



# Little Crow

*Solar Park*

*Little Crow Solar Park, Scunthorpe*

**ENVIRONMENTAL STATEMENT: TECHNICAL APPENDICES**

**APPENDIX 7.9 - HABITATS REGULATIONS STATEMENT –**

**NO SIGNIFICANT EFFECTS REPORT (NSER)**

**DEADLINE 5**

**Revision:**  
**Regulation No:**  
**PINS Reference:**

**Deadline 5 Rev A**  
**APFP Reg: 5(2)(a)**  
**EN010101**

**Author:**  
**Date:**

**Clarkson & Woods**  
**August 2021**



**LITTLE CROW SOLAR PARK  
HABITATS REGULATIONS STATEMENT –  
NO SIGNIFICANT EFFECTS REPORT (NSER)**

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On behalf of INRG Solar (Little Crow) Ltd.

# NO SIGNIFICANT EFFECTS REPORT (NSER)

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Project	Little Crow Solar Park, Scunthorpe, Lincolnshire			
Document	No Significant Effects Report (NSER)			
Client	INRG Solar (Little Crow) Ltd			
Author	Tom Clarkson			
Status	Checked (C&W)	Date	Approved By	Date
V2 Submission	Peter Timms	20/10/20		
V3 Submission	Peter Timms	02/03/21		
V4 Submission	Peter Timms	07/07/21		

# 1. INTRODUCTION

- 1.1.1. This document has been prepared to fulfil the requirements of Regulation 5 (2) (g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulation 2009 as amended (SI 2009 No. 2264)<sup>1</sup>, as specified in Advice Note Ten: Habitats Regulations Assessment relevant to nationally significant infrastructure projects (Planning Inspectorate, 2016)<sup>2</sup>.
- 1.1.2. Regulation 5 sets out certain documents which are required to accompany an application. Regulation 5 (2) (g) includes the following: "any report identifying any European site to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994(c) applies, or any Ramsar site(d), which may be affected by the proposed development, together with sufficient information that will enable the Commission to make an appropriate assessment of the implications for the site if required by regulation 48(1)".
- 1.1.3. The development proposed by this application is for the construction, operation, maintenance and decommissioning of a ground mounted solar park and associated battery energy storage facility with an intended design capacity of over 50MWp (megawatts peak) ('Proposed Development'). The proposals constitute a Nationally Significant Infrastructure Project ('NSIP') under the criteria provided by the Planning Act 2008 ('the Act'). It is necessary, therefore, for the proposals to be applied for using the Development Consent Order ('DCO') process with the application being submitted to the Planning Inspectorate.

## Existing Site Description

- 1.1.4. The area covered by the Order Limits is located to the east of the town of Scunthorpe and consists of 17 (predominantly arable) fields bordered by a network of hedgerows and extensive woodland plantations. The land gradually slopes down to the west of the site, where a number of ditches and ponds are present. Grassland, scrub and ruderal habitat are also present in discrete areas around the site.
- 1.1.5. The wider landscape is characterised by the industrial steel workings to the west of the site, and further arable farmland and plantation woodland to the north and east. Beyond the woodland to the south lies a recently constructed solar array. The town of Broughton is located approximately 0.9km to the east of the site.
- 1.1.6. The Order Limits cover an area of approximately 225 hectares (ha), and the approximate centre is at OS Grid Ref. SE 941 099. The location is shown in the Land Plan Order Limits (Document Ref: 2.1 LC DRW).

## Proposed Development

- 1.1.7. The Proposed Development is described in Chapter 4 of the Environmental Statement (ES) (Document Ref: 6.4 LC ES CH4)

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<sup>1</sup> The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Available online: <http://www.legislation.gov.uk/uksi/2009/2264/contents/made> [Accessed 25.01.2017]

<sup>2</sup> The Planning Inspectorate (2017) Habitats Regulations Assessment Advice Note Ten: Habitat Regulations Assessment relevant to nationally significant infrastructure projects. November 2017, Version 8.

