



By email only: [adriana.gasparini@rwe.com](mailto:adriana.gasparini@rwe.com)

Adriana Gasparini

31 JULY 2024

Dear Adriana,

**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)  
(ENGLAND AND WALES) REGULATIONS 2017 – REQUEST FOR A SCOPING  
OPINION**

**THE ELECTRICITY GENERATING STATIONS (VARIATION OF CONSENTS)  
(ENGLAND AND WALES) REGULATIONS 2013**

**THE STAYTHORPE POWER STATION CARBON CAPTURE PROJECT.  
RWE STAYTHORPE POWER STATION, STAYTHORPE, NEWARK, NG23 5PS.**

1. I refer to your email of Monday 22 April 2024 and attachments requesting an environmental impact assessment (“EIA”) scoping opinion (“the scoping request”) from the Secretary of State as to the scope and level of detail of the information to be included in the EIA Report in respect of the Staythorpe Power Station Carbon Capture Project (“The Proposed Development”) under Regulation 18 of the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017 (“the 2017 Regulations”).
2. The scoping request contained an EIA Scoping Report titled “Staythorpe Power Station Carbon Capture Project Environmental Impact Assessment Scoping Report (297711/STYEIASCP)” prepared by Ove Arup and Partners Ltd on behalf of RWE Generation UK PLC (“the Applicant”) dated April 2024 (the “Scoping Report”).
3. The Scoping Report sets out the environmental information that the Applicant intends to provide in support of its proposed variation to the original section 36 consent and deemed planning permission for the Staythorpe Power Station granted on 26 May 1993, and which was subsequently varied on 2 May 1995, 2 May 2007, and again on 23 June 2022 (“the Existing Consent”). It also provides details of the methodology to be used and topics to be scoped out of the EIA Report (also referred to as the Environmental Statement “ES”).

**The Proposed Development**

4. The Applicant proposes to retrofit a post-combustion Carbon Capture Plant (CCP) to the existing Staythorpe C power station (“the Proposed Variation Application”). The Proposed Variation Application will also include the decommissioning or relocation of some existing power station infrastructure.
5. The key infrastructure included in the Proposed Development would likely consist of:
  - One carbon capture unit for each CCGT unit (four units in total), each with a direct contact cooler to cool the flue gas, a flue gas blower, up to



two CO<sub>2</sub> absorbers with stacks, solvent stripper/ regenerator and hybrid air and water cooling systems;

- CO<sub>2</sub> compression and purification facility;
- A chemical store and storage tanks;
- Ducting to connect each carbon capture unit to an existing CCGT unit;
- Utilities connections including connection to an electrical substation;
- Demineralisation treatment water plant (this may be an extension of the existing water treatment plant);
- Surface water drainage system;
- Wastewater treatment plant;
- Additional cooling towers in the vicinity of the existing Power Station cooling towers to provide water cooling to the CCP;
- Facilities for the operation and management of the Proposed Development (including stores, labs and a workshop); and
- Construction laydown areas.

8. The Proposed Development would also require decommissioning or relocation of some existing power station infrastructure.

9. Due to the nature of the Proposed Development, the Applicant has considered that the Proposed Development would be determined as an EIA Development having regard to the factors in Schedule 3 of the 2017 Regulations. Consequently, the Applicant has committed to undertaking an EIA and has not sought an EIA screening determination.

### **EIA Scoping Opinion**

10. The scoping request contains a description of the nature and purpose of the Proposed Development capacity, an explanation of the likely impact on the environment of the Proposed Development and a plan of the site of the Proposed Development.

11. The topics identified in the Scoping Report to be scoped in are:

- Air quality;
- Greenhouse gas emissions;
- Cultural heritage;
- Ecology and nature conservation;
- Geology, hydrogeology and land contamination;
- Landscape and visual amenity;
- Major accidents and disasters;
- Noise & vibration;
- Socio-economics;
- Traffic & transport;
- Materials and waste;
- Water resources and flood risk; and
- Cumulative and combined effects.

12. The Scoping Report also provides details of the topics proposed to be scoped out of the EIA Report, namely 'climate change resilience', 'human health' and 'materials and waste'.



13. On 15 May 2024 the Secretary of State undertook consultation, in accordance with Regulation 18 (3) of the 2017 Regulations, on the scope and level of detail of environmental information proposed to be contained within the EIA Report, which will accompany the section 36C variation application, when it is submitted by the Applicant. The Applicant's Scoping Report proposed which topics require assessment of the potential for likely significant environmental effects.

14. Consultation responses were received from the following consultees:

- Newark & Sherwood District Council (NSDC);
- Natural England (NE);
- The Environment Agency (EA); and
- Historic England (HE).

15. No response was received from Nottinghamshire County Council (NCC).

16. NE were asked by the Secretary of State to provide a second response to his consultation request to clarify their views. They provided this on July 16<sup>th</sup>.

17. The first response from the EA was from the EA's Regulated Industry team. A second response was received from the EA on the 16<sup>th</sup> of July to include the views from other teams within the EA who work on planning, which the Secretary of State accepted.

18. The consultees provide standard advice and recommendations on environmental topics within their remit, to which the Applicant should have regard when conducting surveys, assessments and preparing its EIA Report. These responses were provided to the Applicant after the consultation period closed. Specific comments on the scope and detail contained within the Scoping Report are considered further below and form part of this Scoping Opinion.

16. In considering this request for a Scoping Opinion and in accordance with Regulation 18 (6) of the 2017 Regulations, the Secretary of State has taken into account: the information provided by the Applicant; all representations received from the consultation bodies and public authorities consulted; the specific characteristics of this Proposed Development; the specific characteristics of this type of Proposed Development; and the environmental features likely to be affected by the Proposed Development.

