

*Present:*

Peter Stephenson (PMS)	- Able UK Ltd
Richard Cram (RC)	- Able UK Ltd
Jonathan Monk (JM)	- Able UK Ltd
Annette Hewitson (AH)	- Environment Agency
Susan Manson (SM)	- Environment Agency
Andrew Mozley (AM)	- Environment Agency
Philip Winn (PW)	- Environment Agency
Andy Coates (AC)	- ERM
Darren Clarke (DC)	- HINCA
Anna Gerring (AG)	- MMO
Allyn Hogg (AHO)	- MMO
Siobhan Browne (SB)	- Natural England
Emma Hawthorne (EH)	- Natural England
Andrew Hearle (AHe)	- Natural England
Alan Law (AL)	- Natural England
Mike Quigley (MQ)	- Natural England
Andrew Taylor (AT)	- NLC (part)
Marcus Walker (MW)	- NLC (part)
Peter Barham (PB)	- PB Environment (part)
Harriet Billanie (HB)	- RSPB (part)

*Date & Time:* Monday 18<sup>th</sup> July 2011 @ 10:40 – 16:30

*Location:* DEFRA Offices, York

*Subject:* Able Marine Energy Park – Multi-Agency Consultation

## 1. **INTRODUCTIONS**

## 2. **REVIEW OF THE DRAFT MITIGATION STRATEGY/STEPPING STONES STRATEGY (NE)**

- 2.1 RC introduced the theme and structure of the meeting and explained that the morning session would be principally concerned with ecological mitigation on site and ecological compensation off site. He noted that it had not yet been agreed between Able and Natural England exactly what form these mitigation and compensation measures would take. A level of agreement has been reached on the location of the mitigation site but not yet on the quantum required.
- 2.2 AC gave a presentation (attached) setting out the background of the ecological potential of the site at present.
- 2.3 EH asked for clarification as to how Able had arrived at the figure of 28ha as an appropriate scale for the mitigation site. AC explained that this was based on the area of the principal fields used by curlews which would be lost to the development. They comprise 21ha in extent so Able propose to provide 28ha of habitat, which would be enhanced for greater ecological value (e.g. removal of hedges, creation of wet grassland).

## **ACTION**

- 2.4 EH felt that the bird count data as currently presented seem to indicate that the curlews are using a wider area than 21ha. To help clarify this she requested that all of the bird data available be displayed on one map.
- 2.5 PMS stated that a key benefit of the mitigation proposal would be that the 28ha is safeguarded for the bird habitat, whereas at present NE has no control over the land use. There is a real chance that this area of land, including the field favoured by the curlews, could be lost to farming, by the planting of a bio-fuel crop.
- 2.6 PB agreed that changes can occur under the current land management which will have an impact on the birds and that there is, at present, a risk; however the degree to which birds can be discouraged from using a field by its cropping is not material, and the focus should be the sufficiency of mitigation for the AMEP project.
- 2.7 RC noted that Natural England's view on the sufficiency of mitigation had been that a 50ha block should be provided; NE had supported this using wader days calculations. EH clarified NE's view that this approach could be used as this was adopted for Able's previous development at East Halton. The mitigation area was calculated using the wader day calculation proposed by North Lincs Council's ecologist to calculate the size of the core area. On the advice of NE and RSPB, the core area was then surrounded by a buffer of 150m where the adjacent land was unsecured. This ensured that the core area was protected from disturbance. NE also outlined their advice (jointly with the RSPB) on the stepping stones proposal. DC noted that the recommendation for 4 x 50ha blocks is the advice of NE and RSPB and that there is by no means agreement among members of the South Humber Bank Ecology Group that all of this area is in fact required in that specific way.
- 2.8 PB clarified that this recommendation had been based on an initial assessment of Graham Catley's survey results and a notional split of the total mitigation area required; however, as demonstrated by the Able Logistics Park project, the Ecology Group is no longer wedded to a strict adherence to the principle of 4 x 50ha blocks. The issue is, therefore, whether AMEP's proposed 28ha block will form a fully functioning mitigation block on its own, or whether something additional would be required. The mitigation proposal is thus focused to be development-specific.
- 2.9 RC explained that it had been notionally agreed that 100ha of mitigation land was required in North Lincolnshire. This had originally been split 50/50: however, since 72ha had been secured through Able's ALP application, if Able's 28ha block is deemed sufficient then the argument could be made that the same total 100ha had been achieved in North Lincolnshire, split to 70/30 instead of 50/50.
- 2.10 EH and HB explained that the 70ha block at ALP had been larger than 50ha because it was multi-functional land,

Able

including flood storage capacity, and had the theoretical potential to be reduced to 50ha provided that additional off site mitigation is provided. RC stated that the mitigation land at ALP would flood extremely rarely.

