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Subject: EN010120 Drax BECCS Natural England Deadline 4 response
Date: 28 March 2023 15:14:37
Attachments: [image001.png](#)
[426179 EN010120-Natural England Response - Deadline 4.pdf](#)

Good afternoon,

Please find attached Natural England's submission for Deadline 4.

This letter provides an update to our Written Representations Version 1.1 (dated 22 February 2023) on key issues where Natural England's position has changed in response to additional documents submitted at Deadline 2 and Deadline 3, or where more detailed advice is being provided. Our Written Representations Version 1.1 should be referred to for Natural England's advice on other issues within our remit and outstanding comments on the draft DCO.

Please let me know if you have any questions.

Kind regards,

Alice Megaw

Sustainable Development Lead Adviser

Yorkshire and Northern Lincolnshire Area Team

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Date: 28 March 2023
Our ref: 426179
Your ref: EN010120



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BY EMAIL ONLY

Dear Sir/Madam,

NSIP Reference Name / Code: EN010120

Title: Natural England's updated comments in respect of Drax Bioenergy with Carbon Capture and Storage Project, promoted by Drax Power Limited

Examining authority's submission deadline 28 March 2023

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.

For any further advice on this consultation please contact the case officer Alice Megaw at [REDACTED] and copy to [REDACTED]

Yours faithfully

Alice Megaw

Yorkshire and Northern Lincolnshire Area Team

Summary of Natural England's Advice

Natural England's advice is that, in relation to identified nature conservation issues within its remit, there is no fundamental reason of principle why the project should not be permitted. However, Natural England considers that the applicant has provided insufficient evidence and is not yet satisfied that the following issues have been resolved:

- **Nationally designated sites**
 - Impacts of acid deposition from aerial emissions on Barn Hill Meadows Site of Special Scientific Interest (SSSI) (Operation phase) ('amber').
- **Biodiversity net gain (BNG)**
 - Additional information is required to demonstrate that a 10% biodiversity net gain will be achieved ('amber').

Natural England consider that the following issues have now been resolved, subject to the completion of agreed revisions to the Habitats Regulations Assessment (HRA) for internationally designated sites issues, and subject always to the appropriate requirements being adequately secured for all relevant issues:

- **Internationally and nationally designated sites**
 - Impacts from potential loss of functionally linked land (Construction phase) ('green').
 - Impacts of acid deposition from aerial emissions (on internationally and nationally designated sites excluding Barn Hill Meadows SSSI) (Operation phase) ('green').
 - Impacts of nitrogen deposition from aerial emissions (Operation phase) ('green').
 - Impacts of ammonia from aerial emissions (Operation phase) ('green').
 - Proposed mitigation for aerial emissions (Operation phase) ('green').
- **Protected species**
 - Further information has been provided regarding badgers ('green').
- **Biodiversity net gain (BNG)**
 - Natural England are satisfied with the proposed approach to delivering a 10% net gain in river units for the project ('green').
 - The Habitat Provision Area within the order limits will be included as on-site in the Biodiversity Net Gain Assessment, and therefore subject to 10% net gain ('green').
- **Soils and best and most versatile agricultural land**
 - The Agricultural Land Classification (ALC) Grade has been calculated for all agricultural land subject to development or disturbance ('green').

Part I: Summary and Conclusions of Natural England's advice

1.1. Natural England's advice is based on information submitted by Drax Power Limited in support of its application for a Development Consent Order ('DCO') in relation to Drax Bioenergy with Carbon Capture and Storage Project ('the project').

1.2. This letter provides an update to our Written Representations Version 1.1 (dated 22 February 2023) on key issues where Natural England's position has changed in response to additional documents submitted at Deadline 2 and Deadline 3, or where more detailed advice is being provided.

1.3. Please note that our Written Representations Version 1.1 should be referred to for Natural England's advice on other issues within our remit and outstanding comments on the draft DCO.

