

Medworth Energy from Waste Combined Heat and Power Facility



PINS ref. EN010110
Document Reference: Vol 9.9
Revision: 1.0
Deadline: 1
March 2023

A large, thick, stylized wave graphic that spans across the middle of the page. It features a color gradient from dark purple on the left, through red and orange, to light pink on the right. The wave has two main peaks and a deep trough.

Statement of Common Ground between Medworth CHP Limited and Natural England (DRAFT)

**We inspire
with energy.**



Revision History

Revision number	Date	Details
0.0	22 February 2023	Draft produced by Medworth CHP Ltd for comment
1.0	07 March 2023	Draft produced following Natural England's comments of 02/03/2023

Signatories

Applicant

Signed

On behalf of

Name

Position

Date

Natural England

Signed

On behalf of

Name

Position

Date



Contents

1.	Introduction	3
1.1	Purpose of Statement of Common Ground	3
1.2	Approach to Statement of Common Ground	3
2.	The parties to the Statement of Common Ground	4
2.1	The Applicant and Party to the Statement of Common Ground	4
2.2	Role of Natural England and Consultation	4
2.3	Summary of Current Position	7
2.4	Status of the Statement of Common Ground	8
3.	Agreement on Common Ground	9
3.1	Overview	9
3.2	General	9
	Application elements relating to Natural England	9
	Overview of the Proposed Development	9
3.3	Draft DCO	11
3.4	ES Chapter 11 – Biodiversity	13
3.5	Biodiversity Net Gain	17
3.6	Habitat Regulations Assessment	20
3.7	Other consents and licences	21
4.	Summary	23

Table 2.1 Summary of pre-application consultation with Natural England	4
Table 2.2 Summary of post application submission consultation with Natural England	7
Table 3.1 Agreement Log: General	11
Table 3.2 Agreement Log: Draft DCO	12
Table 3.3 Agreement Log: ES Chapter 11 – Biodiversity	14
Table 3.4 Biodiversity Net Gain Assessment	17
Table 3.5 Habitat Regulations Assessment	20
Table 3.6: Agreement Log: Other consents and licences	22



1. Introduction

1.1 Purpose of Statement of Common Ground

1.1.1 This Statement of Common Ground (SoCG) has been prepared between Medworth CHP Limited ('the Applicant') and Natural England to set out the areas of agreement and/or disagreement between the parties in relation to the proposed Development Consent Order (DCO) Application for the Medworth CHP EfW Facility.

1.1.2 Natural England is the government's adviser for the natural environment in England. Their role is to protect and restore the natural world. They are a prescribed consultee for the Project as the appropriate nature conservation body.

1.1.3 The preparation of SOCG is encouraged by Planning Inspectorate. Advice Note 11: Working with public bodies in the infrastructure planning process, encourages a proactive approach to reaching agreement on the approach and the conclusions of the Environmental Impact Assessment (EIA), and the approach to consents, licences and authorisations.

1.1.4 This SoCG covers the following topics:

- General;
- Draft DCO;
- ES Chapter 11 – Biodiversity;
- Biodiversity Net Gain;
- Habitat Regulations Assessment; and
- Other consents and licences.

1.1.5 It is the intention that this document will facilitate further discussions between the Applicant and Natural England and will provide the Examining Authority (ExA) with a clear overview of the level of common ground between both parties. This document will be updated throughout the application process.

1.2 Approach to Statement of Common Ground

1.2.1 The structure of this SoCG is as follows:

- Section 1: Introduction
- Section 2: The parties to the SoCG;
- Section 3: Agreement on Common Ground; and
- Section 4: Summary.



2. The parties to the Statement of Common Ground

2.1 The Applicant and Party to the Statement of Common Ground

2.1.1 The parties to this SoCG are:

- Medworth CHP Limited, the Applicant for the Proposed Development; and
- Natural England.

2.2 Role of Natural England and Consultation

2.2.1 Natural England are the government adviser for the natural environment in England and their role is to help protect and restore the natural world. They are a prescribed consultee for the Project as the appropriate nature conservation body. They were engaged with to reach agreement on the assessment approach and ensure the project fully considers the impact on wildlife. Natural England are commonly consulted in the process of screening projects to establish whether and to what extent an Appropriate Assessment is required.

