

**Title of Plan or Project**

Core Strategy Development Plan Document Submission Draft (May 2010)

Location of Plan or Project

North Lincolnshire

International Nature Conservation Site

- Humber Estuary SPA
- Humber Estuary SAC
- Humber Estuary Ramsar site
- Thorne and Hatfield Moors SPA
- Thorne Moors SAC
- Hatfield Moor SAC

Description of Plan or Project

The core strategy is the main document in the Local Development Framework. It sets out the planning vision and framework for growth and development in North Lincolnshire up until 2026.

One of its important roles is to set the overall pattern of development in the area. This means that it will determine which broad areas are suitable for things like housing, employment, retail, leisure and supporting infrastructure in order to meet the future needs of the area. It will not deal with detailed issues such as the location of specific sites. These will be dealt with in future documents. All other documents in the Local Development Framework must conform to the core strategy.

The core strategy plays a key part in the delivery of the aspirations and ambitions of North Lincolnshire's Sustainable Community Strategy by looking at all the parts that relate to spatial planning. In developing the core strategy it has been through a number of stages:

- Issues and options
- Revised issues and options

- Preferred options

The Core Strategy presents a significant Policy, CS12: South Humber Bank Strategic Employment Site, which has clear implications for the conservation of the Humber Estuary SAC, SPA and Ramsar site. For that reason development of the Core Strategy has been accompanied by the agreement of:

- A Memorandum Of Understanding For The Delivery Of The South Humber Gateway Strategic Mitigation ("MOU"- attached as Annex 3) and:
- The South Humber Gateway Conservation Mitigation Strategy Delivery Plan ("Delivery Plan"- Attached as Annex 4).

The former document has been agreed and signed by a wide range of organisations making up the South Humber Bank Ecology Group, including North Lincolnshire Council and Natural England. The latter document is being developed by the same organisations. The documents taken together commit the partner organisations to ensuring that the strategic development, implementation and monitoring of mitigation habitat will avoid population declines or displacement of waterbird species that currently use the South Humber Bank area for feeding, roosting and loafing. Whilst the documents as a whole set out the process that will secure mitigation, Objective 8 of the MOU and sections 2.2 and 2.3 of the Delivery Plan are particularly pertinent in this respect.

The Core Strategy also includes policy CS17: Biodiversity, which states that, "The council will promote effective stewardship of North Lincolnshire's wildlife through:

1. Safeguarding national and international protected sites for nature conservation from inappropriate development..."

This policy provides a measure of protection to ensure that delivery of other policies such as CS12 does not have an adverse effect on the integrity of International Nature Conservation Sites.

Date Appropriate Assessment Recorded- 15 December 2010

This is a record of the appropriate assessment, required by Regulation 61 of the Habitats Regulations 2010, undertaken by North Lincolnshire Council in respect of the above plan/project, in accordance with the Habitats Directive (Council Directive 92/43/EEC). Having considered that the plan or project would be likely to have a significant effect on the Humber Estuary SAC, SPA and Ramsar Site, Thorne and Hatfield Moors SPA, Thorne Moors SAC and Hatfield Moor SAC and that the plan or project was not directly connected with or necessary to the management of the site, an appropriate assessment has been undertaken of the implications of the proposal in view of the sites conservation objectives.

The appropriate assessment has been carried out by Atkins Limited on behalf of the Council (see Atkins 2010). This work has been carried in a different

manner from the Council's own in-house appropriate assessments. The Council would not have assessed all of the policies covered in this document, as some of them can be demonstrated not to have a likely significant effect on designated sites. Furthermore, the Council will carry out future project level Habitats Regulations Assessments (HRAs) on a case-by-case basis and will not automatically carry out HRAs on all future projects in the geographical areas prescribed by Atkins Ltd. However, the precautionary approach adopted by Atkins Ltd does ensure that all likely significant effects on International Nature Conservation Sites have been considered. North Lincolnshire Council will therefore adopt Atkins' overall appropriate assessment conclusions in full.

Natural England was consulted under Regulation 61(3) on 18 October 2010 and the representations, to which this authority has had regard, are attached at Annex 1. Reg 61(3) of the Habitats Regulations requires the competent authority to "have regard to" any representations made by Natural England. Drawing from PPG9, Habitats Regulations Guidance Note 1 suggested that the competent authority should normally decide a case "in accordance with the recommendations of English Nature [now Natural England]". It went on to say that, "If it does not do so, the competent authority should be prepared to explain its reasons."

The conclusions of this appropriate assessment are largely in accordance with the advice and recommendations of Natural England. However, Natural England's view is that the appropriate assessment cannot be signed off at this stage. This can be summarised under two main points:

1. The document prepared by Atkins Limited is still confused in places and contains inaccuracies (see Annex 1).
2. "...Natural England also consider that some further work is required on the Core Strategy HRA before it is ready for sign off; the most important of these is demonstrating that the mitigation required to avoid an adverse effect on the Humber Estuary from Policy CS12 can be delivered within the allocation area." – E Hawthorne 15 December 2010.

On point 1 above, the Council's view is that whilst there are still inaccuracies in the document, they do not substantively affect the conclusions reached, which are clearly stated and which the Council is able to adopt. However, for clarity, the Atkins Ltd appropriate assessment should be read alongside the following corrections, which the Council shall also adopt:

- a) Atkins Table 3.3. Should also refer to loss of high tide roosting and foraging habitat as key vulnerabilities.
- b) Reference should be made to the full list of Conservation Objectives for the Humber Estuary SAC, SPA and Ramsar site as supplied by Natural England.
- c) Reference should also be made to the Statement of Common Ground between Natural England and North Lincolnshire Council.

On point 2 above, the Council's view is that section 6.4 of Atkins 2010 clearly sets out an agreed mechanism for securing strategic provision of roosting, feeding and loafing habitat to enable the Council to ascertain that allocation

Policy CS12 will not have an adverse effect on the integrity of the Humber Estuary SPA and Ramsar site. Furthermore Policy CS17 provides a measure of protection to ensure that delivery of other policies such as CS12 does not have an adverse effect on the integrity of International Nature Conservation Sites.

The opinion of the general public was taken under Reg.61(4) by way of further consultation etc and the views expressed have been taken into account by Atkins Limited.

The site's conservation objectives have been taken into account, including consideration of the situation for the site and information supplied by Natural England (See Section 3 of Atkins 2010 and corrections a) and b) above). The likely effects of the proposal on the international nature conservation interests for which the site was designated are summarised in Section 5.1 of Atkins 2010.

