

Viking CCS Pipeline

8.15 Statement of Common Ground – Natural England – Revision B (Clean)

Document Reference: EN070008/EXAM/8.15

Applicant: Chrysaor Production (U.K.) Limited,
a Harbour Energy Company
PINS Reference: EN070008
Planning Act 2008 (as amended)
The Infrastructure Planning (Applications: Prescribed Forms
and Procedure) Regulations 2009 - Regulation 5(2)(q)
Date: September 2024

This Draft Statement of Common Ground has been agreed between Chrysaor Production (UK) Limited and Natural England on the day specified below.

<p>Signed: Robbie Clarey</p> <p>Print Name: Robbie Clarey</p> <p>Job Title: Senior Sustainable Development Officer</p> <p>Date: 19 September 2024</p> <p>Duly Authorised for and on behalf of Natural England</p>
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1 Introduction

1.1 Overview

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared by Chrysaor Production (UK) Ltd (the 'Applicant') in conjunction with Natural England in respect of the Viking CCS Pipeline project (the 'Proposed Development').
- 1.1.2 The SoCG sets out the matters of agreement between the Applicant and Natural England and also explains those matters which, at the time of writing, remain unresolved between the parties. The agreements to date have been reached through consultation and continuing discussions between the parties through online meetings.

1.2 The Role of Natural England

- 1.2.1 Natural England is a statutory nature conservation body (SNCB) established by the Natural Environment and Rural Communities Act 2006 (NERC Act). Natural England's general purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Natural England is financed by the Department for the Environment Food and Rural Affairs (Defra) but is a Non-Departmental Public Body, which forms its own views based on the best scientific evidence available.
- 1.2.2 In respect of DCO applications, Natural England's main responsibilities relate to providing advice on EIA, the Habitats Regulations, the regulation of Sites of Special Scientific Interest (SSSI) under the Wildlife and Countryside Act 1981 (as amended) (WCA), as the licensing body in respect of protected species, and as a consultee in relation to development of best and most versatile agricultural land or mineral and waste site reclamation to agriculture and as an adviser on landscape matters.

1.3 Purpose of this Statement of Common Ground

- 1.3.1 The purpose of this document is to summarise the agreements reached between the parties on matters relevant to the Examination of the Application and to assist the Examining Authority ('ExA'). It also explains the matters which remain unresolved at the time of writing, but which both parties are working positively toward resolving. As such, it is expected that further iterations of the SoCG will be submitted to the ExA throughout the Examination and prior to the making of any Development Consent Order ('DCO') for the Proposed Development.
- 1.3.2 The SoCG has been prepared with regard to the guidance in 'Planning Act 2008: examination of application for development consent' (Department for Communities and Local Government, March 2015).
- 1.3.3 The remainder of this SoCG is structured as follows:
- Section 2 – Summary of consultation and discussions; and
 - Section 3 - Position of the parties

1.4 Status of this Statement of Common Ground

- 1.4.1 This SoCG is in its final form.

2 Summary of Consultation and Discussions

Introduction

2.1.1 In addition to the consultation undertaken as part of statutory consultation, there have been a number of meetings and correspondence relating to the Proposed Development. Details of various meetings and key correspondence are set out in Table 2-1 Record of meetings and correspondence with Natural England. Table 2-1 below.

Table 2-1 Record of meetings and correspondence with Natural England.

Date of meeting/ correspondence	Description of meeting
Early 2022	Initial meeting with Natural England, which included an overview of the project and a discussion around the use of Discretionary Advice Service, and what matters we may wish to use it for (i.e., meetings, document reviews)
October 2022	Project overview and update, and discussion of route corridor changes since EIA scoping. Overview of block valves and temporary construction compounds.
14 December 2022	Meeting with the District Level Licensing team to discuss costings, certification, the DLL scheme in Lincolnshire, and onward steps.
July 2023	Planned meeting to discuss the establishment of the Lincolnshire Coast Kings National Nature Reserve.
Email engagement	<p>Updates provided regarding route corridor changes and provision of maps.</p> <p>Notification of stages of non-statutory and statutory consultation by email.</p> <p>Ongoing engagement on District Level Licensing, as well as proposals for the Heritage Coast and Kings National Nature Reserve.</p> <p>Ongoing engagement regarding the Lincolnshire Wolds National Landscape.</p>

Date of meeting/ correspondence	Description of meeting
6 March 2024	Meeting to discuss Natural England's Relevant Representation and agree an action plan for progressing matters not yet agreed.
9 May 2024	Meeting to discuss outstanding matters relating to the Lincolnshire Wolds National Landscape
16 May 2024	The Applicant issued a copy of the updated HRA to Natural England.
24 May 2024	The Applicant issued a technical note in response to the points Natural England raised in their written representation regarding the Lincolnshire Wolds National Landscape
6 June 2024	Call to discuss technical note relating to the Lincolnshire Wolds National Landscape.
July 2024	Various communications in relation to ISH2 actions
25 July 2024	Meeting to discuss role of ECoW and mitigation proposals in HRA
22 August 2024	Meeting to discuss latest position regarding HRA
September 2024	Various emails issued confirming current position on remaining issues and updated documents.
16 September 2024	Meeting to review table of outstanding matters and proposed approach to closing them out.

3 Position of the Parties

3.1.1 Table 3-1 sets out the position of the parties relating to the following topics:

- **Ecology and biodiversity** – including protected species and designated sites and considering various sources of impact including direct effect and indirect effects of noise, air quality, water quality, and disturbance. The principal application documents are:
 - Chapter 6 Ecology and Biodiversity (**APP-048**) and appendices;
 - Report to Inform Habitat Regulations Assessment (**APP-111**);
 - Outline Landscape and Ecology Management Plan (**APP-127**);
 - Initial Biodiversity Net Gain Assessment (**APP-125**); and
 - Draft Biodiversity Net Gain Strategy (**APP-126**).
 - Chapter 11 Water Environment (**APP-053**)
- **Landscape and Visual Impacts** – including effects relating to designated sites such as the Lincolnshire Wolds National Landscape (formerly Area of Outstanding Natural Beauty(AONB)) and proposed designations including the proposed extension to the Historic Coast. The principal application documents are:
 - Chapter 7 Landscape and Visual (**APP-049**) and appendices; and
 - Outline Landscape and Ecology Management Plan (**APP-127**)
- **Agriculture and Soils** – including best and most versatile (BMV) and soil impact considerations. The principal application document is Chapter 10 Agriculture and Soils (**APP-052**) and appendix (**APP-096**)

3.1.2 To provide clarity, each of the matters for which a position has been attributed have been colour coded as follows:

Agreed	The matter is agreed between the parties, or there are no significant disagreement such that the matter is considered closed.
Not agreed - no material impact	The matter is not agreed between the parties; however the outcome of the approach taken by the Applicant or Natural England is not considered to result in a material impact to the assessment conclusions. Discussions on this matter have concluded.
In discussion	This matter is nether 'agreed' or 'not agreed'. Technical work is being undertaken with the aim of achieving agreement, though the risk of disagreement remains.
Not agreed	The matter is not agreed between the parties and the outcome of the approach taken by the Applicant or Natural England is considered to result in a materially different impact to the assessment conclusions.

Table 3-1 Position of the Parties

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
Consultation					
1	Engagement	The pre-application engagement undertaken by the applicant has been proactive and professional.	N/A	<p>Natural England (June 2024): Natural England has been working with AECOM, on behalf of Chrysaor Production (UK) Limited to provide advice and guidance on the project since 2022. This has included a currently running contract with the applicant under our Discretionary Advice Service.</p> <p>Applicant (June 2024): We have held a number of meetings with Natural England throughout the preapplication period.</p>	Agreed
2	Project Information	Details of the project, including its need, have been provided and have been adequate to inform ongoing discussions.	Report to Inform HRA [APP-118] Outline Soil Management Plan [APP-096] Decommissioning Strategy [APP-072] Draft Construction Environmental Management Plan [APP-068]	<p>Natural England (June 2024): Details of the project provided have been adequate to inform ongoing discussions. Further information is awaited regarding the HRA & other information may be required relating to other elements of the project, i.e. landscape and soils.</p> <p>Applicant (June 2024): The Applicant has updated the HRA, with the latest version submitted at deadline 6. A further update has been shared with Natural England following a meeting on 16 September 2024. The Applicant has also provided additional information relating to landscape matters relating to the Lincolnshire Wolds National Landscape (in the form of a technical note) [REP4-013] and soils (updates to the outline Soil Management Plan (oSMP) [REP5-073] and Decommissioning Strategy [REP5-069].</p> <p>Natural England (18/09/2024): Natural England is satisfied with the additional information provided regarding HRA, Landscape & Soils.</p>	Agreed
Policy and Legislation					
3	Policy and Legislation	The relevant national policies and appropriate legislative framework with respect to matters relating to Natural England’s duties have been accurately reported.	Planning, Design and Access Statement (PDAS) [APP-129]	<p>Natural England (June 2024): Relevant policy and legislation appears to have been reported appropriately</p> <p>Applicant (June 2024): Agreed</p>	Agreed
Ecology and Biodiversity					