1.4. Our comments are flagged as amber or green:

- Amber are those where further information is required to determine the effects of the project and allow the Examining Authority to properly undertake its task and or advise that further information is required on mitigation/compensation proposals in order to provide a sufficient degree of confidence as to their efficacy.
- Green are those which have been successfully resolved (subject always to the appropriate requirements being adequately secured)

1.5. Natural England is now satisfied that 'green' issues are unlikely to result in adverse effects on the integrity (AEol) of the following internationally designated sites, subject always to the appropriate mitigation/compensation as outlined in the application documents being adequately secured:

- Lower Derwent Valley Special Area of Conservation (SAC)
- Lower Derwent Valley Ramsar
- Humber Estuary Special Area of Conservation (SAC)
- Humber Estuary Special Protection Area (SPA)
- Humber Estuary Ramsar
- River Derwent Special Area of Conservation (SAC)
- Skipwith Common Special Area of Conservation (SAC)
- Thorne Moor Special Area of Conservation (SAC)

Part II: Natural England’s detailed advice

2.1. Table 1a provides an update to Table 1 from our Written Representations Version 1.1 (dated 22 February 2023) on key issues where Natural England’s position has changed in response to additional documents submitted at Deadline 2 and Deadline 3, or where we are providing more detailed advice.

Table 1a: Natural England’s detailed advice					
Natural England key issue reference	Topic	Issue summary (C) – construction phase (O) – operational phase	Natural England commentary and advice on the further information provided	Natural England comment on the mechanism for securing mitigation/compensation measures in the DCO	Risk
19	Internationally designated sites <ul style="list-style-type: none"> • Lower Derwent Valley SAC • Lower Derwent Valley Ramsar 	Impacts of acid deposition from aerial emissions on Lower Derwent Valley SAC/Ramsar designated features (alone and in-combination). (O)	<p>Natural England welcomes that the applicant has provided additional information on acid deposition and additional mitigation is now proposed to further reduce the emissions than outlined in the original Environmental Statement (ES) and Habitats Regulations Assessment (HRA). The Air Quality Technical Note 2 (WQ1 Appendix 5 – ref. 8.9.5) indicates that predicted acid deposition from the project alone, including this mitigation, will be 1% of the critical load at the Lower Derwent Valley SAC/Ramsar (Table 8 and Table 4.16 of the HRA).</p> <p>With the additional mitigation, the predicted acid deposition from the project in-combination will be 1.6% of the critical load at the Lower Derwent Valley SAC/Ramsar (Table 8 and Table 4.16 of the HRA) and the Predicted Environmental Concentration (PEC) will exceed 100% of the critical load.</p>	<p>Natural England notes that the monitoring, recording, and reporting to the regulator (Environment Agency) is considered appropriate to ensure emissions from the plant itself remain within the assumed emissions used in the assessments.</p> <p>We recommend inclusion of monitoring of the protected sites – though we note and acknowledge the applicant’s concerns, as outlined in BIO.1.27 in the applicant’s responses to the Examining Authority’s first written questions (document ref. 8.9). It is understood that such monitoring would be unlikely to identify impacts arising specifically from the proposed development, or to separate them from other impacts arising from elsewhere. As such, atmospheric or vegetation monitoring at the protected sites would not aim specifically to monitor environmental effects of the proposed scheme. Instead, it would provide support to the applicant’s claims that acid deposition</p>	Green

