

Date: 18 December 2020
Our ref: 337968 (SHBE-001)
Your ref: EN010107



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Dear Sir/Madam

NSIP Reference Name: SOUTH HUMBER BANK ENERGY CENTRE PROJECT - PROPOSED APPLICATION FOR AN ENERGY FROM WASTE POWER STATION AND ASSOCIATED DEVELOPMENT ON LAND

Location: THE SOUTH HUMBER BANK POWER STATION SITE, SOUTH MARSH ROAD, NEAR STALLINGBOROUGH, NORTH EAST LINCOLNSHIRE, DN41 8BZ

Thank you for your consultation on the above dated 17 November 2020. As requested, please find our response to the Examining Authority's written questions (ExQ1) on the above proposal in the table below.

We trust this answers your questions sufficiently. However, please contact me on the details below if I can be of any further assistance in these matters.

Yours faithfully

Hannah Gooch
Yorkshire and Northern Lincolnshire Area Team
Natural England

[Redacted signature block]

ExQ1	Question to	Question	Response
Q6.0.5	The Applicant and Natural England	NE [RR-008] note that the Applicant has used significance criteria for disturbance to birds based on bird behaviour and noise monitoring studies undertaken by Xodus Group during construction piling for the Grimsby River Terminal. That assessment classifies the peak noise levels of 75dB LAmax as having a minor adverse impact and concludes no LSE. However, NE considers that this increase in noise levels could disturb bird species using the Pyewipe mudflats and require additional information to demonstrate that a LSE can be ruled out. Can NE clarify what additional information they require and can the Applicant comment on this.	<p>In response to Q6.0.5, the Applicant provided further information to Natural England in response to its Relevant Representation. A copy of this information was submitted to the ExA at Deadline 1 as part of the Applicant's Comments on Relevant Representations (Document Ref. 8.1).</p> <p>As noted in the revised SoCG between the Applicant and Natural England submitted at Deadline 2 (Document Ref. 7.4), Natural England has confirmed it has no outstanding queries and all relevant matters have been agreed.</p> <p>Natural England has clarified with the Applicant that in line with the mitigation hierarchy that noisy works should be avoided during sensitive time periods for overwintering SPA/Ramsar bird species, where possible. Natural England understands that the applicant wishes to provide the contractors with as much flexibility as possible to work during the winter and therefore has assessed the potential impacts of noise disturbance on SPA/Ramsar bird populations. The applicant has proposed two options for mitigation. Natural England is of the opinion that the use of the CFA piling is the more effective mitigation measure, as it does not produce impulsive, discontinuous noise, which is more disturbing to bird species.</p> <p>The alternative mitigation option is the avoidance of impact piling two hours either side of high tide during the wintering period (September to March inclusive). On the understanding that the works would take place "over a relatively short period of time (i.e. weeks rather than months)", we assume</p>

			that this means less than a month, as stated in a number of documents including at 7.2.8 of the HRA signposting document. Natural England advises that we concur that any residual short-term disturbance impacts on overwintering birds would not result in adverse effects on the integrity of the Humber Estuary SPA/Ramsar. Providing that the piling works do not take longer than one month to complete, as suggested, and the mitigation measures are appropriately secured in any permissions given.
Q6.0.9	Natural England and The Applicant	<p>An Indicative Lighting Strategy is provided [APP-031], and lighting impacts are considered in the HRA Signposting Document [APP-027] (HRAR). NE suggests [RR-008] that the arrangement of temporary construction lighting to minimise glare outside the construction site should be secured in the CEMP, and that mitigation measures for operational lighting impacts should be minimised as far as possible and secured through a detailed lighting strategy.</p> <p>Can NE clarify whether the Indicative Lighting Strategy and the relevant information in the HRAR address their concerns over lighting?</p> <p>Can the Applicant comment on NE's suggestion with respect to these mitigation measures and state whether they are intending to prepare a detailed lighting strategy and if so how this would be secured in the DCO?</p>	In response to Q6.0.9, Natural England confirms that the information provided in the Indicative Lighting Strategy (Document Ref. 5.12) and HRA Signposting Report (Document Ref. 5.8) provide sufficient information regarding lighting impacts and the control of light, and that control of lighting is appropriately secured by Requirements 15 (Construction environmental management plan) and 9 (Lighting scheme) of the draft DCO (Document Ref. 2.1).
Q6.0.10	Natural England	NE is not satisfied that the proposal is unlikely to damage features of interest of the Humber Estuary Site of Special Scientific Interest (SSSI) [RR-008]. Many of the species included in the Humber Estuary Special Protection Area (SPA)/ Ramsar water bird assemblage are also part of the Humber Estuary SSSI citation, and so the	<p>Natural England is satisfied that the potential features of interest of the Humber Estuary SSSI that could be impacted by the proposed works are also part of the citations for the Humber Estuary European sites.</p> <p>As noted in the revised SoCG between the</p>

