

## **VPI Immingham OCGT Project**

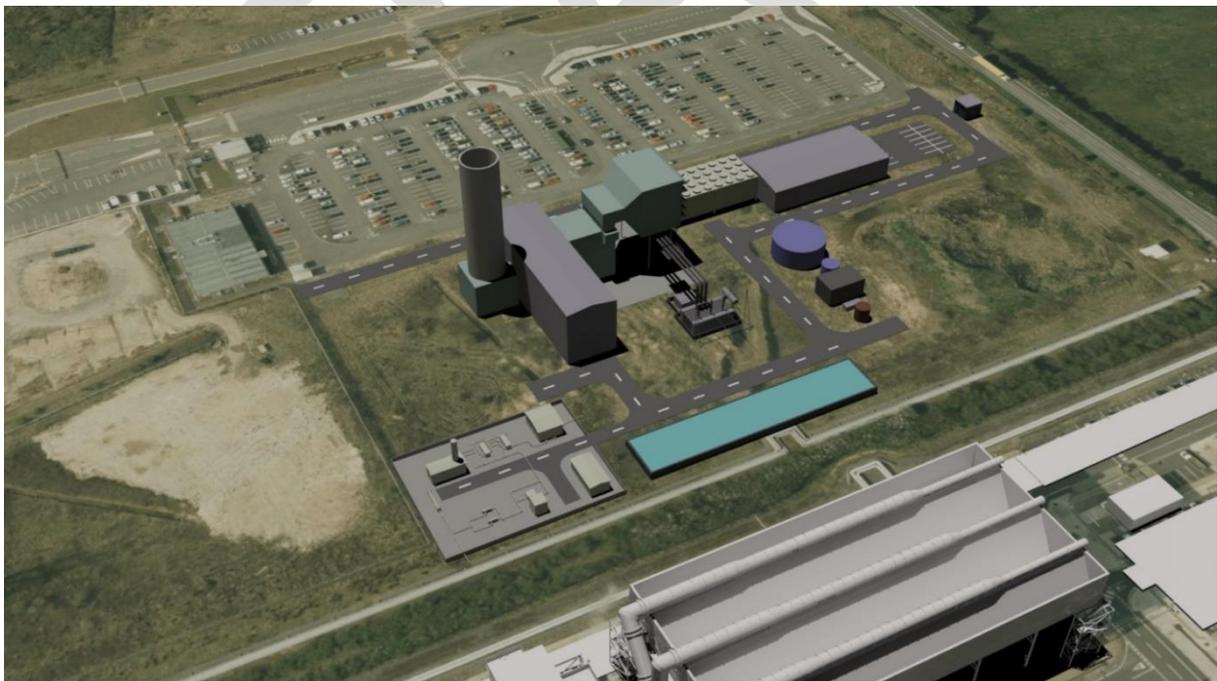
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### **The Immingham Open Cycle Gas Turbine Order**

**Land to the north of and in the vicinity of the VPI Immingham Power Station, Rosper Road, South Killingholme, Lincolnshire, DN40 3DZ**

