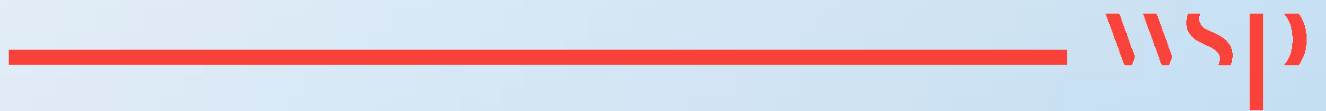


Appendix 5.9

Natural England Correspondence



[REDACTED]

From: [REDACTED]
Sent: 06 August 2020 18:24
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: UDS 6742/312493 - North Killingholme Power Project - Natural England DAS

Dear Phil,

Thank you for the below response and further clarifications. It would be useful to get a drawing of the locations that the hoarding will be erected, as it is a little confusing to work out, but if this is not possible it is not essential.

I do not have any further questions at this stage.

Kind regards,
Hannah

[REDACTED]
Lead Adviser - Sustainable Development
Yorkshire and Northern Lincolnshire Area Team
Natural England, [REDACTED]
Tel: [REDACTED]

During the current coronavirus situation, Natural England staff are working remotely to provide our services and support our customers and stakeholders. All offices and our Mail Hub are closed, so please send any documents by email or contact us by phone or email to let us know how we can help you. See the latest news on the coronavirus at <http://www.gov.uk/coronavirus> and Natural England's regularly updated operational update at <https://www.gov.uk/government/news/operational-update-covid-19>. Stay alert, control the virus, save lives.

www.gov.uk/natural-england



From: [REDACTED]
Sent: 06 August 2020 17:46

[REDACTED]

Subject: FW: UDS 6742/312493 - North Killingholme Power Project - Natural England DAS

Dear Hannah,

Thank you for your email and the attached DAS note.

I have set out responses below in relation to the four points made (some of which we have previously agreed need no further action, but are included in their entirety for clarity).

Point 1

The comment from Natural England states:

'Natural England welcomes the additional explanation provided to compare numbers of avocet and knot from recent surveys with the original datasets that were used to inform the HRA. Due to differences in the data collection methodologies between the recent and original surveys, we recommended that further explanation should be provided to demonstrate that the mitigation measures identified within the DCO remain appropriate and note that Table 1 has been provided to demonstrate this. It appears that rows 1 and 3 of Table 1 are very similar but have contrasting conclusions, we ask that further detail is provided to explain this. Given the information presented, Natural England concurs that the updated survey results for knot and avocet do not introduce additional impact pathways and effects for SPA qualifying interests, that were not considered in the original DCO Examination or the SoS HRA.

The difference between Rows 1 and 3 is that Row 1 refers to works that would take place entirely along the existing jetty (i.e. no in-channel working). The existing jetty is subject to heavy traffic under baseline conditions (operational port activities). It was assumed in the original assessments that there would be no significant increase in disturbance due to construction activities along the jetty. Row 3 refers to the in-channel piling works, which were considered (and we still consider) have greater potential for disturbance from noise and vibration, as they would take place within the estuary rather than on the jetty.

Point 2

The NE comment states:

Natural England made a recommendation to include a summary table presenting the findings from the various datasets used for each species. We acknowledge that this would be a very time consuming task and therefore it is at the discretion of the applicant on whether this exercise is completed. We discussed this further during a call on 23 July 2020 and agreed with WSP that it would be acceptable to present the information in the current format. However, all of the data from the original surveys must be provided, where available. In some instances, it is understood that some of the original data has some gaps, and therefore this should be explained.

We have now been able to generate a summary table (presented in the Environmental Report) for individual species that form qualifying interests of the SPA (excluding the assemblage species). We hope this will be helpful to NE when reviewing the formal non-material amendment application. As discussed, the surveys relied upon in the original assessment had different spatial coverage and objectives (not being focussed on the project) than the work we completed in 2019/20. We will include the previous wintering bird data from the ES as an appendix to the wintering bird report in the formal ES submission.

Point 3

The NE comment states:

'Natural England has no further comments and welcomes the addition of this explanation into the wintering bird survey report'.

Thank you and noted.

Point 4

The NE comment states:

'Thank you for providing this additional explanation. I have referred back to the DCO, where it appears that the mitigation measures include 5m high acoustic hoarding/visual screening along the northern and western boundaries of the operations area. This is slightly different to "along the northern boundary of the Operations and Construction Laydown Area" as you have described, so we would welcome further clarification on which is correct.

We note in Table 3.1 of the Environmental Report that noise and vibration have been screened in as having potential for new, or materially different, likely significant effects, but that further detail has not been provided within the draft version that we have received. We recommend that the Environmental Report sets out evidence to demonstrate that these mitigation measures will still be sufficient and where significant impacts were ruled out that this can still be demonstrated, based on the updated site information. The information that you have provided in your response on point 4 relates to the conclusions from the original DCO, whilst the conclusions may still remain the same, we require evidence to demonstrate that this is the case. This is relevant for other SPA/Ramsar species not just marsh harrier.

In relation to the point about hoarding, you are correct – Requirement 49 relates to hoarding along the western and northern boundaries of the Operations Area only – apologies for the error here.

