



The Millbrook Power (Gas Fired Power Station) Order

5.7 No Significant Effects Report

Planning Act 2008
The Infrastructure Planning
(Applications: Prescribed Forms and Procedure) Regulations 2009

PINS Reference Number: EN010068
Document Reference: 5.7
Regulation Number: 5(2)(g) and Conservation of Habitats and
Species Regulations 2010
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Revision	Date	Description
0	October 2017	Submission Version



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1 Background

1.1 Overview

- 1.1.1 This document comprises a Habitats Regulations Assessment: No Significant Effects Report, relating to the Millbrook Power Project (hereafter referred to as the "Project"). It has been prepared by Peter Brett Associates LLP (PBA) on behalf of Millbrook Power Limited (MPL), (the "Applicant").
- 1.1.2 The Project is proposed at the former clay extraction pit named Rookery South Pit, near Stewartby, Bedfordshire with the approximate centre of the site at grid reference 501373, 240734 (the "Project Site"). The boundary of the Project Site falls within both Central Bedfordshire Council (CBC) and Bedford Borough Council (BBC) areas. The Project constitutes a Nationally Significant Infrastructure Project (NSIP) pursuant to the Planning Act 2008 (the "Act") and therefore requires development consent under the Act.
- 1.1.3 The application for the DCO is being made to the Planning Inspectorate pursuant to the Planning Act 2008 and is in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (the "APFP Regulations").
- 1.1.4 Before the Secretary of State can decide to grant a DCO for the Project they must determine whether it is likely to have a significant effect on a European site (whether alone or in combination with other plans or projects), in view of that site's conservation objectives. This requirement is set down in Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the "Habitats Regulations").
- 1.1.5 APFP Regulation 5(2)(g) requires that the Application should be accompanied by a report which identifies any site that may be affected by the development and to which Regulation 61 of the Habitats Regulations applies. These sites are commonly referred to as 'European Sites'. European Sites include: Sites of Community Importance (SCIs), Special Areas of Conservation (SACs) (including candidate SACs) and Special Protection Areas (SPAs), which together, form the Natura 2000 network, which aims to assure the long-term survival of Europe's most valuable and threatened habitats.
- 1.1.6 In accordance with paragraph 1.4 of PINS Advice Note 101, potential SPAs and possible SACs being considered by the Secretary of State for classification as a SPA/ SAC, should be given the same protection as a fully classified SPA/ SAC. In addition, Ramsar Sites and proposed Ramsar Sites (wetlands of international importance listed under the Ramsar convention) should be given the same protection as European Sites. Sites identified, or required, as compensatory measures for adverse effects on European Sites, potential SPAs,

¹ The Planning Inspectorate (2016) Advice note ten: Habitats Regulations Assessment relevant to nationally significant infrastructure projects. V.7. January 2016.

possible SACs, and listed or proposed Ramsar sites should also be considered as European Sites.

1.1.7 This report is intended to provide the information necessary for the Secretary of State to make their assessment and it has been prepared in accordance with PINS Advice Note 102. It has been prepared in accordance with the methodology for HRA set out in The Habitats Regulations Assessment Handbook³.

1.1.8 The Project would comprise:

- a new Power Generation Plant in the form of an Open Cycle Gas Turbine (OCGT) peaking power generating station, fuelled by natural gas with a rated electrical output of up to 299 MW. This is the output of the generating station as a whole, measured at the terminals of the generating equipment. The Power Generation Plant comprises:
 - generating equipment including one Gas Turbine Generator with one exhaust gas flue stack and Balance of Plant (together referred to as the 'Generating Equipment'), which are located within the 'Generating Equipment Site';
 - a new purpose built access road from Green Lane to the Generating Equipment Site (the 'Access Road' or 'Short Access Road');
 - a temporary construction compound required during construction only (the 'Laydown Area');
 - a new underground gas pipeline connection approximately 1.8km in length (the 'Pipeline') to bring natural gas to the Generating Equipment from the National Transmission System (the 'Gas Connection'). This Gas Connection also incorporates an Above Ground Installation (AGI) at the point of connection to the National Transmission System. and
 - a new electrical connection to export power from the Generating Equipment to the National Grid Electricity Transmission System (NETS) (the 'Electrical Connection'), comprising an underground double circuit Tee-in. This would require one new tower (which will replace an existing tower and be located in the existing Grendon – Sundon transmission route corridor, thereby resulting in no net additional towers). This option would require two SECs, one located on each side of the existing transmission line, and both circuits would then be connected via underground cables approximately 500 metres in length to a new substation (the 'Substation').

1.1.9 The Generating Equipment, Access Road and Laydown Area are together known as the 'Power Generation Plant' and are located within the 'Power Generation Plant Site'. The Power Generation Plant Site is approximately 12.5 ha in area.

1.1.10 The Power Generation Plant, Gas Connection, and Electrical Connection, together with all access requirements are referred to as the 'Project'. The land upon which the Project would be developed, or which would be required in order to facilitate the development of the Project, is referred to as the 'Project Site'.

² The Planning Inspectorate (2016) Advice note ten: Habitats Regulations Assessment relevant to nationally significant infrastructure projects. V.7. January 2016.

³ DTA Publications Ltd (2016) The Habitats Regulations Assessment Handbook. DTA Publications Ltd, Nottingham

The Project Site is approximately 48 ha in area. The Project is described in more detail in Chapter 3 of the ES, Document Reference 6.1.

- 1.1.11 A full glossary of defined terms is presented in the Project Glossary (Document Reference 1.4).
- 1.1.12 The Project Site and all elements of the Project listed above are shown on Figure 1.2 of the ES for the Project (Document Reference 6.3).
- 1.1.13 The Power Generation Plant Site is located primarily on land within former clay pits known as 'The Rookery', with the Gas and Electrical Connections extending from The Rookery into adjacent agricultural land to the south.
- 1.1.14 The total construction programme will be approximately 22 months, with an anticipated start date of 2020 and an end date of 2022. The operational life of the Power Generation Plant will be 25 years.
- 1.1.15 The decommissioning phase will be similar in duration to the construction phase. The Generating Equipment will be decommissioned and removed at the end of its operational life. Elements such as the Pipeline may be capped and left in situ.

1.2 Project Site and Surroundings

The Rookery

- 1.2.1 The Project Site is partially located within 'The Rookery'. The Rookery comprises two former clay pits (Rookery North and Rookery South (both shown on Figure 1.2)) covering an area of some 210 ha, separated by an east-west spine of unexcavated clay. The Rookery is situated in the Marston Vale between Milton Keynes and Bedford. It lies predominantly within the administrative area of Central Bedfordshire Council (CBC) although it also falls, in part, within the administrative area of the adjacent Bedford Borough Council (BBC).
- 1.2.2 The Generating Equipment Site, Laydown Area and parts of the Access Road, Gas Connection and Electrical Connection would be located within part of Rookery South Pit which is approximately 95 ha in area and is bound by steep clay banks that are varied in nature and substrate. The level of the pit base currently varies between approximately 10 and 15 m below ground level and includes open water, reed beds, pools and bare inundated clay. The land that remains at the original ground level, approximately 42 m above ordnance datum (AOD) immediately around the periphery of Rookery South Pit is predominantly bare ground that has been previously cleared of vegetation and subsequently maintained in this state over approximately the last 30 years or so.
- 1.2.3 The Gas Connection and Electrical Connection would extend from Rookery South Pit into farmland to the south as shown on ES Figure 1.2 of Document Reference 6.3. Part of the Access Road would lie within Rookery North Pit.

