Cottam Solar Project

Environmental Statement

Appendix 9.1: Consultation Responses

Prepared by: Clarkson & Woods Ltd.

January 2023

PINS reference: EN010133

Document reference: APP/C6.3.9.1

APFP Regulation 5(2)(a)

Cottam
SOLAR PROJECT

Appendix 9.1

Consultation Responses With Reference to Ecology

This appendix provides communication, responses and excerpts of responses relevant to Chapter 9, Ecology and Biodiversity, which have then been used to guide Scheme design, impact assessment and formulation of any necessary mitigation and enhancements.

The table below summarises each form of correspondence and a reference number is given to aid locating the document.

Item/ Excerpt Reference	Consultee, Enquiry and Dates
1	**RSPB** 23/08/21 Applicant ecologist contacted RSPB Adviser to request consultation advice on scheme. Response received 13/09/21.
2	**Nottinghamshire Wildlife Trust (NWT)** Pre-application advice received from Senior Conservation Officer dated 29/10/21.
3	**NWT** Applicant ecologist contacted Senior Conservation Officer on 14/04/22 to request meeting to discuss progress on Scheme and approach to baseline assessment of the cable routes. Meeting took place 21/04/22. Written response received 22/04/22.
4	**Lincolnshire Wildlife Trust (LWT)** Applicant ecologist contacted LWT on 25/11/21 to request meeting to discuss progress on Scheme and approach to baseline assessment. No meeting took place but written response received from Conservation Officer dated 15/12/21.
5	**Natural England (NE)** Applicant ecologist requested opening a Discretionary Advice Service (DAS) contract which was signed on 14/02/22. Kick off meeting took place 05/04/22 and advice requested. First written response received 06/05/22
6	**Sturton by Stow Parish Council (SSPC)** Pre-application consultation received 14/02/22
7	**Planning Inspectorate (PINS)** EIA Scoping Opinion received 09/03/22.
8	**NE** EIA scoping consultation received 09/03/22 (dated 25/02/22).
9	**Bassetlaw District Council (BDC)** EIA scoping consultation received 09/03/22 (dated 24/02/22).
10	**West Lindsey District Council (WLDC)** EIA scoping consultation received 09/03/22 (dated 25/02/22).
11	**Canal and Rivers Trust (CRT)** EIA scoping consultation received 09/03/22 (dated 14/02/22)
12	**Environment Agency (EA)** EIA scoping consultation received 09/03/22 (dated 24/02/22)
13	**Defence Infrastructure Organisation (DIO)**

	EIA scoping consultation received 09/03/22 (dated 23/02/22).
14	**NWT** S42 Response Received 20/07/22
15	**Stow Parish Council** S42 Response Received 15/08/22
16	**WLDC** S42 Response Received 27/07/22
17	**NE** S42 Response received 27/07/22

Item 1.

NSIP solar development in Lincs

SM Sarah Mitchell <[redacted]

To Harry Fox

Reply | Reply All | Forward | ...

Mon 13/09/2021 12:16

Follow up. Completed on 20 September 2021.
You replied to this message on 20/09/2021 11:33.
If there are problems with how this message is displayed, click here to view it in a web browser.

Hi Harry,

My colleague, Karolina, forwarded your email to a few teams within the RSPB to see who is best placed to engage with this project. Unfortunately, we do not have anyone working in the areas you refer to (our focus is The Wash and North Norfolk Coast) so we do not have capacity to engage in this instance. However, I know the Lincs Wildlife Trust have engaged with other solar farms in Lincolnshire. I'm assuming you have been in touch with them already, but if not [redacted]s a good contact.

Best wishes,

Sarah Mitchell
Conservation Officer – The Wash and North Norfolk Coast

Item 2.

(Overleaf)

FAO Island Green Power

Re: West Burton and Cottam Solar Projects

29 October 2021

Thank you for providing an opportunity for Nottinghamshire Wildlife Trust (NWT) to provide comments on the West Burton and Cottam Solar Projects.

NWT supports the deployment of solar arrays on built infrastructure where few if any risks are posed to the natural environment. We also support appropriately sited and managed solar farms that benefit wildlife. Where the development of a solar farm would have a significant and detrimental impact on biodiversity, however, we would oppose it. The wildlife impact of a ground-mounted solar array scheme will be largely determined by location. Where proposals are not within or close to protected areas and functionally linked land, it is unlikely that NWT will have major concerns. However, this will depend on the ecological characteristics of the site and its sensitivity to the proposed changes. In all cases, we would seek to ensure implementation of appropriate mitigation and enhancement measures (see Mitigation and Enhancements).

We note within the literature that was provided that cable routes will avoid Sites of Special Scientific Interest (SSSI). We would expect that the solar arrays, storage units and cable routes to not only avoid SSSIs but also there should be a presumption against development of sites of local biodiversity value, that is, Local Wildlife Sites (LWS). LWSs, previously known in Nottinghamshire as 'Sites of Importance for Nature Conservation' are a local, non-statutory designation, that sits below (but complements) the national suite of statutorily designated Sites of Special Scientific Interest (SSSIs). They are of substantive value for the conservation of biodiversity and are home to rare and scarce species, or represent the best surviving examples of habitats that were once widespread and typical of the Nottinghamshire landscape. Collectively, these sites form an essential ecological network and act as wildlife corridors and stepping stones, allowing species to migrate and disperse between sites. The continued existence of these sites is vital to safeguard wildlife from the pressures of development, intensive agriculture and climate change. The LWS network is comprehensive (meaning that every site which qualifies as a LWS is designated as one), whereas SSSIs are representative of the best sites in an area, such that that not all sites which meet the SSSI selection criteria have been, or will be, designated as a SSSI. Because of this, a number of LWS would potentially qualify as SSSIs, meaning that LWS are best described as sites that are of at least county-level importance for their flora and/or fauna.

Proposals having a direct or indirect adverse impact on Habitats and Species of Principal Importance identified under the Natural Environment and Rural Communities Act 2006 including legally protected species, as well as Local Nature Reserves, Local Wildlife Sites or Local Geological Sites and their buffer zones and Local Biodiversity Action Plan species will be required to submit ecological information to enable an assessment of their impact, in accordance with relevant national legislation. In all cases, where the principle of development is considered appropriate the mitigation hierarchy must be applied so that: firstly harm is avoided wherever possible including consideration of other locations; secondly appropriate mitigation is provided to ensure no net loss or a net gain of priority habitat and local populations of priority species; as a last resort, compensation is delivered

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to offset any residual damage to biodiversity. The objective should be to protect, restore, enhance and provide appropriate buffers around wildlife and geological features at a local and wider landscape-scale to deliver robust ecological networks, to help deliver priorities in the Nottinghamshire Biodiversity Opportunity Mapping (BOM) model for the district of Bassetlaw.

As this is a pre-application consultation and no ecological information is available to review we can only provide general comments. We would therefore, expect a full Ecological Appraisal and Impact Assessment to be undertaken at the site which should include:

- The survey and report to be undertaken using the most recent guidance from CIEEM* and the Bat Conservation Trust (Collins, 2016) as well as British Standard BS 42020: 2013.
- A fully comprehensive desk study and assessment with species and sites data obtained from the Local Records Centre (Nottinghamshire Biological and Geological Records Centre (NBGRC)) and County species recorders
- Outline all methodology used and results of the field survey
- Detail all relevant planning policy and legislation to the proposed scheme
- Provide results and an appropriate ecological assessment for species and habitats
- Provide an assessment and details of any anticipated effects and proposed mitigation measures
- A fully comprehensive assessment of the likely effects the proposed development may have to the LWS and any other statutory and non-statutory sites of nature conservation in the area
- Outlined the results of any protected species surveys undertaken
- Provide scheme specific enhancement measures and recommendations
- Detail further monitoring, compensation and EPS licence (if required)

* CIEEM's Guidelines for Ecological Report Writing (2017), and CIEEM's Guidelines for Preliminary Ecological Appraisal (GPEA) (2017). It should also be noted that CIEEM's Guidelines for Ecological Impact Assessment (EcIA) in the UK September 2018) is recommended to support planning applications.

If the initial field survey identifies the need for further species surveys we would also expect these surveys to be completed within the recommended survey season for that species and the results presented within a suitable format and submitted as part of any application for the proposed application site.

As well as the recommended field survey and report, overall we would expect the hedgerows within the site boundaries to be retained, protected and enhanced as part of any development proposals and the application to contain suitable site specific recommendations for providing net gains for biodiversity and to provide enhancements specific for Nottinghamshire BAP species, Section 41 Species of Principal Importance (NERC Act 2006) and habitats e.g. hedgehogs and hedgerows, as required by the National Planning Policy Framework (2019). With regard to Biodiversity Net Gain (BNG), Defra 3.0 or above should be used (there is soon to be a 3.1), but in addition to the calculations spreadsheet, we would also expect to see the completed conditions assessment and a design stage report if we are expected to provide comments [redacted]

All new development should make provision for a minimum 10% net biodiversity gain on site, or where it can be demonstrated that for design reasons this is not practicable, off

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site through a financial contribution. A commuted sum equivalent to 30 years maintenance will be sought to manage the biodiversity assets in the long term. Habitat gain should be maximised to meet Nature Recovery targets and contribute to 30x30. The Wildlife Trusts are calling for at least 30% of our land and sea to be connected and protected for nature's recovery by 2030.

30 by 30 | The Wildlife Trusts

Mitigation and enhancement
If correctly sited (so as not to impact on sensitive sites and species) and with appropriate land / habitat management and other mitigation measures employed, the deployment of solar could be of benefit to wildlife. The following are suggestions for mitigation and enhancement measures that can be adopted by solar developers to reduce their environmental impact and enhance biodiversity on solar sites. The suggestions are taken from a more extensive document produced by the BRE National Solar Centre in conjunction with other conservation organisations that we have also provided. It is important to note, however, that mitigation and enhancement should be considered on a case-by-case basis, and not all of these measures will necessarily be relevant to any particular site.

Mitigation
• Avoid legally protected areas (SSSIs) and sites of county value (LWS).
• Retain landscape features such as hedgerows and mature trees. If removal of a section of hedge is essential, the loss should be mitigated elsewhere on the site.
• All overhead power lines, wires and supports should be designed to minimise electrocution and collision risk (for example, bird deflectors may be necessary).
• Power lines passing through areas where there are species vulnerable to collision and/or electrocution should be undergrounded unless there is adequate evidence that mitigation measures will reduce the risk to an acceptable level.
• Time construction and maintenance to avoid sensitive periods (e.g. during the bird breeding season).
• White borders and white dividing strips on PV panels may reduce attraction of aquatic invertebrates to solar panels (Horváth et al., 2010).

Vegetation will grow under the solar panels and this will require management. Grazing by sheep may be acceptable and is preferable to mowing, spraying or mulching. There may however, be more appropriate management options for wildlife of farmland that could be incorporated. In situations where grazing hasn't been adopted and vegetation clearance is required it **must** first be subject to a vantage point survey for breeding birds followed by ecological supervision. Ideally sites should be maintained without chemicals, fertilisers and pesticides. In terms of future management, it is important the current interest is maintained or enhanced in line with national and local planning policies.

Enhancement
Because panels are raised, a large proportion of a field utilised for solar farm development is still accessible for plant growth and potentially for wildlife enhancements. Furthermore, solar sites are secure sites with little disturbance from humans and machinery once construction is complete. Most sites have a lifespan of at least 20 years which is sufficient time for appropriate land management to yield real wildlife benefits.

• Biodiversity gains are possible where intensively cultivated arable or grassland is converted to extensive grassland and/or wildflower meadows between and/or beneath

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solar panels and in field margins. The best results are likely to come from sites that contain both wild flower meadows and areas of tussocky un-cropped grassland.
• Planting wild bird seed or nectar mixes could benefit birds and insects. Pollen and nectar strips provide food for pollinating insects through the summer period, and wild bird seed mixes provide food for wild birds through the winter.
• Bare cultivated strips for rare arable plants and invertebrates and rough grassland margins could also be beneficial.
• It may be possible for panels to be at a sufficient height for regular cutting or grazing to be unnecessary. Rough pasture could then develop, potentially providing nesting sites for birds.
• Boundary features such as hedgerows, ditches and field margins can provide nesting and foraging areas, as well as a means for wildlife to move between habitats.
• A variety of artificial structures can be built to provide hibernacula for reptiles and amphibians, log piles for invertebrates, and nesting or roosting boxes for birds and bats. Built structures such as control buildings can be designed to provide access to loft spaces.
• Biodiversity enhancements should be appropriate for the scale of the site and should link with existing habitats on and around the site.

Do not hesitate to contact us if you wish to discuss the above comments.

Kind regards,

[redacted]

Mark Speck
Senior Conservation Officer (North)
Nottinghamshire Wildlife Trust
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Item 3.

(Overleaf)

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Harry Fox
Principal Ecologist
Clarkson & Woods Ltd.

22 April 2022

Dear Harry,

Re: West Burton and Cottam Solar Project

Thank you for keeping me informed of progress relating to the West Burton & Cottam Solar Project. I am appreciative of you providing relevant documentation at each stage of the process and taking the time to discuss it with me.

We have reviewed the following documents and information that were provided by you in your email of 14 April 2022.

- Cable Route Search Area Ecology Desk Study and 5 accompanying .jpeg figures– Jan 2022 (N.B., the Search Area covered a much wider area than the proposed Survey Area which was defined using the desk study information to avoid ecological impacts). Personal communication (email 14 April 2022).

- A summary of information relating to the cable installation works

- Summary table of proposed survey work applicable to the cable route Survey Area

We can confirm that the proposed ecological survey work and methodologies relating to the cable routes is satisfactory. We note that a qualitative assessment of habitat suitability for the species/groups included in the summary table will be undertaken at the same time as the Phase 1 Survey that will identify those which may be at risk from being impacted by proposals. We are satisfied that this process will inform future survey needs.

Local Wildlife Sites

We do not think the statement *'Care should be taken to avoid direct impacts on LWSs'* is worded strongly enough. We agree that neglect and/or inappropriate management can result in a proportion of LWS being in unfavourable condition, but we firmly believe that restoration of those sites cannot be ruled out at some point through targeted funding streams. There should, therefore, be a presumption against routing cables through sites of local biodiversity value. We believe the mitigation hierarchy should be applied.

Ecological Clerk of Works

We are of the opinion that cabling operations should be carried out according to a PMW or Ecological Method Statement and that this approach is likely to require the presence of an Ecological Clerk of Works to supervise and advise during the process in order to avoid direct impacts upon species highlighted in the information you provided.

Do not hesitate to contact me if you wish to discuss the comments above.

Yours sincerely,

[redacted]

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Item 4.

(Overleaf)

Lincolnshire
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Communications Team
Cottam Solar Project and West Burton Solar Project
info@cottamsolar.co.uk and info@westburtonsolar.co.uk
SENT BY EMAIL ONLY

15/12/2021

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Phase One Consultation – Lincolnshire Wildlife Trust Comments

Dear CAWB Solar Communications Team,

Thank you for consulting the Lincolnshire Wildlife Trust concerning the Phase One Community Consultation for both the Cottam and West Burton scheme proposals. We have also been contacted by Clarkson and Wood Ecological Consultants. We are basing our respons[redacted]mation (Oct 2021), The Phase One Community Consultation Leaflet (Nov 2021), the Phase One Consultation Area Maps (Nov 2021), the Preliminary Ecological Appraisal – Cottam Solar Project (Nov 2021) and the Preliminary Ecological Appraisal – West Burton Solar Project (Nov 2021). We acknowledge that both projects are in early stages of development but we appreciate the opportunity to comment at this pre-application stage.

Our comments are informed by BRE (2014) Biodiversity Guidance for Solar Developments. Eds G E Parker and L Green and Natural England Technical Information Note TIN101 © Natural England 2011 First edition 9 September 2011 - Solar parks: maximising environmental benefits and make reference to NPPF (2021) paragraphs 8c, 174, 180, 182 the Central Lincolnshire Local Plan (adopted 2017) [redacted] Central Lincolnshire Local Plan Regulation 18 Draft (June [redacted]0 and S65.

[redacted]e rates of national habitat loss and species decline listed State of Nature Reports 2019. It has been estimated that between 1930 and [redacted]ch grasslands were lost in England and Wales (Fuller RM (1987). The conservation of existing and creation of new wildflower meadows is also considered to be of national importance (Natural England). Furthermore, Lincolnshire Environmental Records Centre (2018) has recorded that over 900 species of wildlife have not been re-found within the county since 1960 and Lincolnshire as a whole has been recorded as losing 1 species of wildflower every 2 years since 1950 ('Our Vanishing Flora' - Plantlife 2012).

The list of opportunities given in the Phase One Consultation Leaflet includes "Contributing towards strategic improvements to local ecology and biodiversity" which we would welcome. We note from the proposed project timeline that the second phase of consultation with technical stakeholders is due in 2022 Q3 which will include an opportunity to comment on the Preliminary Environmental

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Information Report (PEIR). We understand that this will be followed by a Development Consent Order (DCO) application for each scheme in 2022 Q4. The section on Ecological Designations in the Initial Pre-Application Technical Information (Oct 2021) omits mention of Local Sites such as Local Wildlife Sites, which although not statutory designations, contribute the large majority of higher quality habitat to existing local nature recovery network. We note, however that LWSs are covered in the Preliminary Ecological Assessments (PEAs).

We support the inclusion of biodiversity opportunity areas in the early planning stages as identified by Biodiversity Opportunity Mapping undertaken by the Greater Lincolnshire Nature Partnership and we support that the projects will be looking to contribute towards achieving enhanced habitat connectivity. We note that the requirements of the DCO will secure the preparation of Construction Environmental Management Plans [redacted] uthorities prior to the commencement of each phase of development and that construction is planned to proceed sequentially.

General principles for achieving ecological enhancement on solar projects listed in paragraph 3.4.5 of the Pre-Application Technical Information are supported by LWT. And we accept and support that for the purposes of assessment, the worst-case scenario will be considered.

Due to the principal potential ecological impact, so far identified by the PEAs, being on the available nesting territory for ground nesting birds such as skylark and yellow wagtail, we are pleased to see specific mention of the intention to provide land for skylark plots as mitigation within the proposed developments.

