

**RWE**

MASDAR 

**RWE Renewables UK Dogger Bank  
South (West) Limited**

**RWE Renewables UK Dogger Bank  
South (East) Limited**

# **Dogger Bank South Offshore Wind Farms**

**Environmental Statement**

**Volume 7**

**Appendix 18-1 Terrestrial Ecology and Ornithology  
Consultation Responses**

**June 2024**

**Application Reference: 7.18.18.1**

**APFP Regulation: 5(2)(a)**

**Revision: 01**

**Unrestricted**



Company:	<b>RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited</b>	Asset:	<b>Development</b>
Project:	<b>Dogger Bank South Offshore Wind Farms</b>	Sub Project/Package:	<b>Consents</b>
Document Title or Description:	Appendix 18-1 Terrestrial Ecology and Ornithology Consultation Responses		
Document Number:	004300159-01	Contractor Reference Number:	PC2340-RHD-ON-ZZ-AX-Z-0059

*COPYRIGHT © RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited, 2024. All rights reserved.*

*This document is supplied on and subject to the terms and conditions of the Contractual Agreement relating to this work, under which this document has been supplied, in particular:*

**LIABILITY**

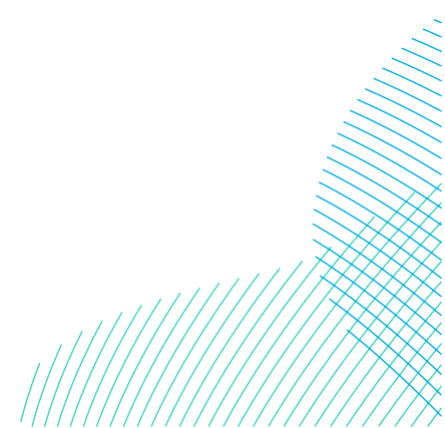
*In preparation of this document RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited has made reasonable efforts to ensure that the content is accurate, up to date and complete for the purpose for which it was contracted. RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited makes no warranty as to the accuracy or completeness of material supplied by the client or their agent.*

*Other than any liability on RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited detailed in the contracts between the parties for this work RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited shall have no liability for any loss, damage, injury, claim, expense, cost or other consequence arising as a result of use or reliance upon any information contained in or omitted from this document.*

*Any persons intending to use this document should satisfy themselves as to its applicability for their intended purpose.*

*The user of this document has the obligation to employ safe working practices for any activities referred to and to adopt specific practices appropriate to local conditions.*

<b>Rev No.</b>	<b>Date</b>	<b>Status/Reason for Issue</b>	<b>Author</b>	<b>Checked by</b>	<b>Approved by</b>
01	June 2024	Final for DCO Application	ECUS / RHDHV	RWE	RWE



## Contents

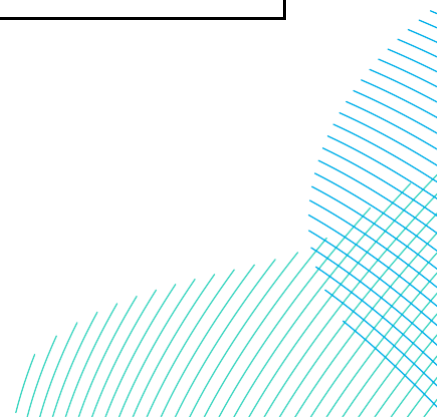
18.1	Consultation Reponses .....	7
18.1.1	Introduction.....	7

## Tables

Table 18-1-1	Consultation Responses Related to <b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b> .....	8
--------------	---	---

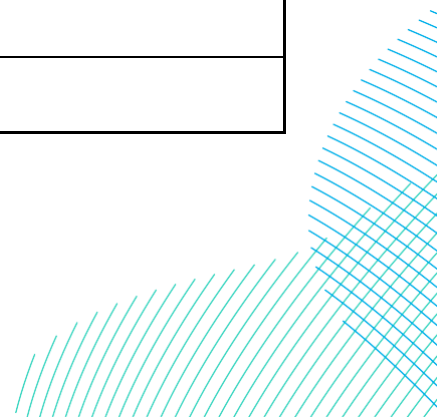
## Glossary

Term	Definition
Haul Road	The track along the Onshore Export Cable Corridor used by traffic to access different sections of the onshore export cable route for construction.
Horizontal Directional Drill (HDD)	HDD is a trenchless technique to bring the offshore cables ashore at the landfall and can be used for crossing other obstacles such as roads, railways and watercourses onshore.
Onshore Converter Stations	A compound containing electrical equipment required to transform and stabilise electricity generated by the Projects so that it can be connected to the electricity transmission network. There will be one Onshore Converter Station for each Project.
Onshore Development Area	The Onshore Development Area for ES is the boundary within which all onshore infrastructure required for the Projects would be located including Landfall Zone, Onshore Export Cable Corridor, accesses, Temporary Construction Compounds and Onshore Converter Stations.
Onshore Export Cable Corridor	This is the area which includes cable trenches, Haul Roads, spoil storage areas, and limits of deviation for micro-siting. For assessment purposes, the cable corridor does not include the Onshore Converter Stations, Transition Joint Bays or temporary access routes; but includes Temporary Construction Compounds (purely for the cable route).
The Applicants	The Applicants for the Projects are RWE Renewables UK Dogger Bank South (East) Limited and RWE Renewables UK Dogger Bank South (West) Limited. The Applicants are themselves jointly owned by the RWE Group of companies (51% stake) and Masdar (49% stake).
The Projects	DBS East and DBS West (collectively referred to as the Dogger Bank South Offshore Wind Farms).



## Acronyms

Term	Definition
ALC	Agricultural Land Classification
BNG	Biodiversity Net Gain
BMV	Best and Most Valuable Versatile Land
CIEEM	Chartered Institute of Ecology and Environmental Management
CIRIA	Construction Industry Research and Information Association
DCO	Development Consent Order
ECoW	Ecological Clerk of Works
EIA	Environmental Impact Assessment
ES	Environmental Statement
FLL	Functionally Linked Land
GIS	Geographic Information System
HDD	Horizontal Direction Drill
HRA	Habitat Regulations Assessments
IEMA	Institute of Environmental Management and Assessment
INNS	Invasive Non-Native Species
Km	Kilometre
LWS	Local Wildlife Site
MHWS	Mean High Water Springs
NPPF	National Planning Policy Framework
NSIP	Nationally Significant Infrastructure Project



<b>Term</b>	<b>Definition</b>
NFU	National Farmers' Union
OEMP	Outline Ecological Management Plan
PEIR	Preliminary Environmental Information Report
SAC	Special Area of Conservation
SPA	Special Protection Area
SMP	Soil Management Plan
SSSI	Site of Special Scientific Interest



## 18.1 Consultation Responses

### 18.1.1 Introduction

1. This appendix covers those statutory consultation responses that have been received as a response to the Scoping Report (2022) and the Preliminary Environmental Information Report (PEIR) (2023) and Expert Topic Group (ETG) meetings.
2. Response from stakeholders and regard given by the Applicants have been captured in **Table 18-1-1**.

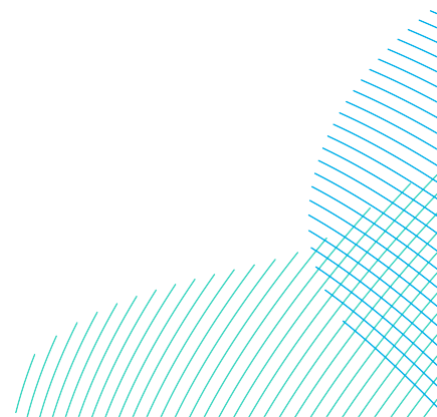
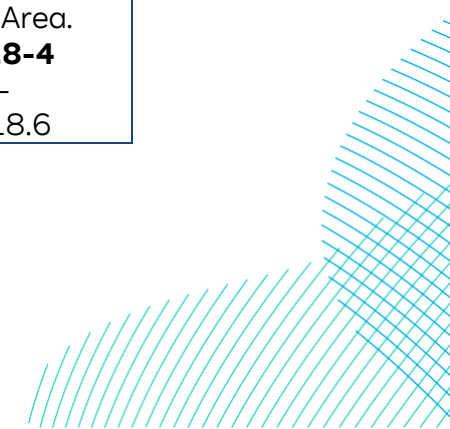


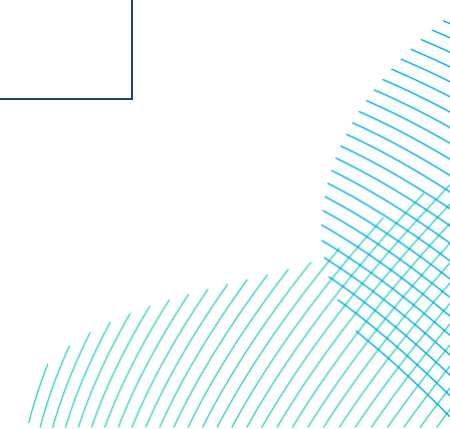
Table 18-1-1 Consultation Responses Related to **Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)**

Comment	Project Response
<b>Natural England Review of Onshore Ecology Survey Methodology and Programme 16/03/2022</b>	
Natural England agreed with the scope and methodologies for the proposed ecological surveys.	Details of the surveys undertaken are outlined in section 18.4.2.1 ( <b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b> ).
<b>Planning Inspectorate Scoping Responses 02/09/2022</b>	
No matters are proposed to be scoped out of the assessment. Table 3-4 presents matters to be scoped in or out.'	Following the collection of additional baseline information since the publication of the Scoping Opinion, hazel dormouse and white-clawed crayfish, have been scoped out of the assessment, as discussed in section 18.3 ( <b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b> ).
Paragraph 559 indicates that the Scoping Report considers that statutory and non-statutory designated sites for nature conservation have been avoided, and as such direct impacts are not predicted. This is not reflected in Figure 3-1, which shows a number of designated sites within the study area with no defined cable routes shown to avoid these. In addition, Table 3-4 proposes to scope in impacts, without specifying if these are direct or indirect. For clarity, the Inspectorate	The Onshore Development Area has reduced in size since the Scoping Opinion. No statutory designated sites designated for ecology are located within the Onshore Development Area. See <b>Volume 7, Figures 18-2, 18-3 and 18-4 (application ref: 7.18.1)</b> . Impacts to non-statutory sites are considered in section 18.6