However, the ES states that *'The northern, eastern and north-western boundaries of the Operations Area and associated Construction Laydown Area should be fitted with physical barriers or hoardings.'*

The outline CEMP (Section 3.2) also includes provision for the *'Design and use of site hoarding and screens, where necessary, to provide acoustic screening at the earliest opportunity'* and requires that *'To reduce the distribution of noise all construction areas should be enclosed within plywood faced, timber framed boundary hoarding which has a minimum height of 2.4 m and a surface density not less than 7kg/m²'*.

Requirement 15 requires the CEMP to be submitted and approved by the LPA prior to construction commencing, and for the CEMP to be *'substantially in accordance with the outline Construction Environmental Management Plan certified by the Secretary of State for the purposes of this Order...'*.

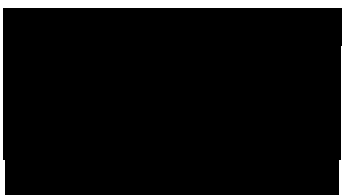
Acoustic hoarding around the northern and north-western boundaries of the Construction Laydown Area would therefore be delivered via the requirements of the CEMP.

In relation to the noise and vibration assessment, this has now been completed and will be included in the submission Environmental Update Report. Please note that as per my email yesterday, the Noise Specialists have assessed decibel levels at Halton Marshes during construction and operation, and these do not materially differ from the recorded baseline conditions. This has been added to the submission version of the Environmental Report.

I trust this is helpful; please let me know if it would be useful to discuss any further.

Kind Regards,

Phil



From: [Redacted]
Sent: 05 August 2020 17:08
To: [Redacted]
Cc: [Redacted]
Subject: RE: UDS 6742/312493 - North Killingholme Power Project - Natural England DAS

Dear Phil,

We have received the signed updated contract for this piece of advice – thank you for chasing that up. Please find attached our response to the memo for your consideration.

[REDACTED]

If you have any further questions, please do get in touch.

Kind regards,
Hannah

[REDACTED]
Lead Adviser - Sustainable Development
Yorkshire and Northern Lincolnshire Area Team
Natural England, [REDACTED]

[REDACTED]

During the current coronavirus situation, Natural England staff are working remotely to provide our services and support our customers and stakeholders. All offices and our Mail Hub are closed, so please send any documents by email or contact us by phone or email to let us know how we can help you. See the latest news on the coronavirus at <http://www.gov.uk/coronavirus> and Natural England's regularly updated operational update at <https://www.gov.uk/government/news/operational-update-covid-19>. Stay alert, control the virus, save lives.

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From: [REDACTED]
Sent: 22 July 2020 17:35

[REDACTED]

Subject: RE: UDS 6742/312493 - North Killingholme Power Project - Natural England DAS

Dear Hannah,

Please find attached a memo in which we have sought to address the points raised in your DAS Response.

I hope this is all clear, but of course please don't hesitate to contact me with any queries.

Kind Regards,

Phil

[REDACTED]

wsp

[REDACTED]

Date: 05 August 2020
Our ref: DAS/312493 UDS6742
Your ref: N/A



[REDACTED]
WSP
Kings Orchard
1 Queen Street
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[REDACTED]
Discretionary Advice Service (Charged Advice) 6742/312493

Development proposal and location: Time extension for implementation of granted Development Consent Order (DCO) for the North Killingholme Power Project.

Natural England provided advice on 25 June 2020 in response to your advice request dated 02 June 2020. WSP has now provided a follow-up discussion dated 22 July 2020. This letter is in response to these comments and should be read alongside the original letter.

This advice is being provided as part of Natural England's Discretionary Advice Service. WSP (on behalf of C.GEN Killingholme Ltd.) has asked Natural England to provide advice upon:

- The updated ecological baseline information provided to determine if this alters the conclusions of the original Environmental Statement (ES).

This advice is provided in accordance with the Quotation and Agreement dated 05 August 2020.

The following advice is based upon the information within:

- Technical Note 1 (dated 21 July 2020)
- Environmental report (dated 01 June 2020)
- Preliminary Ecological Appraisal (dated May 2020)
- Winter Bird Survey Report (dated May 2020)
- Breeding Bird and Waterbird Survey Report (dated May 2020)
- Great Crested Newt eDNA Summary Report (dated May 2020)
- Otter and Water Vole Survey (dated May 2020)
- Bat Survey Report (dated May 2020)
- Reptile Survey Report (dated May 2020)
- Badger Walkover Summary Report (dated May 2020)

Please note that the advice provided below is based solely on the documents that have been listed above. The Habitats Regulations Assessment (dated 07 September 2014) on the Planning Inspectorate website, indicates that there are other potential impact pathways that will need to be examined to determine if there are any significant changes.

POINT 1

Natural England welcomes the additional explanation provided to compare numbers of avocet and knot from recent surveys with the original datasets that were used to inform the HRA. Due to differences in the data collection methodologies between the recent and original surveys, we recommended that further explanation should be provided to demonstrate that the mitigation measures identified within the DCO remain appropriate and note that Table 1 has been provided to demonstrate this. It appears that rows 1 and 3 of Table 1 are very similar but have contrasting conclusions, we ask that further detail is provided to explain this. Given the information presented, Natural England concurs that the updated survey results for knot and avocet do not introduce additional impact pathways and effects for SPA qualifying interests, that were not considered in the original DCO Examination or the SoS HRA.

As we have not received all of the updated information (as described in our previous letter), we are not currently able to provide our opinion on whether the mitigation measures secured via the DCO remain appropriate. However, we are content to review this information as part of the statutory process. If the information that we have requested is provided, we do not consider it likely that there will be any evidence gaps preventing us from providing our opinion.

