

SCOPING OPINION

PROPOSED TILBURY C COMBINED CYCLE GAS TURBINE POWER STATION, THURROCK

August 2010



independent impartial inclusive

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Executive Summary

This is the Infrastructure Planning Commission's (the Commission's) Scoping Opinion (the opinion) in respect of the content of the environmental statement for a proposed new combined cycle gas turbine (CCGT) power station by RWE npower on the existing Tilbury Power Station site, in Thurrock. The station will be direct cooled from the Thames Estuary and will reuse much of the existing cooling water structures in place. In addition, the application will include a gas pipeline spur to connect with the existing National Grid Pipeline system 3km to the east and the replacement of existing overhead power line connections with underground cables.

This report sets out the Commission's opinion on the basis of the information provided in RWE npower's report entitled 'Environmental Impact Scoping Report, Proposed Tilbury C Combined Cycle Gas Turbine Power Station' (July 2010). The opinion is based upon the proposals as currently described by the applicant.

The Commission has consulted on the scoping report and the responses received have been taken into account in adopting this opinion. The Commission is satisfied that the topics 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.

The Commission draws attention both to the general points and those made in respect of each of the specialist topics in this opinion. The main potential issues identified are:

- emissions to air from the power station stacks and vehicles transporting materials and the resultant effects on humans and terrestrial ecology;
- impacts on the water environment including emissions of pollutants and heat, potential effects on aquatic ecology and risks from on-site fuel storage;
- visual impact on nearby sensitive receptors;
- construction impacts including noise and vibration, transportation impacts impacts;
- increased surface water run-off from proposed development including the ancillary buildings and car park.

Matters are not scoped out unless specifically addressed and justified by the applicant and confirmed as being scoped out by the Commission.

1.0 INTRODUCTION

Background

- 1.1 On 5 July 2010, the Commission received a scoping report submitted by RWE npower (the applicant) under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (the EIA Regs) in order to request a scoping opinion for the proposed new combined cycle gas turbine (CCGT) and open cycle gas turbine (OCGT) power station, in Thurrock. The proposed new gas power station will be known as Tilbury C (the proposal). This scoping opinion is made in response to this request and should be read in conjunction with the scoping report.
- 1.2 The EIA Regs enable an applicant, before making an application for an order granting development consent, to ask the Commission to state in writing its formal opinion (a 'scoping opinion') on the information to be provided in an environmental statement (ES).
- 1.3 The proposals fall within Schedule 1 development under the EIA Regulations as being a thermal power station with heat output of 300 megawatts or more¹. An EIA is mandatory for Schedule 1 developments.
- 1.4 In submitting the information included in their request for a scoping opinion, RWE npower is deemed to have notified the Commission under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an ES in respect of the proposed Tilbury C power station. The proposed development is determined to be EIA development in accordance with Regulation 4.
- 1.5 Before adopting a scoping opinion the Commission (or the relevant authority) must take into account:
 - 'the specific characteristics of the particular development;
 - the specific characteristics of the development of the type concerned;
 - the environmental features likely to be affected by the development'.

(EIA Regs 8 (9))
- 1.6 This opinion sets out what information the Commission considers should be included in the ES for the proposed gas fired power station and associated development. The opinion has taken account of:

¹ EIA Regulations 2(a)

- i the EIA Regs;
 - 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.
- 1.7 The Commission has also taken account of the responses received from the statutory consultees. It has carefully considered the matters addressed by the applicant and has used professional judgement and experience in order to come to this opinion. The Commission will take account of relevant legislation and guidelines when considering the ES. The Commission will not be precluded from requiring additional information, in connection with the ES submitted with that application, when considering any application for a development consent order.
- 1.8 This opinion should not be construed as implying that the Commission agrees with the information or comments provided by the applicant in their request for an opinion from the Commission. In particular comments from the Commission in this opinion are without prejudice to any decision taken by the Commission 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 or associated development, or development that does not require development consent.
- 1.9 Regulation 8(3) of the EIA Regs states that a request for a scoping opinion must include:
 - i. a plan sufficient to identify the land;
 - ii. a brief description of the nature and purpose of the development and of its possible effects on the environment;
 - iii. such other information or representations as the person making the request may wish to provide or make.
- 1.10 The Commission considers that this has been provided in RWE npower's scoping report.

Commission's Consultation

- 1.11 The Commission has a duty under Regulations 8(6) of the EIA Regs to consult widely before adopting a scoping opinion. A full list of the consultation bodies is given at Appendix 1. The list of respondents, with copies of those comments is given at Appendix 2, to which reference should be made.
- 1.12 The ES submitted by RWE npower must also demonstrate consideration of points raised by the statutory consultees. It is recommended that a table is provided in the ES summarising the

scoping responses from the statutory consultees and how they are considered in the ES.

- 1.13 Any subsequent consultation responses, received after the statutory deadline for receipt of comments, will be forwarded to the applicant and should be given due consideration by the applicant in carrying out the EIA.

Structure of the Document

- 1.14 This document is structured as follows:

Section 2 The Proposed Development;

Section 3 EIA Approach and Topics;

Section 4 Other Information;

Appendix 1 Consultation Bodies;

Appendix 2 Respondents to Consultation and Copies of Replies;

Appendix 3 Presentation of the Environmental Statement.

2.0 THE PROPOSED DEVELOPMENT

Applicant's Information

This sub-section entitled '*Applicant's Information*' summarises the information provided in the scoping report. The Commission does not verify the accuracy of the information provided in the scoping report.

The Existing Site

- 2.1 The proposed development lies adjacent to the north bank of the River Thames estuary, in Thurrock Council's area, at a site centred on National Grid Reference (NGR) 565842, 176114. It is proposed that the Tilbury C station is sited to the north and west of Tilbury B station. To supply the proposed CCGT power station with fuel, there is a proposal to construct a new underground gas pipeline to the east of the proposed Tilbury C site. A short underground power line connection to replace the existing 132KV overhead power line to the north west of the site is also proposed.
- 2.2 The applicant's site boundary for the main CCGT power station and gas pipeline route corridor study area are presented in Figures 2 & 3 respectively.
- 2.3 The proposed development area is former marsh land with the result that standing water exists on the site, often in the form of drains or ponds, in areas that are not artificial or made ground.
- 2.4 There are a number of recorded archaeological features within the site boundary including Neolithic and Palaeolithic artefact finds, a Romano-British settlement and a medieval seawall.
- 2.5 There are no statutory designated nature conservation sites on or adjacent to the proposed power station site. There are, however, two non-statutory local wildlife sites within the site and a further non-statutory wildlife site in the area being investigated for the proposed gas pipeline.

The Surrounding Area

- 2.6 The site is immediately bounded to the north by a railway line; to the west by a wastewater treatment works operated by Anglian Water; to the east by agricultural land and to the south by the River Thames.
- 2.7 Further afield, the town of Tilbury lies approximately two kilometres to the north-west with the villages of West Tilbury some three kilometres to the north and East Tilbury some four kilometres to the north-east.

The port of Tilbury is approximately 1.3 kilometres west of the site. To the south-west on the opposite bank of the River Thames the town of Gravesend is approximately two kilometres away.

- 2.8 The site, and the land around it, is in an area known as West Tilbury marshes. This area is underlain with low permeability alluvium which impedes the flow of surface water to deeper strata. As a result, surface water features such as drains and ponds exist in the area including within the site boundary itself.
- 2.9 There is a former landfill site surrounded by predominantly agricultural land to the east of the site, in the area being considered for the proposed underground gas pipeline.
- 2.10 At least two buildings of heritage significance exist in the vicinity of the proposed development area. These are: Coalhouse Fort, approximately 3.5 kilometres to the north-east and Tilbury Fort less than one kilometre to the west. Tilbury Fort, in particular is an important ancient monument dating from the seventeenth century.
- 2.11 There is a Special Protection Area (SPA) and Ramsar site (Thames Estuary and Marshes) approximately 2.2 kilometres from the proposed development. In addition there are two more European designated sites within ten kilometres of the site. These are the Medway Estuary and Marshes SPA & Ramsar some ten kilometres distant and the North Downs Woodlands Special Area of Conservation (SAC) which is 9.7 kilometres away.
- 2.12 There are twenty Sites of Special Scientific Interest (SSSI) within ten kilometres of the proposed Tilbury C site.

Description of the Development

- 2.13 RWE npower is proposing to replace the existing Tilbury B by developing a new Combined Cycle Gas Turbine (CCGT) power station, known as Tilbury C. The generating capacity of the new power station is believed to be approximately 2,000MW. In addition to the CCGT units there will be a number of Open Cycle Gas Turbine (OCGT) units generating an additional 400MW of electricity to support the management of peak energy demands.
- 2.14 In addition to running on gas, the proposed generating units will be capable of running on distillate fuel oil as a back-up and support fuel. To store this fuel, suitably sized tanks will be built on site and these will be loaded by ship via the river jetty.
- 2.15 As well as the main power station development, there will be a new underground gas pipeline spur connecting Tilbury C to the main gas

supply 3km to the east and the replacement of the existing 132KV overhead power line to the north west with a new underground connection. The development will also make provisions for a new Tilbury Energy and Environment Centre in place of the existing power station visitor centre.

- 2.16 It is proposed that the new station will be connected to a new 400KV substation on site which is currently under development by National Grid.
- 2.17 In a similar way to the existing arrangements on site with the redundant Tilbury A infrastructure, Tilbury B will remain in place alongside the new Tilbury C power station in the early years of its operation. This is because the construction of the new station needs to take place before the old station can be demolished.
- 2.18 In addition to the main power station building, a number of ancillary structures and facilities are proposed on the site including storage tanks, workshops, stores, an amenity building, a gatehouse and a car park.
- 2.19 It is proposed that the cooling water pump house currently being used for Tilbury B station should be retained to service Tilbury C. It will be for the applicant to demonstrate that the existing pump house and pumps are fit for this purpose and able to meet the life expectancy demands of Tilbury C.
- 2.20 A number of ancillary buildings and structures serving Tilbury B will be demolished to enable construction of Tilbury C.
- 2.21 Land has been set aside on the site to allow installation of carbon reduction equipment, should this be required in future.

Access

- 2.22 Road access to Tilbury C station will be via the site entrance currently used for Tilbury B station. That is, the access road from Fort Road, in the north-west corner of the site, will be utilised. Access from the A13 trunk road is by means of the A1089 dual carriageway as far as Tilbury Docks and from there via Fort Road for approximately one mile to the site access road.

Landscaping

- 2.23 The proposed power station may have up to four CCGT units and up to four OCGT units. If these eight units are constructed they will be housed in eight separate buildings each forty metres high. Each of

these buildings would also have an associated flue, the largest of which would be approximately 95 metres high.

- 2.24 It is not proposed to demolish the Tilbury B station until some years after Tilbury C is built. Therefore the applicant may wish to consider the visual impact from both stations for some time following completion of the new unit.
- 2.25 At each end of the pipeline an 'Above Ground Installation' (AGI) will be built to contain ancillary pipeline equipment. Each of these proposed buildings will measure approximately thirty by forty metres in horizontal dimensions. No height for these structures is currently specified
- 2.26 As part of the proposed development, the existing overhead power line in the north-west area of the site, and its associated pylons, will be removed and replaced by an underground cable.
- 2.27 It is proposed that 'an appropriate landscaping scheme' is implemented during the construction and operational phases of the development to minimise visual impact.

Employment

- 2.28 It is expected that Tilbury C power station will employ up to one hundred staff, with a maximum of thirty being on site at any one time. These staff numbers are expected to be less than is currently required to run Tilbury B power station.
- 2.29 During the construction phase of the project an average of 1000 staff will be employed with a maximum of 2000 staff at peak times.

Construction

- 2.30 Construction and commissioning is expected to take approximately three years with construction enabling works commencing in 2012. The first units are expected to begin producing electricity in 2015 with the entire station being fully commissioned by the end of 2016.
- 2.31 The average number of workers on site during the construction period will be approximately 1000 with up to 2000 during a peak period of three months.
- 2.32 Peak construction traffic could amount to approximately 2150 vehicles into and out of the site each day if all of the site workers travel independently. Approximately 7% of this traffic could be expected to be heavy good vehicles.

- 2.33 The existence of a marine off-loading facility at the site, and the nearby facilities at Tilbury Docks, makes it possible to move large components and construction materials to the site by ship which could potentially assist in the mitigation of road traffic impacts.

Commission's Comment

- 2.34 The applicant should ensure that the description of the development that is being applied for is accurate, as this will form the basis for the environmental assessment. The dimensions of the proposed development 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 buildings and structures. Lighting proposals should also be described.
- 2.35 In line with best practice and case law, the proposed development will need to be defined in sufficient detail in the ES to enable a robust assessment of the adverse and positive impacts to be undertaken.
- 2.36 Whilst the Commission acknowledges that it may be necessary for design parameters to be sufficient to allow for minor variations in the scheme design, such parameters should not be so great that any variations would effectively constitute a material departure from the scheme design assessed in the EIA or result in a different assessment outcome. The ES should be able to confirm that any changes to the development within the proposed parameters would not result in significant effects not previously identified. The EIA should be carried out on the basis of the most likely design(s) and should identify the worst case in terms of environmental impacts.
- 2.37 The Commission notes that the process of EIA is iterative and therefore the proposals may change and evolve. There may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES. Once submitted, the application should not change in any substantive manner.
- 2.38 It should be noted that if the development changes substantially during the EIA process the applicant may wish to consider the need to request a new scoping opinion.
- 2.39 Any infrastructure required off-site should be considered as part of an integrated approach to environmental assessment.
- 2.40 The Commission recommends that the ES should include a clear description of all the aspects of the development, including timescales, at the construction, operation and decommissioning stages, including:
- Land use requirements;

- Site preparation;
- Operational requirements including the main characteristics of the production process and the nature and quantity of materials used, as well as waste arisings;
- Emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc).

