



Mallard Pass

Solar Farm

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Applicants Responses to Interested Parties' Deadline 2 Submissions - Ecology

Deadline 3 - June 2023

EN010127

EN010127/APP/9.18

Applicant's Response to Interested Parties' Deadline 2 Submissions on Ecology

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
REP2-047 REP2-048 REP2-138 REP2-188.	Biodiversity	<p>Concerns that the planting proposed is limited in quality, with much of it being limited to 'proposed tussock grassland with wildflowers' with only one small area of woodland copse and one area of wet woodland planting proposed.</p> <p>Considers that planting proposals for the site are not proportionate to the impact of the development, therefore, would have an overall negative impact when compared to the development proposed.</p>	<p>The proposals set out in the Green Infrastructure Strategy Plan [APP-173] were designed to deliver a net gain in biodiversity, complement existing on and off-site habitats while non precluding the return of the land potentially to agriculturally productive land in future. Hence proposals such as more diverse grassland requiring soil inversion were not proposed.</p> <p>The Chapter 7: Ecology and Biodiversity [APP-037] shows that the Proposed Development will deliver a net gain for biodiversity.</p>
REP2-060, REP2-096, REP2-224 REP2-149 REP2-198 REP2-169 REP2-168 REP2-178 REP2-054 REP2-126 REP2-124 REP2-207 REP2-208		<p>Concern there will be loss of biodiversity and habitat and the minimum 10% will not be achieved.</p>	<p>The Applicant is committed to deliver well in excess of the 'minimum' requirement with this Proposed Development and will not reduce the gain achieved significantly, save for minor adjustments made as the scheme is fine-tuned and landscaping proposals are refined. A 10% minimum is secured through the draft DCO.</p>
REP2-098 REP2-099		<p>Repeating concerns raised in its Relevant Representation [RR-1076] about the biodiversity claims and assessments and the long-term impacts this may have.</p>	<p>Chapter 7: Ecology and Biodiversity [APP-037] sets out the assessment of the likely impacts to ecological features, particularly to protected or notable species, and no adverse effect has been identified. This Chapter, together with the rest of the ES, has been independently reviewed by Stantec on behalf of SKDC/RCC (see Appendix D) and this review confirms that the EIA undertaken is considered in compliance with applicable EIA legislation and associated guidance and it</p>

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			comprehensively assesses the likely significant effects of the proposed development.
REP2-185	Biodiversity calculations	The plans and proposals do not set out in detail how the baseline value of biodiversity is calculated and then by what percentage this is to be improved and critically how this will be created?	<p>Chapter 7: Ecology and Biodiversity [APP-037] sets out the baseline conditions of the site and evaluates the baseline value of the habitats in accordance with the approved metric at the time of submission. This then sets out the assessment of the likely impacts to biodiversity and concludes a gain will be delivered.</p> <p>The Applicant is committed to deliver well in excess of the 'minimum' requirement with this Proposed Development and will not reduce the gain achieved significantly, save for minor adjustments made as the scheme is fine-tuned and landscaping proposals are refined. This is set out in the Biodiversity Net Gain Metric [APP-064].</p>
REP2-051 REP2-053 REP2-182 REP2-138 REP2-106	Biodiversity Net Gain	<p>Concern that the currently proposed BNG figure for the Proposed Development does not have a delivery mechanism to achieve this. Clarity is needed.</p> <p>In addition, there is a lack of clarity between documents regarding this figure, with Requirement 7 of the DCO stating the Applicant is only seeking a minimum of 10%. Which figure will the applicant be seeking and how will this be achieved?</p>	<p>The calculations were shared in Appendix 7.6 Ecology and Biodiversity – Biodiversity Net Gain Metric [APP-064] and the rationale is set out in Chapter 7: Ecology and Biodiversity [APP-037]. This assessment is based on the proposals set out in the Green Infrastructure Strategy Plan [APP-173]. All habitat creation and enhancement measures will be set out in the LEMP and are outlined in the oLEMP [REP2-022] which will include monitoring of outcomes.</p> <p>The DCO mandates a 10% gain but the Proposed Development will aim to deliver a fair higher gain as set out in the documents mentioned above. As the BNG Metric calculations are based on the measures that are in the Outline LEMP, and the detailed LEMP measures are required to be in accordance with that Outline LEMP, reaching well over 10% will be achievable.</p>
REP2-168 REP2-169		<p>BNG calculation needs to be shared and verified. Questions arisen on whether the BNG claimed as a result of grassland being in place can be counted. The grassland will be removed upon</p>	<p>The Biodiversity Net Gain (BNG) calculations were submitted with the DCO Application and can be found in Appendix 7.6 Ecology and Biodiversity – Biodiversity Net Gain Metric [APP-064]. As part of RCC/SKDC LIR, an independent review of the ES was undertaken by</p>