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
4	Assessment methodology	The study area for gathering baseline species information is appropriate to the nature of the project and its potential effects.	Chapter 6 Ecology and Biodiversity [APP-048]	<p>Natural England (June 2024): Natural England have not reviewed the approach to gathering baseline species information., It should be noted that the responsibility for establishing any protected species licensing needs falls with the applicant; NE are unable to comment on the need for any protected species licences.</p> <p>Applicant (June 2024): Noted</p>	Not Agreed but not material
5	Data collection, methods, baseline data and the identification and sensitivity of relevant features and receptors	<p>The approach used for the Ecology and Biodiversity Assessment follows standard best practice for projects of this nature. The baseline data used are appropriate and follow standard guidelines.</p> <p>The amount of survey undertaken is sufficient to adequately inform the Ecological Impact Assessment. The sensitivity of receptors presented in the Ecology and Biodiversity Assessment are appropriate and the relevant receptors have been identified within the study area.</p>	<p>Chapter 6 Ecology and Biodiversity [APP-048]</p> <p>Appendix E to the Consultation Report [APP-039] providing the Statutory Consultation Responses.</p>	<p>Natural England (June 2024): Natural England have no comment to make with regard to the overarching assessment methodology. It should be noted that Natural England’s comments are limited to topics within our remit as set out in <i>Advice Note 11, Annex C – Natural England and the Planning Inspectorate</i> and detailed within our representations. Any issues relating to survey or assessment methodology for those elements relevant to our remit have been noted within our comments on those specific matters.</p> <p>Applicant (June 2024): Noted</p>	Not Agreed but not material
6	Assessment findings	The findings of the assessment in chapter 6 – Ecology and Biodiversity of the Environmental Statement [APP-048] are appropriate.	Chapter 6 Ecology and Biodiversity [APP-048] Report to inform HRA [APP-118]	<p>Natural England (June 2024):</p> <p>As detailed in our Relevant Representations, Natural England has outstanding comments on the findings of Chapter 6 – Ecology and Biodiversity of the Environmental Statement [APP-048], with respect to internationally and nationally designated sites. Further detail is provided in the issue-specific sections below.</p> <p>Natural England welcomes further discussion with the Applicant on these topics.</p> <p>Natural England has no comment to make on other aspects of the findings of the assessment in chapter 6 – Ecology and Biodiversity of the Environmental Statement [APP-048], where these do not fall within our remit as set out in <i>Advice Note 11, Annex C – Natural England and the Planning Inspectorate</i>.</p> <p>Applicant (June 2024): The Applicant notes the comments and has updated the HRA accordingly.</p> <p>Applicant (18/09/2024):</p>	Agreed

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
				<p>Most recently the Report to inform HRA [APP-118] and the Construction Environmental Management Plan [APP-068] have been updated to address Natural England’s remaining concerns around noise and visual disturbance of birds using functionally linked land and the presence of natterjack toad on fields east of the former Theddlethorpe Gas Terminal.</p> <p>Natural England (18/09/2024):</p> <p>Natural England is now satisfied with the findings of Chapter 6. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	
7	Assessment findings	The Additional Mitigation and Enhancement Measures set out in chapter 6 – Ecology and Biodiversity of the Environmental Statement [APP-048] are appropriate.	Chapter 6 Ecology and Biodiversity [APP-048]	<p>Natural England (June 2024):</p> <p>Natural England has outstanding comments regarding the assessment of impacts on the Humber Estuary designated sites. Therefore, further information is required to determine the suitability of proposed mitigation at this stage. We also have outstanding comments on the approach to the use of acoustic fencing, as outlined in our Relevant Representations.</p> <p>Applicant (June 2024):</p> <p>The Applicant notes the comments and has updated the HRA [APP-111] and draft CEMP [APP-068] accordingly.</p> <p>Applicant (18/09/2024):</p> <p>Most recently the Report to inform HRA [APP-111] and the Construction Environmental Management Plan [APP-068] have been updated to address Natural England’s remaining concerns around noise and visual disturbance of birds using functionally linked land and the presence of natterjack toad on fields east of the former Theddlethorpe Gas Terminal.</p> <p>Natural England (18/09/2024):</p> <p>Natural England is now satisfied with the mitigation measures proposed to avoid impacts to designated sites. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	Agreed
8	Securing mitigation	All relevant mitigation measures specified in chapter 6 – Ecology and Biodiversity of the Environmental Statement [APP-048] are adequately secured through the draft Construction Environmental Management Plan (CEMP) [APP-068]. The proposed mitigation set	Chapter 6 Ecology and Biodiversity [APP-048]	<p>Natural England (June 2024):</p> <p>Discussions are ongoing with the applicant on the assessment of impacts on the Humber Estuary designated sites. Therefore, further information is required to determine the suitability of proposed mitigation at this stage. As stated in our Relevant Representations,</p>	Agreed

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
		<p>out in the CEMP is appropriate for managing construction and post construction impacts from the Proposed Development. Requirement 5 of the DCO [AS-008] requires that the CEMP must be prepared and approved before commencement of development.</p>	<p>Construction Environmental Management Plan. [APP-068]</p> <p>Draft DCO [AS-008]</p>	<p>Natural England has not reviewed the draft DCO at this stage; therefore, we will review the DCO and provide comments in our Written Representations at Deadline 1.</p> <p>Applicant (June 2024): The Applicant notes the comments and has updated the HRA accordingly as noted above</p> <p>Natural England (18/09/2024): Natural England are satisfied that the proposed mitigation measures are suitably secured within the DCO. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	
9	Residual findings and cumulative effects	<p>The residual findings and cumulative effects set out in Chapter 6 – Ecology and Biodiversity of the Environmental Statement [APP-048] are appropriate.</p>	<p>Chapter 6 Ecology and Biodiversity [APP-048]</p>	<p>Natural England (June 2024): As outlined in row NE5, Natural England considers that the Applicant has provided insufficient evidence and is not yet satisfied that the following designations have been addressed adequately:</p> <ul style="list-style-type: none"> • Humber Estuary SAC • Humber Estuary SPA • Humber Estuary Ramsar • Humber Estuary SSSI <p>Natural England also has outstanding comments on the assessment of residual effects, detailed in NE24 of our Relevant Representations.</p> <p>Applicant (June 2024): The Applicant notes the comments and has updated the HRA accordingly as noted above</p> <p>Natural England (18/09/2024): Natural England are satisfied that the residual findings & cumulative effects are appropriate. All of the outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	Agreed
Phase 1 Habitat Survey Report					
10	Assessment methodology	<p>The methodology and study area used for gathering information and ecological baseline conditions relating to baseline habitat information is appropriate to the nature of the project and its potential effects.</p>	<p>Appendix 6-1: Phase 1 Habitat Survey Report [APP-077]</p>	<p>Natural England (June 2024): Natural England have not reviewed the Phase 1 habitat survey in detail. It should be noted that Natural England’s remit is limited to those elements upon which we have advised within our representations. Any issues relating to survey or assessment methodology for those elements relevant to our remit have been noted within our comments on those specific matters.</p> <p>Applicant (June 2024): The Applicant notes this response</p>	Not Agreed but not material