2.41 In terms of decommissioning, the Commission 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 is to enable the decommissioning of the works to be taken into account in the design and use of materials such that structures can be taken down with the minimum of disruption, materials can be re-used and the site can be restored or put to a suitable new use. The Commission encourages consideration of such matters in the ES.

2.42 The Commission considers that the ES should contain information on the main alternatives studied.

3.0 EIA APPROACH AND TOPIC AREAS

General Comments on the Scoping Report

- 3.1 The scoping report (Environmental Impact Assessment Scoping Report: Proposed Tilbury C Combined Cycle Gas Turbine Power Station, npower, July 2010) sets out the proposed approach to the preparation of the Environmental Statement. The Commission notes that the ES should be a stand alone document and should include all appendices as well as any photographs or photomontages.
- 3.2 The Commission recommends that the section headed 'Description of the Development' should also include a description of the proposed construction programme and methods.
- 3.3 The Commission 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.
- 3.4 The Commission recommends that the baseline data is comprehensive, relevant and up-to-date. Surveys needed to inform the EIA are not fully defined or provided within the scoping report and will need to be addressed. The timing and scope of all surveys should be agreed with the relevant statutory bodies. In this regard, it is noted that the applicant proposes to utilise existing survey data from a previous application for a coal-fired power station at the site. Careful consideration needs to be given to the validity of this data for the proposed gas-fired power station and, in particular:
 - whether the location/position, maximum dimensions and impacts of the proposed CCGT station will be identical to those of the previous application's air quality assessment;
 - whether all impacts will be fully and appropriately identified, described and assessed;
 - whether a sufficiently robust assessment of air quality will result, given the changes to fuel type and power output.
- 3.5 The Commission considers that the assessment should consider all phases of the use – construction, operation and decommissioning. Within the specialist topic sections there is no specific mention of the decommissioning phase and the Commission recommends that this

should be addressed in the EIA. The methodology should use up to date regulations and guidance to undertake the assessment and the methodology should be agreed with the relevant consultees. Where this is not possible, a reasoned justification should be given in the ES.

- 3.6 The Commission recommends that, given the fact that Tilbury B and Tilbury C power stations may be operating together – albeit with Tilbury C in commissioning mode – the ES should consider the environmental effects of this period of combined operation. Such combined effects should also be assessed should Tilbury B and Tilbury C operate together for any other reason.
- 3.7 The Commission recognises that the way in which each element of the environment may be affected by the development can be approached in a number of ways but 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 topics. The Commission welcomes the common format proposed but considers that the scope – the breadth of topic, together with its physical and temporal characteristics, effects, impacts and mitigation measures – should be described and justified.
- 3.8 The Commission recommends that inter-relationships should be considered and not just cumulative impacts (see Appendix 3 of this opinion). For example, the ES should assess the inter-relationships of environmental impacts likely to be significantly affected by:
- a) changes to air quality;
 - b) climatic factors;
 - c) increased water abstraction; and
 - d) discharge of cooling water to the River Thames

...together with any other relevant matters set out in Schedule 4 Part 1, paragraph 19 of the EIA Regulations (see 3.14 below).

- 3.9 The inter-relationship between specialist topics should not be overlooked, indeed this is a requirement of the Regulations. The ES should not be a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development as a whole.
- 3.10 The Commission recommends that other major development in the area should be taken into account for the purposes of assessing cumulative effects through consultation with the local planning authorities on the basis of major developments that are:
- built and operational;
 - under construction;

- permitted application(s), but not yet implemented;
 - submitted application(s) not yet determined, and
 - identified in the 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.
- 3.11 Matters are not scoped out unless specifically addressed and justified by the applicant and confirmed as being scoped out by the Commission.
- 3.12 Reference should be made to Appendix 3 regarding the presentation of the environmental statement.

Topic Areas

General Comments

- 3.13 The EIA Regulations Schedule 4, Parts 1 and 2, set out the information for inclusion in an ES.
- 3.14 Schedule 4 Part 1 of the EIA Regulations sets out the aspects of the environment likely to be significantly affected by the development which should include *'in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors'* (paragraph 19).
- 3.15 Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the Commission 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.
- 3.16 Part 2 sets out the minimum requirements and 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 studies by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects;

- a non-technical summary of the information provided [*under the four paragraphs above*].
- 3.17 The scoping report has considered the environment under the following topics:
- Planning Policy Context
 - Air quality
 - The aquatic environment
 - Ground conditions and hydrology
 - Flooding
 - Terrestrial ecology
 - Landscape and visual effects
 - Noise and vibration
 - Transport
 - Socio-economic effects
 - Cultural heritage
 - Cumulative impacts
 - Health, safety and security
- 3.18 The Commission is satisfied that the topics identified in the scoping report encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the EIA Regs.
- 3.19 The Commission recommends that an assessment of the environmental effects associated with the generation and elimination of waste be added as a topic to the ES in accordance with Schedule 4, Part 1, paragraph 20 of the EIA Regs. This assessment should clarify the environmental effects of all wastes to be processed and removed from the site and identify impacts associated with relevant traffic movements and routes.
- 3.20 Each of the specialist topics are considered in turn below. It should be noted that the general points made above and elsewhere in this opinion are not repeated under each of the specialist topics. However the applicant should ensure that such issues are addressed fully before the ES is submitted to the Commission. Consideration should also be given to the scoping responses, copies of which are provided in Appendix 2.

Planning Policy Context (section 6.5 of the scoping report)

- 3.21 The section of the scoping report relies heavily on the Regional Spatial Strategy (RSS). The Secretary of State has recently revoked all RSSs including the East of England Plan. Therefore the references in the document to the RSS and the use of the content of the RSS within the evidence base for the Assessment should be reviewed. However, the Chief Planner at CLG, in a letter dated 6th July 2010, noted that the

evidence base for the RSS may still be regarded as a material consideration.

Air quality (section 6.6 of the scoping report)

- 3.22 The Commission welcomes the approach of using atmospheric dispersion modelling to assess the effects of pollutant emissions. Predicted pollutant concentrations should then be assessed against relevant European air quality limit values and National Air Quality Objectives (NAQOs).
- 3.23 In order to ensure the mathematical modelling provides a satisfactory description of future air quality conditions it is important to ensure that the data used is sufficiently robust. In this regard, attention is drawn to the need to ensure the validity of the data used as discussed above (see 3.4).
- 3.24 The implications of stack height and its effect on the dispersion of the discharge need to be clearly explained.
- 3.25 It is noted that the modelled air quality impacts of the proposed station will be assessed at all of the Special Areas of Conservation (SACs), Special Areas of Protection (SPAs) and Sites of Special Scientific Interest (SSSIs) within ten kilometres of the development. There is also a need to consider potential effects due to an increase in airborne pollution during construction at relevant statutory wildlife sites.
- 3.26 The air quality modelling should take account of the impacts on the above protected sites. In particular, the ES should consider the cumulative effects on air quality with other major developments including the Gateway Energy Centre, the existing Coryton Power Station and the approved Tilbury Green Power Station should be assessed in combination.
- 3.27 The air quality modelling should also include consideration of the impacts within existing relevant Air Quality Management Areas (AQMAs). In particular, those AQMAs in south Essex, particularly Brentwood, should be considered.
- 3.28 The assessment should take account of the emissions from the proposed development itself as well as those derived from the traffic assessment. The interrelationship with the ecological impacts should also be considered.
- 3.29 The Commission recommends that dispersion modelling considers a range of possibilities at a number of populated locations and seeks to ensure that the worst case is assessed; for example the worst case may occur as a short term impact. In this regard, the requirement to

assess the effects of Tilbury B and Tilbury C stations operating together, as stated above, is important.

- 3.30 It is noted that the proposed power station will be capable of burning distillate fuel oil in addition to natural gas. The air dispersion modelling proposed should, therefore, also consider worst case scenarios for the burning of this support fuel.
- 3.31 Air quality and dust levels should be considered not only on site but also off site, including along access roads and local footpaths.
- 3.32 Consideration should be given to appropriate mitigation measures and to monitoring dust complaints.

The Aquatic Environment (section 6.7)

- 3.33 All surveys and data collected should first be agree with the relevant statutory authorities to ensure it is acceptable and fit for purpose.
- 3.34 It will be important to carefully justify the physical area for this assessment, in consultation with the relevant statutory authorities, and ensure that the impacts are considered over a sufficiently wide area.
- 3.35 The Commission welcomes the approach of using two hydrodynamic models to simulate the effects the discharge from the proposed power station will have on the River Thames estuary. It is noted that the models will be used to assess: water levels and currents; thermal effects and dilution parameters.
- 3.36 The attention of the applicant is drawn to the comments of the Environment Agency with respect to the proposed mathematical modelling study. In particular the following are important:
- the need for the study to consider the degree of temperature uplift the discharge from the proposed power plant will cause in the outfall mixing zone;
 - the requirement to model the overall temperature distribution in the estuary;
 - the need to consider mitigation proposals should the model predict that temperature increases in the River Thames will cause the estuary to fail its current Water Framework Directive (WFD) status class or UKTAG temperature standard.
- 3.37 The Commission recommends that, given that all stages of this development (i.e., construction, operation and decommissioning) have the potential to mobilise contaminants and pollutants into the water environment. In this regard, processes which give rise to pollutants should be identified and appropriate mitigation measures suggested.

- 3.38 The Commission recommends that scour, sediment disturbance and the potential mobilisation of contamination should be carefully assessed in view of the importance of the estuary. Cross reference should also be made to aquatic ecology.
- 3.39 In view of the importance of the estuary, the Commission recommends that a robust assessment will be required to demonstrate the potential impacts. The need to consider the potential effects of construction on the intertidal and sub-tidal River Thames is particularly noted in this regard.
- 3.40 The ES will need to examine the effects of the development on fish. In particular, the Environment Agency's comments regarding the unacceptability of the current cooling water intake will need to be addressed so that appropriate mitigation measures can be adopted.
- 3.41 Groundwater is the potential pathway for discharge of liquids to surface and coastal waters and the Commission 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. This assessment should be cross-referenced to the flooding assessment.
- 3.42 The Commission recommends consultation with both Anglian Water and the EA. Potential impacts on the public sewer network should be addressed, including the need to address impacts arising from vibration during the construction works. The rate of use of potable water should also be clarified.
- 3.43 Mitigation measures should be addressed and the Commission advises that reference should be made in the ES to other regimes (such as pollution prevention from the EA) where relevant to the impacts assessed. On-going monitoring should also be addressed and agreed with the relevant authorities to ensure that any mitigation measures are effective.

Ground Conditions and Hydrology (section 6.8)

- 3.44 The baseline for the ES should explain in detail the extent of the study area and justify the reasons for this.
- 3.45 Given the possibility of historic land contamination at the proposed power station site, and the lack of current data regarding construction methods, the Commission would like to see a more comprehensive analysis of the potential for the pollution of underground water, and its possible remediation, in the ES.

Flooding (section 6.9)

- 3.46 The Commission welcomes the provision of a Flood Risk Assessment (FRA). The Commission advises that this assessment should take into account the latest climate change projections for the UK as detailed in UKCP09 at <http://ukclimateprojections-ui.defra.gov.uk>.
- 3.47 The FRA should cover fluvial flood risk as well as potential tidal impacts under present and projected climate scenarios.
- 3.48 The ES needs to consider any impacts the proposals may have on the Environment Agency's flood defences at this location.
- 3.49 The Commission recommends that the sections concerning the water environment should be cross referenced.

Terrestrial Ecology (section 6.10)

- 3.50 The Commission recommends that all surveys and assessments should be thorough; up to date; agreed with the relevant statutory authorities and take account of other development proposed in the vicinity.
- 3.51 The Commission recommends that the proposals should address fully the needs of protecting and enhancing biodiversity. The assessment should cover habitats, species and processes with the sites and surroundings. The Commission draws attention in particular, but not exclusively, to the effects on birds. The Commission recommends that the impacts on protected species are fully assessed and appropriate mitigation provided.
- 3.52 Given the fact that Tilbury is noted for its nationally important brownfield invertebrate assemblages, the ES should consider retention, enhancement and mitigation for the species concerned.
- 3.53 The ES should explore mitigation measures that can be provided on the site despite constraints that are imposed on the available land area due to the necessarily carbon capture set-aside area and power station buildings. For example, green/brown roofs, loose earth banks and wildflower-rich forage resources.
- 3.54 Hartwort (*Tordylium maximum*), a Red Data Book plant species, has been found within one kilometre of the power station site and might therefore be present in the ditches on the site. Specific surveys in June/July would confirm its presence or absence and therefore should be undertaken.