			<p>Further information is provided in the HRA in relation to the residual in-combination impact (e.g., section 4.3.54 onwards) and refers to habitat survey work and analysis (Appendix 7 document reference 6.8.3.7) to confirm the habitats present along the River Derwent SAC and Lower Derwent Valley SAC. The survey data (see Table 1 in Appendix 7) found evidence of agricultural improvement within a number of field units within and bordering the Lower Derwent Valley. The evidence of agricultural improvement suggests the surveyed locations are likely to be relatively insensitive to additional aerial nitrogen and acid deposition inputs.</p> <p>The applicant has also provided a habitat analysis report for this site, based on Natural England survey data (Habitats Regulations Assessment Volume 3 – Appendix 8 Lower Derwent Valley Habitats and Soil Analysis Reference 6.8.3.8), which concludes that neutral grassland is the most abundant broad habitat type - although a greater number of the plots sampled were in the ‘calcareous’ rather than ‘acid’ or acid-neutral’ pH ranges. It may therefore be more appropriate to conclude that the acid critical load for calcareous grassland is more relevant than that for acid, which allows for greater pH buffering capacity – making the site potentially less sensitive to acid deposition. This therefore supports the conclusion that the conservation objectives of these sites would not be undermined.</p>	<p>(and other pollution) in the area is decreasing, leading to improvement of the protected sites, and also that the precautionary assumptions within the modelling in the assessment were appropriate, to conclude that the conservation objectives of the protected sites would not be undermined (alone or in combination). Monitoring would provide confirmation of the continued reduction in impacts of atmospheric pollution at the protected sites, and any changes in plant communities resulting from that, rather than considering the proposed scheme specifically.</p> <p>However, it is accepted that this is not a necessary measure to ensure protection of the sites (as it would not be possible to attach to any “triggers” to highlight risk occurring requiring further protective measures to be employed) so will not require such a measure to be included in the DCO.</p>	
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			Having considered the assessment, and the measures proposed to mitigate for adverse effects that could potentially occur from acid deposition from aerial emissions as a result of the proposal, Natural England advises that we concur with the assessment conclusions that there will be no adverse effect on site integrity, providing that all mitigation measures are appropriately secured.		
20	Internationally designated sites <ul style="list-style-type: none"> • Thorne Moor SAC • River Derwent SAC 	Impacts of nitrogen deposition from aerial emissions on Thorne Moor SAC (in-combination) and River Derwent SAC designated features (alone and in-combination) (O)	<u>Thorne Moor SAC</u> The revised HRA indicates that there would be an in-combination exceedance of 1.3% of the critical load of Nitrogen deposition (para. 4.3.74) and the PEC will exceed 100% of the critical load. Previous concerns, as expressed in our written representations and at Deadline 2 were that no site-specific evidence was used to address how the deposition could affect the conservation objectives. The revised HRA (reference 6.8.1) provides this information and clarifies the relevance of the use of NECR210 to the Thorne Moor SAC site specifically – for example, by comparing the species referenced with the citation information from Thorne Moor SAC and data from the Thorne and Hatfield Moors Conservation Forum (para 4.3.79). It is concluded that the level of deposition and the potential consequential vegetative	As indicated in the comments under Key Issue 19, the monitoring, recording and reporting to the regulator (Environment Agency) is considered appropriate to ensure emissions from the plant itself remain within the assumed emissions used in the assessments. Although monitoring at the protected sites is recommended, for the reasons listed, it is not a required measure to be included in the DCO.	Green

