential cumulative effects, and developments that will be included in the assessment, and welcomes the applicant's intention to include an assessment of cumulative impacts in each ES topic chapter and in the Conclusions chapter.
- 3.9 The SoS notes that there may be ongoing works on and around the project site in connection with the LLRS. The SoS recommends that consideration is given to including in the cumulative impacts assessment potential further changes to the land that result from the LLRS subsequent to establishing the baselines for the topic assessments.
- 3.10 The SoS notes the applicant's references to the possible inclusion of the East West Rail Project and the Bedford and Milton Keynes Waterway in the cumulative impacts assessment for this proposed development. The applicant's attention is drawn to the comments made about these proposals by Luton Borough Council and the Canal and River Trust, respectively, contained in Appendix 2 of this Opinion. The SoS recommends that the applicant considers whether these proposals are at such a stage that they should be included in the cumulative impact assessment. Further information on the scope of cumulative impacts which should be included in the ES is provided at Appendix 3 to this Opinion.

### Matters to be scoped out

- 3.11 The applicant has identified in the relevant sections of the Scoping Report the matters proposed to be 'scoped out'. These include:
- potential odour impacts during the operational phase;
  - emissions to air from the gas and electrical connections during the operational phase;
  - noise and vibration impacts from the gas and electrical connections (if an overhead line is constructed) during the operational phase;
  - noise impacts from the electrical infrastructure that may be required, ie substation and up to two SECs, during the operational phase;
  - impacts on water quality and resources during operation and decommissioning of the gas and electricity connections;

landscape and visual impacts on the nearest AONB (the Chilterns) to the project site;

- 3.12 Matters cannot be scoped out unless specifically addressed and justified by the applicant, and confirmed as being scoped out by the SoS.
- 3.13 Decisions to scope out impacts should be fully explained and justified in the ES. At this stage, the SoS agrees that the following matters can be scoped out of the EIA during the operational phase: potential odour impacts; emissions to air from the gas and electrical connections; noise and vibration impacts from the gas connections; and impacts on water quality and resources of the gas and electricity connections.
- 3.14 It is not explicitly stated in the Scoping Report whether the proposed electricity connection will be 132kV or 400kV, although it is indicated that it will connect to a 400kV network. In the event that the connection will be 400kV the SoS does not agree that noise impacts from the electrical connections can be scoped out, as insufficient information has been provided by the applicant at this time to justify such an approach.
- 3.15 The SoS does not agree that noise impacts from the electrical infrastructure that may be required can be scoped out during the operational phase as insufficient information has been provided by the applicant at this time to justify such an approach.
- 3.16 The SoS does not agree that impacts on water quality and resources during the decommissioning of the gas and electricity connections can be scoped out as insufficient information has been provided at this time by the applicant to justify such an approach. Paragraph 5.6.12 of the Scoping Report refers to construction of the gas and electricity connections and states that effects during operation and decommissioning are unlikely to occur. However, other sections of the Report suggest that it is not yet known whether the connections will be left in situ or removed following decommissioning of the proposed development. In the event that the connections might be removed, the SoS does not agree that effects during decommissioning can be scoped out. If the preferred option has not been decided by the time the DCO application is submitted, identification and an assessment of potential impacts on water resources during the decommissioning phase in relation to the connections should be included in the ES.
- 3.17 The SoS does not agree that landscape and visual impacts on the Chilterns AONB can be scoped out as insufficient information has been provided by the applicant at this time to justify such an approach.
- 3.18 Whilst the SoS has not agreed within this Opinion to scope out certain topics or matters on the basis of the information available

at this 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.

- 3.19 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.

## National Policy Statements (NPSs)

- 3.20 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.
- 3.21 The NPSs relevant to the proposed development, i.e. EN-1, EN-2, EN-4 and EN-5, 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.
- 3.22 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 a draft NPS if the relevant NPS has not been formally designated.

## Environmental Statement - Structure

- 3.23 Section 4.2 of the Scoping Report sets out the proposed structure of the ES on which the applicant seeks the opinion of the SoS.
- 3.24 The SoS notes from Section 4.2, Table 4.1 that the EIA for the proposed development would cover topics under the following headings:
- Air Quality
  - Noise and vibration
  - Ecology
  - Water quality and resources
  - Geology, ground conditions and agriculture
  - Landscape and visual
  - Traffic, transport and access
  - Cultural heritage and archaeology

- Socio-economics

3.25 The SoS recommends that the ES should also cover potential impacts caused by the removal and disposal of waste; and as a result of the electric and magnetic fields generated by the proposed development.

## Topic Areas

### Air Quality (**see Scoping Report Section 5.3**)

- 3.26 This section does not include a definition of what constitutes a significant effect, however the SoS notes that paragraph 5.5.2 of Section 5.2 (Significance Criteria) states that each ES technical chapter will include such a definition.
- 3.27 Air quality and dust levels should be considered not only on site but also off site, including along access roads and traffic routes, and local footpaths and other PROWs, especially during the construction phase.
- 3.28 The extent of the study area should be described and the reasons for selecting it provided.
- 3.29 The SoS notes that the nearest Air Quality Management Area (AQMA) is approximately 10km from the project site. Any AQMAs that fall within the selected study area should be identified by name and their location should be shown on a plan either included in the ES or cross-referenced from the SoS. The SoS considers that adverse changes to air quality should be assessed in relation to compliance with European air quality limit values and AQMAs.
- 3.30 Paragraph 5.3.6 identifies statutory ecologically designated sites within 10km of the project site but does not include any European sites, although there are references in this chapter to the need to consider European sites within 10km of the project site. Flitwick Wood LNR and Flitton Moor LNR are not mentioned in this context, although these LNRs are identified in paragraph 5.5.5 of the Ecology section as within 5km of the project site. The SoS recommends that reasoned justification should be provided within the ES for the inclusion/exclusion of the assessment of air quality impacts on ecologically designated sites.
- 3.31 Scoping Report Figure 3 shows environmentally sensitive receptors within a 5km area of the project site but does not include receptors for all topics, e.g. PROWs are not shown. Each topic chapter should include a plan that identifies relevant sensitive receptors, by name where applicable, within the selected study area for that topic.
- 3.32 The SoS notes that this section identifies residential receptors within 1km of the project site. The assessment should take

account of air emissions from the proposed development and emissions related to vehicular movements associated with the proposed development, particularly during the construction phase. Consideration should be given to whether a 1km study area is sufficient to identify all potentially significant impacts, such as those related to emissions from construction vehicles, and the SoS recommends that this is determined in consultation with the relevant local Councils.

- 3.33 The SoS welcomes the applicant's intention to agree the assessment methodology for this topic with the relevant Council Officers and the Environment Agency (EA). The applicant's attention is drawn to the comments made by Luton Borough Council, contained in Appendix 2 of this Opinion, in relation to factors that should be included in the modelling.
- 3.34 The SoS is pleased to note that the stack height will be based on the predicted maximum short term and long term ground level NO<sub>x</sub> concentrations, and that the detailed dispersion modelling will then be undertaken according to that stack height. The SoS recommends that dispersion modelling considers a range of possibilities and seeks to ensure that the 'worst case' scenario is assessed, for example the 'worst case' may occur as a short term impact. The implications of stack height and dispersion of emissions will need to be clearly explained in the ES.
- 3.35 Consideration should be given to monitoring dust complaints during all phases of the proposed development.
- 3.36 The applicant is referred to the comments of Public Health England in Appendix 2 of this Opinion, particularly in relation to establishing the baseline for assessment purposes.
- 3.37 This ES topic chapter should cross-refer to the ES Ecology chapter, bearing in mind that there is the need to consider potential effects due to an increase in airborne pollution including fugitive dust emissions, especially during site preparation, demolition and construction.

#### Noise and Vibration (see Scoping Report Section 5.4)

- 3.38 Paragraph 5.4.2 identifies sources of noise in the vicinity of the project site. These should be identified on a plan contained in the ES.
- 3.39 The SoS notes that the proposed development layout has not been finalised at this stage and recommends that consideration should be given to minimising the impacts of noise on sensitive receptors where possible by appropriate siting and orientation of the various elements of the proposed development.

- 3.40 The SoS welcomes the applicant's intention to agree the assessment methodology and the locations for the baseline noise survey with the relevant Council Environmental Health Officers, and draws attention to comments received from Bedford Borough Council and Central Bedfordshire Council, contained in Appendix 2 in this respect.
- 3.41 Paragraph 5.4.5 states that noise sensitive receptors within 100m of construction and decommissioning activities will be identified, although paragraph 5.4.11 proposes that the study area for this topic will be an area within 1km of the project site, so the extent of the study area is unclear. The study area must be clearly and consistently defined in the ES and the reasons for selecting it explained. The applicant's attention is drawn to the comments made by Bedford Borough Council, contained in Appendix 2 of this Opinion, in relation to the identification of receptors. Consideration should be given to whether the proposed study area is sufficient to identify potentially significant impacts on all relevant receptors. The noise and vibration assessments should take account of traffic movements along access routes to the site, especially during the construction phase.
- 3.42 All activities that could generate noise and vibration impacts at all phases of the proposed development should be fully identified, e.g. such as piling, vehicle movements on and off site, and assessed in the ES. Information should be provided in the ES on the types of vehicles and plant to be used during the construction phase and their potential effects.
- 3.43 Impacts of noise on people should be specifically addressed in the ES, and particularly any potential noise disturbance at night and other unsocial hours such as weekends and public holidays.
- 3.44 Consideration should be given to monitoring noise complaints during construction and when the development is operational.
- 3.45 The results from the noise and vibration assessments should also provide information to inform the ecological assessments, and this chapter should cross-refer to other chapters such as the ES Ecology chapter.

#### Ecology (see Scoping Report Section 5.5)

- 3.46 The SoS recommends that the project should address fully the needs of protecting and enhancing biodiversity. The assessment should cover habitats, species and processes within the sites and surroundings. The SoS notes the recommendations in the Extended Phase 1 Habitats Survey for further surveys either on the project site or in the nearby area for the following species: bats; badgers; water voles; breeding birds; great crested newts (GCNs); reptiles; and terrestrial and aquatic invertebrates.

- 3.47 Paragraph 5.5.4 states that a desk based assessment and Habitat Survey were undertaken in February 2014. The SoS notes that Appendix 1 (Ecological Appraisal) of the Scoping Report includes an addendum to the Ecological Appraisal, which sets out the results of an ecological walkover survey carried out in March 2014 following adjustments to the extent of the survey site for the proposed development. The ES should clearly identify the total extent of the surveyed area and reference all the relevant reports. The SoS recommends that ecological surveys should be thorough, up to date and take account of other developments proposed in the vicinity.
- 3.48 This section does not identify the extent of the study areas that were used for all of the species identified. Paragraph 5.5.5 identifies six SSSIs within 5km of the project site but Appendix 1 identifies seven SSSIs. The applicant should ensure that study areas are clearly defined for each species and habitat, and that information on features within those study areas is consistent throughout the ES and any documents to which it refers.
- 3.49 The SoS notes the assumption in the Scoping Report that all GCNs will have been translocated from the project site as part of the current LLRS, and that therefore no further surveys of the project site will be required. The stage that the LLRS has reached at the time of the application submission should be clearly explained in the ES, and relevant information in relation to protected species and habitats should be provided.
- 3.50 In relation to aquatic invertebrates, the SoS notes that it is stated that the ditches and ponds on site will be surveyed if a Water Framework Directive Report (WFD Report) is required. However, the Habitat Survey recommends that aquatic surveys are undertaken to determine the assemblage of aquatic invertebrates present on site, and that surveys may **also** be necessary to determine ecological quality if any watercourses are lost or in order to comply with the WFD. The applicant must satisfy themselves that all necessary surveys have been undertaken prior to submission of the DCO application, and that all species and habitats that may be affected have been identified.
- 3.51 The SoS notes that no European sites have been identified at this stage, but welcomes the applicant's intention to consult NE and relevant local Councils in order to establish the extent of the relevant study area and the potential need for a screening exercise and provision of information to inform an appropriate assessment under the Habitats Regulations. The location of any European sites which may be affected by the proposed development should be clearly indicated on a plan accompanying the ES. The Applicant is referred to the information on the Habitats Regulations in Section 4 of this Scoping Opinion.

- 3.52 The ecological assessments should take account of potential impacts of noise, vibration and air quality (including dust) on ecological receptors, and cross reference should be made to relevant specialist reports, and to information in other ES topic chapters as appropriate.
- 3.53 The SoS highlights the need to consider cumulative and combined impacts, and advises this is particularly relevant in assessing the impacts on ecological interests.
- 3.54 The SoS notes that the project site and surrounding area includes some woodland. The applicant is referred to the comments of the Forestry Commission in Appendix 2 of this Opinion, particularly in relation to the potential need to obtain consent for planting and/or felling of trees, and to longer-term management of any compensatory plantings.

### Water Quality and Resources (**see Scoping Report Section 5.6**)

- 3.55 The SoS welcomes the intention to provide a Flood Risk Assessment (FRA) in consultation with the EA and Lead Local Flood Authority. The FRA should form an appendix to the ES (and cross-referenced from other application documents as necessary) rather than being provided as a standalone application document.
- 3.56 The SoS notes that the applicant assumes at this stage that air cooling will be utilised for the proposed development rather than water cooling. If the preferred option has not been determined at the time the DCO application is submitted, either both options should be assessed in the ES, or the worst case scenario identified and assessed.
- 3.57 Paragraph 5.6.10 states that no significant impacts are anticipated on key waterbodies and that the majority of watercourses are a significant distance from the project site. However, other paragraphs in the Report, and Figures 2 and 3, indicate that part of Mill Brook is within the site boundary. The applicant should ensure that the assessment of impacts on water resources identifies and considers all watercourses that may be affected, including Mill Brook. The applicant's attention is drawn to the comments made by the Canal and River Trust, contained in Appendix 2 of this Opinion, about the Bedford and Milton Keynes Waterway Park, and advises that consideration should be given to including that proposed development in the cumulative impacts assessment.
- 3.58 Paragraph 5.6.10 states that it is not anticipated that water will be directly abstracted or discharged from any of the identified water sources during any of the phases of the development. However, paragraph 5.6.19 states that discharges from the proposed development during operation would be controlled by an Environmental Permit, so it is unclear whether discharges to

watercourses will occur, and if so, which watercourses would be affected. It should be made clear in the ES whether the proposed development includes any discharges to water, and if so, impacts should be robustly assessed. If the position is not known at the time of the DCO application the worst case scenario should be indicated and assessed.

- 3.59 Paragraph 5.6.15 notes that in relation to the electricity and gas connections various techniques may be used to cross waterbodies where necessary. All crossing locations should be identified in the ES, and all potential techniques identified and assessed.
- 3.60 The applicant's attention is drawn to the comments of Network Rail, contained in Appendix 2 of this Opinion, in relation to the potential impacts of surface water drainage on railway infrastructure and the possible requirement for easements.
- 3.61 Groundwater is the potential pathway for discharge of liquids to surface and coastal waters. The SoS considers that the impacts of climate change, in terms of increased run-off and rises in sea level, should be taken into account in the ES.
- 3.62 This topic chapter makes reference to potential impacts on hydrogeology being assessed in the Geology, Ground Conditions and Agriculture ES chapter. These chapters should be cross-referenced and inter-relationships considered as appropriate.
- 3.63 The applicant is referred to the comments of Public Health England in Appendix 2 of this Opinion, particularly in relation to establishing the baseline for assessment purposes.