2.2.2 A summary of the pre-application consultation with Natural England is set out in **Table 2.1**. A summary of consultation with Natural England following the submission of the DCO Application on 7 July 2022 is set out in **Table 2.2**.

2.2.3 Natural England submitted a relevant representation (**document reference RR-022**) in response to the Medworth EfW CHP Facility DCO application on 15 November 2022.

Table 2.1 Summary of pre-application consultation with Natural England

Date	Form of consultation	Statutory/Non-Statutory	Summary
20/12/2019	Email	Statutory	Natural England provided an EIA Scoping Opinion. They advised that the assessment of the Proposed Development should account for local, national and international designated sites, legally protected species, England Biodiversity List species and habitats, and Local Biodiversity Action Plan species/habitats. The assessment should be informed by surveys by suitably experienced ecologists, and consider existing species records and the context of the site with respect to local habitat linkages and



Date	Form of consultation	Statutory/Non-Statutory	Summary
			<p>species populations.</p> <p>The potential impact of the Proposed Development upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within the assessment in accordance with appropriate guidance on such matters, such as Guidelines for Ecological Impact Assessment (EclA) by the Chartered Institute of Ecology and Environmental Management (CIEEM). The Proposed Development should seek, if possible, to avoid adverse impact on sensitive areas for wildlife within the site and provide opportunities for overall wildlife gain.</p>
22/04/2020	Email	Non-Statutory	<p>Natural England provided a response to the Non-Statutory planning consultation. Natural England had no additional comments to those in their scoping response. They advised that any planning application will need to be accompanied by sufficient information to demonstrate that the proposed scheme will not have any adverse impact on the natural environment, including the Nene Washes SSSI, SPA, SAC, Ramsar site, particularly through emissions to air.</p>
28/07/2020	Email	Non-Statutory	<p>Natural England provided a response to the Winter Bird Survey Report 2020. They noted the findings that the birds recorded are mainly not qualifying species of The Wash, Nene Washes and Ouse Washes internationally designated sites, and that the application area, (including the surrounding area), doesn't appear to be used regularly by them. They were also satisfied that the vantage point and transect surveys are comprehensive, and therefore sufficient.</p>
17/11/2020	Email	Non-Statutory	<p>Natural England provided a response to the Draft HRA Screening report 2020.</p>



Date	Form of consultation	Statutory/Non-Statutory	Summary
			<p>The email stated that Natural England agreed with the conclusion that there is not likely to be a significant effect on the Ouse Washes SPA, Ramsar, the Wash SPA, Ramsar and the Nene Washes SPA, Ramsar sites in relation to effects to their qualifying bird interest. Natural England also agreed that it does not appear likely that the birds from these designated sites are using the application site or nearby areas for foraging, or in terms of migration.</p>
13/08/2021	Email	Statutory	<p>Natural England provided a response to the Preliminary Environmental Information Report. They recommended that survey effort, assessment and mitigation relating to protected species should generally accord with their standing advice, and a clear rationale for any departures should be provided in the ES. They welcomed the provision of an Ecological Mitigation Strategy, Landscape and Ecological Management Plan and Construction Environmental Management Plan. They highlighted an amendment to the Environment Bill for Biodiversity Net Gain for Nationally Significant Infrastructure Projects and advised that the Proposed Development should seek to enhance the local environment with habitat creation, above and beyond the existing baseline, and contribute to the national and local vision for nature recovery.</p> <p>Subject to the HRA screening being updated to reflect air quality dispersion modelling results, Natural England agreed with the findings of the draft HRA screening which concluded there are no likely significant effects and an appropriate assessment is not required.</p>



Table 2.2 Summary of post application submission consultation with Natural England

