

# **The Keadby Next Generation Power Station Project**

**Document Ref: 8.11**

**Planning Inspectorate Ref: EN0110001**

**The Keadby Next Generation Power Station Development Consent Order [year]**

**Land at, and in the vicinity of, the existing Keadby Power Station (Trentside, Keadby, Scunthorpe DN17 3EF)**

## **Applicant's Comments on Deadline 2 Submissions**

**The Planning Act 2008**

**Applicant: Keadby Next Generation Limited**

**Date: April 2026**

**Revision: 0**

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# 1. Introduction

## 1.1. Overview

1.1.1 This document ‘Applicant’s Comments on Deadline 2 Submissions’ (**Document Ref. 8.11, Rev. 0**) has been prepared on behalf of the Applicant, Keadby Next Generation Limited, in respect of an application (the ‘Application’) for a Development Consent Order (DCO) in respect of the Keadby Next Generation Power Station (the ‘Proposed Development’) that was submitted to the Secretary of State (SoS) for Energy Security and Net Zero under Section 37 of ‘The Planning Act 2008’ on 29 August 2025. The Application was accepted for examination by the SoS on 22 September 2025. The Examination of the Application commenced on 21 January 2026.

1.1.2 The Applicant is seeking a DCO for the construction, operation and maintenance of a new combined cycle gas turbine (CCGT) electricity generating station on land at, and in the vicinity of, the existing Keadby Power Station, Trentside, Keadby, Scunthorpe, DN17 3EF (‘the Site’).

1.1.3 The Proposed Development is a new CCGT electricity generating station with a capacity of up to 910 megawatts electrical output. The CCGT electricity generating station will be designed to run on 100% hydrogen and able to run on 100% natural gas or a blend of natural gas and hydrogen and will be located on land to the west of the existing Keadby 1 and Keadby 2 power stations. The Proposed Development includes connections for cooling water, electricity, hydrogen, natural gas, and construction laydown areas and other associated development. It is described in full in Environmental Statement (ES) Volume I Chapter 4: The Proposed Development [APP-038]

1.1.4 The DCO, if made by the SoS, would be known as ‘The Keadby Next Generation Power Station Order’ (‘the Order’).

## 1.2. The Purpose and Structure of this Document

1.2.1 The purpose of this document is to set out the Applicant’s comments on the Deadline 2 submissions made by Interested Parties (IPs). The document is submitted for Deadline 3 of the Examination.

1.2.2 The key issues raised by IPs in their Deadline 2 submissions have been tabulated and are set out in the following sections of this document along with the Applicant’s comments on those issues:

- Section 2 - Canal & River Trust [**REP2-008**]

- Section 3 - Environment Agency [**REP2-009**]
- Section 4 - Natural England [**REP2-010**]

## 2. Deadline 2 Submission from Canal & River Trust

**Table 2.1: Summary of Canal & River Trust’s Deadline 2 Submission [REP2-008]**

Issue no.	Summary of Issues
1	<p>Impact of the construction of the abstraction infrastructure on navigation in the Canal.</p> <p>Land take of 20m into the canal for the temporary cofferdam would leave insufficient space for safe navigation.</p>
2	<p>Impact of the use of Railway Wharf on Keadby Lock.</p> <p>The Navigation Risk Assessment [APP-075] does not include reference to the risk of AIL movements restricting access to the Lock. Principles of procedures to prevent and/or minimise unplanned obstructions to the Lock should be identified.</p>
3	<p>Statutory undertakers land.</p> <p>The Canal &amp; River Trust are chasing the Applicant’s agent TLT for an undertaking to allow for negotiations to commence. Draft Heads of Terms were received in February 2026.</p>

2.1.1 The Applicant’s comments on the above issues are set out in Table 2.2 below.

**Table 2.2: Applicant's Comments on Canal & River Trust’s Deadline 2 Submission**

Issue no.	Applicant’s Comments
1	<p>As noted in the Applicant’s Comment on Relevant Representations document [REP1-028], the 20m working area cited throughout the Environmental Statement (ES) accounts for the potential need to position workboats alongside the cofferdam, to aid in the construction and removal of the cofferdam.</p> <p>The Applicant notes that agreement has now been reached with the CRT on the Protective Provisions. For completeness, at Deadline 1 the Applicant amended the draft DCO [REP1-003 and REP1-004] to include reference to Article 19 in paragraph 32 of CRT’s Protective Provisions, so that the Applicant would not be able to exercise this power without the consent of the</p>

