



# **STATEMENT OF COMMON GROUND BETWEEN NATURAL ENGLAND AND DRAX POWER LIMITED**

## **Drax Bioenergy with Carbon Capture and Storage**

The Planning Act 2008 (as amended)

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CONFIDENTIAL

# TABLE OF CONTENTS

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<b>1. INTRODUCTION AND PURPOSE</b> .....	<b>1</b>
1.1. Purpose of the Statement of Common Ground .....	1
1.2. Description of the Proposed Scheme .....	1
1.3. This Statement of Common Ground with Natural England.....	1
<b>2. RECORD OF ENGAGEMENT UNDERTAKEN TO DATE</b> .....	<b>3</b>
2.1. Record of Engagement .....	3
<b>3. SUMMARY OF TOPICS COVERED BY THIS STATEMENT OF COMMON GROUND AND RELEVANT DOCUMENTS</b> .....	<b>10</b>
3.1. Topics Covered in this Statement of Common Ground .....	10
3.2. Relevant Documents for this Statement of Common Ground .....	10
<b>4. CURRENT POSITION</b> .....	<b>12</b>
4.1. Best and Most Versatile Agricultural Land .....	12
4.2. Air Quality.....	19
4.3. Ecology .....	28
4.4. Landscape and Visual Impact .....	50
<b>5. SIGNATURES</b> .....	<b>51</b>

## TABLES

---

Table 2.1 – Schedule of Meetings and Correspondence during the Pre-application Stage .....	3
Table 2.2 – Schedule of Meetings and Correspondence during the Pre-Examination and Examination Stages .....	4
Table 3.1 – List of Relevant Application Documents for this SOCG.....	10
Table 4.1 - Best and Most Versatile Agricultural Land .....	12
Table 4.2 – Air Quality.....	19
Table 4.3 – Ecology .....	28
Table 4.4 – Landscape and Visual Impact .....	50
Table 5.1 – Signatures .....	51

## **EXECUTIVE SUMMARY**

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A Statement of Common Ground (SoCG) is a written statement produced during the application process for a Development Consent Order (DCO). It is prepared jointly by the applicant and another party, to assist the Examining Authority in examining the DCO application by providing an understanding of the status of discussions or negotiations between the applicant and the other party.

This SoCG has been prepared between Natural England (NE) and Drax Power Limited (the 'Applicant') (jointly referred to as the Parties) to show where agreement has been reached to date in relation to the Applicant's application (the Application) for a DCO for their Bioenergy with Carbon Capture and Storage (BECCS) project (referred to as the Proposed Scheme). The SoCG represents an accurate and up to date reflection of matters discussed between the Parties. It is a document which will evolve during the examination, and conclude with a version which confirms the Parties' positions on relevant matters before the close of the examination.

NE is interested in the Proposed Scheme in their capacity as the statutory nature conservation agency in England.

Throughout this document, points of agreement and disagreement between the Parties are clearly indicated.

# 1. INTRODUCTION AND PURPOSE

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## 1.1. PURPOSE OF THE STATEMENT OF COMMON GROUND

1.1.1. A Statement of Common Ground (SoCG) is a written statement produced during the application process for a Development Consent Order (DCO) and is prepared jointly by the applicant and another party.

1.1.2. Paragraph 58 of the Department for Communities and Local Government's (DCLG, now Ministry of Housing, Communities and Local Government) guidance entitled 'Planning Act 2008: examination of applications for development consent' (26 March 2015) (DCLG, 2015) hereafter referred to as DCLG Guidance) describes a SoCG as follows:

*"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence."*

1.1.3. The aim of a SoCG is to assist the Examining Authority in examining the DCO by providing an understanding of the status of discussions or negotiations between the applicant and the other party. The effective use of SoCGs aids an efficient examination process.

1.1.4. A SoCG is updated as necessary or as requested during the examination.

## 1.2. DESCRIPTION OF THE PROPOSED SCHEME

1.2.1. A full description of the Proposed Scheme description is included in Chapter 2 (Site and Project Description) of the ES submitted with the DCO Application (document reference **APP-038**), as amended by the Change Request - 8.5.1 Proposed Changes Application Report (document reference AS-045).

## 1.3. THIS STATEMENT OF COMMON GROUND WITH NATURAL ENGLAND

1.3.1. This SoCG has been prepared between Natural England (NE) and the Applicant (jointly referred to as the Parties) in relation to the Application.

1.3.2. It addresses topics of interest to NE. NE is interested in the Proposed Scheme in their capacity as the statutory nature conservation agency (SNCA) in England.

1.3.3. NE are a consultation body as prescribed under section 42(1)(a) (duty to consult) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. In their role as SNCA they are responsible for providing advice to project promoters and consultation responses on relevant ecology and landscape matters in response to the Environmental Impact Assessment (EIA) scoping and

statutory consultation (including any Preliminary Environmental Information Report (PEIR)) processes, engagement on the development of the Environmental Statement and Habitats Regulations Assessment application documentation and participation in the Examination process.

- 1.3.4. In addition, NE are responsible for providing statutory advice to the Planning Inspectorate on any Appropriate Assessment produced by the Planning Inspectorate, in accordance with Regulation 63(3) of the Conservation of Habitats and Species Regulations (2017, as amended).
- 1.3.5. Section 3 summarises the topics of relevance to this SoCG and Section 4 then details whether matters are agreed, not agreed or under discussion between the Parties.
- 1.3.6. In respect of matters relevant to the Proposed Scheme but not referred to in this SoCG, NE has no further comments to make at this point. It may have further or additional comments to make, particularly if further information about the project becomes available.
- 1.3.7. Following the Applicant's consultation on the Proposed Changes to the Application, and the acceptance of them into the Examination by the Examining Authority, NE is currently reviewing the additional information provided in respect of the Proposed Changes, which will be expressed through the Relevant Representation process currently being undertaken. Therefore, the statements in the SoCG do not apply to the application inclusive of those Proposed Changes at this stage.
- 1.3.8. Section 3 summarises the topics of relevance to this SoCG and Section 4 then details whether matters are agreed, not agreed or under discussion between the Parties.
- 1.3.9. The SoCG is a document which will evolve during the pre-application and examination stages and conclude with a version which confirms the Parties' positions on relevant matters before the close of the Examination.
- 1.3.10. This SoCG has been prepared in accordance with the DCLG Guidance.



## 2. RECORD OF ENGAGEMENT UNDERTAKEN TO DATE

### 2.1. RECORD OF ENGAGEMENT

2.1.1. The tables below set out a summary of the key meetings and correspondence between the Parties in relation to the Proposed Scheme.

**Table 2.1 – Schedule of Meetings and Correspondence during the Pre-application Stage**

Date	Form of Contact	Summary
<b>February - November 2021</b>	Multiple emails and phone calls	The Applicant sought NE's advice by way of a Discretionary Advice Service Request. NE were unable to provide DAS advice at this time.
<b>10 December 2021</b>	Letter (by email)	Letter from NE to The Applicant, comprising NE's response to the S42 consultation request. NE provided advice and raised points in relation to air quality, ecology and biodiversity, landscape and visual impact assessment, and the water environment.
<b>7 January 2022</b>	Phone	Phone call between NE and the Applicant to arrange a future meeting to discuss the S42 consultation responses in relation to the PEIR. The Applicant also indicated that an application to use the Great Crested Newt (GCN) District Level Licence (DLL) would be sought. NE stated that they would need time to consider availability for a future meeting. NE requested that any discussion points should be sent via email with any future meeting likely to require a DAS.
<b>January to February 2022</b>	Multiple emails	The Applicant provided a list of topics in an email to NE that would form part of a future call, followed by continued discussions between NE and the Applicant to set up meeting.
<b>25 February 2022</b>	Teleconference	A meeting was had between NE and the Applicant to discuss matters including peregrine falcon, BMV agricultural land, BNG and SoCG.
<b>29 March 2022</b>	Email	The Applicant emailed meeting minutes from the teleconference on 25 February along with supporting documents for NE's review. This

<b>Date</b>	<b>Form of Contact</b>	<b>Summary</b>
		included a Nitrate-phosphate limitation note, additional detail on ALC methodology and the Applicant's approach to BNG.  The Applicant also requested a follow up meeting in early April.
<b>March to May 2022</b>	Multiple emails	NE and the Applicant continued to engage in discussions around use of DAS service.
<b>12 April 2022</b>	Email	The Applicant issued a briefing note on BNG and indicated that an additional DAS request was being progressed.
<b>5 May 2022</b>	Email	NE issued their DAS response to the Applicant.