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		<p>decommissioning and returned to arable rendering the gain unclaimable. What will happen if the Applicant only operates the solar farm for 25 years?</p> <p>Has the removal of these hedgerows and trees been taken into account in the BNG calculations?</p>	<p>Stantec. This review confirmed that the EIA undertaken is considered to be in compliance with applicable EIA legislation and associated guidance and it comprehensively assesses the likely significant effects of the Proposed Development (see Appendix D).</p> <p>The removal of hedgerows and trees has been accounted for in the BNG calculations.</p> <p>The Applicant can see no reason why the Proposed Development would cease to be operational after only 25 years. As stated in the Environmental Statement – Chapter 5: Project Description [REP2-012] at section 5.18, the Applicant is not seeking a time limited consent, the operational life of the Proposed Development has not been specified within the DCO Application but for the purposes of the ES assessment a 40-year operational lifespan has been assumed although the infrastructure may continue to be operating successfully and safely beyond this period.</p> <p>The latest version of the Draft Development Consent Order (rev.2) [REP2-005] submitted at Deadline 2 is clear that the measures put in place pursuant to the LEMP have to be retained for the lifetime of the operational development and so would be in place for that 40+ year period.</p>
REP2-125		<p>In response to paragraph 2.14.1 of the Applicant's Non-Technical Summary [APP-106], the stated biodiversity net gain of 71% is being questioned. What is this compared against? Is this compared to, for example, a field of wheat (monoculture)? If so, it is an unreasonable figure to include, and seems unlikely in all circumstances. Is it a hopeful or exaggerated figure?</p>	<p>Chapter 7: Ecology and Biodiversity [APP-037] and the Biodiversity Net Gain Metric [APP-064] sets out and are based on the baseline conditions of the site and evaluates the baseline value of the habitats in accordance with the approved metric at the time of submission. This then sets out the assessment of the likely impacts to biodiversity and concludes a gain will be delivered.</p> <p>The Applicant is committed to deliver well in excess of the 'minimum' requirement with this Proposed Development and will not reduce the gain achieved significantly, save for minor adjustments made as the scheme is fine-tuned and landscaping proposals are refined.</p> <p>The DCO mandates a 10% gain, but the Proposed Development will aim to deliver a fair higher gain as set out in the documents mentioned</p>

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			<p>above. As the BNG Metric calculations are based on the measures that are in the Outline LEMP, and the detailed LEMP measures are required to be in accordance with that Outline LEMP, reaching well over 10% will be achievable.</p>
<p>REP2-090 REP2-091</p>	<p>BNG</p>	<p>Increase in biodiversity value is a form expectation of policy and not a justification for a solar farm. This increase should be accorded limited weight in the planning balance.</p> <p>The baseline has been incorrectly assessed and the BNG Calculation artificially excludes woodland from the baseline.</p> <p>Concerns over the fact that the scheme fails to avoid harm to biodiversity, including accidental damage.</p> <p>The scheme focuses on habitat creation rather than delivery of measurable long term ecological benefits and outcome.</p> <p>Concerns that field margins were not considered as part of the baseline.</p> <p>Concerns on validity of the BNG if the land is returned to arable after the operational phase.</p> <p>Losses of hedgerow and trees not included in BNG and therefore hedgerow gains are exaggerated.</p>	<p>BNG is not currently a mandatory requirement though achievement of 10% BNG is now becoming a standard requirement by Local Planning Authorities and will be mandated once the Environment Act 2021 is in full force. The Applicant has designed the Proposed Development to deliver far in excess of this and this has been one of the main aims of the design, though retention and enhancement of ecological features of value; and it this large excess that is considered to be a benefit of this Proposed Development. The net gain calculation presented in Appendix 7.6 Ecology and Biodiversity – Biodiversity Net Gain Metric [APP-064] sets this out and shows the large gain in biodiversity terms being delivered. As part of RCC/SKDC LIR, an independent review of the ES was undertaken by Stantec. This review confirmed that the EIA undertaken is considered to be in compliance with applicable EIA legislation and associated guidance and it comprehensively assesses the likely significant effects of the Proposed Development (see Appendix D).</p> <p>Appendix 7.6 Ecology and Biodiversity – Biodiversity Net Gain Metric [APP-064] sets out the baseline (including smaller habitats such as field margins) and captures all predicted losses as a result of the development. Accidental impacts will be avoided and would therefore not be captured by this BNG metric and assessment.</p> <p>In Section 19.21 of their written representation, MPAG have shown a calculation with no supporting text which appears to add the individual values from Area habitats, Ditches and Rivers presented in the BNG metric results into one figure for the pre- and post-development scenarios and then produces an overall figure for biodiversity change. It should be noted that the post-development value for habitats is shown as 1,922.69 (the baseline value, not the post-development value shown in the metric which is 3,310.69) and that this process of “averaging” the</p>