	<p>CRT. The CRT had previously raised an objection to the fact that the consent of the CRT under this provision must not be ‘unreasonably withheld or delayed’ as well as an objection to its scope. The Applicant’s position is that this is reasonable and strikes an appropriate balance between the protection of the CRT’s interests and the need to ensure the Proposed Development is not prevented or delayed due to consent being unreasonably withheld or delayed. It is not feasible to include wording in the draft DCO that caters for every scenario in which the withholding or delay of consent will be unreasonable without being unduly prescriptive, although paragraph 32(6) of the Protective Provisions goes some way towards this without attempting to be prescriptive. This issue has been resolved in the agreed Protective Provisions.</p> <p>The Applicant considers that the amended draft DCO (including the agreed Protective Provisions) submitted at Deadline 3 (Document Ref. 3.1 Rev. 3) and the documents it secures, including the Framework Wharf Management Plan which is now secured by Requirement 22 ‘Construction traffic management plan’, as well as the amendments to Requirement 6 ‘Landscape and biodiversity management and enhancement plan’ made in response to the Examining Authority’s (ExA’s) Written Questions 1 (ExQ1), ensure the protection of the CRT’s interests including safe navigation on the canal. The Applicant’s position is that it is right for the relevant planning authority to be the approving authority for the DCO requirements, including Requirement 22, with the CRT being consulted on the discharge of requirements as appropriate / relevant. There is extensive precedent for this approach in previously made orders.</p> <p>Accordingly, the Applicant does not at this stage propose to make further amendments to the draft DCO beyond those made at Deadline 3. The Applicant will however continue to engage with the CRT in relation to any outstanding points.</p>
2	<p>The Applicant has drafted a Framework Wharf Management Plan to seek to address the CRT’s concerns regarding Abnormal Indivisible Load (AIL) deliveries to Railway Wharf placing restrictions on access to Keadby Lock. A draft was shared with the Canal &amp; River Trust on 6th March 2026. Comments were received back on 20th March 2026 and changes were discussed and agreed with the Canal and River Trust in a meeting on 25th March 2026 and subsequent email exchange. The Framework Wharf Management Plan (Document Ref. 8.12 Rev. 0) is submitted at Deadline 3</p>
3	<p>An undertaking was provided to the CRT’s legal advisers in February 2026 and negotiations are progressing. As noted above agreement has now been</p>

	<p>reached on the Protective Provisions and the agreed provisions are included in the updated draft DCO (Document Ref. 3.1 Rev. 3) submitted at Deadline 3.</p> <p>Heads of Terms (HoT) were previously agreed with Gerald Eve in respect of Keadby 3 CCS Power Station DCO. These HoT were updated to account for the relocation of the pumping station and issued to Avison Young who had replaced Gerald Eve as CRT's agents, on 26<sup>th</sup> November 2025. A supplementary engineer's plan was provided on 17<sup>th</sup> December 2025 and emails chasing for a response issued on 10<sup>th</sup> and 24<sup>th</sup> March 2026.</p>
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### 3. Deadline 2 Submission from the Environment Agency

**Table 3.1: Summary of Environment Agency’s Deadline 2 Submission [REP2-009]**

Issue no.	Summary of Issues
1	EA008 - Absence of specific reference to landfills within the Water Environment Regulations (Water Framework Directive (WFD)) Assessment
2	EA009 - Request for clarity around the intrusive ground investigation work that has been undertaken to date and is required to be undertaken for the Site within the Outline Construction Environmental Management Plan (CEMP).
3	EA016 - Request for inclusion of specific information relating to management of water from wheel washing within the outline CEMP.
4	EA017 - Request for water quality monitoring to be undertaken prior to, during and post-construction for drains within the order limits and the downstream River Trent.
5	EA018 - Request to include “ <i>All (fuel and chemical) storage areas should be covered, to prevent the accumulation of rainwater and to prevent accidental damage</i> ” within Table 8 of the Outline CEMP.
6	EA021 - Request to include specific reference to American mink control measures within Table 5 of the Outline CEMP.

3.1.1 The Applicant’s comments on the above issues are set out in Table 3.2 below.

3.1.2 In response to the Environment Agency’s Deadline 2 submissions, the Applicant has updated the Water Environment Regulations (WFD) Assessment (Document Ref. 6.3.17 Rev. 1) and Outline CEMP (Document Ref. 7.4 Rev. 2). The updated documents have been submitted for Deadline 3.