## **DRAFT Statement of Common Ground with Natural England**

**The Planning Act 2008**



**Applicant: VPI Immingham B Ltd**

**Date: October 2019**

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## DOCUMENT HISTORY

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## GLOSSARY

<b>Abbreviation</b>	<b>Description</b>
Access	Work No. 2 – access works comprising access to the OCGT Power Station Site and access to Work Nos. 3, 4, 5 and 6;
Access Site	The land required for Work No.2.
AGI	Above Ground Installation
APFP Regulations	The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009
Applicant	VPI Immingham B Ltd
Application	The Application for a Development Consent Order made to the Secretary of State under Section 37 of the Planning Act 2008.
CEMP	Construction Environmental Management Plan
CHP	Combined Heat and Power
DCO	Development Consent Order
EIA	Environmental Impact Assessment
Electrical Connection	Work No. 5 – an electrical connection of up to 400 kilovolts and controls systems.
Electrical Connection Site	The land required for Work No.5.
ES	Environmental Statement
Existing AGI	The exiting AGI within the Existing VPI CHP Site.
Existing AGI Site	The land comprising the exiting AGI within the Existing VPI CHP Site.
Existing Gas Pipeline	An existing underground gas pipeline owned by VPI LLP connecting the Existing AGI Site to an existing tie in the National Grid (NG) Feeder No.9 located to the west of South Killingholme.
Existing Gas Pipeline Site	The land comprising the Existing Gas Pipeline and a stand-off either side of it.
Existing VPI CHP Plant	The existing VPI Immingham Power Station.
Existing VPI CHP Plant Site	The land comprising the Existing VPI CHP Plant..
Gas Connection	Work No. 4 – the new underground and overground gas pipeline
Gas Connection Site	The land required for Work No.5.
GW	Gigawatts – unit of power.
ha	Hectare – unit of measurement.

Abbreviation	Description
km	Kilometre – unit of distance.
LSE	Likely significant effect, a term used in the ES to describe when effects on a receptor are predicted to be significant
m	Metres – unit of distance.
MW	Megawatts – unit of energy.
NELC	North East Lincolnshire Council
NG	National Grid
NLC	North Lincolnshire Council
NSIP	Nationally Significant Infrastructure Project
OCGT	Open Cycle Gas Turbine – a combustion turbine plant fired by gas or liquid fuel to turn a generator rotor that produces electricity.
OCGT Power Station	Work No. 1 – an OCGT power station with a gross capacity of up to 299MW.
OCGT Power Station Site	The land required for Work No.1.
PA 2008	Planning Act 2008
PINS	Planning Inspectorate
Project Land	The land required for the Proposed Development (the Site) and the land comprising the Existing Gas Pipeline Site. The Project Land is the same as the 'Order land' (in the DCO).
Proposed Development	The construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 299 MW, including electrical and gas supply connections, and other associated development.
Site	The land required for the Proposed Development, and which is the same as the 'Order limits' (in the DCO).
SoS	The Secretary of State
SPA	Special Protection Area
Temporary Construction and Laydown	Work No. 3
Temporary Construction and Laydown Site	Land Required for Work No. 3.
Utilities and Services Connections	Work No 6 – utilities and services connections to the OCGT Power Station.
Utilities and Services Connections Site	The land required for Work No.6 – the land required for the utilities and services connections to the OCGT Power Station.
Vitol	Vitol Group – the owner of VPI LLP and VPIB.
VPIB	VPI Immingham B Limited – the Applicant
VPI LLP	VPI Immingham LLP
Work No.1	An OCGT power station (the 'OCGT Power Station') with a gross capacity of up to 299MW.
Work No.2	Access works (the 'Access Site'), comprising access to the Main OCGT Power Station Site and access to Work Nos. 3, 4, 5 and 6.
Work No.3	Temporary construction and laydown area

<b>Abbreviation</b>	<b>Description</b>
Work No.4	An underground and overground gas pipeline (the 'Gas Connection') of up to 600 mm (nominal internal diameter) for the transport of natural gas to Work No. 1.
Work No.5	An electrical connection (the 'Electrical Connection') of up to 400 kilovolts and control systems.
Work No.6	Utilities and services connections (the 'Utilities and Services Connections').

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## **1. INTRODUCTION**

### **1.1 Overview**

- 1.1.1 This Statement of Common Ground ('SoCG') (Document Ref: 8.4) has been prepared on behalf of VPI Immingham B Ltd. ('VPIB' or the 'Applicant') in respect of its application (the 'Application') for a Development Consent Order (a 'DCO') under the Planning Act 2008 (the 'PA 2008').
- 1.1.2 The Application has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy for the construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 299 megawatts ('MW'), including electrical and gas supply connections, and other associated development (the 'Proposed Development'). The Proposed Development is located primarily on land (the 'Site') to the north of the existing VPI Immingham Power Station, Rosper Road, South Killingholme, North Lincolnshire, DN40 3DZ.
- 1.1.3 A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under section 14(1)(a) and sections 15(1) and 15(2) of the PA 2008. The DCO, if made by the SoS, would be known as the 'VPI Immingham OCGT Order' (the 'Order').