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			value for the three sections of the metric is not a valid way of applying this calculation as each group (Area habitats, Hedgerows and Rivers) has a separate value and % change assigned to it.
REP2-044 REP2-046	Species protection	Paragraph 3.1.14 of the OLEMP lists the aims of the objective, including the erection of 50 bird and 50 bat boxes across the development site. This seems a light number for both, given a site of this size.	These provisions will need to be installed on mature trees, due to their size. Therefore, this number is deemed appropriate when considering the amount of larger trees present within the Order limits. Beneficial effects for nesting birds will also be achieved through creating more woodland and hedgerows and sympathetic management of existing habitats.
REP2-093	Protected Species Licenses	Further clarification is requested upon protected species licenses and the Applicant's approach to these being submitted/approved.	<p>Licences will be applied for once the Proposed Development is consented.</p> <p>In terms of badger licenses, the exact details of the licences applied for would be dependent on the baseline closer to the start of construction, and therefore this cannot be started at this stage.</p> <p>For great crested newts, it is likely that the Applicant will pursue the District Level Licensing route for works within the Order limits. Therefore, this will be progressed with Natural England over the course of the Examination, but the outcome of this will not be known by the submission of the first Statement of Common Ground.</p> <p>In both cases, all relevant mitigation guidance and indeed the mitigation hierarchy will be applied to the mitigation proposals therefore it is highly unlikely that any unforeseen issues with the mitigation proposals will arise.</p>
REP2-090 REP2-091	Protected species licences	Concerns over lack of details on protected species licences provided at this stage.	<p>Licences will be applied for once the Proposed Development is consented.</p> <p>In terms of badger licenses, the exact details of the licences applied for would be dependent on the baseline closer to the start of construction, and therefore this cannot be started at this stage.</p>

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			<p>For great crested newts, it is likely that the Applicant will pursue the District Level Licensing route for works within the Order limits. Therefore, this will be progressed with Natural England over the course of the Examination, but the outcome of this will not be known by the submission of the first Statement of Common Ground.</p> <p>In both cases, all relevant mitigation guidance and indeed the mitigation hierarchy will be applied to the mitigation proposals therefore it is highly unlikely that any unforeseen issues with the mitigation proposals will arise.</p>
REP2-219 REP2-109 REP2-220 REP2-168 REP2-169 REP2-096 REP2-057 REP2-058 REP2-218 REP2-227 REP2-212 REP2-223 REP2-138 REP2-190 REP2-187 REP2-104 REP2-114 REP2-154 REP2-183 REP2-105 REP2-125 REP2-054	Loss of wildlife	Concern around the loss of wildlife and the reduction in wildlife populations or isolation . Leading to the potential loss of species altogether.	Chapter 7: Ecology and Biodiversity [APP-037] sets out the assessment of the likely impacts to ecological features, particularly to protected or notable species, and no adverse effect has been identified. This Chapter, together with the rest of the ES, has been independently reviewed by Stantec on behalf of RCC/SKDC (see Appendix D) and this review confirms that the EIA undertaken is considered in compliance with applicable EIA legislation and associated guidance and it comprehensively assesses the likely significant effects of the proposed development.

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REP2-128 REP2-143 REP2-176 REP2-216 REP2-118 REP2-160 REP2-161 REP2-090			
REP2-220 REP2-191 REP2-112 REP2-159 REP2-155 REP2-228 REP2-182 REP2-129 REP2-056 REP2-203 REP2-117 REP2-138 REP2-169 REP2-211 REP2-118 REP2-161	Displacement of wildlife	<p>Concerns that wildlife would be displaced from their natural habitat and unable to return safely.</p> <p>Concerns that the 2-year+ construction phase with disrupt, damage and destroy delicate biodiversity and habitats. These will take years to return, if at all.</p>	Chapter 7: Ecology and Biodiversity [APP-037] sets out the assessment of the likely impacts to ecological features, particularly to protected or notable species, including during the Construction Phase and no adverse effect has been identified with mitigation measures in place.
REP2-185		On a scheme of this size, it is not acceptable to simply highlight areas on the plans as "Mitigation and Enhancement areas". The panels, roadways and fencing will provide hard boundaries preventing nature from transiting the area. More detail is needed	The Green Infrastructure Strategy Plan [APP-173] provides details of the proposed habitat creation and enhancement areas. This has also been designed to provide connective habitats to and from off site habitats and on site retained and created habitats.

