

DOGGER BANK D WIND FARM

Preliminary Environmental Information Report

Volume 2

Appendix 23.1 Consultation Responses for Onshore
Ecology and Ornithology

Document Reference No: 2.23.1

Date: June 2025

Revision: V1



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APPENDIX 23.1 CONSULTATION REPONSES FOR ONSHORE ECOLOGY AND
ORNITHOLOGY

Document Title:	Volume 2, Appendix 23.1 Consultation Responses for Onshore Ecology and Ornithology
Document BIM No.	PC6250-RHD-XX-ON-RP-EV-0133
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Prepared For:	Dogger Bank D Offshore Wind Farm

Revision No.	Date	Status / Reason for Issue	Author	Checked By	Approved By
V1	27/05/2025	Final	RJ/ TC/ LMF	AG/ EM	AT

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Glossary

Term	Definition
Design	All of the decisions that shape a development throughout its design and pre-construction, construction / commissioning, operation and, where relevant, decommissioning phases.
Development Consent Order (DCO)	A consent required under Section 37 of the Planning Act 2008 to authorise the development of a Nationally Significant Infrastructure Project, which is granted by the relevant Secretary of State following an application to the Planning Inspectorate.
Effect	An effect is the consequence of an impact when considered in combination with the receptor's sensitivity/value/importance, defined in terms of significance.
Environmental Impact Assessment (EIA)	A process by which certain planned projects must be assessed before a formal decision to proceed can be made. It involves the collection and consideration of environmental information and includes the publication of an Environmental Statement.
Environmental Statement (ES)	A document reporting the findings of the EIA which describes the measures proposed to mitigate any likely significant effects.
Evidence Plan Process (EPP)	A voluntary consultation process with technical stakeholders via Expert Topic Group (ETG) meetings to encourage upfront agreement on the nature, volume and range of supporting evidence required to inform the EIA and HRA process.
Expert Topic Group (ETG)	A forum for targeted technical engagement with relevant stakeholders through the EPP.
Impact	An impact is a change resulting from an activity associated with the Project, defined in terms of magnitude.
Mitigation	Any action or process designed to avoid, prevent, reduce or, if possible, offset potentially significant adverse effects of a development.
Onshore Converter Station (OCS)	A compound containing electrical equipment required to stabilise and convert electricity generated by the wind turbines and transmitted by the export cables into a more suitable voltage for grid connection into Birkhill Wood Substation.
Onshore Converter Station (OCS) Zone	The area within which the Onshore Converter Station and Energy Storage and Balancing Infrastructure will be located in vicinity of Birkhill Wood Substation.

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Term	Definition
Onshore Development Area	The area in which all onshore infrastructure associated with the Project will be located, including any temporary works area required during construction and permanent land required for mitigation and enhancement areas, which extends landward of Mean Low Water Springs. There is an overlap with the Offshore Development Area in the intertidal zone.
Onshore Export Cable Corridor (ECC)	The area within which the onshore export cables will be located, extending from the landfall to the Onshore Converter Station zone and onwards to Birkhill Wood Substation.
Onshore Export Cables	Cables which bring electricity from the transition joint bay at landfall to the Onshore Converter Station zone (HVDC cables) and from the Onshore Converter Station zone onwards to Birkhill Wood Substation (HVAC cables).
Project Design Envelope	<p>A range of design parameters defined where appropriate to enable the identification and assessment of likely significant effects arising from a project's worst-case scenario.</p> <p>The project design envelope incorporates flexibility and addresses uncertainty in the DCO application and assessed during the EIA process.</p>
Scoping Opinion	<p>A written opinion issued by the Planning Inspectorate on behalf of the Secretary of State regarding the scope and level of detail of the information to be provided in the Applicant's Environmental Statement.</p> <p>The Scoping Opinion for the Project was adopted by the Secretary of State on 02 August 2024.</p>
Scoping Report	<p>A request by the Applicant made to the Planning Inspectorate for a Scoping Opinion on behalf of the Secretary of State.</p> <p>The Scoping Report for the Project was submitted to the Secretary of State on 24 June 2024.</p>
Study Areas	A geographical area and / or temporal limit defined for each EIA topic to identify sensitive receptors and assess the relevant likely significant effects.
The Applicant	SSE Renewables and Equinor acting through 'Doggerbank Offshore Wind Farm Project 4 Projco Limited'.
The Project	Dogger Bank D (DBD) Offshore Wind Farm Project, also referred to as DBD in this PEIR.

23.1 Consultation Responses for Onshore Ecology and Ornithology

1. **Volume 1, Chapter 23 Onshore Ecology and Ornithology** for the Dogger Bank D Offshore Wind Farm (herein referred to as ‘the Project’ or ‘DBD’) has been informed by consultation with the Planning Inspectorate and stakeholders following the publication of the Scoping Report (Royal HaskoningDHV, 2024) and the comments contained within the Scoping Opinion (Planning Inspectorate, 2024). This appendix contains details of the relevant comments for **Volume 1, Chapter 23 Onshore Ecology and Ornithology** and the Applicant’s responses in **Table 23.1-1**.
2. The Applicant previously submitted a Scoping Report in 2023 based on project parameters at that time. The 2024 Scoping Report (Royal HaskoningDHV, 2024) and adopted Scoping Opinion (Planning Inspectorate, 2024) have superseded the 2023 Scoping Report and as such consultation responses on the 2023 Scoping Report are not considered further in this document except where they are included in the 2024 consultee responses and remain relevant to the Project.

Table 23.1-1 Consultation Responses for Onshore Ecology and Ornithology

Stakeholder	Document / Meeting, Date	Comment	How and Where Addressed in the PEIR
The Planning Inspectorate	Scoping Opinion (02/08/24)	Applicant proposed matters to scope out No matters have been proposed to be scoped out of the assessment	The scope of the assessment is detailed in Volume 1, Chapter 23 Onshore Ecology and Ornithology in Section 23.4.2 .
The Planning Inspectorate	Scoping Opinion (02/08/24)	Study area and Zol The ES should clearly define and justify the study area for each ecological receptor, with reference to the Zol for the Proposed Development	The study area is defined and justified in Volume 1, Chapter 23 Onshore Ecology and Ornithology in Section 23.4.1 . The Zone of Influence used within the cumulative assessment is noted in Section 23.8.2 .
The Planning Inspectorate	Scoping Opinion (02/08/24)	Receptors - fish The Onshore Ecology, Ornithology and Nature Conservation Section of the Scoping Report does not identify fish species as an ecological receptor or	Volume 1, Chapter 23 Onshore Ecology and Ornithology assesses the potential effects of the Project on fish in Section 23.7.1.14 and Section 23.7.2.3 . An assessment of effects on

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		<p>consider potential impacts to fish. The need or otherwise to undertake surveys for fish or suitable habitat for fish is not identified in Table 8-16. The Inspectorate notes records of 'fish' are shown on Figure 8-19, but not described further. The EA in its response at Appendix 2 to this Opinion identifies that European smelt, brown/sea trout, bullhead and juvenile lamprey have been recorded in the River Hull. Fish species are also qualifying features of the Humber Estuary SAC. There are also several drains and ditches throughout the onshore ECC that may support fish species.</p> <p>The ES should assess impacts to fish where significant effects are likely to occur, supported by desk study information and surveys as necessary. If onshore cable crossings of waterbodies form part of the Proposed Development, the assessment should include impacts from operational EMF where significant effects are likely to occur. Effort should be made to agree the methodology with relevant consultation bodies, such as the EA.</p>	fish related to electromagnetic fields (EMF) is presented in Section 23.7.2.3 .
The Planning Inspectorate	Scoping Opinion (02/08/24)	<p>Potential Impact - construction</p> <p>The Scoping Report contains limited detail on the likely potential impacts to be assessed at this stage. The ES should include an assessment of construction phase effects on important ecological features such as those arising from air quality changes (due to vehicles and dust deposition), noise and visual disturbance, and as a result of hydrological linkages, where LSE could occur. The ES should provide details of the proposed mitigation</p>	The assessment of construction phase effects on important ecological features is presented in Section 23.7.1 of Volume 1, Chapter 23 Onshore Ecology and Ornithology , including those arising from air quality changes (due to vehicles and dust deposition), noise and visual disturbance, and as a result of hydrological linkages. Section 23.4.3, Table 23-5 provides details of the proposed mitigation measures to be included in

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		<p>measures to be included in management plans, such as an Ecological Management Plan, and explain how such measures will be secured.</p> <p>Appropriate cross-referencing to the assessments in other relevant ES chapters such as Onshore Air Quality and Dust and Water and Flooding should be included.</p>	<p>management plans and explains how such measures will be secured in the DCO application.</p> <p>Appropriate cross-referencing to the assessments in other relevant chapters such as Volume 1, Chapter 20 Air Quality and Dust and Volume 1, Chapter 21 Water Resources and Flood Risk is included.</p>
The Planning Inspectorate	Scoping Opinion (02/08/24)	<p>Potential Impact - trenchless crossings</p> <p>See also the Inspectorate's comment in Table 2.1 above regarding trenchless crossings.</p> <p>Where HDD will be employed, the ES should assess impacts, such as from drilling fluid breakout and/ or noise and vibration, where significant effects are likely to occur. Should this have the potential to impact on sensitive ecological receptors, such as fish and other freshwater species or sensitive habitats, appropriate mitigation should be described in the ES and appropriately secured through the DCO or other legal mechanism.</p> <p>The Applicant's attention is drawn to the EA's scoping consultation response (Appendix 2 of this Opinion) with regard to the provision of a Bentonite Breakout Plan within the ES.</p>	<p>Volume 1, Chapter 23 Onshore Ecology and Ornithology Section 23.4.3, Table 23-5 provides details of the proposed mitigation measures required to be included in the Drilling Fluid Breakout Management Plan and explains how such measures will be secured (see Table 23-5 Commitment ID CO38).</p>
The Planning Inspectorate	Scoping Opinion (02/08/24)	<p>Bird surveys, including functionally linked land (FLL)</p> <p>The ES should include an assessment of impacts on ornithological receptors using FLL, where LSE could</p>	<p>A Functionally Linked Land assessment is carried out in the Report to Inform Appropriate Assessment (document number 5.3, published alongside this PEIR). This is</p>