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
11	Assessment findings	The requirements for further survey and assessment reported in Appendix 6-1 Phase 1 Habitat Survey Report of the Environmental Statement [APP-077] are appropriate.	Appendix 6-1: Phase 1 Habitat Survey Report [APP-077]	<p>Natural England: Natural England have not reviewed the Phase 1 habitat survey in detail. It should be noted that Natural England’s remit is limited to those elements upon which we have advised within our representations. Any issues relating to survey or assessment methodology for those elements relevant to our remit have been noted within our comments on those specific matters.</p> <p>Applicant (June 2024): The Applicant notes this response</p>	Not Agreed but not material
Bat Survey Report					
12	Assessment methodology	The methodology and study area used for gathering information and ecological baseline conditions relating to bats is appropriate to the nature of the project and its potential effects.	Appendix 6-2: Bat Survey Report [APP-078]	<p>Natural England (June 2024): Natural England have not reviewed the Bat Survey Report. Natural England is not providing bespoke advice on the protected species information provided for this project. It should be noted that the responsibility for establishing any protected species licencing need falls with the applicant; NE are unable to comment on the need for any protected species licences. The Applicant should refer to Natural England’s standing advice for protected species, which includes guidance on survey and mitigation measures.</p> <p>Applicant (June 2024): The Applicant notes this response and will refer to Natural England’s standing advice as required</p>	Not Agreed but not material
13	Assessment findings	The results and conclusions in Appendix 6-2 Bat Survey Report of the Environmental Statement [APP-078] are appropriate.	Appendix 6-2: Bat Survey Report [APP-078]	<p>Natural England (June 2024): Natural England have not reviewed the Bat Survey Report. Natural England is not providing bespoke advice on the protected species information provided for this project. It should be noted that the responsibility for establishing any protected species licencing need falls with the applicant; NE are unable to comment on the need for any protected species licences. The Applicant should refer to Natural England’s standing advice for protected species, which includes guidance on survey and mitigation measures. The Applicant should also refer to the guidance at Wildlife licences: when you need to apply to check to see if a mitigation licence is required.</p> <p>Applicant (June 2024): The Applicant notes this response and will refer to Natural England’s standing advice and guidance on wildlife licence applications as required</p>	Not Agreed but not material
Otter and Water Vole Survey Report					
14	Assessment methodology	The methodology and study area used for gathering information and ecological baseline conditions relating	Appendix 6-3: Otter and Water Vole Survey	<p>Natural England (June 2024): Natural England have not reviewed the Otter and Water Vole Survey Report. Natural England is not providing bespoke advice on the protected</p>	Not Agreed but not material

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
		to otters and water voles is appropriate to the nature of the project and its potential effects.	Report [APP-079]	<p>species information provided for this project. It should be noted that the responsibility for establishing any protected species licencing need falls with the applicant; NE are unable to comment on the need for any protected species licences. The Applicant should refer to Natural England's standing advice for protected species, which includes guidance on survey and mitigation measures. The Applicant should also refer to the guidance at Wildlife licences: when you need to apply to check to see if a mitigation licence is required.</p> <p>Applicant (June 2024): The Applicant notes this response and will refer to Natural England's standing advice and guidance on wildlife licence applications as required</p>	
15	Assessment findings	The results and conclusions in Appendix 6-3 Otter and Water Vole Survey Report of the Environmental Statement [APP-079] are appropriate.	Appendix 6-3: Otter and Water Vole Survey Report [APP-079]	<p>Natural England (June 2024):</p> <p>Natural England have not reviewed the Otter and Water Vole Survey Report. Natural England is not providing bespoke advice on the protected species information provided for this project. It should be noted that the responsibility for establishing any protected species licencing need falls with the applicant; NE are unable to comment on the need for any protected species licences. The Applicant should refer to Natural England's standing advice for protected species, which includes guidance on survey and mitigation measures. The Applicant should also refer to the guidance at Wildlife licences: when you need to apply to check to see if a mitigation licence is required.</p> <p>Applicant (June 2024): The Applicant notes this response and will refer to Natural England's standing advice and guidance on wildlife licence applications as required</p>	Not Agreed but not material
Badger Survey Report					
16	Assessment methodology	The methodology and study area used for gathering information and ecological baseline conditions relating to badgers is appropriate to the nature of the project and its potential effects.	Appendix 6-4: Badger Survey Report [APP-080]	<p>Natural England (June 2024):</p> <p>Natural England have not reviewed the Badger Survey Report. Natural England is not providing bespoke advice on the protected species information provided for this project. It should be noted that the responsibility for establishing any protected species licencing need falls with the applicant; NE are unable to comment on the need for any protected species licences. The Applicant should refer to Natural England's standing advice for protected species, which includes guidance on survey and mitigation measures. The Applicant should also refer to the guidance at Wildlife licences: when you need to apply to check to see if a mitigation licence is required.</p> <p>Applicant (June 2024): The Applicant notes this response and will refer to Natural England's standing advice and guidance on wildlife licence applications as required</p>	Not Agreed but not material

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
17	Assessment findings	The findings of the assessment and the mitigation measures proposed in Appendix 6-4 Badger Survey Report of the Environmental Statement [APP-080] are appropriate.	Appendix 6-4: Badger Survey Report [APP-080]	<p>Natural England (June 2024): Natural England have not reviewed the Badger Survey Report. Natural England is not providing bespoke advice on the protected species information provided for this project. It should be noted that the responsibility for establishing any protected species licencing need falls with the applicant; NE are unable to comment on the need for any protected species licences. The Applicant should refer to Natural England's standing advice for protected species, which includes guidance on survey and mitigation measures. The Applicant should also refer to the guidance at Wildlife licences: when you need to apply to check to see if a mitigation licence is required.</p> <p>Applicant (June 2024): The Applicant notes this response and will refer to Natural England's standing advice and guidance on wildlife licence applications as required</p>	Not Agreed but not material
Hedgerow Survey Report					
18	Assessment methodology	The methodology and study area used for gathering information and ecological baseline conditions relating to hedgerows is appropriate to the nature of the project and its potential effects.	Appendix 6-5: Hedgerow Survey Report [APP-081]	<p>Natural England (June 2024): Natural England have not reviewed the Hedgerow Survey Report as this does not fall within our remit on designated landscapes as set out in Advice Note 11, Annex C – Natural England and the Planning Inspectorate.</p> <p>Applicant (June 2024): The Applicant notes this response.</p>	Not Agreed but not material
19	Assessment findings	The results and conclusions presented in Appendix 6-5 Hedgerow Survey Report of the Environmental Statement [APP-081] are appropriate.	Appendix 6-5: Hedgerow Survey Report [APP-081]	<p>Natural England (June 2024): Natural England have not reviewed the Hedgerow Survey Report as this does not fall within our remit on designated landscapes as set out in Advice Note 11, Annex C – Natural England and the Planning Inspectorate.</p> <p>Applicant (June 2024): The Applicant notes this response.</p>	Not Agreed but not material
Aquatic Ecology Report					
20	Assessment methodology	The methodology and study area used for gathering information and ecological baseline conditions relating to aquatic ecology is appropriate to the nature of the project and its potential effects.	Appendix 6-6: Aquatic Ecology Report [APP-082]	<p>Natural England (June 2024): Natural England have reviewed the Aquatic Ecology report in the context of the aquatic features of the Humber Estuary designations; Natural England agrees that the methodology and study area used for gathering information and ecological baseline conditions relating to aquatic ecology is appropriate to the nature of the project and its potential effects upon the designation. It should be noted that Natural England's remit is limited to those elements upon which we have advised within our representations. Any issues relating to survey or assessment methodology for those elements relevant to</p>	Agreed

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
				<p>our remit have been noted within our comments on those specific matters.</p> <p>Applicant (June 2024): The Applicant agrees with this position</p>	
21	Assessment findings	The results and conclusions in Appendix 6-6 Aquatic Ecology Report of the Environmental Statement [APP-082] are appropriate.	Appendix 6-6: Aquatic Ecology Report [APP-082]	<p>Natural England (June 2024): Natural England agrees that the results and conclusions in Appendix 6-6 Aquatic Ecology Report of the Environmental Statement [APP-082] are appropriate. It should be noted that Natural England’s remit is limited to those elements upon which we have advised within our representations. Any issues relating to survey or assessment methodology for those elements relevant to our remit have been noted within our comments on those specific matters.</p> <p>Applicant (June 2024): The Applicant agrees with this position</p>	Agreed
Ornithology Baseline Report					
22	Assessment methodology	The methodology and study area used for gathering information and ecological baseline conditions relating to ornithology is appropriate to the nature of the project and its potential effects.	Appendix 6-7: Ornithology Baseline Report [APP-083]	<p>Natural England (June 2024): Section 1.3.16 states that surveys were conducted once per month during the non-breeding season. Natural England generally advises that two surveys per month during the winter and spring and autumn passage periods should be completed (with weekly visits during the autumn and spring passage periods where birds are likely to be present in the migration period only, due to high turnover of birds during migration).</p> <p>Natural England considers that the survey frequency is sufficient to inform the assessment in this case. However, we advise that a precautionary approach should be taken to assessing the results in the HRA, with appropriate consideration given to potential limitations of the data, such as the potential for peak counts of SPA birds to have been missed.</p> <p>We note from Figure 3 of Appendix 6-7 that no bird surveys have been undertaken at the location of the Northern Compound, which is within 10km of the Humber Estuary SPA. Therefore, we advised further assessment was required to determine if this area is functionally linked to the Humber Estuary SPA. However, Natural England welcomes the additional information provided by the applicant below on the survey methodology and the assessment of the suitability of the land at the Northern Compound. We agree that the approach is suitable in this case.</p> <p>Applicant (June 2024): Surveys were undertaken in line with the methodology that was set out in the scoping report and PEIR submitted by AECOM, and on</p>	Agreed