[redacted] gh national and local planning policies constitute material t override National Policy Statements EN-1, EN-3 and EN- ghlight that in its 'Description of Development and ed National Policy Statement EN-3 Renewable Energy some flexibility should be provided in the consent' and that 'In the case of solar farms, it is likely that this flexibility will be needed in relation to the dimensions of the panels and their layout and spacing.' LWT takes the position that apart from boundary feature retention, buffers and enhancements, it is the margins to panel arrays and panel spacing that would dictate the capacity for these schemes to deliver meaningful biodiversity net gain and improved ecological function and connectivity on a landscape scale. We therefore seek assurance that flexibilities built into any consent if given, would be limited by constraints understood to enable practicable and effective grassland habitat management around and between panels.

With regard to accessibility, Draft EN-3 outlines that 'Applicants will need to consider the suitability of the access routes to the proposed site for both the construction and operation of the solar farm with the former likely to raise more

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issues.' We highlight this as being especially relevant to Roadside Nature Reserves and Local Wildlife Site designations on road verges within the vicinity of the proposed schemes.

We acknowledge important reference is made in section 4.2.28 of the Pre-Application Technical Information to Draft EN-3 section 2.50 which outlines considerations for ecology and biodiversity. The involvement of a consultant ecologist and the undertaking of desk study informed by ecological record data is mentioned only as guidance and not stated to be a requirement; but we appreciate that the Applicant has undertaken these measures at this stage, as we would have insisted. We highlight within this same section that ecological effects of lighting, suitable permeability of fencing for wildlife and consideration of entrapment and injury by moving parts of tracker arrays should all be part of ecological risk assessment. In add[redacted]ection 2.50.10 as quoted to achieve environmental and Biodiversity Net Gain in line with the ambition set out in the 25 Year Environment Plan and support the examples given towards achieving this. We would add species-rich grassland to the list of examples and would give this priority away from land parcel margins.

We acknowledge that reference is made to NPPF Paragraphs 170, 173, 174 and 177 but we would also highlight the relevance of Paragraphs 8c, 180 and 182.
We acknowledge that reference is made to the Central Lincolnshire Local Plan (adopted 2017) Policy LP21 'Biodiversity and Geodiversity' but we would also highlight the important relevance of Policy LP20 and Central Lincolnshire Local Plan Regulation 18 Draft (June 2021) Policies S58, S59, S60 and S65. LWT values the reference to the policies concerning biodiversity in neighbourhood plans for Saxilby with Ingleby Parish (Neighbourhood Plan Adopted 2017), Corringham (Emerging [redacted] Version), Sturton by Stow and Stow Neighbourhood Plan [redacted] onsultation Draft August 2021).

[redacted]velopments proposed is discussed in section 5.3.42 of the [redacted]nformation, we do not challenge the comment that 'considerate development of solar schemes may be able to deliver bio-diversity net gain'. We would also not contradict the statement that "'larger' does not necessarily mean 'more environmental harm'". However, we would qualify our position on these points by emphasising that we assume, based on the information provided to date in both Preliminary Ecological Assessments and summarised in the Pre-Application Technical Information, that the vast majority of land to be affected currently represents a low habitat unit baseline value in the form of cultivated arable or intensively managed grassland. We also assume that all ecological mitigation and enhancement recommended within the PEAs would be incorporated into all phases of the proposed development. We would call for a minimum of 10% Biodiversity Net Gain under the requirements of the Environment Act 2021. This is applicable to NSIPs and would need to be determined by UK Habitats Assessment methodology, scored by the latest version of the DEFRA Biodiversity Metric and

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supported by appropriate post-intervention habitat monitoring and management for a minimum 30-year period in full compliance with guidelines in BS 8683 'Process for designing and implementing Biodiversity Net Gain'. Although Biodiversity Net Gain will require further regulations by the Secretary of State before becoming a legal and mandatory requirement (likely to be in late 2023), LWT would assert that schemes of this size with anticipated commencement of construction in 2024 must reflect this direction of travel, the spirit of Central Government policy, and the requirements set out in the Regulation 18 Consultation Draft of the Central Lincolnshire Local Plan Policy S60 that: "All development proposals must deliver, as a minimum, a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using DEFRA's biodiversity metric."

Furthermore, Reg. [redacted]nd large-scale development should seek to deliver wider environmental net gains where feasible." Based on data and recommendations provided by the PEAs, we believe strongly that it would be very reasonable to expect much more than 10% BNG to be a direct result on site for these proposed developments with additionally beneficial externalities. In our own comments on the Reg. 18 CLLP S60, we sought to encourage the Local Planning Authority to treat planning applications more favourably if clear and robust evidence were submitted for substantially more than 10% net gain; as we would argue this would be in keeping with the spirit of NPPF paragraph 180d which provides incentive for biodiversity net gain. We would encourage the Applicant to see the strength and business value in delivering substantially more than 10% BNG in order to be seen to be setting a leading example in the sector and in order to position themselves well for green investment and the determination of future DCO applications.

[redacted]inary Ecological Assessments (PEAs) produced by Clarkson [redacted]ave not seen the Phase 1 Habitat Maps associated with [redacted]e list given in Section 5.7.2 of the Initial Pre-Application [redacted]cological work so far undertaken; the list of work currently being undertaken in Section 5.7.4 and the proposed approach to assessment given in Section 5.7.5. We welcome the opportunity to comment on the Environmental Statement including an Ecological Impact Assessment; outcomes of the Biodiversity Net Gain Analysis; Ecological Management Plans written as part of the Landscape and Ecological Management Plans (LEMPs) and the Construction Environmental Management Plans (CEMPs) for each phase. We would request that we are also given the opportunity to review the UK Habitat Assessments and full spreadsheet workings of the Biodiversity Metric which underpin the BNG Analysis and that we also have the opportunity to contribute to the discussion regarding additional ecological enhancement measures. We appreciate being included in the list of technical stakeholders whom you intend to consult in the Second Phase and we are also pleased to see that Nottinghamshire Wildlife Trust is also included in this list.

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Wildlife Trust

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We welcome the inclusion of Biodiversity Opportunity Mapping (BOM) within the PEAs in order to facilitate strategic assessments of biodiversity opportunity and risk. We see this as fundamental to the compliance with Reg. 18 CLLP S60 and we hope to see the Applicant work closely with the Greater Lincolnshire Nature Partnership in order to assist with the delivery of the aims of the Local Nature Recovery Strategy (LNRS) as it is developed.

We would wish to make the following comments with regard to both of the Preliminary Ecological Assessments.

We note that neither PEA contains an appraisal of proposed cable routes although the Cable Route Search Corridors can be inferred roughly from the Phase One Consultation Site Area Maps. We understand that Extended Phase 1 Habitats Survey of cable route corri[redacted]

LWT acknowledges the tables listing 'Key ecological Constraints and opportunities' are good summaries of the reports in each case and represent a well-rounded approach at this early stage. We support early consultation with local authorities and Natural England and LWT with regard to protected and notable species. We understand the intention to combine further survey data from work in 2022 with the PEA in order to produce a Preliminary Environmental Information Report and Environmental Impact Assessment. We acknowledge that the PEAs have outlined options for ecological enhancement and Biodiversity Net Gain but we look forward to seeing and commenting on greater detail in due course. We support the recommendation that periodic ecological monitoring appropriate to each habitat type should be set out in the respective Landscape and Ecological Management Plans.

[redacted] the information submitted, that the large majority of the [redacted]nes are occupied by arable land which represents a low [redacted]aseline value. We note, however, that consideration has [redacted]alist species. We see that there is a presence at all Cottam sites for ground nesting birds including skylark, yellow wagtail, quail and grey partridge with high counts for skylark and concentrations of these species within Cottam 1 and West Burton 2 and 3. We see that it is principally these open habitat species that stand to be most affected by the installation of solar arrays. Although their foraging habitat could be improved, they would nevertheless be being displaced due to lack of predator visibility when selecting nesting sites. We therefore call for optimal ground-nesting habitat of sufficient size to be incorporated into layout plans as mitigation in the form of species-rich grassland and managed in close proximity to more species rich grassland among arrays which would provide additional, higher quality foraging habitat.

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We accept the claim that solar arrays have been observed to be beneficial to brown hare versus shorter pasture. We note the claim that the type of security fencing proposed would be permeable for brown hare and for badgers (if panels do not extend underground) and we would be keen to see reasonable evidence of this.

We agree, based on the information available, that the principal existing ecological value (including wildlife corridor functionality) within the sites is constituted by the vegetation and drainage features of the land parcel boundaries. We support recommendations for hedgerow and tree retention; hedgerow enhancement with diverse, native and locally occurring species; the periodicity and method of hedgerow management and the minimum widths recommended for buffer zone creation. We support the native tree species listed as candidates for Ash tree replacement but we would recommend that where possible standing dead wood should be retained[redacted]en, we would call for dead wood to be retained in boundaries as habitat.

With regard to watercourses, we note that Cottam 1 borders one or both sides of the River Till for over 5km between land to the east of Normanby-by-Stow and land to the east of Sturton-by-Stow. Cottam 2 is bounded by Corringham Beck to the north-west, and Yawthorpe Beck to the east. These are both tributaries of the River Eau which is a Local Wildlife Site in its lower stretches before it joins the River Trent. All West Burton sites are considered relatively well connected to significant watercourse networks, with the River Till being located in close proximity to both West Burton 1 and West Burton 2. We therefore see a significant opportunity to enhance river water quality for wildlife and people through creation of extended buffers and a large-scale reduction in the cultivation of soil and probable agrochemical soil inputs.

[redacted]f linear pond creation in the form of deepened swales and [redacted] key opportunity for Biodiversity Net Gain.

[redacted]and Water Vole have been surveyed for this autumn and will again be surveyed next spring. Mitigations proposed for Otter are broadly supported but we would insist that checks are carried out as closely to the commencement of proposed works as possible. We note that field signs for otter have been found in West Burton 3 and that it is thought to be likely that all Cottam and West Burton sites support Water Vole. We accept that in terms of habitat extent and type, suitable habitat for Otter and Water Vole is restricted to river corridors, wet ditches and streams present on or adjacent to the proposed sites. Consequently, we agree that any mitigations for Water Voles and Otters would relate to protection of river banks and margins from disturbance and damage by buffering and avoidance of pollution events and we will expect these to be built into CEMPs for each phase. We support the minimum watercourse buffer distances proposed and wider buffering where habitat is most suitable or field signs are detected as a reasonable approach. We also see strong opportunities to enhance

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wet boundaries with native vegetation and to maintain high light levels in the majority of watercourse sections to maintain and enhance herbaceous riparian and aquatic habitat.

We note that GCN eDNA surveys were undertaken in June 2021 of all accessible ponds within red line boundaries and land within 250m under same land ownership. We also see that further surveys will be undertaken of all accessible ponds within 250m of red line boundaries on third-party land (Mid-April - June 2022). We note one positive eDNA result in Cottam 1 and two at West Burton 3. We acknowledge that Natural England will be consulted concerning GCN based on further data to be gathered.

We accept the tables in each PEA which give the 'Summary of Constraints and Working Methods i[redacted]onal and subject to discussion and approval from Natural England. We accept that the Low Impact Class Licence approach may be valid if sufficient precautions are deemed to be taken closer to suitable habitats. We acknowledge that a District Licence scheme for GCN mitigation may apply to Lincolnshire during the application process. We would nevertheless stress that best practice should be adhered to at all times and we will look to consult where appropriate as matters may progress under mitigation licence or under a District Licence Scheme where applicable. We support the 'Opportunities for Enhancement and Biodiversity Net Gain' given in the PEAs with respect to GCN and would add pond creation within flood risk zones especially where these would be in close proximity to existing breeding habitat.

We are supportive of the general measures proposed within the PEA for reptile mitigation.

[redacted]n that the establishment of an extensive network of [redacted]in the ongoing site management would help to realise [redacted]versity net gain. We support the options for species-rich [redacted]at would incorporate conservation grazing at low stocking levels with primitive or upland breeds of sheep or aftermath grazing following late season cut-and-collect management. We support the guidance provided for ground preparation and establishment of species-rich grassland habitat. We note the requirement for and the description of a 'shade cut' at the toe of each panel string and we support this as a way to enable less frequent cutting for the remainder of the grassland.

The Lincolnshire Wildlife Trust would stress the importance of limiting seeds and plants to UK native, locally occurring and ideally locally sourced species within the Landscape and Ecological Management Plans. The only exception to this could be bird seed strips. We advocate strongly that the provenance of wildflower seeds and plants should be carefully controlled in order to deliver ecologically functional habitat enhancement and remove the risk of introducing potentially invasive

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genomes and/or reduced ecological function. We refer to Plantlife's guidance on this and our own. We would be happy to offer guidance on seed sourcing based on providers we have worked with successfully in the past and would recommend that the sourcing of green hay from nearby roadside Local Wildlife Sites and nature reserves with agreement from local landowners and the Lincolnshire Wildlife Trust could form a good source of seed to augment commercially available seed mixes.

It is suggested that areas of existing higher grassland diversity should be placed into more favourable meadow management primarily to enable the regeneration of species-richness and to increase the relative abundance of scarcer grassland specialists. Examples include field margins such as those in Cottam 1, Coates South between F138 and F139, and next to F107 and F21 where marsh orchids were recorded. This approach can be coupled with augmentation by introduction of plants (either by pl[redacted]patches) with strictly controlled local provenance and appropriate biosecurity. Where initial species richness is relatively low but phosphate levels in soil are also reasonably low, appropriately sourced species-rich seed mixes and green hay would best be used to establish grassland from prepared bare ground (according to guidance given in the PEAs). Where phosphate levels are higher, we would advise the use of only 'general purpose' grassland seed mixes. Please note, this does not mean 'amenity' mixes but a reduced diversity of native meadow wildflowers and grasses selected for their robustness and wide ecological tolerances but low competitiveness. These would ensure better success of seed used and ground cover to exclude invasive species. These 'general purpose' mixes would be cheaper to use in bulk. However, we would advocate that after 3-5 years of cutting and removing cuttings, these areas of lower species diversity could then be diversified subsequently through scarification and over-sowing / green hay strewing as soil conditions become less [redacted]ore favourable to supporting greater grassland [redacted]e would recommend the cost-effective and provenance-[redacted]pecies rich areas within the sites could be established in [redacted]cheme which could then be used subsequently as seed [redacted]s for the rest of the species-rich grassland creation. Upton Grange Roadside Nature Reserve and the overlapping Upton Grange Road Verges LWS (just over 1km to the north of Cottam 1) and Willingham to Fillingham Road Verges LWS which is bordered for its entire length (1.74 km) on one or both sides by Cottam 1 are important reference sites for local grassland biodiversity. Upton Grange represents the better-quality neutral grassland habitat. We would advocate that favourable management of these sites could be supported by these proposed schemes and utilised with ecological guidance to provide green hay for onsite habitat creation and enhancement. We would recommend no over-sowing of the Willingham to Fillingham Road Verges LWS; but instead an improvement to management which could include rotational green hay collection. Given their existing ecological value and value to the scheme's BNG delivery, we would highlight that the CEMP for Cottam 1 should make clear and detailed provisions for mitigation of any risk of damage to either of these roadside sites.

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We strongly support the concept of establishing a habitat mosaic within each site that would comprise 'structural grassland' managed only on long rotation of once every 2-3 years to prevent scrub encroachment and 'scrub mosaic' managed on longer rotation 5-10 years to maintain low-moderate density scrub in rough grassland. We see great ecological value in providing this lower-intervention habitat adjacent to species rich grassland that would be managed annually as their juxtaposition would be complementary – providing niches for full invertebrate lifecycles as well as beneficial to a wider range of fauna. However, we would recommend replacing pollen and nectar strips (often comprising non-native/cultivated species which require regular ground cultivation or graminicide application to maintain) with 'flowering lawn' mixes in all of the 'shade cut' strips. These would be lower maintenance with a lower carbon/chemical footprint and would incorporate only native species including butterfly foodplants such as Common Sorrel an[redacted]her mowing/grazing resistant species such as Red Clover, Selfheal, Lady's Bedstraw, Black Medick and Yarrow while avoiding perennial rye-grass and white clover due to their tendency to be invasive. This would result in extending the flowering season of these strips and maximizing native species-rich grassland area. Robust herbs often listed in 'hedgerow mixes' from reputable wildflower seed suppliers could be plug planted into tussocky areas to provide extra ecological resource.

Where south-facing bunds or microtopography is present or can be created and managed to maintain early successional flora and bare soil this would be especially beneficial for fossorial invertebrates and stress-tolerant plant colonisers.

We note that active Badger setts and Badger activity has been identified at and close to several sites. LWT agrees generally with the measures for badger mitigation [redacted]e advice in the PEAs to avoid buried fencing to benefit [redacted]ever we would be grateful for evidence that badger gates

[redacted]umption that arrays generally have a neutral effect on foraging and commuting bats with the potential to offer enhancement where commuting and foraging habitat can be better connected and invertebrate populations can be better supported than in an arable context. We await detailed results from static detector surveys and inspections of older trees for bat potential. We support general recommendations given in the PEAs for mitigation by buffering field boundaries and through lighting design.

We note that a strip of woodland known as Codder Lane Belt has been identified within the West Burton 2 Site which has been found to contain mature Ash and Oak with ancient woodland indicator plant species in the ground layer. We support that while not currently designated as ancient woodland, this habitat should be buffered and maintained as such. We would call for measures that would target hedgerow

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and tree belt creation and enhancement to improve the ecological connectivity of this woodland fragment.

We have read that garden waste and ornamental plants have been identified at a location within the Cottam 3 Site and we would highlight this area as a focus for non-native invasive species control. We would also support aggressive non-native invasive species control generally across all sites where encountered.

Although West Burton 2 contains no designations and is not adjacent to any designated land, it is however separated by only one field to the west from a local community nature project known as Ingleby Clay and is the other side of Sykes Lane from the same project's other site, Hardwick Scrub. LWT would encourage early and detailed engagement with the landowners. More information can be found on the project's website: [redacted] We would highlight the close proximity of these sites to West Burton 2 and their existing community value as an opportunity to extend and enhance a public offering with biodiversity benefits.

The West Burton 3 Site appears from West Burton Phase 1 Consultation Site Area Maps to be situated the other side of the railway from Mr Rose's Meadow LWS and the other side of woodland from Torksey Grassland LWS. We would therefore wish to see details of any considerations of indirect offsite effects on these designated sites and the potential to extend habitat connectivity from them.