Date	Form of consultation	Statutory/Non-Statutory	Summary
15/11/2022	Email	Statutory	<p>Natural England provided relevant representations. They are satisfied that there are unlikely to be adverse effects on the integrity of internationally designated sites, and are in agreement with the conclusions of the HRA. Natural England are satisfied that the Proposed Development will not result in direct impacts to protected species, habitats and veteran/ancient trees and that no mitigation is necessary to address impacts to protected species. With particular reference to water vole, they are satisfied that the Outline Construction Management Plan includes provisions for pre-construction surveys to identify any change in the status of protected species prior to commencement of works but request that clarity is provided within the relevant DCO requirement.</p> <p>They welcome the onsite BNG proposals, but note that a BNG strategy should determine the feasibility of delivering off-site habitat proposals.</p>
15/02/2023	Email	Non-Statutory	<p>Correspondence from Natural England casework manager to confirm they would meet with the Applicant to discuss draft SoCG for biodiversity before examination deadline 1.</p>
24/02/2023	Email	Non-Statutory	<p>The Applicant issued draft SoCG to Natural England for comment.</p>

2.3 Summary of Current Position

- 2.3.1 The summary of the current position will be updated following Natural England's review of the initial draft SoCG (Rev 0).



2.4 Status of the Statement of Common Ground

2.4.1 The current version of the SoCG (Rev 0) is in draft form.

2.4.2 It is intended to submit the first version of the SoCG at Deadline 1 of the examination (10 March 2023).

2.4.3 The documents referred to in this version of the SoCG are those submitted with the DCO application and available on the Planning Inspectorate's website:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/medworth-energy-from-waste-combined-heat-and-power-facility/?ipcsection=docs>

2.4.4 The examination library references have been adopted in the SoCG for ease:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010110/EN010110-000900-Medworth%20Examination%20Library.pdf>



3. Agreement on Common Ground

3.1 Overview

3.1.1 The following sections of this SoCG set out the level of agreement between the parties for each relevant topic. In order to easily identify whether a matter is 'agreed' or 'not agreed', a RAG within the 'position' column with red illustrating no agreement, amber that agreement is yet to be reach, and green, agreement.

3.1.2 The following section of this SoCG summaries the level of agreement between Medworth CHP Ltd and Natural England on all relevant matters.

3.2 General

Application elements relating to Natural England

3.2.1 Natural England is identified as a statutory undertaker for the DCO Application, as the appropriate nature conservation body. The element of the Proposed Development which may affect the interests of Natural England are work number 2b and 10j in relation to biodiversity enhancement measures and environmental mitigation measures. This is detailed in Schedule 1 (Authorised Development) of the **Draft DCO (Volume 3.1 Draft DCO) [APP-013]**. The Schedule 2 (Requirements) of the **Draft DCO (Volume 3.1 Draft DCO) [APP-013]** may also affect the interests of Natural England, as they relate to biodiversity mitigation and biodiversity net gain.

Overview of the Proposed Development

3.2.2 The Proposed Development comprises the following key elements:

- The EfW CHP Facility Site;
- CHP Connection;
- Temporary Construction Compound (TCC);
- Access Improvements;
- Water Connections; and
- Grid Connection (underground cable and Walsoken Substation).

3.2.3 A summary description of each Proposed Development element is provided below. A more detailed description is provided in **Chapter 3: Description of the Proposed Development (Volume 6.2) [APP-030]** of the ES. A list of terms and abbreviations can be found in **Chapter: 1 Introduction, Appendix 1F Terms and Abbreviations (Volume 6.4) [APP-069]**.

- EfW CHP Facility Site: A site of approximately 5.3ha located south-west of Wisbech, located within the administrative areas of Fenland District Council and Cambridgeshire County Council. The main buildings of the EfW CHP Facility would be located in the area to the north of the Hundred of Wisbech Internal



Drainage Board (HWIDB) drain bisecting the site and would house many development elements including the tipping hall, waste bunkers, boiler house, turbine hall, air cooled condenser, air pollution control building, chimneys and administration building. The gatehouse, weighbridges, 132kV switching compound and laydown maintenance area would be located in the southern section of the EfW CHP Facility Site.