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		occur. This should be informed by appropriate bird surveys and include consideration of noise and visual disturbance, where LSE could occur. The Inspectorate advises that, amongst other matters, effort is made to agree with relevant consultation bodies via the EPP the scope of the proposed bird surveys, including the methodologies for data collection. The Applicant's attention is also directed to the comments of NE at Appendix 2 of this Opinion in respect to bird surveys, FLL and noise and visual disturbance.	<p>then referenced and summarised in Section 23.7.1.1 of Volume 1, Chapter 23 Onshore Ecology and Ornithology.</p> <p>The assessment for the PEIR is informed by desk-based data in line with comments of Natural England at Appendix 2 of the Scoping Opinion, plus initial bird surveys. The scope and methodology of these surveys was agreed at Expert Topic Group (ETG) 6 meeting 2 (2nd October 2024).</p> <p>The overwintering and passage bird surveys concluded in May 2025; the breeding bird surveys run March to August 2025. These will inform the ES assessment and the results will be presented in the ES.</p>
The Planning Inspectorate	Scoping Opinion (02/08/24)	<p>Confidential Annexes</p> <p>Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable ecological features. Specific survey and assessment data relating to the presence and locations of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution, or commercial exploitation resulting from publication of the information, should be provided in the ES as a confidential annex. All other assessment information should be included in an ES chapter, as normal, with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request.</p>	<p>Schedule 1 bird species breeding locations from desk-based data are provided in a confidential annex to Volume 1, Chapter 23 Onshore Ecology and Ornithology.</p> <p>There is no location specific information provided for badgers within the PEIR which could put this species at risk of persecution or harm. However, future badger survey results, which will be provided at the ES stage, may contain sensitive location specific information with regard to badgers. Any such information will be provided within a confidential annex of the ES chapter.</p>

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Environment Agency	Scoping Opinion (02/08/24)	<p>Fish</p> <p>The Noise and Vibration chapter states that impacts on ecological receptors have been considered within this chapter. However, fish have not been listed as potential receptor within this section. Fish data has not been included within the scope of the baseline data gathering and the impacts on fish species from the development at construction, operation and decommissioning stages have not been considered. The development could have a significant impact on fish species.</p> <p>In this chapter we would expect to see reference to the Eels (England and Wales) Regulations 2009 and the Salmon and Freshwater Fisheries Act 197511 (SAFFA). Environment Agency fish survey data, Local Authority data generated for Local Wildlife Sites and the Hull and East Riding CaBA Partnership, should be included as desk-based data sources and included as part of the ES. The Preliminary Ecological Appraisal surveys should include an assessment of whether there is suitable habitat for fish in the Study Area and should then inform whether to scope in further fish surveys. This should be included in the ES.</p> <p>Our records show that the River Hull has a population of European smelt (<i>Osmerus eperlanus</i>) and brown/sea trout (<i>Salmo trutta</i>), both migratory species listed as a priority species under Section 41 of the Natural Environment and Rural communities (NERC) Act 2006. There are also records of bullhead (<i>Cottus gobio</i>) which is Annex II species under the Habitat Directive. The Humber Estuary SAC is designated for river lamprey</p>	<p>The assessment of the impacts upon ecological receptors in Volume 1, Chapter 23 Onshore Ecology and Ornithology includes potential impacts upon fish in Section 23.7.1.14 and Section 23.7.2.3.</p> <p>Section 23.2.2 references the Salmon and Freshwater Fisheries Act 195711 (SAFFA) and The Eels Regulations 2009.</p>

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		(Lampetra fluviatillis), sea lamprey (Petromyzon marinas), allis shad (Alosa alosa) and Twait shad (Alosa fallax); all of with are migratory species which may populate the River Hull. There are records of juvenile river lamprey in the River Hull.	
Environment Agency	Scoping Opinion (02/08/24)	<p>Noise and Vibration</p> <p>As fish have not been identified as a receptor, the effect on fish from noise and vibration as a result of Horizontal Directional Drilling (HDD) at river crossings has not been identified. Although HDD is less impactful than open trench cable laying, there is still the potential for noise and vibrations from the drilling to impact on fish species in the River Hull and other main waterbodies. An assessment on fish species from the impacts of any noise or vibrations during the cable laying must be detailed in the Preliminary Environmental Information Report (PEIR) and Construction Environmental Management Plan (CEMP). Where necessary mitigation measures should be included to make any impacts negligible. This may involve a timing restriction to avoid any key spawning or migratory periods. Underwater noise or vibration may affect natural migratory fish behaviour and in extremities, kill fish. If it is assumed that noise and vibration from HDD is negligible to fish, then this needs to be backed up with evidence. As the River Hull is functionally linked to the Humber Estuary SAC, any impact from the river cable crossing on fish associated with the SAC designation, should be screened at Stage 1 of an HRA and submitted as part of the DCO.</p>	The assessment of the impacts upon ecological receptors is presented in Volume 1, Chapter 23 Onshore Ecology and Ornithology and includes potential impacts upon fish in Section 23.7.1.14 and Section 23.7.2.3 .

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Environment Agency	Scoping Opinion (02/08/24)	<p>Noise and Vibration</p> <p>There are number of ditches/drains that fall within the proposed site boundary, which are likely to be hydrologically connected to more significant watercourses adjacent and running through the site. It is our opinion that this ditch/drain network will support habitat suitable for European eel and other fish species, as well as those present in main watercourses (e.g., River Hull). The PEIR and CEMP should include an assessment of the impacts on eel and other fish species from the construction activities (i.e., runoff, lighting, noise/vibration from piling and machinery), operation and decommissioning of the development. Details of mitigation must be included where any impacts have been identified. It is recommended that fish surveys are conducted on ditches/drains across the site. It is known the European eel also inhabit such ditch networks. European eels are listed as critically endangered on the IUCN Red List of Threatened Species, they are also listed as a species of principal importance under Section 41 of the NERC Act. They are also protected under The Eels (England and Wales) Regulations 2009. The results should then form part of the baseline data for the ES.</p>	The assessment of the impacts upon ecological receptors is presented in Volume 1, Chapter 23 Onshore Ecology and Ornithology and includes potential impacts upon fish in Section 23.7.1.14 and Section 23.7.2.3 .
Environment Agency	Scoping Opinion (02/08/24)	<p>Electro-Magnetic Fields</p> <p>Potential impacts on fish from Electro Magnetic Fields (EMF's) have only been scoped in for the offshore operational cables. Where onshore cable crossings of waterbodies are planned, there is the potential for an impact on fish from EMFs. An assessment of the impact of EMFs from power cables, on fish species where crossing waterbodies, needs to be included within the ES</p>	The assessment of the impacts upon ecological receptors in Volume 1, Chapter 23 Onshore Ecology and Ornithology includes potential impacts upon fish in Section 23.7.1.14, Section 23.7.2.3 , with EMF covered in the latter.

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		<p>Studies have found EMFs can affect individual organisms during embryonic and larval stages. Sea lamprey and river lamprey spend their juvenile stages on the bed of the river (normally in silty areas). As such, this could lead to localised impacts on any fish near the power cables, where there could be an increase in EMF. Additionally, the migratory species (brown/sea trout, European smelt, European eel) present in the River Hull may be affected by any increase in EMF. Further information is required on the level of EMFs from the buried electrical cables. It is noted that shielding of cables and depth of cables under the watercourse may offer suitable mitigation. As the River Hull is functionally linked to the Humber Estuary SAC, any impact from the river cable crossing on fish associated with the SAC designation, should be screened at Stage 1 of an HRA and submitted as part of the DCO. There are records of juvenile river lamprey in the River Hull.</p>	
Environment Agency	Scoping Opinion (02/08/24)	<p>Biodiversity Net Gain</p> <p>We are pleased to see BNG captured in this Scoping Opinion. We would encourage the applicant to capture River Basin Management Plans (RBMP), Catchment Plan 12 , Local Nature Recovery Strategies (LNRS), WFD Mitigation Measures and objectives, SMP, and the Restoring Meadows, Marsh and Reef Programme (ReMeMaRe).</p> <p>We will expect to see the River Condition Assessment for</p>	<p>Embedded mitigation related to BNG is discussed in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 23.4.3, Table 23-5 (in particular see Commitment ID CO82). An Outline BNG Strategy will be provided at ES stage which will consider the relevant plans and strategies as noted in this response.</p> <p>River Condition Assessment for watercourses are proposed to be carried out in 2025 (as detailed within Volume 1, Chapter 23</p>