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		in respect of the construction phase too. Typically, the developer is looking at the redline boundary of the site inwards, not considering the natural environment outside that redline boundary, for example on woodland edges and how nature transits these areas?	The panels and roadways will not be barriers to dispersal to wildlife. The fencing will include gaps to allow continued movement by protected and notable species such as brown hare, badgers and hedgehogs to continue to move through the Solar PV Area.
REP2-220 REP2-100 REP2-155 REP2-096 REP2-157 REP2-216 REP2-090	Loss of vegetation	There is permanent loss of mature trees, hedgerows, historic landscape features and wildlife areas. However, the ES fails to address the drastic impact of replacing the open arable fields with hard landscaping. Loss of section of hedgerow.	The Proposed Development has been designed to minimise the losses of trees and hedgerows. As shown the Green Infrastructure Strategy Plan [APP-173] and assessed in Chapter 7: Ecology and Biodiversity [APP-037] the Proposed Development will provide a net gain for biodiversity. Any small losses are being compensated for. The arable fields will be replaced with grassland and wildflower meadows, and areas of hardstanding have been limited to access tracks and temporary construction compounds. Grass will still grow underneath and around the Solar PV Arrays.
REP2-193 REP2-197 REP2-155 REP2-129 REP2-117 REP2-194 REP2-209 REP2-169 REP2-177 REP2-157 REP2-125 REP2-235 REP2-231	Impact on ecological connectivity	Difficult to understand how the proposal is considered environmentally friendly, when it will be fencing off land that deer roam wild and free on. Creating 'man-made' door way for animals who previously had their own well-worn pathways.	Chapter 7: Ecology and Biodiversity [APP-037] sets out the assessment of the likely impacts to ecological features, particularly to protected or notable species, and no adverse effect has been identified. Deer may not access the Solar PV Areas due to fencing but will continue to use areas of open unfenced ground, including the green infrastructure designed within the OLEMP outside of the Solar PV Areas The locations of openings designed to allow continued movement of protected and notable species such as brown hare, badger and hedgehog will be placed so as to continue to allow movement by these species through the landscape.

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REP2-103	Impact to veteran trees	<p>Concerned that the three veteran oak trees within the site may be subject to root encroachment and impact unless suitable mitigation is provided.</p> <p>The veteran buffer zones of P-T010 and M-T061 will be partially located within the proposed solar farm area; it is therefore imperative that these buffer zones remain free of development to ensure the long-term vitality of the veteran specimens. P-T031 will be subject to potential root encroachment from the siting of the internal access track. The applicants should look to re-locate the access track entirely from the veteran buffer zone or confirm that any works proposed will be undertaken to no-dig specifications as outlined in the BS:5837:2012.</p>	<p>An offset of a least 10m from existing vegetation to the perimeter fencing will be provided (with solar panels then set approximately 3- 5m beyond this).</p> <p>Tree protection measures will be implemented, including solid hoarding fencing and construction exclusion zones, plus hand excavation where required, in full accordance with the requirements of BS 5837:2012. This is set out within Appendix 15.2 Arboricultural Impact Assessment [APP-103] and within the oCEMP [REP2-020].</p>
REP2-090	Mitigation	Buffers and other mitigation are insufficient and too heavily qualified to ensure proper protection of protected species.	The buffers have been considered from the outset of the project. These are set out in detail in Chapter 5: Project Description [REP2-012] of the ES and the methods of securing these during the construction, operational and decommissioning stages are set out in the documents relevant to each stage: oCEMP, oLEMP and oDEMP.
REP2-137 REP2-123	Mitigation	General concern that the mitigation is insufficient to compensate for the loss of habitat.	The Proposed Development has been designed to minimise the losses of trees and hedgerows. As shown the Green Infrastructure Strategy Plan [APP-173] and assessed in Chapter 7: Ecology and Biodiversity [APP-037] the Proposed Development will provide a net gain for biodiversity. The detail of this will be approved by the LPAs when approving detailed LEMPs pursuant to the DCO.
REP2-047 REP2-138 REP2-207 REP2-208	Skylarks Mitigation	<p>Currently, available evidence would indicate that land uses of this nature will adversely impact skylarks in particular, which are the predominant species at this site.</p> <p>Considering that there will be a negative impact on skylarks as a result of the proposal, the proposed</p>	<p>Skylark were present and are a Species of Principal Importance but not the predominant species.</p> <p>The mitigation proposals have been set out in Chapter 7: Ecology and Biodiversity [APP-037] and the Green Infrastructure Strategy Plan [APP-173] and will be considered by the Examining Authority. Natural England have not indicated any concerns in respect of the Applicant's skylark mitigation proposals</p>

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		mitigation must be considered satisfactorily to the Examining Authority.	
REP2-142 REP2-104 REP2-192 REP2-177 REP2-126 REP2-216 REP2-160	Loss of habitats	Loss of habitat will not only damage wildlife, flora and fauna, but will have a knock on effect on the human population too in terms of mental health.	Chapter 7: Ecology and Biodiversity [APP-037] sets out the assessment of the likely impacts to ecological features, particularly to protected or notable species, and no adverse effect has been identified. Impacts to human health are dealt with elsewhere in this document, but as there will be no significant impacts to ecology, it is not considered that biodiversity impacts would have a consequential impact to human mental health in any event.
REP2-155 REP2-228 REP2-189 REP2-209 REP2-139 REP2-211		Loss of habitats within the site for a number of Red List Birds of Conservation Concern and rare birds including Yellowhammer, linnet, Skylark and Fieldfare. Local bird experts have raised concerns that some species have been missed altogether from assessments.	Chapter 7: Ecology and Biodiversity [APP-037] sets out the assessment of the likely impacts to ecological features, particularly to protected or notable species, and no adverse effect has been identified. This Chapter, together with the rest of the ES, has been independently reviewed by Stantec on behalf of RCC/SKDC (see Appendix D) and this review confirms that the EIA undertaken is considered in compliance with applicable EIA legislation and associated guidance and it comprehensively assesses the likely significant effects of the proposed development. As specifics as to what species were missed are not provided, we cannot comment in detail on this, however the survey effort used to inform the assessments carried out is robust and has been peer-reviewed as set out above.
REP2-090	Land use	Using 'low ecological value land' such as arable and delivering a net gain is not a justification for a solar farm. Arable land was never intended to be of high value so cannot be used as a comparator. Retention of Enhancement Areas as arable land is being done to retain farmland and fortuitously deliver mitigation for skylark.	The Order limits supports largely arable farmland. Though margins are present, the fields themselves are of low ecological value, as assessed through the use of an empirical metric. Within the Solar PV Areas, habitats of higher value will be created, and this is the basis of the Biodiversity Net Gain assessment. The Green Infrastructure Strategy Plan [APP-173] has been designed to deliver gains not only in biodiversity terms but enhancement and mitigation for particular species. In this case, arable land with skylark plots was included so as to avoid adverse effects on this Species of Principal Importance.