- 3.55 The potential impacts on international and nationally designated sites should be addressed as well as potential impacts on county level habitats. The Commission notes the possible need for an Appropriate Assessment, under the Conservation of Habitats and Species Regulations 2010 (see section 4 below), in view of the development site's location in relation to one or more 'European' sites, particularly the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site. Please refer to Section 4 for further information.
- 3.56 The proposed development should consider the effects on the intertidal and sub-tidal habitat including consideration of potential changes to the sediment regime in the estuary. Cross-reference to the aquatic environment and the mathematical modelling study should be made.
- 3.57 The assessment should take account of noise and vibration and air quality (dust) impacts and cross reference should be made to these specialist reports.
- 3.58 The operational and decommissioning phases of the works should be addressed. The Commission recommends the need to consider cumulative and combined impacts and advises this is particularly relevant in terms of assessing the impacts on ecology.

Landscape and Visual Effects (section 6.11)

- 3.59 The Commission draws the attention of the applicant of the need to take account of the updates to legislation, in particular the need to reference PPS 5 (rather than PPGs 15 and 16); together with the need to liaise with the local planning authorities to ensure the EIA has regard to the most up to date policy.
- 3.60 The landscape and visual assessment in the scoping report refers to the potential zones of visual influence of the power station and the pipeline AGI. The Commission advises that the ES should describe the model used, provide information on the area covered and the timing of any survey work and the methodology used. The Commission recommends that the location of viewpoints should be agreed with the local authorities and English Heritage and should include viewpoints from within Tilbury Fort.
- 3.61 It is important to ensure that the historic integrity of the post-medieval forts along the river are not subject to detrimental impact and that sight lines between the main forts, including Shornemead Fort, are retained. In this regard, a detailed assessment of the key forts along the river, including assessment of their historic integrity, character and historic functional views towards and out of the forts, should be undertaken. Long range views, from the high ground of the Kent Downs, should also be considered.

- 3.62 The proposals will be for large structures. The applicant should provide information in the ES about the form and siting of any materials and colours proposed to minimise the adverse visual impact of these structures. Views from across the Thames estuary should be included as well as night time views.
- 3.63 The visual assessment should consider the longer-term situation, following demolition of the existing Tilbury B station. The assessment should consider the changes in visual impact that this situation will bring, particularly to the setting of Tilbury Fort, and provide an estimate of when such changes could be expected.

Noise and Vibration (section 6.12)

- 3.64 The Commission recommends that the methodology and choice of noise receptors should be agreed with the relevant Environmental Health Department of the Council and with the EA.
- 3.65 Information should be provided on the types of vehicles and also on the type of plant to be used during the construction phase. Once operational, noise sources should be identified and measures identified to mitigate noise nuisance.
- 3.66 Noise impacts on people should be specifically addressed, and particularly any potential noise disturbance at night and other unsocial hours such as weekends and public holidays.
- 3.67 Noise and vibration levels along the foreshore potentially affecting birds and fish should be also be addressed.
- 3.68 The assessment should take account of the traffic assessment and consider noise and vibration impacts along access routes, especially during the construction phase. The noise and vibration assessment should also provide information to inform the ecological assessments, both terrestrial and marine.
- 3.69 Consideration should be given to monitoring noise complaints.

Transport (section 6.13)

- 3.70 The Commission welcomes the development of the assessment of transport impacts in association with the local highways authority and the Highways Agency (HA). The Commission would expect on-going discussions and agreement, where possible, with such bodies, particularly on issues regarding the data and methods to be used for the traffic impact assessment.

- 3.71 Mitigation measures should be considered such as a travel plan and sourcing materials so as to minimise transport. In addition, consideration should be given to maximising transport of materials and plant by sea, through the nearby port of Tilbury or via the site's marine off-loading facility, to minimise road transport.
- 3.72 The Commission recommends that the ES should take account of the location of public rights of way (PROW), including footpaths, bridleways and byways and should clearly set out impacts on them, including within the wider area. It is important to minimise hindrance to them where possible. A clear indication should be given as to how the development will affect the existing and future facilities along the estuary and what mitigation would be appropriate in the short and long term.
- 3.73 The Commission recommends that the ES considers the effects the proposed works may have on shipping using the River Thames in this area and, in particular, the following:
- possible impacts on existing aids to navigation in the vicinity;
 - the potential for the development to obscure obstruction lighting of the jetty; and
 - the impact of the development and its construction on ship movements in the area.
- 3.74 The ES will need to assess the effect of the development on air transport in the area. In particular, the following issues will need to be addressed:
- the height of the structures proposed and any effect they may have on local aerodromes;
 - whether or not aviation obstruction lighting will be required on any of the structures;
 - potential effects on local emergency services air support units; and
 - any effects associated with gas flaring should this be required.

Socio-economic Effects (section 6.14)

- 3.75 Primary and secondary impacts should be considered. For example, the effect on local services should be considered, including the demand for additional services such as health services and schools.
- 3.76 Impacts on the local community should be considered. This should include the impact on the housing market, the impact on the tourist market and the impact on local culture and community facilities used for recreation, as well as the impact of an additional workforce.

- 3.77 The Commission recommends that the type and number of jobs generated or lost should be considered in the context of the available workforce in the area; this applies equally to the construction and operational phases.
- 3.78 The Commission recommends that the assessment criteria should be locationally specific and consider the potential significance of the impacts of the proposal within the local and regional context.
- 3.79 The ES should assess the impacts on local employment considering the extent to which the proposed development will draw on employees from Kent having regard also to the implications of any long-term changes to the Gravesend to Tilbury foot passenger ferry service across the Thames.
- 3.80 The ES should provide an assessment of the skills required to complete the project, and the availability of those skills in the local job market, with a view to indicating how any skill shortages identified will be managed.
- 3.81 The Commission draws the attention of the applicant of the need to consider the comments made by the East of England Development Agency (EEDA) in respect of the socio-economic assessment.
- 3.82 Appropriate mitigation measures should be identified, including an explanation of the alternatives considered and a justification for the preferred option.

Cultural Heritage (section 6.15)

- 3.83 The setting of cultural heritage resources could be affected; this includes historic buildings, historic landscapes and archaeological sites and the Commission considers that these should be addressed in the ES. Cross reference should be made to the Landscape and Visual section of the ES. The potential impacts should be assessed in relation to both the north and south banks of the Thames.
- 3.84 The area under consideration for the new pipeline may have high archaeological potential. An understanding of this potential through early and appropriate archaeological assessment and evaluation will be necessary. The terms of reference of all such studies should be agreed with English Heritage prior to their commencement.

Cumulative Impacts (section 6.16)

- 3.85 The Commission welcomes the fact that cumulative impacts will be considered but stresses, as discussed above, that combined impacts should also be assessed (see Appendix 3 of this opinion).

- 3.86 With regard to cumulative and 'in combination' impacts, the attention of the applicant is drawn to the Environment Agency's comments regarding the need to consider other major developments in the assessment including, in particular, the Gateway Energy Centre, the existing Coryton Power Station and the approved Tilbury Green Power Station.

Health, Safety and Security (section 6.17)

- 3.87 The Commission notes the proposal to assess health, safety and security matters within the ES although these matters are not identified in Schedule 4, Part 1, paragraph 19 of the EIA Regs. The applicant may decide, alternatively, to submit a stand-alone report covering these issues. Regardless of the format of the report submitted, the applicant's attention is drawn to the comments of the Health and Safety Executive (HSE) on these topics.

Waste and Resource Use

- 3.88 As discussed above, the Commission advises that the ES should clarify the types of all wastes to be processed and that the effect of the proposal, in terms of waste, should be included in the ES.
- 3.89 The Commission considers it essential to also take account of materials to be removed from the site and to identify where potential traffic movements would be routed.
- 3.90 An assessment of resource use, during construction, operation and decommissioning, should be included within the ES. Mitigation measures to be adopted to minimise resource use should also be discussed.

4.0 OTHER INFORMATION

Appropriate Assessment

- 4.1 The applicant's scoping report indicates the main Tilbury site lies within 2.2km of a SPA and thus there is potentially a requirement to carry out an Appropriate Assessment (Section 3.3 Other Relevant Legislation; paragraph 27).
- 4.2 The Applicant's attention is drawn to the (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP) and the need to include information identifying European sites to which the Habitats Regulations applies or any Ramsar site which may be affected by a proposal. The information to be submitted should be sufficient for the Commission to make an appropriate assessment of the implications for the site if required by regulation 48(1).
- 4.3 The report to be submitted under Reg 5(2)(g) of the APFP with the application must deal with two issues. The first is to enable a formal assessment of whether there is likely significant effect and the second, should it be required, is to enable the carrying out of an appropriate assessment. The Scoping Report states that some of this information will be provided to the IPC "soon after" the submission of the Scoping Report sufficient to enable the IPC to "make an informed decision on the need for an Appropriate Assessment." The applicant's attention is drawn to the fact that it is for the applicant to prepare the necessary information to accompany its DCO application. In particular IPC Guidance Note 2, at Paragraph 29 states:
- "29 The IPC, or the Secretary of State in appropriate cases, must consider whether a project is likely to have a significant effect on designated European sites and if that is the case, it will require sufficient information within the application to enable the IPC or Secretary of State to carry out an appropriate assessment under the Habitats Regulations¹. The report to be submitted under Reg 5(2)(g) of the APFP with the application must deal with two issues. The first is to enable a formal assessment of whether there is a likely significant effect and the second, should it be required, is to enable the carrying out of an appropriate assessment. Determinations on both matters will be undertaken during the examination process."
- 4.4 When considering aspects of the environment likely to be affected by the development; 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 proposed development, including the Thames Estuary and Marshes Special Protection Area (SPA) and

Ramsar site and North Downs Woodland Special Area of Conservation (SAC).

- 4.5 Further information with regard to the Habitats Assessment process is located within the pre-application IPC Guidance Note 2 available via the Commission's website.

CHP Readiness

- 4.6 In relation to the identification of matters to be included in the ES careful consideration and appropriate weighting should be given to the NPSs recommended detailed assessments to support applications, for example in connection with the feasibility for CHP.
- 4.7 The scoping report (paragraph 4.6) outlines the proposal's intention to follow the guidance on CHP issued for developers to follow when making an application under section 36 of the Electricity Act 1989. This guidance requires developers to 'demonstrate that they have worked with local authorities to identify whether opportunities presented by emerging spatial planning strategies can support CHP in planned development and that they have contributed where possible, given timing and commercial constraints, to such strategies.' In connection with this issue, the Commission draws the applicant's attention to the comments of Dartford Borough Council and, in particular, their comments on the Kent Thameside Eco-Assessment report and that of the South East England Partnership Board (SEEPB).
- 4.8 The applicant's attention is also drawn to the Environment Agency's comments on CHP and the need to undertake a feasibility study on this subject.
- 4.9 Notwithstanding the above comments, the Commission notes that no proposals regarding the fitting of CHP to the proposed power station have been included in the scoping report and therefore the Commission has not provided a formal opinion on the information to be provided in an environmental statement with regards to any environmental effects arising as a result of the CHP. The applicant should ensure that if CHP technology (and any associated pipe work) is subsequently incorporated into the proposed scheme all significant effects should be properly assessed. If the scope of the scheme changes as a result of incorporating CHP the applicant may also wish to consider submitting a request for a further scoping opinion to obtain the Commission's view.

Carbon Capture

- 4.10 The applicant's attention is drawn to NPS (EN 1), paragraph 4.7.1 Carbon Capture Readiness (CCR) which requires the applicant to

demonstrate that the proposal is carbon capture ready. The ES should consider the potential effects associated with providing such abatement technology.

Health Impact Assessment

- 4.11 The Commission agrees with the Health Protection Agency that the proposal could have potential health impacts. The Commission considers that the ES should acknowledge the potential health impact associated with the electric and magnetic fields around the overhead power lines and underground cables, and substation and grid connection yard (see paragraph 2.28 of the scoping report). The ES should provide an analysis of these impacts.
- 4.12 The Commission considers that it would be a matter for the applicant to decide whether or not to submit a stand-alone Health Impact Assessment (HIA) and that an applicant should have particular regard to the responses received from the relevant consultees regarding health. 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

- 4.13 The Commission recommends that the applicant should state clearly what regulatory areas are addressed in the ES. 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 proposed development which may be regulated by other statutory regimes have been properly taken into account in the environmental impact assessment (EIA).
- 4.14 Information submitted as part of the ES can aid both the development consent application and the Environmental Permit application to run in parallel. In order to gain an Environmental Permit, from the Environment Agency, it will be necessary for the applicant to demonstrate that the Best Available Technique (BAT) is being used for plant operations and the applicant's attention is drawn to the Agency's comments on this issue, therefore.
- 4.15 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 Planning Act 2008, the applicant should note that a level of assurance or comfort from the relevant regulatory authorities that the design or plan is acceptable and likely to be approved by them will be required by the Commission before a recommendation or decision on any

application is made. This is in accordance with draft policy guidance in Overarching National Policy Statement (NPS) for Energy (EN-1) (see paragraph 3.2 of this opinion regarding the status of National Policy Statements). Applicants are encouraged to make early contact with other regulators. Information from applicants about progress in obtaining other permits, licences or other consents and confirmation that there is no obvious reason why they will not subsequently be granted will be helpful in supporting an application for development consent to the Commission.