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		<p>watercourse BNG being referred to within the report. We also encourage developers to look at cumulative/strategic BNG potential.</p> <p>We welcome the mention of a Biodiversity Gain Plan to be submitted but would also like to see a Habitat Monitoring and Management Plan (HMMP).</p> <p>There is no reference to Chapter 4.6 (Environmental and Biodiversity Net Gain) of the EN-1, in addition to this we would expect to see Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework being referred to.</p> <p>We would expect to see reference to The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 which set out the modifications for irreplaceable habitat. The enhancement of biodiversity in and around development should be led by a local understanding of ecological networks, and should seek to include:</p> <p>habitat restoration, re-creation and expansion. improved links between existing sites. buffering of existing important sites. new biodiversity features within development; and securing management for long term enhancement"</p>	<p>Onshore Ecology and Ornithology, Section 23.4.3, Table 23-8). These will inform the Outline BNG Strategy.</p> <p>Where required under emerging regulatory requirements for Nationally Significant Infrastructure Projects, a BNG Strategy will set out the approach of assessing and securing BNG for the onshore components of the Project and deliver at least 10% BNG. As part of this, it is anticipated that a HMMP will be provided to secure any BNG obligations. The intention is that this will be provided post consent and prior to commencement of construction.</p> <p>Chapter 4.6 (Environmental and Biodiversity Net Gain) of the EN-1, and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework are referred to within Sections 23.2.1 and 23.2.2 of Volume 1, Chapter 23 Onshore Ecology and Ornithology. The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 have been referenced within Section 23.2.2.2.5 of Volume 1, Chapter 23 Onshore Ecology and Ornithology.</p>
Environment Agency	Scoping Opinion (02/08/24)	<p>Biodiversity Net Gain</p> <p>The Environment Act 2021 looks to ensure that the overall impact from development on the environment is</p>	<p>Embedded mitigation related to BNG is discussed in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 23.4.3, Table 23-5 (in particular see Commitment ID</p>

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		<p>positive. The Act includes measures to strengthen local government powers in relation to net gain and a minimum requirement of 10% biodiversity net gain. Although we recognise that provision of BNG is not yet mandatory for Nationally Significant Infrastructure Project, we encourage the applicant to consider an approach to development that results in measurable net gains in biodiversity, having taken positive and negative impacts into account.</p> <p>The PPG provides guidance on the application of net gain and Institute of Ecology and Environmental Management, together with CIRIA and the Institute of Environmental Management and Assessment have published guidance on how to deliver net gain in practice.</p>	<p>CO82).</p> <p>An Outline BNG Strategy will be provided at ES stage which will consider relevant guidance as noted in this response.</p>
Environment Agency	ETG6 (02/10/24)	<p>When assessing potential impacts from noise and vibration on fish, the assessment should be in accordance with Popper <i>et al.</i> (2014) Sound Exposure Guidelines for Fishes and Sea Turtles.</p>	<p>The assessment of the impacts upon ecological receptors includes potential impacts upon fish in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 23.7.1.14 and Section 23.7.2.3, including consideration of Popper et a., 2014.</p>
Natural England	Scoping Opinion (02/08/24)	<p>Ecological Aspects of an Environmental Statement</p> <p>Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA)</p>	<p>CIEEM guidelines are referenced in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 23.5.3, and NPPF guidance is referenced in Section 23.2.2.</p>

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		<p>have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.</p> <p>EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.</p> <p>The National Planning Policy Framework (NPPF) sets out guidance in paragraphs 174-175 and 179-182 on how to take account of biodiversity interests in planning decisions and the framework that the responsible authority should provide to assist developers. Further guidance is set out in Planning Practice Guidance on the natural environment.</p>	
Natural England	Scoping Opinion (02/08/24)	<p>Sites of Special Scientific Interest (SSSI)</p> <p>The Generation assets and Offshore Transmission assets of the Project do not fall within or adjacent to any nationally designated sites.</p> <p>The Onshore Transmission assets of the development are within/adjacent to the Burton Bushes; Hornsea Mere; Bryan Mill Field; Leven Canal; Withow Gap; and Skipsea Bail Mere Sites of Special Scientific interest (SSSI).</p> <p>The ES should include a full assessment of the direct and indirect effects of the development on the features of special interest within all identified sites and should</p>	<p>The assessment of effects of the development on SSSI is included in Section 23.7.1.1 and Section 23.7.2.1 of Volume 1, Chapter 23 Onshore Ecology and Ornithology. Embedded mitigation measures are outlined in Section 23.4.3.</p>

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		identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.	
Natural England	Scoping Opinion (02/08/24)	<p>Regionally and Locally Important Sites</p> <p>The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geo-conservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The ES should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures</p>	<p>The assessment of effects of the Project on regionally and locally important ecological sites is included in Section 23.7.1.1 and Section 23.7.2.1 of Volume 1, Chapter 23 Onshore Ecology and Ornithology. Embedded mitigation measures are outlined in Section 23.4.3.</p> <p>Local geological sites are assessed in Volume 1, Chapter 19 Geology and Ground Conditions.</p>
Natural England	Scoping Opinion (02/08/24)	<p>Habitats and Species of Principal Importance</p> <p>The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as ‘Habitats and Species of Principal Importance’ within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity.</p> <p>Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, ‘are capable of</p>	<p>The impacts of the Project on habitats and species of principal importance are assessed throughout Section 23.7 of Volume 1, Chapter 23 Onshore Ecology and Ornithology.</p>

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		being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.	
Natural England	Scoping Opinion (02/08/24)	<p>For Developments with a Land based element</p> <p>Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:</p> <ul style="list-style-type: none"> Any historical data for the site affected by the proposal (e.g. from previous surveys); Additional surveys carried out as part of this proposal; The habitats and species present; The status of these habitats and species (e.g. whether priority species or habitat); The direct and indirect effects of the development upon those habitats and species; Full details of any mitigation or compensation that might be required. <p>The development should seek if possible to avoid</p>	<p>A description of the baseline information available on the ecological receptors present is included in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 23.6, (with further information presented in Volume 2, Appendix 23.2 Preliminary Ecological Appraisal Report) and the potential impacts upon these receptors is assessed in Section 23.7.</p> <p>Additional ecological surveys, covering habitats, species, rivers and botanical surveys, will be undertaken in 2025 to inform the ES. A list of these surveys can be found in Section 23.5.2, Table 23-8 of Volume 1, Chapter 23 Onshore Ecology and Ornithology.</p>

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		adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.	
Natural England	Scoping Opinion (02/08/24)	<p>Priority Habitats and Species</p> <p>Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found here. Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.</p> <p>Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to download.</p> <p>An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.</p>	<p>A description of the baseline information available on the priority habitats and species is included in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 23.6, and the potential direct and indirect impacts upon these receptors is assessed in Section 23.7.</p> <p>Additional ecological surveys, covering habitats, species, rivers and botanical surveys, will be undertaken in 2025 to inform the ES. A list of these surveys can be found in Section 23.5.2, Table 23-8 of Volume 1, Chapter 23 Onshore Ecology and Ornithology.</p> <p>Opportunities for BNG and any further enhancement will be identified and provided within the ES.</p>

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		<p>The ES should include details of:</p> <ul style="list-style-type: none"> Any historical data for the site affected by the proposal (e.g. from previous surveys) Additional surveys carried out as part of this proposal The habitats and species present The status of these habitats and species (e.g. whether priority species or habitat) The direct and indirect effects of the development upon those habitats and species Full details of any mitigation or compensation measures Opportunities for biodiversity net gain or other environmental enhancement. 	
Natural England	Scoping Opinion (02/08/24)	<p>Biodiversity Net Gain</p> <p>The Environment Act 2021 includes NSIPs in the requirement for BNG, with the biodiversity gain objective for NSIPs defined as at least a 10% increase in the pre-development biodiversity value of the on-site habitat. It is the intention that BNG should apply to all terrestrial NSIPs accepted for examination from November 2025. This includes the intertidal zone but excludes the subtidal zone (an approach to marine net gain is being developed but this will not form part of mandatory BNG). Projects that span both offshore and onshore will be subject to BNG requirements for the onshore components only. Some organisations have made public BNG Commitments, and some projects are already delivering BNG on a voluntary basis.</p>	<p>Embedded mitigation related to BNG is discussed in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 23.4.3, Table 23-5. Within this embedded mitigation, where required under emerging regulatory requirements, the Project will deliver at least 10% BNG (see Commitment ID CO82). Further details of the BNG Strategy for the Project will be provided within the ES.</p>

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Natural England	Scoping Opinion (02/08/24)	<p>Climate Change Adaptation</p> <p>The England Biodiversity Strategy published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Para 174), which should be demonstrated through the ES.</p>	<p>The effects of climate change where relevant to ecological receptors have been discussed in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 23.6.4 Predicted Future Baseline, and the effects of climate change have been assessed in further detail in Volume 1, Chapter 31 Climate Change.</p>
Natural England	Scoping Opinion (02/08/24)	<p>Water Quality</p> <p>Potential for impacts to designated sites through surface water run-off from the development site will need to be assessed, this should include potential for increased nutrient and other pollutant inputs. Appropriate mitigation should be provided for sites that are hydrologically linked to the site. Designated sites that are within close proximity and are potentially hydrologically linked include Burton Bushes; Hornsea Mere; Bryan Mill Field; Leven Canal; Withow Gap; and Skipsea Bail Mere Sites of Special Scientific interest (SSSI). Please note that Hornsea Mere is also classified as a Special Protection Area (SPA)</p> <p>Production of a Construction Environmental Management Plan (CEMP) prior to commencement of the construction work which includes the following</p>	<p>The assessment of effects of the Project on designated sites, including those listed here, is included in Section 23.7.1.1, Section 23.7.1.2 and Section 23.7.2.1 of Volume 1, Chapter 23 Onshore Ecology and Ornithology. This assessment includes potential impacts from surface water run-off.</p> <p>A Construction Surface Water Drainage Plan and a Pollution Prevention Plan will be provided as part of the CoCP submitted post-consent. The plans will be developed in accordance with the Outline CoCP. See Commitment IDs CO40 and CO43, Appendix 6.3 Commitments Register.</p>

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		information; A surface water drainage strategy.	
Natural England	Scoping Opinion (02/08/24)	<p>Direct habitat/ feature damage</p> <p>The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within SSSIs and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects. The sites most at risk due to being in close proximity to the boundary are Burton Bushes; Hornsea Mere; Bryan Mill Field; Leven Canal; Withow Gap; and Skipsea Bail Mere Sites of Special Scientific interest (SSSI).</p>	The assessment of effects of the Project on designated sites, including SSSIs, is included in Section 23.7.1.2 and Section 23.7.2.1 of Volume 1, Chapter 23 Onshore Ecology and Ornithology .
Natural England	Scoping Opinion (02/08/24)	<p>Bird Surveys</p> <p>Potential impacts that may arise from the proposal relate to the presence of mobile Humber Estuary SPA interest features both within and outside of the site boundary. Natural England advises that suitable bird surveys should be carried out to allow the HRA to consider:</p> <ul style="list-style-type: none"> any impacts due to potential direct loss of functionally linked feeding habitat for Humber Estuary SPA bird species; the potential for loss of functionally linked land which is adjacent to the project due to disruption of open vistas; the potential for noise and visual disturbance impacts (including lighting) on functionally linked land during construction and operation. 	Scope and methodology of bird surveys was agreed through the Evidence Plan Process (EPP). Surveys have covered the overwintering and also autumn and spring passage seasons of non-breeding birds (particularly SPA bird species) and concluded in May 2025. Volume 1, Chapter 23 Onshore Ecology and Ornithology is informed by survey data from August to December 2024. The full programme of survey data will be presented in and used to inform the ES.

