



Meeting note

Project name	Humber Low Carbon Pipelines
File reference	EN070006
Status	Final
Author	The Planning Inspectorate
Date	7 October 2022
Meeting with	National Grid Carbon (NGC)
Venue	Virtual
Meeting objectives	Project Update
Circulation	All attendees

Summary of key points discussed, and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Meeting Purpose

The Applicant explained that it was holding a series of meetings with stakeholders about its proposed approach to assessment in the ecology chapter of the Environmental Statement (ES) of its forthcoming Development Consent Order (DCO) application.

The Applicant advised that Natural England (NE) has recently been in a position to restart its discretionary advice on the project, following a pause towards the end of 2021. The Applicant has held initial meetings about the ecology approach with NE and other stakeholders, including the Environment Agency (EA), local wildlife trusts, ecologists at the local authorities, RSPB and local nature partnerships. It has established an Ecological Working Group with these stakeholders. The Applicant is seeking the views of the Planning Inspectorate in advance of commencing statutory consultation.

Ecology Strategy

The Applicant explained that the nature of the Proposed Development, as a long linear project, meant that there would inevitably be impacts to certain types of habitats, which may also be used by protected species.

The Applicant is proposing a conservation strategy approach to assessment, which it described as being similar to the way in which district level licensing (DLL) operates for great crested newts (GCN). The Applicant stated that this would involve identifying outcomes and how benefits could be maximised for four habitats and eight

species/species assemblages of conservation concern identified in a draft Conservation Strategy. The project would firstly seek to avoid impacts to habitats and secondly commit to net gain (biodiversity and natural capital), with reinstatement of affected habitats to equivalent or better quality post development. The DCO application would include a framework for maintenance and monitoring to demonstrate how this would be achieved.

The Applicant explained that the project team was considering what survey data was required to support the assessment in the ES. It is seeking to agree a proportional overall survey effort on the basis that presence of certain species is assumed following a precautionary approach and that the ES would identify important ecological features from an understanding of habitat quality. The Applicant noted that large parts of the study area comprised agricultural land that would be unsuitable for many species.

The Applicant stated that the survey programme would be proportionate and sufficient to support robust assessment in the ES and Habitats Regulations Assessment.

The Applicant has undertaken a number of standard ecology surveys, including a preliminary ecological appraisal, and surveys of hedgerows, wintering, passage and breeding birds, bat activity (automated surveys only) and climbed inspections and/ or emergence/ re-entry surveys of potential bat roost features. The Applicant stated that the scope of the wintering bird survey was agreed with NE.

For GCN, the Applicant is proposing to use the DLL scheme and would evidence this through inclusion of the impact assessment and conservation payment certificate (IAPC) as an appendix to the ES. The Applicant proposes to complete detailed surveys for a number of species including badger, reptiles, otter and water vole, during the pre-construction phase of the Proposed Development, ie post grant of any DCO, where required.

For other potentially present species, eg invertebrates, fish, pine marten and polecat, the Applicant is proposing not to undertake surveys but to incorporate commitments within the DCO to avoid habitats or to reinstate habitats used by these species at equal to or better condition than existing.

The Applicant explained that the framework for measuring and monitoring the success of the conservation approach would comprise three parts, including:

- Draft biodiversity enhancement strategy (BES) – this would include net gain commitments and biodiversity enhancements, underpinned by habitats and species likely to be present.
- Ecology surveys – as summarised above. Reference would be made to local records and use of aerial photography to identify likely habitats to narrow the focus to key sites for detailed survey during the pre-construction phase.
- Biodiversity Enhancement and Management Plan (BEMP) – the mechanism that will secure the commitments, a draft of which would be submitted with the DCO application. A draft Construction Environmental Management Plan to address impacts during construction would also be submitted.

The Applicant stated that the proposed approach had garnered support from the Ecological Working Group during initial discussions - for example those stakeholders responsible for management of some local wildlife sites indicated it would be a welcome approach for the Applicant to focus on enhancements that could improve the current status of the sites and make future management easier.

Planning Inspectorate Comments

The Inspectorate queried whether the Applicant had researched other Nationally Significant Infrastructure Projects (NSIPs) to identify any examples of a similar approach. The Applicant's ecologist advised that he had worked on a number of NSIPs and this did represent a novel approach.

The Inspectorate noted that as set out in [PINS Advice Note 11, Annex C](#), the Examining Authority (ExA) will wish to be in a position by the end of the Examination to report to the Secretary of State on the likelihood of any necessary protected species licence/s being obtained. As stated in the Advice Note Annex, NE encourages all applicants to enter into early discussion in pre-application to ensure that where possible Letters of No Impediment (LONIs) can be submitted at the application stage. The Inspectorate queried whether reduced survey effort could have implications for the Applicant's ability to submit LONIs at the application stage. The Applicant advised that it was in ongoing discussion with NE about the survey requirements. The Applicant's next steps planned with NE are to discuss the approach to individual species/ individual ecological features.

The Inspectorate advised that the ES would need to include a justification for the absence/ timing of surveys, should these be delayed until the pre-construction phase. It should be clear what assumptions have been made, and how it ensures that the ES is informed by a sufficient baseline. The Applicant should provide clear evidence within the DCO application documentation that any novel approach such as that described by the Applicant has been agreed with NE (and where possible, with other relevant consultation bodies). This would be necessary in order to provide confidence that the assessment in the ES is robust and has identified the likely significant effects resulting from the Proposed Development.

The Applicant queried what weight any agreement from the Ecological Working Group would have in this regard, given the possibility that NE might not be in a position to agree the approach in a statement of common ground at the time of submission of the DCO application. The Inspectorate stated that whilst views from and agreement with other relevant consultation bodies should be sought, NE is the statutory advisor for nature conservation and its views would carry substantial weight.

The Applicant explained with regard to the BEMP, that the version submitted with the DCO application would be in outline, likely covering a larger than required area and a range of possible commitments, with the intention that it would be finalised during the pre-construction phase. The Inspectorate noted that the approach described was consistent with other DCO applications – it is typical for draft/ outline versions of management plans to form part of the application documentation.

Next Steps

It was agreed that the Inspectorate would discuss the proposed ecology approach internally and provide the Applicant with any further advice as part of the meeting note.

Planning Inspectorate's Post-Meeting Advice

The Inspectorate notes the [late scoping consultation response from NE](#), which states: *"The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats)... The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants".*

Overall, advice from the Inspectorate is that the ES should be based on sufficient baseline data collected at appropriate times of the year for relevant species. This is required to support a robust assessment of likely significant effects as required by the Infrastructure Planning (EIA) Regulations 2017. The approach should be agreed with NE and evidenced at the point of DCO application submission.