**Table 2.2 – Schedule of Meetings and Correspondence during the Pre-Examination and Examination Stages**

<b>Date</b>	<b>Form of Contact</b>	<b>Summary</b>
<b>12 July 2022</b>	Email	The Applicant informed NE that the ExA would shortly be asking NE and other consultees to provide relevant representations in relation to the application, which would include a review of the HRA.
<b>July 2022</b>	Email	NE and the Applicant continued discussions relating to the DAS advice and in relation to the submitted DCO application, including confirmation of acceptance on the 21 July.
<b>1 August 2022</b>	Email	NE stated that they were no longer able to provide advice on the submitted DCO application via DAS in advance of producing their Relevant representation. NE and the Applicant agreed to continue working together and to set up a meeting after the Relevant Representations had been published. NE also agreed to issue a copy of their Relevant Representation to the Applicant in parallel with issuing it to PINS. NE suggested that any further DAS meetings and other engagement be

<b>Date</b>	<b>Form of Contact</b>	<b>Summary</b>
		postponed until their statutory Relevant Representation response was submitted.
<b>6 September 2022</b>	Email	NE issued their relevant representations to the Applicant. NE indicated that they were seeking advice from their air quality specialists on the air quality assessment. NE indicated that a response would follow shortly.
<b>14 September 2022</b>	Teleconference	A teleconference between NE and the Applicant was held to discuss ecology matters relating to NE's relevant representation responses and SoCG.
<b>23 September 2022</b>	Email	NE issued the second version (Version 1.2) of their relevant representation responses to the Applicant including air quality comments.
<b>25 October 2022</b>	Email	The Applicant issued a briefing note with queries and additional information relating to operational air quality effects of the Proposed Scheme. This included modelling of air quality impacts on proxy habitats for the River Derwent, as per NE's request in their Relevant Representation.
<b>26 October 2022</b>	Teleconference	NE and the Applicant held a meeting to discuss the ecological effects of the Proposed Scheme's air quality impacts. The SoCG and Relevant Representation responses were also discussed, including the accelerated deadline of the 11 November. NE and the Applicant agreed to work together to address as many unresolved issues prior to the 11 as possible. The Applicant confirmed they would issue a draft SoCG as soon as possible, with the Applicant's draft response to the NE Relevant Representation to follow as soon as possible after that. NE requested sight of both documents at the same time, which the Applicant stated they would try to achieve.



<b>Date</b>	<b>Form of Contact</b>	<b>Summary</b>
<b>28 October – 4 November 2022</b>	Emails	Agreement of Revision 01 of the Statement of Common Ground.
<b>10 November 2022</b>	Emails	The Applicant issued a draft of their response to the NE Relevant Representation, to NE. NE confirmed receipt. The Applicant and NE agreed that the SoCG would remain as drafted prior to 10 November, as there was insufficient time for this to be revised in advance of the 11 November Deadline for submission of draft SoCG to PINS.
<b>06 December 2022</b>	Email	NE raised a drafting query on the Applicant's response to the NE Relevant Representation. This related to Natural England key issue 18 (clarification on scenarios used to assess the impacts from aerial emissions on designated sites, as set out in Table 1 of document reference AS-011). The Applicant responded confirming the location in the RR response where the information was contained in the Applicant's Response to Relevant Representations (document reference AS-038).
<b>09 December 2022</b>	Email	NE provided further advice to the Applicant, in response to the Applicant's response to the NE Relevant Representation. This confirmed NE's agreement with the Applicant, to the following areas that had previously been identified as 'under discussion' in the SoCG between NE and the Applicant (document reference AS-032): <ul style="list-style-type: none"> <li>• Air Quality impacts from construction traffic on the Humber Estuary designated sites (NE Key Issue reference 18 from Table 1 of document reference AS-011);</li> <li>• Impacts from potential loss of functionally linked land in the off-site habitat provision</li> </ul>

Date	Form of Contact	Summary
		<p>are (NE Key Issue reference 2 from Table 1 of document reference AS-011);</p> <ul style="list-style-type: none"> <li>• Protected species - badger (NE Key Issue reference 9 from Table 1 of document reference AS-011);</li> <li>• Protected species – bats NE Key Issue reference 10 from Table 1 of document reference AS-011);</li> <li>• Impacts on Habitats of Principal Importance, specifically reedbeds, under the NERC Act 2006 (NE Key Issue reference 13 from Table 1 of document reference AS-011);</li> <li>• Decommissioning Environmental Management Plan (NE Key Issue reference 42 from Table 2 of document reference AS-011); and</li> <li>• Mechanism by which the Proposed Scheme would secure 10% BNG (NE Key Issue reference 38 from Table 2 of document reference AS-011);</li> </ul> <p>NE also confirmed that other areas not specifically identified as being resolved, were still under discussion from their perspective. NE also confirmed that they were expecting to issue further advice to the Applicant in relation to Agricultural Land and Soils and Operational Air Quality on 16 December 2022.</p>
<p><b>15 December 2022</b></p>	<p>Email</p>	<p>NE provided further advice to the Applicant, in response to the Applicant’s response to the NE Relevant Representation. This confirmed NE’s agreement with the Applicant, to the following areas that had previously been identified as ‘under discussion’ in the SoCG between NE and the Applicant (document reference AS-032):</p> <ul style="list-style-type: none"> <li>• Agreement that it was not reasonable for IEMA guidelines published in March 2022 (after the methodology for the Ground</li> </ul>

Date	Form of Contact	Summary
		<p>Conditions assessment had been established including through consultation) to be followed (NE Key Issue reference 16 from Table 1 of document reference AS-011);</p> <ul style="list-style-type: none"> <li>• Agreement by NE to the scope of Agricultural Land Classification (ALC) surveys proposed and completed by the Applicant (NE Key Issue reference 16 from Table 1 of document reference AS-011);</li> <li>• Agreement that applying the ICE guidelines for ALC EIA did not alter the findings of the Applicant’s assessment, with the impacts on ALC not significant under both the ICE and the Applicant’s methodology; and</li> <li>• Agreement that the Soil Management Handling Plan will in part be informed by the habitat and landscape plans for the Habitat Provision Areas, to be developed at the detailed design stage.</li> </ul> <p>The Applicant responded to NE, acknowledging receipt of the NE email.</p>
<p><b>16 – 18 December 2022</b></p>	<p>Email, including letter by email.</p>	<p>NE provided further advice to the Applicant, in response to the Applicant’s response to the NE Relevant Representation. This confirmed NE’s agreement with the Applicant, to the following areas that had previously been identified as ‘under discussion’ in the SoCG between NE and the Applicant (document reference AS-032):</p> <ul style="list-style-type: none"> <li>• Air Quality impacts from construction traffic on the Humber Estuary designated sites (NE Key Issue reference 18 from Table 1 of document reference AS-011), with additional detail provided by NE relative to their 09 December response;</li> <li>• Air quality impacts on the qualifying interest fish and otter features of the</li> </ul>

Date	Form of Contact	Summary
		<p>River Derwent SAC will not be significant (NE Key Issue reference 20 &amp; 25 from Table 1 of document reference AS-011); and</p> <ul style="list-style-type: none"> <li>Acceptance of the justification provided regarding the proposed technology to be used to achieve the operational emissions abatement and the measures for securing the currently proposed mitigation for operational emissions (NE Key Issue reference 22 &amp; 26 from Table 1 of document reference AS-011).</li> </ul> <p>The response from NE also confirmed that other aspects of the assessment of operational air quality effects remain to be resolved, and as such remain under discussion between NE and the Applicant. The Applicant responded to NE, acknowledging receipt of the NE email.</p>
<b>04 January 2022</b>	Email	The Applicant provided NE with a summary of updated modelling of air quality impacts on statutory designated sites. This had been produced following a review of achievable emissions control measures for the Proposed Scheme, which enabled further reductions in the emission rate of sulphur dioxide (SO <sub>2</sub> ) from the proposed BECCS units. The reduction in SO <sub>2</sub> emissions led to a corresponding reduction in acid deposition from the Proposed Scheme.
<b>6 January – 2 February 2023</b>	Emails	Agreement of Revision 02 of the Statement of Common Ground.