### **1.2 VPI**

- 1.2.1 VPI Immingham LLP ('VPI LLP') owns and operates the existing VPI Immingham Power Station, one of the largest combined heat and power ('CHP') plants in Europe, capable of generating 1,240 MW (about 2.5% of UK peak electricity demand) and up to 930 tonnes of steam per hour (hereafter referred to as the 'Existing VPI CHP Plant'). The steam is used by nearby oil refineries to turn crude oil into products, such as gasoline. The land comprising the Existing VPI CHP Plant is hereafter referred to as the 'Existing VPI CHP Plant Site'.
- 1.2.2 VPI LLP is a wholly owned subsidiary of the Vitol Group ('Vitol'), founded in 1966 in Rotterdam, the Netherlands. Since then Vitol has grown significantly to become a major participant in world commodity markets and is now the world's largest independent energy trader. Its trading portfolio includes crude oil, oil products, liquid petroleum gas, liquid natural gas, natural gas, coal, electricity, agricultural products, metals and carbon emissions. Vitol trades with all the major national oil companies, the integrated oil majors and independent refiners and traders. For further information on VPI LLP and Vitol please visit:
- <https://www.vpi-i.com/>
- 1.2.3 VPIB has been formed as a separate entity for the purposes of developing and operating the Proposed Development.

### **1.3 The Site**

- 1.3.1 The Site is primarily located on land immediately to the north of the Existing VPI CHP Plant Site, as previously stated. Immingham Dock is located approximately 1.5 kilometres ('km') to the south east of the Site at its closest point. The Humber ports facility is located approximately 500 metres ('m') north and the Humber Refinery is located approximately 500m to the south.

- 1.3.2 The villages of South Killingholme and North Killingholme are located approximately 1.4 km and 1.6 km to the west of the Site respectively, and the town of Immingham is located approximately 1.8 km to the south east. The nearest residential property comprises a single house off Marsh Lane, located approximately 325 m to the east of the Site.
- 1.3.3 The Site comprises the following main parts:
- OCGT Power Station Site;
  - Access Site;
  - Temporary Construction and Laydown Site;
  - Gas Connection Site;
  - Electrical Connection Site; and
  - Utilities and Services Connections Site.
- 1.3.4 The Site is located entirely within the boundary of the administrative area of North Lincolnshire Council ('NLC'), a unitary authority. The different parts of the Site are illustrated in the Works Plans (Application Document Ref: 4.3).
- 1.3.5 The Site has been selected by the Applicant for the Proposed Development, as opposed to other potentially available sites, for the following reasons:
- It comprises primarily of previously developed or disturbed land, including land within the operational envelope of the Existing VPI CHP Plant Site;
  - It is situated in an industrial setting with few immediate receptors and is not particularly sensitive from an environmental perspective;
  - It is located adjacent to the Existing VPI CHP Plant, which provides visual screening and synergies in terms of the existing workforce, and utilities and service connections;
  - It benefits from excellent grid connections (gas and electricity) on the Existing VPI CHP Plant Site; and
  - It benefits from existing highway accesses onto Rosper Road, with the latter providing a direct connection (via a short section of Humber Road) to the Strategic Highway Network (A160) to the south of the Site.
- 1.3.6 A more detailed description of the Site is provided in Environmental Statement ('ES') Volume 1 Chapter 3 'Description of the Site' (Application Document Ref: 6.2.3).

## **1.4 The Existing Gas Pipeline**

- 1.4.1 In addition to the Site, the Application includes provision for the use of an existing gas pipeline (the 'Existing Gas Pipeline') to provide fuel to the Proposed Development. The Existing Gas Pipeline was constructed in 2003 to provide fuel to the Existing VPI CHP Plant. The route of the pipeline runs from a connection point at an above ground installation (the 'Existing AGI Site') within the Existing VPI CHP Plant Site to a tie in point at the existing National Grid ('NG') Feeder No.9 pipeline located to the west of South Killingholme.

