

# KEADBY 3 CARBON CAPTURE POWER STATION

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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**

## Statement of Common Ground with Natural England

**The Planning Act 2008**

**Applicant: Keadby Generation Limited**

**Date: May 2022**

## DOCUMENT HISTORY

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## GLOSSARY

<b>Abbreviation</b>	<b>Description</b>
AGI	Above ground installation
AIL	Additional Abnormal Indivisible Load
AONB	Areas of Outstanding Natural Beauty
BNG	Biodiversity Net Gain
CCGT	Combined Cycle Gas Turbine
CCP	Carbon dioxide capture plant
CEMP	Construction and Environmental Management Plan
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
HP	High pressure
HRSG	Heat Recovery Steam Generator
HRA	Habitats Regulation Assessment
MW	megawatts
NLC	North Lincolnshire Council
NSIP	Nationally Significant Infrastructure Project
PCC	Proposed Power and Carbon Capture
PINS	Planning Inspectorate
SAC	Special Area of Conservation
SoCG	Statement of Common Ground
SoS	The Secretary of State
SPA	Special Protection Area

<b>Abbreviation</b>	<b>Description</b>
SSSI	Site of Special Scientific Interest
WCA	Wildlife and Countryside Act
ZCH	Zero Carbon Humber

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## 1.0 INTRODUCTION

### 1.1 Overview

- 1.1.1 This Statement of Common Ground ('SoCG') with Natural England (**Application Document Ref. 8.3**) has been prepared on behalf of Keadby Generation Limited ('the Applicant') which is a wholly owned subsidiary of SSE plc. It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy, under Section 37 of 'The Planning Act 2008' (the '2008 Act').
- 1.1.2 The Applicant is seeking development consent for the construction, operation and maintenance of a new low carbon Combined Cycle Gas Turbine (CCGT) Generating Station ('the Proposed Development') on land at, and in the vicinity of, the existing Keadby Power Station, Trentside, Keadby, Scunthorpe DN17 3EF (the 'Proposed Development Site').
- 1.1.3 The Proposed Development is a new electricity generating station of up to 910 megawatts (MW) gross electrical output, equipped with carbon capture and compression plant and fuelled by natural gas, on land to the west of Keadby 1 Power Station and the (under commissioning) Keadby 2 Power Station, including connections for cooling water, electrical, gas and utilities, construction laydown areas and other associated development. It is described in **Chapter 4: The Proposed Development of the Environmental Statement (ES) (ES Volume I - APP-047)**.
- 1.1.4 The Proposed Development falls within the definition of a 'Nationally Significant Infrastructure Project' (NSIP) under Section 14(1)(a) and Sections 15(1) and (2) of the 2008 Act, as it is an onshore generating station in England that would have a generating capacity greater than 50MW electrical output (50MWe). As such, a DCO application is required to authorise the Proposed Development in accordance with Section 31 of the 2008 Act.
- 1.1.5 The DCO, if made by the SoS, would be known as 'The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order' ('the Order').

### 1.2 The Proposed Development

- 1.2.1 The Proposed Development will work by capturing carbon dioxide emissions from the gas-fired power station and connecting into the Zero Carbon Humber (ZCH) Partnership export pipeline and gathering network for onward transport to the Endurance saline aquifer under the North Sea.
- 1.2.2 The Proposed Development would comprise a low carbon gas fired power station with a gross electrical output capacity of up to 910MWe and associated buildings, structures and plant and other associated development defined in the

Schedule 1 of the draft DCO (**APP-005**) as Work No. 1 – 11 and shown on the Works Plans (**APP-012**).

1.2.3 At this stage, the final technology selection cannot yet be made as it will be determined by various technical and economic considerations and will be influenced by future UK Government policy and regulation. The design of the Proposed Development therefore incorporates a necessary degree of flexibility to allow for the future selection of the preferred technology in the light of prevailing policy, regulatory and market conditions once a DCO is made.

1.2.4 The Proposed Development will include:

- a carbon capture equipped electricity generating station including a CCGT plant (**Work No. 1A**) with integrated cooling infrastructure (**Work No. 1B**), and carbon dioxide capture plant (CCP) including conditioning and compression equipment, carbon dioxide absorption unit(s) and stack(s) (**Work No. 1C**), natural gas receiving facility (**Work No. 1D**), supporting uses including control room, workshops, stores, raw and demineralised water tanks and permanent laydown area (**Work No. 1E**), and associated utilities, various pipework, water treatment plant, wastewater treatment, firefighting equipment, emergency diesel generator, gatehouse, chemical storage facilities, other minor infrastructure and auxiliaries/ services (all located in the area referred to as the 'Proposed Power and Carbon Capture (PCC) Site' and which together form **Work No. 1**);
- natural gas pipeline from the existing National Grid Gas high pressure (HP) gas pipeline within the Proposed Development Site to supply the Proposed PCC Site including an above ground installation (AGI) for National Grid Gas's apparatus (**Work No. 2A**) and the Applicant's apparatus (**Work No. 2B**) (the 'Gas Connection Corridor');
- electrical connection works to and from the existing National Grid 400kV Substation for the export of electricity (**Work No. 3A**) (the 'Electrical Connection Area to National Grid 400kV Substation');
- electrical connection works to and from the existing Northern Powergrid 132kV Substation for the supply of electricity at up to 132kV to the Proposed PCC Site, and associated plant and equipment (**Work No. 3B**) (the 'Potential Electrical Connection to Northern Powergrid 132kV Substation');
- Water Connection Corridors to provide cooling and make-up water including:
  - underground and/ or overground water supply pipeline(s) and intake structures within the Stainforth and Keadby Canal, including temporary cofferdam (**Work No. 4A**) (the 'Canal Water Abstraction Option');
  - in the event that the canal abstraction option is not available, works to the existing Keadby 1 power station cooling water supply pipelines and