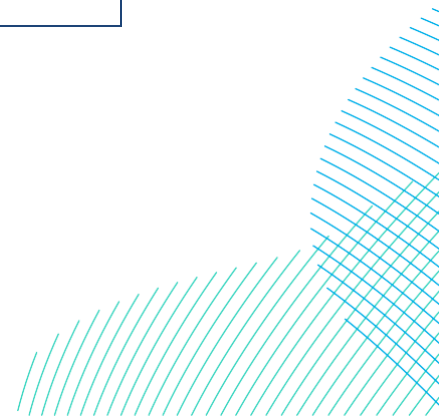




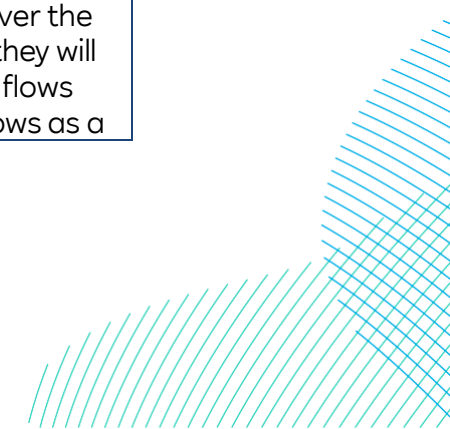
Comment	Project Response
<p>considers that direct impacts to designated sites must be assessed in the ES.'</p>	<p><b>(Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18).</b></p>
<p>The Scoping report notes the potential for noise and dust emissions to affect designated sites. The Inspectorate considers that the potential effects on designated and valuable habitats due to increased emissions from construction plant and vehicles should also be assessed in the ES. It is noted that Section 3.9 of the Scoping Report refers to this potential impact, however the Inspectorate advises that this is subject to specialist ecological assessment and is included in the terrestrial ecology chapter of the ES.'</p>	<p>The effects of noise and dust have been considered in section 18.6 <b>(Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18).</b></p>
<p>Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable ecological features. Specific survey and assessment data relating to the presence and locations of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution, or commercial exploitation resulting from publication of the information, should be provided in the Environmental Statement (ES) as a confidential annex. All other assessment information should be included in an ES chapter, as normal, with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request.'</p>	<p>No details of sensitive records such as locations of setts or protected species have been included within the ES or associated appendices <b>(Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18).</b> The Badger Report forms a confidential appendix of <b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b> and as such is not for circulation with the DCO application.</p>



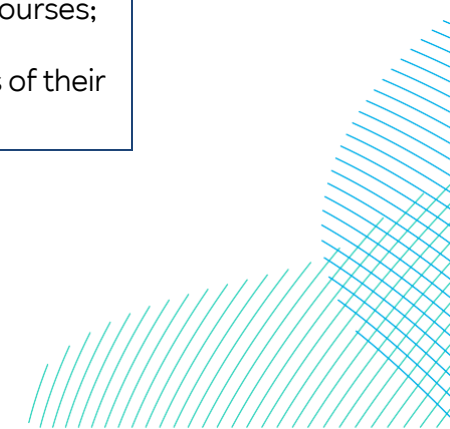
Comment	Project Response
<p><b>Section 42 Consultation - Environment Agency July 2023</b></p>	
<p><i>“Chapter 18 18.3.1 Study Area (page 10) Has a decision been made on what are the gaps in the data collected to date, that will require additional surveying in 2023?”</i></p>	<p>All survey access was granted in 2023 and the full suite of surveys have been completed. The findings of these surveys are presented in the ES and survey reports appended to the ES (<b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>).</p>
<p><i>“Page 17 – it is good to see that Horizontal Directional Drilling (HDD) is to be used to go under watercourses and therefore avoid any negative ecological impacts. Will the cable route need to cross Leven Canal via HDD?”</i></p>	<p>No, Leven Canal SSSI is outside of the development area and there will be no need to cross it with the cable route. See <b>Volume 7, Figures 18-2, 18-3 and 18-4 (application ref: 7.18.1)</b>.</p>
<p><i>“Page 42 18.4.7 Biodiversity Net Gain We would welcome confirmation as to when RWE will be in a position to announce what BNG [Biodiversity Net Gain] will be undertaken as part of this project.”</i></p>	<p>BNG proposals are summarised in <b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b> of the ES and detailed in the BNG Strategy (<b>Volume 7, Appendix 18-10 Biodiversity Net Gain Strategy (application ref: 7.18.18.10)</b>).</p>



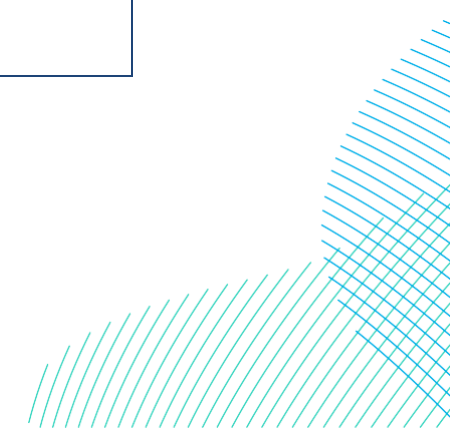
Comment	Project Response
<p><i>“The mitigation proposed for the scheme will avoid all adverse ecological impacts on the priority habitats and species present in this part of East Yorkshire.”</i></p>	<p>No response required.</p>
<p><i>“Page 82 ‘In locations where this measure cannot be accommodated, certain habitats (such as hedgerows and small amounts of scrub) would be checked by an ecologist for the presence of active birds’ nests. Where this check confirms the absence of active nests, clearance works can proceed shortly after, within no more than 48 hours of the check.’”</i></p>	<p>No response required.</p>
<p><i>“It would be preferable to have an ecologist on site while the work is going ahead. They could check the area to be cleared a short while before work starts.”</i></p>	<p>The details of when an Ecological Clerk of Works (ECoW) will be present on site are in the <b>Outline Ecological Management Plan (OEMP)</b> that is submitted with the DCO application (<b>Volume 8, application ref: 8.10</b>).</p>
<p><i>“Page 86 - Fish Any over-pumping of a watercourse where fish could be present, should have pumps fitted with a 2mm diameter wide mesh over the intakes to prevent elvers and other small fish becoming sucked in (as per the Eel Regulations).”</i></p>	<p>Crossings of Main Rivers will be undertaken via a trenchless technique such as HDD. Temporary crossings of other watercourses may comprise an appropriately sized culvert installed within the ditch with the Haul Road being installed over the top of the culvert. If culverts are needed, they will be adequately sized to avoid impounding flows (including allowing for increased winter flows as a</p>



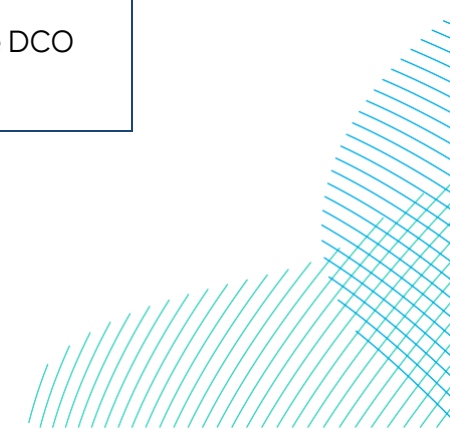
Comment	Project Response
	result of climate change) and the invert set below bed level to allow bedload transport.
<p><i>“Page 95 – INNS [Invasive Non-Native Species] East Yorkshire is fortunate that it does not have a significant problem with invasive non-native plant species including Himalayan Balsam. The working area must be checked for invasive non-native plant species such as Himalayan Balsam and Japanese Knotweed prior to starting work. If these species are present, an eradication plan should be put in place. Himalayan Balsam can be pulled up or sprayed with a Glyphosate based herbicide. Japanese Knotweed can either be stem injected or treated with a hand-held backpacker sprayer using a Glyphosate based herbicide.”</i></p>	<p>Results of the habitat survey including search for INNS are presented in the <b>ES Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b> and <b>Volume 7, Appendix 18-2 Habitat Survey Report (application ref: 7.18.18.2)</b>. All mitigation measures are provided in the <b>OEMP</b> submitted with the DCO application (<b>Volume 8, application ref: 8.10</b>).</p> <p>Prior to the commencement of construction works, an INNS Management Plan will be developed for approval by the relevant stakeholders. This plan will likely include the following measurements:</p> <ul style="list-style-type: none"> <li>• A plan of all INNS locations and extents;</li> <li>• A protocol for removing INNS and or managing the waste generated;</li> <li>• Good site practice measures for managing the spread of INNS during works at watercourses; and</li> <li>• A requirement for an ECoW and details of their responsibilities with respect to INNS.</li> </ul>



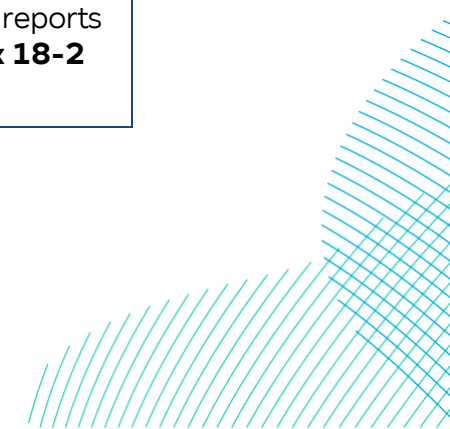
Comment	Project Response
<p><i>“When bringing plant and equipment to site from elsewhere, it must be thoroughly checked for invasive non-native plant species and cleaned in the site compound before being allowed on site. This procedure should be repeated before the plant and equipment leaves the site to go to another location.”</i></p>	<p>Noted, this is stated in the <b>OEMP (Volume 8, application ref: 8.10)</b> that is submitted with the DCO application.</p>
<p><b>Section 42 Consultation - National Farmers’ Union July 2023</b></p>	
<p><i>“The NFU [National Farmer’s Union] notes in section 18.4.7 within Chapter 18 of the PIER that RWE is ‘cognisant of the good practice in respect of BNG and will align where practicable with the ten principles developed by CIEEM [Chartered Institute of Ecology and Environmental Management], IEMA [Institute of Environmental Management and Assessment] and CIRIA [Construction Industry Research and Information Association].’ Principle 5 is to make a measurable Biodiversity Net Gain contribution, while principle 8 is to ensure net gain generates long-term benefits. Please can you confirm whether RWE is intending to deliver Biodiversity Net Gain on the project? The NFU does not support compulsory acquisition if any agricultural land for the purposes of delivering biodiversity net gain. If the project needs to acquire additional land to deliver such gain, then this should be acquired through voluntary negotiations.”</i></p>	<p>Noted. BNG proposals are included within the <b>ES Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b> and the BNG Strategy (<b>Volume 7, Appendix 18-10 Biodiversity Net Gain Strategy (application ref: 7.18.18.10)</b>). The overall approach to BNG is based on habitat loss which will be reinstated between Jointing Bays, within two years and all Temporary Construction Compounds and Haul Roads which will be removed and sites will be reinstated when construction has been completed.</p>