### **Geology, Ground Conditions and Agriculture (see Scoping Report Section 5.7)**

- 3.64 The SoS notes that some filling of Rookery South Pit will take place as part of the LLRS. The ES should fully set out the works and the stage that they have reached, and ensure that any changes to the land that have taken place are reflected in the baseline description for this topic. Potential further changes to the land that result from the LLRS following the establishment of the baseline may need to be taken into account in the assessment of cumulative impacts.
- 3.65 It is stated in paragraph 5.7.6 that there are water bearing strata below the project site. The ES should identify by name and provide an assessment of features which may be affected by the proposed development such as aquifers.
- 3.66 The SoS welcomes the applicant's intention to consult the local Councils and EA in order to obtain relevant information and refine the assessment methodology.

- 3.67 The study area for this topic is not identified in this section. It should be clearly defined and justified in the ES.
- 3.68 This ES chapter should be cross-referenced with the Water Quality and Resources chapter, and inter-relationships assessed as appropriate.
- 3.69 The applicant is referred to the comments of Public Health England in Appendix 2 of this Opinion, particularly in relation to any potential for historical contamination of the project site, and to the comments of Central Bedfordshire Council in relation to potential cumulative impacts.

### Landscape and Visual Impact (see Scoping Report Section 5.8)

- 3.70 It is stated in this section that the Rookery South Pit is being extended, which suggests that the Pit is still being worked, although it is understood by the SoS that extraction will take place as part of the LLRS. The SoS recommends that the terminology used to describe the LLRS works is used consistently throughout the ES in order to provide clarity about the nature of the works at the Pit.
- 3.71 The landscape and visual cumulative impacts assessment should include not just other proposed large industrial developments in the area, but also other types of development that could contribute to a cumulative effect. The SoS recommends that the wind turbine in the Marston Vale Millennium Country Park is included in the assessment of potential cumulative effects of this proposed development, and that consideration should be given to the potential for a further turbine at Stewartby landfill site, as highlighted in the response of Central Bedfordshire Council
- 3.72 The study area for this topic is not identified in this section, although reference is made to residential receptors within 1km of the project site. Bearing in mind that the proposed development includes 1- 5 stacks of up to 60m in height, the applicant should consider whether a 1km study area is sufficient to identify all those residential receptors that may be affected and the likely significant visual impacts. The applicant is referred to the comments of Luton Borough Council, contained in Appendix 2 of this Opinion, in relation to potential views of the stacks.
- 3.73 Reference is made in this section to a Zone of Theoretical Visibility (ZTV) plan. The SoS advises that the ES should describe the ZTV model used, and provide information on the area covered, the timing of any survey work, and the methodology used. The SoS welcomes the intention to provide photomontages, and recommends that the locations of viewpoints are agreed with the relevant local authorities.

- 3.74 The SoS notes that the nearest AONB to the project site has been scoped out of the assessment on the basis that it is remote from the site and visually separated, although the distance between it and the site has not been specified. Fuller information on the location of the AONB, and visibility of the development from the AONB, taking account of maximum heights of structures proposed, should be provided in the ES.
- 3.75 Figure 3 of the Scoping Report shows environmentally sensitive receptors within 5km of the project site, and identifies a Country Park but does not identify any PROWs. The ES should include a plan that identifies all the landscape and visual receptors within the selected study area.
- 3.76 The SoS notes that the landscape and visual assessment of potential impacts of the gas and electricity connections will focus on the AGIs, substation and SEC(s) (if required) during the construction phase. If these structures are to be removed as part of the decommissioning of the proposed development, impacts during that phase should also be considered.
- 3.77 The proposed development includes large structures including stacks up to 60m in height on the site. The SoS recommends that careful consideration is given to the form, siting, and use of materials and colours in relation to minimising potential adverse visual impacts of large structures.
- 3.78 The assessment should include consideration of any visible plumes which may be emitted from the stacks and which may additionally draw attention to the proposed development. Night time lighting effects, including those which may result from the need to provide any air navigation warning lights, should also be assessed.
- 3.79 Consideration should be given to whether any proposed landscape and visual mitigation measures could affect ecological interests. This ES chapter should consider inter-relationships with ecological matters as appropriate and cross refer to the ES Ecology chapter.

#### Traffic, Transport and Access (see Scoping Report Section 5.9)

- 3.80 The ES should include information relating to transport for all phases of the proposed development such as estimates of traffic movements and vehicle types, including relating to abnormal loads, and access and delivery routes. The applicant is referred to the comments of Luton Borough Council, contained in Appendix 2 of this Opinion, in relation to traffic movements during the operational phase, and to comments made by Network Rail with regards to the existing level crossing on Stewartby Green Lane. The SoS notes that information will be contained in a Transport Assessment, if considered appropriate, accompanied by a draft Construction Traffic Management Plan. The SoS recommends that these documents are included in the ES as appendices.

- 3.81 The removal of waste from the site for all phases of the proposed development should be considered and assessed in terms of the likely transport routes, the number of journeys and the type of vehicles required. Consideration should be given to including an assessment of potential cumulative effects with other projects in the area, e.g. the LLRS, that have the potential to generate a high number of vehicle movements, with particular regard to HGV movements.
- 3.82 The Scoping Report refers to the roads likely to be used for access to the project site as being shown on Figures 1 and 2. They are identified by colour on Figure 2 but not identified in any way on Figure 1. The ES should include a plan on which access routes are clearly identifiable.
- 3.83 The SoS welcomes the development of the assessment of transport impacts in association with the local highways authorities and the Highways Agency (HA). The SoS would expect on-going discussions and agreement, where possible, with such bodies.
- 3.84 The SoS notes that opportunities for reducing traffic movements will be investigated, and suggests mitigation measures such as implementing a travel plan and sourcing materials so as to minimise transport could be considered.
- 3.85 The SoS recommends that the ES should take account of the location of footpaths and PROWs in the area, including bridleways and byways, and clearly set out potential impacts as a result of access routes and traffic movements.
- 3.86 The applicant is referred to the comments of the Highways Agency in Appendix 2 of this Opinion, in relation to assessment of potential access routes, abnormal loads, and construction management and travel plans.
- 3.87 This topic should be cross-referred to the air quality topic chapter in the ES, particularly in relation to traffic emissions.

#### Cultural Heritage and Archaeology (see Scoping Report Section 5.10)

- 3.88 The SoS notes that conservation areas are identified by name on the list of cultural heritage assets in paragraph 5.10.4, but not included in the list in paragraph 5.10.12 of types of assets that will be considered in the assessment. The SoS would expect the potential impacts on conservation areas to be identified and assessed as part of the EIA.
- 3.89 The SoS welcomes the applicant's intention to consult the local Councils and English Heritage in relation to the archaeology and cultural heritage assessment.

- 3.90 Paragraph 5.10.2 states that the potential for archaeological remains within Rookery South Pit is like to be limited, as a result of former works and activities related to the LLRS. However, the SoS notes that the proposed development involves some working of previously unworked areas on the project site, and recommends that consideration is given to whether further assessment of the project site is required, in consultation with relevant Council officers.
- 3.91 The SoS expects to see a comprehensive assessment in the ES of potential impacts of the proposed development on the setting of cultural heritage assets in the area. The applicant is referred to comments made by English Heritage and CBC on this point.
- 3.92 Cross reference from this chapter of the ES should be made to other chapters as appropriate, such the Landscape and Visual chapter.

#### Socio-economics (see Scoping Report Section 5.11)

- 3.93 The SoS recommends that the types of jobs generated should be considered in the context of the available workforce in the area. This applies equally to the construction and operational stages.
- 3.94 The SoS recommends that the assessment criteria should be locationally-specific, and consider the potential significance of the impacts of the proposed development within the local and regional context.
- 3.95 The SoS draws the applicant's attention to the comments of Ampthill Town Council in Appendix 2 of this Opinion in relation to recreational facilities in the area, and recommends that consideration is given to potential impacts of the proposed development on recreational interests.

#### Waste (not identified in the Scoping Report)

- 3.96 Although waste has not been identified as a discrete topic there are several references to it in the Scoping Report, and the SoS notes and welcomes the applicant's intention to produce a site waste management strategy prior to construction which would focus on the re-use, recycling and reduction of waste and spoil.
- 3.97 The ES should describe the types of waste generated by the project at all stages and describe the method/s of removing it, including identifying potential transport routes. The applicant is referred to the comments of Public Health England in Appendix 2 of this Opinion in relation to the disposal of waste.
- 3.98 Waste should either be addressed in specific ES chapters as appropriate, eg Traffic, Transport and Access, or consideration given to including a discrete chapter on waste.

## Electric and Magnetic Fields (not identified in the Scoping Report)

- 3.99 The SoS notes that this proposed development includes a new electricity connection, with the configuration and route still to be determined. The applicant is referred to the comments of Public Health England in Appendix 2 of this Opinion in relation to potential impacts on human health caused by electric and magnetic fields. The SoS recommends that the ES includes an assessment of such impacts, and identifies mitigation measures as necessary, and suggests that this could be included in a Health Impact Assessment if one is undertaken.

## 4.0 OTHER INFORMATION

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

### Habitats Regulations Assessment (HRA)

- 4.2 The SoS notes that no information has been provided at this stage on the location of European sites but that some may be located close to the project. It is the applicant's responsibility to provide sufficient information to the Competent Authority (CA) to enable them to carry out a HRA if required. The applicant should note that the CA is the SoS.
- 4.3 The applicant's attention is drawn to The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (The APFP Regulations) and the need to include information identifying European sites to which the Habitats Regulations apply, Ramsar sites or potential SPAs, which may be affected by a proposal. The submitted information should be sufficient for the competent authority to make an appropriate assessment (AA) of the implications for the site if required by Regulation 61(1) of the Habitats Regulations.
- 4.4 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 CA 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 CA.
- 4.5 When considering aspects of the environment likely to be affected by the project; including flora, fauna, soil, water, air and the inter-relationship between these, consideration should be given to the designated sites in the vicinity of the project.
- 4.6 Further information with regard to the HRA process is contained within Planning Inspectorate's Advice Note 10 available on the National Infrastructure pages on the Planning Portal website.

### Evidence Plans

- 4.7 An evidence plan is a formal mechanism to agree upfront what information the applicant needs to supply to the Planning Inspectorate as part of a DCO application. 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 volumes 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 10) 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.

- 4.8 Any applicant of a proposed NSIP in England, or England and Wales, can request an evidence plan. A request for an evidence plan should be made at the start of the pre-application stage (eg, after notifying the Planning Inspectorate on an informal basis) by contacting the Major Infrastructure and Environment Unit (MIEU) in Defra (MIEU@defra.gsi.gov.uk).

## Sites of Special Scientific Interest (SSSIs)

- 4.9 The Secretary of State notes that a number of SSSIs are located close to or within the project. Where there may be potential impacts on the SSSIs, the SoS 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.

- 4.10 Under s28(G), the SoS 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’.

- 4.11 Under s28(I), the SoS must notify the relevant nature conservation body (NCB), JNCC/NE/NRW in this case, 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 SoS 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.

- 4.12 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 SoS. 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)

- 4.13 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 an EPS is identified, and before making a decision to grant development

consent, the CA must, amongst other things, address the derogation tests<sup>2</sup> 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.

- 4.14 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.
- 4.15 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.
- 4.16 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 ensure draft licence applications are satisfactory for the purposes of informing formal pre-application assessment by NE.
- 4.17 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<sup>3</sup>. 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. 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

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<sup>2</sup> Key case law re need to consider Article 16 of the Habitats Directive: Woolley vs East Cheshire County Council 2009 and Morge v Hampshire County Council 2010.

<sup>3</sup> Key case law in respect of the application of the FCS test at a site level: Hafod Quarry Land Tribunal (Mersey Waste (Holdings) Limited v Wrexham County Borough Council) 2012, and Court of Appeal 2012.

licence application). This approach will help to ensure no delay in issuing the licence should the DCO application be successful. Applicants with projects in England or English waters can find further information on Natural England's protected species licensing procedures in relation to NSIPs by clicking on the following link:

[http://www.naturalengland.org.uk/Images/wml-g36\\_tcm6-28566.pdf](http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf)

- 4.18 In England or English Waters, assistance may be obtained from the Consents Service Unit. The Unit works with applicants to coordinate key non-planning consents associated with nationally significant infrastructure projects. The Unit's remit includes EPS licences. The service is free of charge and entirely voluntary. Further information is available from the following link:

<http://infrastructure.planningportal.gov.uk/legislation-and-advice/consents-service-unit/>

## Health Impact Assessment

- 4.19 The SoS 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, Public Health England, and National Grid in relation to electric and magnetic fields and electrical and gas safety issues (see Appendix 2).
- 4.20 The methodology for the HIA, if prepared, should be agreed with the relevant statutory consultees and take into account mitigation measures for acute risks.

## Other regulatory regimes

- 4.21 The SoS 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 project which may be regulated by other statutory regimes have been properly taken into account in the ES.
- 4.22 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 SoS 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 reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the SoS.

## Transboundary Impacts

- 4.23 The SoS has noted that the applicant has not indicated whether the project is likely to have significant impacts on another European Economic Area (EEA) State.
- 4.24 Regulation 24 of the EIA Regulations, which *inter alia* require the SoS to publicise a DCO application if the SoS 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 SoS considers that where Regulation 24 applies, this is likely to have implications for the examination of a DCO application.
- 4.25 The SoS recommends that the ES should identify whether the project has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.