			<p>change continue to fall within the bounds of natural variation and is predicted to lead to negligible (and imperceptible) effects across the SAC – a conclusion that appears justified based on the evidence presented and the overall comparatively low levels of nitrogen deposition (in combination). Similar conclusions are reached for acid deposition across Thorne Moor SAC (1.5% of the critical load in combination and the PEC exceeds 100% of the critical load).</p> <p>Having considered the assessment, and the measures proposed to mitigate for adverse effects that could potentially occur from nitrogen deposition from aerial emissions as a result of the proposal, Natural England advises that we concur with the assessment conclusions that there will be no adverse effect on site integrity, providing that all mitigation measures are appropriately secured.</p> <p><u>River Derwent SAC</u></p> <p>Natural England has reviewed the Technical Note on the River Derwent SAC (reference 6.8.3.7 - HRA Appendix 7 – SAC Habitat Monitoring). The survey work was focussed on inspections of habitats associated with the River Derwent SAC, to confirm the habitats present and hence to confirm the most appropriate habitats for use in air quality modelling of 'proxy habitats' for the river Derwent. This survey concluded that</p>		
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			<p>'fen, marsh, and swamp' habitat, was most appropriate, and the associated critical load was identified (15kgN/ha/year). Given the limitations outlined in the report, this critical load is considered appropriate and sufficiently precautionary. The assessment against this critical load predicted a maximum impact (Proposed Scheme alone, prior to the application of operational emissions abatement measures) of up to 0.4% of the critical load for nitrogen deposition alone and 0.7% in-combination¹.</p> <p>It is noted that the River Derwent SAC is recorded as being "not sensitive" to nitrogen deposition or acid deposition in Table 3.6 of the revised HRA – although the report does go on to assess the SAC against the "proxy" critical load for nitrogen deposition. APIS indicates the SAC is sensitive to both acid and nitrogen deposition, so it is incorrect to imply there is no sensitivity even though no critical loads are provided. However, the arguments made in the HRA at para. 3.5.50 onwards relating to the high acid buffering capacity and impact of acid deposition on other habitat and prey indicate that the conservation objectives of the River Derwent SAC will not be undermined by the modelled acid deposition. As well as the modelling against the proxy nitrogen</p>		
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¹ It is noted that the in-combination figures provided in the Appendix 7 report are different to those in the HRA. It is understood this was due to a drafting error in rounding of figures – the cumulative percentage of critical load in Table 3 of Appendix 7 has been incorrectly rounded down to 0.6% instead of rounded up to 0.7%. The Applicant has agreed to update this in response to these Deadline 4 comments. This is not a point of disagreement as long as these changes are made.

			<p>deposition critical load for the riparian vegetation, evidence is provided in Appendix 6 of the HRA (reference 6.8.3.6) that the SAC is skewed towards phosphate limitation, again indicating that there will be limited impact on nitrogen deposition on the qualifying features. Although Natural England advised that a precautionary approach is taken to applying this information in the context of additional inputs of nitrates on the River Derwent SAC/SSSI, the information the Applicant provided in their Response to Relevant Representations (reference 8.3 - line 5.30) that combined with other evidence (including the revised HRA and SAC monitoring report) the extent of phosphate limitation, and the measures proposed to mitigate for adverse effects that could potentially occur from nitrogen deposition from aerial emissions as a result of the proposal, Natural England advises that we concur with the assessment conclusions that there will be no adverse effect on site integrity, providing that all mitigation measures are appropriately secured.</p> <p>The requested change to Table 3 in the SAC Habitat Monitoring report (reference 6.8.3.7 - HRA Appendix 7 – SAC Habitat Monitoring) as noted in footnote 1 is required.</p>		
21	Internationally designated sites	Impacts of ammonia from aerial	The applicant has provided further information in Air Quality Technical Note 2	As indicated in the comments under Key Issue 19, the monitoring, recording and	Green

	<ul style="list-style-type: none"> Thorne Moor SAC 	<p>emissions on Thorne Moor SAC designated features (in-combination).</p> <p>(O)</p>	<p>(WQ1 Appendix 5 – ref. 8.9.5) relating to the revised emissions modelling – in particular the changed approach to in-combination assessment. The Keadby 2 Power Plant is now operational, and emissions are included in the baseline modelling and not in the in-combination assessment. This approach was accepted in the Keadby 3 Carbon Capture Power Station DCO (granted, December 2022). This has resulted in decreases in the predicted concentrations of ammonia at Thorne Moor SAC in-combination (from 1.1% to 0.6% - prior to the addition of any mitigation). Therefore a likely significant effect from ammonia emissions at Thorne Moor SAC can be ruled out.</p>	<p>reporting to the regulator (Environment Agency) is considered appropriate to ensure emissions from the plant itself remain within the assumed emissions used in the assessments.</p> <p>Although monitoring at the protected sites is recommended, for the reasons listed, it is not a required measure to be included in the DCO.</p>	
22	<p>Internationally designated sites</p> <ul style="list-style-type: none"> Lower Derwent Valley SAC and Ramsar Thorne Moor SAC River Derwent SAC Skipwith Common SAC 	<p>Proposed mitigation for impacts of aerial emissions on Lower Derwent Valley SAC/Ramsar; Thorne Moor SAC; River Derwent SAC; and Skipwith Common designated features.</p> <p>(O)</p>	<p>Natural England welcomes the further information provided regarding the additional mitigation proposed for impacts of aerial emissions.</p> <p>We note that the updated HRA includes the results of the modelling incorporating this revised mitigation. Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured.</p>	<p>As indicated in the comments under Key Issue 19, the monitoring, recording and reporting to the regulator (Environment Agency) is considered appropriate to ensure emissions from the plant itself remain within the assumed emissions used in the assessments.</p> <p>Although monitoring at the protected sites is recommended, for the reasons listed, it is not a required measure to be included in the DCO.</p>	Green