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		<p>Natural England notes that 1248 of the EIA Scoping Report (November 2023) states that overwintering and passage bird surveys of the Site are proposed. Additionally, 'further targeted non-breeding bird surveys including nocturnal surveys' are 'anticipated to be undertaken in 2023/2024'. It is additionally stated in 6.2.7 that 'the bird survey data is currently being reviewed... with additional wintering survey ongoing to aid assessment'.</p> <p>We welcome that wintering bird surveys are proposed and will provide detailed advice once the results are available to review. We note that the methodology for these surveys was not included in the documents provided, so we are unable to advise on their suitability at this stage.</p> <p>Please refer to Annex D (attached) for Natural England's guidance on passage and wintering bird surveys for functionally linked land associated with the Humber Estuary designated sites.</p>	
Natural England	Scoping Opinion (02/08/24)	<p>Functionally linked land</p> <p>Based on the location provided, the development is within 8km of the Humber Estuary designated sites and falls within a SSSI Impact Risk Zone.</p> <p>Natural England advises that likely significant effect from loss of functionally linked land cannot be ruled out at the screening stage due to potential habitat suitability and the presence of Humber Estuary SPA species recorded at the site. Therefore, we advise that the bird survey results, and other relevant data, should be considered at</p>	<p>The Onshore Development Area lies within 10km of the Humber Estuary (approximately 9.4km away). A Functionally Linked Land assessment is carried out in Section 6.4.2 of the Report to Inform Appropriate Assessment (document number 5.3, published alongside this PEIR) for the Humber Estuary SPA. This considers relevant existing data and preliminary bird survey results. It is also supported by the following information: Data searches from NEYEDC, eBird Basic</p>

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		<p>the appropriate assessment stage of the HRA. We note from section 6.2.5 of the EIA Scoping Report (November 2023) that 800 golden plover were recorded within the site boundary. This represents 3.84% of the Humber Estuary population (based on the Humber Estuary WeBS 5-year average count). We therefore advise that these results should be assessed in more detail.</p> <p>Natural England has generally advised that if $\geq 1\%$ of a Humber Estuary bird species population could be affected by a proposal, alone or in combination with other plans or projects, then further consideration is required. However, where species are particularly vulnerable due to declines in the Humber population, then it may not be appropriate to rely on the 1% of the estuary population as the critical threshold. Mitigation measures may be required where lower numbers of vulnerable species are using a site that is proposed for development.</p> <p>As well as proposal-specific surveys, we recommend you also obtain the following information to support the Habitats Regulations Assessment (HRA):</p> <ul style="list-style-type: none"> • A data search from appropriate source/s, such as the local Ecological Data Centre; • Consultation with the Council's Ecologist; • Consultation with local bird groups and other organisations that may hold relevant data; and • A desk-based assessment - using aerial photography, mapping, habitat maps and relevant ecological literature – of the suitability for SPA/ 	<p>Dataset and BTO Birdtrack; consultation with the Council's Ecologist (via the ETG6 meetings); and a desk-based assessment of aerial photography, mapping, habitat maps, Natural England's Supplementary Advice on Conservation Objectives for the SPA, Advice on Operations for the SPA, WeBS data for the SPA, use by SPA/Ramsar birds of the habitats present on the proposed site and any potentially suitable adjacent fields. This assessment is then referenced and summarised in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 23.7.1.1. The assessment for the PEIR is informed by desk-based data in line with comments of Natural England at Appendix 2 of the Scoping Opinion, plus initial bird surveys. The scope and methodology of these surveys was agreed at ETG6 meeting 2 (2nd October 2024). The overwintering and passage bird surveys concluded in May 2025, the breeding bird surveys run March to August 2025. These will inform the ES assessment. The referenced record of 800 golden plover, and Section 6.2.5 of the Scoping Report have been clarified with Natural England to relate to superseded scoping report covering a different area with close proximity to the SPA.</p>

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		<p>Ramsar birds of the habitats present on the proposed site and any potentially suitable adjacent fields.</p> <p>We highlight that one of the features of the Humber Estuary SPA is an internationally important assemblage of waterbirds. The impacts of the proposal should be assessed with respect both to individual qualifying species and the overall assemblage. Please refer to Annex E for further guidance on the ‘main component species’ of the waterbird assemblage.</p>	
Natural England	Scoping Opinion (02/08/24)	<p>Noise and visual disturbance</p> <p>Natural England advise there is potential for noise and visual disturbance impacts during both construction and decommission phases on designated sites/functionally linked land. We note and welcome that bird surveys and the interpretation of these is ongoing. We will provide detailed comments when these surveys are complete.</p> <p>We advise the HRA should detail noise levels during both construction and decommission phases of the development, and consider the impact of the noise levels on designated birds which may be utilising land functionally linked to the Humber Estuary SPA. For functionally linked land, the results of the surveys should be used to inform whether disturbing noise levels from the development will reach land utilised by significant bird numbers and inform the requirement for mitigation.</p> <p>The HRA should also consider the potential for visual</p>	<p>A Functionally Linked Land assessment is carried out in in Section 6.4.2 of the Report to Inform Appropriate Assessment (document number 5.3, published alongside this PEIR) for the Humber Estuary SPA and appropriate assessment for noise and visual disturbance and displacement is carried out in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 8.4.3.3.1 to 8.4.14.3.1. This considers whether designated birds utilise land functionally linked to the Humber Estuary SPA within the zone of influence (ZOI). This is informed by the results of the desk study and initial surveys, as to whether disturbing noise levels from the development will reach land utilised by significant bird numbers.</p> <p>The assessment also considers the potential for visual disturbance during construction and</p>

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		<p>disturbance during construction and operation of the development via lighting and movement of large machinery.</p> <p>The HRA should also consider the potential noise and visual impacts to Hornsea Mere SPA during both the construction and decommission phases. The site is also nationally designated as Hornsea Mere SSSI. It should be noted the SSSI has additional designated bird features which are not included within the SPA designation, and impacts to these features will also require assessment.</p>	<p>operation of the development via lighting and movement of large machinery.</p> <p>Hornsea Mere SPA is screened out of the HRA as the outcome of the site selection process for the onshore Export Cable Corridor (ECC) has resulted in the SPA lying more than 5km from the Onshore Development Area (see Section 4.2 of the Report to Inform Appropriate Assessment (document number 5.3, published alongside this PEIR)).</p>
Natural England	Scoping Opinion (02/08/24)	<p>Natural England recommends that surveys are undertaken of the site and surrounding fields to provide an overview of bird usage during wintering and spring/autumn passage periods.</p> <p>We recommend that the surveys are carried out in line with the following best practice guidance. Where alternative approaches are used, clear justification should be provided.</p> <p>Please note that recommended survey periods, frequency and design may differ for sites located within the boundaries of Humber Estuary or Lower Derwent Valley designated sites, or in proximity to other designated sites. Please contact Natural England in such cases.</p>	<p>Surveys informing the PEIR and ES have been undertaken covering the site and surrounding fields to provide an overview of bird usage during wintering and spring/autumn passage periods. The surveys are described in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 23.5.2.2 and in Section 23.12.</p> <p>Survey periods, frequency and design have been agreed with Natural England on the basis of the location within 10km of the boundary of the Humber Estuary SPA.</p>

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Natural England	Scoping Opinion (02/08/24)	<p>[Survey periods and frequency]- Natural England recommends that surveys are completed at the following frequency:</p> <ul style="list-style-type: none"> Autumn Passage – two surveys per month between August to October inclusive. Winter - two surveys per month between October to March inclusive. Spring Passage – two surveys per month between March - Mid-May inclusive. <p>We advise that spring and autumn passage surveys are completed (in addition to winter surveys) as the Humber Estuary and Lower Derwent Valley SPAs are important for species migrating between breeding and wintering sites...</p> <p>Weekly visits during the autumn and spring passage periods are recommended where birds are likely to be present in the migration period only, due to high turnover of birds during migration. Note that certain passage species, such as whimbrel associated with the Lower Derwent Valley SPA, may have specific survey requirements due to their migration behaviour. Please discuss such cases with Natural England.</p> <p>Natural England recommends that two years of wintering and passage surveys should be completed in certain cases to provide a more robust understanding of SPA bird usage on the site and inform design of suitable mitigation, where relevant. This will depend on site-specific factors, for example where proposed development sites:</p>	<p>The survey periods and frequency have been agreed through the EPP (ETG6, meeting 2, 2nd October 2024). The surveys are described in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 23.5.2.2 and in Section 23.12. The frequency of two surveys per month is applied to potential Functionally Linked Land of the Humber Estuary SPA, and the landfall (intertidal). The remainder is covered once per month. The Onshore Development Area was covered by site specific surveys between August and mid-May inclusive. Data from the full programme of surveys will be presented in the ES.</p>