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REP2-195 REP2-196	Removal of hedgerows	Hedgerows do not need to be removed for cable routes as access can be derived by sub-surface horizontal drilling.	The losses of hedgerows have been minimised. Where feasible, the use of Horizontal Directional Drilling (HDD) will be used to 'mole' cabling underneath existing hedgerows and watercourses, as set out within the outline Construction Environmental Management Plan (oCEMP) [REP2-020].
REP2-090	Assessment of impacts and survey effort	Concerns that the biodiversity assessments are inadequate and rely too heavily on local record data while the survey work is insufficient. Concerns that impacts of large scale solar sites are not yet understood. Concerns that certain surveys were not carried out including newts, bats, reptiles and harvest mice.	Chapter 7: Ecology and Biodiversity [APP-037] sets out the assessment of the likely impacts to all ecological features, particularly to protected or notable species, and no adverse effect has been identified. This was carried out based on published research on existing solar farms. Local records were used as contextual information, not to discount presence of species. All the specific surveys needed to carry out this assessment were carried out following industry guidance, over a period between March 2021 and November 2022. Surveys for certain species were not carried out as the Proposed Development was designed specifically to avoid impacts to certain habitats and therefore species such as bats, reptiles and harvest mice which rely on hedgerows as foraging or commuting routes, rougher grassland which within the Order Limits is largely located along hedgerows and woodland margins. Surveys were carried out for great crested newts, though the MPAG written representation suggests otherwise. The Chapter, together with the rest of the ES, has been independently reviewed by Stantec on behalf of RCC/SKDC and this review confirms that the EIA undertaken is considered in compliance with applicable EIA legislation and associated guidance and it comprehensively assesses the likely significant effects of the proposed development (see Appendix D). The most recent research indicates that solar sites provides benefit to biodiversity – see Appendix F.
REP2-117	Assessment of impact to species	The assessment does not fully consider impacts to deer, otters, or birds.	Chapter 7: Ecology and Biodiversity [APP-037] sets out the assessment of the likely impacts to ecological features, particularly to protected or notable species, and no adverse effect has been identified.

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			<p>Otter surveys were carried out throughout 2021 as set out within Chapter 7: Ecology and Biodiversity [APP-037].</p> <p>Breeding bird and wintering bird surveys were carried out throughout 2021 and 2022, as set out within Chapter 7: Ecology and Biodiversity [APP-037].</p> <p>No adverse effects have been identified.</p>
<p>REP2-085 REP2-207 REP2-208</p>	<p>Impact on Verges</p>	<p>From the compulsory purchase application it can be seen that sections of roadway, junctions and hedges are to be permanently altered for construction. Many of these verges are protected SSSI's and those that are not form part of a wider scheme run by Lincolnshire Wildlife Trust or are Local Wildlife Sites to improve habitats and natural flora and fauna. It is the relationship these verges have with the neighbouring fields (both in and out of the proposed scheme) that give rise to their unique character. Nature is not defined by a red line on a plan. It appears that whoever has designed the "mitigation" has looked at this on a redline site basis. Thus, missing the relationship of each. Many of these verge side species are critically endangered. We question if thought or consideration has been given to this?</p>	<p>Chapter 7: Ecology and Biodiversity [APP-037] sets out the assessment of the likely impacts to all ecological features including designated sites which includes Local Wildlife Sites (LWS) and Sites of Special Scientific Interest (SSSI) for grass verges and hedgerows. Verges with either LWS or SSSI status were included in the Order limits only where necessary and this was to facilitate management of adjacent hedgerows (e.g. access for cutting) as undertaken as part of site maintenance activities. The hedgerows and verges within the Order limits will be managed to increase their value for biodiversity as set out in the Outline Landscape and Ecology Management Plan (oLEMP) [REP2-022]. Adverse and beneficial impacts to these designated sites were considered in detail.</p> <p>The assessment set out in Chapter 7 Ecology and Biodiversity [APP-037] together with the rest of the ES, has been independently reviewed by Stantec and this review confirms that the EIA undertaken is considered in compliance with applicable EIA legislation and associated guidance and it comprehensively assesses the likely significant effects of the Proposed Development (See Appendix D).</p>
<p>REP2-190</p>	<p>Time of ecological survey</p>	<p>The assessment started in October 2021 and runs through to February 2022. This will not take in account any species 'routines' weather nesting, or just not around due to the weather i.e. butterflies. Have they conducted another assessment?</p>	<p>The assessment of the likely impacts to ecological features, particularly to protected or notable species, was carried out between March 2021 and November 2022, as set out within Chapter 7: Ecology and Biodiversity [APP-037].</p> <p>No adverse effect has been identified. This chapter was based on direct survey for certain species and an assessment of habitats present to</p>