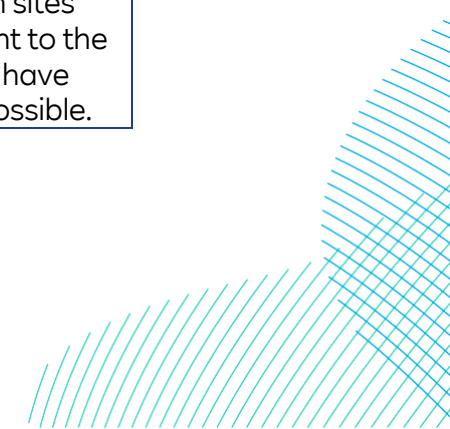
Comment	Project Response
<p><b>Section 42 Consultation - Yorkshire Wildlife Trust July 2023</b></p>	
<p><i>“We have the following expectations for linear project such as the on-shore elements of the scheme:</i></p> <ul style="list-style-type: none"> <li>• <i>We expect that everything within the red line is assessed as being impacted habitat.</i></li> <li>• <i>Off easement drainage runs and connections into existing water courses should be assessed as part of the scheme.</i></li> <li>• <i>Yards, lay down areas and pipe dumps and the access routes linking these to the main works which are not yet decided must be subject to rigorous ecological assessment.</i></li> <li>• <i>Due to the protracted nature of the project, we expect updating surveys to be undertaken in accordance with best practice guidelines, and appropriate walkthrough surveys undertaken prior to works in particular areas, where required e.g. badger sett walkover surveys.</i></li> <li>• <i>Excavating sections of cable route for repair would fall out of the scope of the consent (and the planning system) but could still have impacts and therefore must undergo rigorous ecological assessment.</i></li> </ul>	<p>All of the Onshore Development Area has been subject to a full suite of ecological surveys. Effects to watercourses and drainage are addressed in <b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b> and also in <b>Volume 7, Chapter 20 Flood Risk and Hydrology (application ref: 7.20)</b>. The requirement for pre-construction surveys are set out in the ES and the <b>OEMP (Volume 8, application ref: 8.10)</b>. The ES chapter assess effects from maintenance activities.</p> <p>The activities assessed within the ES are identified within section 18.6.1 (<b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>).</p>
<ul style="list-style-type: none"> <li>• <i>We expect a full time Ecological Clerk of Works team with proven experience of managing large scale linear projects such as this.</i></li> <li>• <i>The project timetable should ensure ‘temporary loss of habitat’ is minimised, as in minimal time (only for one breeding season in that area) and not all/a majority of habitat along the route or in that</i></li> </ul>	<p>Noted. The details of when an ECoW will be present on site is in the <b>OEMP (Volume 8, application ref: 8.10)</b> submitted with the DCO application.</p>



Comment	Project Response
<p>locality lost at the same time to ensure there is suitable alternative habitat sufficient to support the assemblages on this temporary basis.</p> <ul style="list-style-type: none"> <li>• Reduced working width should be used for sensitive habitats.</li> <li>• A 'reverse spread' should be used for short sections if this could move the impact of the works further away from a sensitive receptor."</li> </ul>	<p>Temporary loss has been minimised as part of the project design and addressed in the ES along with measures for working around sensitive habitats (<b>Volume 7, Appendix 18-10 Biodiversity Net Gain Strategy (application ref: 7.18.18.10)</b>).</p>
<p>"Nitrogen deposition and its impact upon sensitive habitats should be explored as part of the application."</p>	<p>This is addressed in the ES using the data and conclusions of the air quality assessment (<b>Volume 7, Chapter 26 Air Quality (application ref: 7.26)</b>).</p>
<p>"Our primary concern is impacts on nature conservation sites, including statutory and non-statutory protected sites. The potential to impact upon land 'functionally linked' to protected sites is also a relevant consideration, particularly as the habitat surveys indicate that the majority of the on-shore cable route impacts agricultural land, which can form important foraging, loafing and overwintering sites for bird species. Such habitats are also used by ground nesting birds such as skylark. A high-level overview suggests it is in proximity to two Yorkshire Wildlife Trust reserves – Keldmarsh and Pulfin Bog (also SSSI). If we can be provided with the up to date cable route files in GIS [Geographic Information System] shape file format we will be able to undertake a more detailed assessment of impacts on protected sites. We would like to explore potential impacts on our reserves through the project development. We have particular concern about the 17 non-</p>	<p>Details of the cable routes, temporary access and egress locations for trenchless works are presented in <b>Volume 7, Chapter 5 Project Description (application ref: 7.5)</b>, and the approach to BNG is presented in the ES (<b>Appendix 18-10 Biodiversity Net Gain Strategy (application ref: 7.18.18.10)</b>).</p> <p>A full suite of surveys has been completed and the findings of these are presented in the ES (<b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>) and reports appended to the ES (<b>Volume 7, Appendix 18-2</b>).</p>

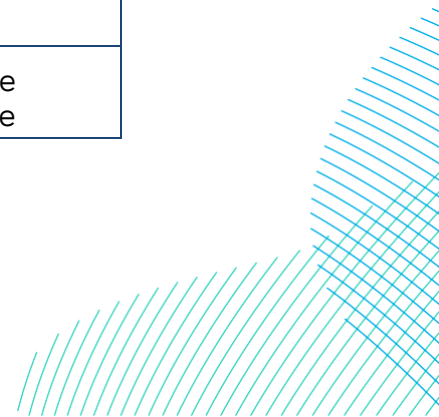


Comment	Project Response
<p><i>statutory Local Wildlife Sites [LWS] which are wholly or partially within the on-shore development area. We are pleased to see that HDD (or trenchless technology) is proposed where Local Wildlife Sites may be affected. However, use of HDD is not without impacts and it is essential that thrusting and receiving pits are carefully located outside of sensitive habitats. In addition, we are concerned about the number of different projects in this area which is very constrained, and the potential for cumulative impacts, both temporally and spatially. We note the information provided indicating that a Biodiversity Net Gain Assessment will be addressed as part of the on-shore elements of the scheme. We would appreciate a firm commitment to a BNG percentage figure, rather than reference to 'measurable net gain'. Completed metrics should be submitted for scrutiny, along with the appropriate supporting information such as habitat condition assessments. We note that some surveys are outstanding or ongoing and full results are not yet available."</i></p>	<p><b>to 18-9 (application ref: 7.18.18.2 to 7.18.18.9)).</b></p> <p>The HRA screening concluded that there would be no pathway for effects on Functionally Linked Land (FLL) for the Humber Estuary SPA and that the land within the Onshore Development Area that could qualify as FLL "does not provide suitable foraging/breeding habitats or is considered critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which the Humber Estuary SPA / Ramsar site has been designated" (<b>Report to Inform Appropriate Assessment, Habitats Regulations Assessment (Volume 6, application ref: 6.1)</b>). Natural England is satisfied that the survey effort is sufficient to rule out impacts to the SPA in this case.</p> <p>Following the refinement of the Onshore Development Area there are now six non-statutory designated nature conservation sites (LWSs) wholly or partially within or adjacent to the Onshore Development Area and impacts have been avoided and/ or minimised where possible.</p>

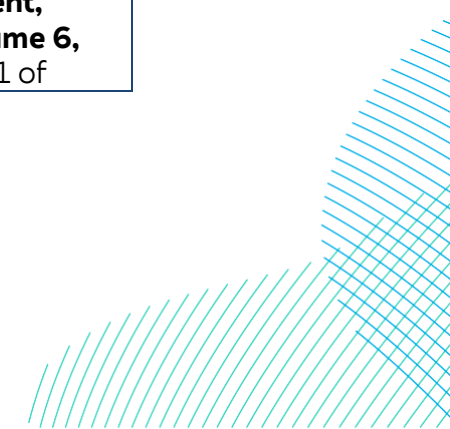




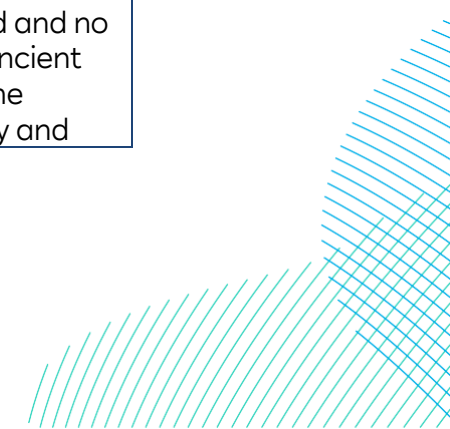
Comment	Project Response
	<p>No mechanisms or pathways have been identified likely to impact Yorkshire Wildlife Trust Reserves. Effects on LWSs and other designated sites are assessed in section 18.6 of <b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b> and are not considered significant in EIA terms.</p>
<p><b>Section 42 Consultation - Natural England July 2023</b></p>	
<p><i>“Incomplete surveys due to landowner permissions. Access to be obtained to ensure a full assessment of the impacts can be made.”</i></p>	<p>All survey access was granted in 2023 and the full suite of surveys have been completed. The findings of these surveys are presented in the ES and survey reports are appended to the ES (<b>Volume 7, Appendix 18-2 to 18-9 (application ref: 7.18.18.2 to 7.18.18.9)</b>).</p>
<p><i>“Possible inappropriate methodology for the bat transects. Clarify if transect routes were walked in one direction across all surveys or if the routes were reversed.”</i></p>	<p>All bat transects surveys were “reversed on some survey visits” following best practice guidance. (<b>Volume 7, Appendix 18-6 Bats Report - Monthly Activity Transects (application ref: 7.18.18.6)</b>).</p>
<p><i>“An Agricultural Land Classification (ALC) survey has not been undertaken within the area proposed for the route of trench line for the</i></p>	<p>An ALC survey has been undertaken for the Substation Zone, the Onshore Export Cable</p>



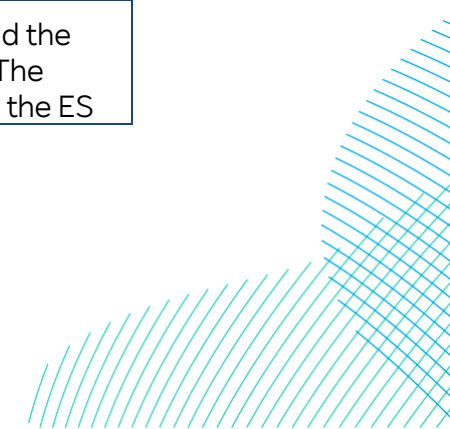
Comment	Project Response
<p><i>underground cabling. This should be undertaken as part of a comprehensive set of baseline soil and ALC information given that soil disturbance will take place in these areas. The soil survey will inform suitable soil handling and restoration criteria.”</i></p>	<p>Corridor and Landfall Zone will be completed in spring /summer 2024. This is addressed within the <b>ES Volume 7, Chapter 21 Land Use (application ref: 7.21)</b>.</p>
<p><i>“No assessment has been provided of potential loss of functionally linked land associated with the Humber Estuary SPA [Special Protection Area] / Ramsar / SSSI. Further information needs to be provided inform the need for wintering / passage bird surveys.”</i></p>	<p>The HRA screening concluded that there would be no pathway for effects on Functionally Linked Land (FLL) for the Humber Estuary and that the <i>“FLL does not provide suitable foraging/breeding habitats or is considered critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which the Humber Estuary SPA / Ramsar site has been designated”</i> (<b>Report to Inform Appropriate Assessment, Habitats Regulations Assessment (Volume 6, application ref: 6.1)</b>). Natural England is satisfied that the survey effort is sufficient to rule out impacts to FLL in this case.</p>
<p><i>“Air quality impacts more than the 1% critical load for the Humber Estuary SAC [Special Area of Conservation] / SPA have been identified but not assessed further. Potential impacts to ecological receptors from construction road vehicle exhaust emissions should be assessed in the EIA [Environmental Impact Assessment] and HRA [Habitats</i></p>	<p>Air quality impacts more than the 1% critical load for the Humber Estuary SAC are assessed in <b>Report to Inform Appropriate Assessment, Habitats Regulations Assessment (Volume 6, application ref: 6.1)</b> and section 18.6.1.1 of</p>