## **Background to the Proposed Development**

17. Table 1 presents the Secretary of State's and consultees' comments on Sections 1 to 5 of the Scoping Report, concerning a description of the existing environment and the Proposed Development, project alternatives, and planning policy. The Secretary of State agrees with the inclusion of additional matters as noted in consultation responses set out below. Unless otherwise mentioned, the Secretary of State agrees with the scope and level of detail proposed in the Scoping Report.



**Table 1. Background**

Page	Scoping Report text	Comment
5	<i>“Given the scale and nature of the Proposed Development there is potential for significant adverse environmental effects so an EIA will be undertaken, and an Environmental Statement (ES) produced for the Proposed Development. Although not mandatory, submission of the EIA Scoping Report to the Secretary of State commences the EIA process and represents formal notification to the Secretary of State, as the determining authority, that the Applicant will undertake an EIA in respect of the Proposed Development and produce an ES to report the findings of the EIA.”</i>	The Secretary of State agrees with the Applicant’s rationale for submitting an Environmental Statement without first applying for an EIA screening opinion. In their consultation response, NSDC also agreed with the Applicant that the Proposed Development is likely to have significant effects on the environment and agrees with the Applicant’s intention to submit an Environmental Statement (ES) for the Proposed Development with their application.
N/A	N/A	NE noted that whilst they have not been engaged with the project up until this point, based on the EIA Scoping Report it appears that the EIA principles set out Regulation 17 of The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017 are likely to be met.
12	<i>“The CCP units will be designed for 95% CO<sub>2</sub> capture during steady state operation”</i>	The EA note that the 95% CO <sub>2</sub> removal rate is the minimum expected by Best Available Techniques (BAT) without further risk assessment to justify.
14	<i>“Normal construction site operating hours will be from 07:00 to 18:00 Monday to Friday and 07:00 to 13:00 on Saturdays. There will be some activities outside of these hours – for example, large concrete pours or cable terminations and major lifts which need to take place with fewer people on Site.”</i>	NSDC notes that for the avoidance of doubt, any ‘agreed’ construction working hours, and particularly those activities due to take place outside of those standard hours, should be subject to assessment throughout the topic areas that are scoped into the EIA and subsequently reported within the EIA Report.
15	<i>“The Proposed Development will be designed to operate 24 hours a day, 7 days a week as per the existing Power Station.”</i>	The EA note that the current power plant operation is variable and subject to daily fluctuations in National Grid demand. This may impact on CO <sub>2</sub> removal rates and rates of emissions to air. They confirmed that this will be checked during the environmental permit variation determination.



17	<i>“The EIA will consider and assess the ‘worst case’ impacts, in accordance with the Rochdale Envelope”</i>	The Secretary of State agrees that the Applicant has correctly outlined the need to use the Rochdale Envelope approach where alternatives are still to be considered. NSDC agree, stressing that the Applicant must be very clear when setting out which parameters are not yet fixed. NSDC also outline the need for the maximum parameters to be used in the ES, such as the maximum footprint of the Proposed Development, and the maximum size and heights of the Proposed Development components and their associated component parts.
18	N/A	<p>NSDC notes that the Applicant has omitted referencing bullet point 3 of Core Policy 10 (Climate Change) of NSDC’s Amended Core Strategy (2019).</p> <p>For clarity, NSDC reproduced the policy point: “Mitigate the impacts of climate change through ensuring that new development proposals minimise their potential adverse environmental impacts during their construction and eventual operation. New proposals for development should therefore:</p> <ul style="list-style-type: none"> <li>• Ensure that the impacts on natural resources are minimised and the use of renewable resources encouraged; and</li> <li>• Be efficient in the consumption of energy, water, and other resources.”</li> </ul> <p>The Secretary of State agrees that this is a relevant policy consideration aimed at minimising the Proposed Development’s impact on the environment during construction and operation.</p> <p>Furthermore, NSDC also note that the Applicant did not refer to NSDC’s ‘Policy DM4 (Renewable and Low Carbon Energy Generation)’ of the Allocations and Development Management Development Plan Document (ADMDDP) (2013), which they consider to be key policy.</p> <p>The Scoping Report refers to the ongoing review of the ADMDDP, which NSDC notes is expected to be at an advanced stage by the time the Applicants documents are submitted and therefore the plan needs to be considered in the application. The Secretary of State agrees that the Applicant must have due regard to the plan when submitting their application.</p>

Topics proposed to be scoped in

18. Table 2 presents the Secretary of State’s and consultees’ comments on topics proposed to be scoped into the EIA Report. The Secretary of State



agrees that additional matters as noted in consultation responses set out below should be included. Unless otherwise mentioned, the Secretary of State agrees with the scope and level of detail proposed in the Scoping Report.