- 1.4.2 A small part of the Existing Gas Pipeline Site lies within the administrative area of North East Lincolnshire District Council ('NELC'), the neighbouring local authority.
- 1.4.3 The Applicant is not seeking consent to carry out any works to the Existing Gas Pipeline and, as a result, it does not form part of the Site or Proposed Development. It is included in the Application on the basis that the Applicant is seeking rights to use and maintain the pipeline and it is therefore included within the DCO 'Order land' (the area over which powers of compulsory acquisition or temporary possession are sought). The area of land covered by the Existing Gas Pipeline, including a 13 m stand-off either side of it to provide for access and any future maintenance requirements, is hereafter referred to as the 'Existing Gas Pipeline Site'.
- 1.4.4 The Site and the Existing Gas Pipeline Site are collectively referred to as the 'Project Land'. The area covered by the Project land is illustrated in the Location Plan (Application Document Ref: 4.1).
- 1.4.5 The Existing Gas Pipeline has not been assessed as part of the Environmental Impact Assessment ('EIA') carried out in respect of the Application. This is on the basis that it is a pre-existing pipeline and the Applicant is not seeking consent to carry out any works to it. Further explanation in respect of this matter is provided in ES Volume 1, Chapter 1 'Introduction' and Chapter 3 'Description of the Site' (Application Document Ref: 6.2.3).

## 1.5 The Proposed Development

- 1.5.1 The main components of the Proposed Development are summarised below, as set out in the draft DCO (Application Document Ref: 2.3):
- Work No. 1 – an OCGT power station (the 'OCGT Power Station') with a gross electrical output capacity of up to 299MW;
  - Work No. 2 – access works (the 'Access'), comprising access to the OCGT Site;
  - Work No. 3 – temporary construction and laydown area ('Temporary Construction and Laydown') comprising hard standing, laydown and open storage areas, contractor compounds and staff welfare facilities, vehicle parking, roadways and haul routes, security fencing and gates, gatehouses, external lighting and lighting columns;
  - Work No. 4 – gas supply connection works (the 'Gas Connection') comprising an underground and/or overground gas pipeline of up to 600 millimetres (nominal internal diameter) and approximately 800 m in length for the transport of natural gas from the Existing Gas Pipeline to Work No. 1;
  - Work No. 5 – an electrical connection (the 'Electrical Connection') of up to 400 kilovolts and associated controls systems; and
  - Work No 6 – utilities and services connections (the 'Utilities and Services Connections').
- 1.5.2 It is anticipated that subject to the DCO having been made by the SoS and a final investment decision by VPIB, construction work on the Proposed Development would commence in early 2021. The overall construction programme is expected to last approximately 21 months and is anticipated to be completed in late 2022, with the

Proposed Development entering commercial operation later that year or early the following year.

1.5.3 A more detailed description of the Proposed Development is provided at ES Volume 1, Chapter 4 'The Proposed Development' (Application Document Ref: 6.2.4).

1.5.4 The areas within which each of the main components of the Proposed Development are to be built are shown by the coloured and hatched areas on the Works Plans (Application Document Ref: 4.3).

## **1.6 The purpose and structure of this document**

1.6.1 The purpose of this SoCG is to set out the agreement (see Section 2 of this report) that has been reached between the Applicant and Natural England ('NE') in respect of the following matters:

- Adequacy of the Environmental Statement ('ES');
- Effects on air quality;
- Noise and visual disturbance on the Humber Estuary Special Protection Area (SPA)/ Ramsar bird species;
- Requirement for contributions to the South Humber Gateway strategy;
- Use of a Construction Environmental Management Plan (CEMP);
- Effects on water voles;
- Effects on great crested newts;
- Biodiversity enhancement measures; and
- Other issues.