POINT 2

Natural England made a recommendation to include a summary table presenting the findings from the various datasets used for each species. We acknowledge that this would be a very time consuming task and therefore it is at the discretion of the applicant on whether this exercise is completed. We discussed this further during a call on 23 July 2020 and agreed with WSP that it would be acceptable to present the information in the current format. However, all of the data from the original surveys must be provided, where available. In some instances, it is understood that some of the original data has some gaps, and therefore this should be explained.

POINT 3

Natural England has no further comments and welcomes the addition of this explanation into the wintering bird survey report.

POINT 4

Thank you for providing this additional explanation. I have referred back to the DCO, where it appears that the mitigation measures include 5m high acoustic hoarding/visual screening along the northern and western boundaries of the operations area. This is slightly different to "along the northern boundary of the Operations and Construction Laydown Area" as you have described, so we would welcome further clarification on which is correct.

We note in Table 3.1 of the Environmental Report that noise and vibration have been screened in as having potential for new, or materially different, likely significant effects, but that further detail has not been provided within the draft version that we have received. We recommend that the Environmental Report sets out evidence to demonstrate that these mitigation measures will still be sufficient and where significant impacts were ruled out that this can still be demonstrated, based on the updated site information. The information that you have provided in your response on point 4 relates to the conclusions from the original DCO, whilst the conclusions may still remain the same, we require evidence to demonstrate that this is the case. This is relevant for other SPA/Ramsar species not just marsh harrier.

For clarification of any points in this letter, please contact [REDACTED] at [REDACTED]

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours sincerely

[REDACTED]
Yorkshire and Northern Lincolnshire Area Team
Natural England



TECHNICAL NOTE 1

DATE:	21 July 2020	CONFIDENTIALITY:	Internal
SUBJECT:	DAS/312493 UDS6742		
PROJECT:	70055743	AUTHOR:	Philip Davidson
CHECKED:	Lloyd Richards	APPROVED:	Ian Ellis

INTRODUCTION

This Note sets out a response to advice received from Natural England under DAS Contract DAS/312493. The advice was received by email on the 26th June 2020, reference DAS/312493 UDS6742.

RESPONSE TO DAS ADVICE 6742/312493

NE Advice Point 1

The DAS Response contains the following response from Natural England:

Natural England notes that your conclusion for the wintering bird surveys is that “increases in the numbers of avocet and knot at Killingholme Haven Pits and on the foreshore are of note but the absence of interaction between these species and the [development] Site means the previous assessment of Site value is not altered”. However, Natural England is of the opinion that there is an impact pathway / interaction in terms of visual and noise disturbance and therefore we recommend that further explanation is provided to demonstrate that the mitigation measures that are identified within the DCO remain appropriate.

Our response is set out in the following paragraphs. This firstly considers the species-specific elements of the comments above (in relation to knot and avocet and 2019/2020 survey findings) and then revisits the points around impact pathways for noise and visual disturbance.

Whilst we noted the increased number of knot and avocet recorded during 2019/20 wintering bird surveys in the wintering bird report, these numbers do not translate into meaningful changes in percentage terms compared to the SPA populations.

The 2019/20 surveys recorded a peak count of 298 knot (equivalent to 1% of the cited SPA population) on the 21 November 2019, recorded during a transect survey. Significantly fewer birds were recorded during the vantage point surveys, with a peak count of seven individuals noted. Knot were recorded primarily during the autumn period, with none present during surveys in December, January, and March. Very few individuals were recorded during February survey effort. As set out in the 2019/20 wintering bird report, flocks were recorded in North Killingholme Haven Pits south of the Site and along the foreshore east of the site, from approximately 150m north (and beyond) of the existing jetty. The locations where knot were recorded are shown on Figures 3, 4, 5, and 10 of the 2019/20 wintering bird report.

Project-specific surveys were not completed of the foreshore or North Killingholme Haven Pits for the original DCO application. A variety of other desk-based survey sources were used to inform the original Environmental Statement. These recorded a peak of 181 knot (equating to 0.64% of the SPA population) at



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WeBS count sector 'ISI'¹ (intertidal mudflats north and east of the Site) and a maximum of 42 birds roosting at North Killingholme Haven Pits in September 2010 (borders southern boundary of Proposed Scheme). The presence of knot within areas subject to potential visual and noise disturbance, including in proximity at North Killingholme Haven Pits, was therefore known at the time of the original application, with a comparable proportion of the SPA population recorded via desk study sources. Knot were considered as part of the overall assemblage of passage and wintering birds using habitats adjacent to the Site, that could be subject to disturbance effects during construction and operation of the Proposed Scheme. Targeted and relatively intensive survey effort of the foreshore and North Killingholme Haven Pits was employed in 2019/20, whereas none was employed at the time of the original DCO application. It is therefore not surprising that higher counts were achieved for some species, regardless of the potential for fluctuation over time.

The 2019/20 surveys recorded a peak count of 88 avocet, with almost all birds recorded within North Killingholme Haven Pits. No avocet were recorded using habitats within or flying over the Site. The locations where avocet were recorded are shown on Figures 2, 4, 5, 10 and 13 of the 2019/20 wintering bird report. The locations where avocet were recorded were consistent with the locations they were recorded in WeBS data that was obtained to inform the 2019/20 wintering bird report.