**Table 2. Topics proposed to be scoped into the EIA Report.**

Page	Scoping Report text	Comments
<b>Air Quality</b>		
25	<i>“With the implementation of best practice control measures any impacts on dust soiling, human health and biodiversity will be negligible and are therefore scoped out.”</i>	The Applicant proposes to scope out construction dust from the EIA, stating the implementation of best practice controls will lead to only negligible impacts. While this could be the case, the Applicant has not yet submitted detailed construction plans which mention precisely which ‘best practice controls’ will be in place, and therefore the Secretary of State cannot be confident of the levels of dust produced. Additionally, the Secretary of State cannot yet confirm if the controls will be suitably secured via the Construction Environmental Management Plan (CEMP). Consequently, the Secretary of State considers that that construction dust should be scoped in during the construction phase.
26	<i>“The primary pollutants of concern with regards to gas-fired power stations seeking to include carbon capture and storage, are NOx, carbon monoxide (CO), ammonia, amines and amine-degradation products. In addition, following release to atmosphere the amines can react with the NOx in ambient air in the presence of sunlight and ozone to form the degradation products called nitramines and nitrosamines (collectively referred N-amines).”</i>	<p>The Secretary of State agrees with the Applicant that the primary pollutants of concern with regards to gas-fired power stations seeking to include carbon capture and storage are NOx, carbon monoxide (CO), ammonia, amines and amine-degradation products (N-amines). In particular the EA note the inclusion of amines, describing their current work in determining what and where emission limit values will need to be applied within the Proposed Development’s type of plant design i.e. before or after the CCP, or indeed different measures at different stages of the overall process.</p> <p>Furthermore, the EA also describe their current work to understand the impacts of amines in solvents used in carbon capture processes, and how they are in the process of determining appropriate environmental assessment levels for different species of this chemical class within the carbon capture emission.</p> <p>The EA notes that this will be scrutinised in the permit variation determination but that ‘the current situation may impede the applicant’s ability to produce a thorough EIA to adequately assess all these potential impacts.’. The Secretary of State notes this and urges the Applicant to engage with the EA in regard to this issue while preparing their EIA Report.</p> <p>The Secretary of State also considers that the EIA Report should include a consideration of any likely significant effects on other receptors (notably sensitive habitats and waterbodies) resulting from the deposition of amines and amine degradation products.</p>
N/A	N/A	NE note that the EIA Report should take account of the risks of air pollution and how these can be managed or reduced. This





		should include taking account of any strategic solutions or Shared Nitrogen Action Plan's, which may be being developed or implemented to mitigate the impacts on air quality.
<b>Greenhouse gas emissions</b>		
31	<i>"Aligning with IEMA (2022) guidance, the baseline (Do-Minimum (DM) scenario) is the reference against which the impact of the Proposed Development will be compared and assessed"</i>	The Secretary of State agrees that the baseline 'Do-Minimum' scenario is an appropriate reference point to assess the effects of the Proposed Development in terms of Greenhouse Gas (GHG) emissions, considering the most likely alternative is for the current Staythorpe power station to continue combusting unabated.
34	<i>"The GHG assessment will quantify and report the GHG emissions anticipated to be generated or avoided by the Proposed Development. This will be reported in tonnes of carbon dioxide equivalent (tCO<sub>2</sub>e), a single metric of the global warming potential of the main GHG emissions."</i>	While the Secretary of States accepts the metric used by the applicant in their GHG emissions assessments (tonnes of carbon dioxide equivalent (tCO <sub>2</sub> e)) the Secretary of State notes the Applicant has not described precisely which other gasses it would be including within this figure, other than CO <sub>2</sub> itself. The Secretary of State requests that the EIA includes a breakdown of each GHG produced over the lifetime of the Proposed Development, such as methane. He also requests that the EIA includes the calculations showing the predicted mix of gasses, including any assumptions made, any limitations to the calculations and any uncertainties this presents for the assessment of GHG emissions.
34	<i>"It will not extend to consideration of connected infrastructure which is not covered by this application for consent (i.e. embodied/ operational carbon associated with CO<sub>2</sub> transportation infrastructure located outside the physical boundary of this application)."</i>	<p>The description of the Proposed Development (3.1) explicitly mentions that the CO<sub>2</sub> that is compressed and purified on Site will be exported and transported offshore for sequestration. It is the Secretary of State's view that the works (which will be covered in a separate planning application) are linked and to some degree interdependent on each other, and therefore the cumulative GHG impact of both works must be assessed in the EIA Report.</p> <p>The Secretary of State welcomes that while it will be progressed in a separate application by the operator of the CO<sub>2</sub> transport and storage infrastructure, cumulative greenhouse gas effects will be considered as part of the EIA Report. However, in the cumulative effects section, the Application states that it will not consider the CO<sub>2</sub> storage facilities due to the distance from the Site.</p> <p>It is the Secretary of State's view that the EIA Report should assess the nature and magnitude of emissions of the Proposed Development <b>and</b> the associated gas pipeline transport <b>and</b> the storage project together. The Secretary of State does not</p>



		accept the storage's distance from the Proposed Development an acceptable reason to scope the storage out of the EIA assessment as it is inextricably linked to the pipeline. Other aspects that should be included for example and to the extent that such information is available, are any potential emissions arising from leakage from the CO <sub>2</sub> gathering pipeline and from exhaust emissions from exporting ships.
N/A	N/A	The EIA Report should include a description of the steps taken to minimise GHG emissions during construction (e.g. from plant machinery) and how operational emissions have been reduced as much as possible through the application of best available techniques.
N/A	N/A	NE note that the EIA Report should identify how the development impacts the natural environment's ability to store and sequester greenhouse gases, in relation to climate change mitigation and the natural environment's contribution to achieving net zero by 2050.
<b>Cultural Heritage</b>		
40	<i>Table 15</i>	In its consultation response, HE confirmed that it is content with the scope of EIA set out in the Scoping Report. HE considers the approach in respect of Cultural Heritage to be both necessary and proportionate. Furthermore, it noted the importance of expertise provided by the County Council Historic Environment Record, and Nottinghamshire County Council and Newark and Sherwood District Council's own archaeological and built environment specialists.
36	<i>"A proportional scoping boundary of 2km has been applied around the Site to determine the nature of the local heritage resource."</i>	For the built heritage assessment, a 2km scoping boundary has been chosen. While HE did not dispute this, NSDC had concerns, as a 2km boundary would exclude large parts of the Newark Conservation Area, the Scheduled Monument, and Grade I listed Newark Castle (although they note the Grade II listed registered park and garden at Newark Castle is mentioned). NSDC conclude that given the limited information, they are unable to conclude if the 2km boundary is sufficient.  On this matter, given the low-lying topography of the site, the Secretary of State would like to see the Applicant take a precautionary approach, using a scoping boundary of 3km from the Proposed Development which would then include Newark and the scheduled moated medieval site at Hawton in the assessment.
N/A	N/A	On the matter of archaeology, NSDC raised multiple concerns over the reports scope. Firstly, NSDC believe the Applicant has clearly defined a specific programme of archaeological investigation. NSDC suggest a programme of archaeological assessment that will include desk-based research, non-intrusive (geophysical survey and field walking) and intrusive field evaluation (minimum 3% coverage trial trenching and geoarchaeological assessment).