30	Internationally designated sites	<p>Impacts of NO_x from aerial emissions on Humber Estuary SAC/ SPA/Ramsar (alone and in-combination)</p> <p>(O)</p>	<p>The revised Operation Phase Air Quality Assessment Results Tables: Ecological Receptors (Environmental Statement - Volume 3 - Appendix 6.5 - reference 6.3.6.5) indicates that the annual and daily NO_x Process Contribution (PC) of the Scheme in-combination would be greater than 1% at the Humber SAC/SPA, and the PEC would exceed 100% of the critical level (Table 1.13). This should therefore have been considered in the appropriate assessment.</p> <p>The applicant has informed Natural England that this apparent exceedance of the critical level is an error and will be amended following receipt of these Deadline 4 comments. With the error corrected, the PEC at the Humber Estuary SAC/SPA would be substantially below the critical level (<70%). The requested change to Operation Phase Air Quality Assessment Results Tables: Ecological Receptors (Environmental Statement - Volume 3 - Appendix 6.5 - reference 6.3.6.5) is required (Tables 1.1, 1.2, 1.13 and 1.14 appear to have the same error).</p>	NA	Green
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			It is therefore accepted that this is not a point of disagreement, assuming the changes to the documents are made.		
27	<p>Internationally designated sites</p> <ul style="list-style-type: none"> • Humber Estuary SPA • Humber Estuary Ramsar 	<p>Impacts from potential loss of functionally linked land (Construction phase) associated with Humber Estuary SPA/Ramsar in the overhead line (OHL) and Telecommunications line (TCL) Order Limits for Proposed Change 02 (PC-02).</p> <p>(C)</p>	<p>Natural England notes that further information has been provided in the Applicant's Responses to Issues Raised at Deadline 2 (REP3-020) regarding potential loss of functionally linked land associated with Humber Estuary designated sites. Based on the information provided, we agree that likely significant effects can be ruled out from permanent loss of functionally linked land associated with Work Number 8 (formerly Proposed Change 02) due to the temporary nature of the works (over a period of approximately four weeks) and proposed habitat reinstatement. We advise that the information and justification provided is included in the revised HRA.</p> <p>We highlight that potential disturbance impacts to functionally linked land in proximity to the proposed works should also be included in the revised HRA. Based on the information provided in the Applicant's Responses to Issues Raised at Deadline 2 (REP3-020), we advise that likely significant effects can be ruled out due to the type and the limited spatial and temporal nature of the works (over a period of approximately four weeks).</p> <p>Although we acknowledge that reviewing assessments carried out for other projects may be beneficial for informing the</p>	NA	Green