The desk-based survey sources used to inform the original Environmental Statement recorded a similar pattern in terms of locations and number of avocets. The majority of avocet records were from North Killingholme Haven Pits, with a peak count of 55 in March 2007². The presence of avocet within areas subject to potential visual and noise disturbance, including in proximity at North Killingholme Haven Pits, was therefore known at the time of the original application. Avocet were considered as part of the overall assemblage of passage and wintering birds using habitats adjacent to the Site, that could be subject to disturbance effects during construction and operation of the Proposed Scheme. The WebS Alerts³ for Avocet also identify a 94% short term and 83% medium term increase in avocet numbers recorded across the entire SPA. This suggests the importance of habitats adjacent to the Site for the species has remained unchanged since the original DCO application, despite the increase across the wider Humber.

It should also be noted that the existing use of the Site as an operational port remains highly disturbing, with regular movement of plant, personnel and vehicles during port operations and significant numbers of shipping containers and vehicles stored across much of the Site. This includes the eastern portion of the

¹ Weekly Survey Reports August 2009 – March 2010. g.p. catley.nyctea ltd. *Appendix F* in North Killingholme Power Project Environmental Statement, Appendix 7.8 Bird Data – Killingholme Power Project.

² Wintering Bird Survey of East Halton and Killingholme Marshes and Inland Fields encompassed by North Lincolnshire Council Boundary. January – March 2007. G.P. Catley. Nyctea Ltd. Appendix B in North Killingholme Power Project Environmental Statement, Appendix 7.8 Bird Data – Killingholme Power Project.

³ Woodward, I.D., Frost, T.M., Hammond, M.J., and Austin, G.E. (2019). Wetland Bird Survey Alerts 2016/2017: Changes in numbers of wintering waterbirds in the Constituent Countries of the United Kingdom, Special Protection Areas (SPAs), Sites of Special Scientific Interest (SSSIs) and Areas of Special Scientific interest (ASSIs). BTO Research Report 721. BTO, Thetford. Downloaded from <https://app.bto.org/webs-reporting/?tab=alerts> 21/07/2020



TECHNICAL NOTE 1

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Principal Project Area, which is outside both the Construction Laydown Areas and Operations Area (see appended Site Layout Figure in Appendix A), adjacent to intertidal habitats on the foreshore.

Table 1 sets out the impact pathways that were identified in the Secretary of State's (SoS) Habitats Regulations Assessment for the original application⁴, in relation to the Humber Estuary Special Protection Area (SPA) and Ramsar Site. Whether each impact pathway could lead to effects on knot or avocet is identified, along with consideration of the findings of the SoS HRA for the consented DCO, including in relation to mitigation secured via DCO Requirements and the associated Deemed Marine Licence. It should be noted that the SoS HRA identified LSE for both knot and avocet (see page 16 of the SoS HRA), with these qualifying interests of the Humber Estuary SPA/Ramsar site included in the SoS Appropriate Assessment.

⁴ Department of Energy and Climate Change (2014). Record of The Habitats Regulations Assessment undertaken under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 (as amended) for an application under The Planning Act 2008 (as amended).

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TABLE 1

Impact Pathway and Description	Relevance to knot/avocet	Findings of SoS HRA	Applicable DCO Requirements
Disturbance to Humber Estuary SPA bird species from construction of cooling water pipe.	Takes place along existing Killingholme Ports jetty above intertidal mudflats and to north of North Killingholme Haven Pits. Both species recorded within potential disturbance distance <500m).	No LSE predicted due to activity taking place in area subject to high existing levels of disturbance (paragraph 4.26 of SoS HRA).	N/A
Loss of habitat used by SPA bird species from construction of cooling water intake.	Takes place within footprint of existing Killingholme Ports jetty, with piles installed over 3.2m ² area. Both species recorded within 500m.	No adverse effect on integrity predicted due to negligible footprint of piling compared to SPA extent. No loss of habitat used by SPA birds as located in sub-tidal zone by existing jetty (Paragraph 7.5 of SoS HRA)	Condition 20 of Deemed Marine Licence limits the maximum pile diameter.
Disturbance to SPA bird species from construction of Cooling Water Connection through Piling.	Takes place within footprint of existing Killingholme Ports jetty, with piles installed over 3.2m ² area. Both species recorded within potential disturbance distance <500m.	No adverse effect on integrity due to seasonal restrictions over use of piling and restrictions over noise levels and lighting, as secured by the DCO (Paragraph 7.50 of SoS HRA).	Requirement 25 requires piling method statement to be submitted and approved by LPA prior to piling activities commencing. Requirement 26 requires a strategy to mitigate effects from construction on the North Killingholme Haven Pits, including seasonal restrictions and acoustic and visual screening. Requirement 51

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			imposes restrictions and monitoring requirements on noise levels at North Killingholme Haven Pits
Disturbance to SPA bird species from construction of fuel handling and conveyor systems, including potential piling operations for fuel conveyor.	Both species recorded within potential disturbance distance <500m.	No adverse effect on integrity due to seasonal restrictions over use of piling and restrictions over noise levels and lighting, as secured by the DCO (paragraph 7.50 of SoS HRA).	Requirement 25 requires piling method statement to be submitted and approved by LPA prior to piling activities commencing. Requirement 26 requires a strategy to mitigate effects from construction on the North Killingholme Haven Pits, including seasonal restrictions and acoustic and visual screening. Requirement 51 imposes restrictions and monitoring requirements on noise levels at North Killingholme Haven Pits
Disturbance to SPA bird species outside the Humber Estuary SPA and Ramsar Site during construction	Neither species recorded outside SPA boundary during 2019/20 surveys.	No adverse effects on integrity in light of survey results and use of hoarding and screening to reduce noise/visual disturbance (Paragraph 7.50 of SoS HRA).	Requirement 30 requires a construction and security lighting scheme to be submitted and approved by the LPA prior to implementation. Requirement 49 requires details of acoustic hoarding on northern and western boundaries of Site to be submitted and approved by LPA prior to implementation.
Operational disturbance of SPA bird species from train movements through North Killingholme Haven Pits SSSI and	Both species recorded within potential disturbance distance <500m.	No adverse effect on integrity with incorporation of measures to manage noise and visual disturbance, as secured by the DCO	Requirement 23 sets operational noise limits at North Killingholme Haven Pits, with Requirement 21 requiring a monitoring programme for noise for the duration of operation. Requirements 48 and 50