**Table 3.2: Applicant's Comments on the Environment Agency's Deadline 2 Submission**

Issue no.	Applicant's Comments
1	<p>EA008 - The Applicant notes the comment raised by the Environment Agency and wishes to note that whilst specific reference to landfills was not included in the text, landfills were considered within the assessment under contaminated soils/land. To address this, the Applicant has updated the Water Environment Regulations (WFD) Report (Document Ref. 6.3.17 Rev. 1) at Deadline 3 to include specific reference to landfills within the assessment.</p> <p>The Applicant also acknowledges the point raised that excavation work within any landfills would constitute expected contamination. With reference to Table 7 of the Outline CEMP (Document Ref. 7.4 Rev. 2), the Applicant notes that further ground investigation will be undertaken prior to construction which will inform a subsequent risk assessment and the piling and penetrative foundation designs. In accordance with the Outline CEMP, the results from this ground investigation will also be used to inform any mitigation requirements which will be specified within the final CEMP to prevent harm to the environment. As such the Applicant considers the risk associated with intrusive works within landfills to have been sufficiently considered and addressed. An updated version of the Outline CEMP (Document Ref. 7.4 Rev. 2) has been submitted for Deadline 3.</p>
2	<p>EA009 - The Applicant notes the comments raised in relation to the ground investigation works which have been undertaken and are still required to be undertaken at the Site.</p> <p>The Applicant wishes to clarify that additional groundwater sampling work was undertaken at the Site in 2025, but this was restricted to the area around some existing oil tanks at the Keadby Power Station site which will be demolished and removed as part of the enabling works. The results of this sampling are discussed in ES Volume II Appendix 13A: Phase 1 Desk Based Assessment Addendum [APP-076 to 081].</p> <p>The Applicant confirms that with the exception of the above groundwater sampling works, no additional intrusive works have been undertaken for the wider Site at this stage. Notwithstanding this, the results of the historical ground investigations and more recent groundwater monitoring have been used to form a robust conceptual site model which represents a reasonable worst case scenario on which the assessment has been based.</p> <p>[ML6.1][CM6.2][ML6.3]The Applicant also confirms that this will still be required prior to construction and has updated the wording of Table 7 in the</p>

	Outline CEMP (Document Ref. 7.4 Rev. 2) to clarify this point. The updated Outline CEMP has been submitted for Deadline 3.
3	EA016 - The Applicant has updated the Outline Water Management Plan in Appendix C of the Outline CEMP (Document Ref. 7.4 Rev. 2) to include a section on equipment and plant washing as requested by the Environment Agency. The updated Outline CEMP has been submitted for Deadline 3. The Applicant therefore considers this matter to be closed.
4	EA017 - The Applicant has updated the text within Table 8 of the Outline CEMP (Document Ref. 7.4 Rev. 2) submitted for Deadline 3 to include the requirement to continue water quality monitoring post-construction and to include specific reference to the River Trent. The Applicant therefore considers this matter to be closed.
5	EA018 - The Applicant has updated the text throughout the Outline CEMP (Document Ref. 7.4 Rev. 2) submitted for Deadline 3 to include the text requested by the Environment Agency. The Applicant therefore considers this matter to be closed.
6	EA021 - The Applicant has updated the text within Table 5 of the Outline CEMP (Document ref. 7.4 Rev. 2) submitted for Deadline 3 to include specific reference to consideration of mink control as part of the mitigation measures for water vole and invasive species. The Applicant therefore considers this matter to be closed.

## 4. Deadline 2 Submission from Natural England

- 4.1.1 Natural England advised the Applicant on 3<sup>rd</sup> March 2026 that their Deadline 2 submission had been prepared following a review of the updated Habitats Regulations Assessment (HRA) Appropriate Assessment Report [REP1-007 & 008] submitted by the Applicant at Deadline 1, but Natural England had not reviewed the Applicant's Comments on Relevant Representations [REP1-028]. Natural England has since reviewed the Applicant's Comments on Relevant Representations and submitted an updated Written Representation to the Applicant and the Planning Inspectorate on 18<sup>th</sup> March 2026.
- 4.1.2 Table 4.1 summarises below the issues raised within Natural England's updated Written Representation dated 18<sup>th</sup> March 2026 that indicate further action may be required at the examination stage (i.e. excluding matters marked Green that do not note any further actions).

