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Final Statement of Common Ground with Natural England

March 2025

Helios Renewable Energy Project

Final Statement of Common Ground with Natural England

Planning Inspectorate Reference: EN010140

March 2025

Prepared on behalf of Enso Green Holdings D Limited

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Prepared by:	MB/JG/HY	HY
Reviewed by:	GW	JB

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1. Introduction

1.1. Overview

- 1.1.1. This Statement of Common Ground ('SoCG') has been prepared by Enso Green Holdings D Limited (the 'Applicant') in conjunction with the Natural England in respect of the Helios Renewable Energy Project Development Consent Order (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 in progress, or where agreement has not been achieved.
- 1.1.3. This SoCG is based on Natural England's Written Representation received on 13 January 2025 [REP2-031].
- 1.1.4. The SoCG will be amended as the examination progresses to enable a final version to be submitted to the Examining Authority.
- 1.1.5. This SoCG covers all the matters which are relevant to Natural England.

2. Record of Engagement

2.1. Summary of consultation and engagement

- 2.1.1. There have been various meetings and correspondence between the Applicant and the Natural England relating to the Proposed Development, which is set out in full at ES Chapter 8: Biodiversity [APP-028].
- 2.1.2. In addition to the consultation undertaken as part of statutory consultation, the Applicant has proactively engaged with Natural England throughout the pre-application process, a service level agreement has been put in place to facilitate discussions and this is anticipated to continue throughout the examination process.
- 2.1.3. Since receiving the Natural England's Written Representation [REP2-032], the Applicant has continued engagement with Natural England, which has been on going throughout the examination period, and have provided further updated documentation for agreement with Natural England.

On 13th January 2025 the Applicant submitted to Natural England a detailed response to Natural England's Relevant Representation [RR-268] together with an updated Habitat Regulations Assessment (HRA), hereinafter referred to as 'HRA v2'. Natural England responded through its DAS on 10th February 2025. The Applicant has subsequently provided further information on 21st February 2025 to Natural England in the form of a further updated HRA, hereinafter referred to as 'HRA v3' and additional information in respect of lapwing mitigation. The Applicant's response to Natural England's Relevant Representation is attached at Appendix B – 'Natural England Supplementary Note'. Natural England responded through its DAS on 7th March 2025, the Applicant will submit a further updated and final HRA at Deadline 5 to capture the final Natural England comment. The updated HRA was shared with Natural England and Natural England confirmed on 20th March 2025 that all matters had been resolved.

3. Current Position

- 3.1.1. Table 3.1 provides a schedule that summarises the position on key matters between the Applicant and Natural England. Appendix A details the position between the Applicant and Natural England on each relevant representation.
- 3.1.2. Each matter is attributed a status as follows:

Agreed	The matter is agreed between the parties, or there are no significant disagreements such that the matter is considered closed.
Under discussion	This matter is neither ‘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 the Natural England is considered to result in a materially different impact to the assessment conclusions.

Table 3.1: Key Matters

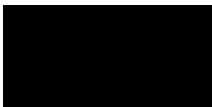
Matter	Status	Date
International Designated Sites: Humber Estuary SPA / Humber Estuary Ramsar / Lower Derwent Valley SPA / Lower Derwent Valley Ramsar		March 2025
International Designated Sites: All relevant international designated sites		Feb 2025
International Designated Sites: River Derwent SAC / Lower Derwent Valley SAC / Humber Estuary SAC		Nov 2024
International Designated Sites: Skipworth Common SAC / Thorne Moors SAC		Jan 2025
International Designated Sites: Thorne and Hatfield Moors SPA		Jan 2025
International Designated Sites: In-combination impacts on all relevant international designated sites		March 2025
Nationally Designated Sites: All relevant nationally designated sites		Jan 2025
Nationally Designated Sites: Humber Estuary SSSI		March 2025
Nationally Designated Sites: Derwent Ings SSSI / Melbourne & Thornton Ings SSSI / Brighton Meadows SSSI		March 2025
Nationally Designated Sites: Eskamhon Meadows SSSI		Feb 2025
Nationally Designated Sites: Thorne, Crowle & Goole Moors SSSI / Hatfield Moors SSSI		Nov 2024
Nationally Designated Sites: River Derwent SSSI		Nov 2024
Protected Species		Nov 2024
Best and Most Versatile Agricultural Land		Jan 2025

4. **Signatures**

4.1.1. This Statement of Common Ground is agreed upon:

On behalf of the Natural England:

Name: 

Signature: 

Date: 20/03/2025

On behalf of the Applicant:

Name: 

Signature: 