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		<ul style="list-style-type: none"> are in very close proximity to the designated site/s; and/or have a large development footprint; and/or are expected/shown to have high bird sensitivity, especially where activity varies significantly between years; and/or <ul style="list-style-type: none"> existing bird records / expert advice demonstrates usage of the site by high numbers of SPA birds. 	
Natural England	Scoping Opinion (02/08/24)	<p>Survey design</p> <p>Wintering/passage surveys should be designed to ensure that results are sufficient to provide a robust picture of distribution, abundance and regularity of use by waterbirds associated with the Humber Estuary and/or Lower Derwent Valley SPAs across the full extent of the proposed development site</p> <p>A detailed methodology should be included in the relevant report/s, including key information such as number of visits, date and time of visits, viewpoint locations and/or transect routes walked. The survey results should provide some understanding of how the birds use the site (for example, for roosting or foraging) as well as presence/ absence. We would expect to see commentary of birds landing and taking off within and outwith the development site. We also recommend recording birds in flight, particularly if the application may have the potential to affect bird flight lines.</p>	<p>The surveys are described in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 23.5.2.2 and in Section 23.12. The dates, times, weather and transect routes/vantage points for the surveys completed in 2024 (August to December) are provided in Volume 1 Chapter 23 Onshore Ecology and Ornithology, Section 23.5.2.2, Table 23-9.</p> <p>After the conclusion of the overwintering and passage bird survey programme in 2025 the full set of surveys will be provided in the Overwintering Bird Surveys report and appended to the ES.</p>

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		<p>Consideration should also be given to surveys in poor weather/ visibility conditions. Usual survey methodology is to avoid surveying in poor conditions due to potential reduced detectability of birds. However, use can vary in different weather conditions, so it may be helpful to carry on with surveys in poor weather. Weather conditions may affect the results of the surveys and therefore should be considered in assessing the robustness of the dataset.</p> <p>In addition, details of wider weather conditions should be included, for example, where there may have been a particularly wet or cold season and this may change bird distribution across the area, due to frozen ground etc. Furthermore, a milder autumn may lead to wintering birds arriving later and vice versa in colder autumns.</p> <p>The methodology should also consider whether the site has any seasonal features such as dips and low-lying areas that retain water at particular times, for example early in the season or in wet years. These areas may have importance for waders at these times, but if surveyed during a drier spell or where full passage/winter surveys have not been completed, it may be possible to underestimate the importance of the site.</p>	
Natural England	Scoping Opinion (02/08/24)	<p>Survey design</p> <p>For sites in close proximity to the Humber Estuary, the surveys should cover different tidal states. Use of sites closer to the estuary are more likely to be tidally influenced. For sites which may potentially affect high</p>	The surveys are described in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 23.5.2.2 and in Section 23.12 . Nocturnal visit information and tide times relative to survey times completed in 2024 (August to December) are provided in

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		<p>tide roosts, observations should be conducted from two hours before high tide to two hours after high tide. For sites where there are high tide roosts, it may be beneficial to have a series of counts at different heights of tides ('through the tide counts'), as some sites are only used on Spring tides and others are only used on Neap and low tides.</p> <p>For sites in proximity to the Lower Derwent Valley, the surveys should cover different times of day and different flooding states in the valley. For example, during certain winter periods, the designated site may be extensively flooded and therefore usage of surrounding functionally linked land may be higher for wading birds.</p> <p>The surveys should cover open arable land/grassland and any waterbodies within the proposed site boundary, as well as land adjacent to the development that could be affected and provides the potential to support designated site species. Where a site is adjacent to the Humber Estuary designated site, additional considerations may be required, for example ensuring adequate surveys of intertidal habitats. Please contact Natural England in such cases.</p>	<p>Volume 1 Chapter 23 Section 23.5.2.2, Table 23-9.</p> <p>After the conclusion of the overwintering and passage bird survey programme in 2025 the full set of surveys will be provided in the Overwintering Bird Survey report and appended to the ES.</p>
Natural England	Scoping Opinion (02/08/24)	<p>Survey design</p> <p>Surveys may also need to take account of surveys at dusk and dawn, depending upon the bird species (i.e. geese and swans). If geese and swans have the potential to use the development site or surrounding area, we would expect to see surveys 1 hour before and 1 hour after, dusk and dawn during the respective bird survey season (i.e. winter, spring and autumn passage (as</p>	<p>The timings of surveys have been given in Volume 1, Chapter 23 Onshore Ecology and Ornithology in Section 23.5.2, Table 23-8, with further details of survey method available within Volume 2, Appendix 23.2 Preliminary Ecological Appraisal Report. The methodology for the overwintering and passage bird baseline characterisation has</p>

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		above)). These surveys should be in addition to the standard daytime survey but can be carried out on the same day. For example, a dawn survey to count geese or swans at their night-time roost could then extend into a survey of daytime use of fields for foraging.	been agreed with Natural England at ETG6, Meeting 2 on 2 nd October 2024. Further details on survey design for 2025 surveys will be available at ES stage.
Natural England	Scoping Opinion (02/08/24)	<p>Survey design</p> <p><i>"Natural England generally recommends that observations from vantage points (VP) are used. VP surveys are considered preferable to walkover surveys for observing behaviour of birds on the ground (i.e., whether they are foraging/loafing etc.), and to minimise the risk of flushing birds due to movement of a surveyor during a walkover survey. Also, birds which may otherwise have landed in the field during the survey period may be unlikely to do so with the presence of a moving surveyor. If landscape features mean it is not possible to avoid walking through part of the survey area to get from one point count to another, this should be noted and the reaction of any birds present recorded, including any that are flushed.</i></p> <p><i>Further guidance on vantage point surveys can be found at Recommended bird survey methods to inform impact assessment of onshore windfarms NatureScot. Natural England recognises that the NatureScot VP guidance is written for impacts associated with wind turbines. However, Natural England considers that the survey guidance detailed in Section 3.7 provides an appropriate methodology to identify distribution and abundance of</i></p>	The surveys are described in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 23.5.2.2 and in Section 23.12 . Vantage point methodology is used in the suite of surveys at: a) sites of permanent land take and b) potential FLL of the SPA.

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		<p><i>birds to inform the assessment of other developments. We acknowledge that some of the information regarding the required watch hours and height considerations etc will not be relevant in the context of other developments. Therefore, site specific considerations should be taken into account when designing the survey methods.</i></p> <p><i>Where VP surveys are not considered appropriate for a particular site, clear reasoning and justification regarding the alternative survey methods undertaken should be provided.</i></p> <p><i>Natural England has generally advised that if $\geq 1\%$ of a Humber Estuary bird species population could be affected by a proposal, alone or in combination with other plans or projects, then further consideration is required. However, where species are particularly vulnerable due to declines in the Humber population, then it may not be appropriate to rely on the 1% of the estuary population as the critical threshold. Mitigation measures may be required where lower numbers of vulnerable species are using a site that is proposed for development."</i></p>	
Natural England	Scoping Opinion (02/08/24)	<p>Nocturnal Surveys</p> <p>Wader and waterfowl usage of arable land/grassland outside designated sites can be substantially different at night. Therefore, Natural England recommends nocturnal surveys are also carried out if waders and/or waterfowl have the potential to use the development site. These surveys should be in addition to the standard</p>	The surveys are described in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 23.5.2.2 and in Section 23.12 . Nocturnal surveys are used in the suite of surveys at: a) sites of permanent land take and b) potential Functionally Linked Land of the Humber Estuary SPA.

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		<p>daytime surveys. We recommend that several visits should be completed to determine if the site and/or surrounding areas play a regular role in supporting SPA species at night. Night vision/infra-red equipment and survey on moonlit nights can establish presence of nocturnal species or presence and direction of feeding/migration movements both by calls and by sight.</p> <p>Guidance on nocturnal surveys can be found at Nocturnal bird surveys Bird Survey Guidelines. The nocturnal survey design should take this guidance into account, and the approach should be justifiable in the assessment. It should be noted that for most species nocturnal activity is likely to be underestimated in any attempted survey.</p>	
Natural England	Scoping Opinion (02/08/24)	<p>Annex E – Humber Estuary SPA component species</p> <p>Confusion can arise concerning which species to consider when assessing the Humber Estuary SPA non-breeding, waterbird assemblage feature.</p> <p>Natural England recommends focusing on what are referred to as the ‘main component species’ of the assemblage. Main component species are defined as:</p> <ul style="list-style-type: none"> a) All species listed individually under the assemblage feature on the SPA citation (i.e the species that qualified in 2007 when the site was designated). b) Species which might not be listed on the SPA citation but occur at site levels of more than 1% of the national population according to the most recent Humber Estuary Wetland Bird Survey (WeBS) 5-year average count 	<p>The species to be considered as main component species of the Humber Estuary SPA waterbird assemblage are in line with the definitions a-c advised by Natural England and are named in the Report to Inform Appropriate Assessment (document number 5.3, published alongside this PEIR), Section 6.4. This informs the Functionally Linked Land assessment in the Report to Inform Appropriate Assessment which is summarised in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 23.7.1.1.</p>