The assessment has concluded that the plan or project as proposed would adversely affect the integrity of the site.

The imposition of conditions or restrictions on the way the proposal is to be carried out has been considered and it is ascertained that the conditions and restrictions listed in section 6 and Table 6.1 of Atkins 2010 would avoid adverse effects on the integrity of the site. However, the Council will carry out future project level Habitats Regulations Assessments (HRAs) on a case-by-case basis and will not automatically carry out HRAs on all future projects in the geographical areas prescribed by Atkins Ltd. This does not affect the overall conclusion that the Core Strategy will not adversely effect the integrity of the International Nature Conservation Sites.

Andrew Taylor.

Signed Date 15 December 2010

Designation: Project Officer (Ecologist)

Reference

Atkins Limited 2010 North Lincolnshire Council Core Strategy DPD:
Submission Draft (May 2010) Habitat Regulations Assessment: Stage 2 –
Appropriate Assessment Version 6

Annex 1 Natural England Representations

E-mail from Emma Hawthorne 15 December 2010:

Hi Kate

Like Harriet, I have only had chance to very quickly skim through the final report so here are our initial comments.

Natural England agrees with the comments below from the RSPB. We welcome the time and effort which has been dedicated to this appropriate assessment. However, a number of comments from our previous letter have not been taken into account.

Some of these are minor such as Table 3.1 has been amended to recognise that there are no sand dunes in North Lincs, but the sand dune text is still included, but now referenced to the Lincolnshire coast, which obviously isn't in this authority!

Novartis wind turbines has been amended to state the results of the HRA are N/A and the application was withdrawn, which is incorrect as clearly stated in our previous letter.

Also, more important omissions:

Some of the conservation objectives are still missing.

Key vulnerabilities are missing from the Ramsar site – loss of high tide roosting and foraging habitat

Drainage feasibility study – the text is inconsistent with that suggested in the Statement of Common Ground

Section 5.8.1 – none of the INCA bird data has been included so the only reference to bird counts is taken from the English Nature Research Report

Disturbance to SPA and Ramsar birds from construction and operation has not been included

Section 6 two proposed paragraphs after 'as a precautionary measure only' – we advise this is replaced with the text we suggested for the Statement of Common Ground

As Harriet says, Natural England also consider that some further work is required on the core strategy HRA before it is ready for sign off; the most important of these is demonstrating that the mitigation required to avoid an adverse effect on the Humber Estuary from Policy CS12 can be delivered within the allocation area.

Best wishes

Emma

Emma Hawthorne
Conservation Adviser - Humber Estuary
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From: Dennison, Harriet [mailto:Harriet.Dennison@rspb.org.uk]
Sent: 14 December 2010 16:44
To: Kate Mills; Catherine.Sellars@atkinsglobal.com
Cc: Hawthorne, Emma (NE); Walsh, James (NE)
Subject: FW: North Lincolnshire Core Strategy DPD - HRA Stage 2 (Amended Final report)
Importance: High

Hi Kate and Cat, apologies for not getting back to you sooner, the deadlines for the CS all seem to have come at once. I am not in a position to give full detailed comments on the HRA but I can outline some of our most significant concerns at this point to enable you to understand our position and help work this through.

p63 (actual pages) identifies possible loss of SAC in paras 4&5 which it then states "without mitigation would cause AEOL"

It is the RSPBs position that loss of European designated site habitat should be regarded as an issue of compensation not mitigation. Please revise wording to better reflect the Habitats Regulations issue here.

p95 /96 suggests the RSPB agree that the issue of habitat loss of land within the SHB as identified by CS12 which is used by SPA and Ramsar waterbirds can be mitigated and that the "Mitigation strategy" is evidence that mitigation can be secured. In principle, the RSPB agrees that the issue of loss of functionally linked waterbird habitat within the SHB can be strategically mitigated. The "mitigation strategy" referred to in these pages sets out some of the detail we need to fully understand to enable NLC and NELC to adopt a strategic approach. However, that is has been demonstrated within the CS HRA that adequate and appropriate mitigation is available and can be secured to achieve this. We consider that sufficient information is available at this stage to identify the area/s of mitigation which will be required to address the impacts of CS12 and measures put in place to ensure they are safeguarded for mitigation, this level of detail and it should, in our view, be included in the HRA.

p96 final para states there is an absence of agreed areas for mitigation with defined boundaries therefore this detail has to be negotiated at project level. This fundamentally goes against the principle of a strategic approach to which we have all signed upto in the MoU. It also does not provide the necessary confidence that adequate and appropriate mitigation can be secured and implemented to allow Policy CS12 be implemented in full and meet the Habitats Regulations requirements.

p86 final para says areas of "up to 50ha" suggested not areas of a "minimum 50ha" which is the advice of NE and the RSPB.

In the CS12 HRA, many issues are deferred to the Housing and Employment DPD but we understand that the current draft Housing and Employment DPD HRA has also not had sign off from NE largely due to issues with SHBE-1 the Allocation associated with CS12. This therefore raises considerable doubt that the issues will be sufficiently addressed at this lower tier plan. It is not acceptable, in our view, to defer the Habitats Regulations issues raised by CS12 to the Housing and Employment DPD or project level when there is sufficient information to start addressing them at this level.

We consider that there is more detail required in the HRA of CS12 to demonstrate that the necessary mitigation is available and can be secured.

I hope these comments are constructive, we are keen to help resolve the outstanding issues as quickly as practicably possible.

Regards,

Harriet

Date: 19 November 2010
Our ref: 87/8355
Your ref:

Catherine Sellars
Atkins
The Axis (6th Floor, West Wing)
10 Holliday Street
Birmingham
B1 1TF

Dear Catherine

North Lincolnshire Core Strategy Habitats Regulations Assessment: Stage 2 - Appropriate Assessment

Thank you for consulting Natural England on the above document. Overall, we found the document to be detailed and thorough in its assessment of impacts, however we agree with Andrew Taylor's email of 16 November which suggests that several of the impacts could be ruled out at an earlier stage in the Habitats Regulations. We also advise that the key impacts which Andrew raises are given full consideration. Our main concern with the document is that it is unclear how several of the adverse effects have been mitigated. We advise that the final sections of the document are revised to provide a clear audit trail of the Council's Habitats Regulations Assessment and to enable a conclusion of no adverse effects on the integrity of any European sites.