			Applicant's approach, it is not appropriate to heavily rely on quoted text from the HRA of a different project to provide the assessment and justification of the conclusions of the project HRA. Each project needs to be assessed based on the specific location and type of works being undertaken on a case-by-case basis.		
24	Nationally designated sites <ul style="list-style-type: none"> • Barn Hill Meadows SSSI • Brighton Meadows SSSI • Derwent Ings SSSI 	Impacts of acid deposition from aerial emissions on Brighton Meadows SSSI and Derwent Ings SSSI (alone and in-combination) (O)	Our advice regarding the potential impacts of acid deposition from aerial emissions upon Derwent Ings SSSI and Brighton Meadows SSSI coincides with our advice regarding the potential impacts upon the Lower Derwent Valley SAC (which they underpin) as detailed above (Natural England key issue reference 19). Natural England notes that the report appears to refer to Long Term Monitoring Network (LTMN) vegetation survey data. We highlight that these data were collected across the Lower Derwent Valley National Nature Reserve (NNR), not specifically within Brighton Meadows SSSI as stated in the report. However, we advise that the conclusions remain broadly the same in this case as habitats present across the Lower Derwent Valley SAC are representative of those present at Brighton Meadows SSSI.	As indicated in the comments under Key Issue 19, the monitoring, recording and reporting to the regulator (Environment Agency) is considered appropriate to ensure emissions from the plant itself remain within the assumed emissions used in the assessments. Although monitoring at the protected sites is recommended, for the reasons listed, it is not a required measure to be included in the DCO.	Green
32	Nationally designated sites	Impacts of acid deposition from aerial emissions on Barn Hill Meadows	Natural England note that, with the additional mitigation proposed, acid deposition at Barn Hill Meadows SSSI is now 0.9% of the critical load from the	As indicated in the comments under Key Issue 19, the monitoring, recording and reporting to the regulator (Environment Agency) is considered appropriate to ensure	Amber

		SSSI (in-combination) (O)	<p>project alone. In-combination, with the additional mitigation, acid deposition at the site is modelled to be 1.5% of the critical load and the PEC exceeds 100% of the critical load.</p> <p>It appears that the Applicant has not provided further assessment of whether these exceedances in the PC/PEC in-combination for Barn Hill Meadows SSSI are acceptable. Natural England therefore advise that further assessment of the results should be completed. We advise that similar evidence / arguments presented for the Lower Derwent Valley SAC regarding acid deposition may be acceptable for informing the assessment.</p>	<p>emissions from the plant itself remain within the assumed emissions used in the assessments.</p> <p>Although monitoring at the protected sites is recommended, for the reasons listed, it is not a required measure to be included in the DCO.</p>	
25	Nationally designated sites	<p>Impacts of nitrogen deposition from aerial emissions on Thorne, Crowle, and Goole Moors SSSI (in-combination); and River Derwent SSSI (alone and in-combination).</p> <p>(O)</p>	<p>Our advice regarding the potential impacts of nitrogen deposition from aerial emissions upon the Thorne, Crowle, and Goole Moors SSSI and River Derwent SSSI coincides with our advice regarding the potential impacts upon the Thorne Moor SAC and River Derwent SAC as detailed above (Natural England key issue reference 20).</p>	<p>Natural England's advice regarding mitigation measures coincides with our advice regarding Thorne Moor SAC as detailed above (Natural England key issue reference 20).</p>	Green
26	Nationally designated sites <ul style="list-style-type: none"> Barn Hill Meadow 	<p>Proposed mitigation for impacts of aerial emissions on Barn Hill Meadows; Brighton Meadows SSSI; Derwent Ings SSSI; Derwent Ings</p>	<p>Our advice regarding proposed mitigation for impacts of aerial emissions on Brighton Meadows SSSI; Derwent Ings SSSI; Melbourne and Thornton Ings SSSI; Thorne, Crowle, and Goole Moors SSSI; River Derwent SSSI; Barn Hill Meadows;</p>	<p>Natural England's advice regarding mitigation measures coincides with our advice regarding internationally designated sites as detailed above (Natural England key issue reference 22).</p>	Green

