

Date: 26 April 2022
Our ref: 388992
Your ref: EN010114



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BY EMAIL ONLY

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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 12 April 2022. As requested, please find our response to the Examining Authority's written questions (ExQ2) on the above proposal.

Q2.2.8 *The Applicant's response to the ExA's ExQ1 Q1.2.17 [REP2-006] concerning abatement measures to reduce the NOx and ammonia emissions from the development are noted by the ExA. However, the ExA would ask the EA/ NE if, in this regard, they are satisfied with:*

- i. the Applicant's response to this question; and*
- ii. the wording of the dDCO in regard to this matter.*

i. Natural England are satisfied with the applicant's response to this question.

ii. We are happy with the wording of the draft DCO in regard to this matter, on the assumption that the equipment to be installed will be used to perform the mitigation as stated in the Habitats Regulations Assessment.

Q2.3.1 *The Applicant's response to the ExA's ExQ1 Q1.3.13 [REP2-006] is noted, but the ExA would ask whether NE wish to make any comment in response in regard to this matter?*

Natural England have no further comments on this matter. We are satisfied by the wording in the latest versions of the CEMP (February 2022) and LBMEP (April 2022) that a badger licence will be obtained if required following further surveys.

Q2.3.4 *The ExA notes NE's comments concerning how sewerage and 'grey water' produced during the construction phase of the development is to be disposed of and the fact that it considers this should be secured in the DCO. The Applicant's response set out in [REP3-020] is noted, as is the 'Applicant's Response to Action Points Arising from Hearings' [REP5-015], submitted at Deadline 5, that sets out why it considers Requirement 13 provides adequate control in this regard.*

Bearing the above in mind, the ExA would ask NE whether it has agreed this approach with the Applicant and whether an updated SoCG, that addresses this matter, has been agreed by them.

Natural England are satisfied that this matter is resolved by requirement 13 of the DCO, specifically within part 1 which states;

"13.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until details of the temporary foul water drainage systems, including means of pollution

control in accordance with the framework construction environmental management plan and a management and maintenance plan to ensure that the systems remain fully operational throughout the construction of the relevant part of the authorised development have, for that part, been submitted to, and after consultation with Severn Trent Water, approved by the relevant planning authority.”

The updated SoCG which details this point will be submitted for deadline 6.

Q2.4.2 Pursuant to the Q2.4.1 above, please could NE confirm:

- i. if it agrees with the Applicant's response to ExQ1 Q1.3.5 [REP2-006];*
- ii. that the screening of LSE for the purposes of the Habitats Regulations completed by NLC for Planning Application PA/2019/1554 adequately addresses and responds to the ExA's ExQ1 Q1.3.5; and*
- iii. whether it considers any further assessment of LSE is required specifically in regard to the waterborne transport off-loading area included within this DCO application.*

i. The applicant's response is factually correct.

ii. However, neither the North Lincolnshire Council screening of LSE nor the Natural England response to that application explicitly considered the numbers of construction related vessels over time or any increases in related traffic and other activities with respect to the Humber Estuary sites.

iii. Vessel movements to and from the waterborne transport off-loading area are highly likely to travel through much of the length of the Humber Estuary. Conceivably, this could increase the risk of marine pollution, disturbance of waterbirds or other effects associated with navigation.

However, the latest version of the sHRA (dated April 2022) states the following;

“1.4.8 As reported in Appendix 12C: Navigation Risk Assessment (ES Volume II) and in Document Ref. 7.2: Construction Traffic Management Plan around 35 – 40 AIL movements could be required at Railway Wharf over a circa 28 month period (circa 1 – 2 vessels per month on average) although not all of these are anticipated to be the largest vessels. As reported in the Application, 35 – 40 vessels is significantly lower than the threshold for screening of air quality effects and therefore the assessment of emissions from vessels was screened out of the Application. Change 1 does not change the number or type of vessels proposed to use the Wharf from those already assessed in the Application.

1.4.9 The type and maximum size of vessels proposed is consistent with the vessels that were used for the AIL deliveries during construction of Keadby 2 Power Station i.e. the largest vessels are predicted to be 82m length, 11.5m beam as reported in Appendix 12C and shown in Figure 12C-9 of Appendix 12C. On the basis of the above, it is considered that Change 1 does not trigger any specific requirement for updates of the HRA Appropriate Assessment.”