- intake structures within the River Trent, including temporary cofferdam (**Work No. 4B**) (the ‘River Water Abstraction Option’);
  - works to and use of an existing outfall and associated pipework for the discharge of return cooling water and treated wastewater to the River Trent (**Work No. 5**) (the ‘Water Discharge Corridor’);
  - towns water connection pipeline from existing water supply within the Keadby Power Station for potable water (**Work No. 6**);
  - above ground carbon dioxide compression and export infrastructure comprising an above ground installation (AGI) for the undertaker’s apparatus including deoxygenation, dehydration, staged compression facilities, outlet metering, and electrical connection (**Work No. 7A**) and an above ground installation (AGI) for National Grid Carbon’s apparatus (**Work No. 7B**);
  - new permanent access from A18, comprising the maintenance and improvement of an existing private access road from the junction with the A18 including the western private bridge crossing of the Hatfield Waste Drain (**Work No. 8A**) and installation of a layby and gatehouse (**Work No. 8B**), and an emergency vehicle and pedestrian access road comprising the maintenance and improvement of an existing private track running between the Proposed PCC Site and Chapel Lane, Keadby and including new private bridge (**Work No. 8C**);
  - temporary construction and laydown areas including contractor facilities and parking (**Work No. 9A**), and access to these using the existing private roads from the A18 and the existing private bridge crossings, including the replacement of the western existing private bridge crossing known as ‘Mabey Bridge’ over Hatfield Waste Drain (**Work No. 9B**) and a temporary construction laydown area associated with that bridge replacement (**Work No. 9C**);
  - temporary retention, improvement and subsequent removal of an existing Additional Abnormal Indivisible Load Haulage Route (**Work No. 10A**) and temporary use, maintenance, and placement of mobile crane(s) at the existing Railway Wharf jetty for a Waterborne Transport Offloading Area (**Work No. 10B**);
  - landscaping and biodiversity enhancement measures (**Work No. 11A**) and security fencing and boundary treatments (**Work No. 11B**); and
  - minor associated development.
- 1.2.5 The Proposed Development includes the equipment required for the capture and compression of carbon dioxide emissions from the generating station so that it is capable of being transported off-site. ZCH Partnership will be responsible for the construction, operation and decommissioning of the carbon dioxide gathering network linking onshore power and industrial facilities including the Proposed Development in the Humber Region. The carbon

dioxide export pipeline does not, therefore, form part of the Proposed Development and is not included in the Application but will be the subject of separate consent applications by third parties, such as the Humber Low Carbon Pipeline DCO Project by National Grid Ventures.

- 1.2.6 The Proposed Development is designed to be capable of operating 24 hours per day, 7 days a week, with plant operation dispatchable to meet electricity demand and with programmed offline periods for maintenance. It is anticipated that in the event of CCP maintenance outages, for example, it could be necessary to operate the Proposed Development without carbon capture, with exhaust gases from the CCGT being routed via the Heat Recovery Steam Generator (HRSG) stack.
- 1.2.7 Various types of associated and ancillary development further required in connection with and subsidiary to the above works are detailed in Schedule 1 'Authorised Development' of the draft DCO (**APP-005**). This along with **Chapter 4: The Proposed Development in the ES Volume I (APP-047)** provides further description of the Proposed Development. The areas within which each numbered Work (component) of the Proposed Development are to be built are defined by the coloured and hatched areas on the Works Plans (**APP-012**).

### 1.3 The Proposed Development Site

- 1.3.1 The Proposed Development Site (the 'Order Limits') is located within and near to the existing Keadby Power Station site near Scunthorpe, Lincolnshire and lies within the administrative boundary of North Lincolnshire Council (NLC). The majority of land is within the ownership or control of the Applicant (or SSE associated companies) and is centred on national grid reference 482351, 411796.
- 1.3.2 The existing Keadby Power Station site currently encompasses the operational Keadby 1 and Keadby 2 Power Station (under commissioning) sites, including the Keadby 2 Power Station Carbon Capture and Readiness reserve space.
- 1.3.3 The Proposed Development Site encompasses an area of approximately 69.4 hectares (ha). This includes an area of approximately 18.7ha to the west of Keadby 2 Power Station in which the generating station (CCGT plant, cooling infrastructure and CCP) and gas connection will be developed (the Proposed PCC Site).
- 1.3.4 The Proposed Development Site includes other areas including:
- a high pressure gas pipeline to supply the CCGT including a gas compound for National Grid Gas's (NGG) apparatus and a gas compound for the Applicant's apparatus;



- the National Grid 400kV Substation located directly adjacent to the Proposed PCC Site, through which electricity generated by the Proposed Development will be exported;
  - Emergency Vehicle Access Road and Potential Electrical Connection to Northern Powergrid Substation;
  - Water Connection Corridors:
    - Canal Water Abstraction Option which includes land within the existing Keadby Power Station site with an intake adjacent to the Keadby 2 Power Station intake and pumping station and interconnecting pipework;
    - River Water Abstraction Option which includes a corridor that spans Trent Road and encompasses the existing Keadby Power Station pumping station, below ground cooling water pipework, and infrastructure within the River Trent; and
    - a Water Discharge Corridor which includes an existing discharge pipeline and outfall to the River Trent and follows a route of an existing easement for Keadby 1 Power Station;
  - an existing river wharf at Railway Wharf (the Waterborne Transport Offloading Area) and existing temporary haul road into the into the existing Keadby 1 Power Station Site (the 'Additional Abnormal Indivisible Load (AIL) Route');
  - a number of temporary Construction Laydown Areas on previously developed land and adjoining agricultural land; and
  - land at the A18 Junction and an existing site access road, including two existing private bridge crossing of the Hatfield Waste Drain lying west of Pilfrey Farm (the western of which is known as Mabey Bridge, to be replaced, and the eastern of which is termed Skew Bridge) and an existing temporary gatehouse, to be replaced in permanent form.
- 1.3.5 In the vicinity of the Proposed Development Site the River Trent is tidal. Therefore, parts of the Proposed Development Site are within the UK marine area. No harbour works are proposed.
- 1.3.6 Further description of the Proposed Development Site and its surroundings is provided in **Chapter 3: The Site and Surrounding Area** in ES Volume I (**APP-046**).

## 1.4 The Development Consent Process

- 1.4.1 As a NSIP project, the Applicant is required to seek a DCO to construct, operate and maintain the generating station, under Section 31 of the 2008 Act. Sections 42 to 48 of the 2008 Act govern the consultation that the promoter must carry out before submitting an application for a DCO and Section 37 of the 2008 Act

governs the form, content and accompanying documents that are required as part of a DCO application.

