



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (ENVIRONMENTAL
PROCEDURE RULES) 2010

THE PREESALL (UNDERGROUND GAS STORAGE FACILITY) ORDER APPLICATION

Application by Halite Energy Group Limited for:

Construction and operation of an Underground Gas Storage Facility
Site at Preesall Saltfield, Lancashire

**Natural England's responses to
Initial questions in Annex D of the
Examining Authority's Rule 8 (1) (b) letter**

National Infrastructure Directorate (NID) ref: **EN030001**
Natural England PINS ref: 10015301 / **PREE-00048**

06th June 2012

Natural England's responses to the Examining Authority's initial questions as requested in Annex D of the Rule 8 (1) (b) letter dated 2 May 2012.

Question 3

"Please identify (with reference to the field numbers shown on the LEMSP at Figure 14.10 of the Environmental Statement volume 2B (document 5.4)) where the 16 ha of land is located which is to be provided at a distance of more than 500m from project related activities, as an alternative habitat for pink-footed geese throughout the construction, and construction and operation periods? "

Question 4

"As the LEMSP is anticipated to be implemented over a phased programme (paragraph 1.1.4 of the Environmental Statement volume 1B Appendix 14.11, (document 5.2)) please explain how this would affect the management and availability of the identified 16 ha of replacement functionally-linked land over the construction and construction and operation periods."

Natural England's response to Questions 3 and 4 together:

Pink-footed geese forage on farmland on the Fylde Peninsular each winter. The pink-footed goose population is healthy and increasing. The farmland mixed cropping regime provides foraging habitat for each winter season. The applicant has demonstrated that approximately 16 ha of appropriate habitat needs to be provided to mitigate for disturbance and displacement during construction years 1-8. The applicant has identified 33 ha in total within its ownership that will be managed in accordance with best practice guidelines. The applicant has provided Natural England with a revised plan to accompany the LEMSP that shows the fields that make up the 33 ha for pink-footed goose mitigation. Natural England's understands that from the 33 ha, 16 ha of stubbles will be provided each winter, free from disturbance to geese and the remaining 17ha will be a mixture of stubbles, winter sown crops and grass on rotation. This mosaic of habitat favours goose foraging at different times of season. Natural England understands that the 16 ha is not a fixed location, but it will rotate on the site through the 33ha that is available in total depending on where disturbance and displacement occurs in relation to each construction phase. The precise location and management of replacement foraging each winter will be set out as part of the proposed Ecological Management Schemes to be agreed (in consultation with Natural England) with the Local Planning Authority as work phases are planned and brought forward. This issue has been covered in the Statement of Common Ground between Natural England and the applicant.

Question 5

"How will the applicant ensure that any alternative habitat provided to support over wintering pink-footed geese which is outside the DCO boundary is managed in accordance with the LEMSP? "

Natural England's response to Questions 5:

Natural England understands that the land identified as alternative foraging habitat for pink-footed geese lies within the applicant's ownership and control. Natural England understands

that the applicant is working with its tenant farmers and is reviewing tenancy agreements to cover the next 40 years, which would cover the lifetime of the project. The applicant has advised Natural England that the terms of the tenancy agreements will secure delivery, either by the tenant or directly by the applicant, of the necessary mitigation measures contained in the LEMSP as further developed through the Ecological Management Schemes proposed for agreement with the Local Planning Authority for each phase of development. This needs to be ensured through appropriate DCO requirements in order to conclude no likely significant effect on European site features.

Question 6

“In view of Natural England’s current position about the adequacy of information submitted for the purpose of the Habitats Regulations, what evidence is there to conclude that there are no residual significant effects on the Morecambe Bay SPA and Ramsar site, taking into account the mitigation to be provided by the LEMSP? “

Natural England’s response to Question 6:

Natural England has advised the applicant on the adequacy of its proposals in relation to the requirements for a Habitats Regulations Assessment before and following application for DCO consent. In particular, Natural England advised on the requirement for further information to provide evidence to satisfy the conclusions in the ‘*Information to Support a Habitats Regulations Assessment – Morecambe Bay SPA and Ramsar*’ report. The applicant provided written responses and additional collated information in response to issues raised by Natural England, and further clarified ‘embedded’ avoidance and mitigation measures. These are appended to the Statement of Common Ground on Ecology and HRA agreed between the applicant and Natural England.