## Scoping Opinion for Millbrook Power Project

# **APPENDIX 1**

## **List of Consultees**

## Scoping Opinion for Millbrook Power Project

## APPENDIX 1

### BODIES FORMALLY CONSULTED DURING THE SCOPING EXERCISE

<b>CONSULTEE</b>	<b>ORGANISATION</b>
<b>SCHEDULE 1</b>	
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant clinical commissioning group	Bedfordshire Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	English Heritage English Heritage - East of England
The Relevant Fire and Rescue Authority	Bedfordshire Fire and Rescue Service
The Relevant Police and Crime Commissioner	Office of the Police and Crime Commissioner for Bedfordshire
The Relevant Parish Council(s) or Relevant Community Council	Stewartby Parish Council Houghton Conquest Parish Council Amphill Town Council Millbrook Parish Meeting Marston Moreteyne Parish Council

The Environment Agency	The Environment Agency The Environment Agency - Central Area Office
The relevant AONB Conservation Boards	Chilterns Conservation Board
The Civil Aviation Authority	Civil Aviation Authority
The Highways Agency	The Highways Agency - East
The Relevant Highways Authority	Bedford Borough Council Central Bedfordshire Council
The Coal Authority	The Coal Authority
The Canal and River Trust	The Canal and River Trust
Public Health England, an executive agency to the Department of Health	Public Health England
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	Forestry Commission
The Secretary of State for Defence	Ministry of Defence

### **RELEVANT STATUTORY UNDERTAKERS**

#### **Health Bodies (s.16 of the Acquisition of Land Act (ALA) 1981)**

The National Health Service Commissioning Board (England only)	NHS England
The relevant clinical commissioning group (England only)	Bedfordshire Clinical Commissioning Group
Local Area Team (England only)	Hertfordshire and the South Midlands Area Team
NHS Trust (England only)	Bedford Hospital NHS Trust South Essex Partnership University NHS Foundation Trust

Ambulance Trusts	East of England Ambulance Service
<b>Relevant Statutory Undertakers (s.8 ALA 1981)</b>	
Railway	Network Rail Infrastructure Ltd Highways Agency Historical Railways Estate
Water Transport	The Canal and River Trust
Canal Or Inland Navigation Authorities	Bedford & Milton Keynes Waterway Trust
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route (NERL) Safeguarding
Universal Service Provider	Royal Mail Group
Relevant Environment Agency	Environment Agency
Water and Sewage Undertakers	Anglian Water
Public Gas Transporter	Energetics Gas Limited ES Pipelines Ltd ESP Connections Ltd ESP Networks Ltd ESP Pipelines Ltd Fulcrum Pipelines Limited GTC Pipelines Limited Independent Pipelines Limited LNG Portable Pipeline Services Limited National Grid Gas Plc National Grid Plc

	<p>Quadrant Pipelines Limited</p> <p>SSE Pipelines Ltd</p> <p>Scotland Gas Networks Plc</p> <p>Southern Gas Networks Plc</p> <p>Wales and West Utilities Ltd</p>
<p>Electricity Distributors With CPO Powers</p>	<p>Energetics Electricity Limited</p> <p>ESP Electricity Limited</p> <p>Independent Power Networks Limited</p> <p>The Electricity Network Company Limited</p> <p>Eastern Power Networks Plc</p> <p>UK Power Networks Limited</p>
<p>Electricity Transmitters With CPO Powers</p>	<p>National Grid Electricity Transmission Plc</p> <p>National Grid Plc</p>

**LOCAL AUTHORITIES (SECTION 43)**

Local Authority

Bedford Borough Council

Central Bedfordshire  
CouncilHuntingdonshire District  
CouncilCambridgeshire County  
CouncilSouth Cambridgeshire  
District CouncilNorth Hertfordshire District  
Council

Luton Borough Council

Hertfordshire County  
CouncilSt Albans City & District  
Council

Dacorum Borough Council

Buckinghamshire County  
CouncilAylesbury Vale District  
Council

Milton Keynes Council

Wellingborough Borough  
CouncilNorthamptonshire County  
CouncilEast Northamptonshire  
Council

## **APPENDIX 2**

# **Respondents to Consultation and Copies of Replies**



## APPENDIX 2

### BODIES WHO REPLIED BY THE STATUTORY DEADLINE

Ampthill Town Council
Bedford Borough Council
Canal and River Trust
Central Bedfordshire Council
Civil Aviation Authority
Energetics UK
English Heritage
Environment Agency
ES Pipelines Limited
Forestry Commission
Fulcrum Pipelines Limited
GTC Pipelines Limited (on behalf of bodies * identified below)
Health and Safety Executive
Highways Agency
Independent Pipelines Limited *
Independent Power Networks Limited *
Luton Borough Council
National Grid
NATS
Natural England
Network Rail
North Hertfordshire District Council
Public Health England
Quadrant Pipelines Limited *
The Chilterns Conservation Board
The Coal Authority
The Electricity Network Company Limited *





## AMPTHILL TOWN COUNCIL

Tel: 01525 404355

Fax: 01525 406957

Email: [council@amphilltowncouncil.org.uk](mailto:council@amphilltowncouncil.org.uk)

Website: [www.amphilltowncouncil.org.uk](http://www.amphilltowncouncil.org.uk)



66 Dunstable Street  
Amphill  
Bedford  
MK45 2JS

Sent by email: [environmentalservices@infrastructure.gsi.gov.uk](mailto:environmentalservices@infrastructure.gsi.gov.uk)

17<sup>th</sup> July 2014

Alison L Down  
EIA & Land Rights Adviser  
On behalf of the Secretary of State

Dear Ms Down

### **Application by Millbrook Power Ltd for an Order Granting Development Consent for the Millbrook Power Project**

Amphill Town Council as a consultation body has the following comments to make in regard to the Millbrook Power Project:

#### **Cooper's Hill (SSSI)**

Cooper's Hill is a nature reserve owned by Amphill Town Council and managed by the Wildlife Trust. It is a site of special scientific interest and the best remaining example in Bedfordshire of the once more extensive heathland on the Greensand ridge. Where Amphill clay reaches the surface on the edge of the site, springs occur, supporting rich marsh plant communities. Within this small area are locally uncommon plant species (this is the only location for marsh violets in Bedfordshire) and a type of habitat very rare in the county. The adverse effect caused by emissions on Cooper's Hill is of concern to us. Sulphur di-oxide and Nitrogen Dioxide, both contributing to acid rain and hampering the growth of plants will have an adverse impact. There is also a health risk from dioxins via the food chain and this too is of concern to us, being a farming area.

We would need reassurance of how these emissions are to be monitored and procedures in the event of the monitoring system failing.

#### **Visual Quality**

- Sheer size of the building will dominate the skyline – most of which will be visible above the edge of Rookery Pit.
- The size of the plant will have a major impact on the visual quality of the landscape and will adversely impair the views from the Vale to the surrounding Greensand Ridge and the panoramic views from the ridge, especially those seen from Amphill Great Park a Grade II listed historic park and Houghton House ruins, a Grade I English Heritage site.
- The building and four chimneys will be seen very clearly from Katherine's Cross, which is surrounded by a Scheduled Ancient Monument area in Amphill Park and will not blend into the landscape.

- Local policy seeks to protect, conserve and enhance the County's scheduled ancient monuments, conservation areas, parks and gardens and their settings. The proposed EFW is contrary to these policies.
- The facility could attract additional industrial activity which would further alter the rural character of the Vale.

### **Biodiversity and Geological Conservation**

- The surrounding villages are all within a rural landscape populated by residents who wish to preserve their rural way of life.
- To situate the facility within Rookery Pit and in close proximity to the Marston Vale Millennium Country Park – a primary purpose of which is to re-forest the Marston Vale – would be a retrograde step ecologically and lead to significant habitat loss and ultimately the industrialisation of Rookery Pit.

### **Socio-Economic**

- We are not convinced that the proposed facility will enhance the local economy as only 15 full time jobs have been identified.
- There will be a detrimental effect on existing property prices which in turn will depress economic activity and undermine the ambition of local communities to develop as tourist destinations.

### **Amphill Park**

Amphill Town Council has just received a grant of £606,800 from the Heritage Lottery Fund (HLF) and the Big Lottery Fund for Amphill Great Park. The project aims to further investigate, restore and enhance the Park's landscape, historic and heritage features, whilst ensuring it meets the needs of its current and future visitors.

Amphill Great Park has a significant heritage and serves the people of the town and surrounding areas with a place for recreation and enjoyment. The grant will enable us to ensure that the park's landscape is enhanced and preserved for the pleasure of future generations. This grant is part of a wider investment of £34.5million of Lottery money to 13 parks across the UK.

This application by Millbrook Power Ltd for a power generation plant will have a detrimental effect on the restoration work we are carrying out in the Park on this major project.

### **Conclusion**

The whole of the Vale does not currently contain heavy industry and is a peaceful area of the countryside enjoyed by local people and visitors alike for its stunning views. The Forest of Marston Vale is one of 12 Community Forests throughout England working to improve the countryside around our towns and cities.

Amphill Town Council are of the opinion that the Secretary of State should conclude that this proposal is the wrong solution to dealing with energy in the proposed catchment area and in the wrong location.

Yours sincerely

Donna J Searle (Miss)  
Deputy Town Clerk

Direct Dial: [REDACTED]

**From:** Michael Robinson [mailto:Michael.Robinson@bedford.gov.uk]  
**Sent:** 18 July 2014 15:42  
**To:** Environmental Services  
**Cc:** Iain Blackley; Paul Rowland (Planning)  
**Subject:** Your ref EN010068 Application by Millbrook Power Ltd for an Order Granting Development Consent for the Millbrook Power Project

**Bedford BC - OFFICIAL-Unsecure**

Dear Sirs,

Further to your letter dated 20<sup>th</sup> June 2014 concerning the above proposal Bedford Borough Council would like to comment that at this stage the scoping for the Environmental Statement appears reasonable but that the Bedford Borough Council will wish to be informed by the applicant's consultants of progress towards the final version of the ES, and will be happy to make available information that the council may have to assist in its comprehensive preparation before the submission of the planning application.

Initial comments from the council's Environmental Health Officer are as follows: -

#### **"Air Quality**

I have no objection to the proposals for the air quality assessment.

I would advise that the assessment makes use of the guidance held within the Environmental Protection UK guidance, Development Control: Planning for Air Quality.

#### **Noise**

With regards to the proposed noise assessment, I would like to emphasise that the noise from the operation of the plant should be assessed in line with BS4142.

BS8233 and the WHO guidance relate to anonymous noise sources, this is not an anonymous noise source and as such, in line with the guidance within BS8233, the assessment should be in line with BS4142.

I do not believe that the draft IEMA/IOA guidance should be used for determining significance. The guidance has been published in a number of draft forms and as such only gives possible examples of significance criteria as part of the consultation, rather than any firm criteria.

I am surprised that the noise contribution arising from electrical connections has been scoped out at this stage. Given the low frequency and highly tonal nature of noise associated with this, and the potential for a significant impact, even at low decibel levels, I would expect the noise to be assessed.

The proposed construction and decommissioning, noise and vibration assessment, should not limit itself to NSR's within 100m of construction activities, but should look at all NSR's that will be affected by the activities.

With regards to possible mitigation, the development is located very near to South Pillinge farm. Alternative locations within the pit should be considered."

I hope that these preliminary comments will assist in the preparation of the ES and I repeat the offer that the council will wish to assist and participate as far as it can in achieving a high quality Environmental Statement in conjunction with Central Bedfordshire Council within whose district the bulk of the development is located.

With kind regards,

**Michael Robinson**  
**Team Leader Major Applications**  
**Environment & Sustainable Communities**  
**Bedford Borough Council**  
4<sup>th</sup> Floor, Borough Hall, Cauldwell Street, Bedford, MK42 9AP  
01234 718538 (47538)  
Web [www.bedford.gov.uk](http://www.bedford.gov.uk)

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From the 1<sup>st</sup> April 2014 Bedford Borough Council introduced a new planning advice service. From this date all general planning information will be available on our website [www.bedford.gov.uk/preapp](http://www.bedford.gov.uk/preapp) However, if your enquiry is site specific and/or the information is not available online, you will need to complete a request for advice on our new enquiry form and pay the appropriate fee. Full information of this new service can be found on our website as shown above.

*'Bedford Borough Council - Working with our partners to make the borough a better place to live, work and visit.'*

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**From:** Jane Hennell [mailto:Jane.Hennell@canalrivertrust.org.uk]  
**Sent:** 18 July 2014 12:28  
**To:** Environmental Services  
**Cc:** info@millbrookpower.co.uk  
**Subject:** Millbrook Power Ltd. Scoping

Thank you for consulting the Canal & River Trust with regard to EIA scoping for the DCO for the proposed Millbrook Power Development.

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, maintaining the nation's third largest collection of listed structures, as well as museums, archives, navigations and hundreds of important wildlife sites. Following the transfer of functions from British Waterways to the Trust in 2012, we are a statutory consultee in the development management process and are consulted on both local and neighbourhood plans as well as NSIPS.

The Trust do not own or maintain any canals in the area of the development site but we are a member of in the Bedford Milton Keynes Waterway Trust Partnership who seek to create a new stretch of waterway. The B&MK Waterway Trust was established in 1995 to promote the development of a broad waterway which will link the Grand Union Canal in Milton Keynes to the river Great Ouse in Bedford through a series of waterway parks. It will include pathways and green space designed to meet the needs of walkers, cyclists, fishermen, and those who simply like to stand and stare.

We fully support the work of the Bedford to Milton Keynes Waterway Trust who, with a range of other partners including Local Authorities and the Environment Agency, are seeking to promote a Waterway Park linking the River Ouse in Bedford with the Grand Union Canal in Milton Keynes. The proposal is strongly supported locally and the route of the proposed Waterway Park is safeguarded in the relevant Local Plans.

The Canal & River Trust note your that the proposed site is some distance from the safeguarded route of the Waterway Park, but because of its strategic nature Millbrook Power is likely to have wider implications for the Marston Vale. We wish to ensure that you are aware of the project and its safeguarded route to ensure that the project, or subsequent supporting work such as pipe lines, do not have an adverse impact on the proposal.

The Trust will in due course register our interest but if you feel it may be beneficial to meet at any time please do not hesitate to contact me. I understand that the Bedford & Milton Keynes Trust will also contact you and will wish to discuss possible opportunities for joint initiatives. If we are able to assist with this in any way we would welcome the opportunity to become involved.

Please ensure that I am listed as your contact within the Canal & River Trust, using the details below, rather than sending documents to our Head Office Milton Keynes.

Jane Hennell  
Area Planner South

The Canal & River Trust  
The Dock Office  
Commercial Road  
Gloucester  
GL1 2EB

Tel. 07747 897793

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The Canal & River Trust is a new charity entrusted with the care of 2,000 miles of waterways in England and Wales. Get involved, join us - Visit / Donate / Volunteer at [www.canalrivertrust.org.uk](http://www.canalrivertrust.org.uk)

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

Elusen newydd yw Glandŵr Cymru sy'n gofalu am 2,000 o filltiroedd o ddyfrffyrdd yng Nghymru a Lloegr. Cymerwch ran, ymunwch â ni - Ewch i Rhoddion a Gwirfoddoli yn [www.glandwrcymru.org.uk](http://www.glandwrcymru.org.uk)

Mae Glandŵr Cymru yn gwmni cyfyngedig drwy warant a gofrestrwyd yng Nghymru a Lloegr gyda rhif cwmni 7807276 a rhif elusen gofrestredig 1146792. Swyddfa gofrestredig: First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB.

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# Development Management

## Central Bedfordshire Council

Priory House, Monks Walk  
Chicksands, Shefford  
Bedfordshire SG17 5TQ  
www.centralbedfordshire.gov.uk



The Planning Inspectorate  
3/20 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**Contact** Lisa Newlands  
**Direct Dial** 0300 300 4185  
**Email** [planning@centralbedfordshire.gov.uk](mailto:planning@centralbedfordshire.gov.uk)  
**Your Ref**  
**Date** 15 July 2014

Dear Sir/Madam,

**Application No:** CB/14/02453/OAC  
**Location:** The Rookery Pit (south), Near Stewartby, Bedfordshire  
**Proposal:** Other Authority Consultation: EIA Scoping Report for The Millbrook Power Project (Gas Power Station)

I refer to your letter dated 20th June 2014 and registered on that date requesting comments on the Scoping Opinion for the Millbrook Power Project at Rookery Pit (South).