1.4.2 An application for development consent for the Proposed Development has been submitted to and accepted for examination by the Planning Inspectorate (PINS) acting on behalf of the Secretary of State. PINS is now examining the Application and will make a recommendation to the Secretary of State, who will then decide whether to make (grant) the DCO.

## 1.5 The Proposed Development Changes

1.5.1 On 5 April 2022 the Applicant submitted a request for the following changes to the Proposed Development, together known as ‘the Proposed Development Changes’.

1.5.2 The Proposed Development Changes have resulted from design contractor involvement, which has continued to refine the detail of this ‘First of a Kind’ Project implementation.

- Change No. 1 - Inclusion of riverbed within the Waterborne Transport Offloading Area (Railway Wharf)
- Change No. 2 - Changes to the Additional Abnormal Indivisible Load Route, largely within SSE land and all within existing Order Limits.
- Change No. 3 - Increase to the maximum heights of the carbon dioxide absorbers/ stacks, if two are installed.
- Change No. 4 - Increase to the maximum heights of the carbon dioxide stripper column.
- Change No. 5 - Increase in proposed soil import volumes to create a suitable development platform.

1.5.3 With the Proposed Development Changes, the Proposed Development Site would cover an area of 69.8 hectares (ha) (a minor increase of 0.4ha in the amount of the Applicant’s land required).

## 1.6 The Purpose and Structure of this Document

1.6.1 The purpose of this document is to summarise clearly the agreements reached between the Applicant and Natural England (‘the Parties’) on matters relevant to the examination of the Application and to assist the Examining Authority. It has been prepared with regard to the guidance in ‘Planning Act 2008: examination of application for development consent’ (Department for Communities and Local Government, March 2015).

1.6.2 This version of the document summarises the agreements reached between the Parties regarding matters listed below:

- Draft Development Consent Order and any relevant Protective Provisions;
- Ecology, habitats and nature conservation including issues related to:
  - the Applicant's Habitats Regulation Assessment report and effects on European sites and features (including water quality); and
  - the effect on protected species and habitats;
  - mitigation measures and enhancements, including likely effectiveness of mitigation, monitoring procedures, how mitigation will be secured within the DCO and the content of the Construction Environmental Management Plan/ Code of Construction Practice;
- Air Quality; and
- Landscape.

## 1.7 Status of this version

1.7.1 This is the first draft of this SoCG.

1.7.2 The document is structured as follows:

- Section 2 – summarises the role of Natural England;
- Section 3 - sets out details of consultation with Natural England to date;
- Section 4 - sets out the matters agreed between the parties in respect of the Application; and
- Section 5 – sets out any matters that are yet to be agreed and where discussions are on-going between the parties and summarises next steps.

## 2.0 THE ROLE OF NATURAL ENGLAND

2.1.1 Natural England's role in relation to the DCO process derives from the 2008 Act and secondary legislation made under the Act.

2.1.2 The roles and responsibilities of Natural England's under 2008 Act are outlined as follows:

- Natural England is a consultee under section 42 of the 2008 Act, meaning applicants must consult with Natural England before submitting a Nationally Significant Infrastructure Project (NSIP) application;
- Natural England is the statutory nature conservation body under the Conservation of Habitats and Species Regulations 2017 ('Habitats Regulations') in respect of the Habitats Regulation Assessment ('HRA') process; and
- Natural England is the consenting and licensing authority in respect of protected species and operations likely to damage the protected features of SSSIs pursuant to the Wildlife and Countryside Act 1981 (WCA 1981) and in relation to European protected species under the Habitats Regulations.

2.1.3 In more general terms aside from its responsibilities under 2008 Act, Natural England is responsible for:

- promoting nature conservation and protecting biodiversity, conserving and enhancing the landscape;
- securing the provision and improvement of facilities for the study, understanding and enjoyment of the natural environment;
- promoting access to the countryside and open spaces; and
- encouraging open-air recreation and contributing in other ways to social and economic well-being through management of the natural environment.

### 3.0 SUMMARY OF CONSULTATION

3.1.1 Consultation and technical engagement has been ongoing with Natural England since the scoping stage for the Proposed Development (June 2020). Consultation comments received from Natural England for the Proposed Development are presented in Table 3.1 below.

**Table 3.1: Consultation Summary**

Date	Details
June 2020 (consultation on Environmental Impact Assessment (EIA) Scoping)	<p>Natural England were consulted by NLC in respect of a request made by the Applicant for an EIA Scoping Opinion for the Consented Development.</p> <p>Response by Natural England on 25 June 2020 provided advice on the scope of the EIA.</p>
January/ February 2021 (formal Stage 2 Consultation/response)	<p>Natural England provided advice on cofferdam installation and removal, bank protection mitigation, lamprey, eel screens, Humber Estuary SSSI, water vole, bats, birds, local sites and priority habitats and species, lichens and process contributions.</p> <p>Natural England confirmed that the critical level for Risby Warren should remain at the lower level defined for the protection of bryophytes and lichens, but that the higher critical level can be applied to Broughton Alder and Broughton Far Wood.</p> <p>A copy of Natural England’s response is provided in Appendix 1.</p>
April 2021 (Publicity of Draft Application and Targeted Re-Consultation under Section 42 of the Planning Act 2008)	<p>Natural England confirmed that the proposed amendments to the original application by the Applicant were unlikely to have significantly different impacts on the natural environment than the original proposal.</p>

<b>Date</b>	<b>Details</b>
Natural England Relevant Representation dated 02 September 2021 (RR-010)	Natural England within their Relevant Representation outlined a summary of what they consider to be the main nature conservation issues in relation to the DCO application.
Further correspondence and updated HRA documents during examination (January to February 2022)	Meeting and follow up to discuss the updates required to HRA documents following the Relevant Representation.
March 2022 (Proposed Development Changes consultation)	Natural England submitted a letter on 14 March 2022 (copy provided in Appendix 1) providing comment and requesting further information on the Proposed Development Changes being sought by the Applicant.

## 4.0 MATTERS AGREED

4.1.1 The below Table 4.1 contains a list of ‘matters agreed’ along with a concise commentary of what the item refers to and how it came to be agreed between the two parties.