- **CHP Connection:** The EfW CHP Facility would be designed to allow the export of steam and electricity from the facility to surrounding business users via dedicated pipelines and private wire cables located along the disused March to Wisbech railway. The pipeline and cables would be located on a raised, steel structure.
- **TCC:** Located adjacent to the EfW CHP Facility Site, the compound would be used to support the construction of the Proposed Development. The compound would be in place for the duration of construction.
- **Access Improvements:** includes access improvements on New Bridge Lane (road widening and site access) and Algores Way (relocation of site access 20m to the south).
- **Water Connections:** A new water main connecting the EfW CHP Facility into the local network will run underground from the EfW CHP Facility Site along New Bridge Lane before crossing underneath the A47 (open cut trenching or horizontal directional drilling (HDD)) to join an existing Anglian Water main. An additional foul sewer connection is required to an existing pumping station operated by Anglian Water located to the north-east of the Algores Way site entrance and into the EfW CHP Facility Site.
- **Grid Connection:** This comprises a 132kV electrical connection using underground cables. The Grid Connection route begins at the 132kV switching compound in the EfW CHP Facility Site and runs underneath New Bridge Lane, before heading north within the verge of the A47 to the Walsoken Substation on Broadend Road. From this point the cable would be connected underground to the Walsoken DNO Substation.

3.2.4 The Proposed Development would be constructed in a manner consistent with that described within **ES Chapter: 3 Description of the Proposed Development (Volume 6.2) [APP-030]**. In summary:

- Work would commence with the establishment of the TCC together with any pre-commencement surveys and works to demolish existing structures and clear the EfW CHP Facility Site. The mobilisation and site set-up phase will last approximately 3-months.
- Access Improvements on New Bridge Lane will commence and take place over a 6-month period.
- Civil works comprising earthworks, piling and later the creation of external hardstanding areas, concrete structures and steelwork framing and the installation of the Water Connections will take place over a 34-month period.



- Overlapping with the erection of the structures at the EfW CHP Facility Site, mechanical, electrical and plant installation would take place over a period of 24-months followed by a 9-month period of commissioning and testing.
- The construction of the CHP Connection and Grid Connection would follow a similar process of mobilisation, civils and commissioning.

3.2.5 Following the completion of commissioning and testing, the TCC site accessed from Alorges Way would be restored to its former condition.

3.2.1 The Proposed Development is a Nationally Significant Infrastructure Project (NSIP) under Part 3, Section 14 of the Planning Act 2008 by virtue of the fact that the generating station is located in England and has a generating capacity of over 50MW (see section 15(2) of the 2008 Act). It, therefore, requires an application to be submitted to the Secretary of State for a Development Consent Order (DCO). The DCO application has been submitted by Medworth CHP Ltd (the Applicant); a wholly owned subsidiary of MVV Environment Ltd.

Table 3.1 Agreement Log: General

ID	Statement on which agreement is sought	Position (RAG)	Commentary
3.1.1	The summary of the Proposed Development provided in Section 3.2 reflects Natural England's understanding of the Proposed Development.		Agreed
3.1.2	The level of engagement between the applicant and Natural England, as set out in Table 2.1 and Table 2.2 of this SoCG has been appropriate and has provided Natural England with the information reasonably required to inform their understanding of the Proposed Development and its likely significant effects on the natural environment.		Agreed. Natural England's relevant representations states that " <i>Natural England is satisfied that the Environmental Statement and Habitats Regulations Assessment confirm that the proposed scheme is unlikely to have any adverse effect on key matters within Natural England's statutory remit</i> ".

3.3 Draft DCO

3.3.1 The submitted **Draft DCO (Volume 3.1) [APP-013]** includes at Schedule 2 the Requirements.



Table 3.2 Agreement Log: Draft DCO

ID	Statement on which agreement is sought	Position (RAG)	Commentary
3.2.1	<p>Schedule 1 AUTHORISED DEVELOPMENT</p> <p>The items described Schedule 1 AUTHORISED DEVELOPMENT of the draft DCO accurately reflect Natural England's understanding of the works proposed.</p>		Agreed
3.2.2	<p>DCO Schedule 2 (requirement 4) (Biodiversity and landscape mitigation) provides an appropriate mechanism for securing landscape and biodiversity mitigation for the Proposed Development in accordance with the measures described in ES Chapter 19, Schedule of Mitigation and Monitoring (Volume 6.2) [APP-046].</p>		Agreed
3.2.3	<p>DCO Schedule 2 (requirement 5) (Landscape and ecology management plan) provides an appropriate mechanism for securing the creation and long-term management of habitat for the Proposed Development's ecological mitigation measures set out in ES Chapter 19, Schedule of Mitigation and Monitoring (Volume 6.2) [APP-046].</p>		Agreed
3.2.4	<p>DCO Schedule 2 (requirement 6) (Biodiversity net gain) provides an appropriate mechanism for securing biodiversity net gain for the Proposed Development.</p>		<p>Further discussions will be held between the parties to discuss and agree the matters concerning the delivery of a minimum of 10% BNG, including proposed offsite BNG delivery strategy as set out in ES Chapter 11 Biodiversity Appendix 11M Biodiversity Net Gain - Rev 2 (Volume 6.4) [AS-009].</p>