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
				<p>which no objections were raised by stakeholders. We note that Natural England considers the survey effort to be sufficient.</p> <p>A precautionary approach has already been taken within the HRA with regard to use of peak counts, but this has been checked again within the updated HRA which will be submitted at Deadline 2.</p> <p>The Northern Compound will be located within an arable field immediately south of the A160. It is also relevant to note that this site has previously been used as a construction compound for other projects which have now been completed. The land at the Northern Compound was appraised for its suitability to support breeding and wintering birds during a scoping visit on the July 4th 2022 and again on 17th August 2022, and due to the proximity to a major road, was considered unlikely to be functionally linked. This has been confirmed within the updated HRA to be submitted at Deadline 2.</p>	
23	Assessment findings	The results and conclusions in Appendix 6-6 Ornithology Baseline Report of the Environmental Statement [APP-083] are appropriate.	Appendix 6-7: Ornithology Baseline Report [APP-083]	<p>Natural England (June 2024): Natural England has outstanding comments relating to the results and conclusions in Appendix 6-6 Ornithology Baseline Report, as detailed in our Relevant Representations. We welcome ongoing discussions with the Applicant regarding these issues.</p> <p>Applicant (18/09/2024): The Applicant has provided an updated version of the HRA [REP5-012] to address these issues and has shared a final version of the report with Natural England which has also been submitted at Deadline 6.</p> <p>Natural England (18/09/2024): Natural England is satisfied with the updated HRA. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	Agreed
Ornithology and Impact Assessment Report (Confidential)					
24	Assessment methodology	The study area for gathering baseline species information is appropriate to the nature of the project and its potential effects.	Appendix 6-8: Ornithology and Impact Assessment Report [APP-084]	<p>Natural England (June 2024): The study area for gathering baseline species information for the ornithology assessment is considered appropriate to the nature of the project and its potential effects.</p> <p>Applicant (June 2024): Agreed</p>	Agreed
25	Data collection, methods, baseline data and the identification and sensitivity of	The approach used for the Ornithology Assessment follows standard best practice for projects of this nature. The baseline data used are appropriate and follow standard guidelines.	Appendix 6-8: Ornithology and Impact Assessment Report [APP-084]	<p>Natural England (June 2024): Natural England has outstanding comments relating to the Ornithology Assessment, as detailed in our Relevant Representations. We welcome ongoing discussions with the Applicant regarding these issues.</p>	Agreed

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
	relevant features and receptors	The sensitivity of receptors presented in the Ornithology and Impact Assessment Report are appropriate and the relevant receptors have been identified within the study area.	Appendix E to the Consultation Report [APP-039] providing the Statutory Consultation Responses.	<p>Applicant (June 2024): Applicant has provided an updated version of the HRA [REP2-024] to address these issues.</p> <p>Applicant (18/09/2024): The Applicant has provided an updated version of the HRA [REP5-012] to address these issues and has shared a final version of the report with Natural England which has also been submitted at Deadline 6.</p> <p>Natural England (18/09/2024): Natural England is satisfied with the updated HRA. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	
26	Assessment findings	The findings of the assessment in Appendix 6-8 Ornithology and Impact Assessment Report of the Environmental Statement [APP-084] are appropriate.	Appendix 6-8: Ornithology and Impact Assessment Report [APP-084]	<p>Natural England (June 2024): Natural England has outstanding comments relating to the results of the Ornithology Assessment, as detailed in our Relevant Representations. We welcome ongoing discussions with the Applicant regarding these issues.</p> <p>Applicant (June (2024): The Applicant has provided an updated version of the HRA [REP2-024] to address these issues.</p> <p>Applicant (18/09/2024): The Applicant has provided an updated version of the HRA [REP5-012] to address these issues and has shared a final version of the report with Natural England which has also been submitted at Deadline 6.</p> <p>Natural England (18/09/2024): Natural England is satisfied with the updated HRA. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	Agreed
26a	Assessment findings	The Additional Mitigation and Enhancement Measures set out in Ornithology and Impact Assessment Report of the Environmental Statement [APP-084] are appropriate for managing construction and post construction impacts from the Project.	Appendix 6-8: Ornithology and Impact Assessment Report [APP-084]	<p>Natural England (June 2024) Natural England has outstanding comments relating to the results of the Ornithology and Impact Assessment Report and proposed mitigation measures, as detailed in our Relevant Representations. We welcome ongoing discussions with the Applicant regarding these issues.</p> <p>Applicant (June 2024): The Applicant has provided an updated version of the HRA [REP2-024] to address these issues.</p>	Agreed

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
				<p>Applicant (18/09/2024): The Applicant has provided an updated version of the HRA [REP5-012] to address these issues and has shared a final version of the report with Natural England which has also been submitted at Deadline 6.</p> <p>Natural England (18/09/2024): Natural England is satisfied with the updated HRA. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	
27	Securing mitigation	All relevant mitigation measures specified in Appendix 6-8 Ornithology and Impact Assessment Report of the Environmental Statement [APP-084] are adequately secured through the draft Construction Environmental Management Plan CEMP [APP-068]. Requirement 5 of the DCO [AS-008] requires that the CEMP must be prepared and approved before commencement of development.	<p>Appendix 6-8: Ornithology and Impact Assessment Report [APP-084]</p> <p>Construction Environmental Management Plan. [APP-068]</p> <p>Draft DCO [AS-008]</p>	<p>Natural England (June 2024): Discussions are ongoing with the applicant on the assessment of impacts on the Humber Estuary designated sites. Therefore, further information is required to determine the suitability of proposed mitigation at this stage. As stated in our Relevant Representations, Natural England has not reviewed the draft DCO at this stage; therefore, we will review the DCO and provide comments in our Written Representations at Deadline 1.</p> <p>Applicant (June 2024): The Applicant has provided an updated version of the HRA [REP2-024] to address these issues.</p> <p>Applicant (18/09/2024): The Applicant has provided an updated version of the HRA [REP5-012] to address these issues and has shared a final version of the report with Natural England which has also been submitted at Deadline 6.</p> <p>Natural England (18/09/2024): Natural England is satisfied with the updated HRA & consider the proposed mitigation measures are suitably secured within the DCO. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	Agreed
28	Residual findings and cumulative effects	The residual findings and cumulative effects of the assessment in Appendix 6-8 Ornithology and Impact Assessment Report of the Environmental Statement [APP-084] are appropriate.	Appendix 6-8: Ornithology and Impact Assessment Report [APP-084]	<p>Natural England (June 2024) Natural England has outstanding comments relating to the residual and cumulative effects of the assessment, as detailed in our Relevant Representations. We welcome ongoing discussions with the Applicant regarding these issues.</p> <p>Applicant (June 2024): The Applicant has provided an updated version of the HRA [REP2-024] to address these issues.</p>	Agreed

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
<p>Applicant (18/09/2024): The Applicant has provided an updated version of the HRA [REP5-012] to address these issues and has shared a final version of the report with Natural England which has also been submitted at Deadline 6.</p> <p>Natural England (18/09/2024): Natural England are satisfied that the residual findings & cumulative effects are appropriate. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>					
<p>Great Crested Newt District Level Licence</p>					
29	Licensing	The approach to licensing in relation to great crested newt is appropriate, including the approach of not undertaking great crested newt surveys.	Appendix 6-9: Great Crested Newt District Level Licence [APP-085]	<p>Natural England (June 2024): Our District Level Licensing Team have confirmed that a First Stage Payment invoice has been paid in full and countersigned IACPC released to the customer in July 2023. No issue is raised with the GCN licensing approach.</p> <p>Applicant (June 2024): Agreed</p>	Agreed
<p>Report to Inform the Habitats Regulations Assessment</p>					
35	Assessment methodology	<p>The survey baseline used in the Report to Inform Habitat Regulations Assessment is appropriate/acceptable.</p> <p>The methodology used in the Report to Inform Habitat Regulations Assessment is appropriate.</p>	Report to Inform Habitat Regulations Assessment [APP-118]	<p>Natural England (June 2024): We note no assessment is provided regarding potential noise and visual disturbance impacts to breeding SPA birds using Viking Fields from works associated with the Theddlethorpe Facility and Southern Compound. Therefore, we advise that further information is required to determine potential impacts.</p> <p>Natural England notes there is no detailed in-combination assessment for noise and visual disturbance affecting Rosper Road Pools.</p> <p>Natural England notes that Table 7-2 of the HRA considers in-combination effects with other plans and projects. However, we advise that this table should identify where impacts have been fully avoided through mitigation and where there is still a residual impact that could act in-combination. This assessment should consider the residual effects of the identified developments acting together. We advise that the in-combination assessment should be revised.</p> <p>Natural England welcomes the commitment to update the shadow HRA and will review this once submitted.</p> <p>Applicant (June 2024):</p>	Agreed