**Table 4.2: List of Matters Agreed between the Applicant and Natural England**

Matter Agreed	Commentary
Consultation	<p>A summary of pre-application consultation is contained in the Consultation Report (<b>APP-030</b>) and ES Volume I (<b>APP-058</b>) and in Section 3 of this SoCG. It is agreed that the consultation summary in Section 3 of this SoCG provides an accurate record of consultation with Natural England on pre-application matters.</p> <p>Post-submission of the DCO Application, further engagement was undertaken between the parties, following receipt of the Relevant Representation from Natural England. This included a meeting on 17 September 2021 and further email discussion. Natural England also provided comment in March 2022 on the Proposed Development Changes.</p>
Air Quality	<p>Natural England stated in their Relevant Representation that active diffusion tube monitoring was undertaken for a year, however, it did not appear that results of this work had been incorporated into the air quality assessment. Natural England recommended that the results of this monitoring report be included within the air quality assessment. The Applicant has confirmed that the diffusion tube monitoring results have been taken into consideration in the HRA Appropriate Assessment. The Parties are agreed that the correct approach has been taken and the results of the monitoring have been incorporated correctly within the updated HRA Appropriate Assessment. It is agreed that the updated air quality information within the updated HRA Appropriate Assessment submitted into examination at Deadline 1 addresses the points requested by Natural England in their Relevant Representation. It is also agreed that the updated air quality information within the updated HRA Appropriate Assessment submitted into</p>

Matter Agreed	Commentary
	<p>examination at Deadline 5 (REP5-037) and the ES Addendum (REP5-045 to REP5-048) addresses the points requested by Natural England in their comments on the Proposed Development Changes.</p>
<p>Ecology including Habitats Regulations Assessment</p>	<p><b>Habitats Regulations Assessment:</b>            Following the Relevant Representation and the corresponding additional clarity provided in the updated HRA report, it is agreed that the Proposed Development does not adversely affect the integrity of the SAC or SPA or any other designated site, and in particular the following points are adequately addressed:</p> <ul style="list-style-type: none"> <li>• 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 Special Area of Conservation (SAC) and the Humber Estuary Special Protection Area (SPA) and Ramsar subject to mitigation being secured;</li> <li>• that the Proposed Development is not likely to damage features of interest of Humber Estuary Site of Special Scientific Interest (SSSI), subject to mitigation being secured;</li> <li>• the level of detail around habitat loss, including information on the concrete apron and existing dredging and replenishment of silts along the river bank at the proposed River Water Abstraction Option is appropriate to assist Natural England;</li> <li>• water quality effects on European Sites described in the updated HRA have been adequately assessed;</li> <li>• noise and visual disturbance to designated bird species associated with the Humber Estuary SPA/ Ramsar has been adequately assessed, using the 50dB precautionary level advised by Natural England, and considering the noise modelling findings provided by the Applicant to sensitivity check the findings of noise impacts on birds.</li> </ul>



Matter Agreed	Commentary
	<p>As such, the Habitats Regulations Assessment (HRA) (<b>APP-041</b>) has been updated to reflect these changes and add further detail to clarify the Applicant's position. Natural England agrees that the updates address the matters previously raised.</p> <p>It is also agreed that the updated ecological information within the updated HRA Appropriate Assessment (REP5-037) and the ES Addendum (REP5-045 to REP5-048) submitted into examination at Deadline 5 addresses the points raised by Natural England in their comments on the Proposed Development Changes.</p>

**Net Gain and Enhancement**

Natural England noted in their Relevant Representation that the Proposed Development Site encompasses an area of approximately 69.4 ha, however, only 17.9 ha has been assessed using the Biodiversity Metric to establish the habitat baseline. Natural England noted that their expected approach for establishing the habitat baseline is to assess all habitats within the ‘red line’ of a development. However, the Applicant explained at the meeting on 17<sup>th</sup> September 2021 that the calculation was based on areas of the Proposed Development Site that had the potential to be directly affected by works and that the red line also includes several areas that would remain undisturbed. It was also noted that at the time of the assessment, biodiversity net gain (BNG) was not mandated for DCO applications.

It was agreed that the Applicant would update the assessment to include the whole red line boundary or to set out the rationale for why this is not to be undertaken. The Applicant provided an update to the assessment consistent with Metric 3.0 methods at Deadline 5 (REP5-035).

It is agreed that biodiversity protection management and enhancement measures would be adequately secured in the draft DCO (**APP-005**) under Requirement 6. Draft Requirement 6 is worded as follows:

*“6.—(1) No part of the authorised development may commence until a landscaping and biodiversity protection plan for that part has been submitted to and approved by the relevant planning authority.*

*(2) The plan submitted and approved pursuant to sub-paragraph (1) must include details of and a timetable for implementation of—*

*(a) further survey work carried out to establish whether any protected species are present on any of the land affected, or likely to be affected, by that part, and, where a protected species is shown to be present, a scheme of protection and mitigation measures;*

*(b) measures to protect existing shrub and tree planting that is to be retained; and*

*(c) biodiversity and habitat mitigation and impact avoidance.*

*(3) The plan submitted and approved pursuant to sub-paragraph (1) must be implemented as approved throughout the construction of the authorised development unless otherwise agreed with the relevant planning authority.*

*(4) No part of the authorised development may be commissioned until a landscaping and biodiversity management and enhancement plan for that part has been submitted to and approved by the relevant planning authority.*

*(5) The plan submitted and approved pursuant to sub-paragraph (4) must include details of—*

*(a) implementation and management of all new shrub and tree planting;*

*(b) measures to enhance and maintain existing shrub and tree planting that is to be retained;*

*(c) measures to enhance biodiversity and habitats within Order Land or alternatively outwith the Order Land if accompanied by detailed implementation incorporating an implementation timetable;*

*(d) an implementation timetable and responsibilities for implementation by third parties where appropriate; and*

*(e) annual landscaping and biodiversity management and maintenance.*

*(6) Any shrub or tree planted within Works Nos. 1-11 as part of the approved plan that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless otherwise agreed with the relevant planning authority.*

