

Date: 17 March 2023
Our ref: 424598
Your ref: EN010116



BY EMAIL ONLY

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Dear Sir/Madam

NSIP Reference Name / Code: EN010116 North Lincolnshire Green Energy Park.

Thank you for your consultation on the above dated 02 March 2023. Please see Natural England's response to the Examiners Questions (ExQ2) below.

Q2.5.1.3

In discussions that Natural England have had with the applicant, they have advised that there will not be vehicle movements within 200m of the Humber Estuary SAC/SPA/Ramsar/SSSI due to relocation of the access road. This would allow this impact pathway to be screened out of further assessment. Natural England's understanding is that the potential impacts due to the generation of construction phase traffic associated with the proposed development will be updated to confirm the above details in the new version of the Habitats Regulations Assessment (HRA) which the developer is currently producing. Whilst Natural England considers that it is likely that our concerns on this matter will be resolved, we cannot confirm this until we have had the opportunity to review the updated HRA.

Q2.5.1.4

In discussions that Natural England have had with the applicant, they have advised that there will not be vehicle movements within 200m of the Humber Estuary SAC/SPA/Ramsar/SSSI due to relocation of the access road. This would allow this impact pathway to be screened out of further assessment. Natural England's understanding is that the potential impacts due to the generation of operation phase traffic associated with the proposed development will be updated to confirm the above details in the new version of the Habitats Regulations Assessment (HRA) which the developer is currently producing. Whilst Natural England considers that it is likely that our concerns on this matter will be resolved, we cannot confirm this until we have had the opportunity to review the updated HRA.

However, if this is not the case, Natural England's advice in our Relevant Representations letter (dated September 2022), and the Statement of Common Ground with the developer (dated 7 February 2023) advised that if the development will lead to increases in vehicle movements within 200m of a designated site, there will be a requirement to assess the potential emissions of NH₃, in addition to the NO_x emissions, due to the general transition towards the use of petrol and electric cars. The catalytic converters in these cars may aid in reducing NO_x emissions but result in

increased ammonia emissions. As we would question the ability to enforce the use of hydrogen vehicles only, this assessment would need to be undertaken even if use of hydrogen vehicles is preferred by the applicant. Natural England cannot advise how the use of hydrogen vehicles could be secured, as this would be a matter for the Local Planning Authority.

Q2.5.1.6

Natural England are currently awaiting an updated version of the HRA which should provide further detail on the impact of piling on lamprey and birds. We cannot assess the impacts without sight of the information in the HRA.

Our advice in the Statement of Common Ground on the piling works was provided on the understanding that bored (non-percussive) piling only will be utilised. For bored piling we advise that the updated HRA should still include an assessment of the predicted construction noise levels against the current background levels. Suitability of the proposed mitigation measures will then need to be assessed at the Appropriate Assessment stage of the HRA.

However, we also advise that if percussive or impact piling may be required, the potential impacts which may arise will also require assessment within the HRA, in addition to the bored piling option. The assessment should consider impacts to notified SPA/Ramsar/SSSI birds as well as lamprey. The use of impact or percussive piling is of more significant concern for birds than vibration-based piling as the process involves loud bangs, which are more disturbing than continuous noise. We advise that a measure of the maximum noise level should be included to determine the potential for disturbance. As with bored piling, proposed mitigation should be assessed at the Appropriate Assessment stage of the HRA.

Natural England have reviewed the information submitted in the Construction Code of Practice (CoCP) (dated February 2023). The mitigation measures stated in the CoCP to control noise and vibration include production of a full Construction Ornithology Management Plan (COMP). The outline COMP (appendix M) states the following measures could be included in the final document;

- notifying contractors in advance and avoiding working or certain types of work at particular locations at particular times and/or under particular conditions;
- working at reduced intensity or less noisily;
- ceasing work at a particular location and/or moving plant and machinery to other work areas that are less sensitive.

As stated above, the suitability of the proposed mitigation will need to be assessed in the HRA. However, we would advise that the phrasing of these measures is currently vague, and it is unclear on what mechanism would trigger the requirement for these measures to be undertaken. The suitability of the measures will need to be evidence based. Therefore we are currently not content with the mitigation measures set out in revised CoCP Appendix K for either percussive or non-percussive piling.

Q2.5.1.8

- i. Natural England have not provided an updated response to this date as there hasn't been a new submission of an updated HRA or air quality assessment which included the previously requested information. We advise that as per Natural England's relevant representation Part II Table 1 that Natural England key issue references 2, 4, 6, 8, 12, 14, 16, 18, 20 and 22 are still matters to be agreed and still outstanding in relation to the HRA (for impacts to European sites).

- ii. Natural England cannot change its position that there is still potential for adverse effects on the integrity of the European sites in question until we have seen the revised version of the HRA which is currently under production by the applicant. Natural England does not consider that it is at the stage where an assessment in accordance with the derogations should be commenced, as there is still a significant amount of assessment outstanding.

Yours faithfully

Lisa Sheldon
Yorkshire and Northern Lincolnshire Area Team
Natural England

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