In addition, the applicant has further clarified the detail of land management mitigation proposals in the LEMSP (see answers to questions 3, 4, and 5). These are appended to the Statement of Common Ground on the LEMSP agreed between the applicant and Natural England.

Consequently, Natural England now considers the applicant has provided appropriate and adequate information to demonstrate the conclusions reached in the HRA report. These points are further expanded below.

Natural England raised a number of matters in relation to the “Information to Support a Habitats Regulations Assessment – Morecambe Bay SPA and Ramsar” report (DCO Application Document Reference 3.3). Natural England was concerned that information on the spatial distribution of SPA and Ramsar bird species using the DCO Application site, adjacent farmland and the designated sites, was insufficient to reliably identify all potential impacts arising from the Project. Specifically, Natural England was concerned that insufficient evidence had been provided to confirm that no SPA and Ramsar qualifying bird species other than pink-footed geese, are using land functionally linked to the European sites and therefore be potentially affected by the Project. Natural England was also concerned that insufficient information had been provided to establish the scale and distribution of pink-footed geese using the DCO Application site and surrounding farmland outside the designated sites (functionally linked land). Following further discussion the applicant provided the following additional information to Natural England (now appended to the SoCG on Ecology and HRA agreed between the applicant and Natural England):

- a document providing a written response to these matters (“Responses to Natural England”);

- information on black tailed godwit and teal which had been omitted from the previous assessment (designated features of the Wyre Estuary SSSI and form part of the qualifying internationally important wildfowl assemblage of the European site); and
- mapped bird survey data indicating roosting and feeding areas of relevant SPA and Ramsar bird species using the designated Wyre Estuary sites, the DCO Application site and adjacent farmland, including field usage by pink-footed geese.

Natural England considers that this provides an adequate basis for screening birds potentially exposed to impacts arising from the Project has been now been provided. This has confirmed that apart from pink-footed geese, no other SPA and Ramsar qualifying bird species are making significant use of functionally linked land for feeding or roosting

The applicant confirmed that in order to avoid direct or indirect physical damage to habitats within the designated estuary, measures proposed within Chapter 11 of the “*Information to Support a Habitats Regulations Assessment – Morecambe Bay SPA and Ramsar*” report include use of direct drilling to install pipelines and cables for both the north and south river crossings. DCO Requirements will need to stipulate these methods to ensure that the Project does not lead to likely significant effect on the European site features materialising.

The ‘*Responses to Natural England*’ document identifies the following potential impacts in addition to those already identified as potentially arising from the two proposed river crossings and wellhead compounds 1, 5 and 7 adjacent to the estuary:

- Wellhead compounds 4 and 6 have the potential to disturb areas within the designated estuary used by several qualifying bird species for feeding or roosting. ().
- The Booster Pump Station lies within 200 m of key feeding areas for some qualifying bird species.
- All wellhead compounds have the potential to disturb or displace pink-footed geese from core feeding areas.
- Wellhead compounds 4 and 6 in addition have the potential to disturb a significant part of those mitigation areas proposed for enhanced management to improve their feeding potential for pink-footed geese.

To avoid significant disturbance to bird species the applicant has confirmed (through development of the Ecology and HRA SoCG) that:

- All wellhead compounds (not just those identified in the “*Information to Support a Habitats Regulations Assessment - Morecambe Bay SPA and Ramsar*”) will be screened to reduce disturbance to roosting and feeding birds within the designated sites and pink-footed geese using functionally linked land.
- All wellhead compounds will be prepared and screened during the summer months (May to August) to avoid disturbance to wintering and passage birds.
- Drilling at each wellhead compound would occur sequentially to limit disturbance to one wellhead compound at any one time.