We would like to make the following specific comments.

2.5 Appropriate Assessment

The first paragraph on page 7 should be amended to state that eight policies, rather than seven, are the subject of appropriate assessment.

The report states on p.7-8: '*It is presumed that any development within the red zone may have an adverse affect on the integrity of the international sites and will require Stage 2 – Appropriate Assessment*'. It is the purpose of appropriate assessment to determine whether the proposal will have an adverse effect on integrity. The requirement for an appropriate assessment is due to the proposal having a likely significant effect.

It then goes on to state that '*...policy level HRA offers an opportunity to highlight where lower tier plans and projects will require HRA in order to avoid conflict with conservation objectives for international sites. By identifying the requirement for this at a higher level and highlighting potential conflicts between the proposals and the international sites, it is hoped that this will improve the effectiveness of project level HRA*'. The purpose of policy level HRAs is to assess whether particular policies will impact on designated sites. If it cannot be ruled out that there will be no adverse effects on designated sites, then the policies must be amended or appropriate, deliverable mitigation must be identified.

3 The International Sites

p9 states: '*the current boundary of the Humber Estuary SPA covers 37630.24 hectares*'. It is unclear where this figure is taken from, and why only the area of the

SPA is mentioned. The actual boundary of the Humber Estuary SPA, as shown on the citation is 37,641.77ha.

Table 3.1 states '*On the North Lincolnshire coast, the saltmarsh is backed by low sand dunes with marshy slacks and brackish pools*'. We are not aware of any sand dunes in the area covered by this core strategy and so we assume this refers to the northern part of the coast in Lincolnshire.

Citation details for the SPA and Ramsar are incorrect in **Tables 3.2 and 3.3**.

Information on the waterfowl assemblage should be included in table 3.2. It is unclear why the vulnerabilities for the RAMSAR site are different from those of the SAC and SPA. **Table 3.4** should include objectives for the SPA and Ramsar related to disturbance and use of offsite land.

4 Other Projects and Plans

It should be noted in **table 4.1** that the Novartis wind farm proposal was refused permission because it was determined to have an adverse effect (not likely significant effect).

5 Stage 2: Appropriate Assessment

We welcome **tables 5.1 to 5.8** which provide a helpful summary of the development aspects which may stem from the policies.

Table 5.6 refers to the Drainage Feasibility Study. This proposal at Killingholme Marshes has been ongoing for several years. Natural England's most recent response of 17 September 2010 advises that the proposal is likely to have a significant effect on the Humber Estuary designated sites. This means that the proposal must be referred to North Lincolnshire Council for consideration, and they must carry out an appropriate assessment of the impacts.

With reference to 'safeguard and improve flood defences from tidal flooding', it is unclear which works are being referred to in the statement 'work is to commence in 2011'. The Environment Agency have a Flood Risk Management Strategy which covers the Humber Estuary. However, the HRA of the strategy is not yet complete, so the Secretary of State has not agreed the Agency's case that there are no alternatives to the strategy and that there are imperative reasons of public interest. We suggest that you contact the Agency for further clarity on this.

With reference to sections 5.6 to 5.10, we would agree with comments made by Andrew Taylor in his email of 16 November that several of the impacts discussed could have been ruled out at the screening stage for significant effects, and so did not need to be considered in this section. We advise that this section is revisited and provides further details on clarity and conclusions to the issues raised in the email. It also needs to be cross-referenced with the Housing and Employment land HRA assessment.

Section 5.8 on Policy CS12, states that the exact location of the SHBSES is not provided in the policy, but that it will be defined in the Housing and Employment Land DPD. It is our understanding that the exact location of the South Humber Bank strategic employment site is now known and that the HRA of this DPD has now been signed off.

Section 5.8.1 states that although the exact boundaries of the site are not known, it is '*very unlikely that the allocation will be within the boundary of the SAC, SPA or Ramsar site*'. There is already a proposal within the SHBSES which proposes a 50ha land take from the Humber Estuary designated site. This is the Able Marine Energy Park. This statement is also inconsistent with the statement on p56 which states 'Development CS12d notes that there is the opportunity to develop a new port within the SHBSES. This would inevitably involve the construction of new wharfs/jetties and other port related infrastructure'. It should be noted that it is unlikely that the loss of

SAC habitat could be mitigated. The LPA needs to decide how it will deal with impacts on the intertidal and subtidal habitat. It is our understanding that the allocations are terrestrial and therefore obviously only cover terrestrial areas. Whilst we welcome the reference to the English Nature Research Report, this work was based on existing knowledge of the Humber Estuary, so it was not based on actual survey work of the area. We suggest that this section is updated with some of the data which has been gathered as part of the South Humber Gateway surveys. Regarding non-physical disturbance, it should be noted that one of the key impacts here will be disturbance to SPA and Ramsar birds during construction and operation of any new port related development.

This policy could clearly lead to adverse effects on the Humber Estuary SAC, SPA and Ramsar site. The key issues are habitat loss (both within the designated site boundary, and loss of high tide roosting and foraging habitat outside the site boundary) and disturbance to SPA and Ramsar birds during construction and operation. These impacts need further consideration and discussion in this section.

6 Mitigation

Table 5.9 is a useful summary of the appropriate assessment. Section 6 details the mitigation; however it is not clear whether all the impacts have been mitigated (e.g. loss of intertidal habitat). It would be useful if there could be another table at the end of section 6 stating the mitigation for each of the impacts for which an adverse effect cannot be ruled out.

Section 6.3 states that '*The Housing and Employment Land Allocations DPD will contain important details that are not currently available (i.e. employment locations and boundaries). This additional information will allow a thorough and accurate assessment of the effects of this development.*' It is our understanding that this document has now been completed.

The report states on p87: '*It is considered by North Lincolnshire Council that there is an assumption against development within the SHBSES until the mitigation outlined in the Delivery Plan is secured.*' Natural England welcomes this approach, but we do not recall this statement being present in the Housing and Employment Land DPD, where it would also be appropriate. This section also refers to further information being available in the Housing and Employment Land DPD.

The text to be included in policy CS12 (shown on p.88-89) states that HRA will be carried out and developments will only be permitted to go ahead if there are no adverse effects on site integrity. These statements just reiterate the Council's legal duty and should not be regarded as mitigation.