	<ul style="list-style-type: none"> Brighton Meadows SSSI Derwent Ings SSSI Melbourne and Thornton Ings SSSI Thorne, Crowle, and Goole Moors SSSI River Derwent SSSI Skipwith Common SSSI. 	<p>SSSI; Melbourne and Thornton Ings SSSI; Thorne, Crowle, and Goole Moors SSSI; River Derwent SSSI; and Skipwith Common SSSI.</p> <p>(O)</p>	<p>and Skipwith Common SSSI coincides with our advice regarding Lower Derwent Valley SAC/Ramsar; Thorne Moor SAC; River Derwent SAC; and Skipwith Common SAC (Natural England key issue reference 22).</p>		
31	Nationally designated sites	<p>Impacts of NOx from aerial emissions on Humber Estuary SSSI (alone and in-combination).</p> <p>(O)</p>	<p>Our advice regarding impacts of NOx from aerial emissions on Humber Estuary SSSI coincides with our advice regarding Humber Estuary SAC/SPA/Ramsar (Natural England key issue reference 30).</p>	NA	Green
28	Nationally designated sites <ul style="list-style-type: none"> Humber Estuary SSSI 	<p>Impacts from potential loss of / disturbance to functionally linked land associated with Humber Estuary SSSI in the</p>	<p>Our advice regarding the impacts from potential loss of / disturbance to functionally linked land associated with Humber Estuary SSSI coincides with our above advice regarding the Humber Estuary SPA/Ramsar (Natural England key issue reference 27).</p>	NA	Green

		overhead line (OHL) and Telecommunications line (TCL) Order Limits for Proposed Change 02 (PC-02). (C)			
9	Protected Species	Badger (C)	<p>Natural England notes that confirmation has been provided by the Applicant that further badger surveys have not yet been carried out.</p> <p>We therefore note that the statement in Natural England key issue reference 9 of our Written Representations Version 1.1 (dated 22 February 2023) <i>that “Natural England are aware that further badger surveys have been carried out and we are yet to review these results and proposed approach; therefore, we cannot confirm whether this topic is resolved at this stage”</i> was submitted in error.</p> <p>Natural England is now satisfied that pre-construction surveys proposed in relation to badger are appropriate.</p> <p>Subject to inclusion and rigorous implementation of the surveys specified in E3 of the Register of Environmental Actions and Commitments (REAC) in the Construction Environmental Management Plan (CEMP), we consider this topic to be resolved.</p>	<p>The surveys specified in E3 of the Register of Environmental Actions and Commitments (REAC) must be included in the Construction Environmental Management Plan (CEMP) and rigorously implemented.</p> <p>Natural England advises that the requirement for a licence will depend on the outcome of the pre-construction badger surveys.</p>	Green

			We highlight that the requirement for a licence and additional mitigation will depend on the outcome of these surveys.		
11	Biodiversity net gain	<p>Additional information should be provided in order to demonstrate that a 10% biodiversity net gain will be achieved</p> <p>(C)</p>	<p>Natural England welcomes the updates made to the Biodiversity Net Gain (BNG) Report (REP3-010). It is noted that this report confirms that the project can achieve a minimum 10% biodiversity net gain for all habitat types identified on-site. However, Natural England advises that further clarity should be provided on how on-site habitat management and monitoring for 30 years, in order to ensure habitats reach the target condition specified, will be secured.</p> <p>The BNG report states “<i>Habitat creation and enhancement measures included within BM3.1 are set out in further detail in the updated Outline Landscape and Biodiversity Strategy (OLBS) (AS-094).</i>” However, it is noted that the submitted OLBS has not been updated since December 2022. Therefore, we advise that the OLBS and associated mitigation plans (APP-181 and APP-182) should be updated to reflect the updated Biodiversity Net Gain Report. Natural England also welcomes the principles outlined in G8 of the REAC (version 6) in regard to the OLBS, including subjecting all habitat creation and enhancement work to a 30-year management and monitoring regime. However, we note that this is not</p>	<p>Natural England note that the long-term maintenance and monitoring of all on-site habitat is reliant on the submission of a Landscape and Biodiversity Strategy which is ‘<i>substantially in accordance with</i>’ the OLBS, as detailed by Requirement 7 of the DCO. However, although the REAC specifies the principles which apply to the OLBS, Requirement 7 only compels work no.6 (The habitat provision area) to be in accordance with the REAC.</p> <p>Therefore, further clarity regarding how the future management and monitoring of all on-site habitats created or enhanced post-development (including those delivered as part of numbered works 5, 7 and 8) are to be secured is required. Natural England suggest that an amendment to Requirement 7 to reflect this could address this outstanding concern.</p>	Amber