We understand that Extended Phase 1 Habitats Survey of cable route corridors are planned for Q1 2022. However, a superficial examination of the cable route search corridors as illustrated in the Cottam and West Burton Phase 1 Consultation Site [redacted] us to make the following comments.

[redacted] gation between Cottam 1 and Cottam 2 could cross [redacted] s LWS, Upton Grange Roadside Nature Reserve and [redacted] Road Verges LWS. Potential cable routes between Cottam 1 and Cottam Power Station appear to pass closely to or cross Willingham Parish Fields LWS just to the east of Willingham by Stow, Burton Wood Ancient Woodland just to the north of Marton and Trent Port Wetland LWS. The cable route search corridor between West Burton 3 and West Burton Power Station also appears to intersect with Trent Port Wetland LWS and Burton Wood Ancient Woodland. Between West Burton 3 and West Burton 2 the search corridor intersects with Mr Rose's Meadow LWS.

Lincolnshire
Wildlife Trust

THE wildlife TRUSTS

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Finally, we would put forward the following suggestions for consideration at this early stage. The Lincolnshire Wildlife Trust, in partnership with a wide range of stakeholders, is currently exploring opportunities to deliver elements of Lincolnshire County Council's Green Masterplan. This includes the potential of enhancing the biodiversity of public open spaces coupled with community-level renewable heat and power generation. It also involves an ongoing feasibility assessment of biomass harvesting from large-scale green infrastructure such as road verges to deliver county-wide results for the national Nature Recovery Network and for large-scale renewable heat and power generation. Enabling factors in these initiatives could include sponsorship and would include the identification of long-term reliable supplies of sufficient herbaceous biomass resulting from species-rich grassland management. We would be interested in opening discussions to understand whether ongoing management of biodiverse grassland within the envisaged Cottam and West Burton s[redacted]r additional renewable energy benefits in ways that would deliver positive environmental externalities while providing a viable disposal solution for surplus biomass.

The Lincolnshire Wildlife Trust hopes these comments are helpful at this stage and welcomes further discussion relating to the points covered. We also look forward to the opportunity to make further comments on the findings of the Preliminary Environmental Information Report (PEIR) and Environmental Statement including an Ecological Impact Assessment and Biodiversity Net Gain Analysis as part of the Second Phase of Consultation.

Yours sincerely,

[redacted]

Mark Schofield
Conservation Officer

Item 5.

(Overleaf)

Date: 05 May 2022
Our ref: DAS/374418

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

0300 060 3900

BY EMAIL ONLY

Dear Harry Fox

Discretionary Advice Service (Charged Advice): UDS A004082

Development proposal: Cottam Solar Project & West Burton Solar Project

This advice is being provided as part of Natural England's Discretionary Advice Service. West Burton Solar Project Limited and Cottam Solar Project Ltd have asked Natural England to provide advice upon the following:

Array Sites

Questions

1. Please confirm that our proposed protected species survey scope is proportionate and acceptable. This is with particular reference to GCN, bats, water vole and otter. Please see supporting information point 1 given below.
2. Please confirm that the list of sources of potential construction, operation and decommissioning impacts upon protected species we have provided is acceptable for the purposes of the EIA.
3. Please provide advice as to the acceptability of proposed outline approaches to mitigation for the protected species named above and protected or priority habitats in light of the potential impacts given in point 2.
4. Please confirm whether our conclusion at this stage of no likely impacts upon Laughton Common SSSI, Scotton Common SSSI, Scotton Beck Fields SSSI and Scotton and Laughton Common Forest Ponds SSSIs is likely to be acceptable.
5. Please confirm whether our conclusion at this stage of no likely impacts the Humber Estuary SAC and SPA is likely to be acceptable.
6. Please confirm that NE will defer to the LPAs or other statutory consultees on the subject of impacts upon breeding birds (specifically non-Schedule 1 species). Applies also to the cable installation works.

Cable Installation Works

Questions

1. Please confirm that our proposed Survey Area and protected species/habitats survey scope is proportionate and acceptable. This is with particular reference to GCN, bats, water vole and otter but also priority habitats and designated sites.
2. Please provide advice as to the acceptability of proposed outline approaches to mitigation for the protected species named above and protected or priority habitats in light of the work scope outlined below.

Our advice regarding designated sites and each relevant species has been provided separately within the following Annexes, at the end of this letter:

- **Annex 1: Designated Sites**
- **Annex 2: GCN**
- **Annex 3: Bat**
- **Annex 4: Water Vole**
- **Annex 5: Otter**

This advice is provided in accordance with the Quotation and Agreement dated 07 February 2022 and is based upon the information provided within the three emails sent by Harry Fox (harry.fox@clarksonwoods.co.uk), dated 13/04/2022. This includes the following figures and documents, as well as supporting comments within the emails:

- Cottam and West Burton PEAs – Aug 2021
- Cottam and West Burton Phase 1 Habitat Maps – Aug 2021
- Cottam and West Burton EIA Scoping Opinion Request Reports – Jan 2022
- PINS' Response to Cottam and West Burton's Scoping Opinion Requests – Mar 2022
- Cable Route Search Area Ecology Desk Study and 5 accompanying .jpeg figures – Jan 2022
- 20220408_Cottam_Refined_Cable_Route.zip – April 2022
- 20220408_Cottam_Cable_Corridor.zip – April 2022
- 20220411_CableCorridor_WIP.zip – April 2022

Where any significant changes are made to the matters discussed within this advice we recommend that Natural England be consulted again.

For clarification of any points in this letter, please contact Robbie Clarey on 02087204183.

☒ The advice provided in this letter has been through Natural England's Quality Assurance process

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours sincerely

Robbie Clarey

Lead Adviser – East Midlands Area Delivery

Annex 1 – Designated Sites

This annex provides responses to questions raised regarding designated sites.

Array Sites

Questions & Answers:

3. **Please provide advice as to the acceptability of proposed outline approaches to mitigation for the protected species named above and protected or priority habitats in light of the potential impacts given in point 2.**

The proposed outline approach to mitigation of any impacts from the array sites to designated sites appears suitable. The appropriate use of a CEMP should successfully mitigate any impacts arising from sediment mobilisation, fuel spills etc. during construction.

Natural England do not hold information regarding Priority Habitats or Local Wildlife Sites, so would not wish to comment on this in any detail at this time. Where priority habitats lie near to the array sites, we would recommend enhancements which enhance/extend these habitats.

4. **Please confirm whether our conclusion at this stage of no likely impacts upon Laughton Common SSSI, Scotton Common SSSI, Scotton Beck Fields SSSI and Scotton and Laughton Common Forest Ponds SSSIs is likely to be acceptable.**

I can confirm that your conclusion of no likely impacts to these sites is likely to be acceptable. The proposed Solar Development on the sites does not trigger any Impact Risk Zones for these SSSIs. Despite the size and proximity of the development, the nature of the development means that it is unlikely that there will be any measurable negative impacts upon these SSSIs.

We would still like to note that Cottam 3 lies partially within the surface water catchment area for Laughton Common SSSI. Paragraph 8.4.4 of the Cottam EIA Scoping document states that a CEMP will be implemented to ensure no pollution events impact Designated sites during construction. We recommend measures to avoid excessive sediment mobilisation should be included within the CEMP, especially where the site/cable route lies within Laughton Common SSSI surface water catchment area. Where a CEMP is implemented, the likelihood of any impacts to the site is likely to be negligible.

We also agree that the absence of suitable habitat for nightjar and woodlark at Cottam 3 and the absence of cited habitats and substantial connectivity/proximity for invertebrates and reptiles removes a likelihood for impacts to these cited species.

We also note that the nature of the array development has potential to create additional habitat which benefits the notified species of these SSSIs, depending on the enhancements which are used and their management. Natural England would be able to comment in more detail regarding any specific plans for enhancements at a later date if this is of interest.

5. **Please confirm whether our conclusion at this stage of no likely impacts the Humber Estuary SAC and SPA is likely to be acceptable.**

I can confirm that a conclusion of no likely impacts to the Humber Estuary SAC/SPA is likely to be acceptable. The estuary supports nationally important numbers of 22 wintering waterfowl and nine passage waders, and a nationally important assemblage of breeding birds of lowland open waters and their margins[1]. There is a small likelihood that the site may be considered as functionally linked land for these species. Although there is no specific definition of functionally linked land NE consider it to be *'areas of land or sea occurring outside of a designated site which nonetheless are*

[1] [redacted]

considered to be critical to or necessary for the ecological or behavioural functioning in a relevant season of a qualifying feature for which that site has been designated'. We consider that the development is a sufficient distance from the European site for it not to be considered critical to the function of any qualifying features. This conclusion is backed up by the fact that the proposed development does not trigger any Impact Risk Zones for the Humber Estuary. We also understand that wintering and breeding bird surveys have been carried out on the site, and indicate that only small numbers of golden plover, marsh harrier, teal, mallard and lapwing have been identified. We welcome the use of these surveys to inform the decision to rule out impacts on the Humber Estuary.

Cable Installation Works

Questions and Answers:

1. **Please confirm that our proposed Survey Area and protected species/habitats survey scope is proportionate and acceptable. This is with particular reference to GCN, bats, water vole and otter but also priority habitats and designated sites.**

With regard to nationally/internationally designated sites, the survey area and scope for the Cottam cable route appears acceptable. We have assessed the Ecological Desk Study and are satisfied that the resultant survey area is precautionary with regards to designated sites. We note that the northern area of the route lies within the surface water catchment of Laughton Common SSSI, however, where a CEMP is implemented, the likelihood of any impacts to the site is likely to be negligible.

Natural England do not hold information regarding Priority Habitats or Local Wildlife Sites, so would not wish to comment on this at this time.

2. **Please provide advice as to the acceptability of proposed outline approaches to mitigation for the protected species named above and protected or priority habitats in light of the work scope outlined below.**

Nationally/Internationally Designated Sites:

Generally, the approach to mitigation for designated sites is welcomed, with the use of the mitigation hierarchy evident throughout.

3.2.1 of Cottam EIA Scoping states that pollution may be an impact during the construction phase; we welcome this recognition. This applies for both the main Array Sites and Cable Route.

As previously noted, 8.4.4 of Cottam EIA Scoping states that a CEMP will be implemented to ensure no pollution events impact Designated sites. We recommend measures to avoid excessive sediment mobilisation should be included within the CEMP, especially where the site/cable route lies within Laughton Common SSSI surface water catchment area. Although we do note that the likelihood of adverse impacts at this site is low.

Priority Habitats & Local Wildlife Sites (LWS):

Natural England do not hold information regarding Priority Habitats or LWS, however, we are happy to provide a general comment in the interest of protecting and enhancing wider biodiversity. The recommendations within the Ecological desk study with regard to avoiding impacts to LWS/Priority Habitats appear to be suitable, with a combination of avoidance, sensitive working times and directional drilling likely to mitigate most of the potential impacts.

Where priority habitats lie adjacent to the cable route works, there is potential for impacts during construction i.e. via machinery/compaction, dust & sediment mobilisation etc. The appropriate use of a CEMP would successfully mitigate many of these impacts, and where air quality sensitive habitats are present within 200m, we would also encourage the inclusion of dust reduction measures within the CEMP.

There is a possibility to extend/enhance nearby Priority Habitat features/LWS through the development and we would encourage this wherever possible. Paragraph 8.4.8 of the Cottam EIA Scoping document states that some areas of priority habitat (i.e. hedgerows) may be lost. Where this is the case, we would encourage any compensatory habitat to be implemented as close to the impact as possible.

Lastly, we recommend that the cable route should be included within the Biodiversity Net Gain calculations for the development; enhancements along the cable route may be able to provide useful BNG credits, as well as contributing to a connected habitat network along the route.

Annex 2: Great Crested Newt

Great Crested Newts:

Survey area

Natural England (NE) expects GCN surveys, which may inform a future GCN licence application, to include ponds up to 250m or 500m from development sites. Factors such as scale of the development, habitat connectivity, barriers to dispersal, etc. should be considered when determining the survey area. These factors can also be considered when excluding specific ponds from a survey (e.g. significant barriers to dispersal between a pond and the development site). If ponds are excluded from the survey effort and/or if only ponds within 250m of the development are surveyed, NE would suggest the ecologist retains evidence of their justification for their own records. If there is clear habitat connectivity between ponds within 250m to 500m and the development site, it may be necessary to extend the survey area.

In general, surveys of ponds greater than 250m from developments are normally appropriate when all of the following conditions are met:

- maps, aerial photos, walk-over surveys or other data indicate that the pond(s) has potential to support a large great crested newt population
- the footprint contains particularly favourable habitat, especially if it constitutes the majority available locally the development would have a substantial negative effect on that habitat
- there is an absence of dispersal barriers

Whilst desk-based surveys can help to build a picture of the overall site, the data can often be older than NE would recommend is relied upon and site conditions can change over time, for the better or indeed slip into decline.

It was noted within the covering email that “every ditch and watercourse on site has been visited to assess its potential to support otters and water voles”. Whilst flowing water can prove difficult or unsuitable for GCN to colonise or indeed cross, a gentler flow or standing water can still represent opportunities for GCN so this species should be considered within the wider survey effort.

Access

Please be mindful that where access permission to land or waterbodies has declined, Natural England would expect that an effort is made to repeat these access requests. Evidence should be retained to show what efforts have been made to seek access and Natural England may request to view these as part of a full licence application.

HSI assessment

It is understood that Habitat Suitability Index (HSI) assessments will be undertaken on all waterbodies within the survey area. HSI assessments of waterbodies within 500m of the development may be necessary. Furthermore, HSI scores can be used as an indication of pond suitability for GCN, which can in turn help determine which ponds to survey. Ponds should not be excluded from surveys solely based on HSI scores (unless it can be demonstrated that they are totally unsuitable) as GCN are regularly recorded in ponds with poor HSI scores. HSI assessment findings should be used in combination with historical survey data, habitat connectivity information, etc. when determining which waterbodies should be subject to further survey.

Presence/absence surveys

It is understood that presence/absence surveys via the use of eDNA sampling will be used to identify GCN waterbodies. NE is satisfied with this approach, provided the required timescales are adhered to and are in accordance with best practice guidance outlined within the DEFRA Technical Advice Note.

Age of survey data

To best inform any licensing decisions, it is recommended that surveys are undertaken throughout the NSIP process with final surveys planned as close as possible to when works will commence.

The required age of the survey data also depends on the predicted impacts of the development. Specific requirements regarding the age of survey data can be found on the Instructions tab of the GCN Method Statement template. Consideration should therefore also be given to when population size class surveys should be undertaken.

Licensing Policy 4

Appropriate and relevant surveys where the impacts of development can be confidently predicted: This may be appropriate to consider once you have a good understanding of how the population of GCN is distributed across and adjacent to the development area. The following criteria would need to be met in order for the policy to be applied:

1) The costs or delays with carrying out standard surveys would be disproportionate to the amount of additional certainty they would bring
2) The ecological impacts of development can be predicted with sufficient certainty
3) Mitigation will ensure that the licensed activity does not detrimentally affect the conservation status of the local population of any EPS

The key to this policy is having a thorough grasp of the impacts across the development and how this will ultimately affect the overall Favourable Conservation Status. By applying this approach, it may be possible to consciously exclude some waterbodies from survey effort and apply a confident prediction to ascertain how GCN could be utilising the waterbody. Mitigation and compensation requirements are then balanced against the perceived population size class, which could vary across the site.

Survey Conclusions

More detail of the potential impacts would be needed before NE can confidently agree to a restricted survey radius along the entire length of the route.

Reductions to 250m may be possible in specified areas when the conditions outlined within the survey areas section above are met, meaning that survey radii could vary across the site, but further information would be required before Natural England can offer a view on this. Once a greater understanding of the baseline data is available, a more targeted survey effort may be applied, potentially in combination with LP4.

More detail will be needed in relation to the types of impact, extent of the impacts and duration of impacts before firm conclusions can be provided in terms of appropriateness of the survey scope, associated mitigation and compensation approaches.

Receptor Areas

The receptor areas have not been identified. Consideration needs to be given where captured GCN will be translocated to.

Any chosen receptor(s) needs to be able to support GCN, have access to a suitably established GCN waterbody, supporting terrestrial habitat, as well as refuge and hibernation features.

The receptor(s) need to be safeguarded and not subject to future impacts. The receptor(s) need to link directly to any fencing layouts ensuring they are shielded from the development.

GCN would ideally be released into a suitable receptor area as close as possible to the area that

they were captured within.

It must be noted that should there be a need to move GCN further from their capture area, moving GCN beyond barriers or over 1000m should look to be avoided, where-ever possible as this may need to be subject to disease screening.

Longer-term considerations

Whilst compensation requirements will largely be dependent upon the findings of the surveys and associated impacts, it is useful to be mindful of establishment periods for compensation waterbodies that GCN would be required to solely rely upon in any capture approach. For a small population, there is the expectation that a waterbody has 6 months to mature following creation, for a medium population this expectation is increased to a year of establishment for any new waterbody. However, for a large population, there is a need for a two year establishment period for a new waterbody.

These timescales would need to be accounted for within the Project timescales, should they be required to support a licensable approach. It can sometimes prove difficult to locate the associated compensation for linear routes within or adjacent to the affected metapopulations. In some cases, it can prove to be a more robust solution to consolidate all the compensation efforts in targeted locations or indeed all in one place.

This could still be considered to support the wider Favourable Conservation Status of the species, but would be taken across the landscape scale, rather than specific to each metapopulation. This can mean a larger compensation effort is required, due to the distances from the affected populations and the associated risks, but could ultimately be a stronger solution for the population as a whole.

District Level Licencing

District Level Licensing (DLL) is not currently available in the areas of Nottinghamshire or Lincolnshire that this project lies. There is potential that a new scheme may be set up within these two counties in the future, however, there are currently no definitive plans for this. As a result, with the timescale of this project in mind, it is unlikely that the project would be able to enter into DLL.

Other Protected Species – (Array Sites Question 6)

At present, there are no proposals to pursue the protection of a licence for breeding birds, non-Schedule 1 species or otherwise. Where no specific licensing support is requested, Natural England would defer to Standing Advice.

Annex 3: Bat

Survey:
Pre-Existing information on the bat species at the survey site

Should licence(s) be applied for, Natural England(NE) must be satisfied that the desk study is sufficient to inform the relevant sections within the Method Statement. It should aim to identify which species may be present at the site (as well as locations and roost types if possible), put the results into a local context, and identify roosts/populations off site which may be affected by the proposals or for which commuting routes to the site should be retained. Full data provided should be supplied in an appendix if permitted by the data owners.