Low Level Restoration Scheme (LLRS)

1.2.4 The Rookery is the subject of an ongoing LLRS being undertaken by the landowner pursuant to a separate planning consent (application number - BC/CM/2000/8) in order to restore the former clay workings (i.e. below pre-excavation ground levels) to low-intensity agricultural land, with measures included in the restoration to enhance biodiversity and landscape. This restoration work is taking place independently of the Project, although a five-year option agreement, which is extendable to seven under certain conditions, has been put in place between the Applicant and the landowner of Rookery Pit. Included in the agreement is a clause which ensures that the elements of the LLRS, as set out below, will be completed prior to the commencement of the development of the Project (anticipated to be in 2020). The HRA assessment assumes that the following LLRS works for Rookery South Pit have been completed:

- the re-profiling of the base of the pit involving the extraction of soils and clays from the permitted extraction area on the southern side with re-grading of the base of the pit to an approximate level of 15mbgl;
- implementation of surface water drainage measures and construction of an attenuation pond and pumping station in order to facilitate a managed surface water drainage strategy;
- a landscape strategy to include planting on the boundary of the [Rookery South Pit] and the margins of the attenuation pond;
- provision of buttresses to the southern, eastern and northern slopes to ensure the long-term stability of those slopes, and re-grading through excavation;
- provision of a series of permissive footpaths around the perimeter of Rookery North Pit and around the attenuation pond within Rookery South Pit;
- provision of an access ramp into Rookery South Pit from Rookery North Pit which connects to Green Lane, Stewartby via an existing track along the western side of Rookery North Pit. Note that the ramp and existing track are both of an agricultural standard; and
- provision of a further, smaller access track into and out of Rookery South Pit from the south side of the pit connecting with Station Lane, near Millbrook Station.

1.2.5 To facilitate the proposed LLRS works, extraction of clay from a currently un-worked area situated directly to the south of the existing extent of Rookery South Pit will be undertaken. This area covers approximately 25 ha and forms part of the existing minerals extraction consent boundary, but has not historically been subject to excavation works. Deposits won from this area will provide material for use in the restoration, re-profiling and buttressing work to Rookery South Pit together with the implementation of a landscape and ecology strategy, which will integrate with ecological mitigation works and strategic landscape planting in Rookery North Pit.

1.2.6 The LLRS works will be completed prior to the commencement of construction works for the Project, with the possible exception of buttressing and re-profiling

to the eastern side of Rookery South Pit, which has no bearing on the Project as it lies outside the boundary of the Project Site.

- 1.2.7 Once the LLRS works are completed, Rookery South Pit will be approximately 15 m below the surrounding ground level in the vicinity of the Generating Equipment Site, Laydown Area and the Substation.

1.3 European Sites in the Vicinity of the Project

- 1.3.1 There are no specific criteria in PINS Advice Note 10 for the Screening of effects on European Sites (Appendix A). The study area for Screening is dependent upon the scale and nature of the project and European Site, and the surrounding environment where the potential for significant effects could reasonably be considered to occur. A search area of 10 km for European Sites was adopted, which would be extended for any European Sites that are hydrologically linked with the Project Site e.g. via a watercourse. This is in line with the approach taken in the Ecological Impact Assessment for the Project (Chapter 8 of the ES, Document Reference 6.1). The nature and scale of potential effects is typically limited by distance, and it is considered that beyond 10 km, any potential effects arising from the Project would be so minimal as to have an imperceptible effect on European Sites beyond this distance. The study area for European sites was discussed and agreed during consultation with Natural England as part of the Ecological Impact Assessment for the Project (see Appendix B).
- 1.3.2 No European Sites (as defined in Sections 1.1.5 and 1.1.6 above) have been identified within the 10 km search area.
- 1.3.3 The European Sites considered in this No Significant Effects Report are located beyond the 10 km search area (see below); and as such, this report has been produced to record the assessment of no likely significant effects.
- 1.3.4 The nearest European Site to the Project Site is Chilterns Beechwoods SAC, which is located approximately 27 km to the south-west. The nearest SPA/Ramsar Site is the Upper Nene Valley Gravel Pits SPA/Ramsar Site, which is 28 km away to the north-west of the Project Site.
- 1.3.5 The locations of the European Sites in relation to the Project Site are illustrated on Figure 1 at the end of this document.

1.4 HRA process

- 1.4.1 A Habitats Regulations Assessment is a step-wise process involving a series of tests undertaken in a strict order so as to ensure a correct and robust determination that accords with the Regulations. The requirements of the Habitats Directive comprise four distinct stages:
- **Stage 1:** Screening is the process which initially identifies the likely effects upon a European Site of a project or plan, either alone or in combination with other projects or plans, and considers whether these effects may be significant. It is important to note that the burden of evidence is to show,

on the basis of objective information, that there will be no significant effect; if the effect may be significant, or is not known, that would trigger the need for an Appropriate Assessment. There is European Court of Justice case law to the effect that unless the likelihood of a significant effect can be ruled out on the basis of objective information, then an Appropriate Assessment must be made.

- **Stage 2:** Appropriate Assessment is the detailed consideration of the effects on the integrity of the European Site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's conservation objectives and its structure and function. This is to determine whether or not there will be adverse effects on the integrity of the site. This stage also includes the development of mitigation measures to avoid or reduce any possible effects.
- **Stage 3:** Assessment of alternative solutions is the process which examines alternative ways of achieving the objectives of the project or plan that would avoid adverse effects on the integrity of the European Site, should avoidance or mitigation measures associated with the proposed project be unable to cancel out adverse effects.
- **Stage 4:** Assessment where no alternative solutions exist and where adverse effects remain. Should no alternative solutions be available, at Stage 4 an assessment is made with regard to whether or not the development is necessary for imperative reasons of overriding public interest (IROPI) and, if so, of the compensatory measures needed to maintain the overall coherence of the Natura 2000 network.

1.4.2 This HRA No Significant Effects Report (Stage 1) has assessed effects resulting from the Project in order to determine whether these are likely to result in a significant effect on any one of the European Sites in the vicinity of the Project Site, either alone, or in combination with other projects. The potential for the Project to require other consents relevant to the assessment of likely significant effects has also been considered.

1.4.3 If the assessment concludes the Project is likely to have significant effects on a European site, the process of assessment will then progress to Stage 2 (Appropriate Assessment) to consider, in consultation with Natural England, whether the proposal will adversely affect the integrity of any one of the European Sites identified, either alone or in combination with other projects. However, if the assessment concludes the Project will have no likely significant effect(s) on the interest features of the European sites, no further HRA assessment is required, allowing the Project to proceed, subject to other relevant regulatory controls.

1.5 Definition of terms

1.5.1 In this report, the terms 'impact' and 'effect' are defined in accordance with the CIEEM guidelines⁴ as follows:

- 'Impact' - Actions resulting in changes to an ecological feature; and
- 'Effect' - Outcome to an ecological feature from an impact.

⁴ CIEEM (2016) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.

2 Description of European Sites

2.1 Chilterns Beechwoods SAC

2.1.1 Chilterns Beechwoods SAC supports a large area of ancient semi-natural beech forest and species-rich calcareous grassland and scrub mosaic. It qualifies under Article 4(4) of Directive (92/43/EEC) for supporting the following Annex I Habitats:

- 9130 *Asperulo-Fagetum* beech forests - which is a primary reason for Selection of the site;
- 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (important orchid sites).

