

Date: 17 January 2025
Our ref: 497689
Your ref: **EN010128**



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Dear Sir/ Madam

NSIP Reference: EN010128

**The Examining Authority's first written questions and requests for information (ExQ1).
Examining Authority's submission deadline: 17 January 2025**

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.

Natural England is pleased to provide our answer to the Examining Authority's First Written Questions within the annex appended to this letter.

Natural England hopes our Deadline 3 answers are helpful and we will continue to work collaboratively with the Applicant to try and resolve the matters provided below.

For further advice on this consultation please contact the case officer Jonathan Shavelar [REDACTED] and copy to [REDACTED]

Yours faithfully

Jonathan Shavelar
Senior Officer
Thames Solent Area Team
Natural England

Annex 1: Natural England’s response to the Examining Authority’s (ExA’s) first written questions reference ExQ1

ExQ1	Question to:	Question and Answer:
1. Air Quality and Emissions		
Q 1.1.0.3	NE and the Applicant	<p><i>The ExA notes that NE advise [REP1-038] that they will continue to work with the Applicant to obtain the information they require and resolve the issue. The ExA requests an update on this matter, including whether the information requested by NE has been provided and what matters of disagreement remain outstanding, including those identified in NE’s Deadline 2 representations [REP2-027] in their comments on the Technical Note.</i></p> <p>Please note that Natural England is currently assessing the latest information provided by the applicant regarding air quality during a meeting on the 13th January. We request the Examining Authority’s permission to delay the provision of our substantive response to this question and all air quality matters until Deadline 4.</p> <p>We regret that this is necessary due to the novel and complex nature of the information provided and the need to ensure we fully understand and agree with the methodology used to reach the assessment conclusions.</p> <p>We currently consider the following matters under discussion:</p> <ul style="list-style-type: none"> • The methodology used to assess the air quality impacts; • The Process Contribution for the Proposed Scheme and impacts of emissions on ecological sites; • The use of Emissions Limits Values as a mitigation measure; • Impacts on the Inner Thames Marshes SSSI; • In-Combination Assessment (further information can be found in our response to Q 1.7.0.1) <p>We sincerely apologise for inconvenience caused by this delay, and we continue to work collaboratively with the applicant to resolve this matter.</p>

ExQ1		Question to:	Question and Answer:
3. Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment)			
Q 1.3.1.3	The Applicant and NE	<p><i>The ExA notes that the Applicant and NE have met to discuss a Water Vole Method Statement. The ExA requests an update on this matter, including whether the information requested by NE has been provided and what matters of disagreement remain outstanding.</i></p> <p>Natural England have had positive meetings with the Applicant on this topic. The next piece of information required is the amended draft licence application with an updated Method Statement and Reason Statement.</p>	
Q 1.3.1.4	The Applicant	<p><i>Please can the Applicant confirm what their timescales are for obtaining a Letter of No Impediment for water voles from NE.</i></p> <p>Although this is a question for the applicant, we thought it might be helpful to set out that once Natural England receive the re-submitted draft licence application, it should take a maximum of 30 working days to provide a LoNI (assuming NE can reach a satisfied decision).</p>	
Q 1.3.1.5	The Applicant, NE and EA	<p><i>Would the lighting strategy required by Requirement (R) 11 in the dDCO be capable of mitigating effects of lighting on water voles? If so, please provide a full and detailed justification and if not, what alternative arrangements are proposed?</i></p> <p>The effects of lighting were not discussed as an impact to water voles within the Method Statement that Natural England reviewed. The lighting strategy [APP-123] does not specifically address potential impacts to water voles, or the mitigation of any impacts. Natural England has advised the Applicant that this section should be revised within the re-submitted version in order to ensure all the impacts of the proposed development are considered.</p>	
7. Cumulative Effects			

ExQ1	Question to:	Question and Answer:
Q 1.7.0.1	MMO, NE, LBBC	<p data-bbox="779 300 2002 475"><i>Could the MMO, NE and LBBC please confirm whether they are content that all other developments, plans and projects that have the potential to result in cumulative or in-combination effects together with the proposed development have been identified and appropriately assessed by the Applicant in the Environmental Statement [APP-118] and the HRA Report [APP-090] (including any relevant marine licensed projects)?</i></p> <p data-bbox="779 523 2002 627">For the purposes of the Habitats Regulations Assessment, the Applicant determined that carrying out a full in-combination assessment was not necessary based on the relatively low contribution of the project.</p> <p data-bbox="779 659 2002 898">From Revision B of the SOCG [PDA-002] the Applicant states that “The modelled impact of the Proposed Scheme at the Epping Forest SAC is imperceptible (<1% of any relevant critical load or critical level) given the large distance between the Proposed Scheme and Epping Forest SAC (11.8km). Taking into account the conservatism inherent in the dispersion modelling, these impacts can robustly be considered to be so small that the Proposed Scheme could not reasonably be considered likely to act in-combination with other plans or projects to have an adverse effect on the integrity of Epping Forest SAC.”</p> <p data-bbox="779 930 2002 1066">In [REP1-038] Natural England did not disagree with this conclusion. This was based on our understanding of the methodology at the time. As discussions with the Applicant have progressed, and our understanding of the methodology has advanced, we are currently reviewing our position on the in-combination assessment.</p> <p data-bbox="779 1098 2002 1201">Natural England do not currently have comments on the scope of the identification and assessment of other developments, plans and projects within the Environmental Statement [APP-118].</p>
Q1.8.3.10	The Applicant, NE and EA	<p data-bbox="779 1257 2002 1361"><i>Would this R, either as proposed or suitably amended, be capable of satisfying the particular issue of sensitivity of water voles as pointed out in EA’s Written Representation, section 6 [RE1-035]? Should EA or NE be required consultees on any strategy?</i></p>

ExQ1	Question to:	Question and Answer:
		<p>In principle, yes. We advise that we believe the wording of R 11 [REP1-002] as proposed, should be capable of ensuring any impacts to water voles are avoided or mitigated. The effectiveness of the requirement relies upon the detail and content of the lighting strategy [APP-123]. As discussed above, the lighting strategy [APP-123] does not currently specifically address potential impacts to water voles, or the mitigation of any impacts.</p> <p>Natural England would be pleased to be consulted on updates to the lighting strategy.</p>