ID	Statement on which agreement is sought	Position (RAG)	Commentary
3.2.5	<p>DCO Schedule 2 (requirement 10) (Construction environmental management plan) provides an appropriate mechanism for managing the environmental effects during the construction phase of the Proposed Development in accordance with the measures set out in the Outline Construction Environmental Management Plan and accompanying Appendix D Outline Ecological Mitigation Strategy (Volume 7.12) [APP-103].</p>		Agreed
3.2.6	<p>DCO Schedule 2 (requirement 18) (Lighting strategy) provides an appropriate mechanism for managing the effects of lighting on biodiversity for the Proposed Development in accordance with the principles set out in ES Appendix 3B Outline Lighting Strategy (Volume 6.4) [App-071].</p>		Agreed
3.2.7	<p>DCO Schedule 2 (requirement 25) (Decommissioning) provides an appropriate mechanism for managing the environmental effects during the decommissioning phase of the Proposed Development.</p>		Agreed

3.4 ES Chapter 11 – Biodiversity

- 3.4.1 **ES Chapter 11, Biodiversity (Volume 6.2) [APP-038]**, establishes relevant baseline conditions and assesses the potential for significant effects on biodiversity. **Table 3.3** records the agreement on key matters relating to the assessment of effects reported in **ES Chapter 11**.



Table 3.3 Agreement Log: ES Chapter 11 – Biodiversity

ID	Statement on which agreement is sought	Position (RAG)	Commentary
3.3.1	<p><u>Baseline surveys</u> The habitat and species surveys carried out and reported in ES Appendices D-L (Volume 6.4) [APP-081 to APP-083] are appropriate and sufficient for determining the baseline conditions, in accordance with relevant and current good practice.</p>		<p>Agreed. Natural England's relevant representations states that "Extensive surveys were carried out for all protected species".</p>
3.3.2	<p><u>Protected species</u> As set out in ES Appendices E-L (Volume 6.4) [APP-082 and APP-083] there are currently no protected species constraints (such as bat roosts, water vole burrows or badger setts) within the Order Limits.</p>		<p>Agreed. Natural England's relevant representations state that "<i>Natural England are satisfied that this development will not result in direct impacts to protected species</i>" and that they "<i>are of the position that no mitigation is necessary to address the impacts to protected species</i>".</p>
3.3.3	<p><u>Habitats</u> The application site currently supports habitat of negligible ecological interest and does not contain any irreplaceable habitat or very high distinctiveness habitat. This is evidenced by the results of the Phase 1 habitat survey set out in ES Appendix D (Volume 6.4) [APP-081].</p>		<p>Agreed. Natural England's relevant representations state that "<i>The project site currently supports habitats of negligible ecological interest</i>" and that "<i>The application site does not include any irreplaceable habitat or very high distinctiveness habitat</i>".</p>
3.3.4	<p><u>Tree survey</u> The tree survey as reported in Tree Survey (Volume 7.13) [App-104] is appropriate and provides sufficient justification for the conclusion that the Proposed Development will not affect any ancient woodland or veteran trees.</p>		<p>Agreed. Natural England's relevant representations state that "<i>Natural England is satisfied with the findings of the Tree Survey submitted and conclude there will be no impacts to ancient woodland or veteran trees</i>".</p>