2.1.2 The standing and fallen deadwood habitats within the SAC support saproxylic invertebrates. It qualifies under Article 4(4) of Directive (92/43/EEC) for supporting the following Annex II species:

- 1083 Stag Beetle *Lucanus cervus*.

2.1.3 The integrity of the SAC is vulnerable to a lack of appropriate woodland management to promote structural and species diversity, and damage to young trees by grey squirrel (Natura 2000 Standard Data Form).

2.1.4 The conservation objectives for the Chilterns Beechwoods SAC, published by Natural England (30 June 2014), are to: “*Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:*

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species*
- *The structure and function (including typical species) of qualifying natural habitats*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely*
- *The populations of qualifying species, and,*
- *The distribution of qualifying species within the site.”*

2.2 Upper Nene Valley Gravel Pits SPA

2.2.1 The Upper Nene Valley Gravel Pits SPA comprises an extensive area of disused sand and gravel pits adjacent to the River Nene in Northamptonshire. The shallow and deep open waters, marginal features, (including sparsely-vegetated islands, gravel bars and shorelines) and other habitats (including reedswamp, marsh, wet ditches, rush pasture, rough grassland and scattered scrub) provide foraging and roosting habitat for assemblages of wetland birds of international importance during the non-breeding season.

2.2.2 The SPA qualifies under Article 4.1 of Directive 2009/147/EC as it is used regularly by 1% or more of the Great Britain populations of the Annex I species (wintering) listed in Table 1 below.

Table 1: Qualifying features of SPA (Article 4.1)

Annex I species	Count and season	Period	% of GB population
Bittern <i>Botaurus stellaris</i>	2 individuals – wintering	5 year peak mean 1999/2000 – 2003/04	2.0%
Golden plover <i>Pluvialis apricaria</i>	5,790 individuals – wintering	5 year peak mean 1999/2000 – 2003/04	2.3%

2.2.3 The site qualifies under Article 4.2 of Directive 2009/147/EC as it is used regularly by 1% or more of the biogeographical populations of the regularly occurring migratory species (other than those listed in Annex I) (wintering) listed in Table 2 below.

Table 2: Qualifying features of SPA (Article 4.2)

Migratory species	Count and season	Period	% of sub-species/ population
Gadwall <i>Anas strepera</i>	773 individuals – wintering	5 year peak mean 1999/2000 – 2003/04	2.0% <i>A. strepera</i> , NW Europe (breeding)

2.2.4 The site qualifies under Article 4.2 of the Directive (Directive 2009/147/EC) as it is used regularly by over 20,000 waterbirds (waterbirds as defined by the Ramsar Convention) in any season:

- In the non-breeding season, the area regularly supports 23,821 individual waterbirds (5 year peak mean 1999/2000 – 2003/04), including wigeon *Anas penelope*, gadwall *Anas strepera*, mallard *Anas platyrhynchos*, shoveler *Anas clypeata*, pochard *Aythya ferina*, tufted duck *Aythya fuligula*, great crested grebe *Podiceps cristatus*, cormorant *Phalacrocorax carbo*, bittern *Botaurus stellaris*, golden plover *Pluvialis apricaria*, lapwing *Vanellus* and coot *Fulica atra*.

2.2.5 The conservation objectives for the Upper Nene Valley Gravel Pits SPA, published by Natural England (30 June 2014), are to: “Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- *The extent and distribution of the habitats of the qualifying features;*
- *The structure and function of the habitats of the qualifying features;*
- *The supporting processes on which the habitats of the qualifying features rely;*
- *The population of each of the qualifying features; and,*
- *The distribution of the qualifying features within the site.”*

2.3 Upper Nene Valley Gravel Pits Ramsar Site

2.3.1 The Upper Nene Valley Gravel Pits Ramsar Site follows the same boundary as the Upper Nene Valley Gravel Pits SPA. As for the SPA, the Ramsar Site supports a series of active and disused sand and gravel pits and associated habitats which provide nesting and foraging resources for wintering waterbirds. The site qualifies under Criterion 5 because it regularly supports 20,000 or more waterbirds: “in the non-breeding season, the site regularly supports 23,821 individual waterbirds (5 year peak mean 1999/2000 – 2003/04)”.

2.3.2 The site qualifies under Criterion 6 because it regularly supports 1% of the individuals in the populations of the species or subspecies of waterbird in any season, listed in Table 3 below.

Table 3: Qualifying features of Ramsar (Criterion 6)

Species	Count and season	Period	% of sub-species/ population
Mute swan <i>Cygnus olor</i>	629 individuals - wintering	5 year peak mean 1999/2000 – 2003/04	1.7% Britain
Gadwall <i>Anas strepera</i>	773 individuals – wintering	5 year peak mean 1999/2000 – 2003/04	2.0% <i>strepera</i> , NW Europe (breeding)

3 Screening

3.1 Methodology

3.1.1 European Commission guidance (2001)⁵ recommends that screening should fulfil the following steps:

1. *Determine whether the plan (or policy) is directly connected with or necessary for the management of Natura 2000 sites.*
2. *Describe the plan and describe and characterise any other plans or projects which, in combination, have the potential for having significant effects on Natura 2000 sites.*
3. *Identify the potential effects on Natura 2000 sites.*
4. *Assess the likely significance of any effects on Natura 2000 sites.*

3.1.2 The first part of the screening process therefore requires consideration of the project or plan in respect of whether it is directly connected with or necessary for the management of European Sites. 'Directly' in this context means solely conceived for the conservation management of a site and 'management' in this context refers to the management measures required in order to maintain in favourable condition the features for which the European Site has been designated.

3.1.3 The Project is not directly connected with, or necessary for, the management of Chilterns Beechwoods SAC or the Upper Nene Valley Gravel Pits SPA or Ramsar Site.

3.1.4 It is possible that the Project will require other consents such as in relation to works on existing drains/ watercourses or electrical/ gas infrastructure. However, as there are no connections via the water environment, and given the distance of the Project Site from Chilterns Beechwoods SAC or the Upper Nene Valley Gravel Pits SPA or Ramsar Site and lack of effect pathways; it is considered unlikely that any other consents will require consideration of likely significant effects by other Competent Authorities. The Project Site does not overlap into devolved administrations or other EEA States, and there are therefore no significant effects in respect of European Sites in such areas.

3.1.5 The screening assessment for the Project, which addresses the other three steps of the process, is presented in matrix form in Section 3.2 (below). In addition, screening matrices provided within the Planning Inspectorate Advice Note 10 are included as Appendix A1 to A3 of this NSER.

3.1.6 A critical part of the HRA screening process is determining whether or not the proposals are likely to have a significant effect on European Sites and,

⁵ European Commission (2001) *Assessment of plans and projects significantly affecting Natura 2000 sites*

therefore, if they will require an Appropriate Assessment. Judgements regarding significance should be made in relation to the qualifying interests for which the site is of European importance and also its conservation objectives. A significant effect is defined as being any effect that would undermine the conservation objectives for a European Site.