In respect of records, you state those for highly mobile or transient species have been omitted in order to give the most relevant information for route-planning purposes. We would advise when submitting a licence to include a Figure B.2 which, shows the locations of nearby bat licenced sites over the past five years.

The Multi Agency Geographic Information for the Countryside (MAGIC) website should also be consulted for records of bat mitigation licences and for a review of designated sites where bats form all or part of the reason for the designation.

Including historical records from the past ten years across a 2km search radius is considered appropriate.

Field Survey Work – Next Steps

Natural England recommends that detailed survey work is carried out to understand the bat usage of the site, which will inform the impact assessment and subsequent mitigation and compensation. Appropriate timings of works should also be informed by the surveys provided. Clear objectives should be set to understand bat usage within the site boundary and its Zone of Influence – to include roosting, foraging, and commuting.

In the tables provided you state that timings would 'ideally be from May-September inclusive'. Dependant on roost suitability, at least one of the surveys should have been carried out during the current or most recent optimal period (May to August). Surveys must be suitably spaced.
Please also consider the need for hibernation surveys, which must be justified by the ecologist based on the hibernation potential of the trees and the predicted impacts of the works, including the risk of damaging/destroying a hibernation roost.

Where a building/tree has been categorised as medium/high hibernation potential surveys are not usually required where works are timed to avoid impacts during hibernation and there are no potential impacts to the roost or any compensation requirements (i.e. structure is being retained and not significantly modified). Hibernation surveys are expected to have been completed where impacts to a potential hibernation roost will occur, even if bats are not present at the time of works.

Survey area:

The area used for survey buffers should be justified and should be related to the scheme's Zone of Influence (Collins, 2016).

You state:

'It is assumed that the Survey Area will be approximately a 100m swathe for the most part (wider or narrower in certain areas where risks and receptors from all disciplines are unknown or known in turn, based on desktop study)'

Natural England agree this approach is proportionate and acceptable given the information

available. It is important to note that the defined survey areas may need to be revisited as the project evolves, and should be informed by each previous phase of survey.

Hedgerows:

The desk study has identified that hedgerows are present within the various Local Wildlife Sites. If impacts to flight lines/commuting routes are predicted, appropriate hedgerow surveys should be undertaken.

As it stands, the scheme have opted for static detector surveying across all sites between April and September, collecting data across 44 locations. Whilst this information is valuable and will give a substantial body of quantitative data on species and bat passes, we need to understand how bats are using the hedgerows. How has qualitative data been gathered and have manual transect or spot count surveys been considered?

Where flight lines have been identified, consideration must be given to temporary impacts (during works) as well as permanent impacts (post-development).

You state:

'Elsewhere, it is understood that necessary removal of vegetation, such as hedgerows, will be limited to a c.2m gap to permit the trench cutting only.'

Natural England have not seen any detailed mapping on where vegetation may be removed, and the acceptability of this approach will depend on the bat activity on site which surveys will reveal. The scheme may wish to consider interim connectivity measures in some of these cases, if it appears likely that a protected species may be impacted by any necessary vegetation removal.

You state:

'This information has been used to design the widths of the buffers from each of the field boundaries (hedgerows containing Low potential trees: 8m from each edge of hedgerow, moderate potential: 10m, high potential: 12m) in order to preserve unimpeded interconnectivity of hedgerows and field boundaries across the site.'

Mitigation should be designed in accordance with impacts to known roosts, flight lines and foraging habitat. This is information which surveys will provide in time. At this stage in the scheme, with the information currently available, it is not possible for Natural England to comment on whether the proposed buffers are acceptable as we do not have the information needed to determine impacts to the species in question.

Tree roosts:

It is not clear within figures provided where the trees are located and which are subject to felling.

Further surveys should be carried out before any works on the trees with bat roost potential are carried out. Best practice guidelines are to be followed when carrying out any works on other trees within the footprint of the development. If bat roosts are confirmed, licences will need to be applied for if the development has an impact on these roosts.

NE advises that appropriate roost characterisation surveys should be undertaken in accordance with the Bat Survey Guidelines (Collins, 2016). Table 7.1 of these guidelines states;

- trees classed as having moderate roost suitability should have at least one presence/absence survey between May-August with trees classed as having high roost suitability requiring two presence/absence surveys in the same months.

According to good practice outlined in Collins (2016), the following details should also be reported:

- Descriptions of trees surveyed (including reference number, species, diameter at breast height).
- Descriptions of potential/actual roost features (including height above ground level and aspect).
- Description of evidence of bats found.
- Trees not surveyed and reasons why
- A plan showing surveyed/not surveyed trees and trees to be removed/impacted by the works.

Habitat re-instatement:

You state:

'Detail on habitat reinstatement methods, timing and ECoW requirements would be anticipated to be provided within a CEMP or similar document'

Furthermore:

'It is understood that re-seeding or re-planting of any necessarily removed vegetation will take place immediately after works to make good any such impacts, or at least in the next best planting season. In this way, the works can be considered reversible'

Should (a) licence(s) be applied for, details around habitat replacement (following works resulting in temporary impacts) or creation such as hedgerow/woodland planting must be provided i.e. length of hedgerow planting and areas of woodland as well as anticipated establishment periods.

Thermal Imaging Cameras:

We would strongly recommend the use of infra-red or thermal imaging cameras as a complementary method when surveying trees, especially during dusk surveys and for late emerging species. Some bats will not echolocate at all if they are comfortable with their surroundings. Infrared is particularly useful when detecting long-eared bats. Infra-red/thermal imaging camera should complement sufficient survey effort (in terms of number of surveyors/ coverage etc) rather than replace it.

Impact assessment:

For the bat mitigation licence application, the following categories of impacts should be identified (Mitchell-Jones, 2004):

- Initial impacts (for example, disturbance, temporary damage, temporary loss of roosts, killing or injuring).
- Long-term impacts (for example, roost modification, roost loss, fragmentation and isolation).
- Post-development interference impacts.

Specific impacts such as changes to airflow, temperature, humidity, lighting, noise and vibration, commuting routes (including changes to lighting and vegetation), and their effects, should be considered, as well as roost loss and roost modification. Impacts should be set out in the absence of mitigation.

You state:

'Horizontal Directional Drilling will be used to install the cable beneath certain unavoidable sensitive features, such as the River Trent, but may also be employed to avoid directly impacting other priority habitats'

Where drilling is undertaken near confirmed bat roosts, disturbance impacts (through noise and vibration) must be addressed.

Timings:

You state:

'In terms of duration, while the work will take place over a relatively long route, works at any single point can be anticipated to take no more than 1-2 days owing to the relative simplicity of the trenching operations. Therefore this work can be considered short-duration at point of impact'.

Should licence(s) be applied for a Work Schedule document will be required, detailing activities and timings.

Compensation

Plans for compensation have not been included; we would expect these to be provided in a licence application as part of the mitigation/compensation strategy for the proposed project. Roost losses, if unavoidable, and associated compensation should follow a like for like principle. An appropriate post-development monitoring programme should follow the development, as per the Bat Mitigation Guidelines.

Annex 4: Water Vole

The number of water voles and/or amount of water vole habitat affected or expected to be impacted by the development has not been specified. This information is necessary to fully assess any impacts that may occur.

Array Sites:

1. Natural England have not had sight of the detailed 2021 or 2022 surveys reports. We note that visual examination of every ditch and watercourse on site was conducted in autumn 2021 to assess the potential to support water voles. As we do not have further information about the surveys, we cannot comment on the suitability of the surveys to assess the presence or absence of water vole. We note that presence has been recorded by the 2021 surveys and that further survey of 'optimal' and 'suitable' areas has been conducted in 2022. Natural England recommend that all surveys are undertaken in accordance with best practice guidance. Once Natural England have the details of the surveys conducted we will comment further.

   Currently, it has been indicated there will be no impact on water courses and ditches, with buffers proposed to ensure this. The suitability of the proposed buffers will depend on the proximity to the protected species, where presence is confirmed, and the potential impacts.

Cable installation works:

1. Two water voles surveys in spring or in autumn is line with best practice as set out in The Water Vole Mitigation Handbook and as such is considered proportionate and acceptable.

2. Where direct impacts upon water voles cannot be avoided, additional surveys will be required to ascertain presence or absence of burrows and field signs, in order to determine appropriate mitigation. Reducing the impact to water voles with the use of Horizontal Directional Drilling (pending full details) is a welcome approach and where the buffer zones around water vole habitat can be avoided this would also be welcome. Disturbance impacts however through site traffic, use and storage of materials, noise and vibration from all of the above should be considered and water voles potentially displaced temporarily from the sites affected.

It is noted that the duration of cable installation works are likely to be short term, over a couple of days, resulting in temporary impacts with habitat reinstated after use. Therefore overall impacts to water voles should be low, as long as they can be successfully displaced from the affected areas under a licence. The proposed approach for mitigation in terms of displacement in areas where impacts cannot be avoided is acceptable, pending the outcomes of survey data and/or other limitations such as unsuitable habitat to displace into along with necessary compensation.

General Points:

With regard to timings, Natural England can offer general comments at this stage to factor into scheme design. If necessary, displacement during spring is the recommended approach and most likely to achieve successful results. Given the timescales, if following the necessary detailed surveys or duration of works, trapping water voles becomes necessary during spring or autumn, there is adequate time to prepare any receptor sites ahead of trapping and as such taking water voles in to captivity over winter will not be considered a viable option.

You can only use water vole licences including CL31 in relation to a development if your actions will result in a conservation benefit for water voles.

There is no provision for licensing development or other construction activities for water voles under the Wildlife and Countryside Act 1981. As such we can consider issuing a licence using a conservation purpose, but this requires you to demonstrate a clear conservation benefit to water voles. This can be achieved by delivering a net gain in the amount of habitat available to the water

vole population and significantly improving connectivity between water vole colonies, or by improving the quality of the habitat through enhancement including for instance, mink control. Some further ideas can be found in both the Water Vole Conservation Handbook and the Water Vole Mitigation Handbook.

With regards to compensation or suitable receptor sites, thought should be given to preparing local (same river catchment) receptor sites and areas of habitat that could be improved for water voles as soon as possible to give the habitat chance to establish and become suitable. If the receptor sites are not ultimately required for translocation these sites could equally be offered in terms of compensation for any water vole habitat likely to lost/disturbed during the works.

Generic advice

The advice on this proposal, and the guidance contained within Natural England's standing advice relates to this case only and does not represent confirmation that a species licence (should one be sought) will be issued. Please see **Annex 4a** for information regarding licensing for European Protected Species.

Annex 4a: European Protected Species

A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development. Further information can be found in Natural England's 'How to get a licence' publication.

If the application requires planning permission, it is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice Natural England provides at formal consultation on the likely impacts on favourable conservation status and Natural England's guidance on how the three tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) are applied when considering licence applications.

Natural England's Pre-submission Screening Service can screen application drafts prior to formal submission, whether or not the relevant planning permission is already in place. Screening will help applicants by making an assessment of whether the draft application is likely to meet licensing requirements, and, if necessary, provide specific guidance on how to address any shortfalls. The advice should help developers and ecological consultants to better manage the risks or costs they may face in having to wait until the formal submission stage after planning permission is secured, or in responding to requests for further information following an initial formal application.

The service will be available for new applications, resubmissions or modifications – depending on customer requirements. More information can be found on Natural England's website.

Annex 5: Otter

Preliminary desk assessment of otter presence on site indicates that otters are found at low or moderate density in the local area. The scheme will undertake surveys of all watercourses and ditches within the red line boundary in May 2022. The desk study results should be combined with habitat assessment to help best identify where field surveys should be targeted.

Otter surveys can be carried out at any time of year but should avoid periods following prolonged heavy rainfall and/or high water, when spraints and other signs of otter may have been washed away. Heavy frost or recent snow can also make finding spraints difficult.

All suitable otter habitat within 200m of the proposed works should be surveyed. The survey should be undertaken by an experienced otter surveyor, and should include a systematic search for spraints, paw prints, otter paths, slides, food remains, holts and places used for shelter.

Intrusive survey methods should only be considered where confirming the status of a holt is essential in designing appropriate mitigation, or where damage or disturbance of a holt cannot be avoided. If intrusive survey methods which are likely to disturb otter need to be employed on site, an otter survey licence would be recommended to be applied for prior to these methods being employed.

The results of surveys should inform future scheme impact and mitigation design. As such, Natural England is unable to comment on whether current plans are acceptable in principle without more detailed characterisation of otter use on site. When the scheme has further information on otter use of site through their surveys, and has incorporated these into their design, Natural England should be able to comment further on the suitability of certain impacts and mitigation measures. Should an EPS licence be required to support the scheme, please ensure you inform Natural England of your intent to submit a formal licence application, or a draft application in support of a LONI at your earliest convenience.

Item 6.

(Overleaf)

From: [redacted]
To: Cottam Solar Project
Subject: EN010133 Cottam Solar Park
Date: 14 February 2022 14:32:24

Good afternoon
Please find below comments from Sturton By Stow Parish Council:

1.4.1 Add Lincolnshire Wildlife Trust

4.4.4 Although general principles at this juncture, the stated mitigation and enhancement measures lack imagination and ambition and will be insufficient to achieve the stated (at public consultation) 60-80% BNG. The River Till ecological restoration corridor (as identified by the developer in its published supporting papers) presents a good opportunity to transform the area in terms of BNG. Measures that target this and restore priority habitats should form a principle.

8.2.10 The comments in the above 4.4.4 should be included in this section too.

8.2.44 Golden plover is a species that often uses the fields in the proposed area during winter, sometime in high numbers. Lapwing too, although usually in fewer numbers.

8.2.48 A plant species of note in Cottam 1 is great burnet (Sanguisorbum officinalis), an MG4 indicator species that occurs in patches along Fleets Lane and Thorpe Lane.
Sturton by Stow Primary School is issuing from the infrastructure map. A big issue regarding traffic at peak times.

Ingham Road has a weight limit of 7.5t therefore problems are likely with the road structure - the crane that went into the ditch caused many problems.

Swans are resident on the Till, but no mention of them.

How has the land been classed as 3b when the defra magic map is 3a?

Kind Regards
Yvonne Clark
parish clerk

Item 7.

(Excerpt overleaf)

3.3 Ecology and Biodiversity

(Scoping Report Section 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.1	8.2.32 and Appendix 8, 4.11.2 and 4.11.15	Polecat	Scoping Report Appendix 8, paragraph 4.11.2 identifies that one polecat record was found 1.2km south east of Coates South. Paragraph 4.11.15 identifies that all Cottam sites are conducive to the presence of polecat therefore impacts cannot be ruled out. On this basis, the Inspectorate does not agree to scope this matter out. The ES should assess impacts to polecats where significant effects are likely to occur.
3.3.2	8.2.32, Table 8.1	Dormice	Desk-based searches found no records of Dormice in the Lincoln to Gainsborough area in which the Proposed Development is located. Additionally, Scoping Report Appendix 8, paragraph 4.6.1 identified that habitats on site are considered poor for dormice and are unlikely to be linked to or support a population. The Inspectorate is content to scope out effects on dormice on this basis.
3.3.3	Table 8.1 and 8.2.51	Fish	Scoping Report paragraph 8.2.51 states that the main potential source of impacts to fish is from pollution events during construction which would be managed through standard avoidance measures secured in the Construction Environment Management Plan (CEMP). The cable route will need to cross rivers but this will be done by using horizontal directional drilling (HDD) methods and buffer zones to avoid direct harm on these watercourses. Night-time working may be proposed for cable route installation and HDD (paragraph 4.3.6). Impacts from vibration, noise and lighting during construction have not been considered. As the red line boundary of the solar array at Cottam one is adjacent to the River Till at multiple locations and

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			sometimes, on both banks, there is potential for disturbance impacts on fish from activities such as piling for the foundations of the panels and from construction task lighting. Scoping Report paragraph 8.2.51 states that horizontal directional drilling is also proposed for cable crossing of rivers; this has potential to cause impacts on aquatic species due to breakout from drilling fluids and vibration within the riverbed. In the absence of information relating to the potential for impacts from noise, vibration, lighting or sediment breakout from the Proposed Development on fish species the Inspectorate does not agree to scope this matter out. The ES should include a description of the sensitivity of relevant watercourses and any seasonal constraints on such crossings, assessing likely significant effects on riverine species where they are likely to occur from noise, vibration and lighting disturbances.

ID	Ref	Description	Inspectorate's comments
3.3.4	4.4.5, 8.2.40 and 8.3.8 to 8.3.14 and 8.4.35	Skylark, yellow wagtail and lapwing mitigation	Following preliminary surveys, skylark, yellow wagtail and lapwing are identified in the Scoping Report as a ground-nesting bird species likely to be impacted by the Proposed Development as they were recorded across all land parcels for the Proposed Development during surveys. Scoping Report paragraph 8.4.35 states that options for the provision of compensatory measures will be explored and paragraph 4.4.5 states that mitigation land will be provided for Skylarks. The location and area of this mitigation land has not been defined at this stage. It is unclear if this mitigation land is also proposed as mitigation for yellow wagtail and lapwing.

ID	Ref	Description	Inspectorate's comments
			The ES should explain the location of such areas and how compensation areas will be secured, delivered and managed/ maintained to be effective. Species already using the proposed mitigation sites should be identified and any impacts e.g. displacement should be assessed where significant effects are likely to occur.
3.3.5	8.2.42	Bird species breeding in field boundaries	Scoping Report paragraph 8.2.42 states that species breeding in field boundaries are considered less likely to be impacted by the proposals beyond removal of field boundary habitats and that hedgerow removal is anticipated. The ES should assess disturbance impacts to bird species breeding in field boundaries e.g. piling during construction, explain how existing hedgerows within the site will be retained and outline the measures to be taken to mitigate disturbance impacts and the removal of existing field boundary habitats.
3.3.6	8.2.10	Lighting disturbance	Scoping Report paragraph 8.2.10 lists potential impacts during construction but disturbance does not include lighting disturbance. Scoping Report paragraph 4.3.5 identifies that lighting will be required during construction. The ES should assess impacts on ecological receptors from lighting where significant effects are likely to occur and demonstrate measures taken to avoid disruption of ecological corridors such hedgerows that provide flight-lines for bats.
3.3.7	8.2.12	20km study area for designated sites with bats as features	Scoping Report paragraph 8.2.12 states that a 20km search area will be used as a study area to search for designated sites with bats and birds as features. A 30km radius of search should be applied in line with standard practice.