**Table 4.1: Summary of Natural England's Deadline 2 Submission [REP2-010] as updated by Natural England on 18<sup>th</sup> March 2026**

Issue no.	Summary of Issues
1	<p>NE1 - Humber Estuary SPA and Ramsar – noise disturbance to birds (construction) (marked as Amber).</p> <p>Natural England is reviewing recent information from another planning application that was provided by the Applicant (where Natural England agreed to the approach that Applicant has taken to predicting noise peaks).</p>
2	<p>NE2 - Humber Estuary SPA and Ramsar – noise disturbance to birds (operation) (marked as Amber).</p> <p>Natural England is reviewing recent information from another planning application that was provided by the Applicant (where Natural England agreed to the approach to predicting noise peaks).</p>
3	<p>NE5 - Humber Estuary SAC/ Ramsar site – mortality and barriers to lamprey movement (marked as Green).</p> <p>Natural England requires light control measures during unloading of vessels delivering abnormal loads at Railway Wharf in the construction phase to be secured in the DCO (at Requirement 16 (CEMP) or Requirement 7 (External Lighting)).</p>

4	<p>NE9 - Humber Estuary SAC/ Ramsar site – air quality (marked as Green).</p> <p>It is agreed that appropriate thresholds are used in the assessment for the European sites. As outlined in NE10 below, relevant habitat types for Hatfield Chase Ditches SSSI should be clarified in amended application documents and clarity should be provided over the ammonia critical levels for the identified SSSI sites which in some cases are different for construction and operational assessments.</p>
5	<p>NE10 - Air Quality – critical levels and loads (marked as Green).</p> <p>Information informing the SSSI assessments should be added to the application documents (ES Appendices 8A and 8B) to justify the use of the higher critical levels in the assessment.</p>
6	<p>NE11 - Air Quality – in-combination assessment (marked as Amber).</p> <p>Natural England requests that the air quality assessment documents are updated to provide more detail regarding projects considered in the cumulative air quality assessment, including agricultural ammonia sources, operational emissions and traffic emissions.</p> <p>A standalone in-combination air quality schedule listing all relevant emitters and modelling treatment should also be provided to set out which projects were considered in construction and/or operational phase and whether traffic or point source emissions were considered.</p> <p>The operational air quality assessment should also take account of the in-combination assessment before concluding no adverse effects on protected sites.</p>
7	<p>NE15 - Air Quality – construction traffic assessments (SSSIs) (marked as Amber).</p> <p>Natural England requests that the air quality assessment documents are updated to provide more detail regarding projects considered in the cumulative air quality assessment in relation to traffic emissions.</p>
8	<p>NE16 - Air Quality – construction plant/ NRMM assessment (marked as Green).</p> <p>Natural England requests that the CEMP includes a limit on the nearest construction activity being 600m from any European site or SSSI, use of low sulphur fuel for plant and equipment, and size of plant being &lt;1MWth.</p>
9	<p>NE18 - Air Quality – operational emissions (marked as Green).</p>

	<p>Natural England requests a commitment in the DCO to further modelling if the stack height is amended at detailed design stage to ensure no additional protected sites would be affected.</p> <p>ES Chapter 11 and relevant sections of ES Chapter 8 should be updated with revised critical loads/ levels/ assessment and justification for SSSIs, similar to the updates made to the HRA at Deadline 1.</p>
10	<p>NE19 - Air Quality – operational emissions – NOx and ammonia results (marked as Amber).</p> <p>Natural England requests that the air quality assessment documents are updated to provide more detail regarding projects considered in the cumulative air quality assessment in relation to operational emissions impacts on Risby Warren SSSI.</p>
11	<p>NE20 - Air Quality – operational emissions – nitrogen deposition and acid deposition results (marked as Amber).</p> <p>Natural England requests that the air quality and ecology assessment documents are updated to provide more detail regarding assessment of air quality impacts on Crowle Borrow Pits SSSI and Risby Warren SSSI.</p>
12	<p>NE21 - Water Quality – boat movements (marked as Grey).</p> <p>Natural England advises that measures to avoid or mitigate pollution of the water environment from boat traffic and cargo unloading should be considered when applying for a licence from the navigation authority.</p>
13	<p>NE22 - Water Quality – cofferdam (construction phase) (marked as Green).</p> <p>Natural England notes that methods for preventing pollution from the cofferdam can be secured in the CEMP within Requirement 17 of the DCO.</p>
14	<p>NE23 - Water Quality – pollution prevention (construction and operation phases) (marked as Green).</p> <p>Natural England notes that details of bunded storage area locations can be secured in the CEMP within Requirement 17 of the DCO.</p>
15	<p>NE26 - Water Quality – surface water drainage (operation) (marked as Yellow).</p> <p>Natural England notes that details of pollution prevention measures in the drainage design will need to inform the HRA for the surface water discharge permit application (because surface water will be discharged to a drain which flows into the Humber Estuary). The requirement for these details is also secured in DCO Requirement 11.</p>