### **3. SUMMARY OF TOPICS COVERED BY THIS STATEMENT OF COMMON GROUND AND RELEVANT DOCUMENTS**

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#### **3.1. TOPICS COVERED IN THIS STATEMENT OF COMMON GROUND**

3.1.1. The following topics discussed between the Parties are covered by this SoCG:

- Best and most versatile agricultural land;
- Air quality;
- Ecology; and
- Landscape and visual impact.

3.1.2. The Applicant notes the list of topics that the ExA has requested (Rule 6 Letter, document reference PD-008) be included in this SoCG between the Applicant and Natural England. The Applicant and Natural England consider that whilst the SoCG is not presented on the basis of those headings (see Section 4), these matters are fully addressed in this SoCG. The Applicant and Natural England also wish to clarify that matters relating to the ecological assessment of Noise and Vibration are agreed.

#### **3.2. RELEVANT DOCUMENTS FOR THIS STATEMENT OF COMMON GROUND**

3.2.1. Table 3.1 provides a list of documents of particular relevance to this SoCG. This list will be updated to keep a record of the most recent version of the relevant document.

**Table 3.1 – List of Relevant Application Documents for this SOCG**

<b>Document Reference</b>	<b>Document Name</b>
<b>APP-037 – APP-178</b>	6.1 – 6.4 Environmental Statement
<b>APP-185 – APP-194</b>	6.8 Habitats Regulations Assessment Report
<b>APP-180</b>	6.6 Outline Landscape and Biodiversity Strategy
<b>AS-025</b>	3.1 Draft Development Consent Order (Clean) - Rev 3 - Accepted at the discretion of the Examining Authority

<b>Document Reference</b>	<b>Document Name</b>
<b>AS-027</b>	6.5 Register of Environmental Actions and Commitments (Clean) - Rev 2 - Accepted at the discretion of the Examining Authority
<b>AS-028</b>	6.5 Register of Environmental Actions and Commitments (Tracked) - Rev 2 - Accepted at the discretion of the Examining Authority
<b>AS-038</b>	8.3 Applicant's Response to Relevant Representations and Additional Submissions - Rev 1 - Accepted at the discretion of the Examining Authority
<b>AS-045</b>	Change Request - 8.5.1 Proposed Changes Application Report - Accepted at the discretion of the Examining Authority



## 4. CURRENT POSITION

### 4.1. BEST AND MOST VERSATILE AGRICULTURAL LAND

Table 4.1 - Best and Most Versatile Agricultural Land

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
4.1.1	ES Study Area and Methodology	<p>The ES Study Area is described in full in Section 11.7 of Chapter 11 (Ground Conditions) of the ES (document reference APP-047). The Methodology is described in full in Section 11.5 of Chapter 11 of the ES.</p> <p>DMRB guidance LA109 methodology has been stated as the assessment methodologies within the PEIR, no comment has been provided on this approach by NE within the S42 Response.</p> <p>Please see response Ref 5.7 within the Relevant Representation response (document reference AS-038) for a comparison of the methodology used within Ch11 of the ES (document reference APP-047) against the methodology outlined</p>	<p>The ALC survey methodology presented in the Soil Resource and Agricultural Land Classification Survey (document reference APP-158) is robust, however, coupled with the available Post-1988 ALC survey data, does not provide complete coverage of the agricultural land subject to disturbance from the proposed development within the project boundary (Figure 11.2).</p> <p>NE welcomes the Applicant's commitment to undertake further ALC surveys this year (2023) and the provision of the additional ALC data for the Off-site Habitat Provision Area.</p> <p>The EIA should be in line with the methodology presented in the ICE (2019) EIA handbook.</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>within the ICE (2019) EIA Handbook. The comparison concludes that no change to the assessment would be produced by applying ICE (2019) EIA Handbook methodology.</p> <p>Please see response Ref 5.5 within the Relevant Representation response in relation to the use of IEMA guidelines (2022).</p> <p>Notwithstanding this comment, it should be noted that soil function is assessed within Chapter 11 of the ES (document reference <b>APP-047</b>).</p>	<p>Consideration of the development impacts on the soil resource and soil function should also be considered (IEMA guidelines (2022)).</p> <p>Natural England acknowledges that the IEMA guidance regarding soils was published in March 2022 after the assessment methodology for the Drax BECCS DCO had been established through the Scoping and PEIR.</p> <p>Natural England welcomes the Applicant’s comparison of the ALC EIA methodologies, as set out in row 5.7 of Table 5.1 of the Applicants Response to Relevant Representations (document reference AS-038). The ICE (2019) EIA Handbook Magnitude assessment relates to the area of permanent and temporary loss, and does not include ALC grades. However, Natural England acknowledge that the effect of</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
			<p>using either methodology remains not significant.</p> <p>Following the additional information provided by the Applicant in their Responses to Relevant Representations and Additional Submissions (document reference AS-038), Natural England now considers this matter agreed.</p>	
4.1.2	ES Baseline	<p>The Applicant set out the baseline in Section 11.7 of Chapter 11 (Ground Conditions) of the ES (document reference <b>APP-047</b>). Please see response Ref 5.23 within the Relevant Representation response in relation to ALC survey and temporary land take calculation.</p> <p>The Applicant intends to complete additional ALC survey work of the on-site Habitat Provision Area in 2023, as set out in row 5.6 of Table 5.1 in the Applicant’s Response to Relevant Representations and Additional</p>	<p>The ALC Grade should be calculated for all agricultural land (or land which was last used for agricultural use) subject to proposed development or disturbance to inform soil management and sustainable re-use.</p> <p>A detailed ALC field survey should be undertaken on the southern tip of the On-Site Habitat Provision Area to inform soil management and sustainable re-use, as at present it remains un-surveyed. Two areas of land subject to the ALC survey (eastern parcel and central parcel) have not been</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>Submissions (document reference AS-038).</p>	<p>assigned an ALC Grade based on their current non-agricultural land use. The ALC Grade is not based on the current land use or cropping of the land, but the inherent capability of the land. The ALC Grade should also be calculated for the western parcel with the data presented in Appendix 11.2.</p> <p>NE welcomes the Applicant's commitment to undertake further ALC surveys this year (2023) and use this information to inform the habitat and landscaping plan to be developed for the Habitat Provision Area. We advise that the information from these ALC surveys should also feed into the Soil Management Plan, where appropriate. Natural England welcome the Applicant's clarification of the ALC Grade of the Fallow Field (Off-Site Habitat Provision Area).</p> <p>Subject to the provision of the additional reporting and ALC survey of the On-site Habitat</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
			Provision Area by the Applicant, NE now consider this matter agreed.	
4.1.3	Predicted Impacts	The Applicant set out the predicted impacts in Section 11.4 (Scope of the Assessment) and Section 11.9 (Preliminary Assessment of Likely Impacts and Effects) in Chapter 11 (Ground Conditions) of the ES (document reference APP-047).	NE agree with the predicted impacts as outlined in Section 11.4 (Scope of the Assessment) and Section 11.9 (Preliminary Assessment of Likely Impacts and Effects) in Chapter 11 (Ground Conditions) of the ES (document reference APP-047).	Agreed
4.1.4	Design, Mitigation and Enhancement Measures	<p>The Applicant set out the design, mitigation and enhancement measures in Section 11.10 in Chapter 11 (Ground Conditions) of the ES (document reference APP-047).</p> <p>Please see row 5.8 of Table 5.1 within the Applicant's Response to Relevant Representations and Additional Submissions (document reference AS-038) response in relation to comment regarding inappropriate soil handling. The REAC (document</p>	<p>Regarding Schedule 2 Requirement 14 NE highlight that additional information regarding sustainable soil management should be included within the Soil Handling Management Plan as part of the CEMP (NE Key issue reference 17).</p> <p>Natural England welcome the Soil Management Handling Plan (included in the CEMP (as referred to in REAC item GC2)) will in part be informed by the habitat and landscape plan for the Habitat</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		reference AS-028) has been updated to reflect Natural England’s Relevant Representation at ID GC2. The mitigation within the REAC will be secured by requirements in the DCO including the requirement for a Soil Management Handling Plan to be produced as part of the CEMP for the Proposed Scheme.	Provision Area, which will be developed at the detailed design stage.  Subject to the securing of the REAC via the DCO, Natural England now consider this matter agreed.	
4.1.5	Residual Effects	The Applicant set out the assessment of likely significant effects in Section 11.11 in Chapter 11 (Ground Conditions) of the ES (document reference APP-047) and confirms residual effects are not significant.	NE agree with the residual effects assessment in Section 11.11 in Chapter 11 (Ground Conditions) of the ES (document reference APP-047).	Agreed
4.1.6	Relevant dDCO Requirements/Articles	Schedule 2 of the dDCO (document reference APP-013) includes Requirements that secure mitigation and enhancement measures for Ground Conditions receptors.	Natural England welcome the Soil Management Handling Plan (included in the CEMP (as referred to in REAC item GC2)) will in part be informed by the habitat and landscape plan for the Habitat Provision Area, which will be	Agreed



Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>The dDCO includes a commitment to implement a CEMP that will be approved by the relevant local planning authority and regulatory bodies, which includes construction mitigation measures, as detailed in Chapter 11 (Ground Conditions) of the ES (document reference APP-047) and set out in the REAC (document reference APP-179).</p> <p>Relevant Requirements include:</p> <p>Requirement 14 – CEMP which will include a Soil Handling Management Plan</p> <p>Please see response Ref 5.8 within the Applicant’s Response to Relevant Representations and Additional Submissions..</p>	<p>developed at the detailed design stage.</p> <p>Subject to the securing of the REAC via the DCO, Natural England now consider this matter agreed.</p>	

## 4.2. AIR QUALITY

Table 4.2 – Air Quality

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
4.2.1	ES Study Area	<p>The ES Study Area is described in full in Section 6.6 of Chapter 6 (Air Quality) of the ES (document reference APP-042). The methodology is described in full in Section 6.5 of Chapter 6 of the ES.</p> <p>The Applicant notes NE’s advice that potential LSE on the Humber Estuary designated sites from Construction traffic emissions be considered in more detail. The Applicant remains of the view that LSE would not arise from use of this construction traffic route. This is due to the height of the bridge (approximately 30m above ground level) and the consequent extra dispersal of emissions before they reach the habitats underneath, the low sensitivity of the habitats present (unvegetated mudflats and grazing marsh), and the fact that traffic flows reported in the ES are averaged peak</p>	<p>NE agree with the list of statutory designated sites and have no further concerns on the Study Area other than in relation to construction traffic (see below).</p> <p>NE advised in their RR ‘that the potential for likely significant effects from traffic emissions on the Humber Estuary designated sites, alone and in-combination, is considered in more detail in the HRA’. NE’s concerns related to emissions from construction traffic using the M62 to access the Proposed Scheme from the north-east. NE’s position was set out fully in Table 1, Key Issue 1 of their RR.</p> <p>Following the additional information provided by the Applicant in their Response to Relevant Representations and Additional Submissions, Natural England now agree there would</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		<p>monthly flows rather than Average Annual Daily Traffic (AADT) flows. The Applicant provided initial material to NE relating to this on a call on the 25 and 26 October. Additional material was provided in the Applicant’s Response to Relevant Representations and Additional Submissions (row 5.13 of Table 5.1, document reference AS-038).</p>	<p>be no Likely Significant Effect or risk of damage to the Humber Estuary SAC, SPA, Ramsar Site, and Site of Special Scientific Interest arising from emissions from construction traffic alone or in combination.</p>	
4.2.2	ES Methodology – dispersion modelling	<p>The methodology is described in full in Section 6.5 of Chapter 6 (Air Quality) of the ES (document reference APP-042).</p> <p>The Applicant notes NE’s request for clarification on the Scenarios used to assess the impacts from aerial emissions on designated sites (NE Key Issues ID 18 and 23). The Applicant has provided an explanation in response to NE’s queries in Appendix B of the Applicant’s Response to Relevant Representations and Additional</p>	<p>NE welcomes the provision of additional information by The Applicant, as set out in Appendix B of their Response to Relevant Representations and Additional Submissions. Natural England now consider this matter agreed.</p>	Agreed

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		Submissions (document reference AS-038).		
4.2.3	ES Baseline	<p>The designated sites relevant to the Air Quality assessment are set out in Section 8.5 of the Ecology Chapter of the ES (document reference APP-044)</p> <p>In determining the relevant ecological baseline for the assessment of air quality effects, the Applicant has had regard to the relevant Environment Agency advice (<i>Air emissions risk assessment for your environmental permit</i> (2021, Sept 3)).</p>	NE agree with the list of designated ecological sites that have been included in the Operational Air Quality Assessment.	Agreed
4.2.4	Predicted Impacts	The Applicant's assessment of air quality impacts is set out in Sections 6.9, Section 6.11, and Section 6.12 in the Air Quality chapter of the ES (document reference APP-042). The Applicant's Assessment of air quality effects on designated sites is set out in the Ecology chapter	NE agree with the approach to predicting impacts set out in the ES.	Agreed

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		<p>of the ES (document reference APP-044).</p> <p>Air quality effects on designated sites are discussed in the Ecology section of this SoCG, and are not considered further here.</p>		
4.2.5	Design, Mitigation and Enhancement Measures	<p>The Applicant has proposed mitigation measures to address construction and operational phase air quality impacts.</p> <p>These are set out in Section 6.10 in the Air Quality chapter of the ES (document reference APP-042). The Applicant has since reviewed the levels of SO<sub>2</sub> emissions abatement that can be achieved for the proposed CCS units. This has enabled a further post-mitigation reduction in the SO<sub>2</sub> emissions from the CCS units, which in turn leads to a reduced contribution to acid deposition from the Proposed Scheme. This in turn reduces acid deposition to the assessed designated sites. The Applicant intends to submit additional</p>	<p>NE agree with the proposed construction-phase mitigation measures (see Key Issue 5 in Table 1 of our Relevant Representation), subject to the necessary mitigation measures being secured via the DCO and consider the proposed mitigation measures adequate to address construction-phase air quality effects.</p> <p>The further information provided on the proposed operational emissions abatement mitigation and its implementation is welcome.</p> <p>The reduction in permitted concentrations of sulphur dioxide is noted, and that the realistic worst-case scenario is based on these revised permit limits. The</p>	Under discussion