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operation of the fuel conveyer		(Paragraph 7.66 of SoS HRA).	respectively require limitations on train speeds, and the provision of visual attenuation (planting or other screening) along the train line where it passes through North Killingholme Haven Pits SSSI.
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In light of the above, the updated survey results for knot and avocet do not introduce impact pathways and effects for SPA qualifying interests, that were not considered in the original DCO Examination or the SoS HRA. The mitigation measures secured via the DCO therefore remain suitable and appropriate in the context of the small shifts in populations that were recorded.

NE Advice Point 2

The DAS Response contains the following response from Natural England:

We note as part of the wintering bird survey report that some of the charts that have been provided do not appear to correspond to the text for the species numbers recorded, e.g. 3.6.88. Whilst we understand the complexities of presenting the amount of data that is available, we consider that it would be helpful to provide a summary table for each species highlighting the results from the various datasets. Currently, it is extremely time consuming going through each species individually to assess if there have been any changes. In addition, to reiterate, we recommend that as the original surveys are not publicly available, this data needs to be provided.

The text at 3.6.88 in relation to peak count of curlew was an error, we apologise for this oversight and have corrected the report with the correct peak count (84) and removed the previous incorrect entry (71). We have checked the species discussions in the remainder of the report and identified similar errors for teal, greylag and black-headed gull. We will correct those for the submission version of the DCO amendment application.

The bird surveys completed in 2019/20 had greater spatial coverage and covered a greater period of the year than those specifically completed for the original DCO application. These included bimonthly transect surveys and 66 hours of vantage point surveys between October 2019 and March 2020 inclusive. The original DCO application surveys were limited to three wintering and three breeding bird survey visits of the Operations Area, whereas the surveys completed in 2019/20 expanded this coverage to include habitats around the entire periphery of the Principal Project Area plus adjoining land. A range of desk-based bird survey data was used to inform the baseline for SPA and other bird species for the original DCO application. These surveys were not specifically completed in relation to the North Killingholme Power Project.



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As such, it is difficult to draw direct comparisons between numbers of birds recorded through the various desk-based sources and the surveys completed in 2019/20. We will nevertheless present this data in a summary table for the submission version of the wintering bird survey report.

We have also provided copies of the original wintering and breeding bird reports including desk study data and Environmental Statement to NE via file-sharing, which we understand NE to have received on the 20th July.

NE Advice Point 3

The DAS Response contains the following response from Natural England:

It appears that there were no surveys carried out in August in the most recent survey period. This is the beginning of the passage period for some SPA/Ramsar species, therefore we recommend that further explanation is provided to explain why surveys were not carried out in this month.

The bird surveys completed in 2019/2020 (wintering, passage and breeding) provide overall coverage of the site that significantly exceeds the survey work that was delivered for the original DCO application. The original survey work that informed the ES (completed specifically for the project) included survey visits (wintering bird surveys and breeding bird surveys) conducted in December, January and February (wintering birds) and April, May, and June (breeding birds). These covered the Operations Area of the Proposed Scheme. To accompany the above, the original application used data that was recorded by Graham Catley to support WBS for INCA (now, Humber Nature Partnership). This data spanned several years from 2007 to 2011. The original application also used data recorded for Able UK and bird data provided by the Centre for Marine and Coastal Studies at the University of Hull.

The level of survey effort expended in 2019/2020 (supplemented by use of WeBS data) relative to the survey effort that informed the original DCO application (in combination with wider desk study data) is therefore considered appropriate. Survey visits across the 2019/20 survey period show negligible use of the Site and limited flightlines across the Site by SPA species, which is consistent with the findings of the survey and desk-based work that informed the original ES. Given the qualifying interests for which the SPA is designated and the disturbed nature of the Site (ongoing use as a shipping terminal), it seems highly improbable that this would change with the addition of August survey effort.

This explanation will be added to the wintering bird survey report, in line with the NE request.

NE Advice Point 4

The DAS Response contains the following response from Natural England:

Regarding breeding birds associated with the Humber estuary designations, we note that the survey results recorded a pair of marsh harriers, “possibly exhibiting courtship display ... in late March over Halton Marshes”. Natural England is aware that there were nesting marsh harriers near to Halton marshes in



TECHNICAL NOTE 1

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CHECKED:	Lloyd Richards	APPROVED:	Ian Ellis

2019. This species is known to change nest sites each year, and therefore we recommend that further evidence is provided to identify the zone of potential noise disturbance impacts as a result of the construction and operation of the proposed development. However, we appreciate that the justification provided within the noise impact assessment in the original application may be sufficient, but we are unable to view this evidence.