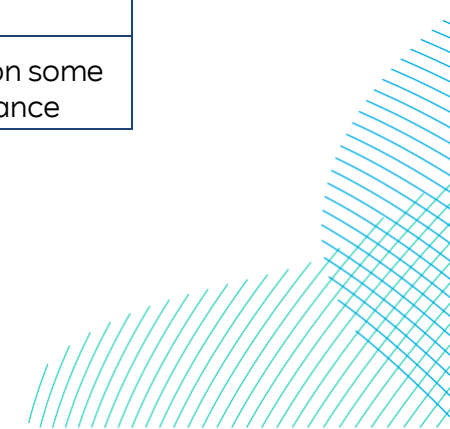
Comment	Project Response
<p>Regulations Assessment]. <i>Further detailed advice on this will be provided by Natural England at a later date.</i></p>	<p><b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18).</b></p>
<p><i>“The Onshore Development Area crosses watercourses that are hydrologically connected to the Humber Estuary SAC/SPA/Ramsar. The EIA and HRA should include an assessment of potential construction phase impacts to the water quality of the Humber Estuary SAC / SPA / Ramsar / SSSI.”</i></p>	<p>Watercourses that are hydrologically connected to the Humber Estuary SAC/SPA/Ramsar are assessed in <b>Report to Inform Appropriate Assessment, Habitats Regulations Assessment (Volume 6, application ref: 6.1)</b> and section 18.6.1.1 of <b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>.</p> <p>Where the Projects cross watercourses connected to sites of particular sensitivity (e.g. Sites of Special Scientific Interest (SSSI) or groundwater Inner Source Protection Zones (SPZs)) a hydrogeological risk assessment will be undertaken to inform a site-specific crossing method statement which will also be agreed with the relevant authorities prior to construction. This is secured in the <b>OCoCP (Volume 8, application ref: 8.9)</b>.</p>
<p><i>“The habitat survey does not identify ancient woodland, wood, pasture parkland, or ancient and veteran trees. The ancient tree</i></p>	<p>The habitat surveys have been completed and no ancient woodland, pasture parkland, or ancient and veteran trees were identified within the Onshore Development Area. A tree survey and</p>



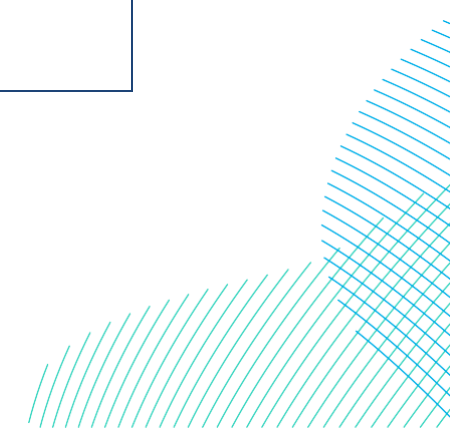
Comment	Project Response
<p><i>inventory should be used as a starting point to identify important populations of ancient and veteran trees.”</i></p>	<p>impact assessment of the Onshore Development Area will be completed in 2024 prior to construction start, which will identify tree protection zones as detailed in the <b>OEMP (Volume 8, application ref: 8.10)</b>.</p>
<p><i>“Natural England is provisionally content that the onshore project parameters have been appropriately defined. We reserve the right to comment further if further information is provided.”</i></p>	<p>No response required.</p>
<p><i>“The Applicant’s Agricultural Land Classification (ALC) survey, following the Guide to assessing development proposals on agricultural land - GOV.UK (www.gov.uk), will identify land that is subdivided into 3a and 3b Best and Most Versatile Land (BMV) land. Natural England does not concur with the PEIR’s ‘worst-case’ scenario approach when assessment of a proposals impact on agricultural land is required. The Applicant should consider the worst-case scenario based on the BMV subdivision into level 3a (in particular).”</i></p>	<p>Noted. A worst case approach has been taken in the ES for the Onshore Export Cable Corridor and the Landfall Zone, surveys for these areas of the Onshore Development Area will be completed in Spring/Summer 2024. An ALC survey of the Substation Zone has been completed and the results are included in <b>Appendix A, Outline Soil Management Plan</b> of the <b>OCoCP (Volume 8, application ref: 8.9)</b> and have been incorporated into the baseline of <b>ES Volume 7, Chapter 23 Land Use (application ref: 7.23)</b>.</p>
<p><i>“Natural England notes that landowner restrictions have resulted in habitat and species surveys being incomplete.</i></p>	<p>All survey access was granted in 2023 and the full suite of surveys has been completed. The findings of these surveys are presented in the ES</p>



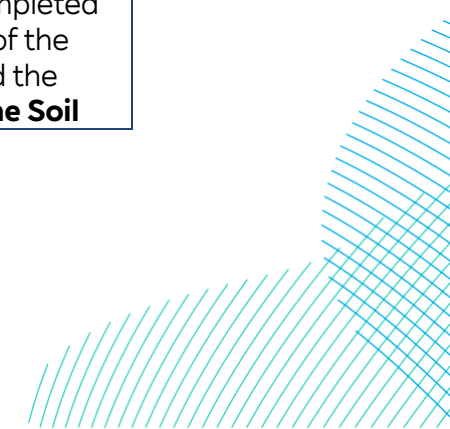
Comment	Project Response
<p><i>Obtain access and complete all habitat and species surveys to ensure a full assessment of the impacts can be made.”</i></p>	<p>and survey reports appended to the ES (<b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology, Appendix 18-2 to 18-9 (application ref: 7.18.18.2 to 7.18.18.9)</b>).</p>
<p><i>“18.5.4.2 (109) The paragraph states that five records of badger were identified within 2km of the Onshore Study Area and goes on to say that none of these records relate to areas within 2km of the Onshore Development Area. This is contradictory. Review locations of badger records and amend as appropriate to provide clarity on badger setts within 2km”</i></p>	<p>It is not contradictory. The Onshore Development Area is the red line boundary of the works. The Onshore Study Area is the Onshore Development Area, plus a 2km buffer. Badger sett records were located outside of the development area but inside the study area boundary.</p>
<p><i>“18.6.1.7.4 (287) The impacts only consider the impact to loss of foraging and commuting habitat and does not connect the potential for roost destruction with the loss of foraging / commuting habitat (i.e., bat from a maternity roost no longer having access to foraging due to the loss of habitat resulting in the decline and abandonment of the maternity roost). The report should consider the potential for interconnected impacts for both roost loss and foraging / commuting habitat loss.”</i></p>	<p>Noted. This is assessed in the <b>ES Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b> sections 18.6.1.6 and 18.6.1.7. <b>Volume 7 Appendix 18-5 Bats Report - Ground Level Tree Assessment Report (application ref: 7.18.18.5)</b> and <b>Volume 7, Appendix 18-6 Bats Report - Monthly Activity Transects (application ref: 7.18.18.6)</b> provides details of the survey results.</p>
<p><i>“2.2 It is not stated that the transect routes were walked equally in different</i></p>	<p>All bat transects surveys were “reversed on some survey visits” following best practice guidance</p>



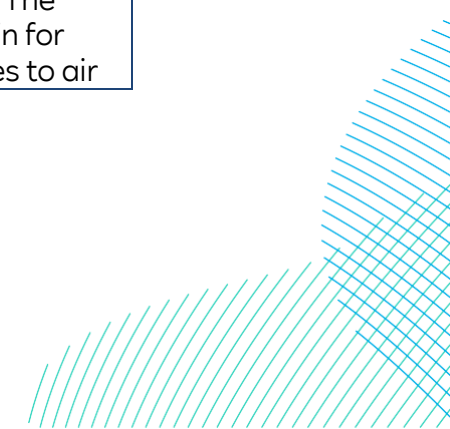
Comment	Project Response
<p><i>directions (i.e., reversed) on the survey dates. Walking in the same direction increases the risk that any early emerging species are potentially missed at the end of one transect and later emerging species missed at the beginning. Consideration should be given to repeating the transect surveys if the route was uniform throughout the surveys. If the routes were reversed, please explain within the report.”</i></p>	<p>and methodology detailed in <b>Appendix 18-6 Bats Report Monthly Activity Transects (application ref: 7.18.18.6)</b>.</p>
<p>“19.6.1.7 (179) An ALC survey has not been undertaken within the area proposed for the route of trench line for the underground cabling. This should be undertaken as part of a comprehensive set of baseline soil and ALC information given that soil disturbance will take place in these areas. The soil survey will inform suitable soil handling and restoration criteria.”</p>	<p>ALC surveys for the Onshore Export Cable Corridor and the Landfall Zone will be completed in Spring/Summer 2024. An ALC survey of the Substation Zone has been completed and the results are included in <b>Appendix A, Outline Soil Management Plan</b> of the <b>OCoCP (Volume 8, application ref: 8.9)</b> and have been incorporated into the baseline of <b>ES Volume 7, Chapter 23 Land Use (application ref: 7.23)</b>.</p>
<p>“19.6.1.7.1 (183 &amp; 184) The temporary displacement of soil due to the underground cable installation and temporary Haul Roads / construction compounds can result in permanent land quality change and soil damage if undertaken inappropriately. Natural England advise this should be considered in the Soil Management Plan (SMP). This is required for</p>	<p>This is addressed within the <b>ES Volume 7, Chapter 23 Land Use (application ref: 7.23)</b>.</p>



Comment	Project Response
<p><i>consultees and decision makers to understand the extent (ha) and long-term impacts on agricultural land quality (ALC grade)."</i></p>	
<p><i>"19.6.1.7.5 (189) Sections 19.6.1.1.5, 19.6.1.2.5 and 19.6.1.3.4 do not include measures to mitigate impacts on agricultural soils during construction activities. As previously outlined, above mitigation measure should follow guidance set out in the Construction Code of Practice for the Sustainable Use of Soils on construction Sites - Defra Construction Code of Practice"</i></p>	<p>This is addressed within the <b>ES Volume 7, Chapter 23 Land Use (application ref: 7.23)</b>.</p>
<p><i>"19.6.3 (246) It is noted that the proposed operational lifespan is approximately 30 years. There needs to be a firm commitment to decommission the site after 30 years (or sooner if no longer operational), remove all infrastructure and equipment and return the land to its original condition and ALC grade. There should be a commitment to prepare and submit to the planning authority a detailed decommissioning plan to restore the site prior to the end of its operational use."</i></p>	<p>This is addressed within the <b>ES Volume 7, Chapter 23 Land Use (application ref: 7.23)</b>.</p>
<p><i>"21.4.2.2 Natural England hold site specific data within the proposed red line DCO boundary. This should be used in conjunction with the applicants own ALC survey. Please find enclosed the following ALC map and</i></p>	<p>ALC surveys for the Onshore Export Cable Corridor and the Landfall Zone will be completed in Spring/Summer 2024. An ALC survey of the Substation Zone has been completed and the results are included in <b>Appendix A, Outline Soil</b></p>