*(7) The plan submitted and approved pursuant to sub-paragraph (4) must be in accordance with the principles of the indicative landscaping and biodiversity management and enhancement plan.*

*(8) The plan must be implemented and maintained as approved during the operation of the authorised*

Matter Agreed	Commentary
	<p><i>development unless otherwise agreed with the relevant planning authority.”</i></p> <p>Construction control measures to be used are outlined in the Framework Construction Environmental Management Plan (CEMP) provided in <b>APP-160</b>. The final CEMP will be submitted for approval by the relevant planning authority in consultation with Natural England, in order to discharge Requirement 17 of the draft DCO (<b>APP-005</b>). Draft Requirement 17 is worded as follows:</p> <p><i>“17.—(1) No part of the authorised development may commence, save for the permitted preliminary works, until a construction environmental management plan has been submitted to and approved by the relevant planning authority.</i></p> <p><i>(2) The plan submitted and approved must be in accordance with the framework construction environment management plan and incorporate—</i></p> <ul style="list-style-type: none"> <li><i>(a) a code of construction practice, specifying measures designed to minimise the impacts of construction works;</i></li> <li><i>(b) a scheme for the control of any emissions to air;</i></li> <li><i>(c) a soil management plan;</i></li> <li><i>(d) a site waste management plan;</i></li> <li><i>(e) a sediment control plan;</i></li> <li><i>(f) a scheme for environmental monitoring and reporting during the construction of the authorised development, including measures for undertaking any corrective actions; and</i></li> <li><i>(g) a scheme for the notification of any significant construction impacts on local residents and for handling any complaints received from local residents relating to such impacts during the construction of the authorised development.</i></li> </ul> <p><i>h) the contaminated land scheme for that part containing the matters under Requirement 15; and</i></p> <p><i>(i) a fish management plan</i></p> <p><i>(3) All construction works associated with the authorised development must be carried out in</i></p>

Matter Agreed	Commentary
	<p><i>accordance with the approved construction environmental management plan unless otherwise agreed with the relevant planning authority.”</i></p> <p>It is agreed that these measures, if implemented, are sufficient to prevent significant adverse effects on internationally designated sites or protected species.</p>
Landscape	<p>The proposed extended area to the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) has been considered and assessed within Chapter 14: Landscape and Visual Amenity (ES Volume I) (<b>APP-057</b>). It is agreed that the construction of the Proposed Development would result in minimal change to the landscape character and tranquility of the proposed AONB extension, as reported in the ES as a minor adverse (not significant) effect during construction and operation.</p>
Draft DCO	<p>A number of updates to the draft DCO (<b>APP-005</b>) are proposed by Natural England in their Relevant Representation based on the discussion points above i.e. Natural England proposes that the DCO should secure:</p> <ul style="list-style-type: none"> <li>• the measures to reduce water pollution impacts during construction of the development;</li> <li>• the use of soft-start methods for piling activity to allow migrating lamprey species associated with the Humber Estuary SAC to pass the development site before piling begins;</li> <li>• use of the abatement measures to reduce the NOx and ammonia emissions from the development;</li> <li>• avoidance of the wintering bird period for the cofferdam installation and associated piling works, to prevent noise and visual disturbance to the designated features of Humber Estuary SPA;</li> <li>• a measure stating that if the River Water Abstraction option is chosen then the developer should ensure any mudflat habitat</li> </ul>

Matter Agreed	Commentary
	<p>lost due to the installation of the cofferdam is re-established within a 5 year period. If it is not then the developer would be responsible for reinstatement.</p> <p>In relation to the matters that Natural England has asked to be secured by the draft DCO, it is agreed that the Applicant update the Draft DCO (APP-005):</p> <ul style="list-style-type: none"> <li>a) where updates to HRA rely on water pollution prevention measures specific to the Humber Estuary (as opposed to measures which are ‘standard’); and</li> <li>b) following updates to the HRA proposed to demonstrate the minimal loss of bank habitat, including describing the existing concrete apron and existing dredging which is undertaken including replenishment of silts along the river bank at the intake location in the River Trent.</li> </ul> <p>For point a) identified above Natural England are satisfied that treatment of sewage and ‘grey water’ produced during the construction phase has been secured in requirement 13 of the dDCO. As stated above Natural England will also be consulted on the CEMP submitted to the LPA in line with requirement 17.</p> <p>For point b identified above Natural England are satisfied with the information provided in the Habitats Regulations Assessment dated April 2022 which states that the affected area of habitat coincides with the Keadby 1 concrete apron, upon which maintenance is undertaken periodically. The HRA also states that the habitat is likely recoverable within 2 years given the current permitted maintenance intervals. Therefore we advise there isn’t a requirement to secure reinstatement within the DCO.</p> <p>It is agreed that any wording of updates to the draft DCO will be made in consultation with Natural England.</p>

Matter Agreed	Commentary
	<p>It is agreed that the wording of the Deemed Marine Licence 'During Construction, Operation and Maintenance' condition (No. 18 DML) which is included in the draft DCO (APP-005) adequately secures the use of soft-start procedures within the DCO and that no further changes to the DCO in this respect are necessary.</p> <p>In the latest draft DCO dated April 2022 NE advise the following points have been adequately addressed;</p> <ul style="list-style-type: none"> <li>• The measures to reduce water pollution impacts during the construction phase of development have been secured via requirement 13 of the DCO, specifically part 1.</li> <li>• The use of abatement measures to reduce NOx output during the operation phase of the development have been secured in Work 1A of Schedule 1 in the draft DCO which states the following will be secured;             <ul style="list-style-type: none"> <li><i>i. nitrogen oxide emissions control equipment and chemical storage;</i></li> <li><i>ii. chemical sampling / dosing plants; and</i></li> <li><i>iii. continuous emissions monitoring system.'</i></li> </ul> <p>Also secured are ammonia (NH3) control measures as outlines in Work 1C of Schedule 1, which states;</p> <ul style="list-style-type: none"> <li><i>iv. 'ammonia emissions monitoring and control equipment and associated chemical storage'. We find the wording acceptable on the assumption that the equipment will be used to carry out the mitigation as outlined in the Habitats Regulations Assessment.</i></li> </ul> </li> <li>• The requirement to avoid the wintering bird period for the cofferdam installation and associated piling works is secured in requirement 5(4d) of the draft DCO, which</li> </ul>