- Pipelines and cables will be installed at both river crossings during the summer months (May to August) when wintering birds are not present. Excavation and drilling will be confined to May to July when passage birds are not present.
- Screening will be erected during the summer months (May to August) before construction of the Booster Pump Station commences.

The improved information on field usage by pink-footed geese provided by the applicant has clarified the need for replacement foraging areas. The applicant and Natural England have agreed that disturbance of pink-footed geese using the application site could be adequately mitigated by management of nearby farmland within Halite Energy Group Limited's control to provide additional feeding habitat. Overall, Natural England therefore agrees with the applicant that careful planning of the timing, phasing and screening of construction (as described above) together with the proposed management of nearby farmland to provide additional feeding habitat for pink-footed geese, will provide adequate mitigation for disturbance of foraging and roosting birds.

Natural England advise that these necessary avoidance and mitigation measures will need to be guaranteed through appropriate DCO Requirements in order to confirm no likely significant effect on European sites, but subject to this Natural England does not consider that there are any significant residual effects.

Question 7

“Does Natural England agree with the applicant's conclusion of no likely significant effects on the Morecambe Bay SAC as set out in the Habitats Regulations Assessment (document 3.2)? “

Natural England's response to Question 7:

The boundary to Morecambe Bay SAC lies at the mouth of the Wyre Estuary, and does not extend southwards into the Wyre. Natural England agrees with the screening assessment in document 3.2 (*Information to support a HRA report*), which identifies potential effects on Morecambe Bay SAC are impacts on marine communities from release of hyper-saline brine solution and smothering of habitats by sediment mobilised during the installation of the brine outfall pipeline. These are considered separately below.

Discharge of hyper saline brine into the Irish Sea during cavern construction and maintenance is regulated under the Environment Agency's 2007 Discharge Consent (CC/93/07). The EIA and HRA undertaken for the discharge consent concluded that there would be no likely significant effect on offshore European sites or adverse effects on the wider marine environment.

A large rock armoured offshore sewage outfall has subsequently been constructed to the north of the proposed brine outfall with the potential for changes to hyper saline dispersion modelling. The applicant has reviewed its modelling and discussed the situation with the Environment Agency and Natural England. This has confirmed that the modelled hyper-saline plume dispersion will not be affected by the new rock armoured sewage outfall and has not triggered a review of the existing discharge consent by the Environment Agency. Natural England accept that the previous modelling is still sound and the presence of the outfall will not change the conclusions of the shadow HRA in relation to Morecambe Bay SAC. Natural England is also reassured by published conclusions of monitoring of an underground gas storage project at Aldborough on the east coast which found no spatial

correlation between community structures or species diversity (of similar benthic communities) with regard to the discharge beyond 50m (Mazik and Allen, 2006¹).”

Further, with regard to the newly designated Shell Flat and Lune Deep cSAC, Natural England agree there is no obvious mechanism by which the hyper-saline plume could significantly affect the integrity of the site.

Natural England therefore agrees with the conclusions of the applicant’s report that the discharge of hyper-saline solution will not have a likely significant effect on Morecambe Bay SAC (or Shell Flat and Lune Deep cSAC).

Construction of the outfall and its subsequent long term presence upon the seabed pose a potential risk of physical disturbance and damage to marine habitats and faunal communities. This could result in potential to change the sediment dynamics, however Natural England agrees with the applicant’s conclusion that sediment movements would not cause a likely significant affect on the SAC because of the tidal currents and separation distance involved between the outfall pipe and the SAC.

Potential for impacts on local marine BAP habitats through abrasion and smothering during construction have been addressed by conditions outlined within Schedule 7 of the draft DCO – Deemed Marine Licence and DCO requirements to ensure that the outfall pipe is buried below the sea bed surface and backfill is flush with the seabed surface.