Regarding this section, we would wish to repeat the statements made in our email of 12 November 2010 on the Housing and Employment Land DPD: '*SHBE1 and 7.2 – it is our understanding that the principle is agreed that the SHG requires 4 blocks of mitigation for SPA birds, each one will be a minimum of 50ha and delivered within the Gateway. There will also be an area of mitigation outside the Gateway, which is yet to be decided. These principles are based upon the substantial monitoring work which has been undertaken over several years within the Gateway. It is our understanding that the outstanding issues relate only to points such as exactly where the blocks will be located, what the mechanisms for delivery will be, and how they will be managed in perpetuity etc. Whilst we welcome the Council's commitment to the SHG partnership, we repeat our previous advice that the wording as currently provided will not enable the Council to conclude that policy SHBE1 will not have an adverse effect on the Humber Estuary SPA and Ramsar site.*

Conclusions - reference to the SHBE1 allocation states that Natural England and RSPB have agreed to strategic mitigation. However, it should be noted that the assessment is whether the allocation SHBE1 will have an adverse effect on the integrity of the Humber Estuary. Natural England and the RSPB have given their advice regarding how an adverse effect from loss of high tide roosting and foraging

habitat can be mitigated. The Council needs to conclude whether they are signed up to this approach'.

7 Assessment of In Combination Effects

This section repeats much of the information in section 4 and so we suggest that the two sections could be combined.

8 Conclusions

Natural England advises that the current wording in the conclusion does not allow the Council to conclude that there will be no adverse effects from the core strategy.

I hope that these comments are helpful to you. If you have any queries on the above, please do not hesitate to contact me.

Yours sincerely

James Walsh
Lead Adviser, Local Government Team
E-mail: james.walsh@naturalengland.org.uk

**Annex 2 North Lincolnshire Council Comments on Draft Appropriate
Assessment dated October 2010**

To: Kate Mills/PL/NorthLincs@NorthLincs, Chris Barwell/PL/NorthLincs@NorthLincs
From: Andrew Taylor/PL/NorthLincs
Date: 16/11/2010 05:43PM
cc: Emma.Hawthorne@naturalengland.org.uk, Catherine.Sellars@atkinsglobal.com
Subject: HRA of NLC Core Strategy

Kate

I'll do detailed comments on the Atkins HRA ASAP.

However, my main thoughts are:

- Many of my comments on the Housing and Employment HRA also apply here
- The document is rendered unnecessarily long and detailed, with much repetition, due to discussion of irrelevant or highly implausible effects in the same way for many policy aspects. For example, hydrological impacts are considered, then ruled out, for developments many miles from the designated sites. Employment allocations that would employ very few people are considered in terms of increases in recreation etc.
- The detail devoted to many minor issues hides that the fact that there are a few remaining issues which merit real detailed consideration. In my view, these are:
 1. Whether housing numbers overall, and hence population increase in overall would lead to an increase in recreational disturbance on the Humber Estuary SPA/Ramsar. (I suspect the answer is No AEOL, but this needs spelling out).
 2. A1077 at South Ferriby and rail links in the SHB perhaps need more detailed consideration than other transport infrastructure proposals.
 3. Barrow tileries?
 4. New Port Proposals in CS12d- no mitigation or compensation appears to be suggested for inevitable loss of intertidal habitat. This aspect remains AEOL.
 5. New pipelines in CS12- no mitigation or compensation appears to be suggested for inevitable loss of intertidal habitat. This aspect remains AEOL.
 6. Strategic wader habitat mitigation for SHB- requires similar treatment as in the Housing and Employment DPD.

I hope this helps.

Andrew Taylor
Project Officer (Ecologist)
01724 297370

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**Annex 3 MEMORANDUM OF UNDERSTANDING FOR THE DELIVERY OF
THE SOUTH HUMBER GATEWAY STRATEGIC MITIGATION**

Memorandum of Understanding for the Delivery of the South Humber Gateway Strategic Mitigation



South Humber Gateway Mitigation Group
June 2010

Memorandum of Understanding for the Delivery of the South Humber Gateway Strategic Mitigation

1. Introduction

- 1.1 The South Humber Gateway (SHG) is located on the south bank of the Humber estuary. It stretches from the outskirts of Grimsby to the East Halton Skitter. Straddling the boundaries of North Lincolnshire and North East Lincolnshire councils, the SHG is one of the most exciting strategic development locations in the whole of the Yorkshire and Humber region. Covering almost 1,000 hectares – nearly four square miles – of development land it is attracting significant global interest and unprecedented levels of investment. Major investments under way or planned are estimated to be worth almost £2billion. If all goes to plan, upwards of 15,000 new quality jobs will be created over the next 10 years. The SHG already provides 27 per cent of the UK's refinery capacity and is home to the UK's busiest ports complex and one of the world's largest Combined Heat and Power (CHP) plants. Together with its sister Port of Grimsby, Immingham is the UK's largest port by tonnage.
- 1.2 At the same time an estimated 175,000 birds visit the estuary every winter, the Humber is one of the top six estuaries for migratory birds in the UK and one of the top ten in Europe. The estuary forms an essential link in a chain of wetland sites creating what is known as the East Atlantic Flyway, stretching from the Arctic Circle to southern Europe and Africa, via the estuaries of North West Europe. The Humber supports internationally important populations of a number of bird species (containing more than one per cent of the Western European non-breeding population) which are attracted by the plentiful food supplies of the salt-marsh and mudflats; often moving inland to roost and feed. In recognition of its value for biodiversity the Humber Estuary has been designated for its national, European and international importance. The Humber Estuary and the populations of wild birds it supports are afforded special protection being designated at national and international levels. The estuary includes several Sites of Special Scientific Interest and is designated as a Special Area of Conservation¹, Special Protection Area and Ramsar site. As such, the estuary and its special features are covered by The Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") (SI No. 2010/490).
- 1.3 Large numbers of SPA/Ramsar birds rely upon terrestrial areas adjacent to the estuary for roosting, loafing and foraging especially at high tide and these areas are therefore of functional importance to the conservation of the SPA/Ramsar bird populations.
- 1.4 The purpose of this MoU is to demonstrate the commitment of the signatories to cooperative working to establish a mechanism which aims to highlight and resolve the potential conflicts within the South Humber Gateway between the need to realise the national economic benefits of the estuary related opportunities and the need to protect the environmental assets of the area in accordance with the applicable legislative obligations. The main output of the collaboration between key stakeholders is to work to produce, adopt and implement a framework (the Delivery Plan) to address the considerable ecological and economic demands on the SHG.