		Further to this, NSDC also request that any assessment should also consider the potential for significant Palaeolithic remains such as those found close by at Farndon. The Secretary of State accepts this is a reasonable request and therefore would like to see it included within the EIA Report,
N/A	N/A	NSDC also note that in addition to the Mesolithic remains mentioned in the scoping report, the fields to the west of the Proposed Development have a Historic Environment Record (HER) relating to cropmarks that identify enclosures, a track and other features which likely relate to pre-historic and/or Roman activity. Additionally, they note that evaluation work in the adjacent field to the north identified Bronze Age activity which will likely be significant for the Proposed Development also. There are also records for medieval ridge and furrow cultivation within all the fields in the proposed scheme. NSDC consider that these will mask earlier features to some extent in terms of cropmarks and geophysics results and note that these areas will require further evaluation trenching prior to completion of the EIA Reports. The Secretary of State agree and would like the Applicant to carry out further evaluation trenching to ensure the EIA Report is fully informed.
N/A	N/A	<p>Additionally on the topic of archaeology, NSDC notes how the field to the east of the Proposed Development does not benefit from a HER within the boundary but is adjacent to the Mesolithic finds referred to within the Scoping Report. In the field to the north, a late Bronze Age Hallstatt bronze sword was recovered (less than 200m away) and there are undated walls and post-medieval Civil War defences within 250m. NSDC suggest that this means the site has a very high potential for significant archaeological remains that will need field evaluation to properly characterise and quantify as part of the EIA and prior to completion of the EIA Report.</p> <p>NSDC also note that recently extensive evaluation work has been undertaken in the vicinity of the site as part of other projects (Kelham Solar, A46, the adjacent BSS site and others). They suggest that this has tended to reveal far more archaeology than previously expected from existing sources and far more in the way of significant pre-historic activity.</p> <p>The Secretary of State agrees with NSDC's regarding the potential historical value of the site considers that the Applicant should address such comments in the EIA Report.</p>
37 & 38	<p><i>“There may be potential for the following impacts to occur as a result of the Proposed Development:</i></p> <p><i>- Physical impacts on designated and</i></p>	<p>NSDC note that this should also include direct impacts from construction and associated development activity such as foundations, piling, ground reduction, services, landscaping, compounds, and any other intrusive ground impacts.</p> <p>NSDC also note that for the cultural heritage assessment, decommissioning should be considered in more detail at the application stage and the potential impacts addressed prior to construction where necessary. NSDC suggests this as they</p>



	<p><i>non-designated heritage assets, including potential indirect impacts from changes in groundwater levels, during construction; and</i></p> <p><i>- Impacts on the significance of designated and non-designated heritage assets through changes in their setting, including the nearby scheduled monuments, listed buildings and conservation area during construction and operation”</i></p>	<p>state it is often far more difficult to mitigate decommissioning impacts after construction and the best approach to mitigation should be considered at this point as the practicalities of implementing an appropriate scheme are far more restricted at a later stage.</p> <p>The Secretary of State agrees with NSDC and asks that the Applicant considers addressing these topics within the EIA Report.</p>
38	<p><i>“The assessment described will take into account any embedded design mitigation.”</i></p>	<p>NSDC note that ‘embedded design mitigation’ cannot be properly considered until the full programme of archaeological assessment has been completed and an appropriate mitigation strategy agreed. They suggest that the full suite of archaeological mitigation techniques remains viable until further assessment (as part of the EIA) has been completed. NSDC considers singling out ‘embedded design mitigation’ at this early stage to be premature.</p> <p>The Secretary of State shares NSDC’s concerns and considers that the EIA should cover both mitigated and unmitigated impacts.</p>
		<p>Overall, the Secretary of State welcomes the addition of all sub-topics in construction, and all but buried archaeology during operation.</p> <p>In terms of specifics within sub-topics, he acknowledges NSDC’s concerns over the proposed scoping boundary, proposed range of remains included in assessments, and the premature use of embedded design mitigation into the EIA Report, and requests the Applicant pays due regard to these concerns when compiling the EIA Report.</p>
N/A	N/A	<p>NE note that the EIA Report should include an assessment of the impacts on any land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific, or historic interest.</p>
<b>Ecology and Nature Conservation</b>		



