

Date: 23 May 2022  
Our ref: 388992  
Your ref: EN010114



[keadby3@planninginspectorate.gov.uk](mailto:keadby3@planninginspectorate.gov.uk)

**BY EMAIL ONLY**

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

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 03 May 2022. As requested, please find our response to the Report on the Implications for European Sites (RIES).

**4.2.3 The latest SoCG (unsigned) [REP6-006] indicates that NE has agreed that the Proposed Development would not adversely affect the integrity of the Humber Estuary SAC, SPA and Ramsar. Thorne Moor SAC, Hatfield Moor SAC and Thorne and Hatfield Moors SPA are not specifically mentioned.**

Natural England advises that due to the distance from the development site the anticipated potential impacts to Thorne Moor SAC, Hatfield Moor SAC and Thorne and Hatfield Moors SPA were for air quality. The HRA produced by the applicant demonstrates that air quality impacts to these sites will not be significant. Therefore, we advise this matter has been sufficiently addressed.

**3.1.9 The Applicant is requested 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? NE to comment.**

Section 5.2.26 of the most recent HRA (May 2022) states measures which are to be carried out during the dewatering of the cofferdam.

Further to this, we highlight the following is stated in the SoCG between Natural England and the applicant (May 2022);

*“Construction control measures to be used are outlined in the Framework Construction Environmental Management Plan (CEMP) provided in APP-160. 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 (APP-005). Draft Requirement 17 is worded as follows:*

*“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.*

*(2) The plan submitted and approved must be in accordance with the framework construction environment management plan and incorporate—*

...

(i) a fish management plan”

As stated in the LBMEP (May 2022), the fish management plan is required to include details of the following;

“• appropriate timings to minimise potential for capture of sensitive fish species e.g. 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 CoW to oversee 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, e.g. to meet additional requirements of the relevant regulators, 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.”

**4.2.6. The currently unsigned SoCG with NE [REP6-006] states (Table 4.2) that the Parties are now agreed that the correct approach has been taken and the results of the monitoring have been incorporated correctly within the updated HRA AA report [REP1-006]. It further states that the parties agree that the updated air quality information within the updated HRA AA submitted into examination at Deadline 1 addresses the points requested by NE in its Relevant Representation.**

Natural England has been in further discussion with the applicant regarding the requirement for ammonia abatement mitigation, as set out in the HRA. The latest signed SOCG (May 2022) sets out that we have agreed that the proposed amendment to the dDCO secures this mitigation, as set out in Work No. 1C of Schedule 1, which states ‘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 as mitigation, if required due to exceedance of critical thresholds, as detailed in the Habitats Regulations Assessment.

**4.2.10 The Applicant stated [REP1-021] that the wording in the DML (condition 19) would be updated to confirm avoidance of impact piling for cofferdam installation between 01 September and 31 March (as opposed to September and November). However, the unsigned SoCG with NE suggests that this is no longer the intention given that requirement 5(4)(d) requires the timing of installation and removal to be approved prior to commencement of the work.**

It has been agreed between the applicant and Natural England that an amendment will be made to the dDCO to state that the avoidance of the wintering period will also be for wintering birds. We are however happy that requirement 5(4)(d) states that timing of installation and removal of the cofferdam will need to be approved prior to commencement of the work. It is also stated within the HRA that works are planned for between the months of May to August “when flows are at their lowest which would not coincide with the period of presence for the non-breeding populations of the relevant bird species” of the Humber Estuary.

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