Climate Change, National Policy Statements and EIA Regs

Overarching National Policy Statement for Energy (NPS EN-1)

- 4.16 The draft Overarching National Policy Statement (NPS) for Energy (EN-1) and Renewable Energy Infrastructure (EN-3) policy sets out the Government's policy for delivery of major energy infrastructure and provides a framework for decisions to be taken by the Commission.
- 4.17 The Commission is bound to have regard to the NPSs, which establish the policy framework within which it operates. The NPSs remain in draft and have been subject to scrutiny and debate and further consultation. The weight to be placed upon the NPSs before they are designated will depend upon the stage reached in the process towards designation and will be a matter to be addressed by the Commission when the application is considered.
- 4.18 The draft Overarching National Policy Statement for Energy (EN-1) states at paragraph 2.1.1:
'It is important to note that the planning system is not the vehicle for delivering all aspects of Government energy and climate change policy; there are many aspects that will not be relevant to IPC decisions or decisions by local authorities.'
- 4.19 It continues at paragraph 2.1.5:
'Given that the Government policies that underlie the NPSs have been set in accordance with the Transitional Plan and carbon budgets, the IPC does not need to assess individual applications in terms of carbon emissions against the budgets.'
- 4.20 Paragraph 17(c) of Schedule 4 of the EIA Regulations includes a number of factors some of which might be anticipated to have an impact upon climate change (*'expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development'²*).

² Para 17 (c) Sch 4

- 4.21 Paragraph 19 of Schedule 4 of the EIA Regulations requires the Environmental Statement to include “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 inter-relationship between the above factors.”
- 4.22 Part 2 of the schedule requires the applicant to provide information that could relate to the consideration of climate change: *‘The data required to identify and assess the main effects which the development is likely to have on the environment’*³.
- 4.23 The Commission requires the applicant to address the effects of climate change on the proposals (adaptation) and how the proposals have provided the means to reduce its impact on climate change (mitigation), for example through amelioration of greenhouse gas emissions.
- 4.24 The Commission considers that the ES will need to set out the parameters for climate change assessment and address the cumulative effect on local and regional environmental control standards (i.e. Local Authorities Air Quality Management Areas). This information should be dealt with in the ES under a number of specialist topics and taking into account specific references in the relevant draft NPSs. The applicant may care to consider whether it would be helpful if this information was also collated into one section in order to better understand how the cumulative impacts have been addressed.
- 4.25 The ES should set out clearly the way in which climate change and the potential significant effects relating to the development have been addressed.

Applicant’s Consultation

- 4.26 It is recommended that the applicant provides preliminary environmental information⁴ to the local authority when presenting it with the draft Statement of Community Consultation (SoCC) for comment under s47 of the Planning Act 2008.
- 4.27 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. Where consultation responses have resulted in important changes affecting the EIA, such comments could usefully be reported and considered.

³ Para 26 Sch 4

⁴ For an explanation see under ‘Interpretation’ in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 SI2263

This reporting could also assist the applicant in the preparation of its consultation report required to be submitted with the application for development consent.

APPENDIX 1

LIST OF CONSULTATION BODIES FORMALLY CONSULTED DURING THE SCOPING EXERCISE

APPENDIX 1

LIST OF CONSULTATION BODIES FORMALLY CONSULTED DURING THE SCOPING EXERCISE

CONSULTEE	ORGANISATION
Schedule 1 List of Consultees	
The Relevant Responsible Regional Authority ¹	East of England Leaders Board South East England Leaders Board
The Health and Safety Executive	Health and Safety Executive
The Relevant Strategic Health Authority	NHS East of England NHS South East Coast
Natural England	Natural England Head Office Natural England South East England Regional Office
The Historic Buildings and Monuments Commission for England	English Heritage English Heritage East of England Regional Office
The Relevant Fire and Rescue Authority	Essex County Fire and Rescue Service Authority Kent Fire & Rescue Service
The Relevant Police Authority	Essex Police Authority Kent Police Authority

The Relevant Parish Council(s) or Relevant Community Council	Shorne Parish Council Cliffe And Cliffe Woods Parish council Higham Parish Council Canvey Island Town Council West Horndon Parish Council Stone Parish Council Swanscombe And Greenhithe Town Council
The Environment Agency	The Environment Agency The Environment Agency: Anglian (Eastern Area Office)
The Commission for Architecture and The Built Environment	CABE Design Review
The Relevant Regional Development Agency	East of England Development Agency SEEDA Chatham
The Equality and Human Rights Commission	Equality and Human Rights Commission
The Commission for Sustainable Development	Sustainable Development Commission
The Homes and Communities Agency	HCA
The Joint Nature Conservation Committee	Joint Nature Conservation Committee
The Commission for Rural Communities	The Commission for Rural Communities
The Maritime and Coastguard Agency	The Maritime and Coastguard Agency
The Civil Aviation Authority	Directorate or Airspace Policy
The Highways Agency	The Highways Agency
The Relevant Highways Authority	Thurrock Highways Kent Highway Services
Transport for London	TFL
The Rail Passengers Council	Rail Passenger Council

The Disabled Persons Transport Advisory Committee	DPTAC
The Coal Authority	The Coal Authority
The Office Of Rail Regulation	Office of Rail Regulation
Approved Operators	Network Rail Infrastructure Ltd Network Rail (CTRL) Ltd
The Gas and Electricity Markets Authority	OFGEM
The Water Services Regulation Authority	OFWAT
The Relevant Waste Regulation Authority	Thurrock Council Waste Management Kent County Council Waste Gravesham Borough Council Waste Management
The British Waterways Board	The British Waterways Board
Trinity House	Trinity House
The Health Protection Agency	The Health Protection Agency
The Relevant Local Resilience forum	Essex Local Resilience Forum Kent Local Resilience Forum
Relevant Statutory Undertakers	
Health body under s.16 Acquisition of Land Act 1981	Dartford and Gravesham NHS Trust Basildon and Thurrock University Hospitals NHS Foundation Trust South East Coast Ambulance Trust East of England Ambulance Service NHS South West Essex West Kent PCT
Railways	BRB Residuary Limited

Harbour	Port of Tilbury Dart Terminal Purfleet Terminal R Swain & Sons Ltd (Rochester)
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En Route plc
Universal Service Provider	Royal Mail Group
Water and Sewage Undertakers	Essex and Suffolk Water Anglian Water Southern Water
Public Gas Transporter	British Gas Pipelines Limited Energetics Electricity Limited Energetics Gas Limited ES Pipelines Ltd ESP Connections Ltd ESP Networks Ltd ESP Pipelines Ltd Fulcrum Pipelines Limited Fulcrum GTC Pipelines Limited Energy House Independent Pipelines Limited Intoto Utilities Limited National Grid Gas Plc (NTS) National Grid Gas Plc (RDN) Northern Gas Networks Limited Quadrant Pipelines Limited Scotland Gas Networks Plc Southern Gas Networks Plc SP Gas Limited SSE Pipelines Ltd The Gas Transportation Company Limited Energy House Wales and West Utilities Limited Utility Grid Installations Limited Wales and West Utilities Ltd
Electricity Generators With CPO Powers	RWE Npower Plc

Electricity Distributors With CPO Powers	ECG (Distribution) Limited EDF Energy (IDNO) Limited EDF Energy Networks (EPN) Plc Energetics Electricity Limited ESP Electricity Limited Independent Power Networks Limited The Electricity Network Company Limited
Electricity Transmitters With CPO Powers	National Grid
The Crown Estate Commissioners	The Crown Estate Commissioners
Local Authorities (s.43)	
	Thurrock Council Brentwood Borough Council Basildon Borough Council Castle Point Borough Council Dartford Borough Council Gravesham Borough Council London Borough of Havering London Borough of Bexley Essex County Council Kent County Council Greater London Authority Medway Council
Consultation with Applicant	RWE Npower

1

The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations was amended by The Local Democracy, Economic Development and Construction Act 2009 (Consequential Amendments) (England) Order 2010. Regional planning bodies were replaced by responsible regional authorities as consultees in schedule 1. Responsible regional authorities are defined as follows:

(1) References in this Part to “responsible regional authorities”, in relation to a region, are to the following (acting jointly)—

- (a) the regional development agency for the region, and
- (b) the Leaders’ Board for the region.

(2) But if during any period after the coming into force of this section there is no Leaders’ Board for a region, the references in this Part to “responsible regional authorities” are in relation to that period and region to be read as references to the regional development agency for the region. (s.72 of The Local Democracy, Economic Development and Construction Act 2009).

Please see table for Regional Development Agencies consulted.

APPENDIX 2

LIST OF BODIES WHO REPLIED BY 6 AUGUST 2010 AND COPIES OF REPLIES

APPENDIX 2

LIST OF BODIES WHO REPLIED BY 6 AUGUST 2010

ES Pipelines Ltd
Health and Safety Executive
The Joint Nature Conservation Committee
Scottish and Southern Energy Pipelines
Kent County Council
The Marine Management Organisation
Civil Aviation Authority
Essex and Suffolk Water
Medway Council
London Borough of Bexley
South East England Development Agency
South East Coast Ambulance Service
Dartford Borough Council
The Coal Authority
Kent Police
Transport for London
Natural England
East of England Ambulance Service
English Heritage (East of England)
The Office of Rail Regulation
Brentwood Borough Council
Environment Agency
East of England Development Agency
Essex County Council
Trinity House
Port of London Authority

Subject: FW: Proposed Gas Fired Power Station at Tilbury, Essex 100705_EN010018--_161794

From: Alan Slee [mailto:alans@espipelines.com]

Sent: Tuesday, July 06, 2010 12:25 PM

To: IPC Enquiries

Subject: Proposed Gas Fired Power Station at Tilbury, Essex 100705_EN010018--_161794

Dear Mark,

**Environmental Impact Assessment
Proposed Gas Fired Power Station at Tilbury, Essex (RM18)
100705_EN010018_161794**

Further to your communication to E S Pipelines Ltd, ESP Networks Ltd, ESP Electricity Ltd and ESP Connections Ltd dated 05 July 2010 I can confirm that our businesses have no comments to make at this stage.

Regards,

Alan Slee
Operations Manager

DD 01372 227567
Mobile 07766 802070
Fax 01372 386203



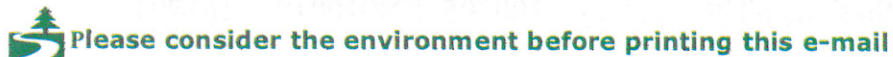
Hazeldean,
Station Road,
Leatherhead
KT22 7AA

☎ 01372 227560 📠 01372 377996

[MAP](#)

<http://www.espipelines.com>

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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.

Chief Scientific Adviser's Group
Building 3.3
Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

IPC

03 AUG 2010

REF:

Your ref:
100630_EN10016_161333

HSE: email:
NSIP_applications@hse.gsi.gov.uk

Mr Mark Wilson
Infrastructure Planning Commission (IPC)
Temple Quay House
Temple Quay
Bristol
BS1 6PN

2nd August 2010

Dear Mr Wilson

**PROPOSED GAS FIRED POWER STATION AT TILBURY, THURROCK
("the project")
RWE NPOWER ("the applicant")
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT
ASSESSMENT) REGULATIONS 2009 SI 2263 ("the EIA Regulations")**

Thank you for your letter of 6th July 2010 regarding the information to be provided in an environmental statement relating to the above project.

There is little for HSE to comment on at this stage however, there are some observations that it would seem sensible to pass on to RWE NPOWER.

The proposed development site is within the RWE npower's landholding on the Tilbury B power station site in Thurrock. The application site boundary and the identified area for the potential pipeline route do not fall within any of the HSE's land use planning consultation distances. There is an NTS pipeline which has been identified in Figure 3 of the EIA scoping report – this is the existing underground gas main which the proposed power stations' pipeline needs to connect to.

The promoter should refer to the Pipeline Safety Regulations (1996), which require the operator to notify HSE at least six months prior to construction.

The links below contain useful information on these Regulations and the Gas Safety (Management) Regulations 1996.

www.hse.gov.uk/gas/supply/information.htm

www.hse.gov.uk/pipelines/index.htm

Hazardous Substances Consent

Any site needing to store or use hazardous substances at or above specific quantities must obtain Hazardous Substances Consent (HSC) from the Hazardous Substances Authority (HSA) (usually the Local Authority) in accordance with the Planning (Hazardous Substances) (Amendment) (England) Regulations 2009 and 2010. In this case the Hazardous Substances Authority (HSA) is Thurrock Council. The list of named substances and the controlled quantities can be found in Schedule 1 of the Regulations.

There is insufficient detail in the Environmental Scoping Report for HSE to advise whether HSC would be required for this site. Therefore the promoter should check if any of the named substances in Part A of the Schedule are present at or above the specified controlled quantities. If so, the promoter will need to apply for HSC. In many cases the substances present may not be included in Part A; but they may fall within one or more of the categories of substances & preparations specified in Part B of the Regulations. If that is the case and they are present at or above the controlled quantity, then the promoter would need to obtain HSC.

HSC might also be required for the presence of hazardous substances even though the amount present is below their controlled quantity. This may happen because substances within the same generic category, which have similar hazard characteristics, would be added together to determine whether consent is required for some or all of them.