Question 8

“Would Natural England please confirm whether any proposed operation (whether or not taking place on land included in the Wyre Estuary, Lune Estuary or Winmarleigh Moss SSSIs) is likely to damage any of the flora, fauna or geological or physiographical features by reason of which the SSSIs are of special interest? “

Natural England’s response to Question 8:

Lune Estuary SSSI and Wyre Estuary SSSI are component sites of Morecambe Bay SPA, SAC and Ramsar site. The boundary to the Lune Estuary SSSI extends to the eastern side of the mouth of the Wyre Estuary, and does not extend southwards into the Wyre. Natural England therefore accepts that the Lune Estuary would not be affected by potential impacts arising within and adjacent to the Wyre. Construction of the sea outfall and discharge of hyper-saline solution into Liverpool Bay is too distant to affect Lune Estuary SSSI for the reasons outlines in answer to question 7.

Natural England has reviewed the evidence submitted by the applicant and the additional information provided in response to issues raised in relation to Morecambe Bay SPA (as outlined in answers to questions 3,4,5 and 6). Taking account of the avoidance and mitigation measures included as part of the embedded project design, and the measures offered and secured in the LEMSP in relation to Morecambe Bay SPA, Natural England considers that for the purposes of the 1981 Act, the project is not likely to damage the interest features of the Wyre Estuary SSSI. Natural England is satisfied that there are no additional SSSI features which are separate from and different in nature to the SPA features that require additional mitigation measures.

1 Mazik, K and Allen, J.H. (2006) *Benthic Invertebrate Assessment of the Marine Environment at Aldborough Gas Storage Facility: 2005 Report. Report to SSE (Hornsea) Ltd. IECS 18th September 2006. Report: ZBB666-Ben05-D-2006.*

Winmarleigh Moss SSSI covers an area of 90 ha and is located 5 km north-west of Garstang. The main vegetation types are heather and purple moor-grass dominated mire over deep peat, birch scrub and birch woodland. The site also supports a number of rare insect species. It is important as the largest area of lowland raised mire remaining in Lancashire and is potentially vulnerable to local hydrological change. The closest point of the application site is the gas transmission pipeline, which lies approximately 750 metres to the south. Given this separation distance, Natural England is satisfied that there is no obvious mechanism whereby the project may cause any drainage effects that would damage the integrity of the site. Natural England considers that for the purposes of the 1981 Act, the project will not damage the interest features of Winmarleigh Moss SSSI

Question 9

“What progress has been made with the licence applications to Natural England with regard to protected species?”

Question 10

“ Please explain how the derogation tests in relation to the European Protected Species licence will be met?”

Natural England’s response to Question 9 and Question 10 together:

The applicant submitted two draft licence applications to Natural England on 24th April 2012; one for great crested newts and one for bats. The ‘Reasoned Statements’ accompanying the draft licence application provide the applicant’s evidence as to how the derogation tests will be met. Section D4 of both ‘Reasoned Statements’ contains the applicant’s evidence to support the test of ‘no satisfactory alternative’ (Regulation 53 (9) (a) of the Habitats Regulations). Section D3 of both ‘Reasoned Statements’ contains the applicant’s evidence to support the test of ‘imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’ (Regulation 53(2)(e) of the Habitat Regulations). Natural England considers that based on the information provided, both tests would be met if the project is successful in achieving a DCO consent. Natural England’s assessment of these two tests is only relevant should the project achieve all the necessary consents it requires in order to proceed and any appropriate conditions or reserved matters are discharged.

The draft licence applications include proposed method statements. The information and evidence these contain allow Natural England to consider whether the project will be without detrimental to the maintenance of the populations of great crested newts and bats at a favourable conservation status in their natural range (the ‘Favourable Conservation Status’ test - Regulation 53(9) (b) of the Habitat Regulations). Natural England has reviewed both draft licence applications and is not currently satisfied that the applicant’s draft method statements meet the requirements of the Regulations. Natural England feels that both current applications fall short in describing all potential impacts of the project, the proposed methodology for the work programme and in the adequacy of mitigation proposals. Natural England has provided feedback to the applicant on the need for further information and refinement of mitigation proposals to guide re-submission of the draft licence applications. We advise the licence application for bats will need inclusion of more up to date surveys undertaken in 2012. However, Natural England believes it should be possible to agree the principles of mitigation with the applicant sufficient for a letter of comfort to be provided.

