

KEADBY 3 CARBON CAPTURE POWER STATION

A collaboration between **SSE Thermal** and **Equinor**

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The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order

Land at and in the vicinity of the Keadby Power Station site, Trentside, Keadby, North Lincolnshire

Applicant's Response to Report on the Implications for European Sites (RIES) dated 3 May 2022

The Planning Act 2008

The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations)

Applicant: Keadby Generation Limited

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GLOSSARY

Abbreviation	Description
DCO	Development Consent Order
CEMP	(Framework) Construction Environmental Management Plan
ECoW	Ecological Clerk of Works
ES	Environmental Statement
ExA	Examining Authority
HRA	Habitats Regulations Assessment Appropriate Assessment Report
LBMEP	Landscaping and Biodiversity Management and Enhancement Plan
NPPF	National Planning Policy Framework
NPS	National Policy Statement

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1.0 OVERVIEW

Report on the Implications for European Sites for Keadby 3 Carbon Capture Power Station Project Question 1 (paragraph 3.1.9).

- 1..1 The Applicant provided a Habitats Regulations Assessment (HRA) report entitled Habitats Regulations Assessment Screening Report [APP-041] at DCO Application submission on 1 June 2021.
- 1..2 Following submission of the DCO Application, further engagement has been undertaken with Natural England, following receipt of the Relevant Representation which included a meeting on 17 September 2021 and further email discussion, including review of the updated HRA Appropriate Assessment Report submitted at Deadline 1 on 21 December 2021 [Rep1-006]. Subsequent updates to the HRA Appropriate Assessment Report submitted at Deadline 6a [REP6a-056] tracked, [REP6a-055] clean version, consider the Applicant's Change Request, accepted by the Examining Authority on 12 May 2022 and advice provided in Planning Inspectorate Advice Note Seventeen in relation to the need to consider cumulative effects on an iterative basis, including during examination.
- 1..3 The HRA [APP-041] and [REP1-006] has been reviewed by the ExA and they have posed the below query;
- 1..4 *The ExA has asked the Applicant to clarify what mitigation has been proposed to prevent entrapment of lamprey species through the dewatering of the cofferdam for both the River Trent and Stainforth and Keadby Canal river abstraction options, and justify how any mitigation proposed is consistent with the Sweetman judgement?*
- 1..5 The Applicant's approach to prevent entrapment of lamprey species is set out in paragraphs 5.2.22 – 5.2.28 of the Habitats Regulations Assessment Appropriate Assessment Report (HRA) [REP6a-055 (clean) and REP6a-056 (tracked)] (Document Ref. 5.12).
- 1..6 Within this text, the Applicant acknowledges that there is a legal duty, irrespective of any European site designations or the species involved, to meet welfare requirements for fish. Lamprey (as a fish) is therefore encompassed, as an incidental consequence of its presence in the relevant watercourses, by this fish welfare legislation and no species specific mitigation (protection measures and/ or habitat compensation) is therefore proposed.
- 1..7 Given specific mitigation is not proposed and reliance is placed on general good practice measures applicable to any scenario where fish may be present, the Sweetman judgment is not applicable.
- 1..8 The mitigation summarised in the HRA (Document Ref. 5.12) to mirror the wider DCO application can be summarised as follows:

- the committed good practice construction approach to safeguarding all species of fish during any cofferdam installation (at either River or Canal Abstraction Option location) and dewatering involves a 'fish rescue' comprising:
 - use of screening on pump intakes to prevent all fish, including lampreys of the minimum size likely to be encountered (10cm), being drawn into the pipe/ pump during dewatering [of any cofferdam]; and
 - supervision of dewatering by an appropriately experienced fish ecologist so that legally binding fish welfare requirements are met, and to relocate any stranded fish, which would include lampreys, back to the main channel of the relevant watercourse as soon as possible after capture.
- 1..9 The existing committed working methods, and legal and regulatory regimes applicable to all fish species, including lamprey, are sufficient to remove the potential pathway for impact on lampreys through entrapment. The size range of lampreys likely to be encountered and their resilient morphology is also sufficient to conclude that they would be detected during general fish rescue procedures and suffer no injurious effect from fish rescue.
- 1..10 Further detail is provided in the Landscaping and Biodiversity Management and Enhancement Plan (LBMEP) [**REP6a-011** – clean and **REP6a-012** - tracked] (**Document Ref. 5.10**) paragraphs 4.7.8 – 4.7.10 and in Table 5 (page 38 in clean version) of the Framework Construction Environmental Management Plan (CEMP) [**REP6-003** – clean and **REP6-004** tracked] (Document Ref 7.1). Both commit that:
- a Fish Management Plan will be prepared and agreed with relevant stakeholders to specify the measures and supervision required to deliver legislative compliance (for all fish species, not only for lamprey specifically) during installation and drawdown of any cofferdam(s) for the upgrade of either the River Water Abstraction Option or the Canal Water Abstraction Option on the Stainforth and Keadby Canal.
 - The Fish Management Plan will include details of:
 - appropriate timings to minimise potential for disturbance to migratory fish;
 - provision for screening of pump intakes to prevent fish being drawn into the pipe/ pump;
 - supervision of dewatering of any cofferdam(s) by an appropriately experienced Ecological Clerk of Works (ECoW) to oversee fish rescue prior to dewatering, fish welfare and to support the relocation of any stranded fish or associated wildlife back to the main channel of the relevant watercourse outside the working area; and
 - if appropriate, other specialist techniques to support the capture and relocation of fish to the main channel of the relevant watercourse outside the working area prior to drawdown.

The fish management plan is required to comply with the indicative CEMP, and the CEMPs prepared for the project must be in accordance with the indicative CEMP and contain a fish management plan by virtue of requirement 17 of the DCO.