Date: 20/03/2025

Appendix A: Detailed Matters

Table A.1: Key Matters

Ref.	Matter	Natural England – Issue Raised	Current Position	Status
NE-01.1	International Designated Sites Humber Estuary SPA Humber Estuary Ramsar Lower Derwent Valley SPA Lower Derwent Valley Ramsar	Potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the listed SPA / Ramsar sites and comments on the conclusions of the HRA.	<p>Natural England have confirmed that point NE-01.1 has been agreed through the provision of relevant updates in HRA v3 relating to the proposals for mitigation of loss of lapwing functionally linked habitat within the development boundary, and concur with the outlined management measures. Following implementation of these measures, Natural England concur with the conclusion of no AOEI due to this impact pathway to designated sites Lower Derwent Valley Special Protection Area (SPA) and Ramsar, and Humber Estuary SPA and Ramsar.</p> <p>Natural England have suggested that Requirement 10, Schedule 2 of the dDCO will be updated to secure consultation with Natural England, for review of final management and monitoring proposals. The Applicant will update the dDCO to secure this consultation and the updated dDCO will be submitted at Deadline 5.</p>	Agreed.
NE-01.2		Potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the listed SPA / Ramsar sites and comments on Ornithology report (APP-145)	<p>In Natural England's Written Representation [REP2-031], Natural England advised that they would provide further comments when the following information had been provided: Updates to the desk study; Consultation with local bird groups/other organisations that may hold relevant information; Use of the BTO's WeBS data to examine collected survey data again peak counts for the estuary as a whole/ for the most relevant sectors; Provision of the transect routes; Explanation regarding the data collection and varied coverage; Clarification on the peak count of lapwings and how this is calculated; and Further justification on the nocturnal survey</p>	Agreed.

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Ref.	Matter	Natural England – Issue Raised	Current Position	Status
			approach. The Natural England Supplementary Note provides the required information and Natural England have confirmed that these above points have now been addressed.	
NE-01.3		Potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the listed SPA / Ramsar sites and comments on Ornithology HRA	Natural England have confirmed that point NE-01.3 has been agreed through the provision of relevant updates in HRA v2 relating to the criteria for determination of functionally linked land and provision of cropping data.	Agreed.
NE-02		Noise and visual disturbance during construction to potential FLL for the relevant qualifying bird features of the listed SPA/Ramsar sites	HRA v4 has been updated to include an assessment of potential for construction works impacts in the closest parts of the Scheme to the proposed mitigation site to impact the site's functionality as lapwing feeding habitat. The assessment identifies the separation distances between the proposed mitigation site and construction activity, along with mitigation measures proposed to reduce disturbance outlined in the outline Construction Environmental Management Plan (oCEMP) and identifies disturbance will be negligible. Natural England are satisfied this matter is now resolved. Natural England agree that significant noise and visual disturbance effects can be ruled out for the lake adjacent to Field 339.	Agreed.
NE-03		Operational impacts (visual disturbance) to any adjacent	Natural England, based on the information provided in HRA v2, agree with the conclusion that impacts resulting from glint and glare can be ruled out	Agreed.

Ref.	Matter	Natural England – Issue Raised	Current Position	Status
		FLL for the relevant qualifying bird features of the listed SPA / Ramsar sites	and that no further assessment is required.	
NE-04	International Designated Sites All relevant international designated sites	Potential air quality impacts from construction traffic on international designated sites.	<p>The Applicant can confirm that the construction traffic AADT flows on the M62 at the point that it is adjacent to the Humber Estuary SAC, SPA, Ramsar and SSSI (which intersect the M62 between Junctions 36 and 37), will be zero, and there will be no significant effects to the Humber Estuary SAC, SPA, Ramsar and SSSI and there are no habitats within 200 m of the construction traffic routes that require further consideration with respect to air quality impacts. This is detailed in HRA v3 which the Applicant provided Natural England with on 21st February 2024 and Natural England have confirmed they are satisfied with the clarification and that no significant effects are anticipated. The HRA v3 will be submitted at Deadline 4.</p> <p>Natural England agree that air quality effects relating to operational traffic movements can be ruled out, this matter of NE-04 is agreed.</p>	Agreed.
NE-05	International Designated Sites River Derwent SAC Lower Derwent Valley SAC Humber Estuary SAC	<p>Potential impacts on the designated features of the River Derwent SAC, Lower Derwent SAC and Humber Estuary SAC -</p> <p>Natural England note that the River Derwent SAC, Lower Derwent SAC and Humber</p>	Natural England are satisfied that potential impacts on River Derwent SAC, Lower Derwent Valley SAC and Humber Estuary SAC are unlikely to result in adverse effects on the integrity of the designated sites [REP2-031] .	Agreed.

