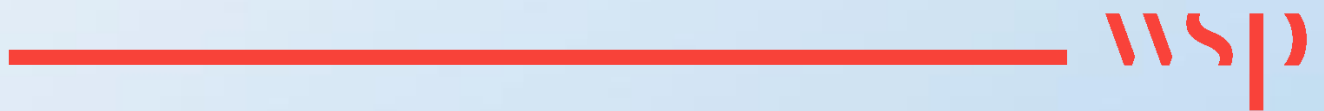


# Appendix 5.13

**LWT Consultation Response**



Davidson, Philip

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From: Clare Sterling <[REDACTED]>  
Sent: 29 May 2020 12:51  
To: Davidson, Philip  
Subject: RE: North Killingholme Power Project - Non-Material DCO Amendment

Dear Phil,

Thanks for phone call last week and based on the information provided below and my understanding, I feel we have no further comment to add and although we would now like to see Net Gain enacted, it is not yet mandatory and as the extension does not allow changes to the consent, then please proceed.

I would however like you to flag with the developers, we can advise on how to maximise further nature's recovery in industrial margins, which they should seek to do in this time of biodiversity emergency.

Kind regards,

Tammy Smalley  
Head of Conservation  
Lincolnshire Wildlife Trust

Tel: [REDACTED]  
Direct: [REDACTED]  
Mobile: [REDACTED]



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From: Davidson, Philip <[REDACTED]>  
Sent: 12 May 2020 15:48  
To: Clare Sterling <[REDACTED]>  
Subject: RE: North Killingholme Power Project - Non-Material DCO Amendment

Dear Clare,

Thank you for your response to our consultation request and for taking the time to set out your views. I left a message on your answerphone earlier, but wanted to get something back to you in writing in the meantime.

I thought it would be helpful to take each of your points in turn, so I have extracted them into my response as set out below.

*From the information supplied it sounds as though there have been some minor changes in the ecology of the site since 2014, with some species increasing and others declining. For those that have increased on site, otter and roosting bats, it sounds as though these were already covered under the original mitigation plan and therefore we would not necessarily expect any changes to the recommendations or conclusions of the EIA.*

Thank you for confirming, this is also our perspective having completed the surveys and reviewed the findings of the EIA. This does not of course preclude pre-construction checks that would be carried out to confirm that baseline conditions remain as currently found and specified mitigation remains appropriate.

*As data from the latest wintering/passage surveys have not yet been analysed it won't be possible to conclude at this stage whether there may be differing impacts on the Humber Estuary SPA and I would expect that the HRA will need to be refreshed in light of the new results.*

We have completed the analysis of the passage and wintering bird survey data, and it indicates a similar distribution and composition of species as was recorded and assessed for the original EIA and HRA. No SPA bird species were recorded using habitats within the site boundary, although as expected several SPA species were recorded at North Killingholme Haven Pits and at waterbodies to north of the site, reflecting the situation for the original DCO submission. The mitigation measures including noise monitoring and limits for the North Killingholme Haven Pits SSSI would remain as per the consented DCO (Requirement 23). We would be happy to share the 2019/2020 wintering bird survey report with you, if this would be helpful? As such we consider that the findings of the previous HRA remain valid.

*I can't find any documents to show what wider mitigation and enhancement was agreed in 2014. As we are in a different 'landscape' now regarding valuing of biodiversity within the planning system and in the wider political context, and as we move towards mandatory net gain I wonder whether there will be scope to achieve more for nature through this amendment? Could we see an intent to secure a minimum 10% measurable net gain perhaps and contribute to nature recovery networks? Could the drains and watercourses on site be enhanced for the declining water vole population and for the otters which have now been recorded on site? Are SUDS being used on site to provide wildlife habitats and to improve water quality of run off, which could in turn benefit the water quality flowing into the Humber Estuary SAC?*