The Local Planning Authority has assessed the submitted Scoping report and makes the following comments with regard to the content of the proposed Environmental Statement. Submitted Scoping Report.

The Local Planning Authority generally agrees with the content of the submitted Scoping report but considers that internal consultees have identified further scope that should be included within the Environmental Assessment. These are listed below:

### CBC Ecological Officer

The Council's Ecologist has assessed the Scoping Report submitted and is satisfied that the suite of surveys proposed and the assumed baseline will adequately inform the EIA.

### CBC Archaeological Officer

The bulk of the proposed development is located within Rookery Pit (HER 6681), one of the clay pits that provided the raw material for Stewartby Brickworks during the 20th century. In the wider project site area there are a number of known archaeological sites and features. On the south western edge of the existing clay pit is an Iron Age and Roman settlement (HER 19806) and to the south of that is a ring ditch known from aerial photography (HER 16566), which on morphological grounds is likely to be the remains of a Bronze Age funerary monument. There are also other as yet uncharacterised cropmark features within this area (HER 4469 and HER 9077), some of these may represent land boundaries of unknown date but frequently such cropmarks have been shown to belong to later prehistoric and Roman settlements. On the eastern boundary of the site is a scatter of medieval pottery has been found possibly indicating occupation of that period (HER 15892). These are heritage assets with archaeological interest as defined by the *National Planning Policy Framework (NPPF)*. Archaeological survey and research in the wider Marston Vale has been limited. However, recent investigations in advance of housing development at Stewartby to the north, a road scheme on the northern edge of the Marston Vale and along the route of various pipelines to the south and east have started to identify a range of previously unidentified sites within the Vale dating from the prehistoric to medieval periods. These sites are often difficult to detect

remotely and can only be identified through intrusive investigation and suggest that the Vale contained a much more extensive settlement pattern than had previously been thought. Therefore, the wider project area has the potential to contain so far unidentified archaeological sites and features dating from the prehistoric period.

The proposed development site is also located within the setting of a number of Scheduled Monuments including amongst others Houghton House (HER 729 and SM 1013522) and Ampthill Castle (HER 810 and SM 10009630) in Greensand Ridge to the south, Thrupp End medieval settlement and moated sites (HER 31 and SM 1010364) to the west, The Rectory Moated site (HER 3236 and SM 1009588), Houghton Conquest to the east and Ampthill Park (HER 1369 and RPG 10000378). Under the terms of the *NPPF* these are designated heritage assets of the highest importance. Development within the setting of these designated heritage assets will have an impact on their significance.

The submitted *Scoping Report* rightly identifies cultural heritage and archaeology as one of the topic areas to be covered in the *Environmental Impact Assessment*. It notes that main development is in Rookery Pit and that excavation of the clay will have reduced its potential to contain archaeological remains (5.10.2). This is correct, however, the clay pit itself is of considerable industrial archaeological importance in its association with Stewartby Brickworks. The remains of the brick making industry in the Marston Vale are of national and regional importance. The *EIA* should deal with the impact of the proposal on the remains of the Rookery Pit clay pit. It should also be noted that the permitted southern extension of the clay pit, proposed for extraction in this scheme, contains the remains of an Iron Age and Roman settlement (HER 19806). The potential of the gas and electrical connections outside Rookery Pit to impact on buried archaeological remains is acknowledged. The potential of the development to affect the setting of designated heritage assets is identified and, from an archaeological perspective, the list of sites is comprehensive.

It is proposed that the baseline information for the *EIA* should be collected by means of a desk-based assessment, using the relevant Institute for Archaeologists' standards and guidance document as the basis for the assessment. This is an appropriate standard for a desk-based assessment. It is stated that no intrusive investigation is proposed at this stage (5.10.16). In the gas and electrical connection opportunity area any underground connections will impact on archaeological remains and affect the significance of the heritage assets with archaeological interest. Given the potential for this area to contain as yet unidentified archaeological remains the CBC Archaeological Officer considers that the collection of baseline information on archaeology for the gas and electrical connections should include an archaeological field evaluation comprising geophysical survey and trial trenching of the selected connection routes. The proposals for collecting baseline information on the setting of designated heritage assets seem reasonable. The *Environmental Statement* should contain sufficient visual information to be able to assess the impact on the setting of these assets including from the monuments and into them from a variety of locations, including view sites on the Greensand Ridge from the northern edge of the Marston Vale. The *EIA* should also deal with the cumulative impact of the various other developments in the surrounding area in relation to this proposal on archaeology and the historic environment. Mitigation of the impact of the proposed development on archaeology and the historic environment is dealt with in paragraphs 5.10.17 and 5.10.18. Although there are no specific mitigation proposals although number of options including the preservation of any important archaeological remains in situ, the investigation of others in advance of development and the use of screen planting to minimise the impact on the setting of designated assets. Though it is not possible to establish what an appropriate mitigation strategy might be until the baseline information has been established, this suite of options should provide a reasonable solution.

#### CBC Highways Officer - Development Control

In a highway context this proposal has the potential for major impact on the surrounding highway network. Nevertheless the CBC Highways Officer notes from the information

supplied that the highway issues will be considered and addressed within the Transport Assessment and Travel Plan which will form part of any future submission. This is considered acceptable.

### CBC Landscape Officer

The CBC Landscape Officer has considered the information submitted within the Scoping Report and states in terms of the assessment of cumulative impact - although mentioned in the landscape section, the wind turbine at the Millenium Country Park is not listed as one of the developments to be part of this study. This should be included. In addition to the turbines at Brogborough, there is the potential for a further turbine at Stewartby landfill site, within Bedfordshire Borough Council area.

In terms of viewpoints it would be helpful to have a viewpoint from the crest of Ampthill Hill as this provides an oblique viewpoint over the Vale.

The EIA would need to provide details of the landscape mitigation, including any proposed off site planting. (This has not been referred to within the report but should be fully considered as a mitigation method). Details of the acoustic screen for the above ground installations would be required. The colour palette would also be an important factor in terms of mitigation. Depending on the building structure, mitigation should also include techniques such as green roofs.

The Design and Access Statement would need to clarify the site selection process in terms of the proposal's position within Rookery Pit . The relationship with the Covanta RRF, including the strategic landscape planting and features such as waterbodies, would also require clarification.

### CBC Minerals and Waste

The CBC Minerals and Waste Officer has made the following comments on the Scoping Report submitted.

Section 2.7 of the EIA Scoping report deals with Local Planning Policy. This section makes no mention of the Minerals and Waste Local Plan: Strategic sites and Policies LDD which was adopted by Bedford borough, Central Bedfordshire and Luton borough councils in January 2014. It is part of the development plan for this authority. In the MWLP:SSP Rookery South is identified in Waste Strategic Policy WSP2 as one of four sites for waste recovery uses. It is also additionally identified as a site for the landfilling of non-hazardous waste. These strategic sites are locations where large scale recovery operations should take place and are defined as having a throughput of more than 75,000 tonnes per annum. The Strategic Site at Rookery south is identified on a plan on page 80 and on table 17 on pages 81-82 there is information set out about this site.

A copy of the MWLP:SSP can be found on the CBC website.

Rookery Pit south is already the location of the proposed Resource Recovery Facility (Covanta Energy Limited) for which a Development Consent Order was issued in February 2013. Whilst no progress has been made in discharging any pre-commencement conditions as the American parent company decided to withdraw from the UK shortly after the DCO was issued. However the consent runs for 5 years and so there is the potential for it to be implemented up to February 2018. The site of the Resource Recovery Facility is immediately to the north of that of the proposed power station in rookery Pit south and they would share the access road into the pit from Green Lane.

A screening opinion was undertaken on behalf of both CBC and BBC in 2013 which related to its use for both waste recovery and landfill purposes.

It is noted that paragraph 4.3.2 states that the cumulative impact will take into account the Covanta RRS, the low level restoration scheme for the Rookery pits and the waste management operations at Rookery pit south. Certainly the cumulative impact in terms of traffic could be significant and landscape and ecology too. However, it is not possible to comment further on this at this stage.

The CBC Minerals and Waste Officer is unclear whether the power station proposal might adversely impact on the use of the remainder of the pit for waste recovery purposes or for non hazardous waste landfill particularly with regard to the Electrical and Gas connection areas covering part of the pit.

### CBC Public Protection

The CBC Public Protection Officer has assessed the Scoping report submitted and has made the following comments on the content.

- Operational noise from fixed plant should be assessed using BS4142. I don't agree with the implication that BS8233 should be used as this standard concerns anonymous noise sources.
- Draft guidance should not be used (e.g. 'Guidelines on Noise Impact Assessment')
- Noise from the Electrical Connection should be included in any noise assessment and should not be scoped out prior to undertaking any baseline noise monitoring or not knowing what equipment will be selected.
- Careful consideration should be given to design, layout, orientation and site location in mitigating/managing any noise sources. One form of mitigation which was not mentioned in the Scoping report is that of distance from receptors. The site chosen for the power station is only 90m from South Pilling Farm even though there appears to be plenty of scope to resite the building at a more distant location.

The information given in terms of Air Quality look satisfactory.

### CBC Conservation Officer

Section 5.10 sets out how the effects on cultural heritage and archaeological assets will be carried out.

5.10.12 states how the study is to be set out when considering cultural heritage assets and the method is considered acceptable in principle.

The project site boundary abuts a collection of cultural heritage sites which have been marked on Figure 3.

Initial concerns will be the visual impact the proposed "stacks" will have on the surrounding areas. The proximity to the listed chimney stacks of the closed Stewartby Brickworks (LBC) will need consideration. The industrial heritage of the area has been recognised by the listing of these stacks and any impact on this will need to be considered.

### CBC Sustainable Growth Officer

The climate change risk has been widely recognised and the scoping document itself acknowledges this by listing the UK Climate Change Risk Assessment 2012 as one of the relevant planning and guidance documents. The EIA assessment should therefore cover synergistic and cumulative impacts of the Millbrook Power Station project and climate change on natural environment, particularly on water quality, water resources, ecology and air quality.

### Additional Case Officer Notes

In terms of the legislative and Planning Policy context this should include the emerging Development Strategy for Central Bedfordshire that is currently out to public consultation. This will be given greater material weight as the process continues. This is noted within the Scoping Report in Section 2.

The Minerals and Waste Local Plan: Strategic sites and Policies LDD which was adopted by Bedford Borough, Central Bedfordshire and Luton Borough Councils in January 2014 should be fully considered and referenced within the EIA, and they should form part of the Regulatory and Policy Background.

Yours faithfully,

**Lisa Newlands**  
**Principal Planning Officer**



## Case Administration

---

**From:** Smailes Baggy <Baggy.Smailes@caa.co.uk>  
**Sent:** 23 June 2014 09:38  
**To:** Environmental Services  
**Subject:** FW: Millbrook Power Project Scoping Request  
**Attachments:** 140620\_EN010068\_Millbrook Power Project.pdf

Dear Sirs,

### Proposed Millbrook Power Project – Scoping Comment

Thank you for The Planning Inspectorate's recent correspondence relating to the subject development. The Inspectorate sought related Civil Aviation Authority (CAA) scoping comment; I trust the following is useful.

I note from the Scoping Report (SR) that the tallest associated structures are expected to be between 1 and 5 chimney stacks that would each have a height of up to 60metres (m). On that basis I believe the following (potential) issues are worthy of consideration:

- **Aerodromes.** In respect of any potential aerodrome related issue, I should highlight the need to check any safeguarding maps lodged with relevant planning authorities to identify any aerodrome specific safeguarding issues. To that effect, I note the close proximity of Cranfield Airport to the development site. Noting that aerodrome safeguarding responsibility rests in all cases with the relevant aerodrome operator / licensee, not the CAA, it is important that the related viewpoints of any relevant aerodrome license holders / operators is established and any concerns expressed appropriately mitigated.
- **Aviation Warning Lighting:**
  - In the UK, the need for aviation obstruction lighting on 'tall' structures depends in the first instance upon any particular structure's location in relationship to an aerodrome. If the structure constitutes an 'aerodrome obstruction' it is the aerodrome operator that with review the lighting requirement. For civil aerodromes, they will, in general terms, follow the requirements of CAP 168 - Licensing of Aerodromes. This document can be downloaded from the Civil Aviation CAA website at [www.caa.co.uk/docs/33/CAP168.PDF](http://www.caa.co.uk/docs/33/CAP168.PDF) - Chapter 4 (12.8) refers to obstacle lighting.
  - Away from aerodromes Article 219 of the UK Air Navigation Order applies. This Article requires that for en-route obstructions (ie away from aerodromes) lighting only becomes legally mandated for structures of a height of 150m or more. However, structures of lesser high might need aviation obstruction lighting if, by virtue of their location and nature, they are considered a significant navigational hazard.
  - Cranes, whether in situ temporarily or long term are captured by the points heighted above. Note that if a crane is located on top of another structure, it is the overall height (structure + crane) than is relevant.
  - In this case, given the assumed maximum height of 60m, Article 219 would not apply. In the event that there is no aerodrome issue I can advise that the CAA would not in isolation make any case for lighting.
- **Gas Venting and/or Flaring.** It is assumed that the facility is not intended to vent or flare gas either routinely or as an emergency procedure such as to cause a danger to overlying

aircraft. If that is not the case parties are invited to use myself as an appropriate point of contact for any further related discussion.

- Aviation Promulgation. There is a civil aviation requirement in the UK for all structures over 300 feet high to be charted on aviation maps. It follows that, at 60m (197ft) high, there is no en-route (ie non-aerodrome specific) civil aviation charting requirement. However, if crane usage in the construction phase involves heights of 300ft or more, the temporary structure will need to be appropriately notified. For temporary structures this notification can be achieved through the publication of a **Notice to Airmen (NOTAM)**. If needed by virtue of temporary use of cranes such that the 300ft threshold is breached a NOTAM can be arranged through the developer providing related details to the CAA's Airspace Utilisation Section ([ausops@caa.co.uk](mailto:ausops@caa.co.uk) / 0207 453 6599).
- Military Aviation. For completeness, the Ministry of Defence position in regards to the proposed development and military aviation activity should be established.
- I should also add that that due to the unique nature of associated operations in respect of operating altitudes and potentially unusual landing sites, it would also be sensible to establish the related viewpoint of local emergency services air support units.

I believe that any associated Environmental Statement / Development Consent Order (or equivalent / similar) would be expected to acknowledge and where applicable address the issues highlighted above and accordingly the scoping opinion should make related comment.

Whilst none of the above negates any aforementioned need to consult in line with Government requirements associated with the safeguarding of aerodromes and other technical sites (Government Circular 1/2003 refers), I hope this information matches your requirements. Please do not hesitate to get in touch if you require any further comment or needs clarification of any point.

**Mark Smailes**

Airspace Regulator  
Safety and Airspace Regulation Group  
Civil Aviation Authority  
CAA House  
45-59 Kingsway  
London WC2B 6TE

Tel: 0207 453 6545

---

**From:** Environmental Services [<mailto:EnvironmentalServices@infrastructure.gsi.gov.uk>]  
**Sent:** 20 June 2014 14:05  
**To:** [NSIP.applications@hse.gsi.gov.uk](mailto:NSIP.applications@hse.gsi.gov.uk)  
**Subject:** Millbrook Power Project Scoping Request

Please find attached correspondence about the Millbrook Power Project.

