



Report Reference Number: E/18/49

To: Executive
Date: 4 April 2019
Status: Non-Key Decision
Ward(s) Affected: Brotherton and Byram; Monk Fryston; Hambleton; Camblesforth and Carlton
Author: Jenny Tyreman, Senior Planning Officer
Lead Executive Member: Cllr J Mackman, Lead Executive Member for Place Shaping
Lead Officer: Dave Caulfield, Director of Economic Regeneration and Place

Title: Ferrybridge D Combined Cycle Gas Turbine (CCGT) Power Station – Nationally Significant Infrastructure Project

Summary:

This report sets out the legislative background to Nationally Significant Infrastructure Projects (NSIPs) and how these are dealt with. The Executive have considered similar NSIP reports in respect of Eggborough Power Station in March 2017 and Drax Power Station in March 2018. Essentially applicants for infrastructure projects need to make an application to the Planning Inspectorate (PINS) for a Development Consent Order (DCO). The final decision is made by the Secretary of State on the recommendation of PINS, but Local Planning Authorities are statutory consultees in the process.

SSE Generation Limited is proposing to submit an application for a DCO to construct and operate a new build Combined Cycle Gas Turbine (CCGT) power station on land at the existing Ferrybridge 'C' Power Station site and this scheme is Nationally Significant Infrastructure Project (NSIP) to be determined by the Planning Inspectorate. SSE Generation Limited undertook an initial stage of consultation in March/April 2018, developed the project proposals further and undertook a second stage of consultation in November/December 2018. It was anticipated that SSE Generation Limited would submit their DCO application to PINS during Q1/Q2 2019, however, SSE Generation Limited have recently advised that there will be a delay in the submission of the DCO application. It is not presently known how long this delay will be.

Once the DCO application has been submitted to PINS, they will have 28 days to decide whether or not the application meets the standards required to be accepted

for examination. Following acceptance, an Examining Authority will be appointed, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. PINS then have up to six months to carry out the examination of the proposals through a series of structured and topic based hearings which officers may need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination. Following this the Council will have the responsibility to discharge any planning conditions and enforce the terms of the DCO.

This report outlines and seeks support in principle for the project. Selby District Council is a statutory consultee and authorisation is sought for the Director of Economic Regeneration and Place in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

Recommendations:

- i. That the contents of this report are noted and that Members agree to support this NSIP application in principle, subject to agreement in relation to specific and localised matters of detail.**
- ii That authorisation is sought from the Executive to authorise the Director of Economic Regeneration and Place in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.**

Reasons for recommendation:

Timescales for commenting on the DCO application once it is submitted are embedded in statute and it is important that appropriate delegation arrangements are in place so that the Council is able to meet the deadlines which are set by PINS.

1. Introduction and Background

- 1.1 On 1 April 2012, under the Localism Act of 2011, PINS became the agency responsible for operating the planning process for NSIPs.
- 1.2 NSIPs are large scale developments such as new harbours, power generating stations (including wind farms), and electricity transmission lines which require a type of consent known as a DCO under procedures governed by the Planning Act 2008 (and amended by the Localism Act 2011). This is not a 'planning application' under the Town and Country Planning Act 1990 and the status of the development plan is different in that the principal guidance for their determination is contained within the suite of Energy National Policy Statements (NSPs). The 2008 Act sets out thresholds above which certain

types of infrastructure development are considered to be 'nationally significant' and require the granting of a consent order. NSIPs were introduced as a fast track method and alternative way of dealing with nationally important infrastructure after the much publicised delays in the consenting of Heathrow's last major expansion proposal for a fifth terminal.

- 1.3 In England, PINS examines applications for DCOs from the energy, transport, waste, waste water and water sectors. For such projects, PINS undertakes an examination of the application and makes a recommendation to the relevant Secretary of State, who makes the final decision on whether to grant or to refuse the DCO. Energy NSPs introduce a presumption in favour of granting DCOs.

2. The Project

- 2.1 SSE Generation Ltd is proposing the development of a CCGT Power Station and associated peaking and black start plant on the former site of the Ferrybridge C Coal Fired Power Station, Ferrybridge, Knottingley, along with a gas pipeline. The project, known as 'Ferrybridge D CCGT Project', will have a generating capacity of circa 2,200 megawatts and will supply electricity to the national grid using the existing grid connection to the Ferrybridge site.
- 2.2 The new CCGT power station would be located within the existing Ferrybridge site boundary and would utilise three of the existing cooling towers which were previously used for the now decommissioned coal fired power station. The electricity would be produced from natural gas taken from the national gas transmission network. A new underground gas pipeline of up to 750 mm in diameter and 9.8 kilometres in length, which would run north-east from the existing Ferrybridge site providing connection to the National Transmission System (NTS).
- 2.3 The new CCGT power station would be constructed on land falling under the jurisdiction of Wakefield Metropolitan District Council (WMDC), while the associated new underground gas pipeline would be constructed within land falling under the jurisdiction of Selby District Council (SDC) and North Yorkshire County Council (NYCC).
- 2.4 What is CCGT? The gas turbine compresses air and mixes it with fuel that is heated to a very high temperature. The hot air-fuel mixture moves through the gas turbine blades, making them spin. The turbine spins at 3000rpm driving the generator that converts the spinning energy into electricity. A Heat Recovery Steam Generator (HRSG) captures exhaust heat from the gas turbine that would otherwise escape through the exhaust stack. The HRSG creates steam from this exhaust heat and delivers it to the steam turbine. The steam turbine sends its energy to the generator drive shaft where it is converted into additional electricity.
- 2.5 The proposed power station will employ wet cooling technology making use of the water from the River Aire and three of the existing eight natural draft cooling towers. The associated peaking plant would provide electricity to the

National Grid at short notice during periods of unexpected high demand or in the event of a loss of generating capacity elsewhere. The associated black start plant would provide the capability of being able to start the CCGT units without assistance from the National Grid electricity transmission system in the event of a total or partial shutdown of the system. The CCGT would then help restart the UK transmission system, as power stations without black start capability need to draw power from the transmission system to start operation.