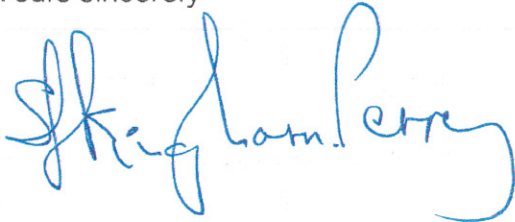
Electrical Safety

As well as satisfying general UK health and safety legislation (i.e. Health and Safety at Work etc Act 1974 and supporting regulations), the proposed design and future operations must comply with the Electrical Safety, Quality and Continuity 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. HSE 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 substations, overhead lines or underground cables, please contact Mr J C Steed, Principal Specialist Inspector (Electrical Networks), either at john.steed@hse.gsi.gov.uk or Rose Court GSW, 2 Southwark Bridge Road, London SE1 9HS.

I hope this is useful. HSE looks forward to receiving the formal s42 consultation from the promoter in due course when the plans are sufficiently developed.

Please note any further communication on this project can be sent direct to the HSE designated e-mail account for NSIP applications the details of which can be found at the top of this letter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'S Kinghorn-Perry', written in a cursive style.

Stephen Kinghorn-Perry
Head of Risk Communications Policy Unit

From: Laura Allen on behalf of IPC Scoping Opinion
Sent: 06 July 2010 10:44
To: Nikita Perepelov
Subject: FW: Power Station at Tilbury Essex

From: Wendy Dalton [mailto:Wendy.Dalton@jncc.gov.uk]
Sent: Tuesday, July 06, 2010 9:51 AM
To: IPC Scoping Opinion
Subject: Power Station at Tilbury Essex

Dear Mr Wilson

Your ref: 100705_EN010018_161794

With reference to your letter dated 5 July 2010 regarding the proposed gas fired Power Station at Tilbury, Essex.

JNCC co-ordinates nature conservation advice at a UK level and advises UK Government on scientific and policy matters relating to nature conservation internationally. Within each UK country the separate statutory bodies are responsible for nature and landscape conservation these being: Natural England (NE), Countryside Council for Wales (CCW), Scottish Natural Heritage (SNH) and the Council for Nature Conservation and the Countryside Northern Ireland (CNCCNI).

JNCC has responsibility for the provision of nature conservation advice in the offshore area. 'Offshore' is defined as beyond 12 nautical miles (nm) from the coastline to the extent of the United Kingdom Continental Shelf (UKCS). Within territorial limits (<12 nm) nature conservation advice is the responsibility of the relevant country agencies.

This development proposal is not located within the offshore area, does not have any potential offshore nature conservation issues and is not concerned with nature conservation at a UK level, therefore JNCC does not have any comments to make on the consultation.

With kind regards

Yours sincerely

Mrs Wendy Dalton
Business Support Officer

JNCC
Monkstone House
City Road
Peterborough
PE1 1JY

Tel: 01733 866884

E-mail: wendy.dalton@jncc.gov.uk

The Joint Nature Conservation Committee (JNCC) is the statutory adviser to Government on UK and international nature conservation. Its work contributes to maintaining and enriching biological diversity, conserving geological features and sustaining natural systems.

JNCC delivers the UK and international responsibilities of the Council for Nature Conservation and the Countryside, the Countryside Council for Wales, Natural England and Scottish Natural Heritage.

- please consider the environment - do you really need to print this email?

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Tilbury

IPC

- 8 JUL 2010



REF:

Mark Wilson
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

6th July 2010

Dear Mark,

Ref; 100705_EN010018_161794

I am writing to confirm that SSE Pipelines Ltd do not have any comments to make on the information to be provided in the environmental statement (Regulation 8 (11)).

Yours faithfully,

A handwritten signature in black ink that reads "Kevin Bennett".

Kevin Bennett
SSE Pipelines General Manager

Robert Brown House
5 Pipers Way
Thatcham
Berkshire
RG19 4AZ

From: Frances.Povey@kent.gov.uk
Sent: 07 July 2010 15:54
To: IPC Scoping Opinion
Subject: FW: Proposed Gas Fired Power Station at Tilbury - RWE NPOWER - your Ref: 100705 EN010018 161794

From: Dines, Ray - EHW KHS
Sent: 07 July 2010 15:52
To: ipcscopingopinion@infrastructure.gsi.gov.uk
Cc: Hall, David - EHW KHS; Joyner, David - EHW KHS; Gasche, Stephen - EHW KHS; Povey, Frances - EHW KHS
Subject: Proposed Gas Fired Power Station at Tilbury - RWE NPOWER - your Ref: 100705 EN010018 161794

Thank you for your letter dated 5 July 2010.

As far as I am aware the only issue that is likely to be of relevance to KCC as local Highway Authority is the the extent to which the proposed development will draw on employees from Kent and the potential use of the Gravesend to Tilbury foot passenger Ferry across the Thames that is currently jointly supported by KCC and Thurrock Council in Essex.

This would apply to both the construction and operational phases of the development. It should be noted that the long term viability of the ferry operation is in some doubt.

Regards
Ray Dines
Transport and Development Manager
Kent Thameside
01322 421417

Kent Highway Services

St.Lawrence House(1st Floor),

48A West Hill

Dartford, Kent. DA1 2EU

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From: Julian.Dipper@kent.gov.uk

Sent: 30 July 2010 16:21

To: IPC Scoping Opinion

Subject: Proposed Gas Fired Power Station at Tilbury, Essex: Environmental Impact Assessment

Your ref: 100705_EN010018_161794

To Mark Wilson:

Thank you for consulting Kent County Council on the scoping opinion. The scoping appears to be comprehensive and we have just one comment . From the Kent heritage side it is important to ensure that the historic integrity of the post medieval forts along the river are not detrimentally impacted upon. A major consideration should be retaining the sight lines in between the main forts, including Shornemead Fort. There needs to be detailed assessment of the key forts along the river, including assessment of their historic integrity and character as well as the historic functional views towards and out of the forts and long range views from the high ground of the Kent Downs.

If you, or those undertaking the Environmental Statement, have any queries about this comment, please contact:

Wendy Rogers
Senior Archaeological Officer
Heritage Conservation (E & W)
Kent County Council
Invicta House
County Hall
Maidstone
Kent
ME14 1XX

Regards

Julian Dipper

Tel 01622 221607

Fax 01622 221635

Integrated Strategy and Planning Division
Environment, Highways and Waste Directorate
Kent County Council
Invicta House
County Hall
Maidstone
Kent ME14 1XX

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Subject: FW: FAO Mark Wilson - RE:Power Station at Tilbury, Essex

From: Albrighton, Nick R (MMO) [mailto:Nick.R.Albrighton@marinemanagement.org.uk]

Sent: Wednesday, July 07, 2010 1:16 PM

To: IPC Enquiries

Cc: Parnell, Joanna (MMO); SH - MMO Lowestoft Team (MMO)

Subject: FAO Mark Wilson - RE:Power Station at Tilbury, Essex

Dear Mr Wilson

Thank you for your letter of 6th July regarding the scoping opinion sought by Npower in relation to their proposed development at Tilbury.

Applications for scoping opinions should be referred in the first instance to the Marine Environment Team at MMO headquarters in Newcastle, who will then seek comments from the relevant MMO office which, in this case, is at Lowestoft.

I will forward your letter accordingly.

Nick Albrighton

Marine Management Organisation

SE District Office

Hastings

01424 424109

The Marine Management Organisation (MMO)

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Directorate of Airspace Policy

Mark Wilson (via e-mail)
Infrastructure Planning Commission (IPC)

8 July 2010

Ref ERM/DAP/Planning/TilburyGasTurbinePowerStation

Dear Mr Wilson

Proposed Gas Fired Power Station (Tilbury C) at Tilbury, Essex – Scoping Comment

Thank you for your recent correspondence concerning the proposed Gas Fired Power Station (referred to in the Scoping Report (SR) as 'Tilbury C') at Tilbury, Essex. The IPC sought scoping comment aimed at assisting in the development of an Environmental Impact Assessment (EIA) aimed at supporting a formal application. I hope the following is useful.

I gather that the maximum height of any development associated with the proposed development would be the tallest of up to 8 flues which, it is anticipated, would be some 95m high. That being the case¹, I can advise that the various proposed structures would not formally constitute an aviation en-route obstruction. I have therefore few associated observations other than to highlight the eventual need for the relevant planning authorities to check any aerodrome-safeguarding requirement to identify any aerodrome specific safeguarding issues. I believe that the EIA will need to examine and, where applicable, address the potential issues associated with local aerodrome.

Additionally:

- Lighting. Given that the flues are likely to be some of the tallest structures in the immediate vicinity, I believe that it would be prudent to consider the need to equip the structure with aviation warning lighting. For background:
 - 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 will review the lighting requirement. For civil aerodromes, they will, in general terms, follow the requirements of CAP 168 - Licensing of Aerodromes.
 - 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 height might need aviation obstruction lighting if, by virtue of their location and nature, they are

¹ Other than the flues, it seems to be anticipated that any other associated new structure would not exceed a height of approximately 40m.

Civil Aviation Authority

CAA House 45-59 Kingsway London WC2B 6TE www.caa.co.uk
Telephone 0207 453 6545 Fax 0207 453 6565 marks.smailes@caa.co.uk

considered a significant navigational hazard.

- In the case in question, even if there proves to be no aerodrome related lighting requirement, I believe the 'by virtue of their location and nature' argument could hold true and therefore lighting may be required.
- Due to the unique nature of associated operations in respect of operating altitudes and potentially unusual landing sites, it is important to establish the viewpoint of local emergency services air support units in respect of the power station and associated new structures.
- It is anticipated that the facility would not involve the flaring and venting of 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.

I believe the EIA should acknowledge and, where applicable, address the issues highlighted above.

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

Yours sincerely

{original signed}

Mark Smailes
Off Route Airspace 5



Sandon Valley House, Canon Barns Road,
East Hanningfield, Essex CM3 8BD
Telephone: +44(0)1268 664399
www.eswater.co.uk

Mark Wilson
Case Leader on behalf of the IPC
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

8 July 2010

Dear Mr Wilson

Proposed Gas Fired Power Station at Tilbury, Essex – EIA Regulations 2009

Essex & Suffolk Water supply the potable water to the proposed site in Tilbury. We are able to supply the water required for the building and operation of the proposed Power Station from our existing or developing water resources. The development of this site will not require deferring or phasing to enable us to provide water. All development of new water resources requires an EIA, therefore potable water provision to the site should not require an EIA.

Yours sincerely

Martin Lunn
Supply Demand Strategy Manager

Please ask for: Chris Butler
Our Ref: MC/10/2478
Date: 8 July, 2010



Mr M Wilson
IPC Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Development, Economy and Transport
Regeneration, Community and Culture
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR
Telephone: 01634 331700
Facsimile: 01634 331195
Minicom: 01634 331300

Dear Mr Wilson

APPLICATION NUMBER: MC/10/2478

PROPOSAL: Consultation from the Infrastructure Planning Commission on request for a scoping opinion related to construction of a gas fired power station

LOCATION: TILBURY ESSEX

Thank you for your submission which was received on 6 July, 2010. The Council will seek comments from the relevant statutory bodies as to the content of the scoping document. Normally a decision will be made in respect of the adoption of the scoping opinion within 5 weeks, unless a longer period has in the meantime, been agreed with you in writing.

If you wish to enquire about the progress of this submission please visit our website <http://planning.medway.gov.uk/dcwebpages/acolnetcgi.exe>

All documents and plans relating to this submission will be published on the above website. You can also phone the Planning Customer Contact Team on 01634 331700 at least 3 weeks after the date of this letter.

If you have not received notification as to the screening opinion by 3 August, 2010 (or any longer period agreed in writing with you) you can apply to the First Secretary of State for a screening direction.

I hope this advice is useful but if you have any further questions, you can contact me on the above telephone number or via e-mail.

Yours sincerely

PP

A handwritten signature in black ink that reads 'Lisa Maryott'.

Chris Butler
Planning Officer

**This letter is available in larger print size if required. For details please contact
Lisa Maryott on 01634 331102**

Environment and Regeneration Services
Wyncham House
207 Longlands Road, Sidcup, Kent, DA15 7JH
Tel: 020 8303 7777 Fax: 020 8308 7897
DX31807 Bexleyheath www.bexley.gov.uk



m/r 10/01161/SCOPE Tel 020 8308 7769
y/r 100705_EN010018_161794 date 7th July 2010

The person dealing with this matter is

Mr S M Bell
(e-mail- Steve.Bell@bexley.gov.uk)

RWE Npower
C/o Infrastructure Planning Commission
Attention: Mark Wilson
Temple Quay House
Temple Quay
Bristol BS1 6PN

IPC

12 JUL 2010

REF:

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACTS

Gas Fired Power Station At Tilbury Thurrock Council

IPC Consultation for the scoping opinion to be provided for an environmental statement for the proposed gas fired power station.

I acknowledge receipt of your details received on 6th July 2010 requesting a Scoping Opinion on the above proposal.

I would advise you that I am undertaking a consultation exercise regarding this proposal and I will endeavour to reply within the specified period. For your information the application was recorded in our records under reference 10/01161/SCOPE.

Please contact my assistant on the above telephone number if you have any queries.