<b>Matter Agreed</b>	<b>Commentary</b>
	<p>states that <i>'method and timing of installation and removal of any cofferdams at the intake and outfall points'</i> must be submitted before commencement of the work. In addition, section 6.3.15 of the HRA advises that the wintering period will be avoided, and the installation will be carried out between the months of May and August. However, Part 3 (19) advises that the avoidance of the wintering period is for salmon only. We recommend that the DCO is updated to state that avoidance of the wintering period is also to prevent impacts to Humber Estuary wintering birds and migrating lamprey.</p>

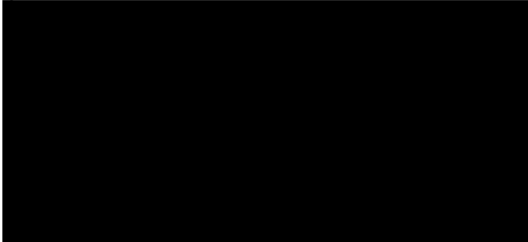


## **5.0 MATTERS NOT AGREED AND NEXT STEPS**

5.1.1 This SoCG sets out the agreements that have been reached between the Parties to date in respect of the matters relating to the Proposed Development requested by the ExA outlined in Section 1.7 of this SoCG.

5.1.2 There are no matters outstanding between the Parties.

Signed

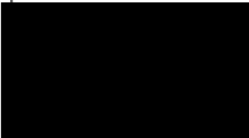


Lauren Forecast, Team Leader, Yorkshire and northern Lincolnshire

Signed On behalf of Natural England

Date: 10 May 2022

Signed



Richard Lowe, Director, AECOM Ltd

Signed On behalf of Keadby Generation Ltd

Date: 10 May 2022

## 6.0 REFERENCES

HM Government (2020a) *Energy White Paper, Powering our Net Zero Future.*

SSE (2020) *A Greenprint for Building a Cleaner More Resilient Economy.*

SSE plc (2020b) *Our Strategy.*

Date: 20 January 2021  
Our ref: 335306  
Your ref: EN010114



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**BY EMAIL ONLY**

Dear DWD LLP on behalf of SSE Generation Ltd

**Consultation in accordance with Section 42 of the Planning Act 2008:** Keadby 3 Low Carbon Gas Power Station Project – Application For A Combined Cycle Gas Turbine (CCGT) Power Station, Comprising A CCGT Unit With A Capacity Of Up To 910 Megawatts Electrical Output (Gross), Carbon Capture And Compression Plant, A CO2 Export Pipeline Connection, And Associated Development At Land At And In The Vicinity Of The Existing Keadby Power Stations (Keadby 1 And Keadby 2), Keadby, Near Scunthorpe, North Lincolnshire

Thank you for your consultation on the above dated 20 November 2020.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**SECTION 42 PLANNING ACT 2008  
CONSERVATION OF HABITATS & SPECIES REGULATIONS 2017 (AS AMENDED)**

**Internationally and nationally designated sites**

The application site is in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site is within and adjacent to the Humber Estuary Special Protection Area (SPA) and Special Area of Conservation (SAC), which are European sites. The site is also listed as Humber Estuary Ramsar site<sup>1</sup> and notified at a national level as Humber Estuary Site of Special Scientific Interest (SSSI).

The designated sites relevant to this application are:

- Humber Estuary Special Protection Area (SPA)
- Humber Estuary Special Area of Conservation (SAC)
- Humber Estuary Ramsar site
- Humber Estuary Site of Special Scientific Interest (SSSI)

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<sup>1</sup> Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

In addition, there are a number of designated sites within 15km of the proposed development site, which require assessment for potential operational air quality impacts:

- Thorne Moor SAC
- Hatfield Moor SAC
- Thorne, Crowle and Goole Moors SSSI
- Hatfield Moors SSSI
- Crowle Borrow Pits SSSI
- Hatfield Chase Ditches SSSI
- Eastoft Meadow SSSI
- Belshaw SSSI
- Risby Warren SSSI
- Epworth Turbary SSSI
- Messingham Heath SSSI
- Tuetoes Hills SSSI
- Messingham Sand Quarry SSSI
- Haxey Turbary SSSI
- Rush Furlong SSSI
- Manton and Twigmoor SSSI
- Scotton and Laughton Forest Ponds SSSI
- Hewson's Field SSSI
- Broughton Far Wood SSSI
- Broughton Alder Wood SSSI
- Scotton Beck Fields SSSI
- Scotton Common SSSI
- Laughton Common SSSI

#### *Potential Noise, Vibration and Visual Disturbance Impacts During Construction And Operation*

Natural England concurs that the construction of the proposed development has the potential to affect the designated features of the Humber Estuary SAC, Ramsar and SSSI, if the existing water intake and outfall structures on the River Trent need to be upgraded. In particular, if the proposed development results in the permanent loss of habitat within the designated sites.

We note that at 12.3.52 in Chapter 12 of the Preliminary Environmental Information Report (PEIR), it suggests that “cofferdam installation or removal would be timed to minimise ecological impacts from the structure (e.g. relating to fish migration in the River Trent)” to prevent disturbance impacts. Natural England welcomes this and recommends that these activities are carried out outside of the lamprey species' migration periods.

We note that at 11.6.12 in Chapter 11, it suggests that “the duration of any cofferdam(s) being in place will also be minimised to reduce the potential for erosion and scour impacts”. Natural England recommends that an estimation of the length of time that the cofferdams will be in-situ should be provided within the Habitats Regulations Assessment (HRA) to enable assessment of the potential impacts over time, i.e. scour and erosion. We note that 11.6.12 also mentions that “other bank protection mitigation can also be applied to further reduce the potential for erosion and scour impacts”. We advise that further information should be provided to demonstrate when it would be appropriate to use these additional bank protection mitigation measures.