1.6.1 Section 3 of this SoCG sets out the details of consultation undertaken with NE by the Applicant, whilst Section 4 set out the areas of agreement in relation to the above matters and Section 5 sets out any areas of remaining disagreement between the parties.

1.6.2 This SoCG has been structured to reflect the matters raised by NE during consultation on the Application.

## **2. THE ROLE OF NATURAL ENGLAND**

2.1.1 NE is an executive non-departmental public body responsible for:

- Promoting nature conservation and protecting biodiversity, conserving and enhancing the landscape;
- For securing the provision and improvement of facilities for the study, understanding and enjoyment of the natural environment;
- Promoting access to the countryside and open spaces; and
- Encouraging open-air recreation and contributing in other ways to social and economic well-being through management of the natural environment.

### 3. CONSULTATION WITH NATURAL ENGLAND

3.1.1 The consultation that has taken place with NE in relation to the issues raised within this SoCG is summarised in Table 1 below.

**Table 1: Consultation with NE**

Date	Details
June / July 2018	NE consulted by PINS in respect of a request made by the Applicant for an EIA Scoping Opinion in respect of the Project. Response provided by NE on 28 June 2018 provided advice on general principles, biodiversity and geology, designated landscapes and landscape character, access and recreation, soil and agricultural land quality, air quality, climate change adaptation and cumulative and in-combination effects.
November 2018	NE consulted in accordance with Section 42 of the PA 2008 and with consultation documents including copy of the Preliminary Environmental Information Report (PEIR). NE response received 19 December 2018 including advice on in-combination impacts on European/ International designated sites, air quality impacts, and environmental enhancements.
February 2019	Consultation on the Draft DCO requirements. NE's response on 6 March 2019 included comments on the impact on qualifying species of nearby European designated sites, the draft DCO, water voles and enhancement measures.
February 2019	Consultation on the approach to assessing the presence or absence of Great Crested Newts in the Site and surrounding area. Response from NE received by the Applicant on 21 February including advice on survey methods to be utilised given the access restrictions and challenges encountered in ponds near to the Site.
March and April 2019	Email correspondence between NE and the Applicant including further comments made by NE in relation to potential air quality, noise and visual disturbance on Humber Estuary SPA bird species, the South Humber Gateway, CEMP, water voles, enhancement measures and habitat surveys for the new gas pipeline.
May and June 2019	Telephone and email correspondence between NE and the Applicant to discuss and address the issues raised by NE in March 2019 and to agree the findings of the GCN surveys undertaken by the Applicant.

## 4. MATTERS AGREED

### 4.1 Adequacy of the Environmental Statement

- 4.1.1 Impacts on ecology are considered in Chapter 9 of the ES of Volume I (Application Document Ref. 6.2.9) which summarises the ecological surveys undertaken and provides an assessment of the effects of the Proposed Development on ecology. The survey reports are provided in Appendices 9B to 9G (ES Volume III, Application Document Refs.6.4.11. to 6.4.14). A Framework Biodiversity Enhancement and Management Plan (BEMP) is included as Appendix 9H (ES Volume III, Application Document Ref. 6.4.17). Any likely significant effects on any European designated site are considered in a No Significant Effects Report (NSER, Application Document Ref. 5.10). In addition, a confirmatory great crested newts (GCN) survey report (Document Ref. PE-1.1) presenting the complete findings of the great crested newt survey work including the elements of that survey completed after the submission of the Application.
- 4.1.2 It is agreed that the surveys and methods used to inform the assessment of effects upon protected species and biodiversity are appropriate and in line with current best practice and guidance.
- 4.1.3 It is also agreed that, in line with the conclusions of Chapter 9 of the ES, the Proposed Development would not result in significant effects upon statutory and/or non-statutory sites, habitats or protected species. In particular it is agreed that the Proposed Development will have no significant effects on any European designated sites.

### 4.2 Air Quality

- 4.2.1 It is agreed that impacts on European designated sites (including the Humber Estuary) as a result of emissions to air arising from the operation of the Proposed Development, alone or in combination with other known plans/ projects, have been adequately addressed in the ES and the magnitude of the impact on all ecological receptors are considered to be not significant.