¹ The strategic mitigation is being developed to address potential impact on the SPA and Ramsar features therefore potential impacts on the SAC will not be addressed by the proposed Delivery Plan

2. Background

- 2.1 Approximately 80 per cent of the SHG falls within the North Lincolnshire Council boundaries, with the remaining 20 per cent in the North East Lincolnshire Council area. The Killingholme Marshes area is of vital importance to the future development of the SHG, given its proximity to the deep-water channel – the last undeveloped deep-water channel in the UK. Following extensive studies, negotiations are at an advanced stage with landowners and Yorkshire Forward to develop the land. Consequently, there are a number of major planning applications in the system for large-scale industrial and commercial development on both the Killingholme Marshes and East Halton Marshes. Combined, this total area of land represents the major part of the employment allocation within the North Lincolnshire Council boundaries. At the same time, in North East Lincolnshire there are a number of approved planning applications for major bio-energy businesses and also plans for the EuroParc 4 development.
- 2.2 It is recognised that a large proportion of the planned developments on the SHG could contribute positively to the climate change and sustainability agenda in the following areas: carbon capture and storage, biomass and wind energy, especially that associated with the Round 3 announcement made by the Government. In addition, the flow of trade through the SHG should have less of an environmental impact overland given its central UK location, low-congestion and excellent rail links.
- 2.3 The Regional Economic Strategy and the Local Development Frameworks of North Lincolnshire Council and North East Lincolnshire Council all recognise the SHG's strategic economic importance for the Hull and Humber Ports City Region and the wider Yorkshire and Humber Region and the considerable environmental value of the area. Sustainable development of the SHG will bring with it major employment and Gross Value Added (GVA) benefits for the whole of the Hull and Humber Ports City Region, and indeed regionally and beyond.
- 2.4 All parties to this Memorandum of Understanding are committed, in a spirit of cooperation and transparency, to successfully resolving the challenge of unlocking the unprecedented economic potential of the SHG for the Hull and Humber Ports Region whilst securing the protection and enhancement of a world-class environment. The economic and environment challenges are viewed as inextricably linked.
- 2.5 If successful, the SHG's Delivery Plan will provide the necessary framework to fulfil some of the nature conservation requirements of the Humber Estuary SPA and Ramsar site, specifically addressing mitigation needs arising from direct land take from development within the South Humber Bank Employment Allocation². Although the SHG zone is not in the designated SAC area, any potential impacts on the SAC as a result of development will also need to be addressed. The Delivery Plan will also create clarity and confidence that the impact of direct land take from within the South Humber Gateway can be mitigated both inside and outside the SHG zone. Such an approach will enable the emerging LDF's to allocate this area for the future estuary related activity and identify a clear framework for potential investors. Of particular value is that the Delivery Plan will work towards a strategic approach across the two unitary councils, in place of an ad hoc site-by-site approach to mitigation.
- 2.6 The signatories to the Memorandum of Understanding are the key organisations responsible for the development of the Delivery Plan, while those responsible for development are also committed to working cooperatively to safeguard and maintain the integrity of the Designated Site to support the delivery of sustainable development of the area. All the signatories agree to a strategic approach to delivery, believing this avoids a piecemeal approach and creates the necessary clarity and confidence, essential for both conservation bodies and developers/investors. The signatories also recognise that to achieve this requires their continued commitment to explore and examine strategic options to develop and implement the Delivery Plan through a transparent approach. The signatories further recognise that planning positively for wildlife reduces ad hoc loss and compromise, speeds decision-making and reduces the cost and time of submitting and resolving planning applications for estuary-based development.

2 The Employment Allocation in the relevant emerging LDF's and currently adopted Unitary plans.

- 2.7 The signatories agree that the Delivery Plan, and the mechanisms identified and agreed to implement it, will be outlined in the North Lincolnshire and North East Lincolnshire Core Strategies with mitigation areas identified in the Allocations Development Plan Document (DPD) and will be subject to assessment under the Habitats Regulations



3. Objectives

- 3.1 The signatories to this Memorandum of Understanding agree to work cooperatively and transparently to safeguard and maintain the integrity of the Designated Sites while enabling the sustainable development of the area. The signatories agree to the following objectives:
1. To identify strategic conservation mitigation options through an agreed Delivery Plan, which will form part of the Local Development Frameworks for both North Lincolnshire and North East Lincolnshire Council.
 2. To ensure that the Delivery Plan and the emerging LDFs comply with the Habitat Regulations and are subject to the relevant Regulations 61, 62 and 66
 3. To examine the need and nature of Strategic Environmental Assessment for the LDFs
 4. To acknowledge that both the LDF and Delivery Plan for strategic mitigation will be delivered over a period of time and work together to establish these timescales with agreement over what will need to be delivered to meet environmental requirements.
 5. To identify implementation and financial mechanisms for utilising the strategic mitigation that provide a clear process for development to address the issue of direct land take of areas used by SPA and Ramsar birds within the SHG
 6. To ensure the Delivery Plan takes into account the implementation of the approved Humber Estuary Flood Risk Management Strategy and subsequent reviews, recognising that there are intertidal issues

7. To agree that a Draft Interim Strategy may be helpful in establishing a staged approach as an output of the first stage of work
8. To agree that mitigation areas identified by the Delivery Plan and associated LDF Allocations documents will be delivered both within the SHG Employment Allocation zone and in close proximity outside this zone, as currently adopted.
9. To meet the requirements of PPS9 to build in biodiversity to all developments.
10. To examine and agree the evidence base to support the development and implementation of the Delivery Plan, including Identifying the location and extent of existing critical land areas for avifauna – identified through bird survey work.
11. To agree the area where the Delivery Plan will operate, supported by an agreed evidence base, including optimal management guidelines and basic design principles to ensure that mitigation areas function appropriately
12. To agree the basis for the ownership and management of mitigation sites, how contributions are worked out and methods of making contributions (\$106 agreements/ CIL etc) as well as how they will be used and how mitigation sites will be managed and by whom.
13. To agree requirements for monitoring and review of the Delivery Plan and the mitigation areas.
14. To share data and to work together to ensure that data are interpreted in a consistent manner by developers and regulators