Lamprey do have the potential to occur year round as migration downstream to the estuary/sea occurs when they are a certain size c.15cm, rather than age. Lamprey at this size are small in diameter,

therefore, water abstraction during the operational phase has the potential to affect a significant portion of the Humber lamprey populations. Natural England would need to be satisfied that sufficient assessment of the potential impacts on lamprey species has been carried out within the HRA, including assessment of:

- potential barrier effects
- risk of impingement/entrainment
- in combination effects of extracting/discharging large volumes of water multiple times within c.300m.

In addition, evidence should be provided on the effectiveness of the eel screens in limiting impingement/entrainment to ensure minimal mortality rates of lamprey.

If water abstraction/ discharge takes place via the Canal. Natural England is of the opinion that the same screening considerations to that of the river abstraction should take place.

#### *Potential Water Quality and Surface Water Drainage Impacts During Construction And Operation*

Natural England welcomes the measures outlined at 12.5 and 12.6 Chapter 12 Water Environment of the PEIR, which are to be included within a Construction Environmental Management Plan (CEMP). It is stated that the CEMP will detail measures to avoid, prevent and reduce the adverse effects on the water environment, as well as measures to deal with accidental pollution.

Natural England advises that the CEMP should also consider the following risks to prevent impacts on the Humber Estuary SSSI/ SAC/ Ramsar:

- Potential impacts that may occur when discharging the water from the cooling system into the River Trent. Measures to avoid or prevent these impacts should be detailed, if required. This may need to include an assessment of the potential risks from a change of temperature to the watercourse;
- Section 12.3.14 states that surface water runoff from the proposed development may include 'urban diffuse pollutants'. The CEMP should include an assessment of the risk these pollutants pose to the Humber Estuary designated sites, along with suitable treatment measures if required.

#### *Potential Air Quality Impacts During Operation*

Natural England attended a meeting with AECOM on 15 January 2021, in this meeting the consultants requested further confirmation on the appropriate environmental thresholds for ammonia emissions at a number of SSSIs. We have not yet finalised a response for all of the sites and therefore we will provide advice on air quality impacts on both European sites and SSSIs as soon as possible, once we have gathered all of the required information.

### **WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)**

#### **Sites of Special Scientific Interest**

Natural England notes that the application site is located in close proximity to the Humber Estuary SSSI. Based on the plans submitted, Natural England considers that the proposed development could have potential significant effects on the interest features for which the site has been notified. Our advice

regarding the potential impacts upon the Humber Estuary SSSI coincide with our advice regarding the potential impacts upon the Humber Estuary SPA / SAC / Ramsar as detailed above.

In addition, Natural England notes that there are a number of designated sites within 15km of the proposed development site (as listed above), which require assessment for potential operational air quality impacts.

#### *Potential Air Quality Impacts During Operation*

Natural England attended a meeting with AECOM on 15 January 2021, in this meeting the consultants requested further confirmation on the appropriate environmental thresholds for ammonia emissions at a number of SSSIs. We have not yet finalised a response for all of the sites and therefore we will provide advice on air quality impacts on both European sites and SSSIs as soon as possible, once we have gathered all of the required information.

#### **Other Advice**

Natural England offers the following additional advice:

#### **Protected species**

We note the suite of ecological field surveys that have been undertaken as detailed in Table 11.4 in Chapter 11. We welcome the proposed avoidance / mitigation measures and pre-construction checks as set out in Section 11.7 of the report and the creation of a Landscaping and Biodiversity Management and Enhancement Plan (LBMEP).

Natural England has produced [standing advice](#)<sup>1</sup> to help competent authorities and developers better understand the impact of development on protected or BAP species. We have also provided additional comments on the potential impacts on protected species below:

#### *Water vole*

Annex 11F Riparian Mammal Survey Report found evidence of water voles throughout the drains on the proposed development site. Natural England recommends that water vole displacement should be implemented where work will impact sections of watercourse used by water vole, this includes the development of access bridges over the drains. The developer should also ensure adjacent areas provide suitable water vole habitat prior to displacement. A licence for this activity should be secured from Natural England prior to commencement of development.

The habitat enhancement measures outlined at 11.6.53 are welcomed by Natural England. These measures should be further detailed within the LBMEP.

#### *Bats*

Annex 11C of the Preliminary Ecological Appraisal includes an assessment of the trees with features of potential suitability for roosting bats. This survey found two trees with attached bat boxes. The developer should clarify whether these trees are to be retained on site as part of the development. If they are not retained, and the boxes are either removed or relocated, the status of the roost should be determined through appropriate survey methods. If bat roosts are confirmed, such works will be subject to a European Protected Species licence from Natural England.

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<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

## *Badgers*

Section 3(e) of the Protection of Badgers Act 1992 makes it an offence for a person to interfere with a badger sett by disturbing a badger that is occupying the sett.

Works within 30m of the sett will only be allowed to be carried out between July and November, outside of the breeding season. Due to the proximity of the development site to a main badger sett the developer will be required to seek out a licence with Natural England prior to any works commencing where there is a possibility of disturbance to badgers using the sett.

Natural England supports the implementation of general good practice measures to prevent badgers and other ground dwelling animals from becoming trapped in excavated pits.

## *Birds*

Natural England notes the Preliminary Ecological Appraisal Report identified that the onsite breeding population of one species, willow tit, is of county importance. In addition, we note that little ringed plover is not threatened, but it is a scarce breeding species, so the population at this site is also considered of county importance. The developer is advised to speak to the ecologist at the local authority to ensure there is not a net loss of habitat for these species due to the development and to identify how habitat mitigation can be incorporated into the ecological enhancement area.

## **Local sites and priority habitats and species**

Natural England does not hold locally specific information on local sites and therefore has not provided specific advice regarding the proximity of these sites and the potential impact of the development.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites.

Natural England notes the Preliminary Ecological Appraisal Report identified Keadby Boundary Drain to the North of the development site as a Local Wildlife Site (LWS). The developers should contact the ecologist at the local authority to determine what measures should be implemented to safeguard this site during the construction and operation of the development.

Natural England notes that open mosaic habitat and acid grassland priority habitats have been identified around the former Keadby ash tip. The footprint of the proposed development avoids these areas, however, they are in close proximity, therefore if any potential mitigation and/or enhancement measures are provided, these should be further detailed within the LBMEP.