ID	Statement on which agreement is sought	Position (RAG)	Commentary
3.3.5	<p><u>Assessment scope and methodology</u></p> <p>The scope and methodology for the assessment of effects on the natural environment (as reported in ES Chapter 11, Biodiversity (Volume 6.2) [APP-038]) are appropriate and accord with relevant and current good practice.</p>		<p>Agreed. Natural England's relevant representations states that "<i>Natural England is satisfied that the Environmental Statement and Habitats Regulations Assessment confirm that the proposed scheme is unlikely to have any adverse effect on key matters within Natural England's statutory remit</i>".</p>
3.3.6	<p>The evaluation of effects on biodiversity as reported in Environmental Statement Chapter 11, Biodiversity (Volume 6.2) [APP-038] is robust and appropriately justified.</p>		<p>Agreed. Natural England's relevant representations states that "<i>Natural England is satisfied that the Environmental Statement and Habitats Regulations Assessment confirm that the proposed scheme is unlikely to have any adverse effect on key matters within Natural England's statutory remit</i>".</p>
3.3.7	<p><u>Assessment conclusion</u></p> <p>Table 11.15 appropriately summarises the significant effects on biodiversity as a result of the construction and operation of the Proposed Development (Table 11.15, Summary of significance of effects, in ES Chapter 11, Biodiversity (Volume 6.2) [APP-038]).</p>		<p>Agreed. Natural England's relevant representations states that "<i>Natural England is satisfied that the Environmental Statement and Habitats Regulations Assessment confirm that the proposed scheme is unlikely to have any adverse effect on key matters within Natural England's statutory remit, including designated sites</i>".</p>
3.3.8	<p><u>Embedded environmental measures</u></p> <p>The embedded mitigation measures proposed for the construction and operational phases of the Proposed Development outlined in Section 11.7 Embedded environmental measures and in Table 11.16 Summary of indicative environmental measures to be implemented</p>		<p>Agreed. Natural England's relevant representations states that "<i>Natural England are of the position that no mitigation is necessary to address the impacts to protected species</i>".</p>



ID	Statement on which agreement is sought	Position (RAG)	Commentary
	<p>– relating to biodiversity, in ES Chapter 11, Biodiversity (Volume 6.2) [APP-038] are appropriate to mitigate potential impacts on biodiversity.</p>		
<p>3.3.9</p>	<p><u>Pre-construction surveys</u> The measures set out in the Outline Construction Environmental Management Plan and accompanying Appendix D Outline Ecological Mitigation Strategy (Volume 7.12) [APP-103] (to be secured by DCO Schedule 2 (requirement 10) (Volume 3.1) [APP-013] (see Table 3.2) provide an appropriate and proportionate mechanism for securing final pre-construction protected species surveys and the steps that will need to be taken in the event that a protected species is found to have established within the Order Limits, in such a way that it could be impacted by the Proposed Development, since the ES was prepared.</p>		<p>Agreed. Natural England’s relevant representations states that “<i>The Construction Environment Management Plan proposes that pre-construction ecological surveys will be conducted to update baseline data. This addresses our recommendations, thus we have no concerns regarding protected species</i>”.</p>
<p>3.3.10</p>	<p>The measures set out in ES Chapter 19, Schedule of Mitigation and Monitoring (Volume 6.2) [APP-046] are appropriate for mitigating the Proposed Development’s effects on biodiversity.</p>		<p>Agreed. Natural England’s relevant representations states that “<i>Natural England are of the position that no mitigation is necessary to address the impacts to protected species</i>”.</p>
<p>3.3.11</p>	<p>The measures set out in the Outline Construction Environmental Management Plan and accompanying Appendix D Outline Ecological Mitigation</p>		<p>Agreed. Natural England’s relevant representations states that “<i>We are satisfied with the parameters of the Construction Environment Management Plan, Outline Ecological Mitigation</i></p>



ID	Statement on which agreement is sought	Position (RAG)	Commentary
	Strategy (Volume 7.12) [APP-103] are appropriate for mitigating the Proposed Development's effects on biodiversity during construction of the Proposed Development		<i>Strategy and Landscape Environment Management Plan</i> ".
3.3.12	The measures set out in the Outline Landscape and Ecology Management Plan (Volume 7.7) [APP-098] are appropriate for mitigating the Proposed Development's effects on biodiversity with respect to creation and management of habitats.		Agreed. Natural England's relevant representations states that " <i>We are satisfied with the parameters of the Construction Environment Management Plan, Outline Ecological Mitigation Strategy and Landscape Environment Management Plan</i> ".