The amendment being applied for is non-material and in relation to extending the consent only. Unfortunately, this means that the design parameters for the DCO need to remain as previously consented – there is very little scope to introduce changes to the design. As such, amending post-construction landscaping as part of the non-material amendment is not possible. Landscaping and habitat enhancement measures, including a bat flightline, provision of an ecological mitigation area, enhancement of on-site waterbodies, and enhancements of ditches for water vole are included as Requirements within the DCO. This is reflected in Requirements 7/8 (Landscaping), Requirement 32 (Bat Mitigation Strategy), Requirement 33 (Water Vole Mitigation Strategy), and Requirements 34/35 (Other Ecological Matters). I have attached a copy of the DCO which sets out these requirements, in case this is helpful. Given that the majority of the site is hard-standing, we consider the existing mitigation and enhancement requirements remain adequate for the project.

I hope this helps address your comments below, and explains the situation with the non-material request further – I would be happy to discuss further if this would be useful.

Kind Regards,

Phil

**Philip Davidson**



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From: Clare Sterling <[REDACTED]>  
Sent: 28 April 2020 16:12  
To: Davidson, Philip <[REDACTED]>  
Subject: RE: North Killingholme Power Project - Non-Material DCO Amendment

Dear Phil

Thank you for consulting us ahead of the formal application to amend the DCO.

From the information supplied it sounds as though there have been some minor changes in the ecology of the site since 2014, with some species increasing and others declining. For those that have increased on site, otter and roosting bats, it sounds as though these were already covered under the original mitigation plan and therefore we would not necessarily expect any changes to the recommendations or conclusions of the EIA.

As data from the latest wintering/passage surveys have not yet been analysed it won't be possible to conclude at this stage whether there may be differing impacts on the Humber Estuary SPA and I would expect that the HRA will need to be refreshed in light of the new results.

I can't find any documents to show what wider mitigation and enhancement was agreed in 2014. As we are in a different 'landscape' now regarding valuing of biodiversity within the planning system and in the wider political context, and as we move towards mandatory net gain I wonder whether there will be scope to achieve more for nature through this amendment? Could we see an intent to secure a minimum 10% measurable net gain perhaps and contribute to nature recovery networks? Could the drains and watercourses on site be enhanced for the declining water vole population and for the otters which have now been recorded on site? Are SUDS being used on site to provide wildlife habitats and to improve water quality of run off, which could in turn benefit the water quality flowing into the Humber Estuary SAC?

I would just wish to ensure every opportunity is taken to increase the biodiversity potential through developments such as this and perhaps things are still open to amendment given that more is now expected of development than perhaps was when the original application was submitted. I would be happy to discuss this further to explore any opportunities,

Kind regards  
Clare

**Clare Sterling MCIEEM**  
Conservation Officer  
Lincolnshire Wildlife Trust





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From: Davidson, Philip

Sent: 03 April 2020 08:18

To: 'info@lincstrust.co.uk' <[info@lincstrust.co.uk](mailto:info@lincstrust.co.uk)>

Cc: J [REDACTED]

Subject: North Killingholme Power Project - Non-Material DCO Amendment

Dear Sir/Madam,

I am emailing to consult on ecological matters relating to proposed amendments to C.GEN Killingholme Limited's (C.GEN) project for the construction a new 470MWe thermal generating station at North Killingholme, North Lincolnshire. The generating station would operate as either a Combined Cycle Gas Turbine (CCGT) plant or as an Integrated Gasification Combined Cycle (IGCC) plant. An application was made for a Development Consent Order, and an order was granted by the Secretary of State on 11 September 2014 (and amended by correction order on 26 October 2015).

Since that time, C.GEN has been developing the Project for delivery, including appointing an EPC contractor and participating in the Capacity Market auctions. However, the Order has not yet been implemented. Given the time that has elapsed since the Order was granted, C.GEN is seeking amendments to the Order to extend the date by which the Order must be implemented. In order to ensure the consent remains fit for purpose, other minor modifications to the Order are proposed with regard to the carbon capture elements. However, no changes are sought to the technology used, modes of operation or the Order Limits (the extent of the project boundary remains as consented).