- 2.6 The new CCGT power station will be designed to be “Carbon Capture Ready”, which is a Government requirement. This means that land must be set aside for future carbon capture and compression equipment in order to meet the requirements set out in the EU Directive on the geological storage of carbon dioxide 2009/31/EC (European Commission, 2009). Carbon capture plant will not form part of the DCO application, since its deployment is currently not viable in the UK, but an area of land has been allocated for it, which will be retained by the Applicant as required. A Carbon Capture Readiness (CCR) report will accompany the DCO application.
- 2.7 In terms of the new underground gas pipeline, three potential gas pipeline routes and associated Above Ground Installation (AGI) locations were considered at the initial consultation stage to supply the proposed CCGT power station. Following analysis of technical, environmental and planning considerations, the central route has been selected. This route offers a number of benefits above the potential northern and southern routes such as passing through less densely populated areas keeping disruption to a minimum. The corridor has also been narrowed, to 100m for most of the route, following further engineering and survey work.
- 2.8 Should consent for Ferrybridge D be granted, construction could begin in 2021. The construction period for the CCGT power station would be approximately 4 years.

3. The Process

- 3.1 The Planning Act 2008 process was introduced to streamline the decision-making process for major infrastructure projects, making it fairer and faster for communities and applicants alike. The six stages in the process are: pre-application; acceptance; pre-examination; examination; recommendation and decision; and post decision.
- 3.2 The Ferrybridge D CCGT Power Station Project is presently at the pre-application stage with PINS. The applicants submitted a Scoping Report to PINS on 13 December 2017. SDC and NYCC provided comments to PINS on the Scoping Report on 11 January 2018. PINS, on behalf of the Secretary of State issued a Scoping Opinion in January 2018. This sets out the required extent and content of the Environmental Statement to be submitted with the application for a DCO. Those areas that may be examined in detail come under the headings:
 - Air Quality

- Noise and Vibration
- Ecology and Nature Conservation
- Water Resources and Flood Risk
- Geology, Hydrogeology and Land Contamination
- Cultural Heritage
- Traffic and Transport
- Land Use, Agriculture and Socio-Economics
- Landscape and Visual Amenity
- Waste Management
- Climate
- Cumulative Effects
- Electronic Interference
- Aviation
- Accidental Events/Health & Safety

- 3.4 On 20 November 2018, the applicants notified PINS of the proposed application for an order granting development consent for the purposes of section 46 of the Planning Act 2008 and supplied the information for consultation under section 42, including a Preliminary Environmental Information Report (Vol I – III); a Non-technical Summary; and a visualisation of how the gas fired generating station could look. The applicants also notified PINS of their proposal to provide an Environmental Statement in respect of the proposed development in accordance with Regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
- 3.5 The applicants have fulfilled their statutory duty to carry out consultation on their proposals before submitting an application. Following an initial stage of public consultation in March/April 2018, the project team developed the project proposals further and a second stage of public consultation began on 12 November 2018 ending on 17 December 2018.
- 3.6 The applicant had advised that the DCO application would be submitted to the Planning Inspectorate during Q1/Q2 2019. However, they have recently advised that there will be a delay in the submission of the DCO application. It is not presently known how long this delay will be.
- 3.7 Once the DCO application has been submitted to PINS, they will have 28 days to decide whether or not the application meets the standards required to be accepted for examination. Following acceptance, an Examining Authority will be appointed, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. PINS then have up to six months to carry out the examination of the proposals through a series of structured and topic based hearings which officers may need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination. Following this the Council will have the responsibility to discharge any planning conditions and enforce the terms of the DCO.

- 3.8 The Council is working in association with the County Council as part of Better Together to, where possible make co-ordinated responses. To date, no strategic concerns have been raised to the principle of the development by SDC or NYCC.
- 3.9 Submission of the Local Impact Report, Statement of Common Ground, input into the Draft DCO and any written representations will be required in accordance with deadlines set by PINS, and once the examination commences, these deadlines are likely to be tight. Therefore authorisation is sought from the Executive to authorise the Director of Economic Regeneration and Place in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement(s) of Common Ground, the content of the Draft DCO and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

4. Implications

4.1 Legal Implications

- 4.1.1 The District Council is an interested party and support for the scheme is subject to agreeing the requirements in the DCO.
- 4.1.2 The District Council will have further involvement following submission of the application and during the examination period, including attendance at issue specific, and DCO public hearings. It is also possible that appropriate planning obligations, in conjunction with the County Council may be required to address any impacts and if considered necessary in planning terms. Both of these may require some input from the Council's legal team.

4.2 Financial Implications

- 4.2.1 The District Council, jointly with the County Council, have entered into a Planning Performance Agreement (PPA) with *SSE Generation Limited*. The PPA establishes a project framework and gives greater clarity to all parties as to their roles and responsibilities. The PPA also establishes a fund set aside against which both this Council and the County Council can claim for work carried out by its service areas which is in excess of their normal working practices.

5. Conclusion

- 5.1 Members are asked to note the contents of this report and agree to support this NSIP application in principle, subject to agreement in relation to specific and localised matters of detail.
- 5.2 Members are also asked to authorise the Director of Economic Regeneration and Place in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District

Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

6. Background Documents

The National Infrastructure Planning website of the Planning Inspectorate is at the link:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/ferrybridge-d-combined-cycle-gas-turbine-ccgt-power-station-project/?ipcsection=overview>

7. Appendices

None.

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