3.2 Screening Assessment

- 3.2.1 The Chilterns Beechwoods SAC is 27 km from the Project Site and is the nearest European Site. It is separated from the Project Site by extensive areas of agricultural land, the M1 motorway and the urban areas of Dunstable and Luton. There are no watercourses or other natural features which directly connect the SAC to the Project Site.
- 3.2.2 The Upper Nene Valley Gravel Pits SPA and the Upper Nene Valley Gravel Pits Ramsar Site follow the same boundary. The SPA and Ramsar Site are located approximately 28 km to the north-west of the Project Site. These sites are separated from the Project Site by the town of Bedford and other urban areas, the River Great Ouse, and extensive areas of agricultural land.
- 3.2.3 The consideration of potential effects on Chilterns Beechwoods SAC, and Upper Nene Valley Gravel Pits SPA and Ramsar Site, as a result of the Project, is detailed in the screening assessment in Table 4 below. The format of Table 4 is adapted from the Screening Matrix template provided in HD 44/09 Volume 11 Section 4 Part 1 of the Design Manual for Roads and Bridges⁶.

Table 4: Consideration of effects in the Screening Assessment

Description of project	
Description of any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the European Site by virtue of:	
Size and scale	<p>Due to the distance of the Project Site away from the Chilterns Beechwoods SAC, and the Upper Nene Valley Gravel Pits SPA and Ramsar Sites (which are located approximately 27 km and 28 km away, respectively), no impacts by virtue of the scale and size of the Project are expected.</p> <p>The maximum area for the Generating Equipment Site will be 4 ha. The equipment to be installed includes a gas turbine, an emission stack of up to 35 m in height, buildings associated with operation and maintenance. A temporary Laydown Area for the storage of plant and equipment during</p>

⁶ Highways Agency (2009). Assessment of Implications (of roads and/ or highways projects) on European Sites (including appropriate assessment). Design Manual for Roads and Bridges, Volume 11, Section 4, Part 1 HD 44/09.

	<p>construction would also be provided adjacent to the Generating Equipment Site. New Gas and Electrical Connections will also be established at the Project Site. In addition, an existing access track will be upgraded (the Access Road).</p>
Land take	<p>There will be no land-take in the Chilterns Beechwoods SAC, and the Upper Nene Valley Gravel Pits SPA and Ramsar Sites.</p>
Distance from the European Site or key features of the site (from Project boundary)	<p>The Chilterns Beechwoods SAC is located approximately 27 km to the south-west of the Project Site. It is separated from the Project Site by extensive areas of agricultural land, the M1 motorway, a railway line, and the urban areas of Dunstable and Luton.</p> <p>The Upper Nene Valley Gravel Pits SPA and the Upper Nene Valley Gravel Pits Ramsar Site follow the same boundary. The Upper Nene Valley Gravel Pits SPA and Ramsar Site are located approximately 28 km to the north-west of the Project Site. These sites are separated from the Project Site by the town of Bedford and other urban areas, the River Great Ouse, and extensive areas of agricultural land.</p>
Resource requirements (from the European Site or from areas in proximity to the site, where of relevance to consideration of impacts)	<p>No resource requirements from the Chilterns Beechwoods SAC, or the Upper Nene Valley Gravel Pits SPA and Ramsar Sites or in proximity to these sites are required.</p>
Emissions (e.g. polluted surface water runoff both soluble and insoluble pollutants, atmospheric pollution)	<p>An assessment of potential effects on Air Quality as a result of the Project has been included as part of the Environmental Impact Assessment (chapter 6 of Document Reference 6.1). This included consideration of potential effects on ecological receptors, including European Sites. During this process, the potential for significant effects on the Chilterns Beechwoods SAC, and the Upper Nene Valley Gravel Pits SPA and Ramsar Sites were 'scoped out' of further assessment, in accordance with the Institute of Air Quality Management's 'Guidance on the assessment of dust from demolition and construction' (IAQM, 2016), and the EAs 'Air Emissions Risk Assessment for your Environmental Permit'. Further information is provided in Section 6.5 of the ES for the Project (Document Reference 6.1).</p>

	<p>Under these guidelines, the screening distances for construction and decommissioning dust effects for ecological receptors are: 50 m from the boundary of the site or 50 m from the routes used by construction vehicles on the public highway, within 500 m of the Project Site entrance. During Operation, the screening distance for European Sites, is 10 km from the approximate centre of the Generating Equipment Site. As such, given that the Chilterns Beechwoods SAC and Upper Nene Valley Gravel Pits SPA are located 27 km and 28 km away from the Project Site respectively, no significant effects as a result of the Project are expected.</p> <p>Even for those ecological receptors (that are not associated with the Chilterns Beechwoods SAC, and the Upper Nene Valley Gravel Pits SPA and Ramsar Sites) and which fall within the screening distances, the assessment concluded that the Project will not result in any likely significant effects in relation to air quality either as a standalone project or cumulatively with other projects. All predicted nitrogen and deposition rates are insignificant when compared to the critical loads for the habitats under consideration, and no specific mitigation is required.</p> <p>There are no water bodies which connect the Project Site with the SAC, SPA or Ramsar Site. There are therefore no conceivable effect pathways via the water environment as a result of the Project.</p>
<p>Excavation requirements (e.g. impacts on local hydrogeology)</p>	<p>There are no excavation requirements within the Chilterns Beechwoods SAC, or the Upper Nene Valley Gravel Pits SPA and Ramsar Sites. All excavation works that are required (detailed below) are confined within the Project Site, which is located approximately 27 km and 28 km away from the Chilterns Beechwoods SAC and Upper Nene Valley Gravel Pits SPA and Ramsar Sites respectively. There are therefore no conceivable effect pathways due to excavations as a result of the Project.</p> <p>In any case, an outline of the excavation requirements and mitigation measures that will be implemented is provided below.</p> <p>To facilitate the proposed Low Level Restoration Scheme (LLRS) of The Rookery,</p>

	<p>extraction of clay from a currently un-worked area situated directly to the south of the existing extent of Rookery South Pit will be undertaken. These works will be completed prior to the commencement of construction works for the Project.</p> <p>During the construction period for the Project, excavation works will be undertaken within the Project Site for: plant and building foundations, underground services, cable draw pits, site roads, and gas pipeline trenches. During construction of the Gas and Electrical Connections, best practice working methods will be utilised at all watercourse crossings to ensure that there are no adverse impacts on flow or drainage and that no contamination is allowed to enter waterbodies within the vicinity of the Project Site. These measures are secured through delivery of the CEMP which will be Requirement 10 of the DCO (Document Reference 3.1); an outline CEMP is provided with the ES (Appendix 3.2 of Document Reference 6.2) and submitted with the DCO Application.</p> <p>The CEMP will also include best practice working methods to prevent pollution to the ground and ground water.</p>
<p>Transportation requirements</p>	<p>The transportation requirements of the Project will have no conceivable effects on the Chilterns Beechwoods SAC, and the Upper Nene Valley Gravel Pits SPA and Ramsar Sites.</p> <p>No 'affected roads' have been identified in accordance with criteria in the Department for Transport 'Design Manual for Roads and Bridges (DMRB) Volume 11 Section 3, Part 1: Air Quality', as a result of the Project. An 'affected road' is defined as a road where:</p> <ul style="list-style-type: none"> Road alignment will change by 5 m or more; or Daily traffic flows will change by 1,000 or more; or Heavy Duty Vehicle (HDV) flows will change by 200 AADT or more; or Daily average speed will change by 10 km/hr or more; or