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		<p>(currently 2017/18 - 2021/22).</p> <p>c) Species where more than 2000 individuals are present according to the most recent Humber Estuary WeBS count.</p> <p>The assemblage qualification is therefore subject to change as species' populations change. It should be noted that species listed on the citation under the assemblage features, whose populations have fallen to less than 1% of the national population, retain their status as a main component species and should be considered when assessing the impacts of a project or plan on the Humber Estuary SPA.</p>	
Natural England	Scoping Opinion (02/08/24)	<p>Annex E – Humber Estuary SPA component species</p> <p>"Natural England advises that the main component species of the Humber Estuary SPA non- breeding waterbird assemblage include (June 2023):</p> <p>a) Species listed individually under the assemblage feature on the SPA citation:</p> <p>Avocet, <i>Recurvirostra avosetta</i> (non-breeding)</p> <p>Bar-tailed godwit, <i>Limosa lapponica</i> (non-breeding)</p> <p>Bittern, <i>Botaurus stellaris</i> (non-breeding)</p> <p>Black-tailed godwit, <i>Limosa limosa islandica</i> (non-breeding)¹</p> <p>Brent goose, <i>Branta bernicla</i> (non-breeding)¹</p> <p>Curlew, <i>N. arquata</i> (non-breeding)¹</p>	

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		<p>Dunlin, <i>Calidris alpina alpina</i> (non-breeding)1</p> <p>Golden plover, <i>Pluvialis apricaria</i> (non-breeding)1</p> <p>Goldeneye, <i>Bucephala clangula</i> (non-breeding)</p> <p>Greenshank, <i>T. nebularia</i> (non-breeding)</p> <p>Grey plover, <i>P. squatarola</i> (non-breeding)</p> <p>Knot, <i>Calidris canutus</i> (non-breeding)</p> <p>Lapwing, <i>Vanellus vanellus</i> (non-breeding)1</p> <p>Mallard, <i>Anas platyrhynchos</i> (non-breeding)1</p> <p>Oystercatcher, <i>Haematopus ostralegus</i> (non-breeding)</p> <p>Pochard, <i>Aythya farina</i> (non-breeding)</p> <p>Redshank, <i>Tringa totanus</i> (non-breeding)1</p> <p>Ringed plover, <i>Charadrius hiaticula</i> (non-breeding)</p> <p>Ruff, <i>Philomachus pugnax</i> (non-breeding)1</p> <p>Sanderling, <i>Calidris alba</i> (non-breeding)</p> <p>Scaup, <i>Aythya marila</i> (non-breeding)</p> <p>Shelduck, <i>Tadorna tadorna</i> (non-breeding)1</p> <p>Teal, <i>Anas crecca</i> (non-breeding)1</p> <p>Turnstone, <i>Arenaria interpres</i> (non-breeding)</p> <p>Whimbrel, <i>Numenius phaeopus</i> (non-breeding)1</p> <p>Wigeon, <i>Anas Penelope</i> (non-breeding)1</p> <p>The species marked 1 in bold text are known to use off-site supporting habitat / functionally linked land (FLL)</p>	

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		(e.g. arable farmland, grassland/pasture, and/or non-estuarine waterbodies) in the nonbreeding season and may therefore be the most relevant for assessing potential impacts of a proposed plan/project on birds using FLL associated with the Humber Estuary SPA. However, please note that this list should be used as a guide only; usage may depend on factors such as the habitats available on the site and distance to the Humber Estuary etc. Therefore, assessments of potential impacts on birds using functionally linked land should consider all relevant species and clear justification should be provided if any species are excluded from the assessment. "	
Natural England	Scoping Opinion (02/08/24)	<p>Annex E – Humber Estuary SPA component species</p> <p>"b) Species which are not listed on the SPA citation but occur at site levels of more than 1% of the national population according to the most recent Humber Estuary Wetland Bird Survey (WeBS) 5- year average count:</p> <p>Green sandpiper, Tringa ochropus (non-breeding)</p> <p>Greylag goose, Anser anser (non-breeding)¹</p> <p>Little egret, Egretta garzetta (non-breeding)¹</p> <p>Pink-footed goose, Anser brachyrhynchus (non-breeding)¹</p> <p>Shoveler, Anas clypeata (non-breeding)</p> <p>Crane, Grus grus (non-breeding)¹</p> <p>As stated above, the assemblage qualification is subject to change as species' populations change; therefore, the appropriate WeBS data should be considered in any</p>	

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		<p>assessment and the above list should be used as a guide only.</p> <p>The species marked 1 in bold text are known to use off-site supporting habitat / functionally linked land (FLL) (e.g. arable farmland, grassland/pasture, and/or non-estuarine waterbodies) in the nonbreeding season and may therefore be the most relevant for assessing potential impacts of a proposed plan/project on birds using FLL associated with the Humber Estuary SPA. However, please note that this list should be used as a guide only; usage may depend on factors such as the habitats available on the site and distance to the Humber Estuary etc. Therefore, assessments of potential impacts on birds using functionally linked land should consider all relevant species and clear justification should be provided if any species are excluded from the assessment. "</p>	
Natural England	Scoping Opinion (02/08/24)	<p>Annex E – Humber Estuary SPA component species</p> <p>Please note, the advice set out above should be considered when assessing potential impacts on the waterbird assemblage feature. You will also need to consider potential impacts on species which are not considered to be non-breeding waterbirds but are listed on the citation qualifying under article 4.1 and 4.2 of the Directive. These include:</p> <ul style="list-style-type: none"> • Hen harrier, <i>Circus cyaneus</i> (non-breeding)1 • Marsh Harrier, <i>Circus aeruginosus</i> (breeding)1 • Little tern, <i>Sterna albifrons</i> (breeding) 	

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		<ul style="list-style-type: none"> • Avocet, <i>Recurvirostra avosetta</i> (breeding) • Bittern, <i>Botaurus stellaris</i> (breeding) <p>The species marked 1 in bold text are known to use off-site supporting habitat / functionally linked land (FLL) (e.g. arable farmland, grassland/pasture, and/or non-estuarine waterbodies) in the nonbreeding season and may therefore be the most relevant for assessing potential impacts of a proposed plan/project on birds using FLL associated with the Humber Estuary SPA. However, please note that this list should be used as a guide only; usage may depend on factors such as the habitats available on the site and distance to the Humber Estuary etc. Therefore, assessments of potential impacts on birds using functionally linked land should consider all relevant species and clear justification should be provided if any species are excluded from the assessment.</p>	
Forestry Commission	Scoping Opinion (02/08/24)	<p>"As a Non-Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather, we are providing information on the potential impact that the proposed development could have on woodland. The Forestry Commission is pleased to provide you with the following information that may be helpful when you consider the application:</p> <ul style="list-style-type: none"> • Details of Government policy relating to ancient woodland • Information on the importance and designation of ancient woodland 	<p>Potential effects of the Project on ancient woodlands have been assessed in Volume 1, Chapter 23 Onshore Ecology and Ornithology Section 23.7.1.3 and Section 23.7.2.2, and embedded mitigation relevant to this chapter related to ancient woodland and root protection zones has been included in Section 23.4.3, Table 23-5 (see Commitment ID CO59).</p>

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		<ul style="list-style-type: none"> Details of Government policy relating to non-ancient woodland <p>Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS).</p> <p>It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless “there are wholly exceptional reasons and a suitable compensation strategy exists” (National Planning Policy Framework paragraph 186c)... please see the joint Forestry Commission /Natural England Standing Advice on Ancient Woodland – “Ancient woodland, ancient trees and veteran trees: advice for making planning decisions”, the supporting guidance included within it, and Keepers of Time – A Statement of Policy for England’s Ancient and Native Woodland (published June 2005)."</p>	
Forestry Commission	Scoping Opinion (02/08/24)	The standing advice also provides information on mitigation, including the use of buffers. Proposals in proximity to ancient woodland should have a buffer zone of at least 15m from the boundary of the woodland to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, for example the effects of air pollution from increased traffic, the proposal is likely to require a larger buffer zone. We would be keen to engage further with the developer in relation to any mitigation and compensation	Potential effects of the Project on ancient woodlands have been assessed in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 23.7.1.3 and Section 23.7.2.2 , and embedded mitigation relevant to this chapter related to ancient woodland and root protection zones has been included in Section 23.4.3, Table 23-5 (see Commitment ID CO59).

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		strategies.	
Forestry Commission	Scoping Opinion (02/08/24)	In relation to the presence of non-ancient woodland within the proposal, we would like to draw your attention to paragraph 131 of the NPPF which states that planning policies and decisions should ensure that existing trees are retained wherever possible.	Table 23-5 of Volume 1, Chapter 23 Onshore Ecology and Ornithology includes details of embedded mitigation which outlines plans to retain existing trees where possible (see Commitment ID CO59).
Natural England	Agreement Log Provided on 18/10/24	No comment – However please see Natural England’s information on applying to use the District Level Licencing Scheme, if this is determined to be required. (In response to question: Does the ETG agree with the scope of the Preliminary Ecological Appraisal and Great Crested Newt Habitat Suitability Index surveys undertaken to inform the PEIR Chapter?)	District Level Licensing has been referenced as potential additional mitigation for GCN in Section 23.7.1.8.4 of Volume 1, Chapter 23 Onshore Ecology and Ornithology .
Natural England	Agreement Log Provided on 18/10/24	Yes - Addition of check for 5km IRZ has been actioned as agreed on the call. (In response to question: Does the ETG agree with the approach to defining the onshore ecology study areas?)	The 5km Impact Risk Zone (IRZ) is referenced in Table 23-3 of Volume 1, Chapter 23 Onshore Ecology and Ornithology .
Natural England	Agreement Log Provided on 18/10/24	Yes – Addition of Ancient Woodland inventory agreed on the call and actioned. (In response to question: Does the ETG agree with the list of data sources that will be used for baseline characterisation for the onshore ecology assessment?)	The Ancient Woodland Inventory is listed as a data source within Table 23-7 of Volume 1, Chapter 23 Onshore Ecology and Ornithology . The findings from the assessment of the Ancient Woodland Inventory are presented within Volume 1 ,