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
				<p>The HRA has been updated to clarify potential impacts from noise and visual disturbance from works associated with the Theddlethorpe facility and southern compound on non-breeding SPA birds.</p> <p>It should be noted that the nature of noise and its mitigation is that if noise levels from Viking CCS with mitigation are within an acceptable threshold, the contribution of Viking CCS to any cumulative or in-combination effects will be resolved since the disturbing noise threshold is not exceeded and noise sources do not cumulatively build upon each other. Any necessity to control noise from other developments would arise from those developments and responsibility would fall to those other developers.</p> <p>Table 7-2 was intended to refer to residual effects, since if there are no residual effects for a given impact pathway there are no in combination effects that require discussion. It should be noted that Table 7-2 must be read in conjunction with paragraphs 7.4.4 and 7.4.5 which do discuss residual effects and whether overlapping impact areas or similar impact pathways exist. This was made clearer and clarified within the updated HRA Report submitted at Deadline 2 [REP2-024].</p> <p>Applicant (18/09/2024):</p> <p>The HRA has been updated several times during the examination to reflect the outcome of ongoing discussions with Natural England. The final update has been submitted at deadline 6, which incorporates the agreed changes to address points raised by Natural England.</p> <p>Natural England (18/09/2024):</p> <p>Natural England has provided detailed feedback on the Report to Inform HRA through its relevant representation and at various examination deadlines.</p> <p>Natural England is now satisfied with the updated HRA. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	
36	Data collection, methods, baseline data and the identification and sensitivity of relevant features and receptors	<p>The approach used for the Report to Inform the Habitats Regulations Assessment follows standard best practice for projects of this nature. The baseline data used are appropriate and follow standard guidelines.</p> <p>The list of sites considered at the screening stage is appropriate.</p>	Report to Inform Habitat Regulations Assessment [APP-118]	<p>Natural England (June 2024):</p> <p>Natural England broadly agrees with the approach used for the shadow HRA, with regards to data collection, methods, baseline data and the identification and sensitivity of relevant features and receptors.</p> <p>Natural England advises that the most recent list of component species of the Humber Estuary SPA waterbird assemblage (Appendix A) should be referred to in determining the relevant features, with justification provided where impacts on a more limited list of species are assessed. We welcome the commitment to</p>	Agreed

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
				<p>include the updated waterbird assemblage in Appendix A of the report to inform HRA.</p> <p>Applicant (June 2024): Appendix A of the report to inform HRA has been updated with the updated waterbird assemblage and was included as a submission for Deadline 2 [REP2-024].</p>	
37	Assessment findings	The findings of the assessment in the Report to Inform Habitat Regulations Assessment of the Environmental Statement [APP-118] are appropriate.	Report to Inform Habitat Regulations Assessment [APP-118]	<p>Natural England (June 2024): Natural England have the following concerns:</p> <p><u>Table 7-1</u></p> <p>Table 7-1 of the HRA identifies likely significant effects on golden plover and curlew. However, Figures 13-31 of Appendix 6-7 indicate other qualifying SPA bird species, including lapwing and pink-footed goose, have been recorded in numbers greater than 1% of qualifying populations in proximity to the red line boundary. We advise that likely significant effects for lapwing and pink-footed goose cannot be screened out and should be included in the list of species in Table 7-1 for further assessment.</p> <p>Significant numbers of black-tailed godwit are present at Rosper Road Pools. We therefore advise that likely significant effects for black-tailed godwit cannot be screened out and should be included in the list of species in Table 7-1 for further assessment.</p> <p>We note from Table 7-1 of the HRA that likely significant effects from noise and visual disturbance to SPA breeding birds during operation has been screened out. However, section 4.2.30 of the Environmental Statement Volume I – Non-Technical Summary states maintenance to the Dune Isolation Valve is required. We advise that further assessment is required to determine potential impacts to SPA breeding birds at ‘Viking Fields’ during maintenance visits.</p> <p><u>Lighting</u></p> <p>We advise that further details should be provided on the proposed lighting across the project area, for all phases. We advise potential impacts from lighting should be considered at the HRA screening stage, proceeding to appropriate assessment where likely significant effects cannot be ruled out.</p> <p><u>Ornithological Impacts</u></p> <p>Natural England does not agree that the assessment is sufficient to rule out adverse effects on the Humber Estuary SPA in this case, due to the location of Proposed works and number of SPA birds recorded within/adjacent to the construction area. Therefore, we advise that further assessment is required regarding the potential impacts to Humber Estuary SPA birds, in particular curlew, from temporary loss of functionally linked land during construction.</p>	Agreed

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
				<p>Natural England highlights that loss of habitat may result in an increase in local bird densities and have consequences for individual bird fitness.</p> <p>We advise further assessment is required on the scale and timing of construction (i.e. if cable works happening sequentially or simultaneously across the project area) during sensitive periods to understand cumulative impacts.</p> <p>We advise further assessment of available alternative roosting/feeding sites in proximity to the works areas is required.</p> <p>If impacts cannot be ruled out, it may be necessary to consider mitigation measures such as restrictions on the timing/extent of works at sensitive times of the year.</p> <p><u>Replacement Valve</u> Section 4.2.29 of the Environmental Statement Volume I – Non-Technical Summary states a replacement valve is required. We advise that further clarification is provided in the HRA on the nature of this work and if it will also be restricted to August/September.</p> <p><u>Areas of Agreement</u> Natural England agrees there will be no permanent habitat loss for breeding avocet at the Theddlethorpe Facility.</p> <p>Section 7.3.13 of the HRA discusses the connection through ‘Viking Fields’ to the Dune Isolation Valve and concludes that mitigation is required to prevent disturbance to breeding avocet. Based on the information provided, Natural England agrees with the mitigation approach to restrict works to August/September.</p> <p>Section 7.3.12 of the HRA states that, with close-board fencing as mitigation, construction noise levels at Rosper Road Pools would be below the baseline. On the basis of the information provided, Natural England agrees with the conclusion of no adverse effects on the Humber Estuary SPA/Ramsar from of the project alone, subject to securing and adequate implementation of these mitigation measures.</p> <p>Natural England is content with the assessment provided and finds no water quality issues.</p> <p>Natural England notes the identified the potential effect upon natterjack toad during the construction phase. Natural England is content that this species of designated sites of designated sites has been considered and appropriately followed correct guidelines and appropriate mitigation measures put forward.</p> <p>Applicant (June 2024): <u>Table 7-1</u> Paragraph 6.2.57 of the report to inform HRA identifies that lapwing and pink- footed goose have the potential to be affected by noise and visual disturbance and will be taken forward to Appropriate</p>	

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
				<p>Assessment. For clarity, lapwing and pink-footed goose have been added into Table 7-1 in the updated HRA submitted at Deadline 2 [REP2-024].</p> <p>We have reviewed the ornithology survey data for this location and have included greater clarity in the HRA on whether black-tailed godwit is taken forward to appropriate assessment. Since impacts on Rosper Road Pools have already been taken forward for appropriate assessment this is not considered likely to materially change the appropriate assessment even if/after black tailed godwit is/has been taken forward.</p> <p>Paragraph 6.3.14 of the Report to Inform HRA discusses maintenance of the Dune Isolation Valve. Maintenance visits will require a maximum of two workers using hand tools or small powered hand tools. The dune valve location is adjacent to an existing track and is publicly accessible. There is a caravan site to the south of the Dune Valve, therefore the location is already subject to some anthropogenic disturbance. It is considered unlikely that the minor maintenance works necessary to maintain the dune valve would create a disturbance event greater than existing baseline levels. This clarification has been added into the updated HRA report (submitted at Deadline 2).</p> <p><u>Lighting</u> Detailed information on lighting requirements for the Proposed Development were included within ES Volume II Chapter 3: Description of the Proposed Development (Doc App 6.2.3). Lighting impacts were discussed in the HRA report. However, further detail has been added to the updated HRA report (submitted at Deadline 2) to provide further clarity on potential impacts from lighting during construction, operation and decommissioning.</p> <p><u>Ornithological Impacts</u> The baseline survey data will be reviewed in order to provide further clarification, particularly regarding potential effects upon curlew. In particular, further detail will be provided on the sequence / timing of works and the availability of roost and feeding sites within the study area to provide context on the proportion of suitable habitat that would be affected at any one time. This will be added to the updated HRA report to provide further justification for conclusions on loss of functionally linked land. This updated report was submitted at Deadline 2.</p> <p>We note that Natural England have identified that, depending on that further justification, seasonal constraints on works in some areas may be required. This will be kept under review.</p> <p><u>Replacement Valve</u></p>	