\*\*\*\*\*  
This email and any files transmitted with it are private and intended solely for the use of the individual or entity to which they are addressed. If you are not the

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\*\*\*\*\*



## Case Administration

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**From:** Claire Ferguson <claire.ferguson@energetics-uk.com>  
**Sent:** 23 June 2014 12:48  
**To:** Environmental Services  
**Subject:** EN010068

Dear Sir/Madam,

Thank you for submitting your recent plant enquiry.

Based on the information provided, I can confirm that Energetics **does not** have any plant within the area(s) specified in your request.

Please be advised that it may take around 10 working days to process enquiries. In the unlikely event that you have been waiting longer than 10 working days, or require further assistance with outstanding enquiries, please call 01698 404945.

Please ensure all plant enquiries are sent to [plantenquiries@energetics-uk.com](mailto:plantenquiries@energetics-uk.com)

Regards

**Claire Ferguson**

Technical Clerical Team

Energetics Design & Build  
International House  
Stanley Boulevard  
Hamilton International Technology Park  
Glasgow  
G72 0BN

t: 01698 404979

f: 01698 404940

e: [claire.ferguson@energetics-uk.com](mailto:claire.ferguson@energetics-uk.com)

w: [www.energetics-uk.com](http://www.energetics-uk.com)

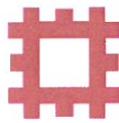
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ENGLISH HERITAGE  
EAST OF ENGLAND OFFICE

Alison L Down  
EIA & Land Rights Adviser  
The Planning Inspectorate  
3/20 Eagle Wing  
Temple Quay House  
2 The Square  
BRISTOL  
BS1 6PN

Telephone 01223 582710  
Fax 01223 582701

Your ref: EN010068

Date: 17 July 2014

Dear Ms Down

**Request for scoping opinion for a proposed development at Millbrook Bedfordshire.**

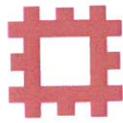
Thank you for your letter of 20<sup>th</sup> June 2014 identifying English Heritage as a statutory consultee in relation to the Planning Act 2008 (as amended) and the infrastructure Planning (Environmental Impact Assessment) regulations 2009 (as amended). Please find below our considerations in relation to the Scoping request and in light of the additional information provided by the applicant for the above case, which includes a site plan, and a scoping report (ORBIS 2014).

The developed comprises of a new gas fired power generation plant, and includes a new access road, temporary construction compound, gas import connection and power export connection. The plant would cover a maximum area of 8 ha, and includes buildings, the turbine hall (with a maximum height of 20m) and 5 chimney stacks of up to 60m in height.

**English Heritage Advice**

We recognise that there are a high number of nationally important designated heritage assets immediately adjacent to the development area which includes scheduled monuments, highly graded listed buildings, Conservation Areas as well as Registered Parks and Gardens. We would broadly support the approach taken the scoping report and the proposals made in the Cultural Heritage and Archaeology Chapter. The report appears to have correctly identified the critical designated heritage assets, and we agree that the applicant must consider the impact upon both designated and non-designated heritage assets, including the impact upon the setting of the heritage assets within the surrounding area. We agree that this would best be dealt with in a specific heritage chapter within the Environmental Statement. Please also note that Houghton House is in guardianship with English Heritage and

24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU  
Telephone 01223 582 700 Facsimile 01223 582 701  
[www.english-heritage.org.uk](http://www.english-heritage.org.uk)



ENGLISH HERITAGE  
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is open to the public at all reasonable times. Views from the site are considered part of its significance.

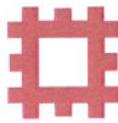
We can also confirm that there are no designated heritage assets within the development area. We also recognise that the project would be located on land within former clay pits known as The Rookery, which will have limited survival of archaeological remains. The development proposal does however include reprofiling of the clay pits, which requires extraction of material from previously unworked areas (see ORBIS 1.1.9: p2). These areas may have archaeological potential, and this is contrary to the statement provided in the Cultural Heritage and Archaeology Chapter (see ORBIS 5.10.2 p55). The archaeological potential of areas outside the former pits is however considered in 5.10.3 (*ibid*). Given the potential impacts, and the uncertainty we would recommend that further advice on the potential for the recovery of undesignated heritage assets within the development area as a whole, and on any requirement for mitigation, should be sought from the Central Bedfordshire Council's Archaeology Service.

It would also be necessary to assess the impact on these heritage assets within the policy tests established by the National Planning Policy Framework, in particular policies 135 and 139. The applicant should also provide sufficient information within the Environment Statement to address the requirement of paragraph 128. We would also expect this to include any relevant assessments in relation to the setting of designated heritage assets as discussed in paragraphs 132 and 134 of the NPPF. We advise that all supporting technical information (desk-based assessments, evaluation and post-excavation reports *etc.*) are included as appendices. Where relevant, the cultural heritage should be cross-referenced to other chapters or technical appendices; for example noise, light, traffic and landscape.

In addition to established policy and guidance, *Planning Policy Statement 5: Planning for the Historic Environment Practice Guide*, which remains in use at the current time, may also be of use. English Heritage has also produced further guidance on setting entitled *The Setting of Heritage Assets*. Our guidance provides a thorough discussion of setting and methods for considering the impact of development on setting, such as the use of matrices.

Whilst standardised EIA matrices are useful tools, we consider the analysis of setting (and the impact upon it) as a matter of qualitative and expert judgement which cannot be achieved solely by use of systematic matrices or scoring systems. English Heritage therefore recommends that these should be seen primarily as material supporting a clearly expressed and non-technical narrative argument within the cultural heritage chapter. The EIA should use the ideas of benefit, harm and loss (as described in NPPF) to set out 'what matters and why' in terms of the heritage assets' significance and setting, together with the effects of the development upon them.

24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU  
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[www.english-heritage.org.uk](http://www.english-heritage.org.uk)



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English Heritage would be happy to provide further advice. Please do not hesitate to contact me should you wish to discuss further.

Yours sincerely



**Dr Will Fletcher**  
Inspector of Ancient Monuments  
e-mail: [will.fletcher@english-heritage.org.uk](mailto:will.fletcher@english-heritage.org.uk)

cc

Martin Oak

24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU  
Telephone 01223 582 700 Facsimile 01223 582 701  
[www.english-heritage.org.uk](http://www.english-heritage.org.uk)

*English Heritage is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.*



The Infrastructure Planning Commission  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

**Our ref:** AC/2014/121264/01-L01  
**Your ref:** EN010068  
**Date:** 15 July 2014

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 MILLBROOK POWER LTD FOR AN ORDER GRANTING  
DEVELOPMENT CONSENT FOR THE MILLBROOK POWER PROJECT  
MILLBROOK, BEDFORDSHIRE**

Thank you for your letter regarding the above mentioned site, which was received on 20 June 2014. We have reviewed the Scoping Report and wish to make the following comments.

We are in agreement with the proposed outline and the information to be included within the Environmental Statement.

As has already been indicated to the Applicant, we recommend that our permitting team is contacted at the earliest opportunity, so that the Environmental Permit that will be required can be parallel tracked with the Development Consent Order process.

Should you wish to discuss this matter further please do not hesitate to contact me.

Yours faithfully

**Neville Benn**  
**Senior Planning Advisor**  
**Sustainable Places**  
Direct dial 01480 483996  
Direct e-mail [neville.benn@environment-agency.gov.uk](mailto:neville.benn@environment-agency.gov.uk)





## Case Administration

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**From:** ES Pipelines <email@espipelines.com>  
**Sent:** 23 June 2014 10:24  
**To:** Environmental Services  
**Subject:** Plant Affected Notice from ES Pipelines  
**Attachments:** Guidelines when working in vicinity of gas apparatus up to 7barg MOP rev April 14.3.pdf; ESN010961.pdf; PPS7527.pdf; 9008512.pdf; 9008512-02.pdf

Alison Down  
The Planning Inspectorate

23 June 2014

Our Ref: PE126384  
Your Ref: Millbrook Power Project Scoping Request

### **Millbrook Power Project**

Dear Sir/Madam,

Further to your enquiry received on 23/06/2014, I can confirm that ES Pipelines Ltd may be affected by the proposed works in the area of Millbrook Power Project. ES Pipelines Ltd has a low pressure gas main serving the area in question (Reference **ESN010961/PPS7527/9008512**) at grid reference E504318, N246670 and security of supply is vitally important.

Project drawing as laid extracts for these sites are enclosed (not to scale) for your information which show the approximate location of the ES Pipelines Ltd gas network close to the area of interest off Millbrook Power Project.

As your plans for the proposed work develop you are required to keep ES Pipelines Ltd regularly updated about the extent and nature of your proposed works in order for us to fully establish whether any additional precautionary or diversionary works are necessary to protect our gas network.

Arrangements can be set in place so that one of our representatives can meet on site (date to be agreed) and we will be happy to discuss the impact of your proposals on the gas network once we have received the details.

A list of precautionary measures is attached for your information. This must be passed on to the appointed Contractors carrying out the work and any other associated parties.

ESP Are continually constructing new gas and electricity networks and this notification is valid for 90 days from the date of this letter. If your proposed works start after this period of time, please re-submit your enquiry.

If you wish to discuss the matter further please contact myself or the team on 01372 227560, alternatively you can email us at [PlantResponses@espipelines.com](mailto:PlantResponses@espipelines.com).

Yours faithfully,

Alan Slee  
Operations Manager

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**PRECAUTIONS TO BE TAKEN WHEN CARRYING OUT WORK IN THE VICINITY OF UNDERGROUND GAS PIPES**

**ADVICE TO SITE PERSONNEL**

**MANAGEMENT NOTE**

Please ensure that a copy of this note is read by your site management and to your site operatives.

Early consultation with ESP Utilities Group prior to excavation is recommended to obtain the location of plant and precautions to be taken when working nearby.

This Guidance Note should be read in conjunction with the Health and Safety Executive guidance HSG47 "Avoiding danger from underground services".

---

**Introduction**

Damage to ESP Utilities Group's plant can result in uncontrolled gas escapes which may be dangerous. In addition these occurrences can cause expense, disruption of work and inconvenience to the public.

Various materials are used for gas mains and services. Cast Iron, Ductile Iron, Steel and Plastic pipes are the most widely found. Modern Plastic pipes are either bright yellow or orange in colour.

Cast Iron and Ductile Iron water pipes are very similar in appearance to Cast Iron and Ductile Iron gas pipes and if any Cast Iron or Ductile Iron pipe is uncovered, it should be treated as a gas pipe. ESP Utilities Group do not own any metallic gas pipes but their gas network infrastructures may be connected to Cast Iron, Ductile Iron or Steel pipes owned by Transco.

The following general precautions apply to Intermediate Pressure (2-7barg MOP), Medium Pressure (75mbarg-2barg MOP), Low Pressure (up to 75mbarg MOP) and other gas mains and services likely to be encountered in general site works and are referred to within this document as '**pipes**'.

**Locating Gas Pipes**

It should be assumed when working in urban and residential areas that gas mains and services are likely to be present. On request, ESP Utilities Group will give approximate locations of pipes derived from their records. The records do not normally show the position of service pipes but their probable line can be deducted from the gas meter position. ESP Utilities Group's staff will be pleased to assist in the location of gas plant and provide advice on any precautions that may be required. The records and advice are given in good faith but cannot be guaranteed until hand excavation has taken place. Proprietary pipe and cable locators are available although generally these will not locate plastic pipes.

**Safe working Practices**

**To achieve safe working conditions adjacent to gas plant the following must be observed:**

Observe any specific request made by ESP Utilities Group's staff.

Gas pipes must be located by hand digging before mechanical excavation. Once a gas pipe has been located, mechanical excavation must proceed **with care**. A mechanical excavator must not in any case be used within 0.5 metre of a gas pipe and greater safety distances may be advised by ESP Utilities Group depending on the mains maximum operating pressure (MOP).

Where heavy plant may have to cross the line of a gas pipe during construction work, the number of crossing points should be kept to a minimum. Crossing points should be clearly indicated and crossings at other places along the line of the pipe should be prevented.

Where the pipe is not adequately protected by an existing road, crossing points should be suitably reinforced with sleepers, steel plates or a specially constructed reinforced concrete raft as necessary. ESP Utilities Group staff will advise on the type of reinforcement necessary.

No explosives should be used within 30 metres of any gas pipe without prior consultation with ESP Utilities Group.

**ESP Utilities Group must be consulted prior to carrying out excavation work within 10 metres of any above ground gas installation.**

Where it is proposed to carry out piling or boring within 15 metres of any gas pipe, ESP Utilities Group should be consulted prior to the commencement of the works.

Access to gas plant must be maintained at all times during on site works.

### Proximity of Other Plant

A minimum clearance of 300 millimetres (mm) should be allowed between any plant being installed and an existing gas main to facilitate repair, whether the adjacent plant be parallel to or crossing the gas pipe. No apparatus should be laid over and along the line of a gas pipe irrespective of clearance.

No manhole or chambers shall be built over or around a gas pipe and no work should be carried out which results in a reduction of cover or protection over a pipe, without consultation with ESP Utilities Group.

### Support and Backfill

Where excavation of trenches adjacent to any pipe affects its support, the pipe must be supported to the satisfaction of ESP Utilities Group and must not be used as an anchor or support in any way. In some cases, it may be necessary to divert the gas pipe before work commences.

Where a trench is excavated crossing or parallel to the line of the gas pipe, the backfill should be adequately compacted, particularly beneath the pipe, to prevent any settlement which could subsequently cause damage to the pipe.

In special cases it may be necessary to provide permanent support to the gas pipe, before backfilling and reinstatement is carried out. Backfill material adjacent to gas plant must be selected fine material or sand, containing no stones, bricks or lumps of concrete, etc., placed to a minimum depth of 150mm around the pipes and well compacted by hand. No power compaction should take place until 300 mm of selected fine fill has been suitably compacted.

If the road construction is in close proximity to the top of the gas pipe, a "cushion" of selected fine material such as sand must be used to prevent the traffic shock being transmitted to the gas pipe. The road construction depth must not be reduced without permission from the local Highway Authority.

No concrete or other hard material must be placed or left under or adjacent to any Cast Iron pipe as this may cause fracture of the pipe at a later date.

Concrete backfill should not be used closer than 300 mm to the pipe.

### Damage to Coating

Where a gas pipe is coated with special wrapping and this is damaged, even to a minor extent ESP Utilities Group must be notified so that repairs can be made to prevent future corrosion and subsequent leakage.

### Welding or "Hot Works"

When welding or other "hot works" involving naked flames are to be carried out in close proximity to gas plant and the presence of gas is suspected, ESP Utilities Group must be contacted before work commences to check the atmosphere. Even when a gas free atmosphere exists care must be taken when carrying out hot works in close proximity to gas plant in order to ensure that no damage occurs.