	<p>Peak hour speed will change by 20 km/hr or more.</p> <p>The potential for significant effects due to vehicle emissions has therefore been scoped out of the assessment; see Section 6.5 of the ES (Document Reference 6.1) for the Project.</p> <p>In any case, a Construction Traffic Management Plan (CTMP) (Requirement 11 of the DCO, Document Reference 3.1) will be prepared by the Contractors prior to construction. This plan will contain information such as timing and routing of traffic.</p>
Duration of construction, operation, etc.	<p>The total construction programme will be approximately 22 months, with a start date of 2020 and an end date of 2022. The operational life of the Power Generation Plant is expected to be 25 years.</p> <p>The decommissioning phase will be similar in duration to the construction phase. The Generating Equipment will be decommissioned and removed at the end of its operational life. Certain elements of the Project e.g. the Gas Pipeline, will be left in situ.</p>
Other	None
Description of avoidance and/ or mitigation measures	
Nature of proposals	<p>No effects have been identified on the Chilterns Beechwoods SAC, or the Upper Nene Valley Gravel Pits SPA and Ramsar Sites as a result of the Project, so there is no requirement for specific avoidance or mitigation measures.</p> <p>In any event, a CEMP (Requirement 10 of the DCO, Document Reference 3.1) will be produced by the Contractor prior to the start of construction to ensure that best practice working methods are implemented to avoid potential pollution events in the local environment. An outline CEMP will be provided with the ES (Appendix 3.2 of Document Reference 6.2) and submitted with the DCO Application.</p>

Location	None required (no effects identified).
Evidence for effectiveness	None required (no effects identified).
Mechanism for delivery	None required (no effects identified).
Assessment Criteria	
Individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to effects on the European Site:	
<p>The Project comprises a new Power Generating Plant and associated Gas and Electrical Connections. The Project involves the potential generation of dust during construction, emissions to air during operation, construction site noise, operational noise, and the potential for incidental pollution/ siltation of surface and ground water. The following other projects are located within the vicinity of the Project Site:</p> <p>Covanta RRF Project - immediately adjacent to the Generating Equipment Site;</p> <p>integrated Waste Management Operations at Rookery South - immediately adjacent to the Generating Equipment Site;</p> <p>land at Moreteyne Farm at Wood End in Marston Moretaine proposed for residential properties – 2km west of the Project Site;</p> <p>land at Warrant Farm on Flitwick Road in Ampthill proposed for residential properties – 3.5km south of Gas Connection AGI;</p> <p>land East and West of Broadmead Road, Stewartby proposed for residential properties (under construction) – 500m north of closest point of the Access Road;</p> <p>new settlement at Wixams (under construction) – 5km north-east of closest point of Access Road;</p> <p>land off Marston Road, Lidlington – proposed residential development of 31 dwellings - approximately 2km west of Electrical Connection;</p> <p>land opposite The Lane & Lombard Street, East of Marston Road, Lidlington – proposed residential development of 40 dwellings approximately 2km west of Electrical Connection;</p> <p>lower Shelton Road, Marston Moretaine - proposed residential development of 15 dwellings approximately 4km north of Access Road;</p> <p>land to the rear of Cowlgrove Parade, Steppingley Road, Flitwick – Multi-storey car park to provide 232 parking spaces – approximately 4km south of Gas Connection;</p> <p>land East of Ampthill Road and North of Bedford Road, Houghton Conquest - proposed mixed use development including 650 dwellings approximately 4km north-east of Generating Facility;</p> <p>land off Chapel End Road, Houghton Conquest – proposed residential development of 125 dwellings approximately 4km north-east of Generating Facility; and</p>	

land South of Fields Road and East of Cranfield Road, Wootton – proposed residential development of 600 dwellings – approximately 5k north of Access Road.

Due to the distance of the Project Site away from the Chilterns Beechwoods SAC, and the Upper Nene Valley Gravel Pits SPA and Ramsar Sites (approximately 27 km and 28 km respectively), and given the lack of effect pathways via the water environment; these elements of the Project (either alone or in combination with the other projects listed above) are not likely to give rise to effects on the European Sites.

Likely changes to the European Sites arising as a result of:

Reduction in habitat area	None – due to the distance away from the Project Site, there will be no direct impacts on habitats in the Chilterns Beechwoods SAC, or the Upper Nene Valley Gravel Pits SPA and Ramsar Sites. No indirect impacts on habitats within the European Sites (such as through effects on water or air quality) have been identified. No changes to the European Sites as a result of reduction in habitat area are therefore expected.
Disturbance to key species	<p>Due to the distance of the Project Site away from the Chilterns Beechwoods SAC, and the Upper Nene Valley Gravel Pits SPA and Ramsar Sites (which are located approximately 27 km and 28 km away, respectively), no disturbance to key species as a result of noise and vibration is expected.</p> <p>In any case, all construction activities will be undertaken in accordance with Requirements attached to the DCO (Document Reference 3.1) and the recommendations of BS 5228 ‘Noise and Vibration Control on Construction and Open Sites’. These measures are secured through delivery of the CEMP (Requirement 10 of the DCO, Document Reference 3.1); an outline CEMP will be provided with the ES (Appendix 3.2 of Document Reference 6.2) and submitted with the DCO Application.</p>
Habitats or species fragmentation	None – the Project will not fragment (either directly or indirectly) any habitat features, which connect the European Sites with the wider environment.
Reduction in species density	None – the Project will not alter (either directly or indirectly) the availability of resources within the Chilterns Beechwoods SAC, or the Upper Nene Valley Gravel Pits SPA and Ramsar Site. Due to the distance

	away from the Project Site, no disturbance effects have been identified.
Changes in key indicators of conservation value (water quality etc.)	None – there are therefore no conceivable effect pathways via the water environment as a result of the Project. The potential for significant effects associated with air quality in the Chilterns Beechwoods SAC, or the Upper Nene Valley Gravel Pits SPA and Ramsar Sites has been scoped out of the assessment. Due to the distance away from the Project Site, there will be no direct impacts on habitats in the SAC, SPA or Ramsar Site, and no effects in relation to habitat condition.
Climate change	None – no changes to the Chilterns Beechwoods SAC, or the Upper Nene Valley Gravel Pits SPA and Ramsar Sites in relation to climate change have been identified. The Project will not fragment any habitat features, which connect the European Sites with the wider environment; and will not result in any changes in local hydrology or air quality.
Likely impacts on the European Site as a whole in terms of:	
Interference with the key relationships that define the structure of the site	None. The Project will not fragment any habitat features, which connect the European Sites with the wider environment; will not result in any changes in local hydrology or air quality.
Interference with the key relationships that define the function of the site	None. The Project will not fragment any habitat features, which connect the European Sites with the wider environment; and will not result in any changes in local hydrology or air quality.
Significance of the effects set out above:	
Reduction in habitat area	Not significant (no effects identified)
Disturbance to key species	Not significant (no effects identified)
Habitat or species fragmentation	Not significant (no effects identified)
Reduction in species density	Not significant (no effects identified)