ID	Ref	Description	Inspectorate's comments
3.3.8	8.2.6	Badger surveys	Scoping Report paragraph 8.2.6 sets out the surveys proposed to be carried out to inform the ES baseline. This does not include badger surveys although they are present at Cottam 1 and 3 sites (paragraph 8.2.25). Badger surveys should be carried out to inform the ecological baseline and impacts should be assessed where significant effects are likely to occur.
3.3.9	n/a	Confidential annexes	Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable ecological features. Specific survey and assessment data relating to the presence and locations of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution or commercial exploitation resulting from publication of the information, should be provided in the ES as a confidential annex. All other assessment information should be included in an ES chapter, as normal, with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request.

Item 8.

(Overleaf)

Date: 25 February 2022
Our ref: 381685
Your ref: EN010132-000014

Consultations
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T [redacted]

Emily Park
The Planning Inspectorate
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol
BS1 6PN

BY EMAIL ONLY

Dear Emily Park

Environmental Impact Assessment Scoping Consultation (Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11): Cottam Solar Project

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 28 January 2022**.**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

A robust assessment of environmental impacts and opportunities based on relevant and up to date environmental information should be undertaken prior to a decision on whether to grant a DCO. Annex 1 Provides Natural England's general advice on the scope of Environmental Impact Assessments (EIA). For this specific proposed development the Environmental Statement should particularly consider the following:

1. Impact of the proposed development on the following designated sites

- Laughton Common SSSI
- Scotton Common SSSI
- Scotton Beck Fields SSSI
- Scotton and Laughton Forest Ponds SSSI

We note reference made to these sites within Chapter 8 of the EIA Scoping report; the Environmental Statement would need to show any potential effects on these designations, including via impacts on foraging habitat, noise, water quality, air quality or other disturbance which may damage or destroy the interest features for which these Sites of Special Scientific Interest have been notified. Impacts would need to be considered at all stages of the proposed development i.e. construction, operation and de-commissioning. It should also detail the mitigation required to avoid any identified impacts on designated sites.

Cottam 3 lies within the surface water catchment of Laughton Common SSSI; thus we would like to see an assessment of any potential adverse impact on water quality which may impact the site.

It is noted that the final cable route corridor is yet to be determined, and welcome the intention that searches for designated sites within the cable route search area will be forthcoming. Potential

impacts from the cable route are largely limited to the construction phase due to the underground nature of the cables; the search areas appear to largely avoid any designated sites. However we would still anticipate an assessment to be made on any potential impacts to designated sites and species as a result of the cable route and grid connection infrastructure.

The proposed development is not within any Impact Risk Zones for European Designated sites; thus we would not anticipate any adverse impacts to European designated sites, or the need for HRA.

Natural England are engaging with the applicant, in conjunction with the West Burton Solar project, via our discretionary advice service with regard to avoiding adverse impacts to designated sites and protected species, as well as regarding potential Biodiversity Net Gains, Green Infrastructure Enhancements and Priority Habitat Delivery.

2. In-Combination/Cumulative impacts

The Environmental Statement should include in-combination/cumulative assessment. We welcome section 2.2.15 which notes that projects being considered within the cumulative assessment include West Burton Solar Project and Gate Burton Solar Project. We are aware of a number of other large Solar Infrastructure Projects in the Lincolnshire/North Nottinghamshire area, including **Mallard Pass Solar Project** and **Heckington Fen Solar Project**. Due to the size of each of these individual projects, we would like to see these projects also included within the cumulative assessment, where appropriate.

3. Loss of Agricultural Land (BMV)

It is recognised that due to the nature of the solar panels a good proportion of the agricultural land affected by the development will not be *permanently* lost. However, the large development area and 40 year development lifetime give rise to additional concern with regard to agricultural productivity. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible.

The following issues should be considered and included as part of the Environmental Statement (ES):

- The degree to which soils would be disturbed or damaged as part of the development
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted.
- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should also set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

It is noted that an *initial* ALC survey has been undertaken, which has indicated that 93.2% of the Cottam site area is grade 3b agricultural land. In order to fully assess the impacts to Best and Most Versatile land, a *detailed* Agricultural Land Classification (ALC) survey may be necessary. Where a detailed ALC and soil survey of the land is required, this should normally be at a detailed level, e.g.

one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres.

Further information is available in the Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites and The British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction. Further guidance is also set out in the Natural England Guide to assessing development proposals on agricultural land.

4. Protected Species

The Environmental Statement should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). It should also provide details of any proposed mitigation measures required to protect these species. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area. It is noted that ground nesting birds may specifically be at risk due to the large land-take involved with the development.

As stated above, Natural England are engaging with the applicant via our Discretionary Advice Service and will be providing advice regarding the potential impacts, mitigation and licence requirements regarding protected species, including: Badgers, Bats, Otters, Water Vole, GCN, Reptiles, Barn Owl, Skylark, Yellow Wagtail and Grey Partridge.

5. Biodiversity Net Gain

The Environmental Statement should include a Biodiversity Net Gain Assessment and Habitat Management Plan. The Habitat Management Plan should explain how the site will continue to be managed and secured for the lifetime of the development. The habitat management plan should also provide details on retention and enhancement of existing habitat features such as hedgerows, woodland and ponds. We would also particularly need details on proposed habitat connectivity to surrounding habitats which would contribute to the wider Nature Recovery Network.

6. After use

The Environmental Statement should include details of the decommissioning and after use of the site, which should include details on how this will avoid impacts to soils and ensure the agricultural land can be restored to its former condition.

7. Impact on local landscapes

The Environmental Statement should include an assessment of local landscape character through the consideration of the relevant National Character Areas (NCAs) and any local landscape character assessments. This should also include any likely in-combination/cumulative effects from other known Solar Projects in the area.

Further guidance is set out in Planning Practice Guidance on environmental assessment, natural environment and climate change.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries, please do not hesitate to contact us. For any queries relating to the specific advice in this letter please contact Robbie Clarey at [redacted] Please send any new consultations or further information on this consultation to consultations@naturalengland.org.uk.

Yours sincerely,

Robbie Clarey
Lead Adviser – East Midlands Area Delivery
Natural England

Annex A – Natural England's General Advice on EIA Scoping

General Principles

Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the information that should be included in an Environmental Statement (ES) to assess impacts on the natural environment. This includes:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation, cultural heritage and landscape and the interrelationship between the above factors
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
- A non-technical summary of the information
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information

Further guidance is set out in Planning Practice Guidance on environmental assessment and natural environment.

Cumulative and in-combination effects

The ES should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.

An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

a. existing completed projects;
b. approved but uncompleted projects;
c. ongoing activities;
d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Environmental data

Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at [redacted]

Detailed information on the natural environment is available at www.magic.gov.uk.

Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

Biodiversity and Geodiversity

General principles

The National Planning Policy Framework (paragraphs174-175 and 179-182) sets out how to take account of biodiversity and geodiversity interests in planning decisions. Further guidance is set out in Planning Practice Guidance on the natural environment.

The potential impact of the proposal upon sites and features of nature conservation interest and opportunities for nature recovery and biodiversity net gain should be included in the assessment.

Ecological Impact Assessment (EcIA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EcIA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. Guidelines have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

Designated nature conservation sites

Nationally designated sites
This development site is within or may impact on the following **Sites of Special Scientific Interest:**

- Laughton Common SSSI
- Scotton Common SSSI
- Scotton Beck Fields SSSI
- Scotton and Laughton Forest Ponds SSSI

Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981 and paragraph 180 of the NPPF. Further information on the SSSI and its special interest features can be found at [redacted]

Natural England's SSSI Impact Risk Zones can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSIs and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects. The consideration of likely significant effects should include any functionally linked land outside the designated site. These areas may provide important habitat for mobile species populations that are interest features of the SSSI, for example birds and bats. This can also include areas which have a critical function to

a habitat feature within a site, for example by being linked hydrologically or geomorphologically.

Regionally and Locally Important Sites

The ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. Local Sites are identified by the local wildlife trust, geoconservation group or other local group and protected under the NPPF (paragraph 174 and 175). The ES should set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for enhancement and improving connectivity with wider ecological networks. Contact the relevant local body for further information.

Protected Species

The conservation of species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017
is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*.

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

Natural England are currently in discussions with the applicant, via our Discretionary Advice Service, regarding impacts to protected species. We aim to work with the applicant to ensure the development proposals will not harm protected species.

District Level Licensing for Great Crested Newts

District level licensing (DLL) is a type of strategic mitigation licence for great crested newts (GCN) granted in certain areas at a local authority or wider scale. A DLL scheme for GCN may be in place at the location of the development site. If a DLL scheme is in place, developers can make a financial contribution to strategic, off-site habitat compensation instead of applying for a separate licence or carrying out individual detailed surveys. By demonstrating that DLL will be used, impacts on GCN can be scoped out of detailed assessment in the Environmental Statement.

Priority Habitats and Species

Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found here. Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to download. Further information is also available here.

An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys)
- Additional surveys carried out as part of this proposal
- The habitats and species present
- The status of these habitats and species (e.g. whether priority species or habitat)
- The direct and indirect effects of the development upon those habitats and species
- Full details of any mitigation or compensation measures
- Opportunities for biodiversity net gain or other environmental enhancement

Ancient Woodland, ancient and veteran trees

The ES should assess the impacts of the proposal on any ancient woodland, ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.
Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. The wood pasture and parkland inventory sets out information on wood pasture and parkland.
The ancient tree inventory provides information on the location of ancient and veteran trees.

Biodiversity net gain

Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Biodiversity Net Gain is additional to statutory requirements relating to designated nature conservation sites and protected species.

The ES should use an appropriate biodiversity metric such as Biodiversity Metric 3.0 together with ecological advice to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain.
The metric should be used to:
• assess or audit the biodiversity unit value of land within the application area
• calculate the losses and gains in biodiversity unit value resulting from proposed development
• demonstrate that the required percentage biodiversity net gain will be achieved

Biodiversity Net Gain outcomes can be achieved on site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Green Infrastructure Strategies or Local Nature Recovery Strategies.

Opportunities for wider environmental gains should also be considered.

Landscape

Landscape and visual impacts

The environmental assessment should refer to the relevant National Character Areas. Character area profiles set out descriptions of each landscape area and statements of environmental opportunity.

The ES should include a full assessment of the potential impacts of the development on local

landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character.

A landscape and visual impact assessment should also be carried out for the proposed development and surrounding area. Natural England recommends use of the methodology set out in *Guidelines for Landscape and Visual Impact Assessment 2013 (*(3rd edition) produced by the Landscape Institute and the Institute of Environmental Assessment and Management. For National Parks and AONBs, we advise that the assessment also includes effects on the 'special qualities' of the designated landscape, as set out in the statutory management plan for the area. These identify the particular landscape and related characteristics which underpin the natural beauty of the area and its designation status.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.

To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials. Account should be taken of local design policies, design codes and guides as well as guidance in the National Design Guide and National Model Design Code. The ES should set out the measures to be taken to ensure the development will deliver high standards of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with a justification of the selected option in terms of landscape impact and benefit.

Heritage Landscapes

The ES should include an assessment of the impacts on any land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific, or historic interest. An up-to-date list is available at www.hmrc.gov.uk/heritage/lbsearch.htm.

Connecting People with nature

The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 100. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

Measures to help people to better access the countryside for quiet enjoyment and opportunities to connect with nature should be considered. Such measures could include reinstating existing footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Access to nature within the development site should also be considered, including the role that natural links have in connecting habitats and providing potential pathways for movements of species.

Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Soils and Agricultural Land Quality

Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon

store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered in line with paragraphs 174 and 175 of the NPPF. Further guidance is set out in the Natural England Guide to assessing development proposals on agricultural land.

As set out in paragraph 211 of the NPPF, new sites or extensions to sites for peat extraction should not be granted planning permission.

The following issues should be considered and, where appropriate, included as part of the Environmental Statement (ES):

- The degree to which soils would be disturbed or damaged as part of the development
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted.

This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see www.magic.gov.uk.

- Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).
- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

Further information is available in the Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites and
The British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction.

Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue. For example, approximately 85% of protected nature conservation sites are currently in exceedance of nitrogen levels where harm is expected (critical load) and approximately 87% of sites exceed the level of ammonia where harm is expected for lower plants (critical level of 1µg) [1].A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The Government's Clean Air Strategy also has a number of targets to reduce emissions including to reduce damaging deposition of reactive forms of nitrogen by 17% over England's protected priority sensitive habitats by 2030, to reduce emissions of ammonia against the 2005 baseline by 16% by 2030 and to reduce emissions of NOx and SO_2 against a 2005 baseline of 73% and 88% respectively by 2030. Shared Nitrogen Action Plans (SNAPs) have also been identified as a tool to reduce environmental damage from air pollution.

[1] Report: Trends Report 2020: Trends in critical load and critical level exceedances in the UK - Defra, UK

The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly, or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions or SNAPs, which may be being developed or implemented to mitigate the impacts on air quality. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System [redacted].

Information on air pollution modelling, screening and assessment can be found on the following websites:

- SCAIL Combustion and SCAIL Agriculture - [redacted]
- Ammonia assessment for agricultural development https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit
- Environment Agency Screening Tool for industrial emissions https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit
- Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England [redacted]

Water Quality

The planning system plays a key role in determining the location of developments which may give rise to water pollution, and hence planning decisions can have a significant impact on water quality, and land. The assessment should take account of the risks of water pollution and how these can be managed or reduced.

Climate Change

The ES should identify how the development affects the ability of the natural environment (including habitats, species, and natural processes) to adapt to climate change, including its ability to provide adaptation for people. This should include impacts on the vulnerability or resilience of a natural feature (i.e. what's already there and affected) as well as impacts on how the environment can accommodate change for both nature and people, for example whether the development affects species ability to move and adapt. Nature-based solutions, such as providing green infrastructure on-site and in the surrounding area (e.g. to adapt to flooding, drought and heatwave events), habitat creation and peatland restoration, should be considered. The ES should set out the measures that will be adopted to address impacts.

Further information is available from the Committee on Climate Change's (CCC) Independent Assessment of UK Climate Risk, the National Adaptation Programme (NAP), the Climate Change Impacts Report Cards (biodiversity, infrastructure, water etc.) and the UKCP18 climate projections.

The Natural England and RSPB Climate Change Adaptation Manual (2020) provides extensive information on climate change impacts and adaptation for the natural environment and adaptation focussed nature-based solutions for people. It includes the Landscape Scale Climate Change Assessment Method that can help assess impacts and vulnerabilities on natural environment features and identify adaptation actions. Natural England's Nature Networks Evidence Handbook (2020) also provides extensive information on planning and delivering nature networks for people and biodiversity.

The ES should also identify how the development impacts the natural environment's ability to store and sequester greenhouse gases, in relation to climate change mitigation and the natural environment's contribution to achieving net zero by 2050. Natural England's Carbon Storage and Sequestration by Habitat report (2021) and the British Ecological Society's nature-based solutions report (2021) provide further information.

Contribution to local environmental initiatives and priorities

The ES should consider the contribution the development could make to relevant local

environmental initiatives and priorities to enhance the environmental quality of the development and deliver wider environmental gains. This should include considering proposals set out in relevant local strategies or supplementary planning documents including landscape strategies, green infrastructure strategies, tree and woodland strategies, biodiversity strategies or biodiversity opportunity areas.

Item 9.

(Excerpt overleaf)

Landscape and Visual Amenity

7.2.1 – Planning Policy Context and Guidance

No reference is made to the relevant policies within the Bassetlaw Core Strategy, the Emerging Bassetlaw Local Plan (2020 – 2037) or made Neighbourhood Plans.

A further review of relevant policies contained within the NPPF is also recommended eg para 174 is not quoted. It also appears that there are errors in the NPPF paragraph numbering eg should paragraph 98 be paragraph 100?

This is one of the key considerations for the District. However, without more precise details, it is difficult to make full substantive comments on the methodology. It is impossible at this stage to assess whether a 500m study area (para 7.1.9) is going to be sufficient without knowing the full extent and the design of the cabling. Obviously the issue of cumulative development will be critical to this chapter and will need to be considered when agreeing receptor sites. No receptor or viewpoints for Bassetlaw have been included in the scoping report for this chapter and these will need to be agreed. Therefore the distance of a 500m study area is not agreed by the District Council at this point in time.

Bassetlaw District Council has concluded a landscape assessment on Cottam Power Station and the proposals highlighted in ST6. The Bassetlaw Local Landscape Assessment Addendum Document September 2020 suggest that there are important landscape, nature conservation and heritage considerations to take into account in considering a redevelopment of the site. Features including Cottam Wetlands, the former ash tip, existing trees and hedges, recreational routes (including the Torksey Viaduct) must be retained, but there is scope for a successful and sustainable redevelopment of the site. It is acknowledged that the type and scale of development proposed differs but the recommendations of the assessment should be considered as part of the next steps.

I would raise caution with scoping out a preliminary area of 5km. The amount of cumulative development that is proposed within the surrounding area may mean that a greater distance is required. Whilst it is appreciated that the scoping report is trying to set out parameters with regards to landscaping the visual study area needs to be agreed with the Council's consultant (who is in the process of being engaged) and until this time the study areas are not agreed by the District.

It is considered that this chapter is overlapping with other chapters eg heritage and biodiversity. Whilst it is appreciated that there is some overlap the chapter needs to be clear at the beginning as to what it intends to assess otherwise the document will become repetitive and confusing for the reader/assessor.

Once the details are known early discussions are recommended with both District's and their landscape consultant to set out how the landscape and visual assessment chapter will be developed and the proposed viewpoints and study areas should be agreed with the local authorities prior to commencement of the ES.

Ecology and Biodiversity

Please see attached comments from Nottinghamshire Wildlife Trust.

Again there is little reference to the cabling routes other than there will be limited ecological disturbance. This is not agreed at this point in time as the effects on ecology and biodiversity cannot be established until the routes have been defined. It also states that only

a desktop survey is proposed for the cabling routes; again this is not agreed and the District would expect to see full ecological surveys undertaken for these routes.