Particular care must be taken to avoid damage by heat or naked flame to plastic gas pipes or to the protective coating on other gas pipes. **Leakage from Gas Mains or Services**

If damage or leakage is caused or an escape of gas is smelt or suspected the following action should be taken at once:

- ❖ Remove all personnel from the immediate vicinity of the escape;
- ❖ Contact Transco's National Gas Escape Call Centre, on: **0800 111 999**;
- ❖ Prevent any approach by the public, prohibit smoking, extinguish all naked flames or other source of ignition for at least 15 metres from the leakage;
- ❖ Assist gas personnel, Police or Fire Service as requested.

**REMEMBER – IF IN DOUBT, SEEK ADVICE FROM ESP UTILITIES GROUP.**

**ESP Utilities Group can be contacted at:**

**Office Address:** Hazeldean, Station Road, Leatherhead, Surrey, KT22 7AA

**Office Tel:** 01372 227560; **Fax:** 01372 377996





FPL REF: 9008512

it in view

63 PE

SE

T1 : 1.0m from kerb / kerb LINE OF SIGHT

12  
90 PE

25

BM 75.98m

4" SI

El Sub Sta

7

20

23

8

**AS LAID TEMPLATE**

PROJECT REFERENCE: 4171581

DESIGNED BY: Hayley Barron

SITE ADDRESS:

25A  
HAMPDEN ROAD  
FLITWICK BEDFORD  
MK45 1HX

SCALE: 1:500 @ A3

MAP/GRID REF:

COMMENTS:

From existing 4" SI (main)  
(See variation / DR 8)  
has 56.0m x 63mm LPE main  
Cable Type: WPT 2 DampOR  
Cable Depth: 1.0m  
Cable Codes:  
503245 03+526

DRAWN BY: H. Barron

COMPANY: INTELLIPLAN

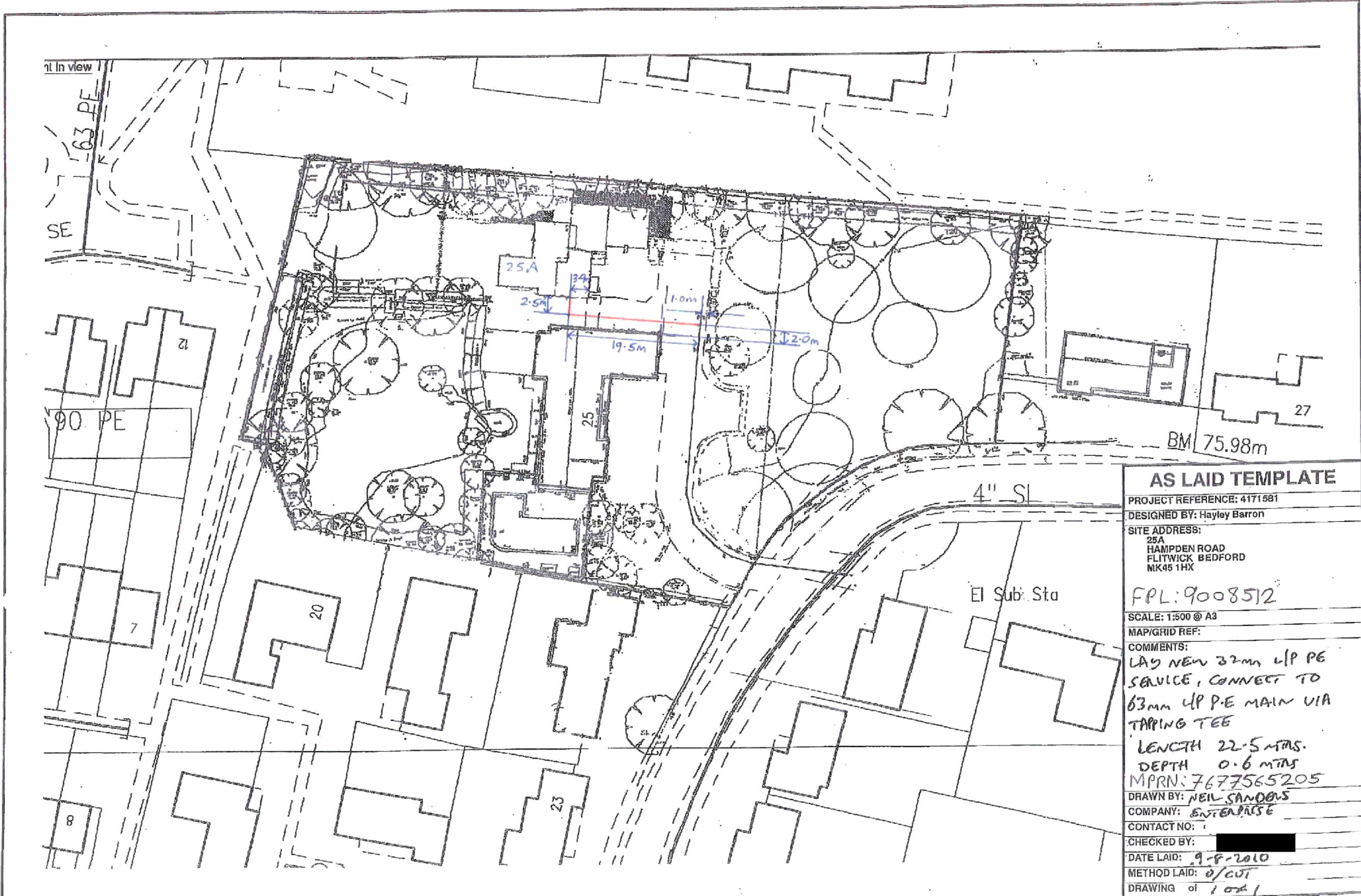
CONTACT NO:

CHECKED BY: [Redacted] 2/02/10

DATE LAID: 28. 7. 10

METHOD LAID: VC ORT

DRAWING 1 of 1



<b>AS LAID TEMPLATE</b>	
PROJECT REFERENCE:	4171581
DESIGNED BY:	Hayley Barron
SITE ADDRESS:	25A HAMPDEN ROAD FLITWICK BEDFORD MK45 1HX
	FPL: 9008512
SCALE:	1:500 @ A3
MAP/GRID REF:	
COMMENTS:	LAY NEW 32mm UP PE SERVICE, CONNECT TO 63mm UP PE MAIN VIA TAPPING TEE
	LENGTH 22.5MTRS.
	DEPTH 0.6MTRS
	MPRN: 7677565205
DRAWN BY:	NEIL SANDOZ
COMPANY:	ENTERPRISE
CONTACT NO:	
CHECKED BY:	
DATE LAID:	9-8-2010
METHOD LAID:	0/CUT
DRAWING OF:	1 OF 1

**Forest Services  
East & East Midlands  
Santon Downham  
Brandon  
Suffolk  
IP27 0TJ**

***By email only***

Attn: Alison Down  
Planning Inspectorate (National  
Infrastructure Directory)  
Temple Quay House  
Temple Quay,  
Bristol  
BS1 6PN

Tel 01842 815544  
Fax 01842 813932  
eandem@forestry.gsi.gov.uk

3<sup>rd</sup> July 2013

Area Director  
Steve Scott

Our Ref: Millbrook/03.07.14/01

Dear Ms Down,

**Application Millbrook Power Project – Scoping consultation**

The Forestry Commission as the Government Department with responsibility for trees and woodland have examined the Environmental Impact Scoping report. We are aware of the modest amount of woodland on site of some 2.4 ha, and there is woodland around the site. The scoping report as such only deals with what is there currently and we would be interested in any proposals in later stages to increase woodland coverage as part of any landscaping and screening.

Both planting and felling of trees could constitute “afforestation or deforestation” under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (Statutory Instrument No. 2228/1999) for which the Forestry Commission is the competent authority, and may therefore require consent from the Forestry Commissioners - a summary of the regulations is in the annex to this letter.

Government policy is seeking to increase woodland cover to some 2000ha per annum and we are aware of the ambition for the Forest of Marston Vale which is close to this therefore we hope that the developers will seek to avoid any deforestation. Should this be a requirement we would like to see compensatory new plantings in the ratio of at least 4:1 i.e. four trees planted to one removed, this precedent having been set in other planning applications.

While no felling is indicated so far we would remind developers that if planning consent is granted then this precludes the requirements for felling licences, however, until consent is given, trees cannot be felled without the issuing of a Felling Licence from the Forestry Commission.

Should any deforestation require compensatory plantings we would also like to suggest that proposers think about the long term management of any woodland created and consider ensuring an appropriate woodland management plan is in place should the project go ahead.

We can provide advice if required.

Yours sincerely

[REDACTED]

Corinne Meakins  
Local Partnership Advisor  
Cc Milbrook Power

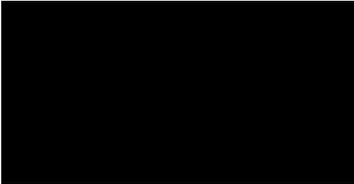
Annex

Forestry Authorities carrying out an EIA under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (Statutory Instrument No. 293/1999) must **inform the Forestry Commission of the conclusions reached** in considering any afforestation or deforestation. (The context of guidance issued by the European Commission in 2008 is helpful in determining which regulations may apply. [http://ec.europa.eu/environment/eia/pdf/interpretation\\_eia.pdf](http://ec.europa.eu/environment/eia/pdf/interpretation_eia.pdf) )

In the light of this response the FC will then be in a position to determine whether or not consent from the Forestry Commissioners may be required. **In the event that the Commissioners' consent is required then the FC would have to consider the impact of the project as a whole i.e. including all the development.** Not just that arising from impact on any woodland. This arises from a judgement in 2007 by the High Court <http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Admin/2007/1623.html&query=newbottle+and+wood&method=boolean>

If we can be of any assistance in clarifying any of the above please do not hesitate to contact me.

Yours sincerely



Steve Scott  
Area Director  
16<sup>th</sup> December 2013



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**From:** Penlington, Graham [mailto:Graham.Penlington@fulcrum.co.uk] **On Behalf Of**  
&box\_FPLplantprotection\_conx,  
**Sent:** 27 June 2014 08:55  
**To:** Environmental Services  
**Subject:** RE: Millbrook Power Project Scoping Request

Thank you for asking Fulcrum Pipelines Limited to examine your consultation document for the above project.

We can confirm that Fulcrum Pipelines Limited have no comments to make on this scoping report. Please note that we are constantly adding to our underground assets and would strongly advise that you consult us again prior to undertaking any excavations.

Please note that other gas transporters may have plant in this locality which could be affected.

We will always make every effort to help you where we can, but Fulcrum Pipelines Limited will not be held responsible for any incident or accident arising from the use of the information associated with this search. The details provided are given in good faith, but no liability whatsoever can be accepted in respect thereof.

If you need any help or information simply contact Fulcrum on 0845 641 3060

To save you time, any future requests for information about our plant, can be emailed to [FPLplantprotection@fulcrum.co.uk](mailto:FPLplantprotection@fulcrum.co.uk)

GRAHAM PENLINGTON  
Process Assistant



Tel: 0845 641 3060  
Direct Dial: 01142 804 175

Email: [Graham.Penlington@fulcrum.co.uk](mailto:Graham.Penlington@fulcrum.co.uk)  
Web: [www.fulcrum.co.uk](http://www.fulcrum.co.uk)



## FULCRUM NEWS

### FULCRUM ENGINEER SCOOPS TOP GAS INDUSTRY AWARD

Fulcrum's Paul Leighton named as the UK gas industry's 2014 Engineer of The Year. [Learn more.](#)

### FULCRUM TOASTS SUCCESSFUL COMPLETION OF HISTORIC £7.6MILLION, 16 MILE GAS PIPELINE

16-mile link to Scotland's main gas network completed six-months ahead of schedule despite winter temperatures of -12°C. [Learn more.](#)



**From:** [Margaret.Ketteridge@gtc-uk.co.uk](mailto:Margaret.Ketteridge@gtc-uk.co.uk) [<mailto:Margaret.Ketteridge@gtc-uk.co.uk>]  
**Sent:** 09 July 2014 14:00  
**To:** Environmental Services  
**Subject:** EN010068

Dear Sirs

With reference to the above I can confirm that the following have no comments to make at this moment in time.:-

Independent Pipelines Limited  
Quadrant Pipelines Limited  
GTC Pipelines Limited  
The Electricity Network Company  
Independent Power Networks Limited

Kind Regards

Maggie

Maggie Ketteridge  
*Engineering Support Officer*  
GTC  
Energy House  
Woolpit Business Park  
Woolpit  
Bury St Edmunds  
Suffolk, IP30 9UP  
Tel: 01359 245406  
Fax: 01359 243377  
E-mail: [margaret.ketteridge@gtc-uk.co.uk](mailto:margaret.ketteridge@gtc-uk.co.uk)  
Web: [www.gtc-uk.co.uk](http://www.gtc-uk.co.uk)

NOTE:

This E-Mail originates from GTC, Energy House, Woolpit Business Park, Woolpit, Bury St Edmunds, Suffolk, IP30 9UP  
VAT Number: GB688 8971 40. Registered No: 029431.

DISCLAIMER

The information in this E-Mail and in any attachments is confidential and may be privileged. If you are not the intended recipient, please destroy this message, delete any copies held on your system and notify the sender immediately. You should not retain, copy or use this E-Mail for any purpose, nor disclose all or any part of its content to any other person. Whilst we run antivirus software on Internet E-Mails, we are not liable for any loss or damage. The recipient is advised to run their own up to date antivirus software.

Thank you



HID Policy - Land Use Planning  
NSIP Consultations  
Building 5.S.2, Redgrave Court  
Merton Road, Bootle  
Merseyside, L20 7HS

Your ref: 140620\_EN010068  
Our ref: 4.2.1.4155

HSE email: [NSIP.applications@hse.gsi.gov.uk](mailto:NSIP.applications@hse.gsi.gov.uk)

FAO Alison Down  
The Planning Inspectorate  
3/20 Eagle Wing,  
Temple Quay House  
2 The Square, Bristol  
BS1 6PN

Dear Ms Down,

17 July 2014

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

Thank you for your letter of 20 June 2014 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?

There is no encroachment of the proposed site of the power generation plant on the consultation zones (CZs) of hazardous installations or major accident hazard pipelines (MAHPs).

The proposed DCO site boundary will fall within the CZs of the following MAHPs:

- The inner, middle and outer CZs of the 7 Feeder Old Warden/Slapton MAHP operated by National Grid Gas PLC (HSE Ref: 7592 / TRANSCO Ref: 1846),
- The inner, middle and outer CZs of the 9 Feeder Huntingdon/Whitwell MAHP operated by National Grid Gas PLC (HSE Ref: 7594 / TRANSCO Ref: 1848),
- The inner, middle and outer CZs of the 26 Feeder Willington/Steppingley MAHP operated by National Grid Gas PLC (HSE Ref: 9945 / TRANSCO Ref: 2722),

The DCO site boundary contains the electrical and gas connection opportunity areas. Depending on the route chosen, the encroachment on CZs may be necessary in making the grid electrical connection. Encroachment on CZs will be necessary when making the gas connection to either the 7 Feeder Old Warden/Slapton, the 9 Feeder Huntingdon/Whitwell or the 26 Feeder Willington/Steppingley MAHPs. With reference to HSE's LUP policy and the encroachment on the existing MAHP CZs, we would not expect to be consulted on the grid electrical connection or the gas pipe laying and above ground installation (AGI) construction activities because they would not be relevant development types.