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			support others at a range of times of year. Additional surveys for badgers which are mobile species will be carried out prior to construction to ensure new setts are detected and mitigated for fully.
REP2-209 REP2-090	Impact to species	Concern of glint and glare disruption impacts to habitats and bird species and invertebrates.	There is no evidence that solar panels cause disruption to birds and habitats through glint and glare however, though the proposed PV Arrays have not yet been selected or designed, these will be chosen at the time of commissioning the Proposed Development and as per best practice will seek to utilise panels with anti-reflective coating (ARC).
REP2-090	Great crested newts	Concerns that great crested newts were missed during the surveys due to timing or lack of consideration of ponds further afield than the Order limits. Ponds with great crested newts present but not surveyed as part of the baseline survey work have been cited as present in the MPAG representation (no details on location or how evidence of presence was obtained).	Surveys for great crested newts were undertaken on ponds identified as a result of desk study work and direct surveys of the Order limits and the desk study element was extended to 250 m from the Order limits. Direct surveys of these ponds with eDNA sampling was undertaken within and outside the Order limits at an appropriate time of year as set out in Chapter 7: Ecology and Biodiversity [APP-037].
REP2-169	Impact to badgers	Applicant's Figure 7.7 Location of badger setts (APP-190) dated 22nd Nov 2022 was unwittingly made available initially with the application documents. It shows badger setts within the site and ignores badger setts adjacent to the site. There are 19 active badger setts identified onsite on the map, locals if they looked at this map would identify many more areas. To displace all these badger setts and relocate elsewhere does not seem a practical solution and would potentially cause harm to this protected species.	The proposals will not displace all these setts. The mitigation hierarchy will be followed, with avoidance being the first option. In principle, main setts will be retained and buffered, with annex, outlier and subsidiary setts being retained where possible. Licences supported by appropriate mitigation will be sought to close any setts which do need to be closed, and the preference will be towards temporary closures to avoid disturbing active setts during construction where possible.

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REP2-161		Concerns over the lack of assessment and consideration for the longstanding badger sets in the area.	Chapter 7: Ecology and Biodiversity [APP-037] sets out the assessment of the likely impacts to ecological features, including badgers and no adverse effect has been identified. Measures have been included, such as sett retention where possible and gaps created to allow the species to move through the Solar PV Area.
REP2-090	Impacts to badgers	Concern over 30 m buffers being sufficient. Concerns of impacts during construction and as a result of fragmentation.	Though no Standing Advice is currently available from Natural England on buffer distances from badger setts, 30 m is accepted as the industry standard for avoiding disturbance of and damage to setts. None of the works envisaged within the Order limits have the potential to disturb badgers over 30 m away. The fencing will include gaps to allow continued movement by protected and notable species such as brown hare, badgers and hedgehogs to continue to move through the Solar PV Area. The oCEMP [REP2-020], sets out measures which will be implemented to avoid impacts to protected species including badgers during construction.
REP2-169	Woodland areas	There is no explanation about why these have been excluded from the site boundary. These areas, no longer within the Order limits, will be akin to isolated islands with little incentive for the landowner to do any maintenance or consider connectivity of habitat corridors. How will the landowner even reach these areas?	The Green Infrastructure Strategy Plan [APP-173] provides details of the proposed habitat creation and enhancement areas. This has been designed to provide connective habitats to and from off site habitats and on site retained and created habitats. The woodlands will not be actively managed by the Applicant. They will remain in their current ownership and the existing accesses will be maintained though the 10m buffer strip around the edge of every field.
REP2-125	Designated sites	Paragraph 2.2.1 d. of the Applicant's Non-Technical Summary [APP-106] is incorrect. The Barnack Hills and Holes SSSI is, for example, a site within a couple of miles of the edge of the site.	Chapter 7: Ecology and Biodiversity [APP-037] states that The Barnack Hills and Holes SSSI is located 6.8 km to the South of the Order limits. A review of this has shown this is incorrect and this designated site is located 4 km to the south. However the assessment of impacts remains unchanged as there is no direct pathway for impacts to this designated site as a result of the Proposed Development.