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		<p>information into the Examination confirming the additional abatement that can be achieved and the corresponding reductions in acid deposition onto designated sites in due course.</p> <p>The Applicant considers the mitigation measures appropriate and deliverable, and that they will be effective in addressing the air quality effects of the Proposed Scheme and avoiding significant adverse air quality effects.</p> <p>Construction measures are secured via the DCO requirement for a CEMP to be produced in line with the measures in the REAC.</p> <p>Operational measures will be secured via the permit variation for Drax.</p> <p>Further information relating to the ecological assessment of air quality effects is provided in the Ecology Section of this SoCG.</p> <p>The Applicant has also provided additional information in row 5.34 of Table 5.1 of the Applicant's Responses to Relevant</p>	<p>monitoring, recording and reporting to the regulator (Environment Agency) is considered appropriate to ensure emissions from the plant itself remain within the assumed emissions used in the assessments.</p> <p>Natural England agree with the Applicant that the technology to be used to achieve the currently proposed operational emissions abatement is appropriate. Natural England also agree that the methods for securing this are appropriate. However, we also advise that monitoring of the protected sites should also be carried out for the identified pollutants (acid and nitrogen deposition, and ammonia). This requirement should be secured by the DCO or permit variation application (outlining proposed mitigation measures and a detailed monitoring plan).</p> <p>We also remain in discussion with the Applicant regarding the</p>	



Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		Representations and Additional Submissions (document reference AS-038).	assessment of effects of operational emissions on some designated sites, and hence the need for additional mitigation cannot be ruled out at this point in time. NE notes that the Applicant is preparing additional information further to that provided in the Applicant’s Response to Relevant representations and Additional Submissions, and looks forward to receiving this in due course.	
4.2.6	Residual Effects	With the application of the proposed mitigation measures, the Applicant considers there would be no significant residual effects arising from Construction or Operational phase air quality impacts. The Applicant also maintains their position as reported in the HRA Report, that there would be no adverse effects on the integrity of any European Site arising from Construction or Operational phase air quality impacts. This is set out in Section 6.11 in the Air Quality chapter of	NE has requested more information from the Applicant relating to the residual Operational air quality effects of the Proposed Scheme on the following European Sites and SSSI (see NE key issues 18 – 26 in our Relevant Representation): <ul style="list-style-type: none"> <li>• Lower Derwent Valley SAC, SPA and Ramsar;</li> <li>• Thorne Moor SAC;</li> <li>• River Derwent SAC;</li> <li>• Brighton Meadows SSSI;</li> </ul>	Under discussion

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		<p>the ES (document reference APP-042), Section 8.11 of the Ecology chapter of the ES (document reference APP-044), and the Habitats Regulations Assessment Report (document reference APP-185 – APP-194).</p> <p>Notwithstanding the above, the Applicant notes NE’s request for additional information pertaining to effects of operational emissions on designated sites. The Applicant provided additional information in the Applicant’s Response to Relevant representations and Additional Submissions (see rows 5.31, 5.32, and 5.33 of Table 5.1 of the Applicants Responses to Relevant Representations and additional Submissions (document reference AS-038).</p> <p>The Applicant will continue to engage with NE during Pre-Examination and Examination, to seek to resolve as many areas</p>	<ul style="list-style-type: none"> <li>• Derwent Ings SSSI;</li> <li>• Melbourne and Thornton Ings SSSI;</li> <li>• River Derwent SSSI;</li> <li>• Eskamhorn Meadows SSSI;</li> <li>• Barn Hill Meadows SSSI;</li> <li>• Burr Closes SSSI; and</li> <li>• Thorne, Crowle, and Goole Moors SSSI.</li> <li>•</li> </ul> <p>Natural England welcomes the provision of additional information in the Applicant’s Response to Relevant Representations and additional Submissions.</p> <p>Following review of this additional information, Natural England now agrees that the Proposed Scheme (alone or in-combination with other Plans and Projects) would not lead to Likely Significant Effects on the otter and fish qualifying interests of the River Derwent SAC and underpinning SSSI. We also agree there would be no Likely Significant Effects on any of the</p>	

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		that currently remain as points of discussion, as possible.	<p>qualifying interests of the Humber Estuary designations (SAC, SPA, Ramsar and SSSI).</p> <p>We remain in discussion with the Applicant in relation to residual air quality effects on other designated sites and the habitat features of the River Derwent SAC and SSSI.</p> <p>NE notes that the Applicant is preparing additional information further to that provided in the Applicant’s Response to Relevant representations and Additional Submissions, and looks forward to receiving this in due course.</p>	
4.2.7	Relevant dDCO Requirements/Articles	<p>Mitigation measures relevant to Air Quality during construction and decommissioning are secured via dDCO (document reference AS-025) Requirements 14 (Construction environment management plan) and 18 (Decommissioning environment management plan).</p> <p>The Applicant considers that these Requirements adequately secure the necessary mitigation</p>	<p>NE notes that the DCO does not currently secure the mitigation measures proposed to reduce operational air quality impacts. Following provision of the additional information in the Applicant’s Responses to Relevant Representations and Additional Submissions, Natural England acknowledges that the operational emissions abatement mitigation would be secured via the Applicant’s proposed variation</p>	Under discussion. The Applicant will shortly commence discussions with Natural England in respect of their position in relation to monitoring of

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
		<p>measures for Construction and Decommissioning phase air quality impacts. The Applicant welcomes NE’s broad agreement to the need for these Requirements, and their importance in securing mitigation measures included in the ES and HRA Report.</p> <p>The Applicant notes NE’s request for additional information on mitigation measures to reduce the operational air quality impacts of the Proposed Scheme and how these will be secured. The Applicant has provided additional information on this matter in row 5.34 of Table 5.1 of the Applicant’s Responses to Relevant representations and Additional Submissions (document reference AS-038). This confirms that these mitigation measures will be secured via the environmental permit variation; not the DCO.</p>	<p>to their Environmental Permit for the existing Power Station, regulated by the Environment Agency.</p> <p>As such Natural England agree with the Applicant that the technology to be used to achieve the currently proposed operational emissions abatement is appropriate. Natural England also agree that the methods for securing this are appropriate.</p> <p>However, we remain in discussion with the Applicant regarding the assessment of effects of operational emissions on some designated sites, and hence the need for additional mitigation cannot be ruled out at this point in time. Therefore, the suitability of securing such additional mitigation measures via the environmental permit variation, not the DCO, cannot be confirmed at this stage.</p> <p>We note that the Applicant is preparing additional information further to that provided in the Applicant’s Response to Relevant</p>	protected sites

Ref	Description of Matter	Applicant – Current Position	NE – Current Position	Position
			<p>representations and Additional Submissions, and looks forward to receiving this in due course.</p> <p>NE also highlights our recommendation that monitoring of the protected sites should also be carried out for the identified pollutants (acid and nitrogen deposition, and ammonia). This requirement should be secured by the DCO or permit variation application (outlining proposed mitigation measures and a detailed monitoring plan).</p>	

### 4.3. ECOLOGY

Table 4.3 – Ecology

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
4.3.1	ES Study Area	The Study Area for Ecology varies by receptor, and is set out in Section 8.6 of the Ecology chapter of the ES (document reference APP-044).	NE agree with the Study Area used by the Applicant for ecological receptors, as set out in Section 8.6 of the Ecology chapter of the ES.	Agreed

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
4.3.2	ES Methodology	<p>The assessment methodology for Ecology is set out in Section 8.4 and 8.5 of the Ecology chapter of the ES (document reference APP-044).</p> <p>The Applicant notes NE’s request for clarification on the methodology/scenarios used in the aerial emissions modelling that informs the assessment of operational air quality effects on designated sites. This has been provided in Row 5.30 and of Table 5.1 and Appendix B of the Applicant’s Response to Relevant Representations and Additional Submissions (document reference AS-038).</p>	<p>NE has requested clarification on the methodology/scenarios used in the aerial emissions modelling that informs the assessment of operational air quality effects on designated sites. Our request is set out in full in our Relevant Representation (Table 1, Key Issues 18 and 23). Natural England welcomes provision of the additional information on operational air quality modelling provided in the Applicant’s Responses to Relevant Representations and Additional Submissions. Key Issues 18 and 23 are now resolved and a matter of agreement with the Applicant.</p> <p>Following discussions, it is confirmed that Key Issue 10 from our Relevant Representation is resolved and a matter of agreement with the Applicant. Natural England no longer considers additional</p>	Agreed



Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
			<p>ecological survey information for bats is required.</p> <p>NE agree with the Methodology for the ecological impact assessment used by the Applicant, as set out in Section 8.4 and 8.5 of the Ecology chapter of the ES.</p>	
4.3.3	ES Baseline	<p>The baseline for Ecology is set out in Section 8.7 and 8.8 of the Ecology chapter of the ES (document reference APP-044).</p>	<p>NE agree with the Ecology baseline as described in Sections 8.7 and 8.8 of the Ecology chapter of the ES.</p>	Agreed
4.3.4	Predicted Impacts	<p>The impacts on Ecology are set out in Section 8.9, 8.11, and 8.12 of the Ecology chapter of the ES (document reference APP-044) and in the Cumulative Effect Assessment Matrix (document reference APP-177).</p> <p>With the application of mitigation measures, as secured via Requirements 7, 10, 14, 15, 18, and 19 of the draft DCO (document reference APP-013), the Applicant has identified that there would be</p>	<p>NE has advised that additional information is required to rule out the potential for significant negative effects on some ecological features. Further to the additional information provided in the Applicant's Responses to Relevant Representations and additional Submissions, the following matters remain outstanding and under discussion with the Applicant:</p>	Under discussion

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>significant negative effects in the short term during Construction/Decommissioning, for habitats, bats, breeding and wintering birds, terrestrial invertebrates, and vascular plants.</p> <p>With the application of mitigation measures, as secured via Requirements 7, 8, and 17 of the draft DCO, the Applicant has identified that there would be no significant negative effects on ecological receptors and some significant positive effects during Operation, including cumulatively with other plans and projects.</p> <p>We note the advice and requests for additional information raised by NE in their Relevant Representation. We maintain our position that the findings of the ES and HRA Report pertaining to ecology are valid.</p> <p>Nonetheless, the Applicant has prepared additional information in relation to the previously</p>	<ul style="list-style-type: none"> <li>•</li> <li>• Operation-phase aerial emissions and their effects on designated sites, including Lower Derwent Valley SAC, SPA and Ramsar, Thorne Moor SAC, River Derwent SAC, Brighton Meadows SSSI, Went Ings Meadows SSSI, Derwent Ings SSSI, Melbourne and Thornton Ings SSSI, River Derwent SSSI, Eskamhorn Meadows SSSI, Barn Hill Meadows SSSI, Burr Closes SSSI, Thorne, Crowle, and Goole Moors SSSI, and Thorne Crowle and Goole Moors SSSI (Key Issues 19 – 21 and 22 – 24 from Table 1 of our Relevant Representation);</li> </ul> <p>NE agree with the outcome of the ecological impact assessment completed by the Applicant, as presented in</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>outstanding matters. This has been provided to Natural England and is included in Table 5.1 of the Applicant’s Responses to Relevant Representations (document reference AS-038). This has enabled a number of matters to be resolved and agreed between NE and the Applicant, whilst noting that operational air quality effects remain under discussion. The Applicant will continue to engage with NE to resolve as many outstanding issues as possible during the Examination.</p>	<p>Section 8.9, 8.11, and 8.12 of the Ecology chapter of the ES (document reference APP-044) and in the Cumulative Effect Assessment Matrix (document reference APP-177), in all other respects.</p> <p>In particular, the following areas that were previously under discussion with the Applicant and reported as ‘under discussion’ in Version 1 of this Statement of Common Ground, are now resolved, with Natural England agreeing no significant effects are likely to arise:</p> <ul style="list-style-type: none"> <li>• The effects of emissions from construction traffic using the M62 over the River Humber (construction traffic route) on the Humber Estuary SAC, SPA, Ramsar, and SSSI (Key Issue 1 &amp; 6 from Table 1 of our Relevant Representation); and</li> </ul>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
			<ul style="list-style-type: none"> <li>• Impacts from loss of functionally-linked land in the off-site Habitat Provision Area that may be used by birds that are qualifying interests of the Humber Estuary SPA/Ramsar, Lower Derwent Valley SPA/Ramsar, Brighton Meadows SSSI, Derwent Ings SSSI, Melbourne and Thornton Ings SSSI, and Humber Estuary SSSI (Key Issues 2 and 8 from Table 1 of our Relevant Representation)</li> </ul> <p>NE notes that the Applicant is preparing additional information further to that provided in the Applicant’s Response to Relevant representations and Additional Submissions, and looks forward to receiving this in due course.</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
4.3.5	Design, Mitigation and Enhancement Measures	<p>Embedded design measures that avoid or reduce ecological and wider environmental impacts are set out in Chapter 2 of the ES (document reference APP-042). Specific ecological mitigation measures are set out in Section 8.10 of the Ecology chapter of the ES (document reference APP-044) and in the Cumulative Effect Assessment Matrix (document reference APP-177).</p> <p>Mitigation measures are summarised in the Register of Environmental Actions and Commitments (REAC) (document reference AS-027), and secured via Requirements 7, 8, 14, 15, 18, and 19 of the draft DCO (document reference -AS-025), discussed in item 4.3.6 below.</p> <p>Mitigation/enhancement measures delivered in the off-site Habitat Provision Area would also be secured via a S106 agreement, whilst enhancement to deliver Biodiversity Net Gain (BNG) for</p>	<p>NE has advised in our Relevant Representation that additional information is required in relation to the following Design, Mitigation and Enhancement measures. The method of securing them is discussed in item 4.3.6 below, but NE seeks clarity on:</p> <ul style="list-style-type: none"> <li>•</li> <li>• The potential requirement for additional mitigation measures related to operational emissions to air and their effects on Internationally and nationally designated sites, subject to receipt of additional information on operational air quality impacts and effects from the Applicant (see Key Issues 18, 19, 20, 21, 23, 24, and 25 from Table 1 of our Relevant Representation).</li> </ul>	Under discussion

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>rivers and streams is intended to be secured via S106 agreement.</p> <p>The Applicant considers that additional mitigation measures are not required for construction traffic on the M62, impacts to functionally linked land or in respect of operational air quality impacts. Further information on these matters has been provided in rows 5.13, 5.14, and 5.30 to 5.34 of Table 5.1 of the Applicant’s Response to Relevant Representations and Additional Submissions (document reference AS-038). The Applicant and NE continue to engage in relation to operational air quality effects on designated sites.</p> <p>In relation to badgers, the REAC has been modified (Item E3) to ensure that the CEMP must include provision that the proposed timings of pre-construction surveys for badgers would be completed with one survey at least seven months prior to intended dates of site</p>	<p>NE otherwise agree with the Design, Mitigation, and Enhancement measures, as presented in Section 8.10 of the Ecology chapter of the ES (document reference APP-044) in the Cumulative Effect Assessment Matrix (document reference APP-177), and in the REAC (document reference APP-179) in all other respects.</p> <p>In particular, the following areas that were previously under discussion with the Applicant and reported as ‘under discussion’ in Version 1 of this Statement of Common Ground, are now resolved, with Natural England agreeing that the mitigation measures for the following are appropriate, or that no mitigation is required:</p> <ul style="list-style-type: none"> <li>• No mitigation measures are required in relation to exhaust emissions from construction traffic using the</li> </ul>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>clearance, with a further survey within one month prior to site clearance.</p> <p>We note Natural England’s advice (email received from NE 09 December 2022) that ‘...<i>although the survey schedule has been amended to allow for potential delays due to the non-licensable period, no specific timings for site clearance have been provided, and therefore, although lowered, this residual risk remains.</i>’ There will always be a residual risk, due to it not being possible to make absolute judgements about future behaviour of wild animals. The Applicant agrees that there is a residual risk, as it is neither proportionate or practicable to take steps that would entirely remove the risk of badgers excavating a sett within 30 m of areas that would be subject to site clearance and/or construction works. This would require significant fencing and other physical interventions including</p>	<p>M62 over the Humber Estuary SAC, SPA, Ramsar, and SSSI (see Key Issues 1 and 7 in Table 1 of our Relevant Representation);</p> <ul style="list-style-type: none"> <li>• No mitigation measures are required in relation to loss of functionally-linked land in the off-site Habitat Provision Area; and</li> <li>• That subject to the Applicant updating the wording of item E3 in the REAC in line with our comments (submitted to the Applicant via email 09 December 2022), mitigation measures and pre-construction surveys proposed in relation to badger are appropriate.</li> </ul>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>gates across roads to prevent access by badgers into such areas. To be effective these would have to significantly interfere with power station operations, most likely require their own planning permission, result in clearance of habitats, and would likely also interfere with the free movement of badgers and other fauna across the Existing Power Station Site.</p> <p>On the basis of the Applicant's most recent survey data there are no active or partially used badger setts within 30 m of areas that would be subject to site clearance and/or construction activities. The mitigation measures proposed in relation to badger are therefore required in relation to managing the residual risk of them being present in the future when they are not present now. On the basis of current evidence no significant effects on badgers or their setts are predicted and no licence under the</p>		



Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>Protection of Badgers Act 1992 would be required.</p> <p>The Applicant does not therefore consider it necessary to require site or vegetation clearance works to be restricted to the badger ‘closed season’ (when it is not typically possible to close setts under licence to NE). This period is usually taken to run from December to June inclusive and would therefore also preclude clearance during much of the nesting bird season, which is considered counterproductive as nesting birds are more likely to be encountered than new badger setts.</p> <p>In addition, it should be noted that the Outline Landscape and Biodiversity Strategy (document reference APP-183) includes the following provision ‘...<i>Additionally, precautionary working methods, ecological supervision including toolbox talks, sensitive site and vegetation clearance strategies and associated method statements,</i></p>		

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>would be required during the construction phase and would be included in the CEMP for the Proposed Scheme'. This provides further surety that any significant changes in the ecological baseline in the weeks preceding site clearance and construction commencing, would be detected and addressed accordingly.</p> <p>The Applicant also notes Natural England's helpful comments in relation to the wording of REAC item E3 and intends to update the wording of this item for the next iteration of the REAC.</p>		
4.3.6	Residual Effects	<p>Residual effects on Ecology are set out in Section 8.11 and 8.12 of the Ecology chapter of the ES (document reference APP-044) and in the Cumulative Effect Assessment Matrix (document reference APP-177).</p> <p>With the application of mitigation measures, as secured via Requirements 7, 10, 14, 15, 18,</p>	<p>NE has advised that additional information is required to rule out the potential for significant negative effects on some ecological features. In summary, we have advised that further information is needed in relation to the following:</p> <ul style="list-style-type: none"> <li>• Operation-phase aerial emissions and their effects</li> </ul>	Under discussion

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>and 19 of the draft DCO (document reference AS-025), the Applicant has identified that there would be significant negative effects in the short term during Construction/Decommissioning, for habitats, bats, breeding and wintering birds, terrestrial invertebrates, and vascular plants.</p> <p>With the application of mitigation measures, as secured via Requirements 7, 8, and 17 of the draft DCO, the Applicant has identified that there would be no significant negative effects on ecological receptors and some significant positive effects during Operation, including cumulatively with other plans and projects.</p> <p>We note the advice and requests for additional information raised by NE in their Relevant Representation. The Applicant maintains its position that the findings of the ES and HRA Report pertaining to effects on ecology are valid. Nonetheless, the Applicant</p>	<p>on designated sites, including Lower Derwent Valley SAC, SPA and Ramsar, Thorne Moor SAC, River Derwent SAC, Brighton Meadows SSSI, Went Ings Meadows SSSI, Derwent Ings SSSI, Melbourne and Thornton Ings SSSI, River Derwent SSSI, Eskamhorn Meadows SSSI, Barn Hill Meadows SSSI, Burr Closes SSSI, and Thorne Crowle and Goole Moors SSSI (Key Issues 19 – 21 and 22 – 24 from Table 1 of our Relevant Representation);</p> <p>NE otherwise agree with the outcome of the ecological impact assessment completed by the Applicant, as presented in Section 8.9, 8.11, and 8.12 of the Ecology chapter of the ES (document reference APP-044) and in the Cumulative Effect Assessment Matrix (document</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>has prepared additional information in response to the NE Relevant Representation (as provided in the Applicant’s Response to Relevant Representations and Additional Submissions, Table 5.1, document reference AS-038), and will continue to engage with NE to resolve as many outstanding issues as possible prior to Examination.</p> <p>The Applicant notes that Natural England now agree no significant residual effects would occur to the Humber Estuary SAC/SPA/Ramsar/SSSI as a result of construction traffic emissions to air. The Applicant also notes Natural England now agree that impacts from loss of potential functionally-linked land in the off-site Habitat Provision Area would not lead to significant effects to any European Site or SSSI.</p> <p>The Applicant welcomes the ongoing engagement with Natural England to resolve remaining areas</p>	<p>reference APP-177), in all other respects.</p> <p>In particular, the following areas that were previously under discussion with the Applicant and reported as ‘under discussion’ in Version 1 of this Statement of Common Ground, are now resolved, with Natural England agreeing no significant effects are likely to arise:</p> <ul style="list-style-type: none"> <li>• The effects of emissions from construction traffic using the M62 over the River Humber (construction traffic route) on the Humber Estuary SAC, SPA, Ramsar, and SSSI (Key Issue 1 &amp; 6 from Table 1 of our Relevant Representation); and</li> <li>• Impacts from loss of functionally-linked land in the off-site Habitat Provision Area that may be used by birds that are qualifying interests of the Humber</li> </ul>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		under discussion in relation to operational air quality effects.	<p>Estuary SPA/Ramsar, Lower Derwent Valley SPA/Ramsar, Brighton Meadows SSSI, Derwent Ings SSSI, Melbourne and Thornton Ings SSSI, and Humber Estuary SSSI (Key Issues 2 and 8 from Table 1 of our Relevant Representation);</p> <p>NE notes that the Applicant is preparing additional information further to that provided in the Applicant’s Response to Relevant representations and Additional Submissions, and looks forward to receiving this in due course.</p>	
4.3.7	Relevant dDCO Requirements/Articles	Requirements 6, 7, 8, 14, 15, 18, and 19 in Schedule 2 of the draft DCO (document reference AS-025) include provisions that are relevant to addressing effects of the Proposed Scheme on ecological receptors.	NE has provided comments on the draft DCO in Table 2 of our Relevant Representation, specifically in relation to Requirements 7, 8, 14, 15, 18, and 19. We welcome further discussion with the Applicant, with a view to reaching agreed	Under discussion. The Applicant will shortly commence discussions with Natural England in respect of their position

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>We note NE’s comments on Requirements 7, 8, 14, 15, 17, 18, and 19 and that only Requirement 18 would require an update to the DCO. The Applicant has updated the wording of Requirement 18 of the dDCO (document reference AS-025) in response to Natural England’s comments.</p> <p>The air quality mitigation measures will be secured through the environmental permit variation, not the DCO.</p>	<p>wording for the relevant Requirements.</p> <p>We note and agree with the revised wording for Requirement 18 as provided by the Applicant in the latest version of the dDCO, and consider no further updates to Requirement 18 are required.</p> <p>Natural England also note that currently proposed operational emissions abatement measures would be secured by the proposed variation to the Environmental Permit being sought from the Environment Agency by the Applicant. We consider this appropriate, with no requirement for a separate DCO Requirement to secure these operational emissions abatement measures.</p> <p>However, we remain in discussions with the Applicant regarding additional mitigation. Therefore, the suitability of securing such additional</p>	<p>in relation to monitoring of protected sites</p>