N/A	N/A	<p>The Secretary of State agrees with NSDC, and considers that the Applicant has correctly scoped in the topic of ecology and nature conservation, and has approached the topic with an appropriate level of scope. NSDC noted that the scoping exercise had been undertaken accurately with the correct surveys having been completed. They also noted that based on the information provided in the Scoping Report, they would anticipate ecological baseline conditions are likely to be determined accurately.</p>
48	<p><i>“Long-term net-positive effects arising from the construction and maturation of enhanced and new habitats, including as part of a strategy to deliver Biodiversity Net Gain (BNG).”</i></p>	<p>NSDC shared comments on the Applicants Biodiversity Net Gain (“BNG”) plans. Firstly, they highlighted the need for any surveys required to calculate BNG to be carried out at the correct time of the year (i.e., May – September).</p> <p>Secondly, NSDC highlighted two key pieces of supplementary planning guidance in relation to BNG that they require the Applicant to consider:</p> <p><u><i>Strategic Significance</i></u></p> <p>Newark and Sherwood District Council. (2024). Mandatory Biodiversity Net Gain Strategic Significance – February 2024. <a href="https://www.newark-sherwooddc.gov.uk/media/nsdc-redesign/documents-and-images/your-council/planning-policy/other-planning-policy-information/biodiversity-and-landscape/Mandatory-Biodiversity-Net-Gain---Strategic-Significance-Policy.pdf">https://www.newark-sherwooddc.gov.uk/media/nsdc-redesign/documents-and-images/your-council/planning-policy/other-planning-policy-information/biodiversity-and-landscape/Mandatory-Biodiversity-Net-Gain---Strategic-Significance-Policy.pdf</a></p> <p>Newark and Sherwood District Council. (2024). Mandatory Biodiversity Net Gain Strategic Significance – February 2024 – Biodiversity Opportunity Focal Areas. <a href="https://www.newark-sherwooddc.gov.uk/media/nsdc-redesign/documents-and-images/your-council/planning-policy/other-planning-policy-information/biodiversity-and-landscape/Mandatory-Biodiversity-Net-Gain---Strategic-Significance---Focal-Areas-Plan.pdf">Mandatory-Biodiversity-Net-Gain---Strategic-Significance---Focal-Areas-Plan.pdf</a> (newark-sherwooddc.gov.uk)</p> <p>NSDC note that the above policy holds interim status until the Nottingham and Nottinghamshire Local Nature Recovery Strategy has been published.</p> <p><u><i>Significant On-site Enhancement</i></u></p> <p>Newark and Sherwood District Council. (2024). Mandatory Biodiversity Net Gain – Significant on-site enhancement. <a href="https://www.newark-sherwooddc.gov.uk/media/nsdc-redesign/documents-and-images/your-council/planning-policy/other-planning-policy-information/biodiversity-and-landscape/Mandatory-Biodiversity-Net-Gain---Strategic-Significance---Focal-Areas-Plan.pdf">https://www.newark-sherwooddc.gov.uk/media/nsdc-redesign/documents-and-images/your-council/planning-policy/other-planning-policy-information/biodiversity-and-landscape/Mandatory-Biodiversity-Net-Gain---Strategic-Significance---Focal-Areas-Plan.pdf</a></p>



		<a href="#">landscape/Mandatory-Biodiversity-Net-Gain---Significant-On-site-Enhancement.pdf</a>
42 & 43	Table 16	<p>The EA commented that they were satisfied with the decision to scope out beaver, pine martin and white clawed crayfish, and also drop dormouse due to negative findings. They also note that they are satisfied that the EIA Report retains considerations to protected species' badger, bats, otter, water vole, Great Crested Newt (on a precautionary approach), reptiles, and birds.</p> <p>The EA note also note that no protected species are considered for the decommissioning, but that those mentioned in the Scoping Report are considered for the construction phase. The EA stated that this approach was fine. The EA also confirmed that they were satisfied with the consideration of protected sites.</p> <p>NE did not raise concern over the protected species included in the Applicant's assessment, but noted that the EIA Report should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats), and added that the area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the EIA Report. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.</p>
N/A	N/A	<p>The EA stated that they look forward to reviewing the CEMP and BNG assessment, using the statutory metric. They noted that the assessments would need to include the watercourse module and watercourse units due to the inclusion of the River Trent and Rundell Dyke within the Proposed Development's red line boundary.</p> <p>Regarding BNG, NE commented that the proposals should be in line with the Environment Act 2021 and supporting regulations. They noted that the statutory metric, alongside ecological advice, should be used to assess BNG.</p>
N/A	N/A	<p>In terms of environmental data, NE note that national datasets held by NE can be found at <a href="http://www.naturalengland.org.uk/publications/data/default.aspx">http://www.naturalengland.org.uk/publications/data/default.aspx</a>, detailed information on the natural environment is available at <a href="http://www.magic.gov.uk">www.magic.gov.uk</a>, and NE's Site of Special Scientific Interest ("SSSI") Impact Risk Zones can be found at <a href="https://naturalengland-defra.opendata.arcgis.com/datasets/sssi-impact-risk-zones-england">https://naturalengland-defra.opendata.arcgis.com/datasets/sssi-impact-risk-zones-england</a>.</p>
48	"There are no designated	NE agree with the Applicant that internationally designated/European sites do not need to be scoped in, as the



	European-level statutory sites within a 15 km radius of the Site”	international / European sites within the buffer zone do not have mobile species as part of their designated features.
N/A	N/A	NE agree with the Applicant that the Proposed Development is unlikely to adversely impact any nationally designated sites (SSSI, National Nature Reserves or Marine Conservation Zones), and note that the site is not within an SSSI impact risk zone. In terms of regionally and locally important sites, NE did not raise concern surrounding the sites Scoped in by the Applicant. They note that the EIA Report should set out proposals for mitigation of any impacts on these sites and if appropriate, compensation measures and opportunities for enhancement and improving connectivity with wider ecological networks.
48 & 49	<i>“Whilst there are no designated European-level statutory sites within a 15 km radius of the Site, the Sherwood Forest ppSPA is located approximately 14 km to the east (see Table 17 above). Consideration will therefore be given to Habitats Regulations Assessment (HRA) matters, including in the context of air quality. An HRA report will be prepared by reference to best practice procedural guidance”</i>	NE note that while no conclusion has yet been reached about the possible future classification of parts of Sherwood Forest as a Special Protection Area (“SPA”) for its breeding bird (nightjar and woodlark) interest, NE advise decision makers to be mindful of the Secretary of State’s decision in 2011, following Public Inquiry, to refuse to grant planning permission for an Energy Recovery Facility at Rainworth where the potential impacts on these birds and their supporting habitats was given significant weight.
N/A	N/A	NE note that the EIA Report should consider the contribution the development could make to relevant local environmental initiatives and priorities to enhance the environmental quality of the development and deliver wider environmental gains. This should include considering proposals set out in relevant local strategies or supplementary planning documents including landscape strategies, green infrastructure strategies, tree and woodland strategies, biodiversity strategies or biodiversity opportunity areas.
N/A	N/A	The Secretary of State agrees with NE’s advice and suggests that the Applicant takes them into account when writing their EIA Report.