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			Chapter 23 Onshore Ecology and Ornithology, Section 23.6.3.1. The Ancient Woodland Inventory was also reviewed as part of the desk study presented within Appendix 23.4 Arboricultural Survey Report.
Natural England	Agreement Log Provided on 18/10/24	<p>Yes - However we advise that the buffer is extended to 300m outside of the development redline boundary for sections of the cable route within 10km of the Humber Estuary SPA.</p> <p>(In response to question: Does the ETG agree with the approach to defining the onshore ornithology study areas?)</p>	The 300m buffer for Onshore Development Area elements located within 10km of the Humber Estuary is given in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Table 23-3.
East Riding of Yorkshire Council	Agreement Log Provided on 18/10/24	<p>No - As per NE comment refer to impact risk zones for buffer distance for Nationally Designated Sites. Badger buffer to be 30m but understand all impact should be identified within the Onshore Development Area.</p> <p>(In response to question: Does the ETG agree with the approach to defining the onshore ecology study areas?)</p>	<p>Buffer distances which account for the IRZ of Nationally Designated Sites are detailed within Table 23-3 of Section 23.4.1 of Volume 1, Chapter 23 Onshore Ecology and Ornithology.</p> <p>A preliminary survey for the presence or absence of badgers and their setts was carried and presented in Volume 2, Appendix 23.2 Preliminary Ecological Appraisal Report which included a 50m buffer to the Onshore Development Area.</p> <p>As detailed within Table 23-3 of Section 23.4.1 and Table 23-8 of Section 23.5.2.2 of Volume 1, Chapter 23 Onshore Ecology and Ornithology, this exceeds the 30m minimum buffer. In addition, further surveys for badgers are recommended as part of the pre-commencement works during the</p>

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			construction works. This is detailed within Table 23-8 of Section 23.5.2.2 , listed within the additional mitigation measures of Section 23.7.1.9.4 and referenced within Table 23-27 of Section 23.7.4 of Volume 1, Chapter 23 Onshore Ecology and Ornithology .
East Riding of Yorkshire Council	Agreement Log Provided on 18/10/24	Yes, agreed with the list of data sources. Provided further details on local bird group for Hornsea Mere.	The list of data sources used for Volume 1, Chapter 23 Onshore Ecology and Ornithology can be found in Table 23-7 .
East Riding of Yorkshire Council	Agreement Log Provided on 18/10/24	No - should be extended to 300m for areas within 10km of the Humber Estuary in relation to noise impacts. (In response to question: Does the ETG agree with the approach to defining the onshore ornithology study areas?)	The 300m buffer for Onshore Development Area elements located within 10km of the Humber Estuary is given in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Table 23-3 .
Forestry Commission	Non statutory consultation response, letter dated 16/10/24	Thank you for seeking the Forestry Commission's advice about the impacts that this application may have on the woodland identified in this proposed application. As a Non-Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather, we are providing information on the potential impact that the proposed development could have on woodland. It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "there are wholly exceptional reasons and a suitable compensation strategy exists" (National Planning Policy Framework paragraph 186c).	Natural England Standing Advice has been referenced in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Section 23.5.1 , and embedded mitigation relevant to this chapter related to ancient woodland and root protection zones has been included in Section 23.4.3, Table 23-5 (see Commitment ID CO59). Impacts of the Project on woodland and ancient woodland have been assessed in Section 23.7.1.3 and Section 23.7.2.2 .

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		<p>For more information on the impacts of development on ancient woodland and how to assess these, please see the joint Forestry Commission /Natural England Standing Advice on Ancient Woodland – “Ancient woodland, ancient trees and veteran trees: advice for making planning decisions”, the supporting guidance included within it, and Keepers of Time – A Statement of Policy for England’s Ancient and Native Woodland (published June 2005).</p> <p>The standing advice also provides information on mitigation, including the use of buffers. Proposals in proximity to ancient woodland should have a buffer zone of at least 15m from the boundary of the woodland to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, for example the effects of air pollution from increased traffic, the proposal is likely to require a larger buffer zone. We would be keen to engage further with the developer in relation to any mitigation and compensation strategies.</p>	
Forestry Commission	Non statutory consultation response, letter dated 16/10/24	<p>In relation to the presence of non-ancient woodland within the proposal, we would like to draw your attention to paragraph 131 of the NPPF which states that planning policies and decisions should ensure that existing trees are retained wherever possible.</p> <p>What is most important to the Forestry Commission in this case is that there will be no loss or detrimental impact as a result of this proposed development on ancient woodland as mentioned above.</p>	Section 23.4.3, Table 23-5 of Volume 1, Chapter 23 Onshore Ecology and Ornithology includes details of embedded mitigation which outlines plans to retain existing trees where possible (see Commitment ID CO59). Impacts of the Project on woodland have been assessed in Section 23.7.1.3 and Section 23.7.2.2 .

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Woodland Trust	Non statutory consultation response, letter dated 18/10/24	<p>Impact on Ancient Woodland</p> <p>We note that there is no ancient woodland registered on the Ancient Woodland Inventory likely to be impacted by the proposals. However, we would recommend that any non-ancient woodlands potentially affected by the scheme are reviewed to ensure any areas of unmapped ancient woodland are accounted for as the scheme progresses. Surveys detailing their woodland flora and fauna alongside an assessment of historical mapping should be undertaken, to ensure impacts on all irreplaceable habitats are considered and mitigated for as part of the design process.</p>	<p>Future planned botanical surveys to inform the ES are outlined in Volume 1, Chapter 23 Onshore Ecology and Ornithology within Table 23-8, Section 23.5.2.</p> <p>Appendix 23.4 Arboricultural Survey Report provides a desk study and high-level tree survey of the Onshore Development Area.</p>																														
Woodland Trust	Non statutory consultation response, letter dated 18/10/24	<p>Impact on Ancient or Veteran trees</p> <p>The Trust holds concerns regarding this project due to potential for loss or deterioration of veteran trees that may be sited adjacent to or within the corridor/cable routes. In particular, we note the presence of a number of trees registered on the Ancient Tree Inventory¹ (ATI) within or in close proximity to the site. These are detailed in the table below. Whilst we acknowledge that the scheme is still at early stages of design, it is important that irreplaceable habitats are accounted for and protected from any loss or deterioration.</p> <table><tr><th>ATI No.</th><th>Species</th><th>ATI Categorisation</th><th>Grid Reference</th><th>Location</th></tr><tr><td>207757</td><td>White Willow</td><td>Veteran</td><td>TA 00109 41842</td><td>Corridor section C</td></tr><tr><td>233219</td><td>Beech</td><td>Notable</td><td>TA 00212 36524</td><td>Corridor section D</td></tr><tr><td>114227</td><td>Oak</td><td>Veteran</td><td>TA 03662 35914</td><td>Connection cable E1</td></tr><tr><td>112891</td><td>Oak</td><td>Veteran</td><td>TA 03617 35818</td><td>Connection cable E1</td></tr><tr><td>112890</td><td>English Elm</td><td>Notable</td><td>TA 03607 35794</td><td>Connection cable E1</td></tr></table> <p>Please note that grid references on the ATI are approximate.</p>	ATI No.	Species	ATI Categorisation	Grid Reference	Location	207757	White Willow	Veteran	TA 00109 41842	Corridor section C	233219	Beech	Notable	TA 00212 36524	Corridor section D	114227	Oak	Veteran	TA 03662 35914	Connection cable E1	112891	Oak	Veteran	TA 03617 35818	Connection cable E1	112890	English Elm	Notable	TA 03607 35794	Connection cable E1	<p>Embedded mitigation against impacting ancient or veteran trees is described in Volume 1, Chapter 23 Onshore Ecology and Ornithology in Section 23.4.3, Table 23-5 (see Commitment ID CO59), and further referenced in Section 23.7.</p> <p>A desk study and results of a high-level tree survey including ancient and veteran trees is presented in Appendix 23.4 Arboricultural Survey Report. A Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement will be provided at ES stage as part of the DCO submission. This will include an assessment of known and potential arboricultural impacts anticipated from the Project and will provide mitigation and/or compensation measures where required.</p>
ATI No.	Species	ATI Categorisation	Grid Reference	Location																													
207757	White Willow	Veteran	TA 00109 41842	Corridor section C																													
233219	Beech	Notable	TA 00212 36524	Corridor section D																													
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112890	English Elm	Notable	TA 03607 35794	Connection cable E1																													
Woodland Trust	Non statutory	Ancient and Veteran Trees	Embedded mitigation against impacting																														

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	consultation response, letter dated 18/10/24	Ancient and veteran trees are irreplaceable habitats and afforded a high level of protection in planning policy. They possess unique features which provide a rich and diverse range of habitats, playing host to countless other species. In particular, many rare invertebrate, fungi and lichen species are dependent on the decaying wood provided by such trees ² . Veteran trees are disproportionately valuable parts of the natural environment and where they occur outside of woods they are also particularly important for landscape connectivity. ³ They are an essential part of our landscape and cultural heritage.	ancient or veteran trees is described in Volume 1, Chapter 23 Onshore Ecology and Ornithology in Section 23.4.3, Table 23-5 (see Commitment ID CO59), and further referenced in Section 23.7 . A desk study and results of a high-level tree survey including ancient and veteran trees is presented in Appendix 23.4 Arboricultural Survey Report . A Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement will be provided at the ES stage as part of the DCO submission. This will include an assessment of known and potential arboricultural impacts anticipated from the Project and will provide mitigation and/or compensation measures where required.
Woodland Trust	Non statutory consultation response, letter dated 18/10/24	Natural England and Forestry Commission’s standing advice on ancient and veteran trees states that they “ <i>can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are also irreplaceable habitats.</i> ” “ <i>A veteran tree may not be very old, but it has significant decay features, such as branch death and hollowing. These features contribute to its exceptional biodiversity, cultural and heritage value.</i> ” “ <i>An ancient tree is exceptionally valuable. Attributes can include its: great age; size; condition; biodiversity value as a result of significant wood decay and the habitat created from the ageing process; and cultural and</i> ”	Embedded mitigation against impacting ancient or veteran trees is described in Volume 1, Chapter 23 Onshore Ecology and Ornithology in Section 23.4.3, Table 23-5 (see Commitment ID CO59), and further referenced in Section 23.7 . Natural England’s standing advice is referenced in Section 23.5.1 . Appendix 23.4 Arboricultural Survey Report provides a desk study and high-level tree survey of the Onshore Development Area.