The potential for construction-phase disturbance of SPA bird species using habitats north of the Proposed Scheme was identified in the SoS HRA (paragraph 7.52). This confirms that increases in noise north of the Proposed Scheme during construction are predicted to be modest. Halton Marshes lies north of the part of the site set aside for the Construction Laydown Area (see appended Figure in Appendix A) – this area is currently subject to disturbance from existing port operations. The SoS HRA concluded that with implementation of mitigation measures (5m high acoustic hoarding/visual screening along the northern boundary of the Operations and Construction Laydown Area) adverse effects to the SPA were not predicted to arise (paragraph 7.55 of the SoS HRA).

Marsh harrier have also bred at the Killingholme Haven Pits to the south and were known to have done so at the time of the original DCO application. The SoS HRA concluded that with implementation of mitigation measures (5m high acoustic hoarding; visual screening; restrictions over piling timings and methodology) adverse effects to the SPA were not predicted to arise (paragraph 7.50 of the SoS HRA).

Operational noise modelling was completed for the original ES⁵. The most noise-intensive scenario for operational noise assessed was Scenario E, which predicted a maximum impact at Halton Marshes of <45 dB(A)⁶, with the noise contours from this modelling included in Appendix B to this note. The majority of Halton Marshes would experience a worst-case impact of <40 dB. The nearest Noise Sensitive Receptor (NSR1, at the northern edge of Halton Marshes, see Appendix C) recorded minimum background noise levels of 38.5 dB during noise surveys to inform the original DCO application⁴. As worst-case predicted operational noise is not significantly different from background, no disturbance of marsh harriers is predicted to arise.

⁵ North Killingholme Power Project Environmental Statement, Volume 1 – Chapter 10.

⁶ North Killingholme Power Project Environmental Statement, Volume 2 – Appendix 10.5



TECHNICAL NOTE 1

DATE:	21 July 2020	CONFIDENTIALITY:	Internal
SUBJECT:	DAS/312493 UDS6742		
PROJECT:	70055743	AUTHOR:	Philip Davidson
CHECKED:	Lloyd Richards	APPROVED:	Ian Ellis

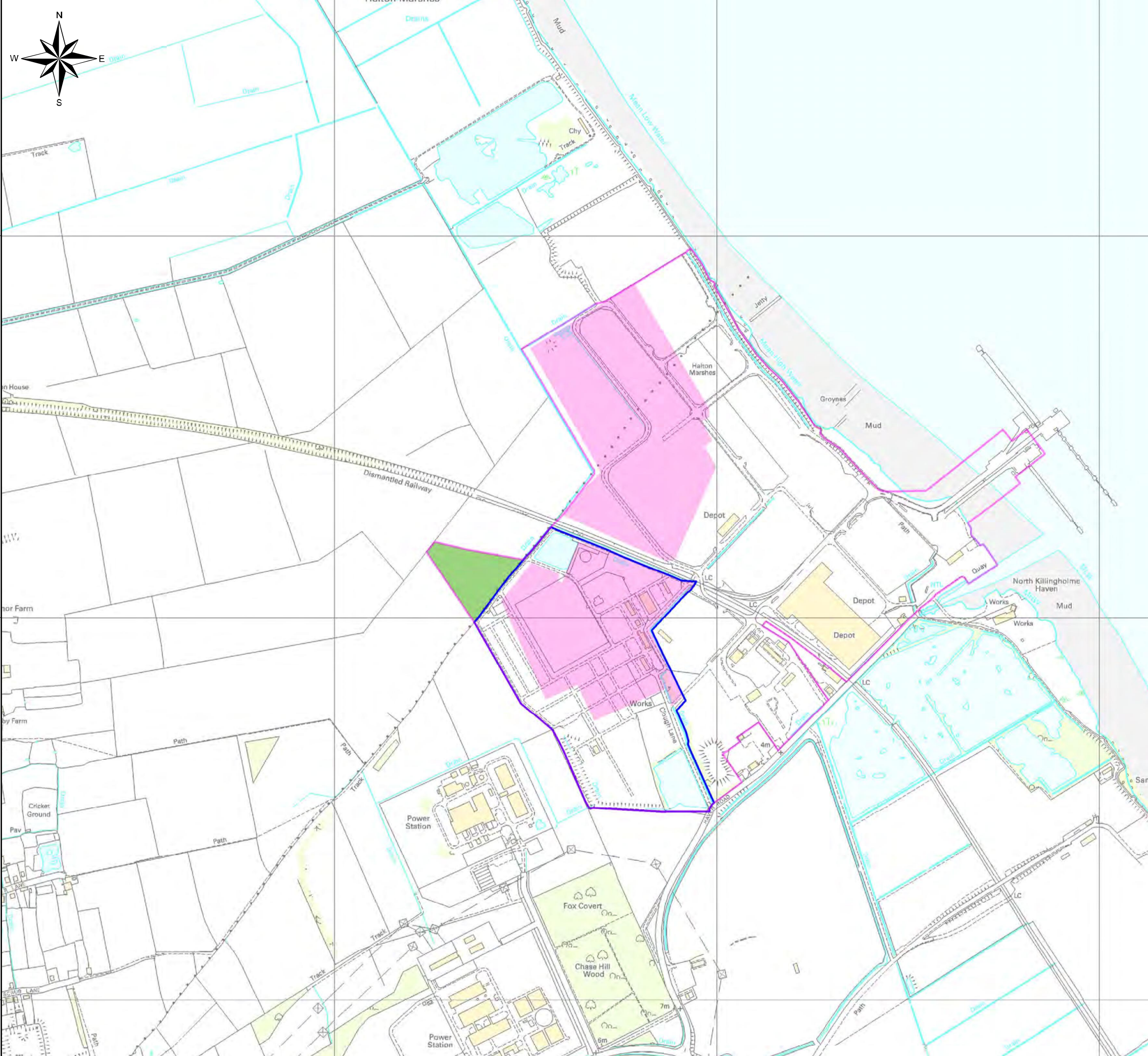
APPENDIX A – SITE LAYOUT

Comprising Figure 2.5 in Volume III (Figures) of the North Killingholme Power Project Environmental Statement. Document Reference 64042A-ES-05