### 4.3 Noise and Visual Disturbance on the Humber Estuary SPA / Ramsar Bird Species

#### Visual

- 4.3.1 The potential visual impacts on the qualifying species of the Humber Estuary SPA/ Ramsar site are assessed in paragraphs 9.9.15 and 9.9.16 of Chapter 9 of the ES. This assessment concludes that;

*“the nature and scale of the activities associated with the Proposed Development are not significantly different from ongoing industrial activities within the area surrounding the Rosper Road fields”*

Accordingly, the impact has been assessed as neutral (non-significant).

- 4.3.2 It is therefore agreed that the potential visual impacts on the qualifying species of the SPA/Ramsar site has been adequately addressed in the ES.

- 4.3.3

### Noise (not including piling)

- 4.3.4 It is agreed that the potential impacts on the qualifying species of the Humber Estuary SPA / Ramsar site as a result of noise has been adequately addressed in the ES and relevant appendices.
- 4.3.5 The single noise sensitive receptor ('NSR') identified in the noise assessment chapter (Application Document Ref. 6.2.8) is considered a reasonable proxy for the qualifying species of the SPA / Ramsar due to its proximity to the Proposed Development and the lack of potential noise attenuation over and above that present in the Rosper Road fields themselves. However, in recognition that the qualifying bird species could potentially occupy any area of the fields, a qualitative soundscape assessment was conducted of the fields with the results presented in the No Significant Effects Report ('NSER') (Application Document Ref. 5.10). It was this assessment that was used to support the conclusion that the Proposed Development would have no significant impact on the qualifying species of the SPA / Ramsar site.
- 4.3.6 As reported in the NSER and Volume I, Chapter 8: Noise and Vibration of the ES (Application Document Ref. 6.2), none of the construction activities associated with the Proposed Development (with the possible exception of piling activities) will generate noise that would be discernible above the ambient noise environment. Piling is discussed separately below under the sub-heading 'Piling'.
- 4.3.7 The noise assessment presented in Chapter 8 and the Ecological Impact Assessment presented in Chapter 9 quantitatively assesses construction and operational noise impacts and it is demonstrated that predicted noise levels will be negligible based on current background levels.
- 4.3.8 The NSER considers the propagation of operational noise into the Rosper Road fields, as operational noise levels were modelled to be higher than construction noise impacts and therefore presented the more conservative assessment. Ambient noise monitoring was also undertaken across Rosper Roads fields to determine baseline conditions. The NSER states:
- "A noise contour plot [see ES Volume II, Figure 8.2] for operational noise was provided and this confirms that that noise levels arising from the operation of the Proposed Development will have attenuated to below 50dB  $L_{Aeq}$  across the majority of the fields, with only the most eastern [western] edge (along the boundary to Rosper Road) experiencing worst case operational noise levels of 57dB  $L_{Aeq}$ . The Proposed Development sound level along the eastern edge of the fields will be below 40dB  $L_{Aeq}$ . These levels are well within the ambient range of noise levels across these fields, which was between 61dB  $L_{Aeq}$  and 51dB  $L_{AF90}$  along Rosper Road at the closest point of the field nearest to the Proposed Development, to 48dB  $L_{Aeq}$  and 43/46dB  $L_{AF90}$  along the eastern edge."*
- 4.3.9 It is therefore agreed that through the use of standard control measures outlined in the Environmental Statement and secured through the Construction Environmental Management Plan (CEMP) and environmental permit, no significant effects would occur on qualifying species using the Rosper Road fields from construction and operation of the Proposed Development, with the potential exception of piling which is discussed further below.