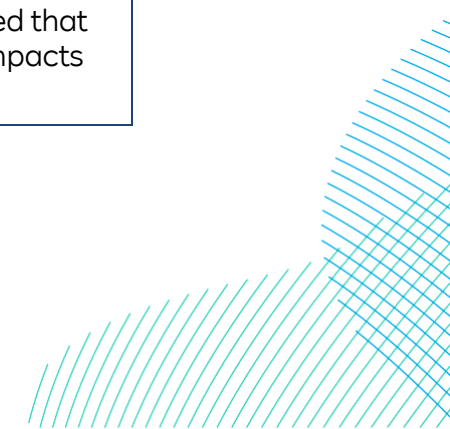


Comment	Project Response
<p><i>report, which lies within your area of interest. Natural England Survey Ref: ALCL07990 Land at Tickton, Hall Farm”</i></p>	<p><b>Management Plan</b> of the <b>OCoCP (Volume 8, application ref: 8.9)</b> and have been incorporated into the baseline of <b>ES Volume 7, Chapter 23 Land Use (application ref: 7.23)</b>.</p>
<p><i>“Table 21-7 Requires updating to show difference between 3a and 3b Best and Most Versatile (BMV) agricultural land. Please amend.”</i></p>	<p>This is addressed within the <b>ES Volume 7, Chapter 23 Land Use (application ref: 7.23)</b>.</p>
<p><i>“21.6.1.3.5 (137) Natural England supports the measures to mitigate for residual effects on agricultural soils, however measures should be based on the findings of the Applicant’s ALC survey as discussed previously.”</i></p>	<p>ALC surveys for the Onshore Export Cable Corridor and the Landfall Zone will be completed in Spring/Summer 2024. An ALC survey of the Substation Zone has been completed and the results are included in <b>Appendix A, Outline Soil Management Plan</b> of the <b>OCoCP (Volume 8, application ref: 8.9)</b> and have been incorporated into the baseline of <b>ES Volume 7, Chapter 23 Land Use (application ref: 7.23)</b>.</p>
<p><i>“18.5.2.1 (88-89) Chapter 18 states that likely significant effects to onshore International Statutory Designated Sites have been screened out of further assessment. This does not align with the conclusions of the HRA Screening.</i></p>	<p><b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b> considers effects of the project landward of MHWS. The Humber Estuary SAC has been screened in for potential impacts associated with changes to air</p>

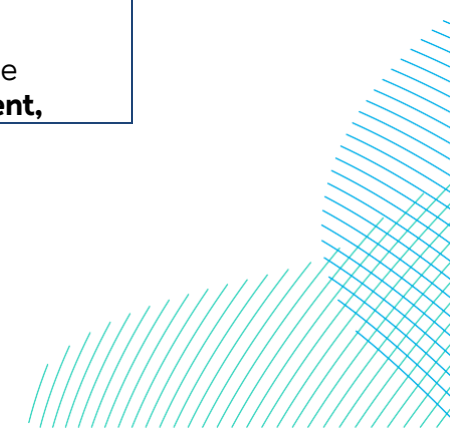




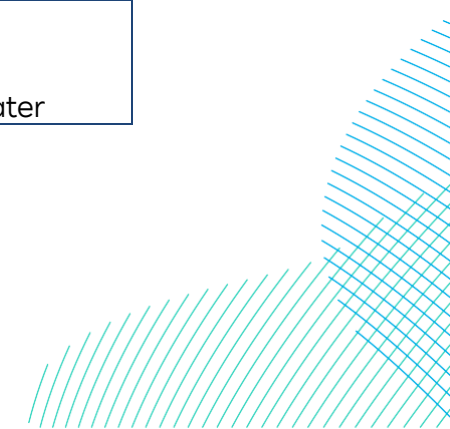
Comment	Project Response
<p><i>Amend section to align with conclusions of HRA Screening, with consideration to Natural England’s comments below.”</i></p>	<p>quality. Further details of the assessment is given in section 18.5.2.1.</p> <p>All of the likely significant effects screened in for further assessment in the HRA are provided in <b>Report to Inform Appropriate Assessment, Habitat Regulations Assessment (Volume 6, application ref: 6.1)</b>.</p>
<p><i>“18.6.1.9.4 (308) Natural England notes that there is a commitment to pre-construction surveys, where construction works are undertaken within functionally linked land between November and January, to determine whether mitigation measures will be required including habitat manipulation to discourage bird usage. We advise that the proposed mitigation is not suitable for wintering/passage birds associated with the Humber Estuary SPA/Ramsar. Further discussion will be needed on the evidence required to determine impacts on birds on functionally linked land during the EP process, based on the outputs of F21.”</i></p>	<p>The HRA screening concluded that there would be no pathway for effects on FLL for the Humber Estuary SPA and that the “<i>FLL does not provide suitable foraging/breeding habitats or is considered critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which the Humber Estuary SPA / Ramsar site has been designated</i>”. The full HRA can be viewed in <b>Report to Inform Appropriate Assessment, Habitat Regulations Assessment (Volume 6, application ref: 6.1)</b>. Following the ETG meeting on 14<sup>th</sup> Dec 2023 and subsequent written communication on 11<sup>th</sup> Jan 2024, Natural England is satisfied that the survey effort is sufficient to rule out impacts to FLL in this case.</p>



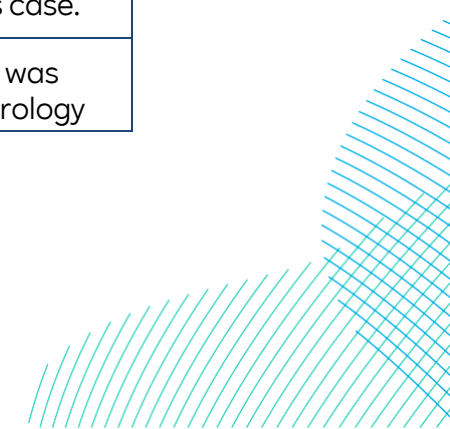
Comment	Project Response
<p><i>“Detailed advice from Natural England is to follow in relation to air quality impacts on Humber Estuary SSSI / SPA / SAC / Ramsar.”</i></p>	<p>Noted.</p>
<p><i>“26.6.1.3.1.2, 26.6.1.3.2.2 &amp; 26.11 The air quality assessment (Chapter 26) identifies project contributions significantly more than 1% of the Critical Loads or Levels (both alone and in-combination) for Humber Estuary SAC qualifying habitats and Humber Estuary SPA supporting habitats from construction road vehicle exhaust emissions. The report states that the significance of impacts are discussed in Chapter 18, however, here is no further assessment provided in Chapter 18. Potential impacts to ecological receptors from construction road vehicle exhaust emissions should be assessed in the EIA and HRA.”</i></p>	<p>Air quality effects to ecological receptors are assessed and detailed in <b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>.</p> <p>All of the likely significant effects screened in for further assessment in the HRA are provided in <b>Report to Inform Appropriate Assessment, Habitat Regulations Assessment (Volume 6, application ref: 6.1)</b>.</p>
<p><i>“The Onshore Development Area crosses watercourses that are hydrologically connected to the Humber Estuary SAC / SPA / Ramsar. As such, we advise that there is a possibility that impacts may occur from construction activities and this should be assessed in the HRA. The EIA and HRA should include an assessment of potential construction phase impacts to the water quality of the Humber Estuary SAC / SPA / Ramsar”</i></p>	<p>There will be no hydrological impact on the Humber Estuary SAC / SPA / Ramsar because of the planned embedded mitigation as outlined in the <b>ES Volume 7, Chapter 19 Geology and Land Quality (application ref: 7.19)</b> and <b>Volume 7, Chapter 20, Flood risk and Hydrology (application ref: 7.20)</b>.</p> <p>Effects to water quality are assessed in the <b>Report to Inform Appropriate Assessment,</b></p>



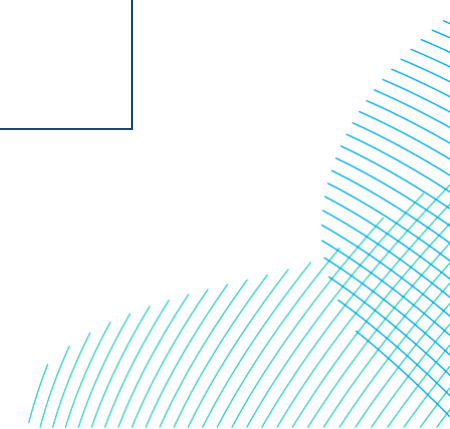
Comment	Project Response
	<p><b>Habitat Regulations Assessment (Volume 6, application ref: 6.1) and the ES (Volume 7, Chapter 20 Flood Risk and Hydrology (application ref: 7.20)).</b></p>
<p><i>“Detailed advice from Natural England is to follow in relation to air quality impacts on Humber Estuary SSSI / SPA / SAC / Ramsar.”</i></p>	<p>Noted.</p>
<p><i>“The HRA states that disturbance to birds from onshore works is limited to within 1km of the impacts source and no sites are screened in for further consideration on this basis. Whilst Natural England agrees that this is a reasonable assumption, it does not take into consideration potential impacts to bird species using functionally linked land associated with the Humber Estuary SPA / Ramsar. Based on the information provided, we advise there is not enough evidence to screen out potential construction phase impacts to SPA / Ramsar birds using functionally linked land. We advise that impacts to functionally linked land are screened in for further assessment.”</i></p>	<p>The HRA screening concluded that there would be no pathway for effects on FLL for the Humber Estuary and that the “FLL does not provide suitable foraging/breeding habitats or is considered critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which the Humber Estuary SPA / Ramsar site has been designated” (<b>Report to Inform Appropriate Assessment, Habitat Regulations Assessment (Volume 6, application ref: 6.1)</b>). Natural England is satisfied that the survey effort is sufficient to rule out impacts to FLL in this case.</p>
<p><i>“The report states that it is not fully understood if the land within / in the vicinity of the onshore cable route and substation zone(s) is</i></p>	<p>Humber Estuary SPA was screened in but following the completion of breeding and overwintering bird surveys, the SPA was later</p>



