

## Biofuelwatch Deadline 3 comments on Written Representations

### Comments on submissions by The Environment Agency

- We echo the EA's concerns (REP2-076) about the lack of a watercourse pollution prevention plan, including a contingency plan in case of an accident/pollution incident.
- In section F.R.W 1.3 of the Environment Agency's Responses to the Examining Authority's written questions (ExQ1), we are concerned that the Environment Agency agrees with the applicant's assertion that an earth embankment separating the habitat of great crested newts (GCN) would be likely to protect the great crested newts from harmful impacts during the construction of the proposed development.
- According to the Government's 'standing advice' for great crested newts as provided by Natural England ( [REDACTED] ), Great Crested Newts are listed as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006) and 'It is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly disturb GCN while they occupy a structure or place used for shelter or protection' or 'obstruct access to a place of shelter or protection'.
- The Government's advice for great crested newts concludes that developments would normally have a high impact on breeding ponds and terrestrial habitat within 50m of these ponds. Fragmentation of great crested newt habitat is also predicted to have a high impact on the species.
- Meanwhile, developments are expected to have a high to medium impact on non-breeding ponds occupied by great crested newts and on terrestrial habitat 50-250 metres surrounding non-breeding ponds. Even 'partial or temporary destruction or change to the habitat' is predicted to have a medium impact on great crested newts.

### Comments on Natural England REP2-085 Deadline 2 Submission - Written Representation and Responses to the Examining Authority's written questions (ExQ1)

- We share Natural England's continuing concerns (2.1.2: [REDACTED] ) about the impacts on internationally and nationally designated sites during the construction phases, including the impacts on wildlife from the loss of or disturbance to functionally linked land.
- These sites include the Lower Derwent Valley Special Area of Conservation (SAC), Lower Derwent Valley Ramsar, the Humber Estuary Special Area of Conservation (SAC), the Humber Estuary Special Protection Area (SPA), the Humber Estuary Ramsar, the River Derwent Special Area of Conservation (SAC), Skipwith Common Special Area of Conservation (SAC) and Thorne Moor Special Area of Conservation (SAC).

- The applicant's Habitat Regulations Assessment Volume 1 notes that these sites are important habitats for many species. For example, the Lower Derwent Valley SAC has 'a greater area of high quality examples of lowland hay meadows than any other site in the UK' and the valley is home to rare plants such as the narrow-leaved water dropwort.
- The Habitat Regulations Assessment Volume 1 also states that the Lower Derwent Valley SPA, which is 4.3 kilometres from the order limits, is 'of outstanding importance for a diverse range of waterbirds throughout the year'. These include wintering birds of international importance such as Lapwing, Pochard, Shoveler, Mallard and Wigeon.
- The Lapwing and Pochard are included in the 2021 Birds of Conservation Concern 5 red list (██████████)
- Similarly, Drax's Habitat Regulations Assessment Volume 1 notes that the Lower Derwent Valley Ramsar site represents 'one of the most important examples of traditionally managed species rich alluvial flood meadow habitat remaining in the UK. The river and flood meadows play a substantial role in the hydrological and ecological functioning of the Humber Basin.'
- The document states that the Lower Derwent Valley Ramsar site is an important habitat for many wetland invertebrates and the only known site in Great Britain where the *Cicadula ornata* leafhopper has been found. The valley is also a staging post for nationally important passage birds in spring, including Ruff (*Philomachus pugnax*) and Whimbrel (*Numenius phaeopus*).
- Both the Ruff and the Whimbrel are included in the 2021 Birds of Conservation Concern 5 red list. (██████████)
- It is therefore of particular concern that these habitats and species are at risk from the proposed development.
- We also share Natural England's concerns about the impacts on wildlife of acid and nitrogen deposition as well as ammonia from aerial emissions.
- Moreover, we agree with Natural England that there is a continuing risk of harm to protected species from the proposed development. These species include badgers (2.3.2) and SPA birds (4.1.5 table 1) which are likely to be impacted by the loss or disturbance of functionally linked land associated with the Humber Estuary SPA / Ramsar.
- With regard to the applicant's claim that 'the revised amines modelling has no material impact on ecological receptors due to the low contribution from amines to nutrient nitrogen (N) deposition and acid deposition', we agree with Natural England's conclusion that 'the impact of atmospheric breakdown products from emitted amines' should be considered in addition to deposition' due to the reactions of amines in the atmosphere.