### Noise (piling only)

- 4.3.10 The Applicant recognises that bird species, including the qualifying species of the SPA / Ramsar sites may be sensitive to sudden, impulsive noises and that certain piling methods could give rise to such noise if used. As stated in the ES (Volume I, Chapter 8), rotary and hydraulic jacking piling methods have been considered and assessed, and no significant effects have been identified.
- 4.3.11 In recognition of Natural England's additional questions on the use of alternative piling techniques (i.e. alternatives to rotary or hydraulic jacking piling), the Applicant has provided further clarification on the potential noise effects of these alternative techniques, as presented in the Statement to Inform Appropriate Assessment report ('SIAA') which is submitted as a DCO Application supporting Document (Reference 7.1.3). The conclusions can be summarised as follows:
- The use of the aforementioned rotary and hydraulic jack piling techniques would not give rise to significant effects on any bird assemblage using the Rosper Road fields, if present, even without noise-specific controls;
  - The use of impact piling, has the potential to cause disturbance to qualifying species of the SPA/ Ramsar site that may be present in Rosper road fields. This is due to the potential exceedance of the 84 dB LA<sub>max</sub> flushing threshold across c.3ha of the fields and the exceedance of the 70 dB L<sub>eq</sub> disturbance threshold across a wider area. However, application of standard management measures, such as those described in British Standard BS5228 (such as enclosure of the hammer head and top of pile, acoustic damping of the pile itself, the use of a resilient 'dolly' between hammer and pile or use of acoustic fencing round the pile and rig) would reduce noise levels by around 5-10 dB. This would reduce maximum noise levels across Rosper Road Fields to below 84 dB LA<sub>max</sub> and reduce the area of Rosper Road Fields exposed to noise levels above 70 dB LA<sub>eq</sub> to a small area immediately adjacent to Rosper Road even if only a 5dB reduction was achieved. As a result, no adverse effect on integrity would arise. However, if required, the piling activity could also be restricted to the period April to September inclusive, thus undertaking the works when no wintering bird assemblage would be using the Rosper Road fields
- 4.3.12 Details of the selected technique(s) and the management measures would be set out in and secured by the detailed Construction Environmental Management Plan ('CEMP'). It is noted that this approach is indicated by Table 5.4A of the Framework CEMP included with ES Volume III (Application Document Ref. 6.4.3), and that Requirement 14 secures that the final CEMP must be in accordance with the Framework CEMP.
- 4.3.13 It is agreed that Requirement 14 will be amended to more specifically refer to piling and the agreement of details relating to it, as follows:
- "The plan submitted must include information on the proposed piling methods, their approximate duration and timing, the likely sound power levels, and any necessary management measures or mitigation to ensure, taking into account the information in the Statement to Inform Appropriate Assessment, that there will be no adverse impact on any qualifying species of the Humber Estuary Special Protection Area and Ramsar Site."*

4.3.14 It is further agreed that NE is to be included as a consultee in respect of the final CEMP, and that this will be secured in the amended Requirement 14.

4.3.15 Based on the above and the clarification provided, it is agreed that the risks of disturbance on the Humber Estuary bird species have been adequately assessed and that the Proposed Development would not result in any adverse effects on these species including those using the functionally linked fields off Rosper Road.

#### **4.4 South Humber Gateway ('SHG')**

4.4.1 It is agreed that the Proposed Development would not have a significant impact on the qualifying species of the Humber Estuary SPA and is to be built on brownfield land; accordingly it is considered unlikely that any contribution to the strategic mitigation approach is required, recognising that the Local Planning Authority is also a relevant consultee on this matter. However, it is agreed that the relationship between the enhancement measures considered for the Proposed Development and the SHG mitigation delivery plan will be considered as part of the detailed Biodiversity Enhancement Management Plan (BEMP), submitted in accordance with Requirement 6 (draft DCO, Application Document Ref. 2.3).

#### **4.5 Construction Environmental Management Plan**

4.5.1 As outlined above, it is agreed that NE will be a consultee on the detailed CEMP (secured through Requirement 14, draft DCO, Application Document Ref. 2.3) which must be prepared in accordance with the framework CEMP submitted with the application, and that NE have no further comments on the Framework CEMP.