16	<p>NE28 - Protected Species – licence for works impacting water vole (marked as Green).</p> <p>Natural England recommends that the Applicant considers applying for Letters of No Impediment and consider use of the class licence CL31 where conditions are applicable.</p>
17	<p>NE29 - Protected Species – badger mitigation strategy (marked as Green).</p> <p>Natural England notes that updated badger surveys will be required within six months of applying for a badger licence (if a licence is required).</p>
18	<p>NE31 - Protected Species – impacts to bats (marked as Grey).</p> <p>Natural England confirms no impediment to a bat licence being granted in the future should the DCO be issued and notes update surveys should be carried out in optimal survey periods to current guidance by suitably qualified consultants.</p>
19	<p>NE32 - Biodiversity Net Gain (marked as Grey).</p> <p>Natural England welcomes the commitment to delivering BNG which is secured by DCO Requirement 6. An improvement to the current commitment to maintain the habitats for a minimum period of 25 years could be considered – Natural England recommends 30 years.</p>

4.1.3 The Applicant’s comments on the above issues are set out in Table 4.2 below.

**Table 4.2: Applicant's Comments on Natural England’s Deadline 2 Submission**

Issue no.	Applicant’s Comments
1	<p>NE1 - Humber Estuary SPA and Ramsar – noise disturbance to birds (construction) (marked as Amber).</p> <p>The Applicant has provided updated information to Natural England in response to this comment. The new information is in the process of being reviewed by Natural England and the Applicant is continuing to liaise with Natural England to address this matter.</p>
2	<p>NE2 - Humber Estuary SPA and Ramsar – noise disturbance to birds (operation) (marked as Amber).</p> <p>The Applicant has provided updated information to Natural England in response to this comment. The new information is in the process of being</p>

	<p>reviewed by Natural England and the Applicant is continuing to liaise with Natural England to address this matter.</p>
3	<p>NE5 - Humber Estuary SAC/ Ramsar site – mortality and barriers to lamprey movement (marked as Green).</p> <p>The Applicant refers to Table 8 of the Outline CEMP (Document Ref. 7.4 Rev. 2) submitted for Deadline 3 which includes provisions to cover mitigation measures for lighting at Railway Wharf so that light spill onto adjacent habitats including the river corridor will be minimised as reasonably practicable. The Applicant considers no further action is required.</p>
4	<p>NE9 - Humber Estuary SAC/ Ramsar site – air quality (marked as Green).</p> <p>The Air Quality Chapter (ES Chapter 8) and associated Appendices have been updated and submitted at Deadline 3 (Document Refs. 6.2.8 Rev. 2, 6.3.4 Rev. 1 and 6.3.5 Rev. 1) to provide an assessment of the impacts against the two critical levels for ammonia and justification for why it is considered that the higher critical level is applicable has been provided.</p> <p>The ammonia critical levels have been updated to ensure that they are the same for the construction and operational assessments.</p> <p>The Applicant now considers this matter to be closed.</p>
5	<p>NE10 - Air Quality – critical levels and loads (marked as Green).</p> <p>As per the response to NE above, the Air Quality Chapter (ES Chapter 8) and associated Appendices (Document Refs. 6.2.8 Rev. 2, 6.3.4 Rev. 1 and 6.3.5 Rev. 1) have been updated and submitted at Deadline 3 to provide an assessment of the impacts against the two critical levels for ammonia and justification for why it is considered that the higher critical level is applicable has been provided.</p> <p>The Applicant now considers this matter to be closed.</p>
6	<p>NE11 - Air Quality – in-combination assessment (marked as Amber).</p> <p>The Air Quality Chapter (ES Chapter 8) and associated Appendices have been updated and submitted at Deadline 3 (Document Refs. 6.2.8 Rev. 2, 6.3.4 Rev. 1 and 6.3.5 Rev. 1) to provide the requested information on in-combination effects, and an additional Annex 3 has been produced for the Operational Air Quality Assessment (ES Appendix 8B) (Document Ref. 6.3.5 Rev. 1 also submitted for Deadline 3) to further address this point.</p> <p>The Applicant now considers this matter to be closed.</p>