- 2.11 MW clarified NLC's position that the stepping stones system is an aspiration and is not planning policy. RC stated that he felt the stepping stones system is getting in the way of the AMEP mitigation solution and refocused on the question whether, if the proposal is viewed in isolation, the 28ha block would be considered sufficient mitigation.
- 2.12 EH noted that when a core area and buffer zone were applied to Able's 28ha proposal as NE advised was necessary, the application of a 150m buffer strip left a 1.1ha core. Natural England considers this to be too small to support the numbers of birds recorded on the development land. RC suggested that an operational buffer could perhaps be used instead, since a modest operational buffer would be sufficient to leave a core area compliant with NE's wishes. Operational buffers have also been shown to be successful round the Killingholme Haven Pits.
- 2.13 EH noted that if the birds are disturbed at present they can use other fields in the area. However when the development has taken place this will not be possible. NE advised that under the Habitats Regulations it is necessary to be certain that the remaining mitigation area will work and that the birds using it will not be disturbed. MQ referenced Natural England's written response on buffer distances, stating that a width of 150m had been recommended as a balanced approach after a review of selected scientific literature.
- 2.14 RC noted that the numbers of birds set out in the Environmental Statement indicate that they are present at AMEP in numbers that are an order of magnitude fewer than those at ALP. He therefore queried how a core area of similar size as used for that development could be justified. He clarified that Able considered the wader days calculation method to be flawed and therefore inappropriate for use in determining mitigation areas for AMEP.
- 2.15 EH felt that in the absence of a similar method Able had not provided sufficient justification for selecting 28ha. AC noted that the risk of disturbance activity to the new mitigation block is quite low as the only change would be along the northern side and this would be low intensity low noise operation. MQ suggested that screening could be necessary which would raise the issue of sight lines.
- 2.16 AC underlined that the birds are using the field at present and that, although specific fields favoured by the curlew would be lost, their usage of other fields was not random, and that enriching the habitat for their benefit would be likely to make the field very attractive to the birds.
- 2.17 DC noted that an additional season of bird counts had been undertaken by HINCA for the winter 2010/11 and AC agreed

to ensure that this data had been incorporated in the HRA Report and the ES.

AC

2.18 RC suggested that restrictions on storage heights and noise generating activities could provide an effective buffer for the area. HB noted that the focus so far had seemed to be on curlew but wished to note also the significance of lapwing for the site. AC explained that ERM's strategy is to provide an opportunity for both species on the basis of advice given by Graham Catley.

2.19 EH asked for clarification whether the bund that had at one time been proposed as screening was still included in the proposal. RC explained that this had been proposed to provide screening for the mitigation area from disturbance by people on site and that it could be included or excluded according to NE's requirements.

2.20 PB identified that when ERM had confirmed the inclusion of the more up-to-date bird data available from HINCA, they should then clearly set out the ecological principles that were used to determine the mitigation area. These points would then inform how desirable, or otherwise, it is to use a 150m buffer.

AC

2.21 RC reiterated that he felt the stepping stones issue was clouding the matter and that the question is what mitigation is required for the AMEP development. The team would then arrive at the question of whether this mitigation could form part of a wider strategy. The answer is manifestly 'yes', but that strategy in its current form cannot be implemented.

2.22 MQ stated that AMEP will mop up all of the land for which the 50ha block (stepping stone) on the Killingholme Marshes had been required. MW clarified that the evidence had been that in the northern area, ALP had required a 50ha block. However, the evidence currently standing does not indicate to NLC that AMEP would need a block as large as 50ha. DC agreed that in HINCA's view the evidence based on bird usage does not at present support a requirement for a 50ha block and that on this basis such a recommendation is not justified.

2.23 AL agreed with the pursuit of evidence, but wanted Able to be wary of making the evidence support a mitigation area of 28ha simply to fit convenient field boundaries.

2.24 PMS gave a presentation setting out the developer's point of view explaining the powerful economic drivers behind the application and its timescales and underlining the fact that this is a once in a lifetime opportunity for the South Humber Bank, which could be spoiled by failure to reach agreement on reasoned mitigation proposals in a timely manner.