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
				<p>Information on the Dune Valve and its replacement has been included within Section 3.11 of ES Volume II: Chapter 3 – Description of the Proposed Development (Doc App 6.2.3).</p> <p>Paragraph 7.3.13 of the Report to Inform HRA states that all works at Viking Fields will need to be undertaken during August / September. This paragraph of the HRA will be updated to clarify that this includes replacement of the Dune Valve.</p> <p><u>Areas of Agreement</u> Noted. No further response is required.</p> <p>Applicant (18/09/2024):</p> <p>The HRA has been updated several times during the examination to reflect the outcome of ongoing discussions with Natural England. The final update has been submitted at deadline 6, which incorporates the agreed changes to address points raised by Natural England.</p> <p>Natural England (18/09/2024): Natural England is satisfied with the updated HRA. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	
38	Securing mitigation	<p>All relevant mitigation measures specified in the report to inform the Habitats Regulations Assessment of the Environmental Statement [APP-118] are adequately secured through the draft Construction Environmental Management Plan (CEMP) [APP-068].</p> <p>The proposed mitigation is appropriate for managing construction and post construction impacts from the Project. Requirement 5 of the DCO [AS-008] requires that the CEMP must be prepared and approved before commencement of development.</p>	<p>Report to Inform Habitat Regulations Assessment [APP-118]</p> <p>Construction Environmental Management Plan. [APP-068]</p> <p>Draft DCO [AS-008]</p>	<p>Natural England (June 2024): Discussions are ongoing with the applicant on the assessment of impacts on the Humber Estuary designated sites. Therefore, further information is required to determine the suitability of proposed mitigation at this stage. As stated in our Relevant Representations, Natural England has not reviewed the draft DCO at this stage; therefore, we will review the DCO and provide comments in our Written Representations at Deadline 1.</p> <p>Section 7.3.19 of the HRA states ‘noise fencing will be included for works within 500m of the relevant survey fields’. We advise that further detail is provided regarding the locations at which noise mitigation is required, taking into consideration our advice on functionally linked land assessment above.</p> <p>Clarification needed that no works/fencing/vehicle access will take place within the SAC.</p> <p><u>Areas of Agreement</u> Natural England welcomes the commitments to use horizontal directional drilling (‘HDD’) to cross major watercourses, reinstate minor watercourses, and secure the construction mitigation measures.</p>	Agreed

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
				<p>Natural England welcomes the mitigation measures set for dust and particulates</p> <p>Applicant (June 2024): Additional information has been provided in the updated HRA (submitted at Deadline 2) outlining the sectors where noise fencing will be required. However, the final locations will be confirmed once the exact route of the pipeline (within the DCO site boundary) is confirmed and following a pre-construction check by an ornithologist, and locations may need to move in relation to works.</p> <p>It is confirmed that no works/ fencing/ vehicle access will be required within the SAC. This was further clarified in the updated HRA Report, submitted at Deadline 2.</p> <p><u>Areas of Agreement</u> Noted. No further response required.</p> <p>Applicant (18/09/2024): The Report to inform HRA [APP-111] has been updated several times during the examination to reflect the outcome of ongoing discussions with Natural England. Where necessary the draft CEMP [APP-111] has also been updated to secure agreed mitigation. The final update of both documents has been submitted at deadline 6, which incorporates the agreed changes to address points raised by Natural England.</p> <p>Natural England (18/09/2024): Natural England is satisfied with the updated HRA & consider all relevant mitigation has been secured appropriately. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	
39	Residual findings and cumulative effects	The residual findings and cumulative effects of the assessment in the report to inform the Habitats Regulations Assessment of the Environmental Statement [APP-118] are appropriate.	Report to Inform Habitat Regulations Assessment [APP-118]	<p>Natural England (June 2024): Natural England advises that an assessment of cumulative effects should also be provided in the HRA. We advise there is potential for cumulative impacts to SPA birds using functionally linked land across the project area.</p> <p>The cumulative effects assessment should refer to the Supplementary Advice on Conservation Objectives. Where the Supplementary Advice includes targets to <i>restore</i> an attribute of the site feature (such as habitat area or species population size), consideration should be given to whether cumulative impacts will hinder the restoration of these attributes.</p> <p>Applicant (June 2024):</p>	Agreed

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
				<p>The HRA report has been updated to discuss the likelihood of cumulative impacts across the development site. The key areas of value for SPA birds are identified to be in particular parts of the scheme separated by a large distance, and pipeline route sections will be installed sequentially rather than simultaneously. Therefore, it is considered that there is actually limited potential for cumulative impacts from multiple parts of the Proposed Development being worked simultaneously.</p> <p>The inclusion of further references to the conservation objectives of the European sites into the updated HRA report will be considered, regarding Natural England’s references to an assessment against the ‘current environmental baseline’. However, it should be noted that the entire HRA accounts for the current environmental baseline (for example, it uses the Wetland Bird Survey Humber Estuary population data for 2017/18-2021/22 in determining whether survey parcels support more than 1% of the Humber Estuary SPA population). This is not normally written as a separate section as the current condition of the SPA features is part of determining whether an adverse effect on integrity will arise, even from the project alone.</p> <p>Applicant (18/09/2024): The Report to inform HRA [APP-111] has been updated several times during the examination to reflect the outcome of ongoing discussions with Natural England. Where necessary the draft CEMP [APP-068] has also been updated to secure agreed mitigation. The final update of both documents has been submitted at deadline 6, which incorporates the agreed changes to address points raised by Natural England.</p> <p>Natural England (18/09/2024): Natural England is satisfied with the updated HRA. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	
Biodiversity Net Gain					
40	Assessment methodology	The methodology used for gathering information for baseline conditions relating to the initial biodiversity net gain assessment is appropriate to the nature of the project and its potential effects.	Initial Biodiversity Net Gain Assessment [APP-125]	<p>Natural England (June 2024): Agreed</p> <p>Applicant (June 2024): Agreed</p>	Agreed
41	Data collection, methods, baseline data and the identification and sensitivity of relevant features and receptors	The approach used for the biodiversity net gain assessment follows standard best practice for projects of this nature. The baseline data used are appropriate and follow standard guidelines.	Initial Biodiversity Net Gain Assessment [APP-125] Appendix E to the Consultation	<p>Natural England (June 2024): As referenced by the applicant within their Initial Biodiversity Net Gain Assessment (6.7.1) and Draft Biodiversity Net Gain Strategy (6.7.2), Biodiversity Net Gain is not yet a mandatory requirement for NSIPs.</p>	Not Agreed but not material