4. EU Habitats Directive

4.1 In order to ensure that the Delivery Plan complies with the Habitats Regulations, the signatories agree that:

1. Delivery of mitigation will be based on alone and in combination effects of developing the SHG on the Humber SPA/Ramsar, but will combine to support a strategic approach to economic development and mitigation in the estuary zone.
2. The Delivery Plan doesn't necessarily negate the need for an Appropriate Assessment at development control stage for individual developments; however the Delivery Plan should assist the AA process by identifying potential mitigation.
3. The Delivery Plan will inform the assessment under the Habitats Regulations for the LDFs for North Lincolnshire and North East Lincolnshire councils.
4. Mitigation sites will be safeguarded in perpetuity with appropriate management regimes



5. Mitigation

5.1 In order that strategic mitigation fulfils its requirements under the Habitats Regulations, signatories agree:

1. That the land will need to be managed specifically for the SPA/Ramsar birds that are impacted by development.
2. To identify mitigation areas based on evidence of the totality of potential development within the specified zone and possible in-combination effects outside the immediate zone. This will identify the maximum development (worst case scenario) and therefore required mitigation.

3. To explore and identify methods and options for land acquisition and shared strategic delivery of mitigation.
4. To consider the options for acquiring mitigation land and how developers may buy into it.
5. To determine timescales and any phasing to secure habitat
6. To consider multi-functionality of sites (where still consistent with SPA/Ramsar requirements) including opportunities for accessible green space, acknowledging that if multiple uses are pursued, it may result in additional mitigation land requirements to allow for additional buffers etc
7. To review progress on a regular basis to ensure continued compliance with the Habitat Regulations

6. Signatories

6.1 The following organisations are signatories to this Memorandum of Understanding

Organisation	Officer Title	Signature	Date
Yorkshire Forward	Executive Director Environment		05.05.10
Natural England	Regional Director		06.05.10
Environment Agency	Area Manager		14.08.10
RSPB	Acting Regional Director		05.07.10
Lincolnshire Wildlife Trust	Chief Executive		17.06.10
North East Lincolnshire Council	Leader		12.07.10
North East Lincolnshire Council	Chief Executive		13.07.10
North Lincolnshire Council	Leader		26.07.10
North Lincolnshire Council	Chief Executive		02.08.10

Annex 4- South Humber Gateway Conservation Mitigation Strategy Delivery Plan

South Humber Gateway Conservation Mitigation Strategy Delivery Plan

Aligning industrial development and the EU Birds and Habitats Directives

1. Moving Forward

Work on developing a conservation mitigation strategy to assist industrial development in the South Humber Gateway has been underway for some time. It has been agreed by key stakeholders that a strategic approach to providing mitigation for any impacts upon the birds which use the estuary would be the most effective way of meeting the requirements of the The Conservation of Habitats and Species Regulations 2010 (SI No. 490) (commonly referred to as the Habitats Regulations and referred to as such throughout this document) and would reduce the risk of one development creating problems for others. It must be stressed that this work can only address the needs of birds covered by the EU Birds Directive and included in the Special Protection Area and does not meet all the requirements of the Habitat Regulations with regard to protected species and habitats. Considerable investment from North Lincolnshire Council (NLC), North East Lincolnshire Council (NELC) and Yorkshire Forward (YF) has gone into the work required to prepare a strategic approach and work has started on gaining industry and developers' support for the work. This document was commissioned by NLC but is designed to serve the needs of both Councils.

Much has been discussed and written about a mitigation strategy; this document builds on the work done to date, including the Draft Delivery Plan (1) and ecological notes and targets prepared by Natural England and RSPB (2) and describes what a mitigation strategy could look like, how it may be delivered and what remains to be done to achieve it. The work has been aided by the development of a Memorandum of Understanding (3) between the key parties who have agreed to work together constructively to develop and deliver the strategy. This document takes the work forward by setting out a Delivery Plan which identifies the work that needs to be done and the key players required to achieve it. In addition to setting out the work required to establish the requirements of a mitigation strategy and the actions to deliver it, this Delivery Plan also supports both NLC and NELC in producing their respective LDFs and will form part of the relevant evidence base for the development plans. This document and successive versions of it give details of the delivery of the work will be included within the evidence base for LDFs as the planning process progresses.

2. Strategic Modules

A successful strategy needs a number of components if it is to be capable of being delivered to the benefit of industry and the environment. What is clear is that these components will include ecological, legal, financial and planning aspects as well as the delivery of habitat on the ground:-

- **Ecological functioning** – the strategy must be able to deliver the ecological functions required in and around the NELC and NLC areas of the Humber Estuary to maintain or improve the status of the SPA and Ramsar bird populations
- **Habitats and Birds Directives** – the strategy must be able to satisfy the legal requirements of the two Directives within the domestic legislative framework, the Habitats Regulations 2010
- **Planning regimes** – the strategy must help the development and delivery of planning documents and including the Local Development Frameworks for NLC and NELC. As the work progresses it will also be applied to the preparation of Site Allocation documents
- **Industry support** – the strategy must have the support of industrial developers and landowners with a clear understanding of the benefits as well as costs
- **Financial aspects** – public bodies have invested in the development of the strategy but beneficiaries will need to ensure its continuance and delivery
- **Management** – in addition to finding acceptable areas where mitigation work could be carried out, there is a need to determine how the mitigation areas will be maintained and managed in perpetuity to secure their value in meeting the requirements of the Habitats Regulations.
- **Data management and monitoring** – there is a need to make sure that ecological data remains current and that it is made available to inform environmental assessments which are required for development and planning processes.

It has been agreed by the SHB Ecology Group to address a number of identified objectives. It is through the process of addressing these individual objectives that an agreed approach to the delivery of strategic mitigation for the SHG will be achieved.

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2.1 Ecological Functioning

Work done by NE and RSPB indicates that for a strategy to be successful, mitigation needs to be created in such a way that birds have areas in the SHG where they can loaf, roost and forage on high tides. NE and RSPB have initially identified that, for mitigation to be successful in ecological terms, there need to be a minimum of 4 independently functioning blocks of 50 ha each within the SHG (commonly referred to as 'stepping stones') and a substantial area for mitigation outside the SHG (of a size yet to be determined), rather than a single site. NE and RSPB have indicated that these sites will be required to accommodate any uncertainty around the birds' requirements and any lack of understanding of bird behaviour. However, future monitoring of the mitigation areas will be essential to demonstrate they are functioning and how adequately they meet the Habitats Regulations requirements. It is also accepted that these sites will need appropriate management regimes and that their ecological value must be maintained in perpetuity. The ecology group have agreed that this statement should form the starting point from which to consider the objectives set out in this plan.