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
REP2-090	Impacts to SSSI	Concerns over clear risks to impacts on SSSI.	Chapter 7: Ecology and Biodiversity [APP-037] sets out the assessment of the likely impacts to ecological features, including to designated sites. The oCEMP [REP2-020] sets out measures which will be implemented to avoid impacts to the SSSI.
REP2-090	Impacts to protected and notable species	Concerns of impacts to protected and notable species as a result of the scale of the Order limits. Impacts to certain species, including nesting birds during construction.	Chapter 7: Ecology and Biodiversity [APP-037] sets out the assessment of the likely impacts to ecological features, including protected or notable species and habitats, and no adverse effect has been identified. This Chapter, together with the rest of the ES, has been independently reviewed by Stantec and this review confirms that the EIA undertaken is considered in compliance with applicable EIA legislation and associated guidance and it comprehensively assesses the likely significant effects of the proposed development (See Appendix D). There is no evidence to suggest that simply scaling up solar proposals negates published evidence from smaller sites. Additionally it should be noted that the overall Solar PV area is not one continuous block, rather a mosaic with existing and new habitats.
REP2-207 REP2-208	Wintering Birds	Request that the developers should be obliged to include management for ground-feeding wintering birds in the Landscape and Ecology Management Plan as a condition of the consent, both to mitigate the direct impact of this development and to help ensure that there is no cumulative effect should a series of similar solar arrays be given consent on arable farmland in the East Midlands.	The proposals set out in the Green Infrastructure Strategy Plan [APP-173] include creation of new habitats and enhancement of others used by species which winter in the area and feed on the ground, such as finches and buntings, in the form of grassland and field margins.
REP2-090	Grassland creation	Impacts on soil such as compaction during construction, have an adverse affect on grassland creation and time to the establishment of grassland. Grazing would need to be managed as it could result in adverse effects on enhanced or new grassland.	The metric used to assess the change in biodiversity includes a multiplier which considers the delay between creation and time to condition, therefore it is not being claimed that grassland will be created instantly. In relation to soil management and grassland creation, adverse impacts will be managed through the measures in the outline Soil Management Plan. See also the Applicant's response to NE's comments on this matter set out in the Land Use tables below.

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
			The grazing regime (including duration and timings) will be tailored to create the desired habitat and condition targets, which will be able to be confirmed through the LEMP. Fencing will be used to ensure livestock will be controlled.
REP2-071	ExQ1 – Q3.0.18 – Classifications of woodlands	The Ancient Woodland Inventory, held by Natural England is provisional and as such does not necessarily provide a complete picture of Ancient Woodland. Looking at the woodlands surrounding the application site, we have reason to believe that Little Warren in particular, may be ancient. This is due to its proximity to the Ancient Woodlands of Newell Wood and Castledike Wood. This and any other woodlands that may be Ancient as they contain Ancient Species Indicators, should be fully assessed prior to the proposal progressing. Evidence should be submitted to Natural England as to whether these woods should be added to the inventory.	The woodland parcels not included in the Order limits but surrounded by it were originally surveyed by BSG Ecology, though this data was not detailed in baseline information. These were found to consist of a mix of broad-leaved semi-natural woodland and plantation woodlands and no ancient woodland indicators were identified. Little Warren Wood is located to the north-west of the Order limits and was not directly surveyed. No information is held as to whether this would be considered ancient woodland, but under the proposals set out in the Green Infrastructure Strategy Plan [APP-173] this will be buffered from the development by a strip of new grassland with calcareous species being added to existing grassland creating a 35m wide grassland area, therefore whether this is or is not Ancient Woodland would not affect the conclusions of the assessments presented in Chapter 7: Ecology and Biodiversity [APP-037].
REP2-069	ExQ1 - Question Q1.0.19 - interests on any of the submitted outline plans.	The Environment Agency has reviewed the following plans in relation to those matters within our remit. We note that PDA-005 and PDA-007 are updated versions of the equivalent plans originally submitted. a) Outline Construction Environmental Management Plan [PDA-005] b) Outline Operational Environmental Management Plan [APP-208] c) Outline Decommissioning Environmental Management Plan [APP-209] d) Outline Landscape and Ecology Management Plan [APP210] g) Outline Soil Management Plan [PDA-007] h) Outline Water Management Plan [APP-214] We are satisfied with the plans reviewed and do not wish to propose any amendments at this stage.	Noted