The proposed high-pressure gas supply pipeline to the power generation plant will be a MAHP requiring notification under the Pipelines Safety Regulations 1996 ( <http://www.hse.gov.uk/pipelines/notification.htm> ).

On receipt of the notification, HSE will set LUP consultation zones around the pipeline that may affect future development that introduces new populations along the pipeline route. HSE would be a statutory consultee on planning applications that fall within the CZs set for the new pipeline, and we would give our advice on such developments (either advise against or don't advise against) using the Planning Advice for Developments Near Hazardous Installations Information Package (PADHI+) methodology. Interested parties may wish to consider the potential to hinder future development in the area in the selection of the pipeline route.

### Explosives sites

The Millbrook Power Project scoping request does not impinge on the separation distances of any licensed explosive sites as there are none in the vicinity of the application, therefore HSE has no comment to make.

### **Electrical Safety**

The project involves connections to electrical power distribution systems and has an impact on the existing generation, transmission and distribution assets on the UK mainland. In the light of that, HSE offers the following comments:

As well as satisfying general health and safety legislation (i.e. the Health and Safety at Work etc Act 1974 and supporting regulations), the proposed design and future operations must comply with the Electricity at Work Regulations 1989 and the Electricity, Safety, Continuity and Quality Regulations 2002 as amended. Generators, distributors, their contractors and others have defined duties in order to protect members of the public from the dangers posed by the electrical equipment used. enforces the safety aspects of these regulations. If you have any doubts about the particular application of these regulations in terms of either the operation or construction of generators, substations, overhead lines or underground cables please contact Mr J C Steed, Principle Specialist Electrical Inspector, either at [john.steed@hse.gsi.gov.uk](mailto:john.steed@hse.gsi.gov.uk) or Rose Court GSW, 2 Southwark Bridge Road, London, SE1 9HS.

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:

Miss Laura Evans  
NSIP Consultations  
5.S.2 Redgrave Court  
Merton Road  
Bootle  
Merseyside  
L20 7HS

Yours sincerely,



Laura Evans  
HID Policy - Land Use Planning

Our ref:  
Your ref: EN010068

Jenny Volp  
Asset Manager - Area 8

Alison Down  
EIA and Lands Rights Adviser

Woodlands  
Manton Lane  
Bedford MK41 7LW

via email:  
environmentalservices@infrastructure.gsi.gov.uk

Direct Line: 01234 796590

8 July 2014

Dear Ms Down

**SCOPING CONSULTATION ON APPLICATION BY MILLBROOK LTD FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE MILLBROOK POWER PROJECT**

Thank you for your letter of 20 June requesting comments from the Highways Agency regarding the scoping opinion for the Millbrook Power Application.

I have read the applicants Scoping report and in particular section 5.9 on Transport, I have a few comments which I have listed below:

1. I understand that there are currently 2 proposed access routes to the site – one being from Junction 13 of the M1. Both access routes need to be assessed in line with current guidance – you should be aware of DfT Circular 02/13 and the Highways Agency Planning Protocols. I would expect the transport assessment to fully assess the impact on the Strategic and Local Road network throughout construction, operation and decommissioning periods.
2. Any abnormal loads will need to be discussed and their route agreed either at the planning stage or shortly after to ensure that the impact on the road network is minimised
3. A construction management plan should be put in place to ensure that the impact on the road network is minimised – deliveries to the site should be out of peak periods.
4. I would also expect to see a travel plan for staff working at the site to be implemented to reduce the number of trips associated with the development.

I note that the applicant has mentioned that they will hold discussions with the Highways Agency – I would be grateful if you could pass my details on to them so that we may be involved in the preparation of the Transport assessment at an early stage.

Yours sincerely



Jenny Volp  
ADT - Area 8  
Email: [jenny.volp@highways.gsi.gov.uk](mailto:jenny.volp@highways.gsi.gov.uk)

**Contact:**

Wendy Rousell

**Direct line:**

546317

**Email:**

developmentcontrol@luton.gov.uk

**Our ref:**

WR/Millbrook

**Your ref:**

EN010068

[www.luton.gov.uk](http://www.luton.gov.uk)

Ms Alison Down  
EIA and Land Rights Advisor  
3/20 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol BS1 6PN

17 July 2014

Dear Ms Down

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

**Application by Millbrook Power Ltd for an Order Granting Development  
Consent for the Millbrook Power 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 letter dated 20<sup>th</sup> June 2014 concerning the above scoping consultation.

I have considered the scoping report that has been posted on the National Infrastructure pages of the Planning Portal and in the context of Luton Borough Council, I am generally in agreement with the scoping and the methodology proposed.

There are, however, a couple of comments that I would like to bring to your attention. It is not clear from this document if the Millbrook Power proposal is in addition to or in place of one of the waste recovery proposals at Rookery Pits. I note that these will be included in the cumulative assessment as part of the proposal and it would be helpful for the final submission to include a plan indicating the location of the sites. I believe this will be of assistance to both Statutory/technical consultees and members of the public.

I note that an Air Quality Assessment will be submitted and that consultation on this would take place with EHO's from Bedford Borough and Central Bedfordshire Councils. Given that the stacks are indicated to be up to 60m in height, the modelling should include predications of the plume and rate of dispersal of NOx and any other particulates that may be identified.

In respect of impact on the highway, it is noted that the main access road is via Green Lane, Bedford Road and A421. However Para 5.9.2 of the Scoping Report makes it clear that most of the traffic that would use this route would be during construction. There is no indication of the number of people wanting to access the site during its operational phase. I would therefore expect the Transport Assessment to cover this in more detail.

The applicants may be interested to know that, as part of the proposals for the western section of the East West Rail scheme is that I understand that Network Rail and the Department for Transport (Rail section) are currently looking at alternative alignments for the Bedford to Bletchley section, one of which involves a proposal known as the Stewartby Chord that runs between the Marston Vale line and the Midland Main Line south of Stewartby via the higher ground between Rookery North and South pits; this will cross the access track near the bend. Luton Borough Council can provide further details of these proposals as can Central Beds Minerals and Waste team and the site owners, O&H. In this context it is also worth consulting with Network Rail at an early stage.

It is noted that the Scoping report does not refer to routes used by cyclists, walkers and equestrians around this area. It is understood that there is a growing network of such routes, which may be permissive rather than statutory routes, which should be taken into consideration.

In preparing the landscape assessment, it might also be worth considering views from Luton from the Warden Hills and from the A6 across Barton Le Clay. There are a number of high points in this area, where the impact of the proposed stacks may be relevant.

To date, other than the Scoping Report, I have not seen any details of the proposal and I trust that the applicant and the Planning Inspectorate will note this when preparing the Statement of Community Consultation.

I trust this information is of assistance. Please do not hesitate to contact me if you require any clarification on the points made.

Yours sincerely

A black rectangular box redacting the signature of Wendy Rousell.

Wendy Rousell  
Airport Planning Officer

Letter sent by email

The Planning Inspectorate  
3/20 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**Land and Development**  
Laura Kelly  
Town Planner  
Network Engineering  
Laura.kelly@nationalgrid.com  
Direct tel: +44 (0)1926 654686

www.nationalgrid.com

SUBMITTED VIA EMAIL TO:  
environmentalservices@infrastructure.gsi.gov.uk

27 June 2014

Your Ref: EN010068

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 Millbrook Power Ltd for an Order Granting Development Consent for the Millbrook Power Project**

This is a joint response by National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG)

I refer to your letter dated 20<sup>th</sup> June 2014 regarding the above proposed application. Having reviewed the scoping report, I would like to make the following comments:

**National Grid Infrastructure within or in close proximity to the Proposed Order Limits**

**National Grid Electricity Transmission**

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

- ZA 400kV Overhead Transmission Line – Grendon- Sundon

The following points should be taken into consideration:

- 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/applIII-part2](http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl_final/appendixIII/applIII-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](http://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
- Due to the scale, bulk and cost of the transmission equipment required to operate at 275kV or 400kV we only support proposals for the relocation of existing high voltage overhead lines where such proposals directly facilitate a major development or infrastructure project of national importance which has been identified as such by government.

To view the Development Near Lines Documents. Please use the link below:

[http://www.nationalgrid.com/uk/LandandDevelopment/SC/devnearohl\\_final/](http://www.nationalgrid.com/uk/LandandDevelopment/SC/devnearohl_final/)

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/>

## **National Grid Gas Transmission**

National Grid has three high pressure gas transmission pipelines located within or in close proximity to the proposed order limits. The high pressure gas pipeline located within this area is:

- FM09- Huntingdon- Steppingley
- FM26- Huntington- Steppingley
- FM07- Old Warden- Chalgrove

## **Specific Comments – 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:

<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 is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.**

**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.**

**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.**

**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: [DCOConsultations@nationalgrid.com](mailto:DCOConsultations@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.

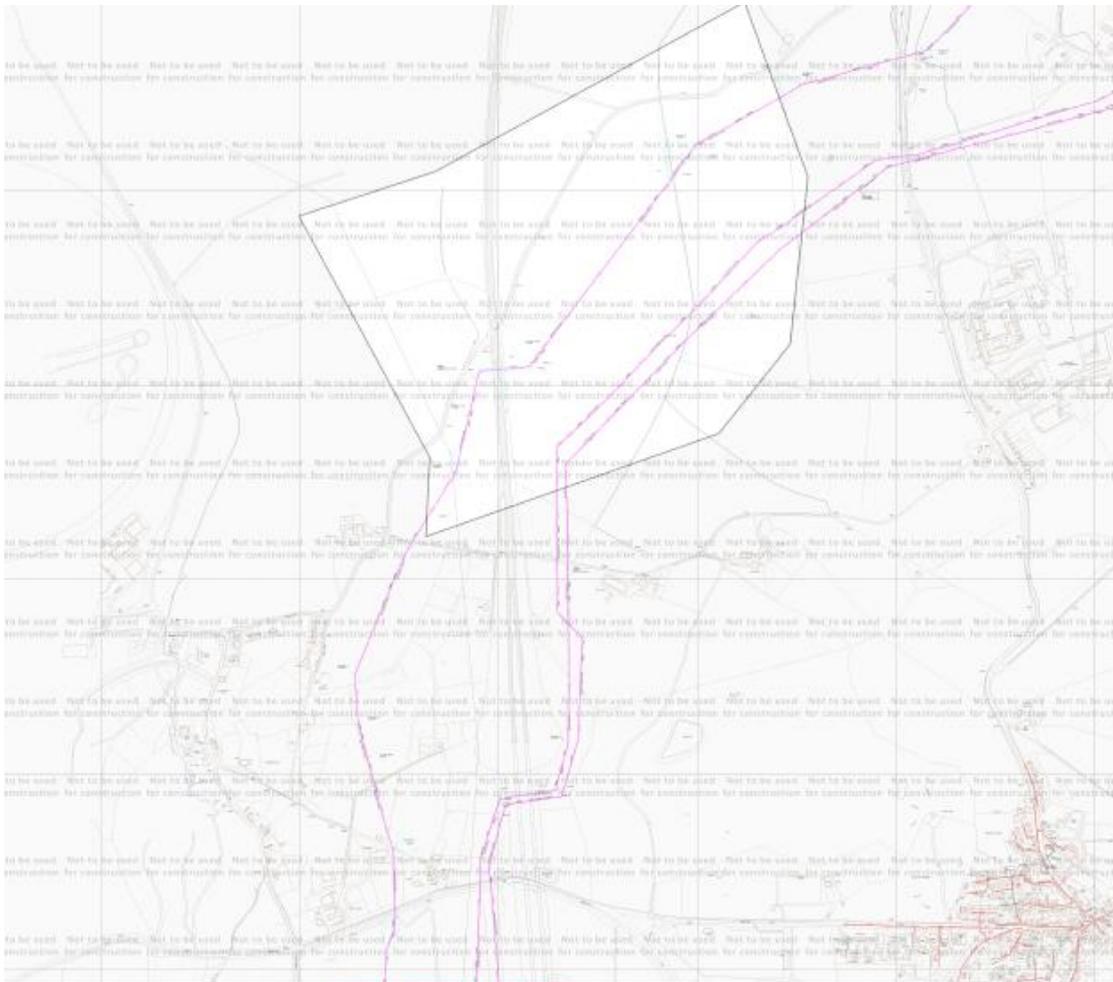
The information in this letter is provided notwithstanding any discussions taking place in relation to connections with electricity or gas customer services.

Yours sincerely



**Laura Kelly**  
**Town Planner, Land and Development**

(Submitted Electronically)



IA_TE_Z3_3FWP_018789		View extent: 2890m, 3670m	<b>National Grid objects to this application</b>	Map 1 of 2 (GAS)	
ER: rebecca.flint	UP MARKS		<p>This plan shows those pipes owned by National Grid Gas plc in its role as a Licensed Gas Transporter (GTT). Gas pipes owned by other GTTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc. are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Gas plc or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HSE/G47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas premises. The information included on this plan should not be referred to beyond a period of 28 days from the date</p>	MAPS Plot Server Version 1.8.0	
FE: 27/06/2014	IP MARKS				<p>Requested by: National Grid This plan is reproduced from or based on the</p>
FA DATE: 26/06/2014	IHP MARKS				
Milnes Power Project (RF)	IHP MARKS			<p>Scale: 1:300m Approximate scale 1:10000 on A3 Colour Printout</p>	
* REF: TL0239					
ITRE: 502138, 239797					



TR_24_2FW*_018789	View extent: 2800m, 2670m	<b>National Grid objects to this application</b>	<b>Map 2 of 2 (ELECTRIC)</b>
I: rebecca flint	Underground cables	<p>This plan shows those cables owned by National Grid Electricity Transmission plc in its role as a Licensed Electricity Transporter (ET). Electricity cables owned by other ETs, or otherwise privately owned, may be present in this area. Information with regard to such cables should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Ancillary equipment such as cooling systems and communication cables are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Electricity Transmission plc or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HSG147, must be used to verify and establish the actual position of cables and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near electricity apparatus. The information included on this plan should not be relied to beyond a period of 28 days from the date of issue.</p>	MAPS Plot Server Version 1.8.0
: 27/06/2014	Overhead lines		<b>nationalgrid</b>
DATE: 22/11/2013	 <p>0m 100m 200m Approximate scale 1:10000 on A3 Colour Printout</p>		Requested by National Grid
Ibexak Power Project (RF)			This plan is reproduced from or based on the CG map by National Grid Electricity Transmission plc, with the sanction of the controller of HM
EP: TLD239			
RE: 502138, 239797			

## Case Administration

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**From:** ROSSI, Sacha <Sacha.Rossi@nats.co.uk>  
**Sent:** 24 June 2014 15:13  
**To:** Environmental Services  
**Cc:** NATS Safeguarding  
**Subject:** RE: Millbrook Power Project Scoping Request

Dear Sir/Madam,

NATS anticipates no impact from the proposal and has no comments to make.