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
			Report [APP-039] providing the Statutory Consultation Responses.	<p>The approach to biodiversity Net Gain indicates that a 10% gain will be implemented for all permanent elements of the development. Temporary (lasting <2 years) elements of the proposal will not deliver a biodiversity Net Gain. This is welcomed in line with the current Statutory Biodiversity Metric User Guide (February 2024).</p> <p>Temporary development (lasting >2 Years) is to be subject to further assessment following completion of the FEED (Front End Engineering Design). Natural England would recommend that securing 10% gain in areas to be temporarily impacted for >2 years should be secured through the DCO.</p> <p>Applicant (June 2024): The Applicant intends to deliver 10% biodiversity gain on the permanent losses relating to the above ground facilities, i.e., the Immingham and Theddlethorpe Facilities and the three Block Valve Stations.</p>	
42	Assessment findings	The findings of the assessment in the initial biodiversity net gain assessment of the Environmental Statement [APP-152] are appropriate.	Initial Biodiversity Net Gain Assessment [APP-125]	<p>Natural England (June 2024): We recommend that the target increase in BNG of 10% across all biodiversity unit types is secured by a suitably worded requirement in the DCO ('grey').</p> <p>The Initial Biodiversity Net Gain Assessment (6.7.1) indicates that a net loss in habitat and watercourse units will result from the proposed development, and a number of trading rules have not been met. Whilst BNG is not yet mandatory, Natural England recommend that commitment should be made within the DCO for the principles of mandatory BNG to be followed, including a 10% gain in each element being achieved with all trading rules satisfied.</p> <p>Applicant (June 2024): The Applicant intends to deliver 10% biodiversity gain on the permanent losses relating to the above ground facilities, i.e., the Immingham and Theddlethorpe Facilities and the three Block Valve Stations.</p>	Not Agreed but not material
Landscape and Visual					
43	Assessment methodology	The study area for gathering baseline information is appropriate to the nature of the project and its potential effects.	Chapter 7 Landscape and Visual [APP-049]	<p>Natural England (June 2024): Agreed</p> <p>Applicant (June 2024): Agreed</p>	Agreed
44	Data collection, methods, baseline data and the identification and sensitivity of	The approach used for the Landscape and Visual Assessment follows standard best practice for projects of this nature. The baseline data used are appropriate and follow standard guidelines.	Chapter 7 Landscape and Visual [APP-049]	<p>Natural England (June 2024): The general approach to LVIA is considered suitable, however, Natural England advise that the assessment of the impact of the project on the special qualities of the Lincolnshire Wolds National</p>	Agreed

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
	relevant features and receptors	<p>The viewpoints selected for the assessment of effects on landscape character, including the character and special qualities of the Lincolnshire Wolds National Landscape (formerly Area of Outstanding Natural Beauty) are appropriate.</p> <p>The sensitivity of receptors presented in the Landscape and Visual Assessment are appropriate and the relevant receptors have been identified within the study area.</p>	Appendix E to the Consultation Report [APP-039] providing the Statutory Consultation Responses.	<p>Landscape is inadequate. Detailed comments were provided to the Applicant on 28 March 2024. NE would welcome collaboration with the applicant and the National Landscape Partnership in due course.</p> <p>Applicant (June 2024): Natural England provided detailed comments as part of their Written Representation. A meeting was held on 9 May to discuss the contents of the Written Representation that related to the LWNL and it was agreed that a technical note would be developed. A copy of this technical note was issued to Natural England on the 24 May and a meeting was held on 6 June to discuss the contents. At this stage the additional note has not resulted in matters relating to the LWNL being agreed; however, discussions are ongoing, and it was agreed that additional information would be provided.</p> <p>Applicant (18/09/2024): The Applicant has engaged with Natural England throughout the examination to address matters raised in relation to the Lincolnshire Wolds National Landscape. Further information was provided in examination document 9.28 Technical Note in Response to Natural England’s Written Representation Regarding the Lincolnshire Wolds National Landscape [REP4-013] as well as updates to the oSMP [APP-096] and draft CEMP [APP-068].</p> <p>Natural England (18/09/2024): Natural England has provided detailed feedback on Chapter 7 Landscape and Visual [APP-049] through its relevant representation and at various examination deadlines. Discussions have been ongoing with the applicant to address these issues & Natural England are now satisfied with the updated landscape information provided by the applicant during the examination. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	
45	Assessment findings	The findings of the assessment in chapter 7 – Landscape and Visual of the Environmental Statement [APP-049] are appropriate.	Chapter 7 Landscape and Visual [APP-049]	<p>Natural England (June 2024): Natural England’s advice remains that a full justification as to why the project cannot avoid direct impacts to the Lincolnshire Wolds National Landscape is outstanding. Natural England advise that a full assessment of the impacts on special qualities has not been provided, and therefore we cannot agree with the conclusion that potential landscape effects on the Lincolnshire Wolds National Landscape are not significant for the purposes of EIA.</p> <p>NE would welcome collaboration with the applicant and the National Landscape Partnership in due course.</p> <p>Applicant (June 2024):</p>	Agreed

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
				<p>Natural England provided detailed comments as part of their Written Representation. A meeting was held on 9 May to discuss the contents of the Written Representation that related to the LWNL and it was agreed that a technical note would be developed. A copy of this technical note was issued to Natural England on the 24 May and a meeting was held on 6 June to discuss the contents.</p> <p>At this stage the additional note has not resulted in matters relating to the LWNL being agreed; however, discussions are ongoing, and it was agreed that additional information would be provided.</p> <p>Applicant (18/09/2024): The Applicant has engaged with Natural England throughout the examination to address matters raised in relation to the Lincolnshire Wolds National Landscape. Further information was provided in examination document 9.28 Technical Note in Response to Natural England’s Written Representation Regarding the Lincolnshire Wolds National Landscape [REP4-013] as well as updates to the oSMP [APP-096] and draft CEMP [APP-068].</p> <p>Natural England (18/09/2024): Natural England are satisfied with the updated landscape information provided by the applicant during the examination. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	
46	Assessment findings	The Additional Mitigation and Enhancement Measures set out chapter 7 – Landscape and Visual of the Environmental Statement [APP-049] are appropriate.	Chapter 7 Landscape and Visual (APP-049) and appendices	<p>Natural England (June 2024): NE consider further consideration of the impacts of the project on the special qualities of the National Landscape, and any subsequent mitigation, is required.. NE would welcome collaboration with the applicant and the National Landscape Partnership in due course.</p> <p>NE needs to finalise opinion on the proposed Lincolnshire Heritage Coast and that any identified impacts has provided with satisfactory mitigation. Detailed comments will be provided at the Written Representation Stage.</p> <p>Applicant (June 2024):</p> <p>Natural England provided detailed comments as part of their Written Representation. A meeting was held on 9 May to discuss the contents of the Written Representation that related to the LWNL and it was agreed that a technical note would be developed. A copy of this technical note was issued to Natural England on the 24 May and a meeting was held on 6 June to discuss the contents.</p> <p>At this stage the additional note has not resulted in matters relating to the LWNL being agreed; however, discussions are ongoing, and it was agreed that additional information would be provided.</p>	Agreed

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
				<p>The comments related to the Lincolnshire Heritage Coast are noted.</p> <p>Applicant (18/09/2024): The Applicant has engaged with Natural England throughout the examination to address matters raised in relation to the Lincolnshire Wolds National Landscape. Further information was provided in examination document 9.28 Technical Note in Response to Natural England’s Written Representation Regarding the Lincolnshire Wolds National Landscape [REP4-013] as well as updates to the oSMP [APP-096] and draft CEMP [APP-068].</p> <p>Natural England (18/09/2024): Natural England are satisfied with the updated landscape information provided by the applicant during the examination. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	
47	Securing mitigation	<p>All relevant mitigation measures specified in chapter 7 – Landscape and Visual of the Environmental Statement [APP-049] are adequately secured through the draft Construction Environmental Management Plan CEMP [APP-068]. The proposed mitigation is appropriate for managing construction and post construction impacts from the Project. Requirement 5 of the DCO [AS-008] requires that the CEMP must be prepared and approved before commencement of development.</p> <p>The measures set out in the Landscape and Ecology Management Plan (LEMP) and securing measures are acceptable.</p>	<p>Chapter 7 Landscape and Visual [APP-049] and appendices</p> <p>Outline Landscape and Ecology Management Plan [APP-127]</p> <p>Construction Environmental Management Plan. [APP-068]</p> <p>Draft DCO [AS-008]</p>	<p>Natural England (June 2024): NE consider further consideration of the impacts of the project on the special qualities of the National Landscape, and any subsequent mitigation, is required. NE would welcome collaboration with the applicant and the National Landscape Partnership in due course.</p> <p>Applicant (June 2024): Natural England provided detailed comments as part of their Written Representation. A meeting was held on 9 May to discuss the contents of the Written Representation that related to the LWNL and it was agreed that a technical note would be developed. A copy of this technical note was issued to Natural England on the 24 May and a meeting was held on 6 June to discuss the contents.</p> <p>At this stage the additional note has not resulted in matters relating to the LWNL being agreed; however, discussions are ongoing, and it was agreed that additional information would be provided.</p> <p>Applicant (18/09/2024): The Applicant has engaged with Natural England throughout the examination to address matters raised in relation to the Lincolnshire Wolds National Landscape. Further information was provided in examination document 9.28 Technical Note in Response to Natural England’s Written Representation Regarding the Lincolnshire Wolds National Landscape [REP4-013] as well as updates to the oSMP [APP-096] and draft CEMP [APP-068].</p> <p>Natural England (18/09/2024): Natural England are satisfied with the updated landscape information provided by the applicant during the examination and are satisfied that the proposed mitigation measures are suitably secured within</p>	Agreed