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
			<p>mitigation measures via the environmental permit variation, not the DCO, cannot be confirmed at this stage.</p> <p>NE also highlights our recommendation that monitoring of the protected sites should also be carried out for the identified pollutants (acid and nitrogen deposition, and ammonia). This requirement should be secured by the DCO or permit variation application (outlining proposed mitigation measures and a detailed monitoring plan).</p> <p>Notwithstanding that we reserve our position as to whether additional mitigation is required for operational emissions to air, Natural England now also considers the wording of Requirements 8, 14, 15, 17, and 19 to be appropriate.</p> <p>We have residual comments on Requirement 7 in relation to Biodiversity Net Gain, which we</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
			<p>will continue to discuss with the Applicant with a view to reaching agreement as early in the Examination as possible.</p> <p>Other than our comments above (as detailed in Table 2 of our Relevant Representation), NE agrees with the Requirements as currently drafted, and has no further comments to make on the draft DCO (document reference AS-025).</p>	
4.3.8	Biodiversity Net Gain	<p>The Applicant submitted a BNG Report with the DCO Application (document reference APP-196). This set out the anticipated BNG that would be achieved by the Proposed Scheme, on the basis of the loss and disturbance of habitat and the proposals for habitat creation, restoration and enhancement as submitted in the Outline Landscape and Biodiversity Strategy (OLBS) (document reference APP-183).</p>	<p>NE has made several observations on the BNG Report submitted with the DCO application (document reference APP-196). These are set out in Key Issues 11 – 13 of Table 1 of our Relevant Representation (document reference AS-011).</p> <p>In summary, we have requested that the Applicant provides additional information in relation to the following:</p> <ul style="list-style-type: none"> <li>• A further update to the BNG Strategy and assessment</li> </ul>	Under discussion



Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>The Applicant has been working to refine requirements for landtake during construction and operation of the Proposed Scheme since submission. This has enabled an improvement in the BNG outturn for the Proposed Scheme.</p> <p>Following the same methodological approach taken for the submission version of the BNG Report (on-site and off-site Habitat Provision Area included in off-site part of Defra Metric), the Proposed Scheme can now achieve 10% net gain for Habitat units and Hedgerow units.</p> <p>The Applicant continues to consider that it is appropriate for both the on-site and off-site Habitat Provision Area to be included in the off-site part of the BNG metric. This is because the Habitat Provision Areas have only been included in the Proposed Scheme for the purpose of ecology and landscape mitigation and enhancement, and the delivery of BNG.</p> <p>Notwithstanding this, the Applicant</p>	<p>should be completed, in order to demonstrate a 10% BNG outturn for all habitat types; and</p> <ul style="list-style-type: none"> <li>We advise that the Habitat Provision Area within the Order Limits should be included in the ‘on-site’, rather than ‘off-site’ part of the Biodiversity Metric.</li> </ul> <p>Other than our comments above, NE agrees with the approach to the BNG report and has no further comments to make on the draft DCO (document reference APP-013) or BNG Report.</p> <p>In particular, the following areas that were previously under discussion with the Applicant and reported as ‘under discussion’ in Version 1 of this Statement of Common Ground are now resolved, with Natural England agreeing:</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>can confirm that it is also possible for the Proposed Scheme to achieve 10% net gain for Habitat units and Hedgerow units if the Habitat Provision Area within the Order Limits (the ‘On-site Habitat Provision Area’) is included in the on-site part of the Biodiversity Metric.</p> <p>The Applicant is also in discussions with the Calder and Colne Rivers Trust, to secure off-site river and stream habitat enhancements via section 106 Agreement., As such the Applicant also expects to achieve 10% BNG for River and Stream habitats.</p> <p>The Applicant notes NE’s comment regarding the presence of reedbed habitats as referenced in the BNG report. The Applicant wishes to clarify that there are no habitats recorded within the Order Limits that meet the JNCC description for the Habitat of Principal Importance (HPI) ‘reedbed’.</p>	<ul style="list-style-type: none"> <li>• With the principal of securing the overall biodiversity net gain requirements via a Section 106 Agreement. We wish to highlight that regardless of the approach taken, all habitats accounted for in the metric and contributing toward the achievement of 10 % Biodiversity Net Gain (on-site and off-site) must be legally secured and maintained for the minimum 30 year period; and</li> <li>• We note the additional information provided by the Applicant in Row 5.25 of Table 5.1 of the Applicant’s Response to Relevant Representations and Additional Submissions. Following review of this information we agree that reedbed Priority Habitat is not present and would therefore not be affected by</li> </ul>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>'Reedbed' habitats were recorded within the Order Limits at the northern extent of the existing Power Station Site, as shown on Sheet 2 of 7 of Figure 8.3 of the ES (document reference APP-094). These are mapped as the phase 1 habitat type 'swamp', with the following description in the Preliminary Ecological Appraisal (document reference APP-136): 'Bulrush dominated this area of standing water, with occasional common centaury <i>Centaureum erythraea</i>, frequent figwort, Yorkshire fog, alder, marsh thistle <i>Cirsium palustre</i>, ragwort and Himalayan balsam.' This habitat covered an area of approximately 0.1 hectares.</p> <p>The Biodiversity Metric used for calculating BNG does not use exactly the same habitat classifications as the Phase 1 habitat mapping system – it is instead based around the UKHAB habitat classification system. There</p>	<p>the Proposed Scheme. Key Issue ID 13 from Table 1 of our Relevant Representation is therefore resolved.</p> <p>Natural England welcomes the Applicant's efforts to secure 10% net gain for River and Stream units through off-site enhancements intended to be delivered by the Calder and Colne Rivers Trusts. We will review the detailed proposals for this and provide full comment once available.</p>	

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		<p>is no 'swamp' habitat category available in the Biodiversity Metric, and 'reedbed' habitat was therefore selected as the closest fitting habitat type available in the Biodiversity Metric for this area.</p> <p>As the delivery of BNG relies on measures outwith the OLBS, it is not appropriate for Requirement 7 of the DCO to refer to the delivery of 10% BNG, as it will not be the OLBS by itself which achieves that figure.</p> <p>The Applicant intends to submit an updated BNG Report into the Examination to confirm the latest position on BNG (this uses Version 3.1 of the BNG metric). The Applicant will also capture changes to the BNG calculations arising from inclusion of the Proposed Changes PC-01 and P-02 within the Proposed Scheme Order Limits.</p> <p>The Applicant notes and welcomes that several areas that were previously under discussions with</p>		

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
		Natural England have now been agreed, following Natural England's review of the additional information provided in the Applicant's Responses to Relevant Representations and Additional Submissions (see rows 5.23 to 5.26 of Table 5.1, document reference AS-038).		

#### 4.4. LANDSCAPE AND VISUAL IMPACT

**Table 4.4 – Landscape and Visual Impact**

Ref	Description of Matter	Applicant – Current Position	Natural England – Current Position	Position
	LVIA Assessment and Mitigation	The Applicant's LVIA is set out in Chapter 9 (Landscape and Visual Amenity) of the ES (document reference APP-045), with mitigation measures brought forward as described in the REAC.	NE has no concerns with the LVIA assessment and mitigation proposed for the Proposed Scheme.	Agreed

## 5. SIGNATURES

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**Table 5.1 – Signatures**

<b>Ref</b>	<b>Natural England</b>	<b>Drax Power Ltd (the Applicant)</b>
<b>Signature</b>		
<b>Printed Name</b>		
<b>Title</b>		
<b>On behalf of</b>	Natural England	Drax Power Ltd
<b>Date</b>		