**Geology, hydrogeology, and land contamination**

N/A	N/A	<p>NSDC confirmed that the topic of geology, hydrogeology, and land contamination was outside of their remit.</p> <p>However, NSDC did reaffirm that the ability to scope out the majority of potential pollutant linkages must be based on the adoption and implementation of the stated mitigation measures in full. The Secretary of State agrees and notes that appropriate mitigation measures must be clearly identified and included in relevant management plans which will be secured as conditions to any subsequent Proposed Variation Application.</p>
N/A	N/A	<p>The EA note that they would expect any EIA Report to consider the impacts the Proposed Development may have in relation to contamination at the site and detail any required mitigation measures to prevent an adverse impact on the water environment (groundwater and particularly any nearby surface waters or surface waters flowing through the site).</p>
N/A	N/A	<p>The EA ask that where historic uses have led to contamination of the soils and/or groundwater beneath the site, the developer should follow the risk management framework provided in 'Land Contamination Risk Management [LCRM]' guidance (which supersedes CLR11: Model Procedures for the Management of Land Contamination) - <a href="https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks">https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks</a> and they should refer to the EA's Groundwater Protection Guidance - <a href="https://www.gov.uk/government/collections/groundwater-protection">https://www.gov.uk/government/collections/groundwater-protection</a>.</p>
N/A	N/A	<p>The EA also request that if a Preliminary Risk Assessment (as defined in the above guidance) highlights potential risks to the water environment, they will also require the developer to: undertake a site investigation to determine the nature and extent of contamination; carry out a risk assessment to identify any unacceptable risks to the water environment; and then prepare a remediation strategy to ensure that any unacceptable risks are appropriately mitigated both during and post construction.</p> <p>The EA note that the above works should be reported and included with any planning submission and, where they are missing or where the information provided does not demonstrate that the development can go ahead without environmental detriment, they may raise an objection to the planning submission.</p> <p>The EA add that further guidance on the assessment of risks to controlled waters can be found in their document 'Guiding Principles for Land Contamination' - <a href="https://www.gov.uk/government/publications/managing-and-reducing-land-contamination">https://www.gov.uk/government/publications/managing-and-reducing-land-contamination</a></p>



N/A	N/A	<p>NE note that the degree to which soils would be disturbed or damaged as part of the development, and the extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted should be included in the EIA Report.</p> <p>NE note that currently there is no information within the EIA Scoping Report on the proposed ALC survey methodology, so they cannot comment on its efficacy. Figure 3.1 of the report shows that the Proposed Development area is likely to be on existing developed land. However, the Indicative Proposed Development Scoping Boundary includes areas of agricultural land. They note that Section 6.6.1 of the report shows that agricultural land is approximately 56ha of the Proposed Development and is grade 3 ALC and so may contain BMV.</p>
<b>Landscape and Visual Amenity</b>		
N/A	N/A	<p>NSDC welcomes the scoping in of visual amenity to residents in neighbouring towns and villages alongside views from Public Rights of Way, during the construction and operation phases of the Proposed Development.</p> <p>NSDC request that the viewpoints are identified and agreed with them prior to any Landscape and Visual Impact Assessment work being carried out. The Secretary of State agrees and considers that the Applicant should consult NSDC prior to any assessments.</p>
57	<i>“The Character Areas typically cover such relatively large swathes of land that the scale of Proposed Development is unlikely to make a discernible difference to the key characteristics.”</i>	<p>The Proposed Development is located within the National Character Area 48 – Trent and Belvoir Vales (NCA 48), which is characterised by long, open views with relatively low woodland cover. The Secretary of State disagrees with the Applicant that an assessment on the impact of the Proposed Development on the NCA 48 can be scoped out, and requests that it is scoped in. The final design of the Proposed Development is still to be finalised, and therefore it is difficult to confirm that the Proposed Development will not impact the NCA. Consequently, it should be screened into the EIA Report. This is a view shared by NSDC.</p> <p>NE added that the environmental assessment should refer to the relevant National Character Areas, and that the EIA Report should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies.</p>
<b>Major Accidents and disasters</b>		
66	<i>“The IEMA Primer states that the major accidents and disasters topic can be scoped out of the EIA if the chapter can demonstrate...”</i>	<p>No comments were made by any consultee on this topic.</p> <p>The Secretary of State is content that the topic of flooding is covered in the topic of water resources and flood risk. <a href="#">SheHe</a> is also content other topics are also covered elsewhere; e.g. poor air quality is covered in the <a href="#">Air Quality</a> chapter.</p>



	<p><i>"...all possible major accidents and/or disasters are adequately covered elsewhere in the assessment or covered by existing design measures or compliance with legislation and best practice. For example, the risk of flooding will be fully considered as part of the water resources and flood risk chapter"</i></p>	<p>The Secretary of State agrees with the proposed scope of this topic.</p>
<b>Noise and Vibration</b>		
N/A	N/A	<p>NSDC had no specific comments on the scope of the Noise and Vibration topic, other than <del>that</del> (as with Air Quality), that they are consulted upon the CEMP prior to the commencement of any works.</p> <p>Regarding working hours, NSDC considers a best practice approach for construction working hours is to commence no earlier than 07:30 Mon- Fri and 08:00 Saturdays. If works are required outside of these working hours, then NSDC would recommend a mechanism within the CEMP to notify the Environmental Health Officer and agree any works taking place outside of these hours. The Secretary of State considers this is a pragmatic ask and considers that this should be incorporated into the CEMP.</p> <p>The Secretary of State welcomes the scoping in of other noise and vibration receptors and effects.</p>
71	<p><i>"Whilst some equipment with rotating components associated with the Proposed Development e.g. compressor equipment, has the capacity to produce vibration, in practice such equipment is well-balanced by design"</i></p>	<p>The Secretary of State is content for the topic of vibration to be scoped out during operation due to the heavy base and well-balanced design of the equipment. The EA confirmed the design of the rotating plant (and associated vibrations) will be scrutinised further during the environmental permit variation determination.</p>