3.5 Biodiversity Net Gain

3.5.1 **ES Appendix 11M: Biodiversity Net Gain Assessment – Rev 2, ES Chapter 11 Biodiversity (Volume 6.4) [AS-009]** sets out the Projects commitment to delivering Biodiversity Net Gain (BNG), to be delivered using a combination of on-site measures and off-site measures or the purchase of biodiversity units. **Table 3.4** records the agreement on key matters relating to the Biodiversity Net Gain Assessment.

Table 3.4 Biodiversity Net Gain Assessment

ID	Statement on which agreement is sought	Position (RAG)	Commentary
3.4.1	The statutory requirement for NSIPs to demonstrate 10% biodiversity net gain comes into effect in 2025 and is not therefore a statutory requirement for the Proposed Development.		Agreed. The Applicant has made a voluntary commitment to provide 10% biodiversity net gain for the Proposed Development
3.4.2	The use of Natural England's Biodiversity Metric V3.0 for the assessment of the		Agreed. Natural England's relevant representations state that " <i>We are in agreement that Biodiversity</i>



ID	Statement on which agreement is sought	Position (RAG)	Commentary
	Proposed Development was appropriate.		<i>Metric V3.0 was appropriate to use for this development</i> ".
3.4.3	The Biodiversity Net Gain Assessment 11M – Rev 2 (Volume 6.4) [AS-009] sets out an appropriate approach to delivering BNG as part of the Proposed Development in terms of using a combination of on-site and off-site habitat measures, and identifies appropriate potential mechanisms for off-site delivery.		Further discussions will be held between the parties to discuss and agree the matters concerning the delivery of a minimum of 10% BNG, including proposed offsite BNG delivery strategy.
3.4.4	The Applicant has proposed appropriate habitat creation and enhancement measures on-site as shown on Figure 3.14 Outline Landscape and Ecology Strategy (Volume 6.3) [APP-049] which will give rise to a positive effect on the natural environment.		Agreed. Natural England's relevant representations state that " <i>Natural England welcomes the onsite BNG proposed as set out in the Outline Landscape and Ecological Management Plan which will have a positive effect on the natural environment by providing local priority habitats</i> ", that " <i>The applicant has ensured that as much habitat creation as possible is delivered on site</i> " and " <i>were pleased to see the recognition of BNG good practice principles and the applicant's considerations in their design around connectivity, resilience and strategic significance</i> ".
3.4.5	The calculation of change in biodiversity units for the Proposed Development set out in Biodiversity Net Gain Assessment 11M (Volume 6.4) [AS-009]		Agreed. Natural England's relevant representations identify the percentage changes in biodiversity units shown in this SoCG.



ID	Statement on which agreement is sought	Position (RAG)	Commentary
	correctly applies Natural England's Biodiversity Metric 3.0 and associated calculation tool to calculate an on-site net change of -3.63 habitat units (-9.98%); -1.02 hedgerow units (-21.56%); and -0.21 river units (-11.85%).		
3.4.6	The BNG modelling in Section 3.3 of ES Appendix 11M – Rev 2 (Volume 6.4) [AS-009] identifies appropriate examples of habitat types and quantities which could be created/enhanced off-site to achieve 10% BNG for the Proposed Development while meeting the trading rules (i.e., providing habitat of medium distinctiveness or higher in this instance).		Agreed
3.4.7	DCO Schedule 2 (requirement 6) (Biodiversity net gain) provides an appropriate mechanism for securing a strategy for delivering biodiversity net gain (on- and off-site) for the Proposed Development, and provides an opportunity for Natural England to input as the relevant statutory nature conservation body.		Further discussions will be held between the parties to discuss and agree the matters concerning the delivery of a minimum of 10% BNG, including proposed offsite BNG delivery strategy.



3.6 Habitat Regulations Assessment

3.6.1 **The Habitats Regulations Assessment No Significant Effects Report (Volume 5.3) [APP-025]** sets out the scope, approach and conclusions of the HRA screening in respect to the impact of the Proposed Development on the qualifying interest features of the European sites screened into the assessment, either alone or in combination with other plans or projects. The report concludes that Likely Significant Effect (LSE) on all qualifying interest features of these sites can be excluded. **Table 3.5** records the agreement on key matters relating to the Habitat Regulations Assessment.