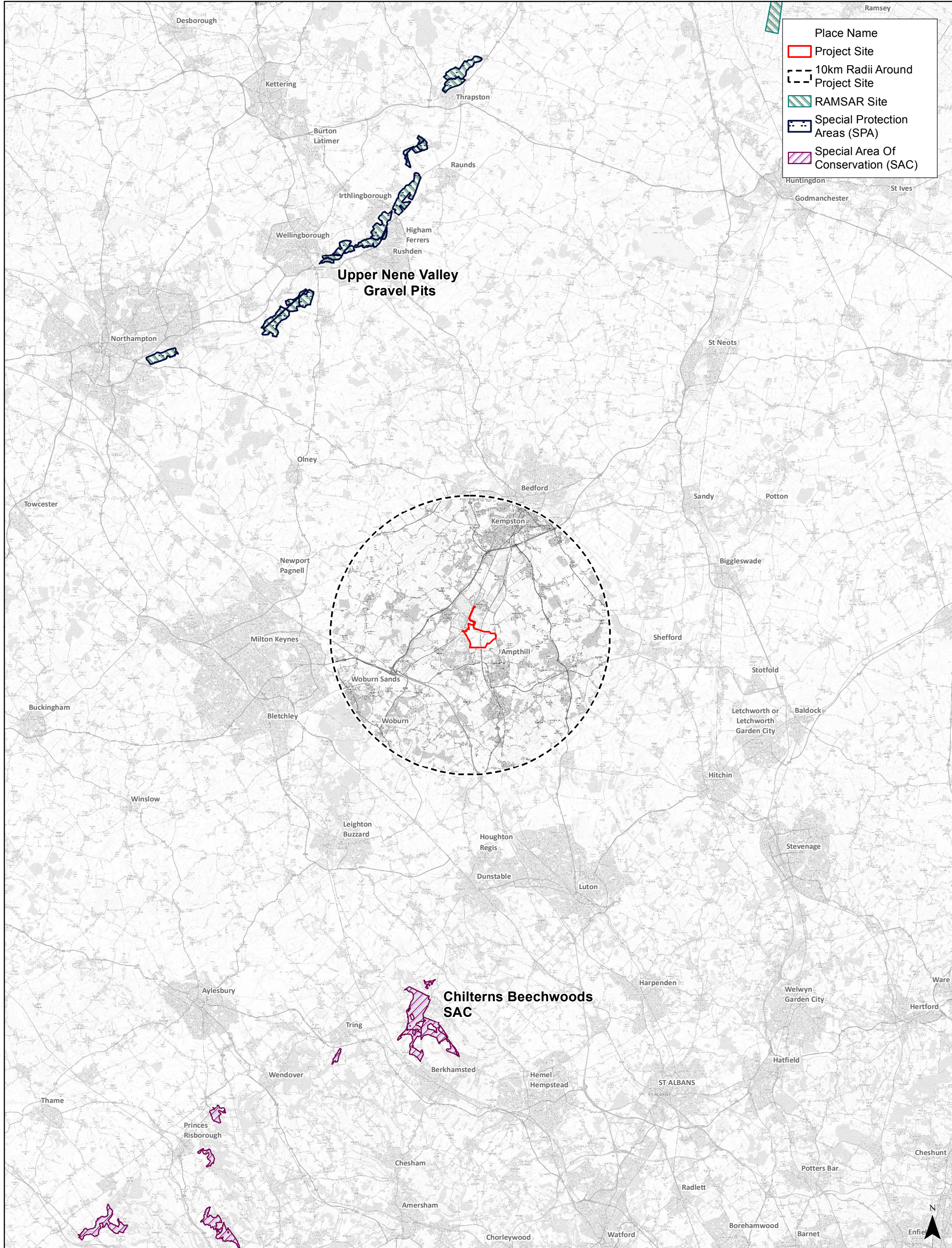
Changes in key indicators of conservation value (water quality etc.)	Not significant (no effects identified)
Climate change	Not significant (no effects identified)
<p>Describe from the above those elements of the project, or combination of elements, where the above effects are likely to be significant or where the scale or magnitude of effects is not known.</p>	
<p>Due to the distance of the Project Site away from the Chilterns Beechwoods SAC, and the Upper Nene Valley Gravel Pits SPA and Ramsar Sites (approximately 27 km and 28 km respectively), and given the lack of conceivable effect pathways via the water environment; there are no elements of the Project, or combination of elements, which are likely to result in effects on the European Sites.</p>	
Outcome of screening stage	Not likely to be significant effects.
Are the appropriate statutory environmental bodies in agreement with this conclusion	Yes (see correspondence in Appendix B).

4 Outcome

- 4.1.1 There will be no loss or fragmentation of habitat within or associated with the Chilterns Beechwoods SAC, or the Upper Nene Valley Gravel Pits SPA and Ramsar Sites Site, or deterioration in habitat quality as a result of the Project. There will be no disturbance to habitats or species for which the Chilterns Beechwoods SAC, or the Upper Nene Valley Gravel Pits SPA and Ramsar Sites is designated, and no reduction in species density is anticipated.
- 4.1.2 Neither the construction, operation or decommissioning of the Project will interfere with any of the key relationships that define the structure or function of the Chilterns Beechwoods SAC, or the Upper Nene Valley Gravel Pits SPA and Ramsar Sites, as none of the habitats or species will be directly or indirectly affected.
- 4.1.3 Based on the results of the screening exercise the Project will not result in any likely significant effects on Chilterns Beechwoods SAC, Upper Nene Valley Gravel Pits SPA, or Upper Nene Valley Gravel Pits Ramsar Site, and no scientific doubt remains.
- 4.1.4 There are no likely significant effects on the European sites, either alone or in combination with other plans or projects and no scientific doubt remains. On this basis no further assessment in the form of an Appropriate Assessment (Stage 2) is necessary (in accordance with PINS Advice Note 10).
- 4.1.5 Consultation was undertaken with Natural England as part of the Phase 1 statutory consultation (2014) and agreement reached with the findings of this assessment, that no likely significant effects on any European Sites are anticipated as a result of the Project. Natural England were consulted again as part of the Phase 2 statutory consultation (2017) and confirmed that they are still in agreement (see Appendix B Correspondence with Natural England).

Figures

Figure 1: Location of European Sites



	Place Name
	Project Site
	10km Radii Around Project Site
	RAMSAR Site
	Special Protection Areas (SPA)
	Special Area Of Conservation (SAC)



0 5 10 km
 Contains Ordnance Survey data (c) Crown copyright and database right 2017.
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1:235,000 @ A3
 28/09/2017
 Drawn: CM
 Checked HS

**HRA: No Significant Effects Report
 Location of European Sites**

Appendix A Advice Note 10 Screening Matrices



Advice Note 10

Habitat Regulations Assessment for nationally significant infrastructure projects

Appendix 1: Template for Screening Matrices

Potential Impacts

Potential impacts upon the European site(s)* which are considered within the submitted Habitats Regulations Assessment report Habitats Regulations Assessment: No Significant Effects Report (PBA, January 2017) are provided in the table below. Impacts have been grouped where appropriate for ease of presentation.

Impacts considered within the screening matrices

Designation	Impacts in submission information	Presented in screening matrices as
Chilterns Beechwoods SAC (UK 0012724)	<ul style="list-style-type: none"> • Duration of construction, operation etc. (increased noise and vibration) • Emissions i.e. potential reduction in air quality associated with dust, increase in NOx concentrations and nitrogen and acid deposition and/ or polluted surface water runoff 	<ul style="list-style-type: none"> • Disturbance/ displacement to key species • Habitat loss/ alteration
Upper Nene Valley Gravel Pits SPA (UK9020296)		
Upper Nene Valley Gravel Pits Ramsar (UK11083)		

* As defined in Advice Note 10.
Appendix 1 Screening Matrices

STAGE 1: SCREENING MATRICES

The European Sites included within the Applicant's assessment are:

Chilterns Beechwoods SAC

Upper Nene Valley Gravel Pits SPA

Upper Nene Valley Gravel Pits Ramsar Site

Evidence for likely significant effects on their qualifying features is detailed within the footnotes to the screening matrices below.

