

Date: 25 January 2024
Our ref: 463801
Your ref: PA/2023/421



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BY EMAIL ONLY

Dear Dean Watson

Planning consultation: Construction & operation of a post-combustion carbon capture plant, including carbon dioxide compressor & metering, coding equipment, stacks, substations, internal roads, partial ditch realignment, new & modified services, connections, internal roads, accesses, maintenance & laydown areas

Location: VPI Power Station, Rosper Road, South Killingholme, DN40 3DZ

Thank you for your consultation on the above dated 15 January 2024 which was received by Natural England on the same date.

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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites Humber Estuary Special Protection Area /Special Conservation Area/Ramsar site/Site of Special Scientific Interest and has no objection.

Natural England's advice on other natural environment issues is set out below.

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AMENDED)

Internationally designated sites - Humber Estuary Special Protection Area/ Special Conservation Area/ Ramsar site

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the

appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment Natural England advises that we concur with the assessment conclusions, although we highlight that we have different reasons for reaching this conclusion, which we have set out below.

In-combination assessment

We accept that the assessment for the proposed development can only make use of the information currently available from other proposed projects. Natural England has requested further information on noise and visual disturbance to SPA birds using functionally linked land for the planning applications at Land Adjacent to Westgate Entrance PA/2022/1223 (letter dated 02 August 2023) and Land at Marsh Lane PA/2023/502 (letter dated 15 November 2023).

Regarding development within the South Humber Gateway, Halton Marshes Wet Grassland has been created as mitigation for the loss of functionally linked land. However, as the mitigation site hasn't yet fully achieved its habitat objectives (as far as we are aware) and significant numbers of SPA birds are still present outside of the site, we consider that potential disturbance impacts must still be assessed.

Visual disturbance – in-combination

Natural England does not agree with the HRA (dated January 2023) that potential impacts from visual disturbance to SPA birds using functionally linked land during construction and operation: '*are so minor that effects in-combination with other plans or projects are not likely*'. However we note Table 6 of the 'Report to inform a Habitats Regulations Assessment' (hereafter referred to as 'shadow HRA'; dated October 2023) screens in likely significant effects from visual disturbance during construction and operation in-combination with the relevant projects.

Natural England is particularly concerned about potential reduction in perceived openness and accessibility of Rosper Road Pools by SPA/Ramsar birds that use the site, due to the proposed developments in-combination. However, due to the distance of the proposed development from Rosper Road Pools and the existing industrial development behind it, we advise that the in-combination assessment as per Section 7 of the shadow HRA is considered sufficient at this time to conclude no adverse effects from the proposed developments in-combination with other plans and projects. However, we highlight that we do not fully agree with the assessment in paragraph 7.8 of the shadow HRA, as Natural England considers that there is still a requirement for planning applications PA/2022/1223 and PA/2023/502 to provide further assessment and for any mitigation measures to be agreed with Natural England.

Noise disturbance – in-combination

As previously advised, Natural England does not recommend that a 70dB threshold is used as a generic threshold for noise levels which result in disturbance of birds. We advise noise assessments should set the sensitive receptors in the context of the existing noise environment and assess how noise levels will change, including the type of noise, such as consistent or sudden loud bangs and how this may impact on birds.

Natural England does not agree with the in-combination assessment in the HRA which states that the other identified projects will not act in-combination with the proposed development. However, we note Table 6 of the shadow HRA screens in likely significant effects from noise disturbance during construction and operation in-combination with the relevant projects. Based on the in-combination assessment as per Section 7 of the shadow HRA we advise that is considered sufficient at this time to conclude no adverse effects from the proposed developments in-combination with other plans and projects. However, we note the in-combination assessment for the proposed development relies on mitigation measures implemented for other projects and Natural England considers that there is

still a requirement for planning applications PA/2022/1223 and PA/2023/502 to provide further assessment and for any mitigation measures to be agreed with Natural England.

WILDLIFE AND COUNTRYSIDE ACT 1981 (AMENDED)

Nationally designated sites - Humber Estuary Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Should the proposal change, please consult us again on consultations@naturalengland.org.uk.

If you have any queries relating to the advice in this letter please contact me on emma.brading@naturalengland.org.uk.

Yours sincerely

Emma Brading

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