		<p>above impacts also have the potential to impact upon the notified features of the Humber Estuary SSSI. NE advises that, if approved, the project must be subject to all necessary and appropriate requirements, which ensure that unacceptable environmental impacts either do not occur or are sufficiently mitigated (para 3.2.11).</p> <p>Can NE clarify what appropriate requirements would be necessary, such as mitigation measures, that the Applicant has not already proposed for the DCO, to satisfy NE that no unacceptable environmental effects would occur at the Humber Estuary SSSI designated site?</p>	<p>Applicant and Natural England submitted at Deadline 2 (Document Ref. 7.4), Natural England has confirmed it has no outstanding queries and all relevant matters have been agreed.</p>
Q10.0.1	The Applicant and Natural England	<p>NE state in their RR [RR-008] that further information is required to assess the potential for the Proposed Development's impact on the European sites. NE is not satisfied that it can be excluded beyond reasonable scientific doubt that the Proposed Development would not have an adverse effect on the integrity of the Humber Estuary SPA or Ramsar site. Could the Applicant and NE provide an update with regard to what is being done to overcome the concerns of NE in this regard?</p>	<p>In response to Q10.0.1, the Applicant provided further information to Natural England in response to its Relevant Representation. A copy of this information was submitted to the ExA at Deadline 1 as part of the Applicant's Comments on Relevant Representations (Document Ref. 8.1).</p> <p>Natural England has clarified the matters not agreed in the SOCG submitted at Deadline 1 with the Applicant. Further comment has been provided at Q6.0.5 on proposed mitigation for piling noise effects on waterbirds using Pyewipe mudflats and functionally linked fields to the north and south of the Site.</p> <p>Regarding the assessment of cumulative (in-combination) NO_x and acid deposition effects on Humber Estuary SAC/ SPA/ Ramsar site/ SSSI. Natural England provided the following clarification.</p> <p>In-combination assessment - NO_x The HRA signposting document concludes that the Applicant is able to ascertain that the proposal</p>