Matrix Key:

✓ = Likely significant effect **cannot** be excluded

✗ = Likely significant effect **can** be excluded

C = construction

O = operation

D = decommissioning

HRA Screening Matrix A1: Chilterns Beechwoods SAC

Name of European site: Chilterns Beechwoods SAC									
EU Code: UK0012724									
Distance to NSIP 27km									
European site features	Likely Effects of NSIP								
<i>Effect</i>	<i>Disturbance/ displacement</i>			<i>Habitat loss/ alteration</i>			<i>In-combination effects</i>		
<i>Stage of Development</i>	<i>C</i>	<i>O</i>	<i>D</i>	<i>C</i>	<i>O</i>	<i>D</i>	<i>C</i>	<i>O</i>	<i>D</i>
Asperulo-Fagetum beech forests	x a	x a	x a	x a	x a	x a	x a	x a	x a
Semi-natural dry grasslands and scrubland facies: on calcareous substrates	x a	x a	x a	x a	x a	x a	x a	x a	x a
Stag Beetle	x a	x a	x a	x a	x a	x a	x a	x a	x a

Evidence supporting conclusions

a. Please see Chapter 3 of this No Significant Effects Report. There will be no land-take, no resource requirements and no excavation works within the boundary of the designated site. Due to the distance of the Project Site away from the SAC, no impacts on air quality are anticipated, in accordance with statutory guidelines. There are no water bodies which connect the Project Site with the SAC, and there are therefore no conceivable effect pathways via the water environment as a result of the Project. The Project will not fragment any habitat features, which connect the SAC with the wider environment.

HRA Screening Matrix A2: Upper Nene Valley Gravel Pits SPA

Name of European site: Upper Nene Valley Gravel Pits SPA										
EU code: UK9020296										
Distance to NSIP 28km										
European site features		Likely Effects of NSIP								
<i>Effect</i>		<i>Disturbance/ displacement</i>			<i>Habitat loss/ alteration</i>			<i>In-combination effects</i>		
<i>Stage of Development</i>		<i>C</i>	<i>O</i>	<i>D</i>	<i>C</i>	<i>O</i>	<i>D</i>	<i>C</i>	<i>O</i>	<i>D</i>
Bittern <i>Botaurus stellaris</i>		x a	x a	x a	x a	x a	x a	x a	x a	x a
Golden plover <i>Pluvialis apricaria</i>		x a	x a	x a	x a	x a	x a	x a	x a	x a
Gadwall <i>Anas strepera</i>		x a	x a	x a	x a	x a	x a	x a	x a	x a
In the non-breeding season, the area regularly supports 23,821 individual waterbirds (5 year peak mean 1999/2000 – 2003/04)		x a	x a	x a	x a	x a	x a	x a	x a	x a

Evidence supporting conclusions

a. Please see Chapter 3 of this No Significant Effects Report. There will be no land-take, no resource requirements and no excavation works within the boundary of the designated site. Due to the distance of the Project Site away from the SPA, no impacts on air quality are anticipated (in accordance with statutory guidelines); and there are no anticipated disturbance effects due to noise. There are no water bodies which connect the Project Site with the SPA, and there are therefore no conceivable effect pathways via the water environment as a result of the Project. The Project will not fragment any habitat features, which connect the SPA with the wider environment.

HRA Screening Matrix A3: Upper Nene Valley Gravel Pits Ramsar

Name of European site: Upper Nene Valley Gravel Pits Ramsar									
EU Code: UK11083									
Distance to NSIP 28km									
European site features	Likely Effects of NSIP								
<i>Effect</i>	<i>Disturbance/ displacement</i>			<i>Habitat loss/ alteration</i>			<i>In-combination effects</i>		
<i>Stage of Development</i>	<i>C</i>	<i>O</i>	<i>D</i>	<i>C</i>	<i>O</i>	<i>D</i>	<i>C</i>	<i>O</i>	<i>D</i>
The site regularly supports 1% of the individuals in the populations of the following species of waterbird in any season: Mute swan <i>Cygnus olor</i> (629 individuals – wintering)	x a	x a	x a	x a	x a	x a	x a	x a	x a
The site regularly supports 1% of the individuals in the populations of the following species of waterbird in any season: Gadwall <i>Anas strepera</i> (773 individuals – wintering)	x a	x a	x a	x a	x a	x a	x a	x a	x a
In the non-breeding season, the site regularly supports 23,821 individual waterbirds (5 year peak mean 1999/2000 – 2003/04)	x a	x a	x a	x a	x a	x a	x a	x a	x a

Evidence supporting conclusions

a. Please see Chapter 3 of this No Significant Effects Report. There will be no land-take, no resource requirements and no excavation works within the boundary of the designated site. Due to the distance of the Project Site away from the Ramsar Site, no impacts on air quality are anticipated (in accordance with statutory guidelines); and there are no anticipated disturbance effects due to noise. There are no water bodies which connect the Project Site with the Ramsar Site, and there are therefore no conceivable effect pathways via the water environment as a result of the Project. The Project will not fragment any habitat features, which connect the Ramsar Site with the wider environment.

Appendix B Correspondence with Natural England

Elaine Richmond

From: Chris Leach
Sent: 02 March 2015 12:01
To: Elaine Richmond
Subject: FW: Millbrook Power NSER

Elaine,

Please see below for your records.

Best Regards,

Chris.

Dr. Chris Leach
BSc MSc PhD
Associate

For and on behalf of Peter Brett Associates LLP
e cleach@peterbrett.com
m:07880242454
w www.peterbrett.com

Hannah, Reed and Associates Limited is now part of the PBA Group



From: Holdgate, Ross (NE) [mailto:Ross.Holdgate@naturalengland.org.uk]
Sent: 02 March 2015 11:50
To: Nick Johnson
Cc: Chris Leach
Subject: RE: Millbrook Power NSER

Dear Nick

To confirm I am in agreement with the conclusions of the No Significant Effects Report provided; i.e. that there would be no likely significant effects to any European Site, either alone or in combination with other plans or projects, from the Millbrook Power project.

Kind regards, Ross

Ross Holdgate
Lead Planning and Conservation Adviser
Essex, Herts, Beds, Cambs & Northants Area Team
Eastbrook, Shaftsbury Road, Cambridge, CB2 8DR

Tel: 0300 060 4657
www.naturalengland.org.uk

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

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

Natural England is accredited to the Cabinet Office Customer Service Excellence Standard

From: Nick Johnson [<mailto:NJohnson@stagenenergy.com>]
Sent: 18 February 2015 08:11
To: Holdgate, Ross (NE)
Cc: Jackson, John (NE); Chris Leach
Subject: Millbrook Power NSER

Ross,

We are aiming to submit our DCO application in early March and would very much appreciate any comments on the attached No Significant Effects Report. I believe Elaine Richmond, our ecologist at PBA, has been in close contact with NE throughout the process of preparing our documents so I don't think there will be anything new here.

I very much look forward to hearing from you shortly,

Best regards,
Nick

Nick Johnson
Project Manager, Millbrook Power
0131 550 3380
07712 805 912

From: Jackson, John (NE) [<mailto:John.Jackson@naturalengland.org.uk>]
Sent: 10 November 2014 10:53
To: Nick Johnson
Cc: Holdgate, Ross (NE)
Subject: RE: meeting to discuss millbrook power station

Hello Nick,
Many thanks for your message, just to let you know that my colleague Ross Holdgate is now leading on this case.

Best Regards

John

From: Nick Johnson [<mailto:NJohnson@stagenenergy.com>]
Sent: 10 November 2014 10:51
To: Jackson, John (NE)
Subject: RE: meeting to discuss millbrook power station

John,

Just wanted to give you a quick update now that we have some more detail regarding the PINS outreach meeting. It will be held between 11:30 and 13:00 on Wednesday 26th November at the Marston Vale Forest Centre near Marston Moretaine.

It will include a brief update from MPL and summary of our consultation responses, followed by a presentation from PINS outlining how the pre-application and examination phase of a DCO application work. Please could you let me know if you are available to attend.

Date: 06 July 2017
Our ref: 216544
Your ref: MPL/S42



Mr Dermot Scanlon
Director, Peter Brett Associates LLP

info@millbrookpower.co.uk
BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Mr Scanlon

Section 42 Planning Act 2008 consultation: Proposed gas fired power plant
Location: Rookery South Pit, Nr.Millbrook, Bedfordshire

Thank you for your consultation which was received by Natural England on 22 May 2017.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England advises that air quality impacts from the proposal will not impact upon King's Wood and Glebe Meadows Site of Special Scientific Interest (SSSI) or Coopers Hill SSSI. However, further information is required regarding protected species and soil and land quality.

We understand that you are consulting us in line with paragraph 67 of the Planning Act 2008 "Guidance on pre-application consultation", and that further consultation may be required in line with paragraph 85, particularly if/when the draft Environmental Statement has been prepared. We also appreciate that this consultation under Section 42 of the Planning Act 2008 also encompasses consultation on the preliminary environmental information, and that some overlap exists between these various requirements. Natural England welcomes both formal and informal pre application consultation and refers you to [Annex C to the NID advice note 11](#).

We provided advice on 18 July 2014 (our ref: 124328) to the Secretary of State on the scope of the Environmental Impact Assessment (EIA) where we advised we were broadly happy with the approach outlined for the EIA. We also provided advice on an earlier version of the Preliminary Environmental Information Report (hereafter the 'PEIR') on 29 October 2014 (our ref: 133972, your ref: PGW/MPL). We now acknowledge receipt of the Section 48 Notice of proposed application for a Development Consent Order that you have provided. We have examined the PEIR (by Peter Brett Associates, Project Ref: 40335 Rev: 1.0, dated May 2017) and we provide further information in Annex A.

We would be happy to comment further through our [Discretionary Advice Service](#) should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact me on 0208 225 7685. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a

feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Steve Roe
West Anglia Area Team

Annex A – Additional information

Designated Sites

Air Quality

In our advice of 29 October 2014 we advised that modelled process contributions for nearby SSSIs were required to determine whether there would be adverse impacts. The PEIR now provide values for the process contributions (PCs) at ecological receptors, including the two nearby SSSIs. The proposed power plant will result in the emission of oxides of nitrogen and we are aware that a Resource Recovery Facility (the Covanta waste incineration plant) is proposed nearby. We acknowledge at para 4.10.8 of the PEIR that a ‘worst case’ scenario assessment of the potential impacts from air quality has been undertaken. *Note that we have not checked the validity of the Covanta air quality data, only the cumulative modelling that you have undertaken.* We note that your assessment has used Air Pollution Information System <http://www.apis.ac.uk/> to determine existing nitrogen and acid deposition rates within the study area, and that the air quality assessment has used an appropriate ADMS 5 model (described in para 6.5.20 of the PEIR).

Volume D of the PEIR considers the potential impacts on King's Wood and Glebe Meadows SSSI and Coopers Hill SSSI as ecological receptors and uses air quality modelling to assess the impact of the proposal on the three habitat features of the two SSSIs. See our advice below on potential impacts to European Sites. Natural England is satisfied that there would not be any adverse effects to SSSIs through the construction or decommissioning stages: the main potential for impact to SSSIs would be through changes in air quality during operation of the power plant. In considering the operation of the power plant we note the results in Table A6 of pollutant concentrations and in Table A8 of nitrogen deposition and **we conclude that the proposal will not impact upon King's Wood and Glebe Meadows SSSI or Coopers Hill SSSI.** Our reasoning is because screening has indicated that the process contribution (PC) for all pollutants at all sites will be <1% of the relevant critical level or load for the most sensitive habitat at each site.

European Sites

We note that the Habitat Regulations Assessment: No Significant Effects Report (by Peter Brett Associates, Project Ref: 31116/001 Rev: AA, Dated March 2015) has been produced to record a Habitats Regulations assessment. We confirm our previous advice (email from Ross Holdgate on 2 March 2015) that there would be no likely significant effects to Chiltern Beechwoods Special Area of Conservation, Upper Nene Valley Gravel Pits Special Protection Area and Ramsar Site, either alone or in combination with other plans or projects.

Protected Species

We note that Volume F Ecology contains the Herpetofauna Report dated 2 December 2014 and we understand that great crested newt (GCN) exclusion fence (that was part of the licence 2014-1762-EPS-MIT-1) as part of previous translocation work will remain on site until April 2018. We also understand from Hayley Scoffham (email dated 13 June 2017) that *“no material changes in the nature and extent of the habitats were identified during the survey, and no further survey requirements were identified to inform the DCO application.”* **We are concerned that if this fence is taken down before the DCO works commence then there is likelihood that GCNs may access the site. We require further information as to why it is considered that no further surveys for GCNs are required.** This echoes the guidance provided by the Secretary of State in the [Scoping Opinion of the Proposed Millbrook Power Project](#) (July 2014) at para 3.47 that *“ecological surveys should be thorough, up to date and take account of other developments proposed in the vicinity.”*

We also note the presence of other protected species including bats and badgers within the proposal area. Should the development involve a requirement for any protected species licences to be issued by Natural England it is important that the details are agreed with us at an early stage, to ensure that Letters of No Impediment can be issued with submission.

Soils and Agricultural Land

Detailed information on Agricultural Land Classification (ALC) Grade is not supplied in the PEIR. Further, we note at para 5.7.7 of the [Environmental Impact Assessment Scoping Report](#) (dated June 2014, Doc Ref: Orbis P1078/04/01 Rev 10) that the vicinity of Rookery South Pit is located within agricultural fields classified as ALC Grade 3. In our previous advice of 29 October 2014 we recommended that *“that the area of agricultural land to be affected by the works is quantified”*. We understand from an email of 27 June 2017 from Hayley Scoffham of Peter Brett Associates that the following land areas are involved:

- *The Gas Connection is 6.25ha;*
- *The Electrical Connection is 19.07ha;*

We acknowledge that a certain area within the Gas Connection comprises the pipeline itself, and likewise within the Electrical Connection the cable itself, and that such areas will be re-instated after installation. Further we understand that the laydown area (~4ha) and the substation (~3ha) are sited in brownfield land (the base of the former clay pit). However, in order to assess the significance of the impact of the Gas and Electrical Connections, **Natural England recommends it is necessary to undertake an agricultural land quality and soil resources survey of the site – particularly any areas of land that will not be re-instated or are likely to suffer permanent loss.** This would identify whether best and most versatile land is affected and if so to what extent. The survey should also inform the methodology for soil handling during the works. To safeguard soil resources as part of the overall sustainability of the development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.