Yours faithfully

Susan M. Clark

Head of Development Control

From: Laura Allen on behalf of IPC Scoping Opinion
Sent: 14 July 2010 14:47
To: Nikita Perepelov
Subject: FW: Proposed gas fired power station at Tilbury Essex Your ref 100705_EN010018_161794

From: Jane Griffin [mailto:JaneGriffin@seeda.co.uk]
Sent: Wednesday, July 14, 2010 1:51 PM
To: IPC Scoping Opinion
Subject: Proposed gas fired power station at Tilbury Essex Your ref 100705_EN010018_161794

FAO Mark Wilson

Your request to SEEDA for information which should be provided in the environmental statement addressed to Nick Young has been passed to me at SEEDA HQ. Could you please ensure that in future correspondence is addressed to me.

The scoping opinion covers socio-economic effects in terms of jobs that will be provided both ultimately and during the construction phase. However a useful addition would be an analysis of skills required and availability of those skills in the local job market. If a shortage is identified then training should be initiated to time with the development.

I hope that is helpful.

Kind regards

Jane Griffin

Jane Griffin
Planning and Infrastructure Policy Manager

SEEDA
Cross Lanes
Guildford
GU1 1YA

01483 470197

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As a public authority, please note that all documentation held by SEEDA is subject to the Freedom of

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SEEDA is the Government funded agency responsible for the sustainable economic development and regeneration of the South East of England - the driving force of the UK's economy.

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From: Christine Jallow [christine.jallow@secamb.nhs.uk] on behalf of Geoff Catling [Geoff.Catling@secamb.nhs.uk]
Sent: 15 July 2010 08:44
To: IPC Scoping Opinion
Subject: Proposed Gas Fired Power Station at Tilbury, Essex - Ref: 100709_EN010018_161794
Paul Sutton, Chief Executive of SECamb, has asked me to respond to your letter of 9 July as above.

We confirm that we have no comment on the proposal.

Geoff Catling
Director of Technical Services & Logistics
South East Coast Ambulance Service NHS Trust
01737363812
07841981557

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

Please ask for: Graham Parkinson
Direct Line: (01322) 343051
Direct Fax: (01322) 343047
E-mail: graham.parkinson@dartford.gov.uk
DX: 142725 Dartford 7

IPC

19 JUL 2010

FAO Mark Cooper

REF: _____

Your Ref: 100705-ENO010018-161794
Our Ref: 10/00880/SCOPE

Date: 14th July 2010

Dear Mr Cooper

PROPOSED GAS FIRED POWER STATION, TILBURY, ESSEX –ENVIRONMENTAL IMPACT ASSESSMENT

Thank you for your letter of the 5th July 2010 seeking the Councils views on what matters should be addressed as part of an Environmental Statement.

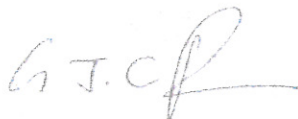
The Council has two key concerns that it considers should be form part of an ES as follows:

That the new gas fired power station should be constructed to be convertible to coal fed generation at a later date, does not appear to be compatible with the UK's carbon emissions reduction targets. It is therefore considered that an alternative strategy should be investigated. It is also felt that the potential for the use of lower carbon/renewable energy sources (than gas) should be investigated. It is acknowledged that for a power station of the generating capacity proposed this may prove challenging. The Council nevertheless considers that this process should be undertaken.

The Scoping Report states that it is important that the developers follow the guidance under section 36 of the Electricity Act 1989 for the assessment of CHP opportunities from the proposed Tilbury C gas power station. It is noted that this guidance advises that 'It is important where practicable for developers of large power stations to engage with the planning process so as to explore market opportunities for CHP in planned development.'. This requires developers to 'demonstrate that they have worked with local planning authorities to identify whether opportunities presented by emerging spatial planning strategies can support CHP in planned development and that they have contributed where possible, given timing and commercial confidential constraints, to such strategies.' It is considered that the developers should have regard to the results of the Kent Thameside Eco-Assessment (when published) and the work carried out for SEEPB on the potential for CHP and distributed heat.

I hope that you find the above of assistance.

Yours sincerely



Graham Parkinson
Senior Planning Officer

The
COAL
AUTHORITY



200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.coal.gov.uk/services/planning

Mark Wilson – Case Leader
Infrastructure Planning Commission

[By Email: ipcenquiries@infrastructure.gsi.gov.uk]

19 July 2010

For the Attention of: Mark Wilson

Dear Mark

PLANNING APPLICATION: 100705 EN010018 161794

Proposed Gas Fired Power Station at Tilbury, Essex

Thank you for your consultation letter of the 05 July 2010 seeking the views of The Coal Authority on the above planning application.

I have reviewed the proposals and confirm that The Coal Authority has no observations or specific comments.

Yours sincerely

A handwritten signature in black ink that reads "R.A. Bust." with a flourish underneath.

Miss Rachael A. Bust *B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MIPSM, MRTPI*
Deputy Head of Planning and Local Authority Liaison

In line with Government led initiatives the Coal Authority is committed to the delivery of efficient, high quality services supported by information technology. To support this we prefer communication in electronic format wherever possible.

From: [Adrian MOODY CH/INSP 7435](#)
To: [IPC Scoping Opinion;](#)
cc: [Andy ADAMS ACC 13156; Martin VERY SUPT 7920; Stephen MASON PS 9726;](#)
[Toni SLATER PSE 55272;](#)
Subject: Proposed Gas Fired Power Station Tilbury RESTRICTED
Date: 20 July 2010 11:23:11

RESTRICTED
FAO Mark Wilson
Your ref: 100705_EN010018_161794
Our ref: 4624/2010

Re: Proposed gas fired power station Tilbury Essex.

Sir,
Thank you for the opportunity to consider the environmental impact of the proposed gas fired power station at Tilbury Essex.
On behalf of the Chief Constable, I can report that Kent Police have no concerns regarding the environmental impact of this proposed development. However, The Chief Constable retains the right to further consider the potential impact of this development to the security and safety of the public of Kent.
Chief Inspector Adrian Moody,
Strategic Planning,
Kent Police.

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Transport for London



Your ref:
Our ref: 100705_EN010018_161794

FAO: Mark Wilson
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

IPC
22 JUL 2010
REF: _____

Transport for London
Group Planning
Windsor House
42-50 Victoria Street
London SW1H 0TL
Phone 020 7222 5600
www.tfl.gov.uk

20 July 2010

Dear Mr Wilson

**Re: Proposed Gas Fired Power Station at Tilbury, Essex ("the project")
RWE Power ("the Applicant")
Infrastructure Planning (EIA)
Regulations 2009 SI 2263 ("the EIA Regulations")**

Thank you for giving Transport for London (TfL) the opportunity to comment on the above.

Given that Tilbury, Essex, is outside of the Greater London Authority area, the proposed power station will have no direct impacts on TfL infrastructure. As such, I hereby confirm that TfL has no comments.

Yours sincerely

pp 

MICHÈLE DIX
MANAGING DIRECTOR
PLANNING
Email: micheledix@tfl.gov.uk

fao Mark Wilson

From: Wyatt, Gordon (NE) [Gordon.Wyatt@naturalengland.org.uk]
Sent: 23 July 2010 16:12
To: IPC Scoping Opinion
Cc: carol.cooper@rwenpower.com
Subject: fao Mark Wilson

Date: 23 July 2010

Your ref: 100706_EN010018_161794

Our ref: GW/Col-1477

Dear Mr Wilson,

Proposed gas-fired power station at Tilbury, Essex - RWE npower

Thank you for consulting Natural England about the EIA scoping for the above proposed development.

As you are probably aware, the current proposal for a gas-fired power station replaces a previous proposal for an advanced coal-fired power station at the Tilbury site, which RWE npower decided not to proceed with. RWE npower consulted closely with Natural England throughout the development of those former proposals. Apart from the addition of the area affected by the gas pipeline route, the proposed EIA scoping for the gas-fired power station closely follows that which we had previously agreed for the coal-fired power station.

I can therefore confirm that Natural England considers that the EIA scoping as proposed by RWE npower adequately covers all of the issues which are relevant to Natural England's remit.

Gordon Wyatt

Planning and Conservation Lead Adviser

Four Counties Team, East of England Region

Natural England

Harbour House

Hythe Quay

fao Mark Wilson

Colchester

Essex, CO2 8JF

Tel: 0300 060 1977 Mob: 07850 390125

www.naturalengland.org.uk

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

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From: Gareth Boynton [Gareth.Boynton@eastamb.nhs.uk]
Sent: 27 July 2010 08:59
To: IPC Scoping Opinion
Subject: Proposed Gas Fired Power Station Tilbury Essex
To whom it may concern,

The East of England Ambulance service can confirm that as an organization we do not have any comment.

Regards

Gareth Boynton

Resilience Manager Essex
East of England Ambulance Service NHS Trust
Chelmsford Office
Hospital Approach
Broomfield
Chelmsford
Essex
CM1 7WS

<mailto:Gareth.Boynton@eastamb.nhs.uk>

Office: 01245 444452
Mobile: 07525403019

I

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ENGLISH HERITAGE

EAST OF ENGLAND REGION

IPC

29 JUL 2010

REF:

Mr Mark Wilson
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Direct Dial: 01223 58272720
Direct Fax: 01223 582701

Our Ref:
Your Ref: I00705_EN010018_161794

27 July 2010

Dear Mr Wilson

**PROPOSED GAS-FIRED POWER STATION AT TILBURY, ESSEX:
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263**

Thank you for your letter dated 05 July 2010 consulting English Heritage on the scoping report for the above project. We have read the draft EIA scoping report and have the following comments, which have previously been sent to Ms Carol Cooper of RWE npower.

1. The major impact of the revised proposals for a Gas Station remains that of its impact on the setting of Tilbury Fort, an internationally important coastal fortification, and a key visitor attraction, in a location where regard to the setting of the fortifications is crucial to maintaining its sense of place. Notwithstanding the revised location and form of the gas station, the impact on setting is significant. We therefore welcome the proposals in the scoping report for replicating photomontages. The scoping report refers to using previous viewpoints, but it is crucial that the additional viewpoints from within Tilbury Fort, which were previously agreed with English Heritage during pre-application discussions are also included.
2. We note that the present coal fired power station (which is very dominant in certain views from Tilbury Fort) will cease to be operational from 2016. The Environmental Statement should be explicit in its assessment that the existing structure will be demolished after the new station comes on line and that its site is restored and kept free of development. In that case it may well be that the setting of Tilbury Fort could be somewhat improved if the new station is less dominant. We feel that it is important that this longer term position is made explicit in the Environmental Statement.
3. The area under consideration for the new pipeline may have high archaeological potential. An understanding of this potential through early and appropriate archaeological assessment and evaluation will be necessary. There are deep sedimentary sequences with peats dated by radiocarbon to the 10/9th - 4th

BROOKLANDS 24 BROOKLANDS AVENUE CAMBRIDGE CB2 8BU

Telephone 01223 582700 Facsimile 01223 582701


www.english-heritage.org.uk

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millennium BC. There may also be local pockets of medieval peat which are highly vulnerable to truncation and desiccation, but have great significance for understanding the historical development of the grazing marshes. In addition, there are the archaeological assets which have been identified on the County Historic Environment Record (and those as yet unrecorded, which would be revealed by evaluation). I would recommend Mr Richard Havis of Essex County Council's Heritage Conservation and Advice team is also involved in early discussions on these archaeological matters.

Yours sincerely



 Deborah Priddy
Inspector of Ancient Monuments

From: Dennis, Bill [Bill.Dennis@orr.gsi.gov.uk] on behalf of CCT Contact [contact.cct@orr.gsi.gov.uk]
Sent: 27 July 2010 12:24
To: IPC Scoping Opinion
Subject: Proposed gas fired power station at Tilbury Essex ("the project")

FAO: Mark Wilson,

Proposed gas fired power station at Tilbury Essex ("the project")
RWE NPower ("the Applicant")
Infrastructure Planning (Environmental Impact Assessment) Regulations 2009
SI 2263 ("the EIA Regulations")

Thank you for your consultation letter of 5 July 2010, regarding the above project. The Office of Rail Regulation (ORR) has no comment at this stage.

Yours sincerely,

Bill Dennis
customer correspondence team
Office of Rail Regulation
One Kemble Street
London WC2B 4AN

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ORR

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Thank you for your consultation letter of 5 July 2010, regarding the above project. The Office of Rail Regulation (ORR) has no comment at this stage.
Yours sincerely,
Bill Dennis

Bill Dennis
customer correspondence team
Office of Rail Regulation
One Kemble Street
London WC2B 4AN

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Brentwood
Borough Council



Town Hall
Ingrave Road, Brentwood
Essex CM15 8AY
Tel: 01277 312500 Minicom: 01277 312809
Fax: 01277 312743 DX No. 5001
www.brentwood.gov.uk

IPC

02 AUG 2010

REF:

When telephoning or calling please ask for
Geoff Boyton - Direct Line: (01277) 312609
Email: geoff.boyton@brentwood.gov.uk

Your ref: 100705_EN010018_161794

Our ref: GRB/P.I.

30 July 2010

For the Attention of Mark Wilson

Dear Mr Wilson

Proposed Gas Fired Power Station at Tilbury, Essex ("the Project")
RWE NPower ("the Applicant")
Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 SI
2263 ("the EIA Regulations")

Further to your letter of 5 July 2010 to Mr Clive Tokley, which has been passed to me for reply, I would advise you that the Council has no comments to make on the information to be provided in the environmental statement.