			<p>will not result in adverse effects on the integrity of any of the sites in question due to proposed NOx contributions in combination with other plans or projects. Having considered the assessment, Natural England advises that 17.8.9 of Chapter 17 Cumulative and Combined Effects could be explained in further detail.</p> <p>Regarding the predicted Process Contributions at saltmarsh habitat receptor E3_1, 17.8.9 states “as the baseline levels of NOx at this receptor are already exceeding the Critical Level (baseline level is 44.7µg/m3), this small additional contribution is not reasonably considered to result in any adverse effects on the designated site, in combination with the other developments that have been assessed.”</p> <p>Natural England refers to the Air Pollution Information System description of Nitrogen Oxides, which highlights that “it is likely that the strongest effect of emissions of nitrogen oxides across the UK is through their contribution to total nitrogen deposition”. Natural England notes that additional ecological reasoning has been provided for nutrient Nitrogen deposition at 17.8.12 of Chapter 17. Based on this information, Natural England concurs with the assessment conclusions.</p> <p>In-combination assessment – Acid Deposition The HRA signposting document concludes that the Applicant is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question due to proposed acid deposition contributions in-combination with other plans or projects. Having considered the</p>
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			<p>assessment, Natural England advises that 17.8.13 of Chapter 17 Cumulative and Combined Effects could be explained in further detail.</p> <p>Regarding the predicted Process Contributions at sand dune habitat receptor E4_1, E4_2, E4_3, E4_4, E4_5 and E4_6) 17.8.13 states “the cumulative process contribution would slightly exceed the 1% insignificance screening threshold for potential adverse effects on sensitive habitat types within the Humber Estuary SAC/ SPA/ Ramsar/ SSSI (predicted to be between 1.1 and 1.2%). However, given the very small process contribution resulting from these developments, it is assessed that there would be no significant effects on the Humber Estuary designated site as a result of acid deposition in combination with the other developments as outlined in Table 17.5.”</p> <p>Given that the sand dunes are likely to be calcareous, based on the soil type and the plant communities in the area, Natural England refers to the Air Pollution Information System description of acid deposition. This highlights that “soil acidification as a result of acid deposition has relatively little impact in UK dunes because sand dune soils are generally well-buffered, with the exception of the few acidic dune systems (UKREATE, 2000)”. Based on this information, Natural England concurs with the assessment conclusions.</p> <p>As noted in the revised SoCG between the Applicant and Natural England submitted at Deadline 2 (Document Ref. 7.4), Natural England has confirmed it has no outstanding queries and all relevant matters have been agreed.</p>
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Q10.0.8	The Applicant and Natural England	The ES Chapter 10, [APP-044] Table 10.4, states that NE were consulted in relation to the information needed to support a HRA for the Proposed Development. Table 10.5 summarises NE's Section 42 consultation comments, made in December 2019, which include points relating to the European sites. However, NE in its RR [RR-008] consider that additional information is required to assess the potential for the Proposed Development to impact on SAC habitats as well as the passage/ wintering bird assemblage of the Humber Estuary SPA and Ramsar site. Can the Applicant and NE clarify what progress has been made to agree what additional information is needed to predict the likely effects?	<p>In response to Q10.0.1, the Applicant provided further information to Natural England in response to its Relevant Representation. A copy of this information was submitted to the ExA at Deadline 1 as part of the Applicant's Comments on Relevant Representations (Document Ref. 8.1).</p> <p>As noted in the revised SoCG between the Applicant and Natural England submitted at Deadline 2 (Document Ref. 7.4), Natural England has confirmed it has no outstanding queries and all relevant matters have been agreed.</p>
Q10.0.26	Natural England or other IPs	Noise Disturbance to Arable Field (Field 37) to the South is identified as a temporary likely significant adverse effect on the protected bird species using this habitat, and it is explained that the noise mitigation measures would be determined by the contractor using the best available technique for noise abatement during the piling works, which will be agreed with NELC (para 7.2.13). Do NE or other IPs have any comments on the mitigation proposed?	<p>In response to Q10.0.26, Natural England confirms it has been consulted on the proposed piling mitigation in relation to both the Consented Development and the Proposed Development. The proposed mitigation comprises the use of CFA piling and/ or seasonal restrictions on the use of drop hammer piling (two hours either side of high tide in the period September to March inclusive). Natural England confirms the proposed mitigation has been agreed and any residual short-term disturbance impacts on overwintering birds would not result in adverse effects on the integrity of the Humber Estuary SPA/Ramsar.</p> <p>Further comments have also been provided at Q6.0.5.</p>
Q10.0.27	Applicant and Natural England	Section 8 of the HRAR [APP-027], concludes that the Proposed Development would not give rise to an adverse effect on the integrity of the Humber Estuary SAC/ SPA/ Ramsar sites. However,	In response to Q10.0.27, the Applicant provided further information to Natural England in response to its Relevant Representation. A copy of this information was submitted to the ExA at Deadline

	<p>potential LSEs were identified at the HRA screening stage with the two other developments proposed in the area (Stallingborough Link Road and Sustainable Transport Fuels Facility) of the Proposed Development result in the loss of functionally linked habitat. These other developments are committed to the delivery of habitat mitigation through the SHG strategic mitigation proposal, so it is concluded that there would be no adverse effects on the Humber Estuary SPA/ Ramsar in-combination with the Proposed Development as a result of the losses of functionally linked habitat (para 8.1.3).</p> <p>NE [RR-008] is not satisfied that it can be excluded beyond reasonable scientific doubt that the Proposed Development would not have an adverse effect on the integrity of the Humber Estuary SPA or Ramsar site. NE advises that, if approved, the Proposed Development must be subject to all necessary and appropriate requirements, which ensure that unacceptable environmental impacts either do not occur or are sufficiently mitigated.</p> <p>Can the Applicant and NE clarify what progress has been made to agree what additional information is needed to predict the likely effects?</p>	<p>1 as part of the Applicant's Comments on Relevant Representations (Document Ref. 8.1).</p> <p>As noted in the revised SoCG between the Applicant and Natural England submitted at Deadline 2 (Document Ref. 7.4), Natural England has confirmed it has no outstanding queries and all relevant matters have been agreed.</p>
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