1.1.8. Design measures proposed that have ecological influence include:

- Routing access tracks along existing farm tracks and through existing field entrances where possible
- A minimum 10m buffer between the Order Limits perimeter habitats and perimeter security fencing. A minimum 4m buffer will be provided between hedgerows and interior fencing.
- Approximately 2.5km of new, native hedgerows will be planted along either side of the existing track/PRoW which runs east to west across the site to screen the PV array from public view, and also to demarcate an exclusion zone around the former Gokewell Priory. These hedgerows will increase connectivity and foraging opportunities for a range of species including, birds, bats, and small mammals; additional planting will be provided to the north easterly edge of the site
- Creation of 4m wide, 400mm deep swales along some field boundaries
- Operationally, the land beneath the solar array will be sown with grassland and it is anticipated that it will be grazed by sheep; however, where that is not possible then management will be achieved through a grass cutting regime.
- Operation of the array requires minimal intervention and as such levels of disturbance (light, noise and human presence) upon wildlife within the area will be minimal during the operational phase;
- An environmentally-conscious approach to construction, which will be implemented through an Outline Construction Environmental Management Plan (CEMP) ((Document Ref: 7.27 LC TA7.7). The CEMP (Biodiversity) has been drafted. The CEMP (Biodiversity) details measures and approaches to be adopted which will limit the likelihood of impacts upon retained habitats through damage, pollution and disturbance. It is anticipated that the final details and implementation of the CEMP will be secured by requirement of the Development Consent Order (DCO) which would be finalised once a main contractor has been appointed;
- An Outline Landscape and Ecological Management Plan (LEMP) (Document Ref: 7.28 LC TA7.8) has been prepared which specifies how the habitats within the operational array will be managed. A low level of post-construction site management and monitoring will be specified, designed to reduce interference with created and retained habitats while promoting their establishment and biodiversity contribution. It is anticipated that the final details and implementation of the LEMP will be secured by requirement of the DCO which would be finalised once the party responsible for delivering the landscape management on the site has been appointed

1.1.9. Further descriptions of the Proposed Development, including indicative timescales of construction and operation, are included in Chapter 4 (Description of the Proposed Development) of the Environmental Statement submitted with the application (Document Ref: 6.4 LC ES CH4).

### **Consultation**

1.1.10. The Proposed Development has evolved through the on-going process of consultation with relevant statutory and non-statutory consultees, local stakeholders, members of the local community and Planning Inspectorate (PINS).

- 1.1.11. An Environmental Report was produced and publicised as part of the initial consultation process. The Environmental Report summarised the planning policy, legislation and guidance that will be considered throughout the preparation of the ES, the baseline studies undertaken up to that point, and provided an indication on the potential likely significant environmental effects of the Proposed Development.
- 1.1.12. Following this a draft ES was produced and distributed for review as part of a Stage 2 consultation process (July-August 2017). The outcome of the Stage 2 consultation process was used to further refine the design of the Proposed Development, as well as content and methodology of the ES. A NSER was not produced at that stage as one was not considered necessary by either North Lincolnshire Council (NLC) or Natural England (NE).
- 1.1.13. A copy of the draft ES was provided to Natural England during Consultation and a Statement of Common Ground (SoCG) between the Little Crow Solar Park Team and Natural England has been agreed.
- 1.1.14. A summary of the comments provided by the LPA and Natural England relating to the requirement for HRA during the consultation process and the applicant's responses/actions taken is provided in the following table:

**Table 1.1 Summary of Consultation**

<b>Correspondence Type and Date</b>	<b>Consultee Comment</b>	<b>Response/Action Taken</b>
Andrew Taylor (AT) – North Lincolnshire Council  15/05/2018 via email	Peter Timms (PT) of Clarkson and Woods sought AT's opinion on the potential of the proposals to impact the Humber Estuary SAC/SPA/Ramsar site and whether a Habitat Regulations Assessment would be necessary. Clarkson and Woods were of the opinion that, taking into account the distance of the estuary from the <u>Order Limits</u> , the disparity of habitats between the two, and the nature of the intervening landscaping, it was highly unlikely that the proposals would result in a significant impact on the interest features of the Humber Estuary SAC, SPA or Ramsar site  AT agreed with Clarkson and Woods opinion and concluded that he would not record a screening decision for this project (i.e. it would have no likely significant effect).	Determination of no significant effect (No HRA needed)
Hannah Gooch – Natural England Lead Adviser - Central Delivery Team (HG)  22/05/2018 via email (Discretionary Advice Service [DAS] request)	PT sought Natural England's opinion on the potential of the proposals to impact the Humber Estuary composite protected sites via a DAS request. As above, Clarkson and Woods were of the opinion that it was highly unlikely that the proposals would result in a significant impact on the interest features of the Humber Estuary SAC, SPA or Ramsar site.  NE agreed with the conclusions reached with Andrew Taylor that it was highly unlikely that the proposals would result in a significant impact on the	Determination of no significant effect (No HRA needed)

	interest features of the Humber Estuary SPA or Ramsar site. DAS was not considered necessary.	
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### **Methodology – Selection of European Sites / Assessment of Likely Significant Effects**