2.25 EH noted that Able's proposed mitigation area falls in large part within the Drax laydown area, which if implemented would be needed for a 3 year period. She asked for clarification how Able's proposals could proceed if the Drax proposal were to be implemented before AMEP. RC

explained that the answer to this question would set out in the ES, but that ownership of the land would be Able's if consent for AMEP were granted.

Able/ERM

- 2.26 AC agreed to update and resubmit the mitigation plan to accommodate the new data to be provided by HINCA and to reassess whether the evidence justified the size of the mitigation area. NE agreed to provide a view on the operational buffer proposed by RC. MW highlighted his concerns regarding delays to the application and stated that this would be raised at the highest level – with the Prime Minister. He called for haste to be brought by the whole team to reaching a successful conclusion.

AC/EH

### 3. **APPROPRIATE ASSESSMENT & HRA REVIEW (NE)**

- 3.1 AC gave a presentation (attached) setting out the basis of the compensation scheme and the legislative framework and ecological baseline which had informed its design. RC clarified that Able is awaiting comment on the habitat types NE require to be created and their quanta.

- 3.2 HB asked if levels would be reduced on the compensation site. RC clarified that they would and stated that a cut-fill drawing would be set out clearly in the ES. He stated that the ES would also set out the areas of the habitat classes likely to be created.

Able/B&V

- 3.3 EH advised Able and ERM that care needs to be taken in the phrasing of the ES and HRA, because although compensation may not be 'like for like' in terms of the actual habitat type created, it will be like for like in terms of the interest feature that will be affected – ie the estuary feature. This point is important and necessary for compliance with the habitats regulations as compensation does need to be 'like for like' in terms of providing the same ecological function as the habitat lost.

Able/ERM

- 3.4 EH advised that it is necessary to provide a clear assessment of what the impacts are that require compensation, for example why the Killingholme estuary frontage area is so important for the black-tailed godwits. This evidence must then be used to demonstrate how the compensation site will compensate for these losses, together with an assessment of the level of certainty. The ES should include clarity on precisely how the site will compensate for what is lost in terms of invertebrate feeding resource, ideally including examples of UK sites where black-tailed godwits are foraging on wet grassland.

Able/ERM

- 3.5 RC noted that Able had procured a report from Steve Percival which gave detail on these points, and set out the proposed layout of the wet grassland, clarifying that Able was proposing to over-compensate in terms of habitat areas for the SAC features lost. The 90ha proposal does not, however, necessarily address functional loss of feeding resources, as only so much functional mudflat can be created. The wet grassland is intended to supplement the resource to be

provided by the mudflat as it can be established quickly but will be of both short term and long term value. RC noted that if monitoring shows that the wet grassland has ceased to be necessary on the maturity of the mudflat, then it could be returned to agricultural use.

- 3.6 NE noted that it would ultimately be necessary to designate the new habitat as part of the Natura 2000 site, and that if the wet grassland is demonstrated by monitoring to be part of the, necessarily sufficient, compensation secured by the grant of the DCO, then it could not be returned to farmland.
- 3.7 RC requested NE's feedback on the general approach to the compensation site's design. EH stated that NE had no more feedback beyond what had been discussed at previous meetings as they had not yet had time to read through the substantial volumes of information that had recently been received. EH reiterated the need for the ES to state clearly what makes the Killingholme frontage so important for the black-tailed godwits. RC stated that the proximity of the Killingholme frontage mudflats to the roosting site of the Killingholme Haven Pits is the key feature and thus the compensation site had been selected to be as close the KHP roost as possible.
- 3.8 AL noted his confidence that there are no 'show-stoppers' wrt the development and that Able's compensation proposals can be made to work.
- 3.9 HB noted that in her experience previous compensation schemes had always underestimated the habitat requirement; she agreed to forward details.
- 3.10 RC clarified that Able cannot guarantee that the black-tailed godwits will use the compensation site but that it can be shown that the food resource will be replaced. This is all that can realistically be achieved by human intervention. PB noted that the data contained in the HRA report is more comprehensive than has been collated for any other managed realignment site on the Humber.
- 3.11 AC also clarified that the mudflat created would be of greater benthic quality than that lost in terms of invertebrate species, and that the wet grassland is intended to be provided partly because the mudflat will take time to reach maturity and partly because, as it grows in biological maturity, it will shrink in geographic extent. He noted that wet grassland had been selected on the basis of its use for foraging by Irish colonies of godwits. HB questioned whether black-tailed godwits in the East of England would use the same behaviour patterns as their counterparts in Northern Ireland, noting that the invertebrate community on the mudflat would take up to 2 years to develop.
- 3.12 RC stated that RSPB's suggestion that no development can take place until the mudflat is fully developed is not a practical way forward; the project would be unviable, given it is a time-constrained opportunity. PB added that the whole

HB



point of over-compensation has in the past been to accommodate the necessity of completing developments before the compensation is fully established. HB agreed to circulate the recent decision in the Port of Bristol case.