Yours sincerely

Planning Policy Manager

Mark Wilson
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN



INVESTOR IN PEOPLE

Mr M Wilson
Infrastructure Planning Commission
Temple Quay House (2 The Square)
Temple Quay Road
Bristol
Avon
BS1 6PN

Our ref: AE/2010/110985/01-L01

Your ref: 100706_EN010018_161794

Date: 29 July 2010

Dear Mr Wilson

EIA SCOPING OPINION. PROPOSED GAS FIRED POWER STATION, TILBURY, THURROCK.

Thank you for your EIA Scoping consultation letter of 6 July 2010 for the above proposed Tilbury C Combined Cycle Gas Turbine power station and ancillary works including a 3km gas pipeline.

Environment Agency position

We have reviewed the scoping report submitted and have further comments to make in respect of water quality, conservation/biodiversity and fisheries, flood risk management, land contamination and soil, waste management, climate change and industry regulation to ensure that the Environmental Statement (ES) will appropriately address the environmental issues we consider are of most importance for this proposal.

Our technical comments detailing the information we consider should be provided in the environmental statement and any additional information that we hold are provided below.

General Approach to Environmental Impact Assessment

We note that Paragraph 6.1.74 of the submitted Scoping Report lists the information to be included in ES. This includes information relating to the operational phase of the power station; however the construction of a power station has the potential to

Environment Agency
Cobham Road, Ipswich, Suffolk, IP3 9JD.
Customer services line: 08708 506 506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk
Cont/d..

affect all environmental receptors. The impacts associated with the construction phase should therefore also be included in the ES.

We welcome the inclusion of direct and indirect effects, short, medium and long term effects, and secondary and cumulative effects in this section. We would be especially interested in the potential in combination effects from other major schemes (existing and proposed) within the area. We suggest, for example, the proposed Gateway Energy Centre, the existing Coryton Power Station and the approved Tilbury Green Power Station.

The site boundary presented in Figure 2 includes part of the intertidal and sub-tidal River Thames. Any new construction works, for example dredging or piling, that are proposed below the high water level must be included in the ES environmental assessments.

One topic area that has not been covered in the general approach is waste/resource management. Development on this scale could generate significant amounts of waste and resource use (in particular potable water) during construction, operation and demolition phases. The government and construction industry have a target to halve waste to landfill by 2012, the ES should therefore outline how waste will be managed during all phases of this development. Resource use should also be considered, with appropriate mitigation proposed to ensure that this is minimised during the lifetime of the development.

Air Quality

Emissions, such as SO₂ and NO_x, could have a significant impact on the quality of statutory designated conservation sites such as SSSIs, SACs and SPAs. We therefore welcome the inclusion of an assessment of those impacts within the ES.

The assessment should aim to determine whether the operation of the power station will lead to increased loading on these protected sites. It should also take account of the in combination impact of emissions from other nearby plants such as the proposed Gateway Energy Centre, Tilbury Green Power Station and the existing Coryton Power Station to determine the cumulative loading on designated sites.

The Aquatic Environment

The preferred cooling medium for the steam condensers is river water taken directly from the Thames Estuary. This water is then returned to the river but at a higher temperature than it was abstracted. Direct cooling could have significant impacts upon the water environment which need to be addressed through inclusion in the ES. In particular it could compromise our ability to meet Water Framework Directive 2000/60/EC (WFD) objectives through thermal discharge to the River Thames, significant fish entrainment associated with direct water intake from the River Thames and pollution of the water environment associated with the construction, operation and demolition phases of development.

These issues are addressed separately below:

Thermal Discharge

The ES will need to contain a thorough assessment of how the proposed cooling infrastructure will affect a future WFD temperature classification of the Thames Estuary (Middle) water body.

UKTAG guidance sets out two types of standards that are applicable to the Thames Estuary. One is concerned with the rise in temperature (uplift) resulting from the discharge in the mixing zone, the other with the overall temperature distribution in the estuary.

The ES should include additional modelling using realistic flows and thermal loads to demonstrate how the degree of uplift will be impacted. Including a model run which does not include a load from the proposed carbon capture facility would also be useful. Under the WFD, deterioration of a water body from one status class to a lower one is not permitted, the ES will therefore also need to demonstrate that there will be no deterioration associated with the operational phase.

The ES will need to consider alternative cooling arrangements for use at times when we are at risk of failing to meet the maximum UKTAG temperature standard, for example during warm periods when ambient river temperatures are naturally higher. This should include consideration of the efficiency implications of using alternative cooling methods for a relatively small proportion of the year, as well as construction costs and planning concerns related to the construction of any alternative infrastructure. This would demonstrate that the implications of using direct water cooling have been considered both from a climate change and water quality perspective.

EA Data & Information: We will undertake the classification for temperature distribution in the estuary to aid this process as much as possible.

We are in the process of producing an Environment Agency policy document on no deterioration under the WFD. Once published, this should be considered during the production of the ES.

Fish Entrainment

The proposals state that the existing cooling water intake and outfall arrangements will be retained for use with the Tilbury C plant. At present this infrastructure is not acceptable because it takes eels, lamprey and smelt as well as other species in very large numbers. These species are all protected under the Habitats Directive, Eels (England and Wales) Regulations (2009), Marine and Coastal Access Act (2009) and Salmon and Freshwater Fisheries Act (1975).

As stated in Paragraph 6.7.3.106 the ES will need to address the appropriateness of using these structures for the Tilbury C plant. We would welcome the opportunity to engage with the applicant and input into the scope of these reviews to ensure that they address all relevant legislation. If existing structures are found to be environmentally unacceptable, alternative options will need to be explored.

Mitigation measures will need to be assessed and included in the ES so that these can be incorporated into the design and layout of the site. For example, the requirements of the fish return system could influence its location or even change the

intake structure considerably. It will also be necessary to ensure that other components of the power station do not compromise the ability to incorporate the mitigation options.

EA Data & Information: Environment Agency fisheries data is also available for this area. Our Thames Fisheries Team should be contacted for this information.

An additional comprehensive fisheries dataset is also held by Dubai Ports, as part of their baseline study portfolio for the London Gateway Port development. We would suggest that the applicants contact Marcus Pearson, DP World Environmental Manager for more information.

Water Quality

In addition to considering thermal discharge, other pollutants will also need to be addressed in the ES. All stages of this development i.e. construction, operation and demolition have the potential to mobilise contaminants and pollutants into the water environment. Processes that might give rise to pollutants should be identified and appropriate mitigation measures suggested. It should be made clear how the management of pollution will link to the Environmental Permit and strategies should be suggested to manage those elements that will not be covered under the permit.

Ground Conditions and Hydrology

We are satisfied that the scoping report adequately addresses the further work that will be required with regards to the contamination of land and any necessary remediation. It should be noted that the contamination and remediation of groundwater should also be considered.

EA Data & Information: The Environment Agency/Defra publication '*Model Procedures for the Management of Land Contamination (CLR11)*' should be used in the production of the ES.

Flooding

We are satisfied that the scoping report adequately addresses the further work that will be required with regards to flood risk. We also agree that this development should be classified as 'essential infrastructure' under PPS25 for the purposes of the Sequential Test and Exception Test.

In addition to the proposed further work, this section in the ES should consider any impacts the proposals will have on our tidal defences at this location.

Terrestrial Ecology

We are satisfied that the scoping report adequately addresses all of the significant terrestrial ecology issues. Tilbury is noted for its nationally important brownfield invertebrate assemblages and as such the ES should consider the retention and enhancement, as well as any mitigation measures for brownfield invertebrates.

The ES should explore mitigation measures that can be provided on the site despite constraints that are imposed on the available land area due to the necessarily sterile carbon capture set-aside area and power station buildings. For example, green/brown roofs, loose earth banks and wildflower-rich forage resources.

Hartwort (*Tordylium maximum*), a Red Data Book plant species, has been found within 1 km of the power station site and might therefore be present in the ditches on the site. Specific surveys in June/July would confirm its presence or absence and therefore should be undertaken.

Environmental permitting and other regulation

Information submitted as part of this Environmental Statement can aid both the Development Consent application and Environmental Permit application to run in parallel.

Best Available Technique

Paragraph 4.3.35 of the report identifies the provision of a 400MW of Open Cycle Gas Turbine (OCGT) plant to support the management of peak generation demands. The number of operating hours of the OCGT is not specified in the report. In view of the low efficiency of these plants, a robust argument will need to be made to demonstrate that this is the Best Available Technique (BAT) for the peaking scenario. The ES should therefore consider all alternative options and present evidence to satisfy us that OCGT does represent BAT.

Paragraph 4.3.37 states that the main generating units will also be able to operate on distillate fuel which will act as a back-up/supporting fuel. The use of this fuel could have significant impacts on the efficiency of the plant and also on emissions. The ES should therefore consider all supporting fuel options and present evidence that this proposal represents BAT. It should also consider any mitigation that might be required, for example, through the final design of the plant.

Combined Heat and Power

Article 6 of the revised Large Combustion Plant Directive 2001/80/EC states that:

'Member States shall ensure that the technical and economic feasibility of providing for the combined generation of heat and power is examined. Where this feasibility is confirmed, bearing in mind the market and the distribution situation, installations shall be developed accordingly.'

We are therefore keen to ensure that this plant is developed with its full potential for CHP. The location of the power plant offers great potential for identifying future heat customers and there is significant interest in heat networks within Thames Gateway. A comprehensive feasibility study should therefore be undertaken, although this may form a separate study to the ES.

The applicant is directed to our 'Horizontal Guidance Note: IPPC H2: Energy Efficiency' (2002) for further information.

Flood Defence Consent

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, our prior written consent is required for any proposed works or structures either affecting, or within 9 metres of, the tidal flood defence.

The comments we set out above are without prejudice to future decisions we make regarding any applications subsequently made to us for our permits or consents for operations at the site.

Should you require any additional information, please contact me on the details below.

Yours sincerely

**Miss Carrie Williams
Planning Liaison Officer**

Direct dial 01473 706007
Direct fax 01473 271320
Direct e-mail carrie.williams@environment-agency.gov.uk

Reply to: Juliet Richardson
Direct dial: 01223 484632
Email: julietrichardson@eeda.org.uk
Your ref:

Mr Mark Wilson
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

2nd August 2010

Dear Mr Wilson

Proposed gas fired power station at Tilbury, Essex, by RWE NPower

I write in response to your consultation on the above Environmental Impact Assessment Scoping Report dated July 2010. Thank you for consulting the East of England Development Agency (EEDA) with regard to the scoping report.

This letter is a response from EEDA as a statutory consultee on planning applications, and is made on the basis of the information on the proposal as submitted to EEDA by the Infrastructure Planning Commission.

EEDA's principal role is to improve the regions economic performance. Our main focus when preparing a response to a consultation on a planning application is therefore to address whether the proposal will help further sustainable economic development and regeneration in the East of England.

Others will no doubt wish to comment on the other dimensions of the proposal. It is within this context that our response should be considered

In our experience, scoping reports usually provide only limited reference to the 'socio-economic' impacts of the proposed development. EEDA considers that, given the scale of the proposed development the scoping report should identify:

- the need for the development scheme
- the wider socio-economic benefits and costs (including an analysis of additionality – the added value generated by the scheme, taking account value that would have happened without the scheme), and
- an analysis of alternative options.



The Scoping Report details the long history of power generation on this site, and the anticipation that Tilbury B will cease operation during 2013 and effectively be replaced by Tilbury C. Plans have been developed for a new power station on this since 2007 although it was originally expected to be a coal fired and then was changed following a review of UK generating plant. Because of the long inception time for this energy infrastructure part of the evidence base has been the Regional Economic Strategy. The RES advocates a region that is internationally competitive with a global reputation for innovation and business growth, which harnesses and develops the talents and creativity of all and is at the forefront of a low carbon and resource efficient economy.

In this context the impacts of proposed development on the following issues are likely to be particularly significant and we request that, where appropriate, they have been considered within the EIA:

- provision for businesses (particularly to support the region's enterprise base, skills, innovation activities and assets) including the supply of high quality business premises in sustainable locations;
- improving the region's skills base (to address employers needs and ensure access to education and skills);
- tackling deprivation and social exclusion, equality and diversity (giving communities improved opportunities to participate fully in the regional economy);
- a sustainable transport system that supports economic growth improving provision of port, airport and transport infrastructure so as to enable corridors of economic activity;
- promoting sustainable development, urban renaissance and rural vitality including the reduction in greenhouse gases and water resources,
- the balance between housing and employment opportunities contributing to effective and affordable places;
- managing growth and development sensitively and effectively;
- complementing and enhancing the position of London as a world city; and
- protecting and enhancing the region's landscapes and environmental assets.

By addressing these key elements of RES the EIA will provide the context needed to appraise whether the proposal will help maintain the prosperity of the East of England, enhancing its regional competitiveness and giving support to business growth.

The EIA should provide commentary on how it will contribute to the region's economic ambitions for employment and maximising the benefits of the environmental goods and services markets. At the same time, it should also comment on how it impacts on targets for CO2 reductions and renewable energy.