7	<p>NE15 - Air Quality – construction traffic assessments (SSSIs) (marked as Amber).</p> <p>The Construction Air Quality Assessment (ES Appendix 8A) has been updated (Document Ref 6.3.4 Rev. 1) and submitted at Deadline 3 to include a list of the projects considered in the cumulative air quality assessment in relation to traffic emissions.</p> <p>The Applicant now considers this matter to be closed.</p>
8	<p>NE16 - Air Quality – construction plant/ NRMM assessment (marked as Green).</p> <p>Detail of the proximity of NRMM to the Humber receptor have been added to the assessment of NRMM impacts in ES Chapter 8 (Document Ref. 6.2.8 Rev. 1), which has been submitted for Deadline 3. The Applicant also notes that Table 2 of the Outline CEMP (Document Ref. 7.4 Rev.2 submitted for Deadline 3) has been updated to include proximity limits.</p> <p>The Applicant now considers this matter to be closed.</p>
9	<p>NE18 Air Quality - operational emissions (marked as Green).</p> <p>Any change to the stack height, location or proposed emission concentrations would be subject to further modelling to ensure that the impacts are no worse than those presented in the ES. This is stated in several places within the Air Quality Chapter (ES Chapter 8) (Document Ref: 6.2.8) and Operational Air Quality Assessment (ES Appendix 8B) (Document Ref: 6.3.5 Rev. 1).</p> <p>ES Chapter 11 and relevant sections of ES Chapter 8 have been updated and submitted at Deadline 3 (Document Refs. 6.2.11 Rev.2, and 6.2.8 Rev. 1) with revised critical loads/ levels/ assessment and justification for SSSIs, similar to the updates made to the HRA Report [REP1-007 &amp; 008] at Deadline 1.</p> <p>The Applicant now considers this matter to be closed.</p>
10	<p>NE19 - Air Quality – operational emissions – NOx and ammonia results (marked as Amber)</p> <p>An additional Annex 3 has been produced for the Operational Air Quality Assessment (ES Appendix 8B) (Document Ref. 6.3.5 Rev. 1 submitted at</p>

	<p>Deadline 3) to further address in-combination effects from operational point sources in response to Natural England’s request.</p> <p>The Applicant now considers this matter to be closed.</p>
11	<p>NE20 - Air Quality – operational emissions – nitrogen deposition and acid deposition results (marked as Amber)</p> <p>The Air Quality Chapter (ES Chapter 8) and associated Appendices and the ecology assessment (Document Ref: 6.2.8 Rev. 1) has been updated and submitted at Deadline 3 to provide more detail regarding assessment of air quality impacts on Crowle Borrow Pits SSSI and Risby Warren SSSI.</p> <p>The Applicant now considers this matter to be closed.</p>
12	<p>NE21 - Water Quality – boat movements (marked as Grey).</p> <p>The Applicant notes Natural England’s advice. No further action is required at this time.</p>
13	<p>NE22 - Water Quality – cofferdam (construction phase) (marked as Green).</p> <p>The Applicant agrees that methods for preventing pollution from the cofferdam are secured by Requirement in Schedule 2 of the draft DCO [REP1-003 &amp; 004], although it is noted that the Requirement securing the CEMP is Requirement 16.</p> <p>The Applicant also notes that pollution prevention measures are included in Table 8 of the Outline CEMP [REP1-022 &amp; 023] and in paragraphs C.6.13 to C.6.18 of the Outline Water Management Plan which forms Appendix C of the Outline CEMP.</p> <p>The Applicant now considers this matter to be closed.</p>
14	<p>NE23 - Water Quality – pollution prevention (construction and operation phases) (marked as Green).</p> <p>The Applicant agrees that details of pollution prevention during construction including information on bunded storage area locations are secured by Requirement in Schedule 2 of the draft DCO [REP1-003 &amp; 004], although it is noted that the Requirement securing the CEMP is Requirement 16.</p> <p>The Applicant also notes that the Outline CEMP (Document Ref. 7.4 Rev. 2) has been updated for Deadline 3 to include the requirement to record locations of hazardous substances and materials storage areas on a site plan.</p>