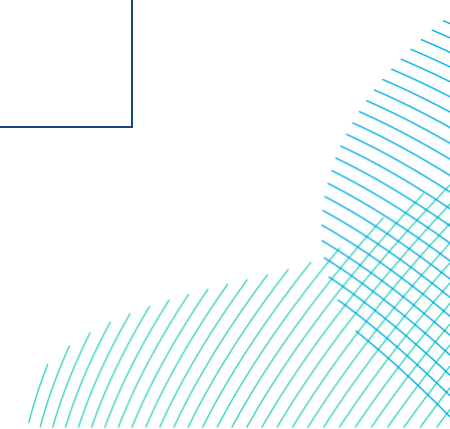
Comment	Project Response
<p><i>functionally linked with the Humber Estuary SPA. As advised, evidence should be provided to provide certainty to the HRA conclusions.”</i></p>	<p>scoped out as no impacts are anticipated, as stated in the ES (<b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>) and <b>Report to Inform Appropriate Assessment, Habitat Regulations Assessment (Volume 6, application ref: 6.1)</b>. Natural England have agreed to the Humber Estuary SPA being scoped out.</p>
<p><i>“Natural England welcomes that potential impacts to SPA/Ramsar birds have been screened into the HRA for further assessment. However, we advise there are two separate potential impact pathways:</i></p> <ul style="list-style-type: none"> <li><i>• Loss of functionally linked land;</i></li> <li><i>• Construction phase disturbance to SPA / Ramsar birds using functionally linked land.</i></li> </ul> <p><i>Include two separate impact pathways for functionally linked land. “</i></p>	<p>The HRA screening concluded that there would be no pathway for effects on FLL for the Humber Estuary and that the <i>“FLL does not provide suitable foraging/breeding habitats or is considered critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which the Humber Estuary SPA / Ramsar site has been designated”</i> (<b>Report to Inform Appropriate Assessment, Habitat Regulations Assessment (Volume 6, application ref: 6.1)</b>). Natural England is satisfied that the survey effort is sufficient to rule out impacts to FLL in this case.</p>
<p><i>“The HRA states there will be no alterations to the hydrology regime of the Humber Estuary SAC. However, there is no assessment of</i></p>	<p>Humber Estuary SPA was screened in but was later scoped out as no impacts to the hydrology</p>



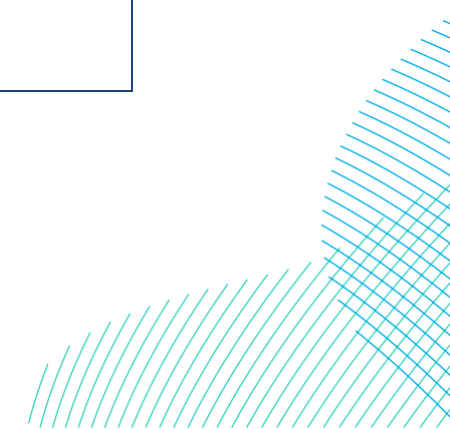
Comment	Project Response
<p><i>potential water quality impacts to the Humber Estuary SAC / SPA / Ramsar.”</i></p>	<p>and watercourses are anticipated following survey results and consultation with NE, as stated in the ES (<b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>) and <b>Report to Inform Appropriate Assessment, Habitat Regulations Assessment (Volume 6, application ref: 6.1)</b>.</p>
<p><i>“There are no assessment of in-combination impacts with other relevant plans or projects for the Humber Estuary SPA/SAC. We advise the following impacts pathways are considered:</i></p> <ul style="list-style-type: none"> <li><i>• loss of functionally linked land;</i></li> <li><i>• disturbance to SPA / Ramsar bird species using functionally linked land;</i></li> <li><i>• lamprey migration routes;</i></li> <li><i>• water quality; and</i></li> <li><i>• air quality.</i></li> </ul> <p><i>As a minimum we advise considering site allocations in relevant Local Plans as well as relevant planning applications from East Riding of Yorkshire Council and Hull City Council. This should include:</i></p> <ul style="list-style-type: none"> <li><i>• existing completed projects;</i></li> <li><i>• approved but uncompleted projects;</i></li> <li><i>• ongoing activities;</i></li> <li><i>• plans or projects for which an application has been made and which are under consideration by the consenting authorities; and</i></li> </ul>	<p>Noted. This has been reviewed and updated in the <b>Report to Inform Appropriate Assessment, Habitat Regulations Assessment (Volume 6, application ref: 6.1)</b>. The Humber Estuary SAC has been screened in for potential impacts associated with changes to air quality. Further details of the assessment are given in section 18.5.2.1 of the <b>ES Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b> and details of the methodology applied to assess changes to air quality are given in <b>ES Volume 7, Chapter 26 Air Quality (application ref: 7.26)</b>.</p>



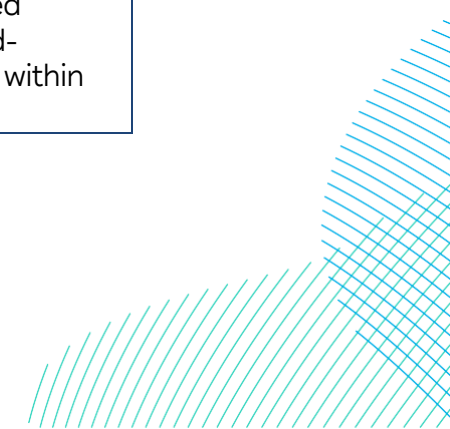
Comment	Project Response
<p>• <i>plans and projects which are foreseeable, i.e., projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.</i></p>	
<p><i>“4.2.3.3 (130) The Onshore Development Area crosses the River Hull and falls within the Impact Risk Zone for lamprey migration routes associated with the Humber Estuary SAC. Include Humber Estuary SAC in the list of sites containing species whose range overlaps with the Projects effects.”</i></p>	<p>Following consultation with the Environment Agency during the ETG Meeting on 20<sup>th</sup> April 2023, it was established that the River Hull is not considered a migration route for lamprey and the species have been scoped out.</p>
<p><i>“Natural England welcomes the assessment of disturbance impacts to lamprey from noise sources such as piling and UXO (Unexploded Ordnance) clearance in coastal waters. However, no assessment has been made for potential impacts to lamprey migration routes from construction works within the Onshore Development Area. The River Hull is a Humber Estuary SAC lamprey migration route and as such it should be determined whether the Project is likely to have a significant effect on lamprey associated with the Humber Estuary SAC. We advise that potential impact pathways may include:</i></p> <ul style="list-style-type: none"> <li><i>• disturbance from noise and vibration;</i></li> <li><i>• damage to habitat; and</i></li> <li><i>• water quality.</i></li> </ul>	<p>Lamprey have been scoped out as the River Hull is not a hotspot for the species as indicated by a representative of the Environment Agency at the ETG Meeting on 20<sup>th</sup> April 20123. Direct impacts on the River Hull will be avoided by using a trenchless crossing technique such as HDD (<b>Volume 7. Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>).</p>



Comment	Project Response
<p>Potential construction and / or operational phase impacts to Humber Estuary SAC lamprey migration routes should be assessed in the HRA.</p>	
<p>18.5.2.2  <i>Natural England notes that the Humber Estuary SSSI is not listed in Chapter 18. Our advice regarding the potential impacts upon the Humber Estuary SSSI coincides with our advice regarding the potential impacts upon the Humber Estuary SPA / SAC / Ramsar as detailed above. The EIA should include an assessment of potential impacts to the Humber Estuary SSSI.</i></p>	<p>The Humber Estuary SSSI has been scoped out within the ES chapter as it is over 2km from the Onshore Development Area, except in relation to Air Quality effects, where temporary effects of Nitrogen Deposition on a small areas of the Humber Estuary SAC/SSSI are not considered significant (<b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>).</p>
<p>18.6.1.1.4  <i>The impact assessment identifies ancient woodland but only mentions veteran trees with respect to Burton Bushes SSSI. Burton Bushes, as well as being on the ancient woodland inventory, is on the Wood Pasture Parkland inventory where the site boundary extends beyond the SSSI. Wood Pasture Parkland of ancient origin, is a form of ancient woodland, is an irreplaceable habitat, and has the same protections under planning policy. The impact assessment should include impacts to ancient woodland, wood pasture as well as veteran trees. It is worth noting that the ancient woodland inventory update project currently</i></p>	<p>Since this comment was provided, the Onshore Development Area has been reduced and the Burton Bushes SSSI is now no longer adjacent to the Onshore Development Area as stated in the ES chapter (<b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>). No impacts to the Burton Bushes SSSI are anticipated.</p>

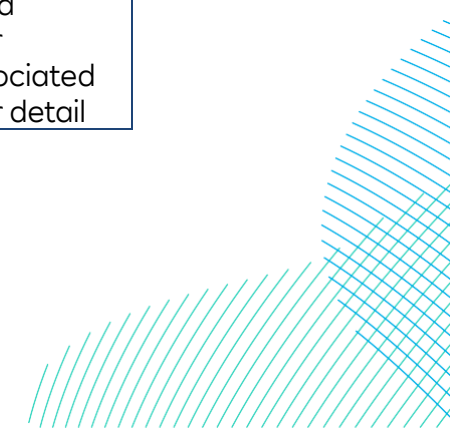


Comment	Project Response
<p><i>underway and due to complete in 2025, will consistently incorporate ancient wood pasture Parkland for the first time.</i></p>	
<p><i>Appendix 18-1 – Habitat Survey Report</i>  <i>The habitat survey does not identify ancient woodland, wood, pasture parkland, or ancient and veteran trees.</i>  <i>Ancient and veteran trees can host rare, invertebrates, and lichens, which could be particularly sensitive to impacts. Such species would need to be surveyed in significant populations of ancient and veteran trees, such as that at Burton bushes.</i>  <i>The NSP guidance referred to is now out of step with the current version of the NPPF (National Planning Policy Framework) which says that permission should be refused for proposals causing loss or deterioration irreplaceable habitats, like ancient woodland and ancient and veteran trees, unless there are exceptional reasons, and a suitable compensation Strategy exists. Full details are available in the Natural England Forestry Commission, standing advice on ancient woodland, and ancient and veteran trees – <a href="https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions">https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions</a>.</i>  <i>The ancient tree inventory should be used as a starting point to identify important populations of ancient and veteran trees. It should be noted that this is a volunteer database so is incomplete. For example, there are veteran trees north of Poplar Farm near Birkhill Wood which are within the compound boundary.</i></p>	<p>All of the habitat surveys have been completed and the findings of these surveys are presented in the ES (<b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>), and survey reports appended (<b>Volume 7, Appendix 18-2 to 18-9 (application ref: 7.18.18.2 to 7.18.18.9)</b>).</p> <p>Since the Onshore Development Area has been refined, all direct impacts to designated sites have been avoided. The impacts to priority habitats have also been avoided as far as possible. Reports have been made available to stakeholders and no further comments have been received.</p> <p>There is an area of ancient woodland and one veteran tree (identified via the ancient tree inventory) within the Onshore Development Area, both of these receptors will not be affected directly or indirectly by the Projects. Wood-pasture &amp; parkland habitat was identified within the Onshore Development Area. Further</p>