It has been agreed that the work to identify such sites will be undertaken by an **Ecology Working Party (EWP)** comprising **Peter Barham, Darren Clarke, Harriet Dennison, Bernie Fleming, Caroline Steel, Gordon Kell and Kate Walker and Andrew Taylor**. To cover the need to demonstrate that ecological features are fully covered in the Planning regimes for the two Local Authorities, NELC planning staff and Barrie Onions will join the working party as required. There may also be the need on occasion to include the Environment Agency.

Ecological Functioning Workplan

	Objectives	Outputs	Timescale	Status
2.1.1	clarifying the ecological understanding necessary to meet the requirements of the birds for roosting and loafing in the SHG.	Clear statements on known bird requirements which would provide direction to planners and developers	End of Sept 2010	
2.1.2	determining the nature and shape of mitigation within the SHG	Parameters which can be used by developers and planners	End of Oct 2010	
2.1.3	demonstrating the evidence behind the reasoning on the ecological aspects of the strategy to assist developers and planners	Clear statements which could be used to support planning and development applications to ensure compliance with the Habitats Regulations	Nov 2010	
2.1.4	establishing the mechanisms for creating certainty about the extent of mitigation required for individual developments and the relationship between mitigation inside and outside the SHG	Clear guidance for developers and planners to prepare mitigation proposals to ensure compliance with the Habitats and Birds Directives	End of Nov 2010	
2.1.5	examining the potential to use the North Bank of the Humber as the strategy develops	A statement on whether the concept is worth pursuing.	End of Aug 2010	
2.1.6	resolving how previously developed mitigation habitat relates to the 'stepping stone' approach being developed	Clear statements which clarify the potential for existing mitigation to be considered as effective parts of the ecological functioning of the stepping stones	End of Aug 2010	

2.2 EU Habitats and Birds Directives. The Conservation of Habitats and Species Regulations 2010 (SI No. 490)

The EU Habitats and Birds Directives set out clear requirements for member states to designate areas of international importance for habitat threatened species and bird conservation. In addition to providing an ecologically functioning approach, the strategy must also be able to comply with the strict demands of the Habitats Regulations. Consequently, it has been agreed that industrial development would not create an adverse effect on the integrity of the Special Protection Area, as long as mitigation work is undertaken. Equally, it has been agreed that this mitigation can be applied strategically; however, to comply with the Directives fully it will be important that on a case by case basis each individual development will be assessed to see whether its own EIA and Appropriate Assessment needs to be undertaken and that the requirements for mitigation are assessed against what is delivered through the strategy. These assessments not only allow for an accurate account of the amount of mitigation land required for each development, but will also identify further issues which the mitigation strategy cannot resolve, such as addressing the needs of existing populations of protected species and other aspects which are looked at as part of any EIA.

The work in this section will be carried out alongside that in 2.1 and be done by the **Ecology Working Party**

EU Habitats and Birds Directives Workplan

	Objectives	Outputs	Timescale	Status
2.2.1	ensuring that the requirements of the Directives are met within the Delivery Plan	Clear guidance that can be applied to ensure compliance with the Directives	End of Nov 2010	
2.2.2	ensuring that the ability to mitigate ahead of development is understood and agreed	Statements that clarify the legal requirements for Managing Natura 200	End of Nov 2010	
2.2.3	through monitoring, provide greater certainty that mitigation is effective and using this information to determine more objectively the extent of mitigation required for development	Monitoring results applied in an objective, quantifiable and agreed way	Ongoing	
2.2.4	establishing the mechanisms for creating certainty about the degree and extent of mitigation required for individual developments such that they can be confident in complying with the Habitat and Birds Directives	Clear statements which can be used by developers and planners to prepare mitigation for development and the production and acceptance of Appropriate Assessments where required	Dec 2010	
2.2.5	as the strategy progresses, identifying how much mitigation may be required outside the SHG in addition to the stepping stones	Interpretation of monitoring results which give clarity in the effectiveness of mitigation inside and outside the SHG	End of Oct 2010	
2.2.6	looking at other casework to see if there are lessons to be learnt eg Thames Basin and Dorset heaths work	The identification of approaches that have been successfully used elsewhere and which it can be agreed should be applicable in the SHG	Ongoing	

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2.3 Planning Regimes

While it is acknowledged that there may be changes to planning processes as time progresses, it is also the case that whatever regimes are introduced there will be a need to ensure that Habitats Regulation Assessments are undertaken at all appropriate stages. Currently, the LDFs for the two Councils and the documents which support them, including the Core Strategies and Allocations DPD, all need to be assessed against the Habitats Directive (the exact nature of these requirements is currently being researched). Planners have already confirmed that the existence of the MoU allows Inspectors to know there is evidence that the requirements of the Directives are being met within strategic planning and the acceptance and subsequent delivery of the Mitigation Strategy will provide further evidence that this is the case. Both the MoU and this Delivery Plan have considerable value in this context as they mean that it will be easier to demonstrate to an Inspector that the potential impacts on the SPA and Ramsar site arising from the SHG Policies and Allocation can be adequately mitigated and that therefore the Policies and Allocations are deliverable. A strategic and collaborative approach should save considerable time and cost to the LAs and to the other regulators (such as NE) and NGOs (Lincolnshire Wildlife Trust and RSPB) in the medium to long term.

A meeting with NE and RSPB on 10 August 2010 provided an agreed approach for the Screening Report and the commissioning of a separate AA for the NELC and NLC Core Strategies. It was also agreed at the meeting by NE and RSPB that the mitigation strategy does not need to be completed at this stage to enable sufficient confidence for the Core strategy to proceed.

The work will be carried out by **Peter Barham, Ian King, Gordon Kell and Bernie Fleming.**

Planning Regimes Workplan

	Objectives	Outputs	Timescale	Status
2.3.1	relating the continued development of the mitigation strategy to the timescales and outputs associated with the planning process for the two Councils. Ensuring that the needs of the Habitat Regulations in relation to the planning regimes for the two Councils	Clear understanding of the programme and timescales for planning Clear understanding of the role of the mitigation strategy at each stage Satisfactory Habitat Regulations Assessment for each stage	End of August 2010 Ongoing	

2.4 Acquisition of sites

Although some work remains to be done on the ecological aspects of the strategy and ensuring that they comply with the EU Directives, it is critical that work commences on identifying and acquiring land areas that could be used for mitigation immediately and that a timescale is set for the provision of mitigation sites. However, while public sector staff may help in the process, it is also increasingly likely that public sector organisations will not be able to contribute financially.