Yours sincerely

Natalie Blaken
Head of Planning



Spatial Planning
Environment, Sustainability and Highways
Essex County Council
County Hall
Chelmsford
Essex CM1 1QH

IPC

02 AUG 2010

EssexWorks.
For a better quality of life

REF:

Mark Wilson
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Your Ref: 100705_EN010018_161794
Our Ref: EW/IPC/Tilbury 050710
Date: 28th July 2010

Dear Mr Wilson,

PROPOSED GAS FIRED POWER STATION AT TILBURY, ESSEX ("the Project")
RWE NPOWER ("the Applicant")
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263 ("the EIA Regulations")

Thank you for inviting Essex County Council to comment in respect of the consultation by the Infrastructure Planning Commission on the above named Project. Set out below are officer comments on the document.

Essex County Council welcomes the opportunity to respond to this consultation and wish to continue to be included within the list of consultation bodies for this Project.

Having reviewed the 'Environmental Impact Assessment Scoping Report' dated July 2010, we would wish to offer the following comments in response to this consultation. These comments relate only in so far as the proposed development may impact upon Essex County Council's administrative area, and are not intended to encompass matters which may be of consideration for other administrative areas potentially affected by the proposals.

- 1) In general we would agree that the pertinent environmental considerations have been included within the Scoping Report and that the topics included are the relevant topics for consideration.
- 2) In so far as the further work proposed for the topic areas of: Ground Conditions and Hydrology, Flooding, Terrestrial Ecology, Landscape and Visual Effects, Noise and Vibration, Transport, Socio-Economic Effects, Cultural Heritage, Cumulative Impacts and Health, Safety and Security, it should be adequate to assess the potential impact within the Essex County Council administrative area.
- 3) The Policy Context section of the Scoping Report relies heavily on the Regional Spatial Strategy (RSS). The Secretary of State has recently revoked all RSSs, including the East of England Plan. Therefore the references in the document to the RSS and the use of the content of the RSS within the evidence base for the Assessment should be reviewed. However, the Chief Planner at CLG, in a letter dated 6th July 2010, noted that the evidence base for the RSS may still be regarded as a material consideration. Consequently, the evidence base for the Assessment should make explicit any material used from the RSS evidence base. It should also

clearly identify those parts of the evidence base that now substitute for material previously contained within the revoked RSS.

- 4) With regard to Air Quality it is noted that the further work will involve a detailed examination of the impact of the proposal on the air quality at SACs, SPAs and SSSIs within 10km of the proposal. However we would welcome a thorough consideration of the cumulative impacts of Air Quality impacts with existing AQMAs to include those found within South Essex (especially Brentwood).
- 5) Regarding the Aquatic Environment, the further work proposed would appear appropriate, and we welcome full consideration of the potential impacts of the proposal on the South Essex Coast and the Thames Estuary.

Do not hesitate to contact me should you require further clarification or discussion of the above comments

Yours sincerely,



Mrs Emma Woods
Senior Planner

Please reply to Emma Woods at the above address

Telephone: 01245 437566
Email: emma.woods@essex.gov.uk

From: Navigation Directorate [Navigation.Director@thls.org]
Sent: 02 August 2010 09:39
To: IPC Scoping Opinion
Cc: Chrissie.Martin@RWEnPower.com; Stanbrook, Roy; Nick Dodson; Roger.B
Subject: Your ref: 100705_EN010018_161794 Tilbury C Power Station - Scoping
FAO Mark Wilson

Your ref:- 100705_EN010018_161794
Our ref:- LL/OBS/AC/10

Dear Sir

Response to request for comments on the EIA Scoping Report for the proposed Tilbury C Gas Fired Power Station.

I refer to your letter of 5 July under the above reference seeking comments from Trinity House on the Environmental Scoping Report dated July 2010 submitted by RWE npower for the proposed Tilbury C Gas Turbine Power Station.

Trinity House is the General Lighthouse Authority for England & Wales with statutory responsibilities for superintendence & management of marine aids to navigation. You will appreciate that our interests include ensuring that developments in and adjacent to the marine environment do not adversely impact on the safety of navigation. In particular that developments take account of marine navigational marking requirements and that where construction in the marine environment is proposed that provision is made for adequate marking by the developer, both during construction, operation, decommissioning & eventual removal of the structure.

Whilst the major part of the Tilbury C Power Station development is on land, the Scoping Report indicates that there is a marine element to the project, particularly by way of possible alterations to the existing jetty and / or the water intake / outfall arrangements. In addition, because of the position adjacent to the River, the structure itself could also have an impact on navigation.

It is noted that the Port of London Authority have been included in the list of organisations to be consulted. As they are the Harbour Authority for the area, responsible in accordance with the Port Marine Safety Code for ensuring the safety of navigation within the port area, they should be the primary consultees on the navigational implications of the development and be consulted by the developer regarding the marine implications of the proposed construction and operation of the proposed power station. However from our point of view we would look to ensure that the Environmental Impact Assessment has considered, however briefly, any potential effect of the proposed works on existing aids to navigation in the vicinity. This could be because of either possible physical obstruction by the construction of new structures or the effectiveness of the aids to navigation due to increased background lighting (for example by additional floodlighting either during construction or permanently). If such is found to be the case, the EIA should address how such issues will be alleviated.

It is also noted that it is possible that the existing jetty could be extended or altered and if such is the

case, then the existing obstruction lighting of the jetty may need to be addressed. The scoping report also indicates that the jetty may be utilised for deliveries of materials to the site during construction and any impact on shipping movements in the River should also be assessed, as there may be a need for additional aids to navigation to be provided.

As indicated above, these are primarily matters to be addressed with the Port of London Authority, when details are available, however in our view these are matters which should be recognised as having been addressed during the Environmental Impact Assessment, even if it is eventually concluded that they are not issues with this particular project.

I hope that these brief comments, which have been copied to Chrissie Martin for Carol Cooper at RWE npower are of assistance.

Yours faithfully

John Cannon
Navigation Services Officer
Trinity House.

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Your Reference: 100709_EN010018_161794
Our Reference: P&E/Develop/Dc324d/JT

05 August 2010

Mark Wilson
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol BS1 6PN

London River House
Royal Pier Road
Gravesend, Kent, DA12 2BG, UK
Tel: +44 (0) 1474 562200
Fax: +44 (0) 1474 562281
Website: www.pla.co.uk

DIRECT LINE: 01474 - 562380
DIRECT FAX: 01474 - 562398
MOBILE: 07713 - 654595
E-MAIL: james.trimmer@pla.co.uk

IPC

09 AUG 2010

REF:

Dear Mr Wilson

INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009
PROPOSED GAS FIRED POWER STATION AT TILBURY, ESSEX

Thank you for your letter dated 9 July 2010 and for seeking the comments of the Port of London Authority on the scoping report submitted by RWE npower in relation to the proposed development at the above site.

Having considered the scoping report, and in view of the considerable work undertaken by the applicants in relation to the previously proposed coal fired scheme, the PLA would comment that the report is clear and comprehensive that addresses the relevant issues within an appropriate framework. The PLA, which in addition to its role as Statutory Port and Pilotage Authority for the Port of London, is the freehold owner of that part of the application site shown in Figure 2 situated below Mean High Water of the River Thames, must be involved and agree to the scoping of all surveys and modelling for works that may affect the river.

If you require any further information, please contact me.

Yours sincerely



JAMES TRIMMER
HEAD OF PLANNING AND PARTNERSHIPS

cc Carol Cooper - RWE npower



APPENDIX 3

PRESENTATION OF ENVIRONMENTAL STATEMENT

Appendix 3

PRESENTATION OF THE ENVIRONMENTAL STATEMENT

An environmental statement is described under the EIA Regs 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 Regs regulation 2)

The EIA Regs Schedule 4, Parts 1 and 2, set out the information for inclusion in an ES. Part 2 sets out the minimum requirements and 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 studies by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects;
- a non-technical summary of the information provided [*under the four paragraphs above*].

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 SI 2264 set out the requirements for information which must be provided as part of the DCO application. Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information (this is defined in Regulation 2 of the EIA Regs) need not be replicated or included in the ES.

The Commission 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 proposed development. The information should be presented so as to be comprehensible to the specialist and non-specialist alike.

The Commission recommends that the ES be concise with technical information placed in appendices.

ES Indicative Contents

The Commission emphasises that the ES should be a 'stand alone' document in line with best practice and case law.

Schedule 4 Part 1 of the EIA Regs sets out the aspects of the environment likely to be significantly affected by the development which should include '*in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors*' (paragraph 19).

The content of the ES should include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regs. This includes the consideration of 'Alternatives' which the Commission recommends could be addressed as a separate chapter in the ES.

Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the Commission 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 Commission 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 Commission considers that the ES should not be a series of disparate reports and stresses the importance of considering combined and cumulative impacts.

Physical Scope

In general the Commission 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.

Therefore, the Commission recommends that the study area for the EIA should include at least the whole of the application site embracing all offsite development and for certain topics, such as landscape and transport, the study area will need to be wider. The study area for each specialist topic should be clearly defined and determined by establishing the physical extent of the likely impacts in accordance with good practice.

The Commission considers that the study areas should be agreed, wherever possible, with the relevant statutory consultees and local authorities.

Temporal Scope

The assessment should consider:

- environmental impact during construction works;
- environmental impacts on completion/operation of the development;
- environmental impacts a suitable number of years after completion of the development in order to allow for traffic growth or maturing of any landscape proposals; and
- decommissioning.

In terms of decommissioning, the Commission 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 is to enable the decommissioning of the works to be taken into account in the design and use of materials such that structures can be taken down with the minimum of disruption, materials can be re-used and the site can be restored or put to a suitable new use. The Commission encourages consideration of such matters in the ES.

The Commission 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 Commission considers that the duration of effects should use a standard terminology, which should be defined.

Baseline

The Commission recommends that the baseline should describe the position from which the impacts of the proposed development are measured. The baseline should be chosen carefully and, where possible, be consistent between topics.

The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although the Commission considers that care should be taken to ensure that all the baseline data remains relevant and up to date. The Commission recommends that the baseline environment should

be clearly explained in the ES, including any dates of surveys. Wherever possible the baseline should be agreed with the appropriate consultees.

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.

Identification of Impacts and Method Statement

Legislation and Guidelines

In terms of the EIA methodology, the Commission 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 Commission 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 Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 SI No. 2264.

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 Regs require the identification of the *'likely significant effects of the development on the environment'* (Schedule 4 Part 1 paragraph 20). Therefore, the Commission 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 Commission 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 Commission considers that this should also apply to the consideration of cumulative impacts and impact interactions.

Potential Environmental Impacts

The Commission considers these under Section 3: the EIA Topic Areas of this opinion.

Impact Inter-actions/Combined Impacts

Multiple impacts on the same receptor should be taken into account. These occur where a number of separate impacts, eg. noise and air quality, affect a single receptor such as fauna.

The Commission considers that the combined effects of the development should be assessed and that details should be provided as to how interactions will be assessed in order to address the environmental impacts of the proposal as a whole.

Cumulative Impacts

The ES should describe the baseline situation and the proposed development within the context of the site and any other proposals in the vicinity.

Other major development in the area should be identified beyond the proposal itself including all the associated development. The Commission recommends that this should be identified through consultation with the local planning authorities on the basis of major developments that are:

- built and operational;
- under construction;
- permitted application(s), but not yet implemented;
- submitted application(s) not yet determined, and if permitted would affect the proposed development in the scoping report; and
- identified in the 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 have been taken into account as part of the assessment.

Associated development

The ES should give equal prominence to any development which is associated with the proposed development site to ensure that all the impacts of the proposals are assessed.

The Commission recommends that the applicant should distinguish between development 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 Commission 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; and should be identified as such in the specialist sections (Schedule 4 part 1 paragraph 21). Mitigation measures should not be developed in isolation as they may benefit more than one topic area.

The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment should be taken into account as part of the assessment.

The application itself will need to demonstrate how the mitigation would be delivered, and only mitigation which can be shown to be deliverable should be taken into account as part of the EIA.

It would be helpful if the mitigation measures proposed could be cross referred to specific provisions proposed within the 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.

Trans-boundary Effects

The Commission 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 Commission recommends consideration should be given to discharges to the air and sea and to potential impacts on migratory species.

Presentation

The Commission recommends that all paragraphs in the ES should be numbered. This is for ease of reference. Appendices must be clearly referenced, again with all paragraphs numbered. All figures and drawings should be clearly referenced.

Cross References and Interactions

The Commission 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 Regs 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.

Terminology and Glossary of Technical Terms

The Commission 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.

Summary Tables

The Commission recommends that in order to assist the decision making process, the applicant may wish to consider the use of tables to identify and collate the residual impacts after mitigation. This would include the EIA topics, combined and cumulative impacts.

A table setting out the mitigation measures proposed would assist the reader and the Commission recommends that this would also enable the applicant to cross refer mitigation to specific provisions proposed to be included within the draft Order.

The ES should also demonstrate how the assessment has taken account of this opinion and other responses to consultation. The Commission recommends that this may be most simply expressed in a table.

Bibliography

A bibliography should be included in the ES. The author, date and publication title should be included for all references.

Non Technical Summary

The EIA Regs require a Non Technical Summary (EIA Regs 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.

Consultation

The Commission 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 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 (this term is defined in the EIA Regs under regulation 2 'Interpretation'). This preliminary information could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with s47 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 preliminary environmental information. Attention is drawn to the duty upon applicants under s50 of the Planning Act to have regard to the guidance on pre-application consultation.

Environmental Management

The Commission advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan (EMMP) and safety procedures which will be adopted during construction and operation.