Ref.	Matter	Natural England – Issue Raised	Current Position	Status
		Estuary SAC are also designated for mobile features including otter and fish and there are unlikely to be impacts on these sites and they will not raise this through examination.		
NE-06	International Designated Sites Skipworth Common SAC Thorne Moors SAC	Potential impacts on the designated features of Skipworth Common SAC and Thorne Moors SAC – Natural England identifies that impacts to Skipworth Common SAC and Thorne Moors SAC are unlikely.	Natural England are satisfied that potential impacts on Skipworth Common SAC and Thorne Moors SAC are unlikely to result in adverse effects on the integrity of the designated sites [REP2-031] .	Agreed.
NE-07	International Designated Sites Thorne and Hatfield Moors SPA	Potential impacts on breeding nightjar associated with Thorne and Hatfield Moors SPA	Natural England are satisfied that potential impacts on breeding nightjar associated with Thorne and Hatfield Moors SPA are unlikely to result in adverse effects on the integrity of the designated sites [REP2-031] .	Agreed.
NE-08	International Designated Sites	In-combination impacts on all relevant international	Following review of HRA v3 Natural England agree that following the implementation of functionally linked land mitigation for this development,	Agreed.

Ref.	Matter	Natural England – Issue Raised	Current Position	Status
	In-combination impacts on all relevant international designated sites	designated sites	which will deliver for a greater number of birds than identified in the surveys and concur with the conclusions of the in-combination assessment. This matter is resolved.	
NE-09	International Designated Sites All relevant international designated sites	General advice on HRA procedure for the project	For clarity, the Applicant has provided Natural England with HRA v3 which, includes the information from Table 8.12 of ES Chapter 8 Biodiversity [APP-028].	Agreed.
NE-10	Nationally Designated Sites All relevant nationally designated sites	Potential air quality impacts from construction traffic on nationally designated sites.	The Applicant has confirmed the construction AADT on the M62 northbound of Junction 36 will be zero. This is detailed in HRA v3 which the Applicant provided Natural England with on 21 st February 2024 and Natural England have confirmed they are satisfied with the clarification and that no significant effects are anticipated. The HRA v3 will be submitted at Deadline 4.	Agreed.
NE-11	Nationally Designated Sites Humber Estuary SSSI	Potential impacts on the Humber Estuary SSSI	The Natural England Supplementary Note includes consideration of the Humber Estuary SPA/Ramsar site. As set out for NE-01.1, the Applicant has incorporated lapwing mitigation into HRA v3 and Natural England consider this matter resolved.	Agreed.
NE-12	Nationally Designated Sites	Potential impacts on the Derwent Ings, Melbourne &	The Natural England Supplementary Note includes consideration of the Derwent Ings, Melbourne & Thornton Ings and Brighton Meadows SSSIs.	Agreed.

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Ref.	Matter	Natural England – Issue Raised	Current Position	Status
	Derwent Ings SSSI Melbourne & Thornton Ings SSSI Brighton Meadows SSSI	Thornton Ings and Brighton Meadows SSSI	As set out for NE-01.1, the Applicant has incorporated lapwing mitigation into HRA v3 and Natural England consider this matter resolved.	
NE-13	Nationally Designated Sites Eskamhon Meadows SSSI	Potential impacts on the Eskamhorn Meadows SSSI	The Natural England Supplementary Note includes consideration of the relevant air quality information. As discussed under NE-04, the Applicant has confirmed the construction AADT on the M62 northbound of Junction 36 will be zero. This is detailed in HRA v3 which the Applicant provided Natural England with on 21 st February 2024 and Natural England have confirmed they are satisfied with the clarification and that no significant effects are anticipated. The HRA v3 will be submitted at Deadline 4.	Agreed.
NE-14	Nationally Designated Sites Thorne, Crowle & Goole Moors SSSI Hatfield Moors SSSI	Potential impacts on breeding nightjar associated with Thorne, Crowle & Goole Moors SSSI and Hatfield Moors SSSI	As detailed above at NE-05, Natural England have no further comments [RR-268] .	Agreed
NE-15	Nationally Designated Sites River Derwent	Impacts on the interest features of River Derwent SSSI – Natural England	The Applicant agrees with Natural England that there are unlikely to be impacts to the River Derwent SSSI and no further information is required [RR-268] .	Agreed

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Ref.	Matter	Natural England – Issue Raised	Current Position	Status
	SSSI	identify that the River Derwent SSSI is also designated for mobile features including otter and fish and there are unlikely to be impacts on these sites and they will not raise this through examination.		
NE-16	Protected Species	Protected Species – General	The Applicant agrees to Natural England's comments regarding licences [RR-268].	Agreed
NE-17	Best and Most Versatile Agricultural Land	Soils and BMV Agricultural Land – Detailed Comments	Natural England welcome that the Soil Management Plan is to be secured in the DCO and have no further comments.	Agreed