Furthermore, Associated British Ports is a relevant authority in terms of the Habitats Regulations, controlling any potential impacts of navigation on the interest features of the European Marine Site. Their role and duties are summarised in the documentation of the Humber Management Scheme:

<http://www.humburnature.co.uk/admin/resources/faq-ports-harbours-and-commercial-shipping.pdf>

They advise that “On average there are around 26,000 commercial vessel movements in the Humber Estuary every year.” Based on the information provided, we do not consider that numbers of construction related vessels over time, or any increases in related traffic, associated with Keadby 3 would add significantly to the existing baseline level of vessel movements to such an extent that there would be a significant increase in the risk of pollution disturbance or other interest features of the European Marine Site.

Therefore, we would suggest that no further assessment is required.

Q2.4.3 *The Applicant's revised Habitats Regulations Assessment (HRA) Appropriate Assessment (AA) Report [REP1-006] is noted, especially the assessment of impacts to saltmarsh (SAC and Ramsar). On the basis of there being no adverse effect on relevant habitats demonstrated through this report, the Applicant considers it is not necessary to secure the reinstatement of such habitat by Requirement in the DCO. The ExA would ask NE if it agrees with the Applicant's position on this matter?*

Natural England agrees with the Applicant's position on this matter. The current HRA (dated April 2022) gives evidence that the saltmarsh habitat is not present in close proximity to the proposed development.

The HRA dated April 2022 states that the temporary reduction in extent of habitat relates to the mudflat feature of the estuary. However the cofferdam also coincides with the Keadby 1 concrete apron, upon which maintenance is undertaken periodically. It also states that the habitat is likely recoverable within 2 years given the current permitted maintenance intervals. Therefore we advise restoration following removal of the cofferdam will not be required.

Thank you for your additional consultation on Rule 17 Request for further information dated 13 April 2022. As requested, please find our response to these questions below.

Question 5 to Natural England

In terms of the change request and the additional Abnormal Indivisible Loads (AIL) Route, does Natural England have any comments in regard to:

- i. the proposed grassland habitat creation and enhancement measures ([REP5-034] paragraphs 5.2.15 to 5.2.17); and*
- ii. the creation and reinstatement of plantation woodland and new tree plantings ([REP5-034] paragraphs 5.2.40 to 5.2.46).*

- i. In regard to the proposed grassland habitat creation we do not have specific comments. We welcome the principles on native planting outlined in section 5.2.2 which will be applied to any enhancement, and the commitment to a maintenance regime.*
- ii. In regard to the proposed creation and reinstatement of plantation woodland we do not have specific comments. We welcome the principles on native planting outlined in section 5.2.2 which will be applied to any enhancement.*

For both i and ii we recommend the local planning authority ecologist should be invited to provide comments.

Question 6 to Natural England and the Canal and River Trust

The ExA would invite Natural England and the Canal and River Trust to comment on the proposals set out as part of the Biodiversity Net Gain Assessment, which forms Appendix D of the Landscaping and Biodiversity Management and Enhancement Plan [REP5-034], particularly with respect to the identified permanent and temporary habitat losses, and compensation for those losses, biodiversity net gain (BNG), and the BNG management and monitoring plan and whether these proposals are acceptable.

Natural England welcomes the commitment to BNG and the use of Biodiversity Metric 3.0 to calculate the value in terms of 'biodiversity units' before and after the Proposed Development to ensure net gains are measurable. We advise that the comments made in our letter dated 02 September 2021 have been adequately addressed within the updated LBMEP. We particularly welcome section 4.0 of Appendix D which outlines the intent to apply the BNG good practice principles, along with the detailed maps which have been provided.

The habitat re-instatement and enhancement detailed in the LBMEP confirm that a gain in habitat

units of 10.62%, a net gain of hedgerow units of 27.58% and a net gain in 1.80% river units is achievable, which aligns with requirements of the Environment Bill that developments must achieve a minimum 10% BNG.

Natural England notes that the general approach to habitat compensation is like for like. In respect of the loss of 0.25 ha of Urban - Open Mosaic Habitat (OMH) on the former Keadby Ash Tip the LBMEP proposes that the shortfall in OMH will be addressed through the enhancement of improved grassland to native flower-rich grassland habitat. We note that NLC have been consulted on this matter as per the recommendation in our letter dated 02 September 2021 and they have agreed on the approach.

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
Yorkshire and Northern Lincolnshire Area Team
Natural England

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