It is important to mention that the cable search corridor area impacts upon a Main green corridor in the form of the River Trent (Local Plan policy ST39: Green and Blue Infrastructure). Should the area be chosen as part of the cable corridor impact upon the green corridor care should be taken to protect the function, setting, biodiversity value, landscape, access and recreational value of the Main corridor. It is worth noting that in close proximity to the Cottam Power Station site, a Local Wildlife Site designation covers a significant part (Eastern side of the site – site ID 1/101). It is understood that scoping has been undertaken for residual effects on ecological features as indicated in Table 8.1. It would be prudent to understand the level of impact and ensure that mitigation is commensurate to address impacts identified.

Whilst the Bassetlaw Core Strategy 2011 is quoted in the policy section, there is no reference to the emerging Local Plan or any made Neighbourhood Plans. Another key document is 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' as this is the most recent Defra approved strategy for biodiversity in the UK. For meaningful policy to enhance local biodiversity the core 4 principles ***must*** be included in their enhancement criteria: Better, Bigger, More, Joined.

The need for 10% net gain is welcomed and this should be scoped into the assessment. The Environment Act 2021 promotes biodiversity net gain in new development, albeit from 2023. However, the NPPF recommends securing net gains now. Reflecting the principles of national planning policy and the emerging provisions of the Act we would strongly recommend that the proposal secures at least 10% net gain in biodiversity to ensure that the value of the development exceeds the pre-development on site habitat value by at least 10%.

Lighting, even during construction phase, has the potential to impact on ecology and given the fact that there are still unknowns in respect of the location and design of this proposal it is considered that lighting should remain in the EIA and its effect on ecology should form part of this chapter.

It is considered that nothing should be scoped out of this chapter.

Hydrology, Flood Risk and Drainage

The scoping report acknowledges that the work relating to the cable areas is less advanced than the other 3 sites and therefore at this point in time little comment can be made on the scope in respect of the cabling areas within Bassetlaw.

The council welcomes reference to Policies ST52 Flood Risk and Drainage and ST53 Protecting Water Quality and Management. Further detail on flood impacts and drainage solutions would be welcome. The Level 2 Strategic Flood Risk Assessment in June 2021 concluded that the Cottam Priority Regeneration Area was found to be highly susceptible to groundwater flooding. Whilst it is acknowledged that this proposal may not have the same impact on flood risk as mixed use regeneration, such issues should be given due consideration in the planning process.

It is welcomed that nothing is proposed to be scoped out of this chapter

Ground Conditions and Contamination

Item 10.

(Excerpt overleaf)

However, it is noted (**figure 7.1**) that this would exclude a number of visual receptors to the east of Cottam 1 and 2, which are elevated due to the presence of a limestone escarpment. This includes the villages of Grayingham / Blyborough, the Grayingham Crossroads, and the edge of Kirton in Lindsey (in North Lincolnshire). The Zone of Theoretical Visibility (ZTV) (**figure 7.9**) appears to be confined to, and does not appear to go beyond the 5km study zone – it would appear that the "views of the development may be visible" area is cut off by the study area (an arbitrary line) and would in fact extend beyond it, along the escarpment. The study area should be adapted due to local circumstances and topography and to extend further to the north-east, unless it can be shown that the site is barely perceptible – which this Scoping Report does not presently do.

(**Paragraph 7.2.2**) – The West Lindsey Local Plan 2006, was superseded in 2017 by the Central Lincolnshire Local Plan and is no longer part of the development plan. Consideration should however be given to the West Lindsey Landscape Character Assessment published in 1999 (available here: https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/evidence-base-and-monitoring/landscape-character-assessment/) It is noted that the applicant does intend to "review" this (**paragraph 7.3.35**) and any such review should be made clear, and agreed with the Local Planning Authority.

Proposed viewpoints (**Table 7.6; figures 7.11, 7.12**) are noted. It is likely that more viewpoints should be included within the 2-5km zone, and beyond the 5km zone, along the limestone escarpment. The Local Planning Authority is currently within the process of appointing Landscape Consultants, and it is requested that the applicant continue to liaise with the Authority in order to agree final viewpoints.

8. Ecology and Biodiversity (p69 – 89)

Paragraph 8.2.2 – *"At this stage, we anticipate the locations of these elements will be refined prior to statutory consultation and submission of the DCO application. Therefore, the survey work undertaken for these elements to date is in general less advanced."* Whilst this is noted, applying 'Rochdale Envelope' parameters – the ES should include and be based upon maximum parameters.

Paragraph 8.2.10 – it is noted that Chartered Institute of Ecology and Environmental Management (CIEEM) will be followed. The Report states that *"Typical perimeter fencing is not considered to impede the movement of most mammals, although movement of deer is likely to be impacted."* It is noted later that badgers are present on site – it therefore needs to be expanded and explained as to why these mammals will not be impeded in such a way.

It is noted to scope out the presence of dormice (**paragraph 8.2.31**), based on desk top studies. This is considered to be reasonable, unless signs of dormice (or other protected species) are identified on the site field studies.

Application of DEFRA's biodiversity metric (v3) (**paragraph 8.3.23**) in order to assess both existing and proposed biodiversity value, is welcomed.

Item 11.

(Overleaf)

Canal & River Trust
Making life better by water

Cottam Solar Project

By email only to:
info@cottamsolar.co.uk

Your Ref S42 Consultation

Our Ref IPP-153

Monday 25 July 2022

Proposal: Section 42 Consultation on Cottam Solar Project NSIP

Waterway: River Trent, Fossdyke Navigation and Chesterfield Canal

Thank you for your consultation relating to the pre-application stage of the above NSIP.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation.

The Trust is Navigation Authority for the River Trent and also has freehold landowner interests with respect to the riverbed. The river is classified as a commercial waterway and can accommodate large freight carriers as well as smaller vessels. The Trust also owns and operates the Fossdyke Canal which is located to the south of the project area and the Chesterfield Canal to the west of the project area. It appears unlikely that there would be any impacts on either the Fossdyke Canal or the Chesterfield Canal.

The River Trent falls within the development boundary of the Cottam Solar Park as it is included within the cable corridor search area. Due to the need for a cable connection to Cottam Power Station a crossing of the river is required as part of the project.

Having reviewed the Preliminary Environmental Information Report (PEIR) we wish to make the following comments:

Cable Route Corridor

The PEIR identifies a cable route corridor which includes a stretch of the River Trent approximately 1.5km in length to the south of Trentport, Marton. We note that assessment work is ongoing and the final route of the corridor has not yet been finalised.

We note that two other similar projects are being progressed in the locality and that the cable route corridor identified partially overlaps with Gate Burton Energy Park's 'Grid Connection Corridor Options' and that the West Burton Solar Project Cable Corridor options also overlay the Gate Burton Energy Park's 'Grid Connection Corridor Options' very closely. All three projects identify the same stretch of the River Trent for the cable crossing.

We further note that the PEIR states that the developers have worked collaboratively on design development and environmental avoidance mitigation to maximise opportunities for reducing overall environmental and social effects, in particular on communities in proximity to the grid connection corridor and on known ecological and archaeologically sensitive areas adjacent to the River Trent and we consider that this is an appropriate approach. We strongly recommend that the Trust is included in future discussions over the location of the cable crossing

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and whether a single crossing point can be agreed by the respective project promoters so we can advise on any potential issues likely to affect navigational safety or our interests as an affected landowner. The PEIR indicates that the cable crossing of the river will be underground and we consider that this will assist in minimising visual impacts on the river and potential impacts on use of the Navigation.

Any crossing of the river is likely to require the prior consent of the Trust. Please be advised that the Trust is a statutory undertaker and has specific duties to protect its waterways. We would therefore resist any proposed use of compulsory purchase powers which may affect our land or undertakings. We reserve the right to seek protections under S16 of the Acquisition of Land Act 1981 should any proposals affect land which has been acquired for the purposes of our undertaking. Accordingly, we advise that the acquisition of any Trust land or rights over Trust land should be secured by agreement and we strongly recommend early contact with the Trust's Utilities Team to commence discussions over the terms of such an agreement ahead of submission of the DCO application. Please contact Beth Woodhouse, Senior Utilities Surveyor, at [redacted] on [redacted] for further advice.

As the proposal will involve works affecting the Trust's waterways, in our capacity as landowner, we will also require the applicant/developer to comply with the Trust's current Code of Practice for Works Affecting the Canal & River Trust and recommend early discussion with the Trust's Infrastructure Services Team over all works likely to affect Trust property. Please contact Keith Boswell, Works Engineer, at [redacted] or on [redacted] for further advice.

Impact on Dredging Tips and Ground Contamination

The stretch of river identified in the PEIR lies immediately south of two areas of land in the Trust's ownership, located on either side of the river. This land has been used as dredging tips (and the site to the east of Coates Lane is still in use for this purpose) and any use of this land for routing cables could reduce the ability of the Trust to carry out future dredging activities on the River Trent, which is particularly important to facilitate continued navigation of the river by commercial vessels. We therefore recommend that, in considering the final cable route, this land is avoided. The Environmental Statement should nonetheless consider any potential impacts on existing dredging tips, including consideration of the potential for them to contain elevated levels of contamination.

Use of the River Trent for Freight

The installation of new solar farm equipment could involve the importation of significant indivisible heavy loads. The River Trent is a commercial waterway, where the transport of equipment may be possible which could help to minimise the need to utilise the Highway Network. We advise that the use of the Trent should be included within the Transport and Access chapter of the Environmental Statement, so as to ensure that every possibility to reduce the impact on the highway network is considered.

Noise and Vibration

Works to install a cable crossing beneath the River Trent have significant potential to generate noise and vibration impacts and these effects on the river and users of the river should be considered within the Environmental Statement. In particular, works in proximity to the river need to be carefully managed to minimise the risk of significant vibration or loading that could adversely affect the stability of the river bank.

Ecology and Biodiversity

Para. 9.6.164 of the Ecology and Biodiversity chapter of the PEIR states that the cable installation process which is likely to be required to cross underneath rivers, will utilise directional drilling methods. It is suggested that there will be a small risk of vibrations leading to sediment mobilisation, or the emission of pollutants, although such impacts are considered likely to be minor to moderately adverse in the short to medium term. We consider that directional drilling can cause sediment discharges and problems arising from mud toxicity due to vibrations below the river. Impacts on fish species and invertebrates found in the water and their likely sensitivity to potential sediment movement should therefore be considered within the Environmental Statement.

Temporary construction lighting along the cable corridor route in the vicinity of the River Trent will have the potential to disturb wildlife. We note that mitigation measures to minimise such impacts are proposed to be incorporated into a Construction Environmental Management Plan (CEMP) (para 9.6.91).

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Landscape and Visual Impact
The sites for the solar panels are set well away from the River Trent and their location and the local topography suggest that they are unlikely to be visible from the river. However, notwithstanding the distance between the solar panels and the river, as noted in the PINS Scoping Opinion, the Environmental Statement should assess glint and glare impacts to river users where significant effects are likely to occur. The River Trent is a navigable waterway which is also designated as a commercial waterway carrying freight. It is therefore important that visual impacts (including impacts from glint and glare) on the river do not result in any harm to navigational safety.

The Trust notes the comments at para 16.4.36 of the Glint and Glare chapter, but we do not consider that potential impacts on river users can be discounted without providing evidence to support such a position. The Environmental Statement should therefore provide sufficient evidence to demonstrate that significant visual impacts will not occur and we consider that the potential for adverse impacts on navigational safety should be considered within the glint and glare assessment. In view of the potential risk to navigational safety should there be any adverse impacts, the Trust recommends that this matter should be explicitly considered in order to ensure that it can be discounted.

The Environmental Statement should also consider the potential visual impact of construction operations along the cable route corridor, which extends to, and includes part of, the River Trent. In particular, the siting of construction compounds should be considered within the LVIA and river users should be considered as potential receptors. It is important that visual impacts are assessed within the context of the river being a navigable waterway and also designated as a commercial waterway carrying freight. It is important that visual impacts on the river do not result in any harm to navigational safety.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Ian Dickinson MRTPI
Area Planner
[redacted]

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Item 12.

(Overleaf)

FAO: Emily Park

By email:
CottamSolarProject@planninginspectorate.gov.uk

Our ref: AN/2022/132733/01-L01
Your ref: EN010133-000007

Date: 24 February 2022

Dear Emily

Application by Cottam Solar Project Limited (the Applicant) for an Order granting Development Consent for the Cottam Solar Project (the Proposed Development)

Thank you for referring the above scoping consultation on the 28 January 2022.

We have reviewed the Scoping Report, prepared by Lanpro and have the following comments to make on topics that fall within our remit.

1. Chapter 8 – Ecology and biodiversity

1.1 We welcome the applicant's intention to carry out spring surveys of all water courses and ditches within the red line boundaries for water voles and otters (May 2022).

1.2 The applicant acknowledges the presence of water voles (paragraph 8.2.28 – 8.2.30) within the scoping report at sites **Cottam 1** and **Cottam 2**. We would add that the Northorpe Beck and its tributaries, which are in proximity to the **Cottam 3** site also have records of water vole. There could be an opportunity to improve these tributaries as a more robust water vole habitat, by providing a greater network of ditches and drains.

1.3 We would like to see an assessment of the potential presence of invasive species which may be present across the sites.

1.4 We welcome the commitment to include a Biodiversity Net Gain (BNG) assessment within the Environmental Impact Assessment (EIA).

1.5 The applicant is encouraged to consider if BNG proposals can incorporate the use of Natural Flood Management (NFM) techniques such as leak dams, field corner bunds, 3d buffer strips with trees, swales and grass edge to promote a slower runoff into the Northorpe beck and its tributaries. The beck feeds into the River Eau and can cause flooding issues in the village of Scotter. NFM benefits water quality as well as flood risk, alongside providing opportunities for BNG.

Environment Agency
Nene House (Pytchley Lodge Industrial Estate),
Pytchley Lodge Road, Kettering, Northants, NN15 6JQ
Email: LNplanning@environment-agency.gov.uk
www.gov.uk/environment-agency

Customer services line: [redacted]
Calls to 03 numbers cost the same as calls to standard geographic numbers (i.e. numbers beginning with 01 or 02).

Cont/d..

2. Chapter 9 - Hydrology, flood risk and drainage

2.1 The comments below relate to flood risk from fluvial and tidal sources only. We do not provide advice on the risk of flooding from ground water, drainage systems, reservoirs, canals or ordinary watercourses.

2.2 The flood risk assessment (FRA) accompanying the EIA should demonstrate that the development is safe from flooding. The FRA should also demonstrate that the development will not increase risk elsewhere and where possible reduce flood risk overall. The supporting FRA must consider the risk from all sources of flooding and suggest mitigation as appropriate to manage the identified risks.

2.3 We suggest that the development would be considered as 'essential infrastructure' as classified in Annex 3 to the National Planning Policy Framework (NPPF). In this instance the essential infrastructure should be designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

2.4 Where possible, all essential support/control infrastructure should be located in flood zone 1. Where structures are built in the floodplain, floodplain compensation should be provided. Ground levels should also not be raised and the solar arrays should allow water to pass underneath with minimal obstruction. Any fencing within the floodplain should be post and rail or post and wire with wide apertures to allow the free flow of floodwater and minimise debris collection on the fencing during flood events.

2.5 Sequential placement of solar panels outside of flood zones 2 and 3 would be preferred. However, should this not be possible we would recommend raising the solar panels to a minimum of the 1 in 100 year event plus climate change level with 300mm freeboard. We note the solar panels themselves can withstand up to 1 metres depth of flooding (paragraph 9.3.11), this can be explored further within the FRA.

2.6 If there are staff facilities/buildings planned on site they should be located within flood zone 1 where possible. If it is essential to locate them within flood zones 2 or 3 they should have a safe refuge provided above the maximum modelled flood level at the site. Access and egress to the sites during periods of flooding should also be considered within the FRA.

2.7 Our comments below focus on the specific areas of proposed development, based on the boundaries highlighted in Figure 1.1 – Overall Scheme Plan within the Cottam Solar Project EIA Scoping Report dated January 2022.

2.8 We agree that parts of the **Cottam 1** site are within flood zones 2 and 3 (paragraph 3.2.36) and that the majority is within flood zone 1. Some of the development proposed intersects with main rivers and therefore the Environmental Permitting (England and Wales) Regulations 2016 may apply. However, some exemptions to these Regulations exist and we will need to engage in more detail with the applicant regarding their status under the Electricity Act 1989 to determine if any of these apply. If it is determined that the Regulations do still apply, we will also need to discuss whether the applicant is looking to disapply these under Section 150 of the Planning Act 2008.

Cont/d..

2.9 For information, the Environmental Permitting (England and Wales) Regulations 2016 apply for any proposed activities which will take place:

- in, over, under or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- within 16 metres of any main river, flood defence (including a remote defence) or culvert for quarrying or excavation
- in a flood plain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if tidal) having the potential to divert flood flows to third parties, if planning permission has not already been granted for the works.

2.10 We agree that a small portion of **Cottam 2** is within flood zone 3 (paragraph 3.2.70). **Cottom 3a and 3b** are in flood zone 1.

2.11 We note that potential impacts on water quality from construction and operation of the proposed development will be included within the scope of the EIA (Chapter 9 p102). Potential surface water impacts should be considered for all of the development sites plus the proposed cabling routes and construction compounds for cabling, in particular where these will be adjacent to or cross surface watercourses.

2.12 Water Framework Directive - We welcome the commitment in paragraph 9.3.7 to undertake a Screening and Scoping assessment to determine the potential for any non-compliance of the development with the Water Framework Directive objectives. We look forward to reviewing this in due course.

3. Chapter 10 - Ground conditions and contamination

3.1 Please note that our comments in respect of this topic relate solely to the protection of the controlled water environment in the vicinity of the site.

3.2 Potential areas of contamination have been scoped out of the assessment. The potential cable route sites are located on either secondary A or B aquifer and not within a Source Protection Zone. The proposal appears to pose a low risk to controlled waters and accordingly, we are satisfied with the conclusions reached and the proposed scope of the EIA.

3.3 The applicant is advised that containment bunds should be able to hold 110% of the volume of the largest container or 25% of a combined total, whichever is the greater. Paragraph 10.4.11 correctly identifies the need for bunding, but only at a 100% volume which does not leave any scope for error.

4. Chapter 23 – Waste

4.1 With regards to paragraph 23.3.3 and the potential re-use opportunities of soil from the burying of cables. The applicant should review the Code of Practice available at [redacted] which has been updated to include the direct transfer and re-use of naturally occurring soils between sites.