## **Landscape**

The proposal is not located within or in the vicinity of any nationally designated landscapes. We support the use of the *Guidelines for Landscape and Visual Impact Assessment (3rd Edition)* in carrying out the landscape and visual assessment as set out in Chapter 14 of the PEI report.

## **Best and most versatile agricultural land and soils**

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and



water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

Natural England notes that 8.6ha of agricultural land within the development area has been assessed as 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system.

In order to inform the design and soil handling plan for the development, we therefore recommend that the applicant undertakes a Soil Resources Survey in line with the Defra Construction Code for the Sustainable Use of Soil on Construction Sites in order to inform the design and construction of development, and protect soil resources. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### **Environmental and Biodiversity Enhancement**

Natural England welcomes that there is a commitment to creating a gain for biodiversity and that a Landscape and Biodiversity Management and Enhancement Plan will be developed for the proposed development.

Natural England believes that Nationally Significant Infrastructure Projects can make a significant contribution to delivering the environmental ambition in the Government's 25 Year Environment Plan. This aims to deliver an environmental net gain through development and infrastructure.

For any queries relating to the specific advice in this letter please contact Hannah Gooch at [REDACTED] For any new consultations, or to provide further information on this consultation please send your correspondence to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Hannah Gooch  
Yorkshire and Northern Lincolnshire Area Team  
Natural England

Date: 18 February 2021  
Our ref: 335306  
Your ref: EN010114



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**BY EMAIL ONLY**

Dear DWD LLP on behalf of SSE Generation Ltd

**Consultation in accordance with Section 42 of the Planning Act 2008:** Keadby 3 Low Carbon Gas Power Station Project – Application For A Combined Cycle Gas Turbine (CCGT) Power Station, Comprising A CCGT Unit With A Capacity Of Up To 910 Megawatts Electrical Output (Gross), Carbon Capture And Compression Plant, A CO2 Export Pipeline Connection, And Associated Development At Land At And In The Vicinity Of The Existing Keadby Power Stations (Keadby 1 And Keadby 2), Keadby, Near Scunthorpe, North Lincolnshire

Thank you for your consultation on the above dated 20 November 2020. Please note that the information below should be read alongside our previous response dated 20 January 2021. The advice below relates to air quality only.

In our main response dated 20 January 2021, we commented that unfortunately we were unable to provide advice regarding your air quality assessment and specific queries raised at an earlier meeting within the deadline. We have now reviewed the air quality information, please find below our response for your consideration.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**SECTION 42 PLANNING ACT 2008  
CONSERVATION OF HABITATS & SPECIES REGULATIONS 2017 (AS AMENDED)  
WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)**

*Potential Air Quality Impacts During Operation*

Natural England notes that the Air Quality assessment provided with the consultation has screened the proposal to check for the likelihood of significant effects from aerial emissions on the above named European sites.

Natural England is satisfied that a likely significant effect from both proposed annual and 24 hour mean nitrogen oxide concentrations can be ruled out alone at all of the designated sites in question and/or will not damage or destroy the interest features for which the SSSIs have been notified. Where a proposal is below the screening threshold alone, it must still be considered by applying the same screening

threshold 'in-combination' with other relevant plans or projects. Natural England notes that an in-combination assessment has not yet been provided, however, we anticipate that this will be included in the final Environmental Statement.

At the meeting held between Natural England and AECOM on 15 January 2021, Natural England agreed that we would confirm the appropriate ammonia thresholds for a number of sites. Please find our advice on this below:

- At Crowle Borrow Pits, Broughton Far Wood and Broughton Alder Wood SSSIs, lichens and bryophytes are present on site, however, they are not a reason for the SSSI designation nor an integral part of a SSSI feature. Therefore Natural England accepts that the higher threshold can be applied for these sites.
- Natural England advises that the lower threshold should be applied for Risby Warren SSSI. Lichen heath (NVC code U1a) is a SSSI feature, although it is no longer present on the site due to air pollution impacts. Lichen heath is also a feature of Messingham Heath and Manton and Twigmoor SSSIs.
- Natural England is satisfied that the higher threshold can be applied for Belshaw SSSI, as it is designated for a colony of greater yellow-rattle *Rhinanthus angustifolius*.

Natural England notes that a number of sites have been screened out from any further assessment because the process contributions (PCs) have been rounded down to a whole number, suggesting that the PCs do not exceed the 1% thresholds. Natural England does not accept this approach. Our concern is that this could lead to situations where there are multiple process contributions, for example, 1.1% + 1.3% being screened out entirely, but when added together are significant. Where any PC has exceeded the 1% threshold, this triggers the requirement for an appropriate assessment to be undertaken and/or further assessment to demonstrate that the proposed emissions will not damage or destroy the interest features for which the SSSIs have been notified.

Natural England is of the opinion that further assessment should be provided to demonstrate that the proposed ammonia emissions on Risby Warren, Messingham Heath, Tuetoes Hills, Manton and Twigmoor, Scotton and Laughton Forest Ponds, Scotton Beck Field and Scotton Common SSSIs will not damage or destroy the interest features for which the SSSIs have been notified.


Natural England is of the opinion that further assessment should be provided to demonstrate that the proposed Nutrient Nitrogen deposition rates on Crowle Borrow Pits, Risby Warren, and Broughton Far Wood SSSIs will not damage or destroy the interest features for which the SSSIs have been notified.

Natural England is of the opinion that further assessment should be provided to demonstrate that the proposed acid deposition on Scotton and Laughton Forest Ponds and Broughton Far Wood SSSIs will not damage or destroy the interest features for which the SSSIs have been notified.

Recent case law (Dutch Nitrogen ruling) makes it clear that small contributions should not be disregarded entirely. Where a site is in an unfavourable ecological state or condition or exceeds the environmental benchmarks, potential additional damaging effects will need careful justification. A key part of the assessment will be whether or not there is a real risk of the project compromising the ability to achieve favourable condition targets at the SSSI.

Finally, Natural England notes that an in-combination assessment has not yet been provided, however, we anticipate that this will be included in the final Environmental Statement.

For any queries relating to the specific advice in this letter please contact Hannah Gooch at

 For any new consultations, or to provide further information on this consultation please send your correspondence to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Hannah Gooch  
Yorkshire and Northern Lincolnshire Area Team  
Natural England