	<i>and then installed on a heavy base. Such design measures stabilise vibration to the extent it is at a low level even next to the foundation base of the equipment. There would be no perceptible ground vibration at the power station site boundary and consequently at the more distance residential receptor positions”</i>	
<b>Socio-economics</b>		
79	<i>“It is anticipated that the vast majority of the construction workforce will be sourced from within the study area.”</i>	<p>NSDC notes the likely beneficial effect that the Proposed Development would have on the local area. The council recommend that in the EIA Report the Applicant should quantify the job creation specifically at the NSDC level, as the authority that will ‘host’ the Proposed Development, with a clear mechanism incorporated to demonstrate how the vast majority of the construction workforce will be sourced from within the study area.</p> <p>NSDC asserted the workforce benefits would, in its opinion, likely become a key area of applied mitigation during the construction phase of development and therefore how it is secured at the district level, represents an important consideration to the council.</p> <p>The Secretary of State agrees with NSDC and is otherwise satisfied with the sub-topics proposed to be scoped in to the socio-economic assessment.</p>
<b>Traffic and Transport</b>		
83	<p><i>“There would be a slight increase in operational HGV and light goods vehicle traffic movements over operational levels of the existing Power Station.”</i></p> <p><i>“...it is estimated there would be a</i></p>	<p>NSDC noted that it had no comments to make on Traffic and Transport based on the fact that Nottinghamshire County Council (NCC) as the relevant Highway Authority have been consulted by the Secretary of State on the Scoping Request and are therefore best placed to respond on this topic area. NCC did not respond to the Secretary of State’s consultation request.</p> <p>No other comments were received on the proposed scope and information to be provided in the Traffic and Transport chapter.</p> <p>The Secretary of State is content with the Traffic and Transport topics screened into the Application for the construction phase.</p>



	<i>peak of approximately ten additional HGV/LGV and ten smaller vehicle daily movements, which would generally be during the working day. During outages, there will be an additional approximately 20 HGV/LGV movements and approximately 20 smaller vehicle movements.”</i>	Traffic and Transport has been scoped out for the operation phase, despite the report acknowledging that there would be an increase in operational HGV and light goods vehicle traffic movements over operational levels of the existing Power Station, for reasons such as the delivery of bulk chemical deliveries for the carbon capture plant, delivery of lubricating oils and the removal of some waste materials. As NCC did not respond to the Secretary of States consultation request, on a precautionary basis, the Secretary of State considers that the EIA should scope in the Traffic and Transport topics for the operational phase, as well as the construction phase.
<b>Water Resources and Flood Risk</b>		
N/A	N/A	NSDC support the inclusion of all water resources and flood risk topics during construction and operation. The Secretary of State agrees.
N/A	N/A	The EA suggest the additions of the following risks to the Applicants list of potential impacts from flooding: <ul style="list-style-type: none"> <li>• Flood risk during construction could also include mobilisation of plant by floodwaters, which could cause blockage of assets and flood risk/damage elsewhere.</li> <li>• Risk to people working on site from flooding.</li> <li>• Access and egress issues during flood events.</li> </ul>
92	Table 36	The EA were satisfied with the topics being scoped in and out of the EIA Report in relation to flood risk and water quality.
N/A	N/A	The EA noted that the Applicants “Design and Control measures” will be acceptable so long as the mitigation measures that the Applicant sets out in 16.4.3 of the Scoping Report are followed, ensuring removal of suspended solids and any other contaminants from surface water run-off during construction, operation, and decommissioning.
N/A	N/A	The EA note that within the mitigation measures, there is a potential requirement for over pumping and discharge from site. Therefore, in addition to planning permission, the EA suggest that the Applicant may also require an Environmental Permit from the Environment Agency. The EA note that any works requiring an environmental permit or exemption under ‘The Environmental Permitting (England and Wales) Regulations 2016’ must be obtained prior to undertaking works. They further ask for the Applicant to note that the granting of planning permission does not guarantee the granting of an Environmental Permit.





		Regarding this, the EA advise the Applicant consults the EA at the earliest opportunity, noting that it can take up to 4 months after receiving an application for the EA to decide whether to grant a permit or not.
N/A	N/A	NE note that the EIA water quality assessment should take account of the risks of water pollution and how these can be managed or reduced, as well as taking any strategic solutions for nutrient neutrality or Diffuse Water Pollution Plans into account which may be being developed or implemented to mitigate and address the impacts of elevated nutrient levels.
<b>Cumulative and Combined Effects</b>		
93	<i>“The Applicant will consult with the LPA in order to define the full list of current and future developments/ projects to be considered for the potential cumulative impacts”</i>	NSDC welcomed the intention of the applicant to consult the council on the definition of a full list of ‘committed’ developments, for the purpose of cumulative assessment. They further offered to help on this point in due course
94	<i>Table 37</i>	The EA noted the list of other developments the Applicant has included to be considered as part of the cumulative assessment, and noted that the Applicant’s Flood Risk Assessment will need to take these other proposals into account when looking at off-site flood risk (including site allocations and developments with planning permission).
94	<i>“The cumulative assessment will also consider the potential for cumulative effects with the CO2 export pipeline connecting the Proposed Development (and potentially other emitter projects) to offshore transport for undersea storage.”</i>	As previously described in the greenhouse gas topic, it is the Secretary of State’s view that the EIA Report should assess the nature and magnitude of emissions of the Proposed Development <b>and</b> the associated gas pipeline transport <b>and</b> the storage project together, as far as the information is available.
N/A	N/A	NE noted that the cumulative assessment should include the following types of projects (subject to available information): <ul style="list-style-type: none"> <li>• existing completed projects;</li> <li>• approved but uncompleted projects;</li> <li>• ongoing activities;</li> <li>• plans or projects for which an application has been made and which are under consideration by the consenting authorities; and</li> </ul>