	The Applicant now considers this matter to be closed.
15	<p>NE26 - Water Quality – surface water drainage (operation) (marked as Yellow).</p> <p>The Applicant agrees that details of the design of surface water drainage are secured by Requirement 11 of the draft DCO [REP1-003 &amp; 004] and notes Natural England’s advice regarding the future surface water discharge permit application. No further action is required at this time.</p>
16	<p>NE28 - Protected Species – licence for works impacting water vole (marked as Green).</p> <p>The Applicant has identified and committed to an appropriate outline mitigation approach to address water vole at the time of construction with reference to up-to-date survey data, the final detailed design for the Proposed Development, and ongoing iterative review of options to protect and avoid impacts upon water vole when developing the final detailed design. Where a water vole licence is required, as currently considered likely based on the baseline data, an appropriate licensing route would be taken with respect to the status of the species at that time (accepting that this species could increase or decrease over the interim), the impacts that would occur and the permanence of these impacts. Where applicable under the terms and conditions, this could include use of class licence CL31 by an appropriately qualified ecologist.</p> <p>In relation to the specifics of the Proposed Development and water vole, a Letter of No Impediment has not been considered an appropriate option in this case given the data (particularly the uncertainties over the future population size and distribution relative to the current baseline status) and assumptions that would underpin any LoNI are not sufficiently certain and potentially could not be relied upon at the time of construction notwithstanding appropriate assessments are included in the DCO application, which reflect a reasonable worst case scenario. The issues and mitigation requirements in relation to water vole are therefore well understood from a technical perspective. The Applicant’s approach is to:</p> <ul style="list-style-type: none"> <li>• Undertake pre-construction surveys to determine the up-to-date status and distribution of water voles.</li> <li>• Review with an ecologist the detailed design of the Proposed Development to determine the potential impacts and whether they can be avoided, and identify the appropriate mitigation and licensing route where impacts cannot be avoided.</li> </ul>

	<ul style="list-style-type: none"> <li>• Consult with stakeholders, including Natural England, as appropriate to confirm the mitigation approach.</li> <li>• Apply for and obtain any necessary licences prior to commencement of any activities that might result in legal offences in relation to water vole.</li> </ul> <p>These measures are detailed within the Application and are secured through the Requirements of the draft DCO [REP1-003 &amp; 004]. The Applicant considers that the proposed approach is consistent with the Government’s Standing Advice on water vole. The Applicant is not aware of any reason why a licence would not be granted in due course, should that be necessary, and notes that Natural England has not raised any concerns in this regard. The approach adopted is consistent with the Secretary of State’s decision on the Keadby 3 DCO, with the decision letter recording that “The Applicant has committed to undertake further survey work regarding protected species, prior to works commencing and that a scheme of protection and mitigation measures of the protected species identified will be secured, as part of requirement 6 and the mitigation approach of the Framework CEMP secured in the Order.” Equivalent controls are contained in the dDCO for the Proposed Development.</p>
17	<p>NE29 - Protected Species – badger mitigation strategy (marked as Green).</p> <p>The Applicant notes Natural England’s advice regarding pre-construction badger survey and notes that pre-construction ecological surveys are secured by Requirement 16 of the draft DCO [REP1-003 &amp; 004]. No further action is required at this time.</p>
18	<p>NE31 - Protected Species – impacts to bats (marked as Grey)</p> <p>The Applicant notes Natural England’s advice regarding bat licensing and confirms that pre-construction ecological surveys are secured by Requirement 16 of the draft DCO [REP1-003 &amp; 004]. No further action is required at this time.</p>
19	<p>NE32 - Biodiversity Net Gain (marked as Grey).</p> <p>As Biodiversity Net Gain (BNG) is not a statutory requirement for Nationally Significant Infrastructure Projects like the Proposed Development, and because the anticipated design life of the Proposed Development is 25 years, the Applicant committed to monitoring of BNG delivery over 25 years rather than 30 years. In response to this comment, the Applicant has re-considered the commitment and amended the Outline LBMEP Report (Document Ref.</p>

	<p>5.10 Rev. 3 submitted for Deadline 3) to commit to a longer monitoring period of up to 30 years to match the operation phase if the operational life of the Proposed Development extends beyond the anticipated 25 years.</p>
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