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
				the DCO. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.	
48	Residual findings and cumulative effects	The residual findings and cumulative effects set out in chapter 7 – Landscape and Visual of the Environmental Statement [APP-049] are appropriate.	Chapter 7 Landscape and Visual [APP-049] and appendices	<p>Natural England (June 2024): Natural England considers that the Applicant has provided insufficient evidence and is not yet satisfied with residual effect conclusions on Lincolnshire Wolds National Landscape.</p> <p>Applicant (June 2024): Natural England provided detailed comments as part of their Written Representation. A meeting was held on 9 May to discuss the contents of the Written Representation that related to the LWNL and it was agreed that a technical note would be developed. A copy of this technical note was issued to Natural England on the 24 May and a meeting was held on 6 June to discuss the contents.</p> <p>At this stage the additional note has not resulted in matters relating to the LWNL being agreed; however, discussions are ongoing, and it was agreed that additional information would be provided.</p> <p>Applicant (18/09/2024): The Applicant has engaged with Natural England throughout the examination to address matters raised in relation to the Lincolnshire Wolds National Landscape. Further information was provided in examination document 9.28 Technical Note in Response to Natural England’s Written Representation Regarding the Lincolnshire Wolds National Landscape [REP4-013] as well as updates to the oSMP [REP5-073] and draft CEMP [REP5-067].</p> <p>Natural England (18/09/2024): Natural England are satisfied with the updated landscape information provided by the applicant during the examination. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	Agreed
Agriculture and Soils					
49	Assessment methodology	The study area for gathering baseline information is appropriate to the nature of the project and its potential effects.	Chapter 10 Agriculture and Soils [APP-052]	<p>Natural England (June 2024): Agreed</p> <p>Applicant (June 2024): Agreed</p>	Agreed
50	Data collection, methods, baseline data and the identification and sensitivity of	The approach used for the Agriculture and Soils Assessment follows standard best practice for projects of this nature. The baseline data used are appropriate and follow standard guidelines.	Chapter 10 Agriculture and Soils [APP-052]	<p>Natural England (June 2024): To date, the assessment is based on a comprehensive desk study. Commitment is made within Chapter 10 (Agriculture and Soils) and the oSMP that ALC survey will be undertaken post consent in all areas that will be subject to direct disturbance. Whilst NE would</p>	Not Agreed but not material

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
	relevant features and receptors	The sensitivity of receptors presented in the Agriculture and Soils Assessment are appropriate and the relevant receptors have been identified within the study area.	Appendix E to the Consultation Report [APP-039] providing the Statutory Consultation Responses.	<p>recommend full ALC survey of the development site upfront, to inform micro-siting and avoidance of BMV land as far as possible, in this instance this approach is accepted in principle.</p> <p>Applicant (June 2024): The Applicant agrees to this position</p>	
51	Assessment findings	The findings of the assessment in chapter 10 – Agriculture and Soils of the Environmental Statement [APP-048] are appropriate.	Chapter 10 Agriculture and Soils [APP-052]	<p>Natural England (June 2024): Natural England provided feedback on the oSMP [APP-096] in its written representation [REP1-079], identifying several matters for further discussion.</p> <p>Applicant (June 2024): Natural England provided detailed comments as part of their Written Representation. These comments have been responded to in the Applicant’s Comments on Written Representations, submitted at deadline 2 [REP2-029].</p> <p>Applicant (18/09/2024): Discussions have been ongoing in relation to the matters covered in the oSMP, and the applicant and Natural England have now agreed the mitigation therein.</p> <p>Natural England (18/09/2024): Natural England are satisfied with the updated soils & BMV land information provided by the applicant during the examination. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	Agreed
52	Assessment findings	The Additional Mitigation and Enhancement Measures set out in chapter 10 – Agriculture and Soils of the Environmental Statement [APP-048] are appropriate.	Chapter 10 Agriculture and Soils [APP-052]	<p>Natural England (June 2024): Natural England provided feedback on the oSMP [APP-096] in its written representation [REP1-079], identifying several matters for further discussion.</p> <p>Applicant (June 2024): Natural England provided detailed comments as part of their Written Representation. These comments have been responded to in the Applicant’s Comments on Written Representations, submitted at deadline 2 [REP2-029]. The CEMP has been updated to include measure F14 which states that "All BMV agricultural land (land of Grades 1, 2 or Subgrade 3a) which is temporarily disturbed during construction will be returned to its original ALC grade by the end of the five-year aftercare period".</p> <p>Applicant (18/09/2024)</p>	Agreed

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
				<p>Natural England provided detailed comments as part of their Written Representation. These comments have been responded to in the Applicant's Comments on Written Representations, submitted at deadline 2 [REP2-029]. Discussions have been ongoing in relation to the matters covered in the oSMP, and the applicant and Natural England have now agreed the mitigation therein.</p> <p>Natural England (18/09/2024): Natural England are satisfied with the updated soils & BMV land information provided by the applicant during the examination. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	
53	Securing mitigation	All relevant mitigation measures specified in chapter 10 – Agriculture and Soils of the Environmental Statement [APP-048] are adequately secured through the draft Construction Environmental Management Plan CEMP [APP-068]. The proposed mitigation is appropriate for managing construction and post construction impacts from the Project. The measures set out in the Soil Management Plan and are appropriate and adequate to protect agricultural soils. Requirement 5 of the DCO [AS-008] requires that the CEMP must be prepared and approved before commencement of development.	<p>Chapter 10 Agriculture and Soils [APP-052]</p> <p>Construction Environmental Management Plan. [APP-068]</p> <p>Draft DCO [AS-008]</p> <p>Soil Management Plan [APP-096]</p>	<p>Natural England (June 2024): Natural England provided feedback on the oSMP [APP-096] in its written representation [REP1-079], identifying several matters for further discussion. As a result the oSMP has been updated.</p> <p>Applicant (June 2024): Natural England provided detailed comments as part of their Written Representation. These comments have been responded to in the Applicant's Comments on Written Representations, submitted at deadline 2 [REP2-029]. The CEMP has been updated to include measure F14 which states that "All BMV agricultural land (land of Grades 1, 2 or Subgrade 3a) which is temporarily disturbed during construction will be returned to its original ALC grade by the end of the five-year aftercare period".</p> <p>Applicant (18/09/2024): Natural England provided detailed comments as part of their Written Representation. These comments have been responded to in the Applicant's Comments on Written Representations, submitted at deadline 2 [REP2-029]. Discussions have been ongoing in relation to the matters covered in the oSMP [APP-096], and the applicant and Natural England have now agreed the mitigation therein.</p> <p>Natural England (18/09/2024): Natural England are satisfied with the updated soils & BMV land information provided by the applicant during the examination & consider that all relevant mitigation measures are secured within the DCO. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	Agreed
54	Residual findings and cumulative effects	The residual findings and cumulative effects of the assessment in chapter 10 – Agriculture and Soils of the Environmental Statement [APP-048] are appropriate.	Chapter 10 Agriculture and Soils [APP-052]	<p>Natural England (June 2024): Natural England provided feedback on the oSMP [APP-096] in its written representation [REP1-079], identifying several matters for further discussion.</p>	Agreed

ID	Matter	Detail	Related documents and their references	Comments from the Parties	Position
				<p>Applicant (June 2024): Natural England provided detailed comments as part of their Written Representation. These comments have been responded to in the Applicant's Comments on Written Representations, submitted at deadline 2 [REP2-029]. The CEMP has been updated to include measure F14 which states that "All BMV agricultural land (land of Grades 1, 2 or Subgrade 3a) which is temporarily disturbed during construction will be returned to its original ALC grade by the end of the five-year aftercare period".</p> <p>Applicant (18/09/2024): Natural England provided detailed comments as part of their Written Representation. These comments have been responded to in the Applicant's Comments on Written Representations, submitted at deadline 2 [REP2-029]. Discussions have been ongoing in relation to the matters covered in the oSMP [APP-096], and the applicant and Natural England have now agreed the mitigation therein.</p> <p>Natural England (18/09/2024): Natural England are satisfied with the updated soils & BMV land information provided by the applicant during the examination. All of the relevant outstanding concerns set out in our relevant representations, written representations & D4 response, have been addressed satisfactorily.</p>	

4 References

There are no references included at this stage.