		<ul style="list-style-type: none"> <li>plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.</li> </ul> <p>The Secretary of State agrees that this list is appropriate for the Applicant to follow when carrying out their cumulative effects assessment.</p>
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### Topics proposed to be scoped out

19. The Applicant proposes to scope out the topic of climate change resilience based on modelling undertaken that suggests only minor changes to extreme weather events, precipitation and temperature are to be expected. The Secretary of State considers this to be an underestimation of this critical and highly nuanced topic, and considers that the Applicant should provide a more detailed analysis of both how the Proposed Development will affect climate change (for better or worse) on a local and national scale, as well as how the Proposed Development will be resilient to any possible climate change impacts i.e. the Applicant should include both a Climate Change Risk (CCR) Assessment, and an In-combination Climate Change Impact (ICCI) Assessment.
20. The Secretary of State also disagrees that the distance between the Proposed Development and the sea is reason enough to scope out the topics of sea level rise and sea temperature rise from the In-combination Climate Change Impact (ICCI) assessment. Climate change is an intricate topic, with many interlinked effects, that mean that cause and effect can be geographically separated especially in terms of sea level rise and sea temperature rise, where emissions of CO<sub>2</sub> and other GHG emissions can cause effects far away from the source<sup>1</sup>  
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21. Furthermore, although the EA note that surface water has been identified as a potential risk and scoped into the Water Resources and Flood Risk topic, the topic of drought (especially in relation to climate change resilience) is largely missing from the Scoping Report, other than in relation to the increased risk of fire. The EA note that there is little mention of the potential impact on the River Trent of the extra abstraction required for the operation of the CCP, or indeed subsequent discharges from the water treatment plant during extended hot, dry/potential low flow periods. While the EA also note that this topic will be subject to scrutiny during the environmental permit variation determination and current river abstraction authorisation, the Secretary of State considers that a

<sup>1</sup> Harley, C.D., Randall Hughes, A., Hultgren, K.M., Miner, B.G., Sorte, C.J., Thornber, C.S., Rodriguez, L.F., Tomanek, L. and Williams, S.L., 2006. The impacts of climate change in coastal marine systems. *Ecology letters*, 9(2), pp.228-241

<sup>2</sup>Zickfeld, K., Solomon, S. and Gilford, D.M. (2017). Centuries of thermal sea-level rise due to anthropogenic emissions of short-lived greenhouse gases. *Proceedings of the National Academy of Sciences*, [online] 114(4), pp.657–662.



- precautionary approach to the EIA should be adopted and considers that the sub-topic of drought should be included in the climate change resilience topic. In conclusion, the Secretary of State is of the opinion that the topic of climate change resilience should be scoped in, in its entirety, and the topic of drought should be added to this section, in line with the EA's recommendation.
22. Materials and Waste are proposed to be scoped out on the basis of the design and control measures integrated into the Proposed Development's plans, such as the Materials Management Plan (MMP) and the Site Waste Management Plan (SWMP).
  23. NSDC made no comments on the Materials and Waste chapter, stating that NCC were the relevant Waste Planning Authority. NCC did not respond to the Secretary of State's consultation.
  24. The EA disagree stating that while the Applicant's SWMP will cover construction wastes, the Applicant has not included sufficient information on the topic of operational waste to scope it out of the EIA Report. In agreement with the EA, the Secretary of State considers that the topic of operational waste should be scoped in, including each subtopic (changes in demand for materials, changes in baseline waste arisings and changes in the available landfill capacity).
  25. Human health as a separate topic was scoped out of the report. Firstly, environmental health determinants were scoped out as they are considered throughout other topics (noise and vibration; air quality; landscape and visual amenity; and traffic and transport). NE note that there are unlikely to be direct impacts to Public Rights of Way ("PRoW") from construction or operation, and that the impact on visual amenity to the users of the PRoW would be addressed in the visual amenity section. Access to services and facilities were scoped out as they are considered within the Traffic and Transport topic. Social and economic health determinants were scoped out, as they are covered in the socioeconomic topic. Finally, the sub-topic of green space, leisure and recreation was scoped out due to the Proposed Development's location within and already existing industrial site. The Secretary of State agrees that such matters can be scoped out of the EIA.

## **Conclusion**

26. The Secretary of State has considered the information within the supplied documentation and consultation responses received and is of the opinion that the environmental information included in the Scoping Report, plus the addition of the matters and comments above, will be sufficient for the Applicant to submit in an EIA Report alongside its Proposed Variation Application.
27. The EIA Report must be based on this scoping opinion, so far as the Proposed Development remains materially the same as the development in respect of which this scoping opinion is given.
28. The Secretary of State would like to make the Applicant aware that when submitted, the Section 36C variation application and supporting documents including the EIA Report will need to be advertised and consulted upon, with opportunity given for representations to be made and will be subject to further consideration by the Secretary of State. This could also include a request under Regulation 25 of the 2017 Regulations for further environmental information if



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deemed necessary by the Secretary of State at that time, and this Scoping Opinion does not prevent the Secretary of State from requesting further information or evidence in respect of the EIA Report.

29. Please do not hesitate to contact me should you have any queries about the opinion expressed above.

30. In accordance with Regulation 19 of the 2017 Regulations, this letter has been copied to those consultees identified at paragraph 14 above and will be published on the Department's Energy Infrastructure Decision page of GOV.UK:

<https://www.gov.uk/government/collections/energy-infrastructure-development-applications-decisions>

Yours sincerely,

*Nicola Parker*

Head of Environment  
Energy Infrastructure Planning Delivery  
Department for Energy Security and Net Zero