- 1.1.15. The methodology outlined below has taken into account the comments from Natural England and PINS made during Stage 2 Consultation.
- 1.1.16. As part of ecological assessment undertaken by Clarkson and Woods, European Sites within 10 km of the Site were identified. An assessment was completed for 'Likely Significant Effects' (LSEs) on the qualifying features of the identified European Sites. The 10 km search area was agreed with Natural England and reflects the maximum likely distance over which impacts could reasonably be foreseen to occur. The European Sites identified are shown in Document Ref 2.3 LC DRW
- 1.1.17. Impact matrices (in Section 2 of this report) assesses potential LSE's from the following potential impacts:
- Direct physical effects, habitat loss / fragmentation / displacement;
  - Disturbance from noise (all sources);
  - Changes to water quality.
- 1.1.18. The assessment has been undertaken on a desk study basis and utilises the findings and technical data from the ES for the Proposed Development, along with information from various technical reports which support the ES, and information gathered from the following sources:
- Multi Agency Geographic Information for the Countryside (MAGIC) website<sup>3</sup>;
  - Natural England Joint Nature Conservation Committee (JNCC) websites for SAC citations and further information on the respective SACs; and
  - EA website<sup>4</sup> and OS mapping for information on hydrology and rivers within the 10km study area.
- 1.1.19. The assessment of LSEs has been undertaken qualitatively and using professional judgement, rather than adopting specific thresholds.
- 1.1.20. The assessment of LSEs has been undertaken without taking account of mitigation measures outlined in the ES (i.e. the assessment of LSEs is without inclusion of proposed mitigation measures).
- 1.1.21. The Proposed Development is not considered to need additional regulatory consents which will require assessment of the LSEs with respect to the European Sites identified in Section 2 of this report.
- 1.1.22. In relation to in-combination effects, the assessment uses the list of 'Other Developments' established within the EIA – Chapter 7, Section 7.8 (Document Ref 6.7 LC ES CH7). Only other large scale solar operations have been considered within the cumulative assessment as

<sup>3</sup> [www.magic.gov.uk](http://www.magic.gov.uk), accessed 19/05/2020

<sup>4</sup> <http://environment.data.gov.uk/catchment-planning/>, accessed 19/05/2020



the impacts of these projects are considered. On this basis, this NSER is considered to include in-combination effects as an integral part of the identification of LSEs.

1.1.23. The Proposed Development is not connected with or necessary to the management for nature conservation of any of the European sites considered in the report. The assessment indicates that there would be no LSEs on any European site, either alone or in-combination, and therefore an Appropriate Assessment is not required.

## 2. POTENTIAL EFFECTS

2.1.1. The European sites included within the screening assessment are (refer to Document Ref. 2.3 LC DRW for locations):)Humber Estuary SPA (UK9006111)

- Humber Estuary SAC (UK0030107)
- Humber Estuary Ramsar (RIS UK11031)

2.1.2. This section briefly describes the potential effects considered in the screening matrices in this section of the report. Table 2.1 rationalises specific effects into categories for ease of presentation in the screening matrices. The screening matrices are based upon a template developed by PINS and comprise the evidence for the assessment of the NSER.

**Table 2.1 Effects considered in the Screening Matrices**

<b>Designation</b>	<b>Effects described in submission information</b>	<b>Presented in screening matrices as</b>
Humber Estuary SAC	No separate submission information on European Sites outside this report	Direct physical effects, habitat loss / fragmentation /displacement
		Disturbance from noise (all sources)
		Changes in water quality
Humber Estuary SPA	No separate submission information on European Sites outside this report	Direct physical effects, habitat loss / fragmentation /displacement
		Disturbance from noise (all sources)
		Changes in water quality
Humber Estuary Ramsar	No separate submission information on European Sites outside this report	Direct physical effects, habitat loss / fragmentation /displacement
		Disturbance from noise (all sources)
		Changes in water quality

2.1.3. Evidence for, or against, likely significant effects on the European Sites and their qualifying features is detailed within the footnotes to the screening matrices below.