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		<i>heritage value.”</i>	
Woodland Trust	Non statutory consultation response, letter dated 18/10/24	<p>Planning Policy Paragraph 5.4.15 of the Overarching National Policy Statement for Energy (EN-1) states: “<i>Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Keepers of Time, the government’s policy for ancient and native trees and woodlands in England sets out the government’s Commitment to maintain and enhance the existing area of ancient woodland, maintain and enhance the existing resource of known ancient and veteran trees, excluding natural losses from disease and death, and to increase the percentage of ancient woodland in active management. Ancient and veteran trees found outside ancient woodland are also particularly valuable.”</i></p> <p>“5.4.32 Applicants should include measures to mitigate fully the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both construction and operational phases.”</p> <p>“5.4.53 The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of any irreplaceable habitats, including ancient woodland, and ancient and veteran trees unless there are wholly exceptional reasons and a suitable compensation strategy exists.”</p>	<p>Assessment of impacts on irreplaceable habitats, including ancient woodland and ancient or veteran trees, and any necessary mitigation identified at this stage, has been included in Volume 1, Chapter 23 Onshore Ecology and Ornithology in Section 23.7.1.3 and Section 23.7.2.2.</p> <p>Appendix 23.4 Arboricultural Survey Report provides a desk study and high-level tree survey of the Onshore Development Area.</p>
Woodland Trust	Non statutory consultation response, letter	The National Planning Policy Framework, paragraph 186, states: “ <i>When determining planning applications, local planning authorities should apply the following</i>	Assessment of impacts on irreplaceable habitats, including ancient woodland and ancient or veteran trees, and any necessary

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	dated 18/10/24	<p><i>principles:</i></p> <p><i>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists;"</i></p> <p>Further to this, paragraph 180 of the NPPF states the following: "<i>Planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures</i>". Where an application involves the loss of irreplaceable habitats, such as ancient woodland or ancient and veteran trees, net gain for biodiversity cannot be achieved.</p> <p>Natural England and Forestry Commission have identified impacts of development on ancient and veteran trees within their standing advice (please see Annex 1 at the foot of this document for the full range of impacts outlined). This guidance should be considered Government's position with regards to development impacting ancient woodland, although Natural England and Forestry Commission should still be consulted for specific comment on this application.</p>	<p>mitigation identified at this stage, has been included in Volume 1, Chapter 23 Onshore Ecology and Ornithology in Section 23.7.1.3 and Section 23.7.2.2. Natural England's standing advice has been referenced in Section 23.5.1.</p> <p>Appendix 23.4 Arboricultural Survey Report provides a desk study and high-level tree survey of the Onshore Development Area.</p>
Woodland Trust	Non statutory consultation response, letter dated 18/10/24	<p>Mitigation for Veteran Trees</p> <p>It is essential that trees displaying ancient or veteran characteristics are not lost as part of the development. The loss of any such trees can have a significant impact</p>	<p>High-level tree surveys have been carried out and the results are presented within Appendix 23.4 Arboricultural Survey Report. Further surveys will be undertaken to inform a</p>

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		<p>on local wildlife, particularly those which depend on the habitat provided by veteran trees. Any loss of veteran trees can also be highly deleterious where there is a wider population of veteran trees within close proximity, which may harbour rare and important species.</p> <p>It is therefore important that an Arboricultural Impact Assessment is undertaken early within the design process, to ensure that any important trees (including any ancient or veteran trees) are identified and accounted for as the scheme progresses. This will ensure that appropriate protection can be incorporated into the scheme design. As part of the assessment the applicant should review the Ancient Tree Inventory⁵ (ATI) in addition to identifying other ancient or veteran trees that may not be recorded on the ATI. Please note that the ATI is a live database so new tree records are added and updated regularly.</p>	<p>Preliminary Arboricultural Impact Assessment which will be provided at ES stage.</p> <p>In addition, Commitment ID CO59 is focused on the protection of ancient or veteran trees and the prioritisation of ancient woodland, as detailed within Section 23.4.3, Table 23-5 of Volume 1, Chapter 23 Onshore Ecology and Ornithology.</p>
Woodland Trust	Non statutory consultation response, letter dated 18/10/24	<p>Trees are susceptible to change caused by construction/development activity. As outlined in 'BS5837:2012 - Trees in relation to design, demolition and construction' (the British Standard for ensuring development works in harmony with trees), construction work often exerts pressures on existing trees, as do changes in their immediate environment following construction of any new infrastructure. Root systems, stems and canopies, all need allowance for future movement and growth, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard.</p>	<p>Embedded mitigation for the protection of trees has been outlined in Volume 1, Chapter 23 Onshore Ecology and Ornithology in Table 23-5, and will be detailed in the Outline Ecological Management Plan (EcoMP) provided at ES stage.</p> <p>Appendix 23.4 Arboricultural Survey Report provides a desk study and high-level tree survey of the Onshore Development Area.</p>

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Stakeholder	Document / Meeting, Date	Comment	How and Where Addressed in the PEIR
		While BS5837 guidelines state that trees should have a root protection area (RPA) of 12 times the stem diameter (capped at 15m), this guidance does recognise that veteran trees need particular care to ensure adequate space is allowed for their long-term retention. It is imperative that Natural England and Forestry Commission's standing advice on root protection areas for veteran trees is taken into account in planning decisions. This advice states: <i>"For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This will create a minimum root protection area. Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone."</i>	
Woodland Trust	Non statutory consultation response, letter dated 18/10/24	As detailed in the table above, there are some notable trees recorded on the Ancient Tree Inventory within or adjacent to the corridor/cable routes. Although not afforded the same protection in planning policy as ancient and veteran trees, notable trees are likely to develop veteran features if afforded time and space. As such, we ask that these trees are identified, retained and afforded suitable root protection areas in line with Natural England and Forestry Commission's standing advice to ensure their future longevity and protection.	These trees will be identified through the planned botanical surveys outlined in Volume 1, Chapter 23 Onshore Ecology and Ornithology, Table 23-8, Section 23.5.2. Appendix 23.4 Arboricultural Survey Report provides a desk study and high-level tree survey of the Onshore Development Area. This included a review of the Woodland Trust's Ancient Tree Inventory.
Woodland Trust	Non statutory consultation response, letter	Conclusion Ancient woodland and veteran trees are irreplaceable habitats. Any development resulting in loss or	Assessment of impacts on irreplaceable habitats, including ancient woodland and ancient or veteran trees, and any necessary

APPENDIX 23.1 CONSULTATION REPONSES FOR ONSHORE ECOLOGY AND ORNITHOLOGY

Stakeholder	Document / Meeting, Date	Comment	How and Where Addressed in the PEIR
	dated 18/10/24	deterioration of ancient woodland or veteran trees should consider all possible measures to ensure avoidance of adverse impact.	mitigation identified at this stage, has been included in Volume 1, Chapter 23 Onshore Ecology and Ornithology in Section 23.7 . Further information, including a Preliminary Arboricultural Impact Assessment, will be provided at ES stage.

References

Royal HaskoningDHV (2024). Dogger Bank D Scoping Report (Part 1 & 2). Available at:
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010144/EN010144-000069-EN010144%20-%20Scoping%20Report%20-%20Part%201.pdf> &
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010144/EN010144-000070-EN010144%20-%20Scoping%20Report%20-%20Part%202.pdf> [Accessed September 2024].

The Planning Inspectorate (2024). Scoping Opinion adopted by the Secretary of State on 02 August 2024. Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010144/EN010144-000071-EN010144%20-%20Scoping%20Opinion.pdf> [Accessed September 2024].

List of Tables

Table 23.1-1 Consultation Responses for Onshore Ecology and Ornithology 5

List of Acronyms

Acronym	Definition
ASNW	Ancient Semi Natural Woodland
ATI	Ancient Tree Inventory
BAP	Biodiversity Action Plan
BNG	Biodiversity Net Gain
BTO	British Trust for Ornithology
CIEEM	Chartered Institute of Ecology and Environmental Management
CIRIA	Construction Industry Research and Information Association
CoCP	Code of Construction Practice
DCO	Development Consent Order
ECC	Export Cable Corridor
EcoMP	Ecological Management Plan
EMF	Electro Magnetic Field
EPP	Evidence Plan Process
ES	Environmental Statement
ETG	Expert Topic Group
FLL	Functionally Linked Land
HDD	Horizontal Directional Drilling
HMMP	Habitat Management and Monitoring Plan
HRA	Habitat Regulations Assessment
IRZ	Impact Risk Zone
IUCN	International Union for Conservation of Nature

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ORNITHOLOGY

Acronym	Definition
LNRS	Local Nature Recovery Strategy
LSE	Likely Significant Effect
NE	Natural England
NERC	National Environmental Resource Council
NEYEDC	North and East Yorkshire Ecological Data Centre
NPPF	National Planning Policy Framework
NPS	National Policy Statement
OMH	Open Mosaic Habitat
PAWS	Plantations on Ancient Woodland Sites
PEIR	Preliminary Environmental Information Report
PPG	Pollution Prevention Guidance
RBMP	River Basin Management Plans
RPA	Root Protection Area
SAC	Special Area of Conservation
SAFFA	Salmon and Freshwater Fisheries Act
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
VP	Vantage Points
WFD	Water Framework Directive
ZOI	Zone of Influence