

Mr Christopher Butler
National Infrastructure Planning
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: AN/2021/132101/04-L01
Your ref: EN010114
Date: 26 April 2022

Dear Sir

**Keadby 3 Carbon Capture Power Station – Deadline 6 Representations
Environment Agency Unique Interested Party Ref – KDB3-SP091**

In accordance with the Examination Timetable, please find below the Environment Agency's submission in respect of:

- Comments on information submitted for Deadline 5 (namely, documents relating to the change request listed below):

[\[REP5-031\]](#) Change Request – 4.15 Indicative Landscape and Biodiversity Plan (Rev2)

[\[REP5-035\]](#) Change Request – 5.10 Landscaping and Biodiversity Management and Enhancement Plan – Tracked

[\[REP5-042\]](#) Change Request – 10.3 Proposed Development Changes: Consultation Statement

[\[REP5-047\]](#) Change Request - 10.8 Proposed Development Changes: Environmental Statement (ES) Addendum - Volume II (Chapters and Appendices) - Rev 2

[\[REP5-048\]](#) Change Request - 10.9 Proposed Development Changes: Environmental Statement (ES) Addendum - Volume III (ES Figures) - Rev 2

(Responses from the Environment Agency to ExQ2s have been submitted separately).

Biodiversity

We have reviewed the documents in relation to biodiversity and although there is some disconnect between the ES Addendum ([\[REP5-047\]](#) Document Ref 10.8) and the updated Landscaping and Biodiversity Management and Enhancement Plan (LBMEP) ([\[REP5-035\]](#) Document Ref 5.10; April 2022) with regards to legal requirements and the delivery of biodiversity net gain (BNG) Appendix D goes onto consider this.

Section 5.2 of the LBMEP reaffirms biodiversity and green infrastructure enhancements

are proposed. Any habitat enhancement measures will firstly be guided by the outputs of the BNG Assessment additional measures as listed.

Paragraph 5.2.1 informs us that once created, new habitats will be appropriately maintained for a minimum of 25 years (the proposed lifetime of the Proposed Development). Environmental legislation will require 30 years of maintenance and although we appreciate the Applicant would wish this to align with the lifetime of the proposed development, it is our view that it should be required to reflect forthcoming legislation i.e. 30 years.

Proposed enhancement measures for Keadby Common Drains and Stainforth & Keadby Canal should also be directed by the outputs of the BNG Assessment and the requirements of the Water Framework Directive.

Environment Agency Land

Negotiations with the Applicant have continued regarding the Environment Agency's land interests, and some progress has been made. Discussions are currently underway to agree some Heads of Terms for an Option agreement. The Applicant's Agent is drafting proposed easements and lease terms and setting out formal Heads of Terms for the options. We hope to progress these matters further during May but as yet it is too early to say if we will be in a position to withdraw our objection prior to the close of the Examination.

We note that proposed change 2 has now been amended to delete the land shown at Bonnyhale Road, which is owned by the Environment Agency (as confirm on page 28 of "Proposed Development Changes: Consultation Statement" [[REP5-042](#)]). Therefore, we have no further comments to make regarding this.

We are now aware that Plot 172 may need to be included in our discussions with the applicant; being in the area where we currently have the benefit of an easement. Plot 172 does not appear to have been discussed with us previously, and we need to seek clarity regarding this plot as it does not appear to be mentioned in either Schedule 6 or Schedule 8 of the draft Development Consent Order [[REP5-021](#)] for the proposed development changes.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

Annette Hewitson
Principal Planning Adviser

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