			<p>reflected in Requirement 7 regarding all habitats to be created or enhanced on-site.</p> <p>Natural England note that the Heads of Terms for Section 106 Agreement (AS-016) includes a commitment that the Proposed Scheme will deliver a 10% biodiversity net gain overall and that any off-site habitat “<i>must be maintained and managed for a period of at least 30 years.</i>” Therefore, provided the detailed future management, monitoring and remedial measures are submitted in the landscape and biodiversity strategy, Natural England are satisfied that the management of the Off-site Habitat Provision Area is sufficiently secure.</p> <p>Natural England also note that the BNG report states “<i>post-development data obtained through analysis of detailed design information of the Proposed Scheme would be used to update the BM (the most recent BM version at that time) to present a more accurate understanding of the habitat change.</i>” We advise that, given the projects advanced stage in the consenting process, it is not a requirement to update the calculations to the latest metric and that subsequent phases of the project should utilise the same version of the metric (3.1) to ensure consistency and comparability between outputs.</p>		
12	Biodiversity net gain	Natural England are satisfied with the proposed approach to delivering a 10% Biodiversity Net	Natural England note and welcome the further information submitted regarding the achievement of a 10% Biodiversity Net Gain (BNG) in river units for the project within	Subject to provision of the detailed management, monitoring and remedial measures secured through a Section 106 Agreement, Natural England are satisfied with the proposed approach to delivering a 10%	Green

		Gain in river units for the project.	Appendix C of the Biodiversity Net Gain Report (REP3-010). It is noted that updated metric calculations have been undertaken to apply the spatial and temporal multipliers on the off-site river units and therefore the comment on this provided by Natural England to WSP (on behalf of Drax Power Limited) on 10 March 2023 is considered resolved.	Biodiversity Net Gain in river units for the project. Natural England also note and welcome the applicant's comments on responses to the examining authority's first written questions (REP3-021) regarding drafting a separate Section 106 Agreement to involve the relevant LPA within the river unit delivery area.	
14	Biodiversity net gain	The Habitat Provision Area within the order limits will be included as on-site in the Biodiversity Net Gain Assessment, and therefore subject to 10% net gain (C)	Natural England welcome the clarification within the Biodiversity Net Gain Report (REP3-010) that the " <i>Habitat Provision Area has now been included in the 'on-site' part of the BNG metric.</i> " Therefore, we are now satisfied that the proposed approach aligns with the discretionary advice provided by Natural England to WSP (on behalf of Drax Power Limited) on 5 May 2022, and with the Government response and summary of responses document (updated 21 February 2023) relating to Defra's Consultation on Biodiversity Net Gain Regulations and Implementation.	Natural England's advice regarding the mechanism for securing relevant BNG measures coincides with the above advice (Natural England key issue reference 11).	Green
15	Soils and Best and Most Versatile	The ALC Grade has been calculated for all agricultural (or	Natural England welcomes that the additional soil resource and ALC survey information requested for the southern tip of	NA	Green

	Agricultural Land	land which was last used for agricultural use) land subject to proposed development or disturbance (C)	the On-Site Habitat Provision Area has been provided within an updated Appendix 11.2, alongside the ALC grade determination for the western parcel (para 6.5; Subgrade 3b).		
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