This work will be done by **Peter Barham, Darren Clarke, Gordon Kell and Kate Walker and Bernie Fleming.**

Acquisition of sites Workplan

	Objectives	Outputs	Timescale	Status
2.4.1	working with landowners to volunteer potential mitigation areas	Areas of land which could be developed as mitigation	Ongoing	
2.4.2	examining the potential to use the agricultural subsidy system to identify and fund mitigation areas	Clarification whether agricultural subsidy system offers any assistance with developing mitigation	End of August	
2.4.3	examining methods of enabling land to be used – either through acquisition or agreement	Guidance to assist developers, planners and landowners	Ongoing	

2.5 Industry Support

The Mitigation Strategy summit meeting on May 17th helped to launch the strategy to potential developers and the summit also identified some of the key areas of work that need to be done to ensure buy in and confidence by developers (4).

This work will be done by **Peter Barham, Darren Clarke, Gordon Kell and Kate Walker**.

Industry Support Workplan

	Objectives	Outputs	Timescale	Status
2.5.1	ensuring that industry and developers understand the full benefits of the strategy, how it can be applied and their part in its delivery in the coming months and years.	A practical manual setting out the reasoning and actions which industry can adopt and support and which HINCA can use to advise developers	Spring 2011	
2.5.2	working together to develop fair and equitable funding approaches as well ecological solutions	Agreed mechanisms which allow developers to use mitigation areas in clear objective ways	Ongoing	

2.6 Financial Aspects

The development of the Strategy to date has been largely funded and undertaken by public bodies to aid and accelerate development, but there is potential for funding from a number of sources both in the public and private sectors and also from the EU. There is also a real potential that Yorkshire Forward, or any organisation which replaces it, will fund the delivery of the first of the mitigation areas for use by developments, but the future delivery of the strategy will require industry to fund further mitigation areas. This process will involve developers providing mitigation which will be used strategically; in effect developer A will benefit from mitigation created by YF, but will pay for mitigation to be used by developer B and so on.

There is a potential to use ERDF money, but this will require match funding with the public or private sector. There is money available within ERDF budgets, but given the constraints on public sector finances, match funding will be needed from the private sector.

Work on finance aspects will be done by **Peter Barham, Phil Ashton, Gordon Kell and Sheryle Price-Jones with support from legal and financial services within the LAs**

Financial Aspects Workplan

	Objectives	Outputs	Timescale	Status
2.6.1	look for funding opportunities in UK and EU and from private sector, including ERDF	Identified funding routes	End of Oct 2010	
2.6.2	need to establish the acceptability of this approach in legal and financial terms	Statements which can be used to accompany developments to demonstrate compliance with legal and financial regulations	End of Dec 2010	
2.6.3	establish the financial mechanisms for creating certainty about the degree and extent of mitigation required for individual developments.	Statement determining whether agreed mechanisms for managing the finances associated with developers contributions is achievable	End of Dec 2010	

2.7 Future Management

The mitigation areas constructed as part of the Mitigation Strategy will have legal obligations under the Habitats and Bird Directives. These will need to be enshrined in legal agreements and as conditions placed upon the developments which may need to be drawn up by specialist lawyers. In addition, the mitigation areas will need to be managed in ways which maintain or enhance their ability to support roosting and loafing estuary birds covered by the Directives in perpetuity. There is no agreement on who should undertake this work, but potential management scenarios will need to be examined, including the possibilities for funding support.

Work on this aspect will be done by **Local Authorities and the Ecology Working Party**

Future Management Workplan

	Objectives	Outputs	Timescale	Status
2.7.1	establish both the legal and practical aspects of the management of the mitigation areas.	Clear guidance for use by developers, planners and regulators	End of Dec 2010	
2.7.2	developing land management agreements and the best way to manage the land for birds	Initial guidance on establishing agreements and land management	End of Dec 2010 and ongoing with monitoring	
2.7.3	examine the long term aspects of managing the 'stepping stones'	Set up a monitoring programme which assess the effectiveness of the work undertaken on the mitigation strategy	Ongoing	

2.8 Data management and Monitoring

The adequacy of existing monitoring information has been established through the Ecology Group and the information used to help identify future monitoring requirements. This has been presented in a document prepared by HINCA and is being used as the basis to secure the funding required for future survey work commencing in August 2010. Continuation of monitoring will be needed to ensure the data remain valid and up to date. How this will be done has yet to be agreed, but measures to implement it, through mechanisms such as planning conditions (eg S.106 agreements), must be sought in the short term to ensure that the data continuity is guaranteed.

HINCA and the Humber Ecological Data Centre will manage the work and the data which will be available to developers, their consultants and others in a consistent format, reducing the opportunity for inconsistent interpretation.

3. Moving Forward

To ensure that the considerable development opportunities within the SHG are taken up and to ensure that these are done cost-effectively and in environmentally sound ways, work on delivering the modules that comprise the mitigation strategy need to be moved forward without delay. Good co-operation exists between the organisations that have been involved in developing the strategy to date but much remains to be done and, as the strategy develops, other players need be involved and understand the benefits of the strategy. The best way of ensuring that all this happens is to see the ideas generated on the ecological requirements translated into reality on the ground and the acceptance and understanding by all that this can allow development to proceed.

It is also agreed that progress should be reviewed on a quarterly basis for each of the components by the work groups with reports back to the Mitigation and Ecology Groups and the SHG Board

REFERENCES

1. South Humber Gateway SPA Delivery Plan - Draft . September 2009. NLC
2. Final Draft of Bird Conservation Objectives. Natural England. To be confirmed
3. Memorandum of Understanding. SHG Mitigation Group. NLC. June 2010
4. Report of Summit Meeting May 17th 2010. June 2010. NLC

Peter Barham, Environmental Consultant
Darren Clarke, HINCA
Harriet Dennison, RSPB
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Gordon Kell, South Humber Gateway
Kate Walker, North East Lincolnshire Council
Andrew Taylor, North Lincolnshire Council



(LOGOS FROM YORKSHIRE FORWARD, LINCOLNSHIRE WILDLIFE TRUST TO FOLLOW)