5. Detailed pre-application advice

5.1. If the applicant wishes to obtain further more detailed advice regarding issues that fall within our remit, we will be able to do this under our discretionary planning advice service. Further details on this service are available on our website, together with the terms and conditions of the service. Under this service our costs have to be recovered and we currently charge £100 per hour, per officer, plus VAT.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

Keri Monger
Sustainable Places - Planning Adviser

Direct dial [redacted]
Direct e-mail [redacted]@environment-agency.gov.uk

End

Item 13.

(Overleaf)

Ministry of Defence

Defence Infrastructure Organisation

Safeguarding Department
Statutory & Offshore
Defence Infrastructure Organisation Head Office
St George's House
DMS Whittington
Lichfield
Staffordshire
WS14 9PY

Tel: [redacted]

E-mail: DIO-safeguarding-statutory@mod.gov.uk

[redacted]

23 February 2022

Emily Park
The Planning Inspectorate
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol, BS1 6PN

Planning Inspectorate Reference-: EN010133-000007
DIO Reference: 10054191

Dear Emily,

MOD Safeguarding-RAF Scampton

Proposal: Scoping application by Cottam Solar Project Limited (the Applicant) for an Order granting Development Consent for the Cottam Solar Project (the Proposed Development

Location: Approximately 6.5km south east and 4km north east of Gainsborough

Thank you for consulting Ministry of Defence on the above proposed development. Consultation correspondence was received by this office on 28 January 2022.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

The applicant is seeking a scoping opinion for the Cottam Solar Project. The scheme consists of three electricity generating stations each with a capacity of over 50MW comprising of ground mounted solar arrays and associated development comprising of energy storage , grid connection infrastructure and other infrastructure integral to the construction , operations, and maintenance of the scheme. The proposed scheme comprises of a number of land parcels which are grouped and designated as Cottam 1,2 & 3.

The land parcels that form Cottam 1 are located approximately 4.89km from the centre of the aerodrome at RAF Scampton and occupies the statutory aerodrome height and technical and birdstrike safeguarding zones surrounding the aerodrome.

Aerodrome height and technical safeguarding zones

The proposed development site occupies the statutory height and technical safeguarding zones that ensure air traffic approaches and the line of sight of navigational aids and transmitters/receivers are not impeded. The airspace above and around aerodromes is safeguarded to maintain an assured, obstacle free environment for aircraft manoeuvre.

Birdstrike safeguarding zone

Within this zone, the principal concern of the MOD is the creation of new habitats may attract and support populations of large and/ flocking birds close to the aerodrome, especially during the construction phase of this development.

The MOD would like to be consulted at the next stage of this application when further details are available, ideally these should include;

- grid references (BNG) for the Rochdale envelope for all three groups of land parcels that form Cottam 1,2 and 3
- details of landscaping i.e. a schedule of the type of planting proposed (species and locations)
- details of mitigation measures designed to manage the potential for the scheme to attract those large and/ or flocking bird species during both construction and operational phases
- details of any drainage proposed
- given the proximity of the application sites to operational aerodromes a glint and glare assessment should also be submitted.

I trust this adequately explains our position on this matter

Yours sincerely

Kalie Jagpal
Assistant Safeguarding Manager

Item 14.

(Overleaf)

Nottinghamshire Wildlife Trust

The Old Ragged School
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Email:
info@nottswt.co.uk

Website:
[redacted]

FAO Daniel Galpin

20 July 2022

Dear Daniel,

Re: 22/00957/PREAPP- West Burton Solar Project - Statutory Phase 2 Consultation - Cottam

We have reviewed the following documents and information:

- Cable Route Search Area Ecology Desk Study and 5 accompanying .jpeg figures– Jan 2022 (N.B., the Search Area covered a much wider area than the proposed Survey Area which was defined using the desk study information to avoid ecological impacts). Personal communication with applicant's ecologist (email 14 April 2022).

- A summary of information relating to the cable installation works

- Summary table of proposed survey work applicable to the cable route Survey Area

We can confirm that the proposed ecological survey work and methodologies relating to the cable routes is satisfactory. We note that a qualitative assessment of habitat suitability for the species/groups included in the summary table will be undertaken at the same time as the Phase 1 Survey that will identify those which may be at risk from being impacted by proposals. We are satisfied that this process will inform future survey needs.

Cable Route Corridor

The cable route corridor is referred to as the 'Cable Route Search Area' (CRSA) and forms the scope of the ecological desk study for the cable route used at PEIR stage, within which ecological records (notable species and habitats and designated sites) will be searched for. We note that the final location of the cable route elements will be refined through use of the desk study, supported by further ecological survey and consideration of responses to statutory consultation, prior to submission of the DCO application. We consider this process to be satisfactory.

Local Wildlife Sites

We note within Chapter 9.3 ***Ecological Desk Study for Cable Route Search Areas*** states:

Care should be taken to avoid direct impacts on LWSs. However, depending on the circumstances and presence of other constraints, it may be justifiable that impacts proceed if accompanied by sufficient mitigation, compensation and aftercare. If direct impacts are probable, a detailed inspection of the habitat should be undertaken by an ecologist to determine its current condition. In many cases, LWSs have lost condition since designation through poor management. In this situation, impacts may be more justifiable and corresponding opportunities for restoration and net gain are likely to be welcomed. The cost and achievability of any restoration and mitigation would differ according to the complexity, condition and replicability of the habitats present.

Nottinghamshire Wildlife Trust

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Local Wildlife Sites (LWS) are a local, non-statutory designation, that sits below (but complements) the national suite of statutorily designated Sites of Special Scientific Interest (SSSIs). They are of substantive value for the conservation of biodiversity and are home to rare and scarce species or represent the best surviving examples of habitats that were once widespread and typical of the Nottinghamshire landscape. Collectively, these sites form an essential ecological network and act as wildlife corridors and steppingstones, allowing species to migrate and disperse between sites. The continued existence of these sites is vital to safeguard wildlife from the pressures of development, intensive agriculture, and climate change. The LWS network is comprehensive (meaning that every site which qualifies as a LWS is designated as one), whereas SSSIs are representative of the best sites in an area, such that that not all sites which meet the SSSI selection criteria have been, or will be, designated as a SSSI. Because of this, a number of LWS would potentially qualify as SSSIs, meaning that LWS are best described as sites that are of at least county-level importance for their flora and/or fauna. We acknowledge that neglect and/or inappropriate management can result in LWS being in unfavourable condition, but NWT is constantly seeking opportunities to support LWS owners to manage/restore their sites **There should, therefore, be a presumption against routing cables through sites of county biodiversity value.** Wherever possible LWS should be avoided. Where this is not possible then it may be justifiable that impacts proceed if accompanied by sufficient mitigation, compensation and aftercare. We are of the opinion that the mitigation hierarchy should be applied.

Sequential steps of the mitigation hierarchy

Avoidance: the first step of the mitigation hierarchy comprises measures taken to avoid creating impacts from the outset, such as careful spatial placement of infrastructure, or timing construction sensitively to avoid or disturbance.

Minimisation: these are measures taken to reduce the duration, intensity and/or extent of impacts that cannot be completely avoided. Effective minimisation can eliminate some negative impacts.

Rehabilitation/restoration: The aim of this step is to improve degraded or removed ecosystems following exposure to impacts that cannot be completely avoided or minimised. Restoration tries to return an area to the original ecosystem that was present before impacts, whereas rehabilitation only aims to restore basic ecological functions and/or ecosystem services.

Collectively, avoidance, minimisation and rehabilitation/restoration serve to reduce, as far as possible, the residual impacts that a project has on biodiversity. Typically, however, even after their effective application, additional steps will be required to achieve no overall negative impact or a net gain for biodiversity.

Offset: offsetting aims to compensate for any residual, adverse impacts after full implementation of the previous three steps of the mitigation hierarchy. Biodiversity offsets are of two main types: 'restoration offsets' which aim to rehabilitate or restore degraded habitat, and 'averted loss offsets' which aim to reduce or stop biodiversity loss in areas

where this is predicted. Offsets are often complex and expensive, so attention to earlier steps in the mitigation hierarchy is usually preferable.

Ecological Clerk of Works

Cabling operations should be carried out according to a PMW or Ecological Method Statement in the presence of an Ecological Clerk of Works to supervise and advise during the process to avoid direct impacts upon protected and notable species

Do not hesitate to contact me if you wish to discuss the comments above.

Yours sincerely,

[redacted]

Mark Speck
Senior Conservation Officer (North)
Nottinghamshire Wildlife Trust
Tel: [redacted]
[redacted]

Nottinghamshire Wildlife Trust

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Website:
[redacted]

Item 15.

(Overleaf)

Response of Stow Parish Council to Consultation

Are you providing your feedback on only one of the solar projects, or both?

Cottam Solar Project only

Based on the new information presented as part of our phase two consultation, how supportive are you of our emerging solar project proposals, which would generate clean, affordable, and reliable renewable energy for the national grid, with energy storage for when it is needed most?

Stow Parish Council strongly does not support the proposals as they stand.

We have shared with you our detailed designs for the site layout at all of the 8 sites we have proposed, do you have specific comments on our design for any of the sites?

• Cottam 1

Please provide your specific comments on the site design for these areas

While we are broadly in support of solar power we cannot support the current proposals. There is a great deal of information available, but it is not necessarily easily accessible.

We opposed the original plans because of the close proximity of the fields, which were to have solar panels, to the homes of residents both at Normanby by Stow and those on Ingham Road, Stow and the use of otherwise productive agricultural land. While we understand panels are not now to be sited next to East Farm at Normanby, the cluster of houses on Ingham Rd near Fleets Lane is still significantly affected. They are to have solar panels to the north and south of their dwellings.

The fields concerned are relatively small some with odd shapes, which we would not have thought conducive to the siting of panels, but the main issue is their proximity to where a number of people live and the adverse impact the panels will have on their lives.

Panels are also proposed along Green Lane, which goes from Ingham Rd to the Coates/Normanby lane. This is a very popular recreational route for walkers, runners and riders and it would be major disruption to the wildlife in the area including the deer we see more and more frequently. We are also very concerned about the use of Green Lane as an access for construction traffic and also for maintenance. It is a historic track, most of it grassed and well used by people locally. Use of it during the construction of a solar farm

would prevent locals from accessing it for their usual exercise and enjoyment.

We have concerns about the storage facilities and the risks of fire with battery storage.

We are also surprised that you propose to use some fields near the Till, which regularly flood to the extent that Ingham Rd has flooded as far as Fleets Lane.

We understand it is Government policy that solar panels should not be located on land that is 3a or 3b. We are, therefore, surprised at the inclusion of productive agricultural land, some of which we believe to be 3a, when we desperately need a food strategy and land available to grow food for the nation.

We are aware of four major solar projects linking into Cottam and/or West Burton power plants. The way things are progressing, it is highly likely more will emerge soon. Vast quantities of agricultural land - literally thousands of hectares - will be taken out of food production by these projects. Can we see the work done which assesses what effect losing all these agricultural areas will have on UK food production over the next 40 years?

Until we receive adequate answers to these questions we have to oppose all of these solar projects.

Since phase one we have worked to refine our cable route corridors (areas within which the exact routes of the cables could go). We have now presented you with our refined proposals for more specific cable routes for each project. Do you have any specific comments on our cable routes for either of the projects?

• Cottam 1

Please provide your specific comments on the refined cable routes.

No specific comment on this.

We have presented proposals in the PEIR for mitigating impacts on the local ecology and delivering biodiversity net gain. Do you have any comments on these proposals or do you have anything else you would like us to consider?

While we welcome the plans for some mitigation we are concerned about the impact of the construction phase on the local wildlife and in particular round Green Lane. Access to certain areas would be damaging to local wildlife as well as severely limiting recreational activity. We are also concerned about the impact of the panels upon migratory birds and the

routes wildlife currently take and how much this would be hindered by the enclosure of the fields on which panels are sited.

Do you have any further comments on our proposals at this stage?

We still do not understand why fields adjacent to local dwellings are being chosen for the siting of panels given the potential negative impact on the lives of those residents, not just during the construction phase when the noise and potential damage from the HGVs etc. will make life very unpleasant, but also during operation given issues of the visibility of the panels, glint and glare and the noise from tracking. It is not going to be good for the health and wellbeing of those residents.

We reiterate our concern at the use of productive agricultural land.

In the PEIR we have shown photographs looking towards the sites taken from publicly accessible viewpoints. Please share with us suggestions you have on your preferred landscaping measures, including for example the positioning of the infrastructure and location of tree planting. Please indicate which site your comments refer to

• Cottam 1

Please provide any comments

Hedges and trees are the appropriate landscaping but we are concerned as to the timescales given that a significant hedgerow can take some years to mature. Given the rural nature of the proposed sites however any other screening would seem inappropriate.

Do you have any comments on our traffic access routes and the proposed mitigation measures in the PEIR being considered when preparing for the construction phase of the projects?

We are concerned that the infrastructure required to sustain movement of such large transporters and other HGV traffic is not in place. Our local roads are not built to cope with either the weights or volume of traffic proposed. We understand there has been no vibration testing on the routes.

We question the proposals to access the Cottam 1 site along Stow Lane given the weight limit of 7.5 ton and the fact that a stretch of it is single track with passing places. The large trucks proposed would have difficulties as it is also very narrow with ditches and last year there was the example of a crane driver using Sat. Nav. and ending up in the ditch. The repairs to the road took sometime given the amount of damage with impact on locals accessing schools and work. We do not support using Stow Lane as an access route.

The project has included in its PEIR (June 2022), as illustrated in the map at Figure 14.1 the intention to use Green Lane, which is a public right of way, as

a construction traffic route. However the track is not included in the PEIR in either the traffic surveys carried out on local roads (Table 14.7) or the list of public rights of way in Table 14.5. There is therefore no 'baseline' use of the track to compare against the intended usage – this is not surprising as its current traffic count consists solely of occasional use by agricultural vehicles serving the fields either side of it. It is however a very popular pedestrian route.

The PEIR acknowledges at para 8.7.42 that 'The Site is bordered by the footpath network with some footpaths passing along the boundaries and passing across east to west. As a general observation, footpaths appear **well used** with observations of pedestrian activity. Because the network is sporadic the local lanes are also used to supplement the network.' This supports assertions by local residents that Green Lane is part of a very popular route for walking/ running/ dog walking/ horse riding that includes Ingham Road and Coates Lane – a combination of local lanes and public rights of way. Stow Parish Council has recently installed a seat at the north end of the track - with a view over the (currently) unspoiled rural landscape – to enable those walking the lanes to stop and rest. There is also historic significance as, on the southwest corner of Green Lane and Normanby Lane, there is a pollarded oak, which was a 'waymarker'.

The PEIR then contradicts itself at paragraph 14.6.30 stating 'As set out above, the level of pedestrian activity on the roads surrounding the Site is **very low** meaning that the sensitivity receptor is low. However, it is acknowledged that the addition of HGVs to the network will affect the relative pleasantness of any pedestrian and cyclist journeys in the area. It is also acknowledged that a number of Public Rights of Way operate through the Site.
14.6.31 Whilst these will remain open during the construction phase, there will be some effect on the relevant pleasantness of pedestrian journeys in these locations.
14.6.32 In light of this, it is considered that the likely significant effect of the construction traffic to pedestrian and cyclist amenity will be minor adverse and temporary, which is not significant'. How can that be the case?

It is not clear how Green Lane will remain open as a PRoW during the construction phase if it is to be used as a construction route, and how the safety of pedestrians, dogs and horse riders will be ensured or maintained.

Drawings of the access onto Green Lane from Ingham Road and from Green Lane onto Coates Lane are included in Appendix A to the draft CTMP in Appendix 14.1 - Drawing SK05 - Existing agricultural access which will be widened and formalised and Drawings SK06(1) and SK06 (2) - Existing farm track west of Coates.

In Appendix 14.1 at para 2.18 it states
'In summary, the proposed access arrangements are considered suitable for the following reasons:

▪ The accesses are regularly used by agricultural vehicles and are therefore considered appropriate for use by construction vehicles, with formalisation and widening as required;'

What research or information or figures have they used to conclude that the accesses to Green Lane are 'regularly used by agricultural vehicles'? And more importantly, how can they conclude that it is appropriate for use by construction vehicles?

In appendix 14.1 para 2.20 re Public Rights of Way it continues
' There may be instances whereby construction traffic is required to cross local footpaths and Public Rights of Way. Where this occurs, the following measures will be implemented:
▪ Speeds will be limited to 10mph;
▪ Drivers will stop and give-way to any pedestrian, equestrian and cyclist that they encounter;
▪ Appropriate signage will be installed along the bridleway to make users aware of the
construction activity. This will include information on operating times;
▪ Banksmen will also be present to ensure the safe movement of all users;
▪ The PROWs will be kept clear outside of construction hours;
▪ Any damage to the surface of the bridleway will be repaired immediately. The surface will be returned to its original condition following construction.'

However, if Green Lane falls under Appendix 14.1 para 2.21, ie

'2.21 Once operational, maintenance vehicles will access the Site via the same access arrangements as described above for the construction phase.'

Then the surface will not be returned to its original condition following construction. Our historic and valued Green Lane would never regain its character.

Yet more concerning is a suggestion in Appendix 14.2 – a report on the Abnormal Indivisible Loads – that Green Lane could be used as a route for the transformer parts, which involve 16 axle girder frame trailers and 12 axle flattop trailer, with weights up to 157,000kg! We are appalled that this suggestion has even made and is being considered.

We do not support the use of Stow lane for access. We vehemently oppose the proposal to use Green Lane (Ingham Rd to Coates/Normanby lane) which is a historic green lane much used by locals for walking and riding and which would be irreparably damaged by any large machinery/HGVs. There would also be a massive negative impact on the residents adjacent to Green Lane from the volume of traffic during construction.

The proposal for a form of lorry park opposite (on the south side of Ingham Road) so the panels could be moved from the larger vehicles to smaller ones before going along Green Lane would create an eyesore and additional noise.

Any traffic surveys would appear to have included the usual farm machinery (tractors/trailers/combine harvesters?) driven by locals who know the roads and conditions - there are few, if any, other HGVs using Ingham Road given the access restrictions and certainly not of the size proposed. The mitigation measures are not sufficient to protect local residents, local walkers, riders, runners and cyclists.