Regards  
S. Rossi  
NATS Safeguarding Office

**Mr Sacha Rossi**  
ATC Systems Safeguarding Engineer

☎: 01489 444 205  
✉: [sacha.rossi@nats.co.uk](mailto:sacha.rossi@nats.co.uk)

NATS Safeguarding  
4000 Parkway,  
Whiteley, PO15 7FL

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

---

**From:** Environmental Services [<mailto:EnvironmentalServices@infrastructure.gsi.gov.uk>]  
**Sent:** 20 June 2014 14:05  
**To:** [NSIP.applications@hse.gsi.gov.uk](mailto:NSIP.applications@hse.gsi.gov.uk)  
**Subject:** Millbrook Power Project Scoping Request

Please find attached correspondence about the Millbrook Power Project.

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Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.

\*\*\*\*\*

Date: 18 July 2014  
Our ref: 124328  
Your ref: EN010068



ALISON L DOWN  
EIA & Land Rights Adviser  
on behalf of the Secretary of State  
3/20 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 Alison

**Planning Act 2008 (as amended) and The Infrastructure Planning  
(Environmental Impact Assessment) Regulations 2009 (as amended) –  
Regulations 8 and 9  
Application by Millbrook Power Ltd for an Order Granting Development  
Consent for the Millbrook Power 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 consultation about the scoping of the Environmental Impact Assessment (EIA).

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.

Natural England is broadly satisfied with the approach to ecology detailed in the scoping report in respect of identification of potential effects and proposed assessment methodology, as pertaining to our remit. The approach is appropriate and compliant with current best practice (i.e. in line with the Institute of ecology and Environmental Management's (IEEEM) Guidelines for Ecological Impact Assessment in the UK).

For any queries relating to the specific advice in this letter only please contact **John Jackson** on **0300 060 1979**. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

**John Jackson**  
**Land Use Adviser**  
Norfolk & Suffolk Team  
0300 060 1979  
[John.Jackson@naturalengland.org.uk](mailto:John.Jackson@naturalengland.org.uk)



The Planning Inspectorate  
3/23 Wing  
Temple Quay House  
2 The Square  
BRISTOL  
BS1 6PN

Floor 3a  
George Stephenson House  
Toft Green  
York  
YO1 6JT

T 01904 389707

18<sup>th</sup> June 2014

**For the attention of Alison Down**

Dear Sir /Madam,

**Application by Millbrook Power Ltd for an Order Granting Development Consent for Millbrook Power Project**

Thank you for consulting Network Rail on the above proposed project.

Network Rail has been reviewing the information to date and at this stage it is not sufficiently detailed to fully assess potential impacts of the scheme on the railway and further information will be required to properly respond on the likely impacts of the proposed scheme.

It is likely however that the proposal will impact significantly on railway infrastructure. The Environmental Impact Assessment Scoping Report when discussing the traffic and transport does not take into account the proposals on the level crossing in the area, particularly Stewartby Green Lane. A risk assessment considering the increase in traffic over the level crossing will be required. Other material issues to be considered for the asset protection of the railway will be covered by appropriate Conditions, however one key element is how the surface water will be disposed of and whether this will affect railway infrastructure, especially any culverts. This should therefore be taken into account in the drainage strategy plan. Any requirement for the project to go either over or under the railway will be subject of an easement.

Network Rail will be seeking protection from the exercise of compulsory purchase powers over operational land either for permanent or temporary purposes. In addition, Network Rail will wish to agree protection for the railway during the course of the construction works and otherwise to protect our undertaking and land interests. Network Rail reserve the right to produce additional and further grounds of concern when further details of the application and its effect on Network Rail's land are available. In addition, any rights for power or other lines under, over or alongside the railway line will require appropriate asset protection measures deemed necessary by Network Rail to protect the operational railway and stations. We have standard

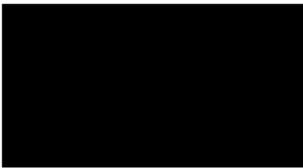


protective provisions which will need to be included in the DCO as a minimum and in addition, other agreements will need to be entered into with Network Rail. A number of legal and commercial agreements will need to be entered into, for example, [asset protection agreements, asset protections agreements, method statements, connection agreements, property agreements and all other relevant legal and commercial agreements]. This list is not exhaustive and will need to be reviewed once more details of the scheme are discussed between the parties.

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land. In addition security of the railway boundary will require to be maintained at all times. In any event you must contact Network Rail's Asset Protection Engineers as soon as possible in relation to this scheme on the following e-mail address [[AssetProtectionLNE@networkrail.co.uk](mailto:AssetProtectionLNE@networkrail.co.uk)]

Network Rail is prepared to discuss the inclusion of Network Rail land or rights over land subject to there being no impact on the operational railway, all regulatory and other required consents being in place and appropriate commercial and other terms having been agreed between the parties and approved by Network Rail's board."

Yours sincerely



Amanda Ashton  
Town Planning Technician LNE & EM

**From:** Carol Wilson [<mailto:Carol.Wilson@north-herts.gov.uk>]  
**Sent:** 09 July 2014 09:39  
**To:** Environmental Services  
**Subject:** Millbrook Power Project

Dear Sir/Madam

EN010068

Millbrook Power Project Scoping Request

North Hertfordshire District Council do not require to be consulted regarding the above proposal.  
Regards

Carol Wilson  
**Technical Support Officer**

Direct Dial: 01462 474822

North Hertfordshire District Council  
Council Offices  
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Letchworth Garden City  
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FAO: Alison Down  
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Bristol  
BS1 6PN

Your Ref: EN010068

Our Ref: 140620 339

17<sup>th</sup> July 2014

Dear Alison,

**Re: Millbrook Power Project – Scoping Consultation**

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.

In order to ensure that public health is fully and comprehensively considered, the Environmental Statement (ES) should provide sufficient information to allow the potential impact of the development on public health to be fully assessed.

PHE has evaluated the submitted Environmental Impact Assessment Scoping Report (June 2014) alongside the request for a scoping opinion and can confirm that the proposed methodology for assessing possible impacts affecting human health appears acceptable. However, there is no mention of possible impacts on human health due to electric and magnetic fields (EMFs) produced by the electrical equipment and electrical connection system. The ES should include an assessment of possible risks to humans due to EMFs as well as mitigation measures if required.

In order to assist the promoter in the production of the subsequent ES we have included an appendix which outlines the generic considerations that PHE advises should be addressed by all promoters when they are preparing ESs for NSIPs.

PHE will provide further comments when the ES becomes available. Should the promoter or their agents wish to discuss our recommendations or to seek any specific advice prior to the submission of the ES, PHE would of course be pleased to assist.

Yours sincerely



Antonio Peña-Fernández  
Health Protection Scientist

[nsipconsultations@phe.gov.uk](mailto: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 EIA<sup>1</sup>. 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.

The EIA Directive<sup>2</sup> requires that ESs include a description of the aspects of the environment likely to be significantly affected by the development, including "population". The EIA should provide sufficient information for PHE to fully assess the potential impact of the development on public health. **PHE will only consider information contained or referenced in a separate section of the ES summarising the impact of the proposed development on public health:** summarising risk assessments, proposed mitigation measures, and residual impacts. This section should summarise key information and conclusions relating to human health impacts contained in other sections of the application (e.g. in the separate sections dealing with: air quality, emissions to water, waste, contaminated land etc.) without undue duplication. Compliance with the requirements of National Policy Statements and relevant guidance and standards should be highlighted.

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 ES<sup>3</sup>.

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

<sup>1</sup> 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>

<sup>2</sup> Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment. Available from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1985L0337:20090625:EN:PDF>

<sup>3</sup> DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

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.

### **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 assessed<sup>4</sup> 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

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<sup>4</sup> 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)

- 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.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report<sup>5</sup>, jointly published by Liverpool John Moores University and PHE, 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.

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<sup>5</sup> Available from: <http://www.cph.org.uk/showPublication.aspx?pubid=538>

## **Electric and magnetic 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://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Absd1502/>

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://www.dh.gov.uk/en/PublicHealth/Healthprotection/DH\\_4089500](http://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.

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<sup>-1</sup> (kilovolts per metre) and 100 µT (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 PHE website:

[http://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb\\_C/1195733805036](http://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb_C/1195733805036)

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.

[http://www.decc.gov.uk/en/content/cms/what\\_we\\_do/uk\\_supply/consents\\_planning/codes/codes.aspx](http://www.decc.gov.uk/en/content/cms/what_we_do/uk_supply/consents_planning/codes/codes.aspx)

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://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb\\_C/1204276682532?p=1207897920036](http://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb_C/1204276682532?p=1207897920036)

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 SAGE report is given in the written Ministerial Statement by Gillian Merron, then Minister of State, Department of Health, published on 16<sup>th</sup> October 2009:

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

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_107124](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124)

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

[http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice\\_sage2](http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage2)

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_130703](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 Local Authority Director of Public Health at Suffolk County Council 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) approach<sup>6</sup> is used

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<sup>6</sup> 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

**The Chilterns  
Conservation Board**

The Lodge  
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Contact: Colin White  
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Chairman: Cllr Ian Reay  
Vice Chairman: Helen Tuffs  
Chief Officer: Steve Rodrick

24<sup>th</sup> June 2014

Alison Down  
The Planning Inspectorate  
3/20 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol BS1 6PN

My Ref.: Plan apps/NSIPs/021-14 Millbrook Power 240614  
Your Ref: EN010068

**Sent by email only to:** [environmentalservices@infrastructure.gsi.gov.uk](mailto:environmentalservices@infrastructure.gsi.gov.uk)

Dear Madam,

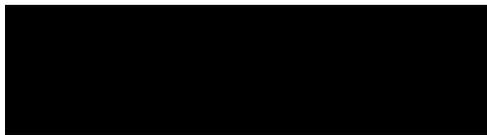
**Application by Millbrook Power Ltd. for an Order Granting Development Consent for the Millbrook Power Project**

Thank you for consulting the Chilterns Conservation Board in connection with the proposal detailed above.

The EIA Scoping Report has been examined and I write to tell you that the Chilterns Conservation Board has no comments to make on the proposal as currently presented.

We trust that the Board will be consulted should the details of the proposal change to any great extent.

Yours faithfully,



**Colin White MRTPI  
Planning Officer  
For and on behalf of the Chilterns Conservation Board**





200 Lichfield Lane  
Berry Hill  
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Nottinghamshire  
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Web: [www.coal.decc.gov.uk/services/planning](http://www.coal.decc.gov.uk/services/planning)

Ms Alison Down – EIA and Land Rights Adviser  
The Planning Inspectorate

**[By Email: [environmentalservices@infrastructure.gsi.gov.uk](mailto:environmentalservices@infrastructure.gsi.gov.uk)]**

Your Ref: EN010068

14 July 2014

Dear Ms Jones

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

**Application by Millbrook Power Ltd for an Order Granting Development Consent for the Millbrook Power Project**

Thank you for your consultation letter of 20 June 2014 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 of Energy and Climate Change. 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 the proposed EIA development is located outside of the defined coalfield. Accordingly, The Coal Authority has **no comments** to make regarding the information to be contained in the Environmental Statement that will accompany this proposal.

As this proposal lies outside of the defined coalfield, in accordance with Regulation 3 and Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 it will not be necessary for any further consultations to be undertaken with The Coal Authority on this Nationally Significant Infrastructure Project. This letter can

be used by the applicant as evidence for the legal and procedural consultation requirements.

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*  
**Planning Liaison Manager**

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data and records held by The Coal Authority on the date of the response. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the applicant for consultation purposes.

## **APPENDIX 3**

# **Presentation of the Environmental Statement**



## APPENDIX 3

### PRESENTATION OF THE ENVIRONMENTAL STATEMENT

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.

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)*

The purpose of an ES is to ensure that the environmental effects of a project 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.

The SoS 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 project. The information should be presented so as to be comprehensible to the specialist and non-specialist alike. The SoS recommends that the ES be concise with technical information placed in appendices.

### ES Indicative Contents

The SoS 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.

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 SoS recommends could be addressed as a separate chapter in the ES. Part 2 is included below for reference:

## Schedule 4 Part 2

- A description of the development comprising information on the site, design and size of the development
- A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects
- The data required to identify and assess the main effects which the development is likely to have on the environment
- 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
- A non-technical summary of the information provided [*under the four paragraphs above*].

Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the SoS 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

The SoS 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 SoS 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

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 SoS is not able to entertain material changes to a project once an application is submitted. The SoS 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

The SoS 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.

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 project 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.

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 9 'Rochdale Envelope' which is available on the Advice Note's page of the National Infrastructure Planning website.

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.

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 project 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

The SoS 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*

In general the SoS 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.

The SoS 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*

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*

The assessment should consider:

- environmental impacts during construction works
- environmental impacts on completion/operation of the project
- where appropriate, environmental impacts a suitable number of years after completion of the project (for example, in order to allow for traffic growth or maturing of any landscape proposals), and
- environmental impacts during decommissioning.

In terms of decommissioning, the SoS 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 SoS encourages consideration of such matters in the ES.

The SoS 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.

The SoS 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

The SoS recommends that the baseline should describe the position from which the impacts of the project 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.

The SoS 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.

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.

The baseline situation and the project 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*

In terms of the EIA methodology, the SoS 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.

In terms of other regulatory regimes, the SoS 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.

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*

The EIA Regulations require the identification of the 'likely significant effects of the development on the environment' (Schedule 4 Part 1 paragraph 20).

As a matter of principle, the SoS applies the precautionary approach to follow the Court's<sup>4</sup> reasoning in judging 'significant effects'. In other words

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<sup>4</sup> See Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw (Waddenzee Case No C 127/02/2004)

'likely to affect' will be taken as meaning that there is a probability or risk that the project will have an effect, and not that a development will definitely have an effect.

The SoS 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 SoS 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 SoS considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.

The SoS recognises that the way in which each element of the environment may be affected by the project 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 SoS recommends that a common format should be applied where possible.

#### *Inter-relationships between environmental factors*

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.

The SoS 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 project. This is particularly important when considering impacts in terms of any permutations or parameters to the project.

#### *Cumulative Impacts*

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 on the basis of those that are:

- projects that are under construction
- permitted application(s) not yet implemented
- submitted application(s) not yet determined
- all refusals subject to appeal procedures not yet determined

- projects on the National Infrastructure's programme of projects, and
- projects identified in the relevant development plan (and emerging development plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited.

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.

The SoS recommends that offshore wind farms should also take account of any offshore licensed and consented activities in the area, for the purposes of assessing cumulative effects, through consultation with the relevant licensing/consenting bodies.

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*

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

The SoS recommends that the applicant should distinguish between the project for which development consent will be sought and any other development. This distinction should be clear in the ES.

#### *Alternatives*

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).

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.

The SoS 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*

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.

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.

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.

The SoS 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*

The SoS 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.

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*

The SoS recommends that any changes to the scheme design in response to consultation should be addressed in the ES.

It is recommended that the applicant provides preliminary environmental information (PEI) (this term is defined in the EIA Regulations under regulation 2 'Interpretation') to the local authorities.

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

The SoS 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 SoS 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.

The Applicant's attention is also drawn to the Planning Inspectorate's Advice Note 12 'Development with significant transboundary impacts consultation' which is available on the Advice Notes Page of the National Infrastructure Planning website

## Summary Tables

The SoS 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 SoS 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

The SoS 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

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.

## Bibliography

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

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.