HB

- 3.13 RC reiterated that what Able's consultants were doing was making an assessment of the feeding resource currently available, and creating the same feeding resource using wet grassland to provide short-term feeding opportunities. MQ agreed that the wet grassland should in his view definitely be included to provide supplementary food resources.

- 3.14 NE and RSPB agreed to provide their formal comments on the HRA report.

EH/HB

- 3.15 EH noted that in her review of the HRA report she had not been able to follow the audit trail of certain features such as lampreys and grey seal had been screened out of the assessment. AC directed EH to Annex B of the HRA report, which she agreed to check and respond if necessary.

EH

*Break 13:40h-14:15h; MW, AT and HB all left the meeting at the break.*

#### 4. **LANDSCAPE ACCESS & PUBLIC FOOTPATHS**

- 4.1 RC set out that 2 public footpaths would need to be diverted as part of the AMEP development. On the South Bank the coastal footpath would be diverted inland as far as Rosper Road before linking onwards into the local footpath network and returning to the sea wall north of the Humber Sea Terminal. This has the support of NLC and the local Ramblers Association and is considered to be a non-contentious diversion.

- 4.2 On the North Bank it is proposed to divert the coastal footpath to the landward toe of the realigned embankment, with access down from the existing footpath being provided by 5%-gradient ramps. It is proposed to divert the footpath in this way to limit disturbance to birds using the compensation habitat by walkers. It is however proposed to provide bird hides with ramped accesses at intervals along the realigned embankment to provide walkers with views across the compensation site.

- 4.3 EH stated NE's position to be that disturbance could accrue from walkers using the top of the flood defence wall, and that the risk would therefore be Able's in terms of meeting the targets of the compensation site if it was chosen to run the footpath along the top of the wall. On this basis, RC advised that Able is likely to continue with the proposal to realign the footpath to the landward toe of the flood defence wall.

- 4.4 MQ asked what would keep people from using the top of the flood defence wall regardless of the official route of the footpath. PB noted that people in general are good at sticking to clear made paths. PW identified that it will be necessary to maintain both the top and sides of the flood defence wall as mown grass in order to allow inspection.

*Post-meeting note: SM noted that EA requires bird hides*

*level with the top of the embankment to be set back on a platform to allow complete access for asset inspection.*

- 4.5 EH had received some other landscape comments from NE's internal consultee, which she agreed to provide by email to Able.

EH

**5. MARINE PLANS & POLICY STATEMENT**

- 5.1 AG noted that the current Marine Policy Statement would, in due time, be replaced by the Marine Plan. The application site will be covered by the East Inshore Plan: once the plan is drafted, the decision-maker will need to have due cognizance of its contents. This would not however be drafted until autumn 2012. Since the application will be made in the absence of a draft Marine Plan it will therefore need to make full reference to the Marine Policy Statement throughout. Able agreed to ensure that this is the case.

Able

**6. DCO PROVISIONS & REQUIREMENTS**

- 6.1 RC noted that the draft DCO had been submitted to the IPC together with a draft explanatory memorandum. It has not yet been released to a wider audience as BDB are still liaising with the regulatory authorities to determine the content of the requirements. AG and AHo agreed to liaise directly with Angus Walker of BDB on issues of the scope of the powers of the Harbour Authority.

MMO

**7. DRAFTING OF DEEMED MARINE LICENCE**

- 7.1 RC noted that this had been drafted by BDB early in 2011 based on the London Gateway deemed Marine Licence, but that the MMO had recommended that further drafting take place once they were able to assess the project as a whole. AG noted that as the MMO would be monitoring and enforcing the Marine Licence (once granted by the IPC) it would wish to work closely with Able/BDB in its drafting. AG agreed to liaise directly with AW of BDB to proceed with the preparation of the document.