WSP have been employed by C.Gen to undertake the planning process to gain this approval. As part of this process, consultation is advised with key stakeholders to discuss our approach and flag any concerns. We have undertaken a review of the original Ecological Impact Assessment completed for the DCO Application. We have also completed a series of surveys to provide an updated ecological baseline for habitats and protected and notable species at and adjacent to the Site.

In brief, the changes to the proposals remain within the parameters assessed in the original EclA. The main changes to the ecological baseline identified by our survey work in 2019/20 are as follows:

- There have been no changes to the boundaries of statutory designated sites since the 2014 ES was submitted.

- An extended Phase 1 habitat survey carried out in May 2019, found that habitats within the site remain in a similar condition and are distributed similarly to when phase 1 habitat surveys were carried out to inform the 2014 ES.
- eDNA GCN surveys in May 2019 returned a negative result for GCN in all ponds within 250m of the project boundary. This reflects the negative survey result for GCN recorded for the 2014 ES
- Targeted reptile surveys in summer 2019 recorded a negative survey result for reptiles within the project boundary. This reflects the negative survey result for reptiles recorded for the 2014 ES
- Targeted breeding, autumn passage, and wintering bird surveys recorded a similar range and distribution of bird species as were recorded during survey and desk study work to inform the 2014 ES. Species included as reasons for designation of the Humber Estuary SPA and Ramsar site continued to be absent from within the Project Boundary, or were recorded in very low numbers. Data from the last round of wintering/passage bird surveys is still being collated and has not yet been analysed.
- Water vole surveys in spring and autumn 2019 did not identify any confirmed evidence of water voles. Water voles were recorded in a small number of ditches within the Project Boundary during surveys to inform the 2014 ES.
- Otter surveys in spring and autumn 2019 recorded one otter spraint on a ditch on the edge of the Project Boundary on the second visit, with no other evidence of otters recorded. No evidence of otters was recorded within the Project Boundary during surveys to inform the 2014 ES. The site continues to lack habitats suitable for otters to establish holts or other resting-places.
- Bat activity levels recorded during activity surveys in June and September 2019 were reduced compared to activity surveys completed to inform the 2014 ES, although the pattern of use of habitats within the Project Boundary and the range of species recorded were similar.
- A low conservation significance summer day roost of pipistrelle bat (believed to be common pipistrelle (<5 individuals)) was recorded during dusk emergence/dawn re-entry surveys of one building within the Project Boundary in 2019. No bat roosts were recorded within the Project Boundary during surveys to inform the 2014 ES, although the potential for some on-site buildings to be used by low numbers of roosting bats was noted in the ES.
- Surveys during 2019 indicate that the current baseline for badgers remains similar to that recorded during surveys to inform the 2014 ES. Badger survey results will be passed to Natural England, the Local Planning Authority and The Planning Inspectorate only on a confidential basis, to avoid sensitive data entering the public realm.

We have considered the results of the survey and assessment work that informed the 2014 ES and compared it to the results of the 2019/20 survey work. In most instances the baseline has not changed substantively, or there have been apparent reductions in populations of protected or otherwise notable species (e.g. water voles; foraging bats). Where there is evidence of protected or notable species recorded in 2019 that was not recorded in 2014 (otters and confirmation of a bat roost) the level of usage of land within the Project Boundary is minimal, and/or was assessed as part of the possible future baseline in the ES (e.g the potential for bat roosts to become established in the future was recorded in the 2014 ES). As such, no changes are expected to the significance of ecological effects described in the original Environmental Statement.

C.GEN is carrying out informal consultation ahead of an application to the Planning Inspectorate in May and we invite Lincolnshire Wildlife Trust to provide comments on the proposed non-material amendment. If you know of any other baseline changes that may be relevant to the ecology assessment that we have not considered, we would also be grateful to hear from you. I'd be happy to discuss further on the phone or by email.

Kind regards,

Phil

**Philip Davidson**

Associate Director, Ecology





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