Table 3.5 Habitat Regulations Assessment

ID	Statement on which agreement is sought	Position (RAG)	Commentary
3.5.1	The methodology for HRA screening used in the Habitats Regulations Assessment No Significant Effects Report (Volume 5.3) [APP-025] is appropriate and robust.		Agreed. Natural England's relevant representations states that " <i>Natural England is satisfied that the Environmental Statement and Habitats Regulations Assessment confirm that the proposed scheme is unlikely to have any adverse effect on key matters within Natural England's statutory remit, including designated sites</i> ".
3.5.2	The European sites included for assessment in the Habitats Regulations Assessment No Significant Effects Report (Volume 5.3) [APP-025] are appropriate.		Agreed. Natural England's relevant representations states that " <i>Natural England is satisfied that the Environmental Statement and Habitats Regulations Assessment confirm that the proposed scheme is unlikely to have any adverse effect on key matters within Natural England's statutory remit, including designated sites</i> ".
3.5.3	The sensitive qualifying features, possible effects of the Proposed Development, and their interactions are appropriately identified within identified within the Habitats Regulations		Agreed. Natural England's relevant representations states that " <i>Natural England is satisfied that the Environmental Statement and Habitats Regulations Assessment confirm that the</i>



ID	Statement on which agreement is sought	Position (RAG)	Commentary
	<p>Assessment No Significant Effects Report (Volume 5.3) [APP-025].</p>		<p><i>proposed scheme is unlikely to have any adverse effect on key matters within Natural England’s statutory remit, including designated sites”.</i></p>
<p>3.5.4</p>	<p>The conclusion that the Proposed Development will not have any adverse effects on the integrity of internationally designated sites (i.e., no Likely Significant Effects) as presented in the Habitats Regulations Assessment No Significant Effects Report (Volume 5.3) [APP-025], is robust and appropriately justified.</p>		<p>Agreed. Natural England’s relevant representations state that “<i>Natural England is satisfied that the project is unlikely to have a significant impact on the nearby internationally designates sites</i>” and that “<i>Natural England are in agreement with the conclusions of the HRA</i>”.</p>
<p>3.5.5</p>	<p>The Habitats Regulations Assessment No Significant Effects Report (Volume 5.3) [APP-025] provides such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.</p>		<p>Agreed. Natural England’s relevant representations states that “<i>Natural England is satisfied that the Environmental Statement and Habitats Regulations Assessment confirm that the proposed scheme is unlikely to have any adverse effect on key matters within Natural England’s statutory remit, including designated sites</i>”.</p>

3.7 Other consents and licences

- 3.7.1 The **List of Other consents and Licences (Volume 5.4) [APP-026]** the other consents that may be required to enable the construction and/or operation of the Proposed Development. **Table 3.6** records the agreement on key matters relating to other consents and licences.



Table 3.6: Agreement Log: Other consents and licences

ID	Statement on which agreement is sought	Position (RAG)	Commentary
3.6.1	<p>Paragraph 2.2.4 (Summary of Consents and Licenses List of other Consents and Licenses (Volume 5.4) [APP-026] accurately identifies that no legally protected and controlled species have been identified</p> <p>during the course of ecological survey such that it is anticipated that a licence for any activity which might disturb them would not be required.</p>		<p>Agreed. Natural England's relevant representations state that "<i>There is no evidence of protected species present on the development site</i>" and that "<i>Natural England are of the position that no mitigation is necessary to address the impacts to protected species</i>".</p>
3.6.2	<p>ES Appendices E-L (Volume 6.4) [APP-082 and APP-083] support that there are currently no protected species constraints (such as bat roosts, water vole burrows or badger setts) identified within the Order Limits. There is, therefore, currently no reason to agree draft licence application(s) with Natural England or obtain an associated Letter of No Impediment.</p>		<p>Agreed. Natural England's relevant representations state that "<i>Natural England are of the position that no mitigation is necessary to address the impacts to protected species</i>".</p>



4. Summary

- 4.1.1 This SoCG has outlined the consultation that has taken place between the Applicant and Natural England during the pre-application and pre-examination phases of the DCO process. The agreement presents the current position reached at examination Deadline 1 (10 March 2023).
- 4.1.2 This SoCG will be updated as discussions progress and made available to PINS as requested through the DCO examination phase.