515000

516000

517000



Legend

- Principal Project Area
- Operations Area
- Construction Laydown Area
- Ecological Mitigation Land

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North Killingholme Power Project

Construction Laydown Areas

DOCUMENT REF: 64042A-ES-05	SITE DESIGN VERSION: v1	DATE: 12/03/2013
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BAR SCALE 1:10,000 @ A3	
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DRAWN BY: RT	CHECKED BY: EA	APPROVED BY: CL
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515000

516000

517000

421000

420000

419000

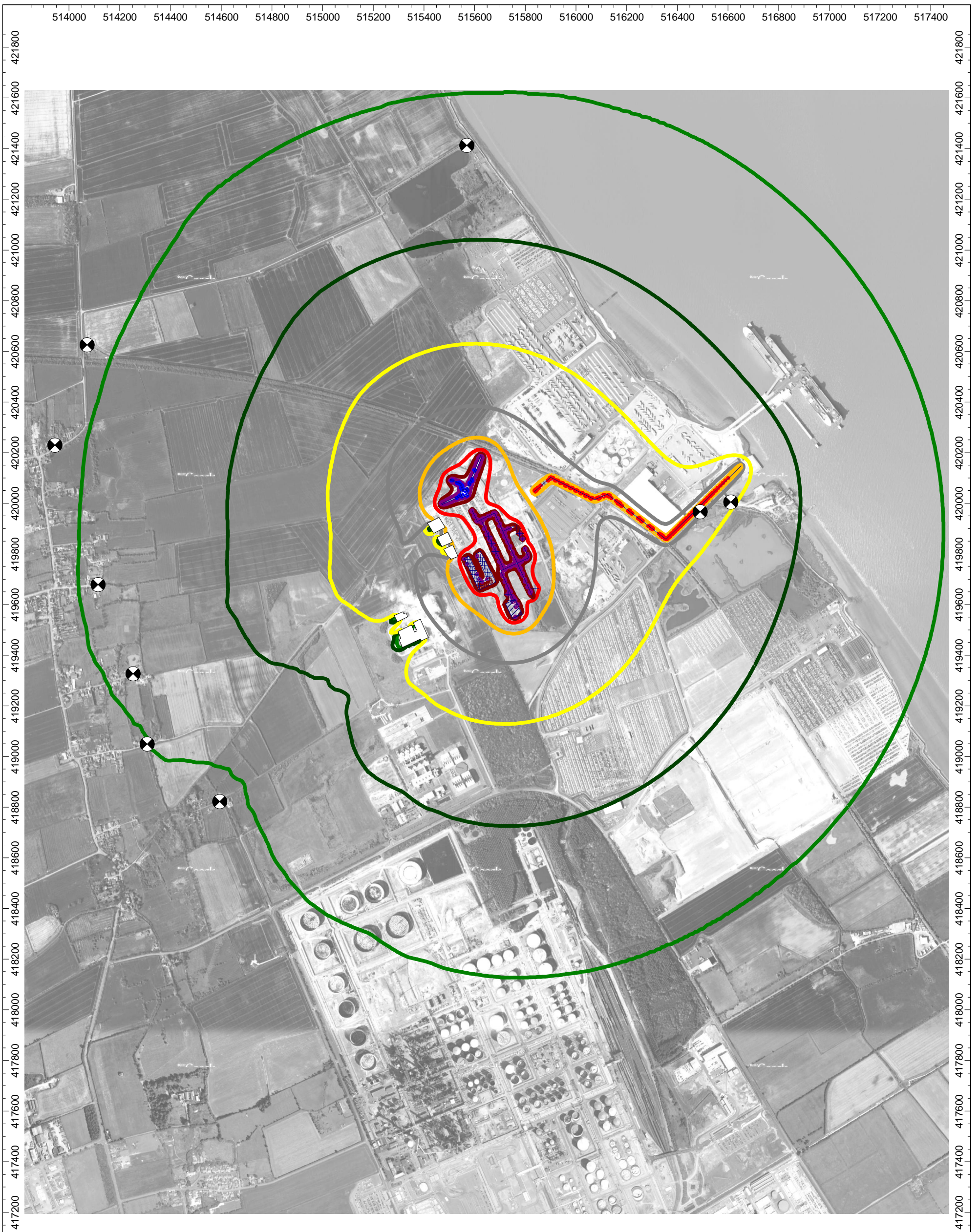


TECHNICAL NOTE 1

DATE:	21 July 2020	CONFIDENTIALITY:	Internal
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APPENDIX B – OPERATIONAL NOISE MODELLING

Comprising Appendix 10.5 (Volume II) of the North Killingholme Power Project Environmental Statement.