AG

- 7.2 As all marine works will be covered in the deemed licence it is necessary that the comments of NE, EA and navigation bodies should be incorporated. AG also recommended that mitigation measures should be included in the licence as conditions form a major part of the drafting process. AH asked whether conditions covering noise mitigation, etc. should be included in the draft marine licence or the DCO. AG explained that the marine licence is a schedule to the DCO, and that MMO would liaise with BDB to determine how the conditions are best included in the DCO document.

AG

**8. NAVIGATION**

- 8.1 AG suggested that the MMO wish to review the navigational risk assessment on the basis of the comments made by the Harbour Master and the Maritime & Coastguard Agency. Able agreed to forward this document together with the comments of those bodies for MMO's review.

Able



9. **DREDGING STRATEGY**

9.1 RC explained that a draft had been submitted to the MMO and that no significant comments had been received. AG noted that the MMO hoped to issue its comments by the end of this week (22<sup>nd</sup> July) or early the next week, but had been waiting for the results of the CEFAS sediment sampling. In response to NE's query about contamination levels RC explained that the sampling was complete but that Able had not yet seen the results.

9.2 EH noted that dredge volumes as stated in the documentation vary from reference to reference. RC acknowledged this and noted that the matter would be clarified in the final ES. Able will issue the draft dredging strategy (Rev. C) to NE for its review.

9.3 NE noted a significant increase in the requirement for maintenance dredging in the Humber. The MMO will advise whether sufficient disposal capacity is available after consultation with CEFAS. RC proposed that Able would advise CEFAS and the MMO what maintenance dredging will be required to enable negotiations about its disposal to take place.

9.4 AG noted that provisions for maintenance dredging for at least 3 years should be set out in the DCO which would require the re-drafting of the dredging baseline document to include AMEP's dredging.

Able/ERM

Able

Able/BDB

10. **WATER QUALITY & WFD ASSESSMENT**

10.1 RC asked if the EA had made any further progress with their review of the WFD. AH noted that the EA would forward comments as soon as they had been completed.

AH

11. **MIGRATORY FISH**

11.1 The EA noted the potentially significant issue relating to noise impacts on migratory fish. Draft guidance is currently under preparation which will be issued to Able as soon as possible; AM does not see noise impacts on fish as a show stopper, although effects might be significant.

EA

11.2 RC clarified that the marine piling is expected to take place during a 6 month period using 2 rigs, and that the piling for the relieving slab would take place behind the quay face. MQ set out NE's principle of preference for vibro-piling but noted that NE would accept driven piling where the geotechnical survey indicated that vibro-piling could not be used.

11.3 NE identified that underwater noise requires further consideration in the ES wrt potential impacts on river and sea lamprey and marine mammals including grey seals. The EA's draft guidance is likely to be issued in approximately 2 weeks; MQ agreed to forward a paper relating to underwater noise transmission on the Tees, subject to it not being deemed confidential in any way.

EA, MQ

**12. DRAINAGE STRATEGIES**

- 12.1 RC explained that Able's proposals for the drainage network on the South Bank include a pumping station. AMEP would require the pumping station to be relocated from the position previously proposed by NELDB, and the AMEP application will include for the relocation. The plots will have infiltration drainage which will drain to open ditches across the site which will in turn drain to the pumping station which would pump only at appropriate stages of the tide.
- 12.2 Able had spoken to Anglian Water regarding a commitment to treat the foul water discharge and supply potable water – a caveated response can be provided.

**13. GEOMORPHOLOGY**

- 13.1 The MMO provided comments on geomorphology section and reports on 17<sup>th</sup> June.
- 13.2 RC explained that Chapter 8 of the ES should be ready by the end of July. SB also agreed to forward NE's comments on geomorphology.
- 13.3 EH queried whether Able proposed to consult on the revised Chapter 8. RC clarified that Angus Walker advised that there is no statutory obligation to consult on the ES in any draft, and that at some point Able has to take a judgement on when sufficient risk has been squeezed out of the ES to enable consultation to be closed. MQ agreed that Able must make a judgement on whether the changes to Chapter 8 will constitute a sufficiently significant departure to require re-consultation.
- 13.4 PMS underlined the deadline of 31<sup>st</sup> July for the application. AL however noted that in his opinion NE would not be ready to issue final comments by the end of July. He noted that NE would need to see the final ES if we are being asked to provide a view on whether it adequately addresses all the impacts. RC believed this would introduce too great a delay.