#### **4.6 Water Voles**

4.6.1 It is agreed that the approach to the assessment of the impact on water voles as presented in the ES is acceptable. It is agreed that the Applicant will undertake pre-construction water vole surveys in the drainage ditch passing through the Site at least 3 months prior to the commencement of the works in accordance with the framework Biodiversity Enhancement Management Plan (BEMP)

4.6.2 It is also agreed that the outcome of these surveys may require protected species licensing and mitigation and that this will be agreed between the Applicant and NE subject to the survey findings. It is also agreed that a precautionary working method statement will be provided as part of the CEMP (as based on the framework CEMP) to be provided under Requirement 14 of the draft DCO.

#### **4.7 Great Crested Newts**

4.7.1 It is agreed that the assessment approach and survey effort undertaken by the Applicant as detailed in the Great Crested Newts Survey Report (ES Volume III, Appendix 9B) (Application Document Ref: 6.4.3) and the Great Crested Newts Confirmatory Report (Application Document Ref. PE 1.1) is adequate to determine the absence/ presence of GCN in nearby ponds to the Site.

4.7.2 Given that: (1) no GCNs were recorded under artificial refugia, over a 5 week period, at a time of year when adult newts present in the area would be moving towards the pond to breed and (2) the confirmed absence (in 2018) of GCN from any of the other ponds in the area, it is agreed that it is reasonable to conclude that GCN presence in the area is highly unlikely, and no further assessment or mitigation is necessary in respect of Great Crested Newts.

#### **4.8 New Gas Pipeline**

- 4.8.1 It is agreed that, based on the proposed route of the pipeline entirely through the Existing VPI CHP Plant Site; an operational power station covered principally of hardstanding with no habitats of ecological interest, no habitat or ecological effects are envisaged as a result of construction of the proposed pipeline.

#### **4.9 Enhancement Measures**

- 4.9.1 It is agreed that, in accordance with the Framework Biodiversity Enhancement and Management Plan (BEMP) as referred to in Requirement 6 of the draft DCO (Application Document Ref. 2.3), provision is required to allow for a net gain in biodiversity as a result of the Proposed Development.
- 4.9.2 It is also agreed that NE be a consultee on the detailed BEMP to be prepared and submitted by the Applicant in accordance with Requirement 6 of the draft DCO.
- 4.9.3 NE welcomes the commitment by the developer for proportionate biodiversity enhancement measures and acknowledges that the final design is still to be decided. NE welcomes the opportunity to comment on the BEMP at the appropriate stage (on discharge of Requirement 6) and has no further concerns at this time.

#### **4.10 Additional Aspects**

- 4.10.1 It is agreed that NE has identified no further concerns in relation to the Proposed Development and has no further comments to make in respect of the Application.
- 4.10.2 It is understood that there is potential for a stretch of the current coastal path running along the Humber Estuary to the east of the Site to be designated as part of the England Coast Path National Trail.
- 4.10.3 The current route of the coastal path is along footpath 50 (see Chapter 10: Landscape & Visual Amenity, Volume I of the ES). Chapter 10 assessed the impacts of the Proposed Development on the of users of this footpath, concluding that the value of the view considered as low due to the undesignated landscape and detracting features. The magnitude of impact was considered as low (minor adverse).
- 4.10.4 Able Humber Ports' scheme includes provision for an alteration to the route of footpath 50. It is recognised that this route may form part of the English Coastal Path (if adopted)
- 4.10.5 This diversion brings it closer to the Site (c.500m at its closest point), however, the route of the path is through the Able Marine development and so is largely screened from the Site by the proposed structures of that development and its associated planting.
- 4.10.6 It is therefore agreed that there would not be any significant visual impacts on the users of this footpath as a result of the Proposed Development taking into account the proposed change of route and potential re-classification of this stretch of footpath.

## **5. MATTERS TO RESOLVE**

5.1.1 There are no outstanding matters to resolve.

Signed:

Print name and position:

On behalf of Natural England:

Date:

Signed:

Print name and position:

On behalf of VPI Immingham B Ltd:

Date: