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Mr P Wormald  
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Reading  
RG1 8DN

Your Ref: 31116/001

Our Ref: EN010068

Date: 5 March 2015

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Dear Mr Wormald

## **MILLBROOK POWER PROJECT**

### **DRAFT HABITATS REGULATIONS ASSESSMENT: NO SIGNIFICANT EFFECTS REPORT**

1. Thank you for giving the Planning Inspectorate the opportunity to comment on the draft 'Habitats Regulations Assessment: No Significant Effects Report' (HRA NSER) for the Millbrook Power Project. The Inspectorate acknowledges that this is a working draft and that there will be further refinement and editing prior to submission.
2. We have now reviewed the document and have set out some comments below which we hope will be helpful. Please note that these comments are based on a high level review at this stage and are given on a without prejudice basis. Comments are limited to the process and do not address conclusions reached within the documents. As these comments constitute section 51 advice under the Planning Act 2008 (as amended) they will be placed on the Planning Inspectorate's register of advice on the National Infrastructure Planning website.

### **Comments**

- The guidance used to inform the assessment should be referenced in the Report.
- Section 1.2 The Project: PINS AN10 states that a HRA Report may include a detailed description of the development, processes, timings, and method of work proposed as part of the NSIP. The description of the project included in this section is very high level, and it is recommended that greater detail is provided so it is clear what has been assessed such as, for instance: identifying

the elements of the generating equipment, gas and electrical connections; cross-referencing to relevant plans showing these and their location; and including details of the construction programme. It is not clear from paragraph 1.2.2 (or Table 4) whether all the elements of the LLRS will be completed prior to commencement of development and it would be helpful to include information on the phasing of the LLRS.

- Section 1.3 European Sites in the Vicinity of the Project: it should be stated whether the study area for European sites and the identified sites were agreed with Natural England (NE).
- Section 3 Screening: recommend that this includes statements to clarify that the project is not connected to or necessary for the management of the European sites, and to define what would constitute a significant effect.
- Paragraphs 3.1.4 – 3.1.6: these appear to be concluding statements, suggest they are reflected instead in Section 4 Outcome.
- Table 4:
  - recommend that other documents to which reference is made are cross-referenced such as, for instance, the air quality assessment, a draft CEMP;
  - column 1, row 3: page 8 refers to the 'project assessment corridor', which is not explained;
  - column 2, row 6, page 10: refers to excavation works for a number of elements but does not include the electrical connection. Should this also be listed?
  - first row, page 12: assume that 'Plan' should be 'Plant', suggest that the distances from the project site of the other projects listed are identified;
  - column 2, row 3, page 13: refers to disturbance effects although the first column relates to reduction in species density. Is this wording intended?
  - 'Significance of the impacts set out above', pages 13 and 14: suggest that for clarity these exactly reflect the headings of the potential impacts identified in the table;
  - last row, page 14: states that the statutory environmental bodies are in agreement with the conclusion of the assessment, however this is not reflected in Appendix B – see point below.
- Section 4: states that agreement has been reached with NE that no likely significant effects on any European sites are anticipated and cross-refers to Appendix B, however the correspondence in Appendix B does not currently reflect that conclusion. It does not include any correspondence from NE, and the email of 12 September 2014 recording a telephone conversation with NE refers only to the SAC, not also the SPA/Ramsar site, so NE do not appear to have made any comments in relation to the SPA/Ramsar site. However, it is appreciated that it is stated that formal consultation will be undertaken to

confirm NE's agreement with the assessment findings, and understood that the draft Report is still to be finalised. If all issues are agreed with NE it would be helpful to submit with the application documents, if possible, a signed Statement of Common Ground recording that agreement.

- **Matrices**

- Page 1, Potential Impacts: this table should reflect the potential impacts identified in Table 4;
- All matrices: the effects identified in Table 4, eg disturbance, fragmentation, loss, etc, should all be identified separately and not rolled together under 'Conceivable effects';
- Suggest that the three matrices are numbered sequentially rather than all called 'Matrix A'.

- **Plans and Figures**

- Paragraph 1.1.12: suggest cross-referencing to a site/location plan would be helpful;
- Paragraph 1.3.3: Figure 1 is not included in the Report.

- **Typos**

- Contents page: the numbering is incorrect and not all sections and appendices are listed;
- Paragraph 1.1.6: does not read clearly. Suggest that the punctuation is reviewed;
- Paragraph 1.2.1 last bullet point: assume reference should be to the 'Electrical Connection Opportunity Area' rather than the 'Gas Connection Opportunity Area'?
- Paragraph 2.3.1, first sentence: 'at' should be 'as';
- Paragraph 3.1.3: 'SPA' and 'Ramsar Site' have been omitted;
- Table 4, Column 1, row 2, page 10: should it read '...impacts on local hydrogeology)?'

3. I hope you find these comments useful. Please do not hesitate to contact me should you have any queries.

Yours sincerely



ALISON L DOWN  
EIA and Land Rights Adviser

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.