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Our ref: 382190  
Your ref: EN010114



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Dear Sir/Madam

**NSIP Reference Name / Code:** Keadby 3 Low Carbon Gas Power Station DCO. Keadby Power Station Site, Trentside, Keadby, North Lincolnshire.

Thank you for your consultation on the above dated 14 December 2021. As requested, please find our response to the Examining Authority's written questions (ExQ1) on the above proposal.

*Q1.2.1 – Although the critical level is predicted to be exceeded as a result of the Proposed Development, the ES Chapter 11 (Biodiversity and Nature Conservation) [APP-054] states that the relevant estuary and mudflats habitats at this location do not support vegetation so the exceedance of the critical level set for NOx is not relevant because the absence of vegetation means NOx can be scoped out of the assessment (para 11.6.10). Can NE and the MMO comment on this assumption and confirm whether they agree with it.*

Natural England (NE) agree that impacts due to NOx from traffic emissions can be scoped out based on the absence of the sensitive vegetation receptor.

*Q1.3.2 – In addition to the above, the ExA would ask the EA and NE whether the LBMEP [APP-039] includes all the protected species and invasive species update surveys they would like to see additional surveys undertaken in regard to.*

NE confirm we are satisfied with the additional protected species and INNS surveys proposed in the LBMEP.

*Q1.3.3 – The Consultation Report [APP-030] states that NE are satisfied that a Likely Significant Effect(s) (LSE) from NOx concentrations can be ruled out at all designated sites and/ or will not damage/ destroy interest features for which the Sites of Special Scientific Interest (SSSI) have been designated. However, NE raised concerns about screening out sites with Process contributions that have been rounded down to a whole number and request a number of SSSIs are further assessed to demonstrate that interest features will not be damaged or destroyed, as recent Dutch case law makes it clear that small contributions should not be disregarded entirely [APP-030]. In response to this the Applicant states that the critical level for the relevant sites has been applied accordingly and further assessment and discussion on the associated effects has been provided in the HRA Screening Report [APP-041].*

*Bearing the above in mind, can NE comment on the Applicant's response and confirm whether they are satisfied in regard to: i) the further assessment and discussion on the associated effects has been provided in the HRA Screening Report [APP-041]; and ii) Whether the further assessments*

*adequately demonstrate that interest features will not be damaged or destroyed within the SSSI's*

NE are awaiting the updated version of the ES Air Quality chapter which has been used to inform the HRA. Therefore, at this stage, there is not enough information to advise on whether we agree with the conclusion that an adverse effect can be avoided, and interest features will not be damaged or destroyed.

*Q1.4.1 – Section 2.1: Can NE confirm that they are satisfied with the European Sites scoped into the assessment and that their qualifying features have been fully identified in the report?*

NE confirm we are satisfied with the European Sites scoped into the assessment and the features have been correctly identified.

*Q1.4.7 – Bearing Q1.4.6 above in mind, the conditions set out in the DML within the draft DCO [APP-005] do not appear to make reference to this mitigation measure with respect to potential lamprey entrapment arising from the cofferdam installation and dewatering. Can the Applicant, the MMO, NE and any IPs provide an update on whether the proposed conditions in the DML will adequately address the potential adverse effect as mitigation and if not, how these would be agreed.*

The most recent version of the HRA provided by the applicant (Dec 2021) considers the matters related to lamprey entrapment at the AA stage. Section 5.2.26 states that the screening to be used for the cofferdam installation and dewatering will be of a size small enough to prevent lampreys from being drawn into the pump, preventing entrainment. The HRA also states that during dewatering lamprey will be relocated along with other stranded fish by an experienced fish ecologist. Section 5.3.35 also states that the maximum water abstraction velocity would not be permitted to exceed 0.25m/s, which is less than the lamprey maximum escape velocity of 0.3m/s, preventing impingement.

Therefore, provided these measures are secured in the final CEMP and the LBMEP, as advised in the HRA, NE considers the adverse effect to have been addressed.

*Q1.4.17 – NE in its RR [RR-010] state that they are not satisfied that the Proposed Development would not have an adverse effect on the integrity of the Humber Estuary SAC and the Humber Estuary SPA and Ramsar beyond reasonable scientific doubt, nor that the criteria for derogating from the Habitats Regulations are fulfilled. NE advises that, if approved, the Proposed Development must be subject to all necessary and appropriate Rs which ensure that unacceptable environmental impacts are mitigated. Bearing the above in mind, can NE clarify in more detail why they are not satisfied that: i) the Proposed Development would not have an adverse effect on the integrity of the Humber Estuary SAC and the Humber Estuary SPA and Ramsar, beyond reasonable scientific doubt; and ii) the criteria for derogating from the Habitats Regulations are fulfilled. The ExA would also ask NE to advise how they consider these uncertainties can be addressed through evidence for the HRA.*

As stated in the Statement of Common Ground (SoCG) between NE and the applicant, following the most recent HRA provided by the applicant the only outstanding issue is due to the absence of the updated air quality ES chapter which the air quality section of the HRA is based on. The provision of this document should address the outstanding uncertainties.

*Q1.14.1 – NE in its RR [RR-010] state “The DCO should secure the measures to reduce water pollution impacts during construction of the development.” The ExA notes the Rs set out in the dDCO, especially R12 (Surface Water Drainage), R13 (Foul Water Drainage), R15 (Contaminated land and groundwater) and R17 (Construction environmental management plan), but would ask the Applicant and NE what additional measures should be secured to address NE’s concern detailed above.*

Section 6.5 of the most recent version of the HRA describes the measures NE want to see secured in the DCO. The mentioned documents; Surface Water Drainage; Foul Water Drainage; and Construction environmental management plan, secure these measures. Section 6.5.8 of the HRA also identifies that sewage and 'grey water' produced during the construction phase of the development will be "discharged directly into the existing local sewerage system serving Keadby 2 Power Station, or it will be captured for transportation via tankers to an off-site authorised treatment works" leaving "no available pathway for organic pollution from sewage effluent to affect the River Trent during the construction period". This should also be secured in the DCO.

In addition, we previously raised concerns about the 'cooling water' discharge. However, sections 5.3.27 and 5.3.28 of the most recent HRA demonstrate that the discharge of the 'cooling water' will not impact the function of the water environment. This is due to the inclusion of the Keadby 1 modelling report which demonstrates that the greater thermal discharge from Keadby 1 does not increase mortality or create thermal barriers to migratory fish movements (including consideration of lamprey species).

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

Lisa Sheldon  
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