We present updated community benefit proposals for Permissive Paths around Cottam 1. Do you think these provide suitable benefits for the local community?

• Not sufficient

Do you have any other comments on our proposed community benefit opportunities or any suggestions you would like us to consider further?

There is one permissive path proposed, but this is inadequate as there is no access to the banks of the Till which is what we asked for.

Item 16.

(Excerpt overleaf)

Sensitivity of visual receptors (8.9.174 onwards) – it is noted that the PEIR does identify sensitive receptors, including high sensitivity residential receptors in proximity to the sites.

The identification of potential cumulative development (table 8.6) is noted. It recognises the potential for sequential and combined visual effects with both the West Burton and Gate Burton Projects. It is considered that views from the east and elevated limestone escarpment should be considered when assessing the cumulative effects.

The combination of the West Burton project (1035ha – of which 784ha in WL); Cottam (1270ha) and Gate Burton (684ha) amounts to approximately 3000ha of land. The LVIA needs to pick up the sequential effect on more transient receptors – those that are travelling through the District, be it by car, bicycle, walking / hiking, and even the train. For instance, those travelling along the A1500 (Tillbridge Lane) will be sensitive to, and experience both this and the other projects during their journey, which may be over many kilometres.

Chapter 9 – Ecology and Biodiversity

We are encouraged that consultation has taken place with LWT and Parish Councils (table 9.1).

The presence of badgers (9.4.51) are noted. As this is desk top based, the PEIR is not clear as to whether further survey work will take place – and how the development will then take account of badger presence. Table 9.2 is not clear – they are not considered an important ecological Feature, "but included in impact assessment for legal reasons". Are they to be distinguished from the other identified IEF?

It is noted that mitigation measures, and enhancement opportunities are considered for various habitats and species. It is also recognised that a detailed Biodiversity Net Gain assessment will be carried out (paragraph 9.9.1) although it cannot be carried out at this time due to incomplete survey data and the preliminary nature of the scheme. It is encouraging that *"it is anticipated that a significant net gain for area-based, linear and water habitats is possible as a result of the scheme."*

Paragraph 5.3.15 of NPS EN-1 does state that *"When considering proposals, the [decision-maker] should maximise such opportunities in and around developments, using requirements or planning obligations where appropriate.*" The draft replacement EN-1 goes further (paragraph 5.4.22) when stating *"The Secretary of State should consider what appropriate requirements should be attached to any consent and/or in any planning obligations entered into, in order to ensure that any mitigation or biodiversity net gain measures, if offered, are delivered and maintained. Any habitat creation or enhancement delivered for biodiversity net gain should generally be maintained for a minimum period of 30 years."*

The intention to undertake a detailed BNG assessment is welcomed, and should set out the long term management of the site. Whilst 30 years is noted in policy, the development itself is anticipated to have an operational life of 40yrs (paragraph 4.1.12) and at paragraph 4.5.13 the PEIR states that *"It is anticipated that some of the areas of habitat and biodiversity mitigation and enhancement will potentially be left in situ given that they could contain protected species. The need for any relevant protected species licenses will be considered at that time if reinstatement activities are likely to have an impact."* It is considered that chapter 9 should address this.

Item 17.

(Overleaf)

Date: 27 July 2022
Our ref: 397271

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
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Cheshire
CW1 6GJ

T 0300 060 3900

Cottam Solar Project Ltd.

BY EMAIL ONLY

Dear Eve Browning

Planning consultation: Section 42 Statutory Consultation – **Cottam Solar Project**

Thank you for your consultation on the above dated 15 June 2022 which was received by Natural England on 15 June 2022

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We understand that you are consulting us in line with paragraph 67 of the Planning Act 2008 "Guidance on pre-application consultation", and that further consultation may be required in line with paragraph 85, particularly if/when the draft Environmental Statement has been prepared. We also appreciate that this consultation under S42 of the Planning Act 2008 also encompasses consultation on the preliminary environmental information, and that some overlap exists between these various requirements.

We have reviewed the Preliminary Environmental Information Report (PEIR) and supporting documents, and have provided comments on the areas relevant to our remit based on this information. Our comments are provided in Annex 1 to this letter.

If you have any queries relating to the advice in this letter please contact me on 07767556842

Yours sincerely

Robbie Clarey
Lead Adviser – East Midlands Area Delivery

Annex 1

Preliminary Environmental Information Report

Chapter 8: Landscape and Visual Impact

The proposed development is not located within, or within the setting of, any nationally designated landscapes. As a result, Natural England have no specific comments to make on the landscape implications. We welcome the reference made to Natural England's National Character Areas, and advise that the development should complement and where possible enhance local distinctiveness. We would also like to stress the importance of cumulative landscape impacts from the development; welcome the assessment of the developments listed within PEIR Table 8.6.

Public Rights of Way and Access

Natural England note the intention to enhance the footpath network associated with the site, noted as secondary mitigation for Public Rights of Way and Access in PEIR paragraphs 8.9.46-54. We recommend that the enhancement of this network would not have to be limited to increasing accessibility and connectivity of PRoW, but that it could also include measures to increase understanding of the local landscapes and the solar project itself, for example via information boards at vantage points. The ecological enhancement measures which are being undertaken as part of the project could be summarised to provide public understanding of the project and encourage access to nature.

Chapter 9: Ecology and Biodiversity

Assessment of Effects (Chapter 9.6)

Designated Sites
The PEIR has assessed potential impacts to **the Humber Estuary SPA.** As discussed within PEIR paragraph 9.6.2, Natural England have provided advice regarding the potential for impacts to this site. We agree with the conclusion of no residual effects likely, and consider that the survey information indicates the site is not critical to, or necessary for, the ecological or behavioural functions of the qualifying features of the SPA, thus, is not functionally linked to the SPA. We also note that the retention of existing boundary features, along with the various enhancement works under and around the solar panels will retain the potential low level of use of the site by the qualifying features of the SPA; there is little evidence to show solar farms pose a risk to birds in terms of either confusion of panels with water or collisions.

As outlined within our EIA scoping response, impacts to **Laughton Common SSSI, Scotton Common SSSI, Scotton Beck Fields SSSI and Scotton and Laughton Forest Ponds SSSI** are possible. We also note **TueToes Hill SSSI** has been included in the assessment of impacts. Below we have reviewed the conclusions regarding impacts to these sites:

We note that no SSSI Impact Risk Zones have been triggered for these SSSIs, by either the Cottam sites, or the cable corridor works, along with the fact that no habitats associated with the SSSIs can be found within Cottam 3 (the nearest parcel of the development) and no strong habitat corridors exist between the SSSIs and the site. As a result, we consider that impacts to these SSSIs are unlikely during all phases of development, however, we welcome the inclusion of mitigation measures to further reduce the likelihood of impacts to the SSSIs, and prevent impacts to other locally designated sites.

Despite no IRZ triggers, as noted in PEIR paragraph 9.6.19, there is a low possibility of impacts from contaminated surface water from the site reaching Laughton Common SSSI. We are pleased to see the intention to implement a CEMP; that the provisions of the CEMP, outlined in Appendix 4.3, include protecting boundary features, avoiding working in adverse weather conditions and using appropriate storage of fuels, oils and chemicals. We would also recommend the CEMP to include measures to protect the soil resource during construction too, as these two areas dovetail and

suitable handling of soils should reduce the possibility of significant sediment runoff during construction. Defra has published a Construction Code of Practice for the Sustainable Use of Soils on Construction Sites which provides advice on the use and protection of soil in construction projects, including the movement and management of soil resources, which we strongly recommend is followed.

During operation, embedded mitigation, i.e. the maintenance of vegetation under and around the panels, will bind the soil surface, reducing sediment runoff, and reduced site traffic will significantly reduce the chances of a pollution incident.

We would also like to note that the development poses an opportunity to create additional habitat which could complements the SSSIs in this area, and/or contributes to increasing the ecological connectivity of the area. This is noted within PEIR paragraph 9.6.23 and we have made comments on the LEMP further down in this response. We would be happy to provide further advice regarding habitat creation/management via our existing DAS contract as detailed designs emerge.

We have no specific comments to make regarding the other locally designated sites the report has assessed, but are broadly welcoming of the measures which have been proposed to prevent impacts and enhance these sites. We recommend consultation with the relevant site owners/managers, i.e. Wildlife Trusts, who have extensive local knowledge of these sites.

Protected Species
Natural England have no specific comments to make regarding protected species. However, we refer you to our Standing Advice for Protected Species, and the advice previously provided as part of our DAS (Discretionary Advice Service), dated 5th May 2022 and 2nd July 2022. Further advice regarding Species and licencing can be provided via the existing DAS contract.

Decommissioning Effects (PEIR Chapter 9.7 & Appendix 4.4: Decommissioning Statement)

The impacts of decommissioning are largely similar to those of construction; we welcome the intention to create a Decommissioning Environmental Management Plan (DEMP) to prevent adverse impacts. The appropriate wording of a DCO requirement to ensure the DEMP contains measures as set out in Decommissioning Statement Section 3, should render impacts to designated sites to be unlikely.

The loss of created habitats in order to revert to agriculture after 40 years of operation will inevitably have a negative impact on biodiversity and the habitats, and species associated with these, which have established in the operational period. We acknowledge the difficulty in pre-planning for a scenario 40 years into the future, but welcome the intention to ensure new surveys are undertaken to identify any protected species present on the site to enable additional mitigation/compensatory measures to be implemented prior to any works occurring (PEIR paragraph 9.7.4). We would also encourage the retention of areas of particular biodiversity value, i.e. widened field boundaries/buffer areas, and/or compensatory habitat being provided off-site. It may be possible for areas of the site to be retained and managed under an Agri-Environment Agreement, or sold as Biodiversity Net Gain credits, however the status of such schemes in 40 years' time is clearly unknown; thus consideration of options closer to the decommissioning phase is recommended.

Biodiversity Net Gain (PEIR Chapter 9.9)

Paragraph 9.3.15 states that a requirement for 10% Biodiversity Net Gain is not currently in force for NSIPS. We would like to note that whilst the mandatory requirement for 10% Biodiversity Net Gain has not yet come in to effect, when it does, NSIPS will also be required to demonstrate this Net Gain. Nonetheless, we welcome the intention, set out in section 9.9, of the scheme to demonstrate a Biodiversity Net Gain using the Biodiversity Metric 3.1, or the latest version available at the time of assessment. We also concur with the anticipation that the calculations will illustrate a significant Net Gain. We understand that the LEMP will provide the management strategy for all of the ecological enhancement across the site, and would recommend that the management of the habitats for the lifetime of the development is secured. This would ensure the habitats are maintained beyond the

anticipated mandatory 30 year period.

Other comments on Outline LEMP (Appendix 4.5: Landscape and Ecological management Plan)

We note the Outline LEMP has been produced to summarise the principles which will be followed within the design of mitigation and enhancement for landscape and ecology, and does not comprise a final management plan. Below we have provided general comments on the principles and potential habitat creation measures; have provided further detail where we feel appropriate.

Overall, we welcome the principles set out within the LEMP; the selection process being related to current conditions, nearby habitats and local priorities is welcomed by Natural England. We would like to note that further specific input can be provided on habitat creation/management plans via our DAS contract; would ask that specific issues/options are presented to allow us to provide the most useful advice.

Trees/Hedgerows (LEMP Chapter 2.3)

Natural England welcome the intention to provide tree planting along hedgerows, in keeping with local character. We recommend that all planted trees are Native to the UK and are locally prevalent. We note the inclusion of Sycamore having potential to replace Ash and consider that ,despite prevalence of Sycamore in the UK, that it is not a Native Species; would recommend use of the other species listed in the table at paragraph 2.3.8 of the Outline LEMP.

We welcome the intention to plant new hedgerows and are pleased to see reference to these enhancing Green Infrastructure and acting as wildlife corridors through the sites. The potential for these to provide habitat for both Brown Hairstreak and/or Turtle Dove is also noted, and management of the hedgerows specifically to benefit these species would be welcomed by Natural England. The intention to cut hedgerows less frequently, at strategic times of year and remove fertiliser/pesticide input nearby will all benefit the hedgerows and we would welcome this positive management across the site.

Lastly, we would like to note the potential of tree planting and hedgerow planting/enhancement measures to contribute to a Biodiversity Net Gain. Hedgerow enhancements score well within the Biodiversity Metric; we would expect these works to be included within the BNG calculations.

Buffer Areas (LEMP Chapter 2.4)

The inclusion of strict buffer areas is welcomed by Natural England, and their management should be focussed on the nearby habitat features which require buffering, to not only protect the feature, but enhance it.

The general principle of ‘the right habitat in the right place’ is apparent throughout the LEMP, and we welcome here the intention not to create one type of habitat, but to create a mosaic of habitats based on the specific buffer areas and surrounding habitat. This is particularly important considering the scale of the development; what is a good habitat in one area, may be inappropriate elsewhere. BRE National Solar Centre Biodiversity Guidance for Solar Developments states that ‘*Usually the greatest biodiversity value is gained from a variety of grassland habitats. The best results will come from sites that contain both wild flower meadows and areas of tussocky uncropped grassland.’.* We welcome reference to this guidance within the LEMP and note this principle is clearly being followed.

The general options of Tussocky Grassland Margins, Herb-Rich pollinator Margins, Wild Bird Seed Crop and Scrubby Field Margins for buffer areas provide a good starting point for creating this mosaic of habitat around the site. We note that scrubby field margins would be best suited to woodland boundaries, as evidence suggests that having a graduated edge to woodland is beneficial to many woodland bird species. This is not to say that areas of scrub are not beneficial elsewhere, but we would suggest that areas bordering woodland could be best suited for this habitat type. For

each of the habitat types, the timing and frequency of cutting appears appropriate.

Beneath Panel Habitat (LEMP Chapter 2.5)

We would like to note that the former use of the fields for arable farming may pose issues regarding Nutrient content of soils; this must be factored into the early years of management. Measures should be put in place should the intended habitat fail to establish. This should be taken into account for all buffer areas too, as even where the buffers may not have been in agricultural cultivation, fertiliser application to the adjacent land is likely to have influenced the nutrient content of these areas too. We welcome the acknowledgement of these nutrient issues (LEMP paragraphs 2.5.8 and 2.5.10) along with other factors impacting establishment, i.e. pH and soil types. We note the intention to select any seed mixed based on these factors, as well as to implement extensive ecological monitoring (LEMP section 2.7) across the site. We would recommend that this monitoring data should be reviewed regularly to allow any alterations to be made to maintenance schedules etc.

The two options of Diverse Meadow Creation and Grazing Pasture both show benefits for the land. We are pleased to see measures proposed to ensure establishment of a diverse sward in areas either of these options are implemented, i.e. regular and cut and collect cutting initially to reduce nutrient levels and injurious weed prevalence, aftermath grazing, low intensity grazing year-round (conservation grazing) on Diverse Meadow. Or where Grazing Pasture is preferred, use of a more diverse grazing mix. From a Biodiversity standpoint, the former, Diverse Meadow, is likely to score higher within the Biodiversity Metric and, as stated, can still be grazed (i.e. aftermath or conservation intensity), however, a mixture of beneath panel habitats would still provide biodiversity benefits whilst enabling higher levels of grazing to continue in certain areas.

The reference to a ‘shade cut’ (LEMP paragraph 2.5.12) is also welcomed, and we advise that a diverse sward should aim to be created throughout the entire area beneath the panels; small management techniques such as this can be used to retain efficiency of the panels whilst still allowing the largest gains for biodiversity and avoiding areas of bare ground which may impact soil health and sediment runoff.

Other Habitats (LEMP Chapter 2.6)

Whilst developing diverse buffer areas and beneath panel habitats across the majority of the site may lead to a considerable gain in biodiversity, this can be readily complimented by creation/enhancement of other habitats. We are pleased to see the intended inclusion of these other habitats across the site.

Creation of Ponds/Scrapes and other wetland features across the site would be encouraged. The presence of GCN on site indicates that the development area may have potential to be used by the species. Where pond creation is considered, we would encourage ponds to be created in series, with the aim of connecting a larger portion of the land, i.e. creating ‘stepping stones’ for GCN and other wildlife associated with wetland habitat. It is worth noting that water retention in ponds should be considered, as field drains associated with agriculture and ground conditions may lead to failure of new ponds to hold water and establish.

Use of Bat/Bird boxes is welcomed, although should be limited to areas which lack in natural nesting opportunities. Likewise, provision of hibernacula near to wetland features is encouraged.

Ecological Monitoring (LEMP Chapter 2.7)

See comments above regarding Beneath Panel habitats.

Additionally, soil compaction may occur during routine maintenance of panels/surrounding habitats. We would recommend implementation of measures to reduce any compaction as far as is reasonably practicable. This may include visual monitoring of the sites to identify any areas which are becoming compacted.

Site Specific Strategies (LEMP Chapter 3)

Natural England support the range of site specific measures set out within this section. The implementation of a variety of options is illustrated, and as further investigations take place, we welcome the fact that these will inform the final plans, for example where conditions suitable for Acid Grassland are suspected. We would like to welcome the use of Biodiversity Opportunity Mapping to identify key areas of habitat creation and network expansion. However, we would also encourage greater enhancements outside these areas, to go above and beyond the BOM to create additional habitat, where this is possible/appropriate.

The exclusion of two areas at Cottam 3 to create beneficial habitat for Turtle Dove is specifically welcomed, and is a good example of design evolution to account for site specific variables. The River Till corridor running through the site is noted for opportunities for habitat creation; we would encourage the widening of the corridor along the river to form a key Green Infrastructure corridor through the site.

Where further input on specific habitat creation/management is required, we would be happy to provide this via our existing DAS contract; would ask that specific issues/options are presented to allow us to provide the most useful advice.

LEMP Omissions

Natural England note that the LEMP makes no reference to enhancements to be made along the cable route. We assume this is due to the cable route surveys etc. being at a less advanced stage, along with the land above the cables largely being put back to it's previous use following construction. Nonetheless, we would like to see the final LEMP include maintenance of any enhancement measures made along the cable route; the linear nature of the cable route may provide opportunities to create new Green Infrastructure corridors, however we appreciate land ownership may pose issues with regards to this.

Chapter 18: Socio-economics, Agriculture, Tourism and Recreation

Our comments on Soils and Agricultural Land will follow this response prior to August 3rd as confirmed via email. Apologies for the delay in this advice.