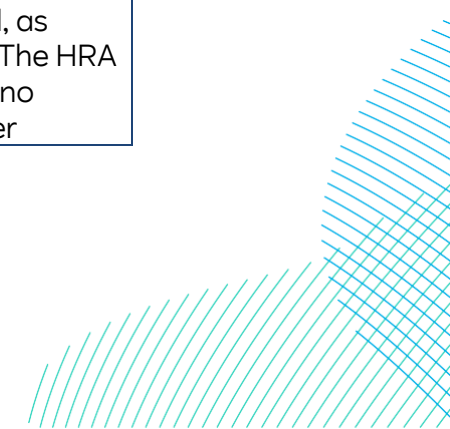




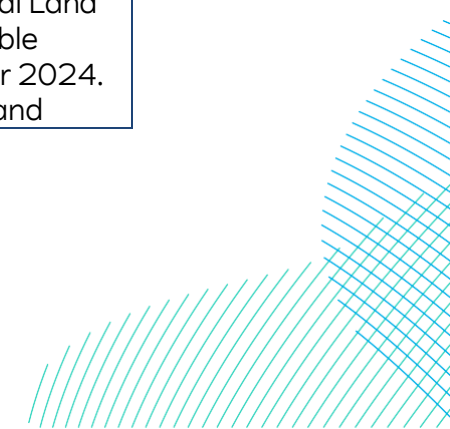
Comment	Project Response
<p><i>The standing advice also points out that condition of the woodland, or trees should not be taken into account when deciding whether to permit development. Habitat in poor condition can be improved with suitable management. For example, PAWS, plantation on ancient woodland site is given the same protection as ASNW ancient, semi natural woodland. The ancient woodland receptor Birkhill wood is ASNW and PAWS. However, only conifer is given as a receptor in the air quality assessment, broadleaves should also be included. The standing advice also states that buffer zones around ancient woodland should be 15m.</i></p>	<p>arboricultural survey of the Onshore Development Area is being undertaken and a detailed method statement for works around woodland and trees will be completed following best practice (including root protection zones and recommended buffers) prior to the construction phase, as detailed in the <b>OCoCP (Volume 8, application ref: 8.9)</b>.</p>
<p>18.6.1.3.2 (210)  <i>The air quality assessment (Chapter 26) identifies project contributions more than 1% of the Critical Loads and/or Levels (both alone and in-combination) for the 'unnamed woodland' which is on the Ancient Woodland Inventory. Chapter 18 states that the 'unnamed woodland' may be indirectly affected by activities which generate fugitive emissions. However, it does not provide any further assessment of impacts. Further detailed advice on air quality impacts on ancient woodland is to follow from Natural England. An assessment of potential air quality impacts to the 'unnamed woodland' should be provided.</i></p>	<p>Following detailed air quality assessment within the <b>ES Volume 7, Chapter 26 Air Quality (application ref: 7.26)</b>, the unnamed ancient woodland (a small woodland block to the north of Bentley Moor Wood) and all other priority habitats, are not considered to be affected by fugitive emissions or potential impacts arising from changes to air quality. However, a small area of broadleaved woodland within Humber Bridge Country Park LNR, has been assessed as having exceedances of a Critical Load or a Critical Level through a contribution of air emissions, NO<sub>x</sub> and NH<sub>3</sub>, from traffic associated with the Projects (&gt;1% but &lt;3.5%). Further detail</p>



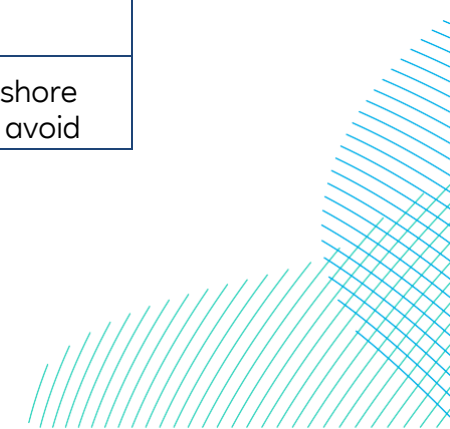
Comment	Project Response
	<p>of the assessment is given in the ES (<b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>) and details of the methodology applied to assess changes to air quality are given in <b>ES Volume 7, Chapter 26 Air Quality (application ref: 7.26)</b>.</p>
<p><i>The results of several project specific surveys remain outstanding due to landowner permissions. The lack of site-specific data to inform baseline characterisation presents significant uncertainties and therefore conclusions on the PEIR cannot be drawn with any confidence at this point. For some surveys (e.g., bats) clarifications are needed to ensure an appropriate methodology has been used. No assessment has been provided of potential loss of functionally linked land associated with the Humber Estuary SPA/Ramsar. We welcome that potential impacts to birds using functionally linked land have been screened into the HRA for further assessment, however we would expect a desk-based assessment to be presented to determine if surveys are required. The EIA and HRA should also include an assessment of potential construction phase impacts to the water quality of the Humber Estuary SAC/SPA/Ramsar/SSSI, as the Onshore Development Area crosses watercourses that are hydrologically connected to the Humber Estuary sites. An Agricultural Land Classification (ALC) survey has not been undertaken within the area proposed for the route of trench line for the</i></p>	<p>The scope, methodology and results of the habitat and species-specific surveys have been presented and discussed three ETG meetings (20<sup>th</sup> April and 14<sup>th</sup> Dec 2023 and 19<sup>th</sup> March 2024). Full survey details are presented in the ES (<b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>) and survey reports appended (<b>Volume 7, Appendix 18-2 to 18-9 (application ref: 7.18.18.2 to 7.18.18.9)</b>).</p> <p>Since the Onshore Development Area has been refined, direct impacts to designated sites have been avoided. Humber Estuary SPA was screened in but following the completion of breeding and overwintering bird surveys, the SPA was later scoped out as no impacts are anticipated, as stated in the ES chapter and HRA report. The HRA screening concluded that there would be no pathway for effects on FLL for the Humber</p>



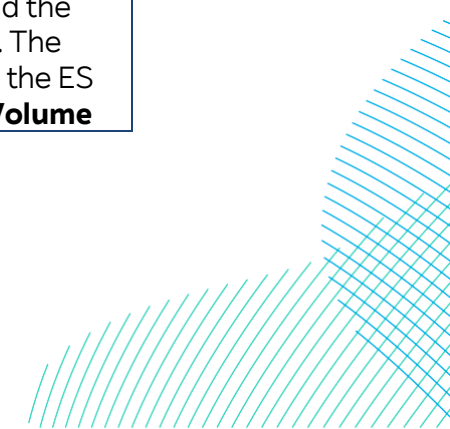
Comment	Project Response
<p><i>underground cabling. We advise that one should be undertaken as part of a comprehensive set of baseline soil and ALC information, given that soil disturbance will take place in these areas and will inform suitable soil handling and restoration criteria.</i></p> <p><i>Natural England will provide detailed comments on Air Quality in a follow up addendum to this response in due course. However, we are provisionally concerned that air quality impacts more than the 1% Critical Loads and/or Levels for the Humber Estuary SAC / SPA have been identified but do not appear to have been assessed further. Potential impacts to ecological receptors from construction road vehicle exhaust emissions should be assessed in the EIA and HRA.</i></p>	<p>Estuary SPA and that the “FLL does not provide suitable foraging/breeding habitats or is considered critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which the Humber Estuary SPA / Ramsar site has been designated” (<b>Report to Inform Appropriate Assessment, Habitat Regulations Assessment (Volume 6, application ref: 6.1)</b>). Natural England is satisfied that the survey effort is sufficient to rule out impacts to FLL in this case.</p> <p>There will be no hydrological impact on the Humber Estuary SAC / SPA / Ramsar because of the planned embedded mitigation as outlined in the <b>ES Volume 7, Chapter 19 Geology and Land Quality (application ref: 7.19)</b> and <b>Volume 7, Chapter 20, Flood risk and Hydrology (application ref: 7.20)</b>.</p> <p>The Applicants have completed an ALC survey at the Onshore Substation Zone in February 2024 and committed to undertaking Agricultural Land Classification surveys for the Onshore Cable Corridor and the Landfall Zone in Summer 2024. A contractor (or appointed Agricultural Land</p>



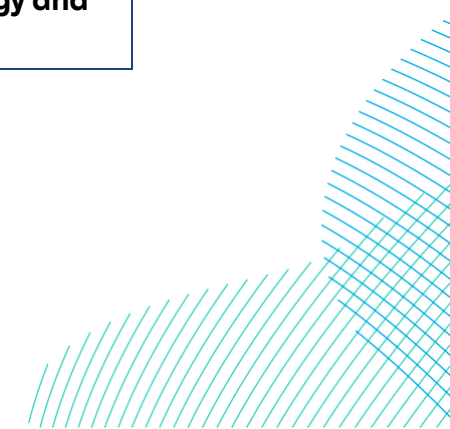
Comment	Project Response
	<p>Officer) will undertake soil condition and intrusive soil survey trial pits to identify and describe the physical and nutrient characteristics of the existing soil profiles. Information gathered as part of this exercise will inform the reinstatement methodology following completion of the construction works. The ALC surveys undertaken at the Onshore Substation Zone have been incorporated into <b>OSMP, Appendix A of the OCoCP (Volume 8, application ref: 8.9)</b>. The final SMP will incorporate the findings of the survey results from the Onshore Export Cable Corridor and the Landfall Zone.</p> <p>The Humber Estuary SAC has been screened in for potential impacts associated with changes to air quality. Further details of the assessment are given in section 18.5.2.1 of the <b>ES Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b> and details of the methodology applied to assess changes to air quality are given in <b>ES Volume 7, Chapter 26 Air Quality (application ref: 7.26)</b>.</p>
<p>18.6.1.1.4 The impact assessment identifies ancient woodland but only mentions</p>	<p>Since this comment was provided, the Onshore Development Area has been amended to avoid</p>



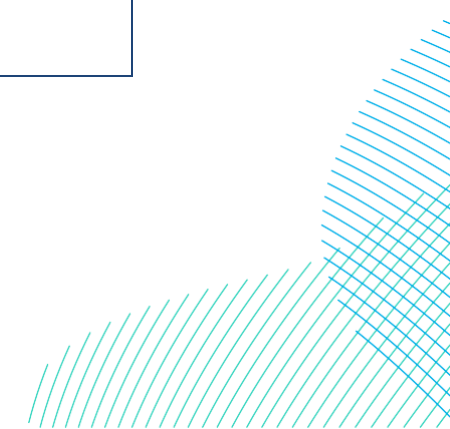
Comment	Project Response
<p><i>veteran trees with respect to Burton Bushes SSSI. Burton Bushes, as well as being on the ancient woodland inventory, is on the Wood Pasture Parkland inventory where the site boundary extends beyond the SSSI. Wood Pasture Parkland of ancient origin, is a form of ancient woodland, is an irreplaceable habitat, and has the same protections under planning policy. The impact assessment should include impacts to ancient woodland, wood pasture as well as veteran trees. It is worth noting that the ancient woodland inventory update project currently underway and due to complete in 2025, will consistently incorporate ancient wood pasture Parkland for the first time.</i></p>	<p>Burton Bushes SSSI and the site is now no longer adjacent to the Onshore Development Area, as stated in the ES chapter. No impacts to the Burton Bushes SSSI are anticipated (<b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>) and <b>Volume 7, Figure 18-3 (application ref: 7.18.1)</b>.</p> <p>The habitat surveys have been completed and no ancient woodland, pasture parkland, or ancient and veteran trees were identified within the Onshore Development Area except for a small ancient (unnamed) woodland block adjacent to the Substation Zone that will be avoided. Further arboricultural survey of the Onshore Development Area and detailed method statement will be completed prior to construction phase.</p>
<p><b>ETG 2 - Environment Agency Comments 11<sup>th</sup> December 2023</b></p>	
<p><i>Completion of ecological surveys (early access issues)</i></p>	<p>All survey access was granted in 2023 and the full suite of surveys have been completed. The findings of these surveys are presented in the ES and survey reports appended to the ES (<b>Volume</b></p>