Matrix Key:

∩ = Likely significant effect cannot be excluded

∠ = Likely significant effect can be excluded

C = construction

O = operation

D = decommissioning

## HRA Screening Matrix 01: Humber Estuary SAC

Name of European Site and Designation: Humber Estuary SAC												
EU Code: UK0030107												
Distance to NSIP: 8.1km (West North West), 9km (West)												
European site features	Likely effects of NSIP ✓/✗											
Effect	Direct physical effects, habitat loss / fragmentation / displacement [a]			Disturbance from noise (all sources) [b]			Changes in water quality [d]			In combination effects [e]		
Stage of Development	C	O	D	C	O	D	C	O	D	C	O	D
Estuaries (1130)	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Mudflats and sandflats not covered by seawater at low tide (1140)	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Sandbanks which are slightly covered by sea water all the time (1110)	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Coastal lagoons (1150)	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Salicornia and other annuals colonizing mud and sand (1310)	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) (1130)	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Embryonic shifting dunes	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes") (2120)	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
"Fixed coastal dunes with herbaceous vegetation ("grey dunes") (2130)	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Dunes with <i>Hippopha rhamnoides</i> (2160)	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗

### Evidence supporting conclusions

- a. The Order Limits are located at 8.1km from the boundary of the Humber Estuary SAC at its closest point (See Document Ref 2.3 LC DRW for the location relative to the Order Limits). No direct physical effects are anticipated on habitats on or adjoining the SPA.
- b. No significant noise impacts are anticipated at any points during construction, operation or decommissioning. Given the distance between the SAC and the Site any noise generated within the site would not be anticipated to have any effect on or close to the

SAC boundary (see Document ref: 7.16 LC TA4.9). Three Annex II species are present as qualifying features, Sea and River lamprey and Grey Seal. None are likely to be particularly sensitive to noise impacts and none are linked to habitats associated with the site – when away from the habitats associated with the SAC.

- c. The Order Limits lie within the catchment of the Humber and as such there are direct hydrological links between the site and the SAC. A reduction in runoff leaving the Order Limits and an improvement in water quality entering the surrounding environment is expected (see Document Ref: 7.3 LC TA3.1). Considering the nature of construction, the distance between the proposed development and the SAC, the habitats between the site and the SAC it is considered highly unlikely that there is any risk of adverse impacts, significant or otherwise on the Annex I and Annex II habitats associated with the SAC or the Annex II species present within the site.
- d. Three other large scale solar farms have been identified within a 10km radius of the Order Limits. All of these also lie within the catchment of the Humber Estuary SAC. It is not considered that any of these sites are likely to give rise to in-combination effects upon the habitats and species associated with the SAC.

## HRA Screening Matrix 02: Humber Estuary SPA

Name of European Site and Designation: Humber Estuary SPA												
EU Code: UK9006111												
Distance to NSIP: 11km (North)												
European site features	Likely effects of NSIP ✓/✗											
Effect	Direct physical effects, habitat loss / fragmentation / displacement [a]			Disturbance from noise (all sources) [b]			Changes in water quality [c]			In combination effects [d]		
Stage of Development	C	O	D	C	O	D	C	O	D	C	O	D
Avocet <i>Recurvirostra avosetta</i> Breeding	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Avocet ( <i>Recurvirostra avosetta</i> ), Non-breeding	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Bar-tailed godwit ( <i>Limosa lapponica</i> ), Non-breeding	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Bittern ( <i>Botaurus stellaris</i> ), Breeding	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Bittern ( <i>Botaurus stellaris</i> ), Non-breeding	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Black-tailed godwit ( <i>Limosa limosa islandica</i> ), Non-breeding	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Dunlin ( <i>Calidris alpina alpina</i> ), Non-breeding	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Golden plover ( <i>Pluvialis apricaria</i> ), Non-breeding	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Hen harrier ( <i>Circus cyaneus</i> ), Non-breeding	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Knot ( <i>Calidris canutus</i> ), Non-breeding	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Little tern ( <i>Sternula albifrons</i> ), Breeding	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Marsh harrier ( <i>Circus aeruginosus</i> ), Breeding	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Redshank ( <i>Tringa totanus</i> ), Non-breeding	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Ruff ( <i>Calidris pugnax</i> ), Non-breeding	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Shelduck ( <i>Tadorna tadorna</i> ), Non-breeding	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Waterbird assemblage, Non-breeding	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗

### Evidence supporting conclusions

- a. The Order Limits are located at 11km from the boundary of the Humber Estuary SPA at its closest point (See Document Ref 2.3 LC DRW for the location relative to the Order Limits). No direct physical effects are anticipated on habitats on or adjoining the SPA.

- b. No significant noise impacts are anticipated at any points during construction, operation or decommissioning. Given the distance between the SPA and the Site any noise generated within the site would not be anticipated to have any effect on or close to the SPA boundary (see Document ref: 7.16 LC TA4.9). Disturbance of qualifying species is not anticipated. Wintering and breeding bird surveys of the site (see Document Ref: 7.23 LC TA7.2 and Document Ref:7.24 LC TA7.3 respectively) have found no evidence of use of the site by any species listed as a qualifying species of the SPA.
- c. The Order Limits lie within the catchment of the Humber and as such there are direct hydrological links between the site and the SPA. A reduction in runoff leaving the Order Limits and an improvement in water quality entering the surrounding environment is expected (see Document Ref: 7.3 LC TA3.1). Considering the nature of construction and the distance between the proposed development and the SPA it is considered highly unlikely that there is any risk of adverse impacts, significant or otherwise on the qualifying habitats associated with the SAC.
- d. Three other large scale solar farms have been identified within a 10km radius of the site. All of these also lie within the catchment of the Humber Estuary SPA. It is not considered that any of these sites are likely to give rise to in-combination effects upon the habitats and species associated with the SPA. Review of assessments for those sites found bird surveys of these sites did not identify any use of the site by qualifying species associated with the SPA.



## **Evidence supporting conclusions**

- a. The Order Limits are located at 8.1km from the boundary of the Humber Estuary Ramsar at its closest point (See Document Ref 2.3 LC DRW for the location relative to the Order Limits). No direct physical effects are anticipated on habitats on or adjoining the Ramsar.
- b. No significant noise impacts are anticipated at any points during construction, operation or decommissioning. Given the distance between the Ramsar and the Order Limits any noise generated within the site would not be anticipated to have any effect on or close to the Ramsar boundary (see Document ref: 7.16 LC TA4.9). Disturbance of qualifying species is not anticipated. Wintering and breeding bird surveys of the site (see Document Ref 7.23 LC TA7.2 and Document Ref 7.24 LC TA7.3 respectively) have found no evidence of use of the site by any species listed as a qualifying species of the Ramsar.
- c. The Order Limits lie within the catchment of the Humber and as such there are direct hydrological links between the site and the Ramsar. A reduction in runoff leaving the Order Limits and an improvement in water quality entering the surrounding environment is expected (see Document Ref: 7.3 LC TA3.1). Considering the nature of construction and the distance between the proposed development and the Ramsar it is considered highly unlikely that there is any risk of adverse impacts, significant or otherwise on the qualifying habitats associated with the Ramsar.
- d. Three other large scale solar farms have been identified within a 10km radius of the site. All of these also lie within the catchment of the Humber Estuary Ramsar. It is not considered that any of these sites are likely to give rise to in-combination effects upon the habitats and species associated with the Ramsar. Review of assessments for those sites found bird surveys of these sites did not identify any use of the site by qualifying species associated with the SPA.



### **3. CONCLUSION**

3.1.1. Clarkson and Woods, on behalf of INRG Solar (Little Crow) Ltd, undertook an assessment of likely significant effects of the scheme applied to three identified international sites, namely:

- Humber Estuary SAC, located approximately 8.1km to the west at the closest point
- Humber Estuary Ramsar, located approximately 8.1km to the west at the closest point
- Humber Estuary SPA, located approximately 11km to the north.

3.1.2. The assessment presented in this report has concluded that the scheme will have no significant effects on any of the designated international sites identified.



CLARKSON & WOODS