MMO

SB

Able

**14. HYDROGEOLOGY**

- 14.1 The EA had nothing to add on hydrogeology subsequent to the previous week's meeting. RC does not expect any significant change will result in the conclusions of the hydrogeological risk assessment from the updated data which ESI has now obtained from the EA. The hydrogeological risk assessment will be revised and reissued to the EA in due course.

Able

**15. FLOODING**

- 15.1 The EA advised Able that an answer on the nil detriment question posed by RC is still being prepared. RC noted that comprehensive comments had been received from the EA on both flood risk assessments and addressed by the authors, and that David Keiller of B&V would liaise with SM to address any residual comments.

SM/AH/B&V

15.2	SM recommended monitoring be undertaken in Stone Creek and advised that possible methodologies included hydrographic surveys, the use of LIDAR data, stake monitoring and the use of a turbidity monitoring buoy.	
15.3	Able will explore these different approaches and will liaise with the EA and MMO to agree a methodology, together with any licensing requirements.	Able
15.4	PW noted that a flood defence consent will be necessary for the development to commence, but that as with the Able Logistics Park application it may be appropriate to have a legal agreement in place requiring the flood defence consent to be agreed prior to construction. It will be sufficient at this stage to sort out the chief principles and Heads of Terms. Able will draft these for consultation with EA.	Able
16.	<b><u>REQUIREMENT FOR AN ENVIRONMENTAL PERMIT</u></b>	
16.1	JM noted that the foundry which had hitherto been included in the AMEP proposals had now been deleted and that many of the air quality impacts which had been identified had originated entirely from the foundry and would now be removed.	ERM
16.2	EH agreed to forward NE's comments on air quality.	EH
16.3	RC explained that Able would propose to parallel track an application for a waste consent and environmental permit with the IPC decision making process.	
17.	<b><u>HISTORIC LANDFILL</u></b>	
17.1	RC explained that one historic landfill had been identified on the North Bank and this was outside the proposed realignment area. This does not preclude the possibility of finding more historic landfill during development. This has been identified as a manageable commercial risk and further investigation works will be built into the construction methodology for the North Bank works.	
17.2	Able is currently undertaking a "worst credible" assessment of the risk posed by historic landfill which will be submitted as a supplementary report to the ES.	Able
18.	<b><u>THERMAL PLUME</u></b>	
18.1	An assessment of thermal plume impacts has been undertaken by HR Wallingford, which identified a negligible impact on the outfall of the E:On power station. The sediment transport model identified a sedimentation impact, and the quay has accordingly been refigured at the north end which is considered by inspection to reduce the impacts on the thermal plume. No further thermal modelling work will be undertaken but the report will be updated with a note to identify that modelling had been undertaken on a worst case and that reduced impact would resolve the issue.	

- 18.2 Able agreed to forward the finalised thermal plume report for consideration.

Able

19. **POST CONSENT MONITORING & ENFORCEMENT OF REQUIREMENTS**

- 19.1 Able noted that commitment to this would be enshrined in the text of the DCO. JM will circulate the draft DCO and explanatory memorandum for consideration by the regulators.

JM

- 19.2 EH noted that it will be necessary to provide a Compensation Monitoring and Mitigation Package stating the monitoring works etc that would be undertaken. She agreed to forward examples to Able.

EH

20. **AOB**

- 20.1 EH noted from her reading of the ES she had not yet identified clear statements of the mitigation measures proposed for impacts such as noise and visual disturbance, air quality, lighting and LVIA impacts, in particular on birds using the intertidal mudflats and on marine mammals such as grey seals. Able noted that noise mitigation was set out in an annex to the ES chapter and that lighting spill on the intertidal mudflat had been mitigated as far as possible by the use of directional luminaires. RC referred NE to a drawing indicating the extent of spill included in the ES Chapter 19.

- 20.2 EH also noted the necessity to include in the DCO any mitigation such as seasonal restrictions required for the building of the pumping station.

- 20.3 The ES chapter dealing with ecology will need to include any mitigation required for badger foraging on the south bank as according to the survey work, this is required. AT has previously advised HINCA and Able that any botanical features lost from the local wildlife site at Station Road Fields can be accommodated in the sites landscape mitigation.

- 20.4 SM noted that the EA wishes to avoid being left liable for indirect losses to designated habitat features should the actual effects turn out differently from those indicated by the modelling. This was identified as an internal matter between NE and EA and will be subject to further discussion between them. Once the compensation package had been accepted, it would fall to the secretary of state to maintain the site in favourable condition.

Meeting closed at 16:15