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		<p>With reference to the Outline Construction Environmental Management Plan [PDA-005], we advise the Applicant that surface water discharges during the construction phase of the development will need to comply with our guidance 'Temporary dewatering from excavations to surface water: RPS 261'. If the conditions of the RPS cannot be met a water discharge activity permit may be required.</p>	Noted
REP2-093	ExQ1 - Question Q1.0.19 - interests on any of the submitted outline plans.	<p>Natural England has no additional comments to make regarding the management plans listed. Where we have not made specific comment on the content of a management plan within our relevant representations (RR - 0823) or these written representations, it can be assumed that Natural England considers the plans contain sufficient information to secure the appropriate environmental outcomes relevant to Natural England's remit.</p>	Noted
REP2-093	ExQ1 – Question 3.0.15 – Badgers and Great Crested Newts	<p>As noted in Part I of these written representations, Natural England has reached out to the applicant with the aim of agreeing a suitable timeframe for the submission of draft Protected Species Licences and the subsequent consideration and possible issue of a Letter of No Impediment (LONI). Natural England is yet to receive a response but can confirm that the usual timeframe for a draft decision to be made, following submission of draft licence applications, is 30 working days. The Natural England Wildlife Licencing Service, who is responsible for assessing draft licence applications through Pre-Submission Screening service (PSS), has been alerted of the potential draft licence submissions and are prepared to provide the PSS service in the usual manner.</p>	<p>Noted.</p> <p>In terms of badger licenses, the exact details of the licences applied for would be dependent on the baseline closer to the start of construction, and therefore this cannot be started at this stage.</p> <p>For great crested newts, it is likely that the Applicant will pursue the District Level Licensing route for works within the Order limits. Therefore, this will be progressed with Natural England over the course of the Examination.</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
REP2-093	ExQ1 – Question 3.0.2 – Mitigation measures	Natural England's internal mapping tool, WebMap2, indicates that part of the North-eastern extent of the order limits drain to Baston Fen SAC, thus deeming it hydrologically connected. It should be noted that the order limits do not trigger any Impact Risk Zones, which is an indication that pollution events are unlikely to cause an impact on the site. Due to the hydrological connectivity, this pathway should be addressed within the ES Chapter 11, as it has been within table 3 of the sHRA. Nonetheless, Natural England's relevant representations (RR – 0823), pages 4-5, considered that the site was hydrologically connected, and therefore our advice remains unchanged. This included the concurrence that when considering embedded mitigation measures, a likely significant effect on the SAC could be ruled out.	Noted
REP2-093	ExQ1 – Question 3.1.3 – European Sites	<p>Natural England note the rationale that as the development is unlikely to have an impact alone it cannot work in combination to have an impact. However, in this case, impact pathways have been identified, and thus alone it can only be concluded that the project is unlikely to cause a significant effect on European sites. As such, the possibility still exists for the project to act in combination with other projects to cause a significant effect. E.g., a cumulation of insignificant impacts may accumulate to create a significant impact.</p> <p>Natural England notes that the likelihood of an in-combination effect may be low. However, the applicant has not provided sufficient rationale to support why this is the case. As a result, we advise that the applicant should update section 7 of the sHRA to include discussion of possible impacts from other projects via the pathways identified in section 6</p>	<p>The sHRA sets out pathways as part of the Stage 1 of the sHRA process but the subsequent assessment (Stage 2) concludes that no effect can occur.</p> <p>As set out in Section 6 of the sHRA, the Proposed Development will not affect the Rutland Water SPA and Ramsar site directly or indirectly through habitat loss or degradation of habitat used by species from the European Site. Also, no effects can occur to the Baston Fen SAC as the catchment which feeds this site is so large that the Proposed Development could not result in an effect of a size sufficient to be measurable to the extent of the SAC. There will also be measures incorporated in the oCEMP [REP2-020] and oDEMP [APP-209]. which will ensure spillages for instance cannot occur. These are not mitigation measures included as a result of stage 1 or 2 of the HRA process, rather measures put in place regardless as part of standard construction measures. NE has also noted that the Order Limits do not trigger any Impact Risk Zones with regard to the Baston Fen SSSI and SAC,</p>

Parties Raised	Sub-Theme	Issues Raised	Applicant's Response
		of the sHRA2 , and provide an evidenced rationale for the conclusion of no likely significant effect, in-combination.	<p>which is an indication that pollution events are unlikely to cause an impact on the site.</p> <p>As such, more details cannot be added to section 7 as there is no effect to discuss. Carrying out an assessment of other projects which may affect the European sites through similar pathways in combination to the Proposed Development is unnecessary and disproportionate. It is also noted that in HRA terms, the question to be answered is whether a detrimental effect on the integrity of the European sites can occur, and even in combination with other projects, the conclusion here can only be that it would not.</p>
REP2-050	ExA Q1 – Q3.0.18 Comment on the classification of the Woodland	None of the woodlands within the DCO boundary appear to be classified as Ancient Semi-Natural Woodland according to RCC records.	Noted
REP2-045		LCC does not hold any further records or data relating to the woodland and as such is unable to confirm whether the woodland would fall within the scope of ancient woodland or no	Noted
REP2-052		Response: SKDC can advise that based on information that it holds, there are no species of ancient woodland that lie within the order limits. There are, however, some areas of ancient woodland species that lie adjacent to the order limits. As identified within the LIR, these comprise Braceborough Little Wood and Castle Dike Wood.	Noted. Both woodlands identified as Ancient Woodland by SKDC (Braceborough Little Wood and Castle Dike Wood) have been considered as such in Chapter 7: Ecology and Biodiversity [APP-037] and the impacts to these fully assessed. No adverse effect has been identified to them as they will be retained and protected by 15m stand offs in accordance with the Proposed Development's Design Guidance and as secured by the DCO (see paragraph 7.5.12 of the ES).