Comment	Project Response
	<p><b>7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)) and (Volume 7, Appendix 18-2 to 18-9 (application ref: 7.18.18.2 to 7.18.18.9)).</b></p>
<p><i>Recommended ECoW at the construction stage</i></p>	<p>An ECoW has been recommended throughout the ES where relevant (<b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>).</p>
<p><i>Recommended bird survey during nesting season</i></p>	<p>Prior to the commencement of construction activities, pre-construction surveys will be undertaken by the ECoW where necessary, in accordance with the <b>OEMP (Volume 8, application ref: 8.10)</b> and latest available species specific guidance (<b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>).</p>
<p><i>Recommended pumps fitted with 2mm diameter mesh for over-pumping of watercourses where fish could be present</i></p>	<p>This measure is being proposed as embedded mitigation as detailed in Table 18-4 of the <b>ES Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>.</p>



Comment	Project Response
<p><i>Recommended management should Invasive or Non-Native species (INNS) be found on site and implementation of basic biosecurity measures involving plant equipment brought from elsewhere.</i></p>	<p>Little evidence of INNS was found throughout the surveys (<b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18) and Volume 7, Appendix 18-2 Habitat Survey Report (application ref: 7.18.18.2)</b>). Following the desk study and habitat field surveys, it concluded that there was no further need for additional INNS surveys. Control of invasive species, where required, are incorporated into the <b>OEMP (Volume 8, application ref: 8.10)</b> for the Projects to provide mitigation.</p>
<p><b>ETG 2 - Yorkshire Wildlife Trust Comments 11<sup>th</sup> December 2023</b></p>	
<p><i>Expect ecological surveys and walkovers prior to work starting (e.g. badger walkover surveys, etc.)</i></p>	<p>Prior to the commencement of construction activities, pre-construction surveys will be undertaken by the ECoW where necessary, in accordance with the <b>OEMP (Volume 8, application ref: 8.10)</b> and latest available species-specific guidance (<b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>).</p>



Comment	Project Response
<p><i>Expect experienced ECoW and suggest reducing/minimising working corridor width</i></p>	<p>Prior to the commencement of construction activities, pre-construction surveys will be undertaken by the ECoW where necessary, in accordance with the <b>OEMP (Volume 8, application ref: 8.10)</b> and latest available species-specific guidance (<b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b>).</p>
<p><i>Primary concern is impact on nature conservation sites and potential impact upon FLL to protected sites</i></p>	<p>The HRA screening concluded that there would be no pathway for effects on FLL for the Humber Estuary and that the <i>“FLL does not provide suitable foraging/breeding habitats or is considered critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which the Humber Estuary SPA / Ramsar site has been designated”</i> (<b>Report to Inform Appropriate Assessment, Habitat Regulations Assessment (Volume 6, application ref: 6.1)</b>). Natural England is satisfied that the survey effort is sufficient to rule out impacts to FLL in this case.</p>
<p><b>ETG 2 - East Riding of Yorkshire Council Comments 11<sup>th</sup> December 2023</b></p>	

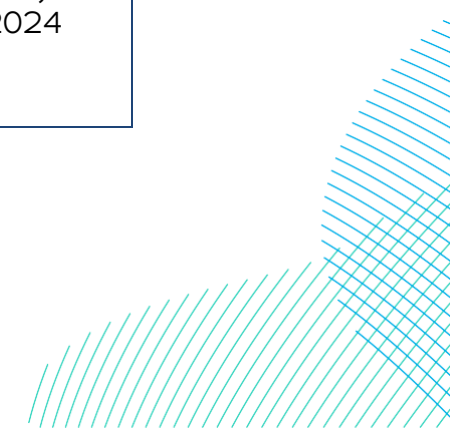




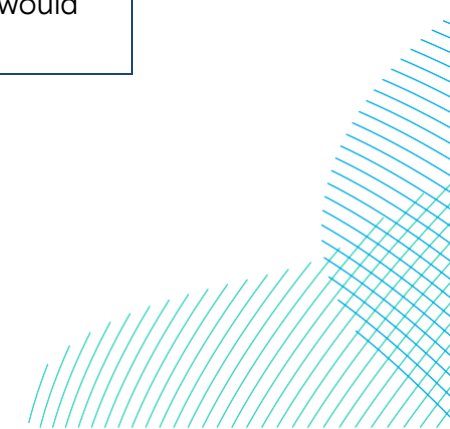
Comment	Project Response
<i>District level licence approach – the survey coverage was good and are happy that many habitats are avoided.</i>	Noted. An application for a GCN District Level Licensing has been agreed in principle with NE and currently in progress.
<i>How were SDPA species categorised.</i>	SPA species were outside the 10km buffer some of influence so they would not qualify as being within functionally linked land. ERYC agreed.
<i>No issues with Lampreys, reptiles, amphibians and terrestrial invertebrates being scoped out.</i>	Noted. Full scoping out section is available in the ES ( <b>Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b> ).
<i>Will there be loss of veteran or ancient trees</i>	Forthcoming surveys will identify any veteran or ancient trees. Currently none will be permanently lost.
<b>ETG 3 - Natural England 14<sup>th</sup> December 2023</b>	
<i>Impacts to Withow Gap SSSI due to the emergency beach access.</i>	Post meeting Natural England agreed via email there would be no further impacts on Withow Gap SSSI due to the emergency beach works access.



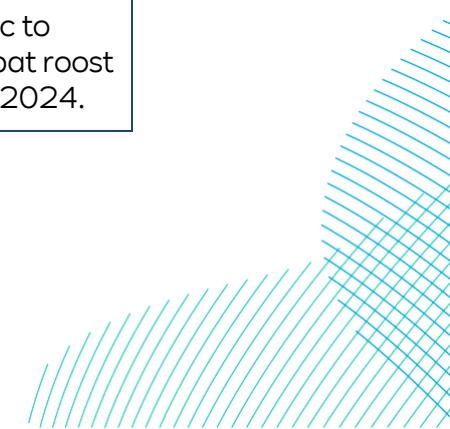
Comment	Project Response
<p><i>Concerns over the functionally linked land</i></p>	<p>Since the ETG, Natural England is satisfied that the survey effort is sufficient to rule out impacts to FLL in this case.</p> <p>The HRA screening concluded that there would be no pathway for effects on FLL for the Humber Estuary and that the “<i>FLL does not provide suitable foraging/breeding habitats or is considered critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which the Humber Estuary SPA / Ramsar site has been designated</i>” (<b>Report to Inform Appropriate Assessment, Habitat Regulations Assessment (Volume 6, application ref: 6.1)</b>).</p>
<p><b>ETG 4 - Natural England 19<sup>th</sup> March 2024</b></p>	
<p><i>The key issue is for the potential for roosting bats in trees. A pre-construction survey will be undertaken to confirm whether trees with roosting potential are still present and if other trees should be reconsidered for roosting bats.</i></p> <p><i>There were no confirmed main badger setts, but there were subsidiary, annex, and satellite setts within 30 m of the Onshore Development</i></p>	<p>A request for Pre-Submission Screening Service in relation to the LoNI application for badgers and roosting bats has been submitted by the Projects following advice from NE on 19<sup>th</sup> March 2024 and is currently being processed.</p>



Comment	Project Response
<p>area buffer. The Projects are likely to apply for a licence to close any affected setts temporarily. The survey will be updated as part of pre-construction preparations.</p> <p>Natural England have subsequently stated that the decision to apply for a Letter of No Impediment (LoNI) is to be made by the applicant.</p>	
<p>Natural England would not advise on licence required outside of a designated site, and that is the Applicants' decision as to whether they wish to apply for a licence/LoNI</p>	<p>A request for Pre-Submission Screening Service in relation to the LoNI application for badgers and roosting bats has been submitted by the Projects following advice from NE on 19th March 2024 and is currently being processed. A DLL application has been submitted for great crested newts <i>Triturus cristatus</i>.</p>
<p><b>ETG 4 - East Riding of Yorkshire Council 19<sup>th</sup> March 2024</b></p>	
<p>East Riding of Yorkshire Council mentioned grass snakes <i>Natrix helvetica</i> alongside river corridors potentially being an issue but was happy with the Precautionary Method of Works regarding this. East Riding of Yorkshire confirmed they were happy that impacts are mostly avoided by way of design.</p>	<p>The proposed embedded mitigation including pre-construction surveys, ECoW and HDD or other trenchless techniques in Table 18-4 of the <b>ES Volume 7, Chapter 18 Terrestrial Ecology and Ornithology (application ref: 7.18)</b> would ensure minimal impacts to grass snakes.</p>



Comment	Project Response
<p><b>ETG 4 - Yorkshire Wildlife Trust 19<sup>th</sup> March 2024</b></p>	
<p><i>YWT encourage a 10% Biodiversity Net Gain (BNG) as good practise as standard. Unlikely to accept no net loss approach.</i></p>	<p>Currently there is no statutory requirement for Nationally Significant Infrastructure Projects (NSIPs) to deliver a 10% BNG. It is anticipated that this requirement will only be mandated for NSIPs which are submitted post November 2025. Therefore, the Projects will not be affected, and any net gains delivered as part of the Projects would be driven by policy and provided on a voluntary basis.</p>
<p><b>Natural England Wildlife Licencing Service (NEWLS) - Natural England 9<sup>th</sup> May 2024</b></p>	
<p><i>NEWLS confirmed that on the condition that a draft A24 licence application to interfere with setts for development purposes with the pertinent information is submitted, a Letter of No Impediment (LoNI) can be issued in respect to badgers.</i></p>	<p>An A24 draft licence application will be submitted to NEWLS alongside any pertinent information.</p>
<p><i>NEWLS stated it will be difficult to issue a LONI in respect to bats due to a lack of detailed information at this stage. Discretionary advice will be given first on any information submitted to NEWLS and next steps to obtaining a LoNI will be discussed.</i></p>	<p>Information will be drawn from relevant documents to provide information specific to bats for NEWLS to comment on. Further bat roost surveys are due to be undertaken later in 2024.</p>



**RWE Renewables UK Dogger  
Bank South (West) Limited**

**RWE Renewables UK Dogger  
Bank South (East) Limited**

**Windmill Hill Business Park  
Whitehill Way  
Swindon  
Wiltshire, SN5 6PB**