TITLE:

Contour plot showing predicted noise from operating Scenario E with pipe conveyor, Leq dB(A)

Killingholme Power Station

Stack Configuration:

Assumes sound energy in 500Hz octave band

Sound power data supplied by C.Gen

LF Silencer in lateral exhaust

Propagation Methods: ISO 9613

Receiver Height = 4m No ground reflection

Project No. 64042A

Created by: PTB 04/03/13

Checked by RAP 04/03/13

ISO palette

- > -99.0 dB
- > 35.0 dB
- > 40.0 dB
- > 45.0 dB
- > 50.0 dB
- > 55.0 dB
- > 60.0 dB
- > 65.0 dB
- > 70.0 dB
- > 75.0 dB
- > 80.0 dB
- > 85.0 dB

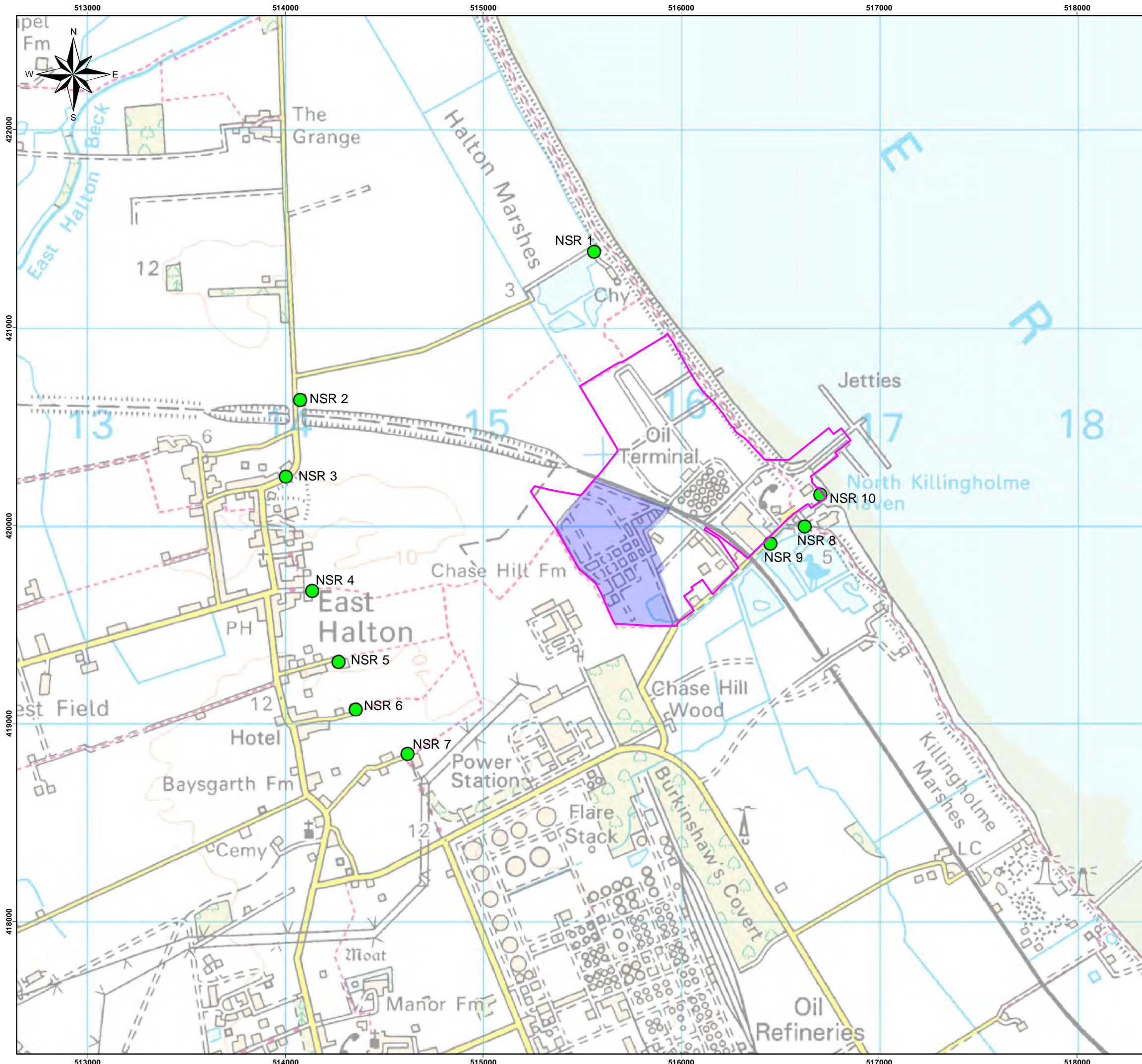


TECHNICAL NOTE 1

DATE:	21 July 2020	CONFIDENTIALITY:	Internal
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PROJECT:	70055743	AUTHOR:	Philip Davidson
CHECKED:	Lloyd Richards	APPROVED:	Ian Ellis

APPENDIX C – NOISE SENSITIVE RECEPTORS

Comprising Figure 10.1 in Volume III (Figures) of the North Killingholme Power Project Environmental Statement. Document Ref 64042A-ES-48.



- ### Legend
- Application Site
 - Operations Area
 - Noise Sensitive Receptors

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North Killingholme Power Project		
Noise Sensitive Receptor Locations / Study Area		
DOCUMENT REF: 64042A-ES-48	SITE DESIGN VERSION: v1	DATE: 22/03/2013
BAR SCALE NOT TO SCALE		
DRAWN BY: RT	CHECKED BY: EA	APPROVED BY: CL