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Our ref: 455365
Your ref: EN010133



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Dear Rory Cridland

NSIP Reference: EN010133 – Cottam Solar Project
Consultation: Examining Authorities First Written Questions

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.

Please find Natural England's responses to the Examining Authorities first written questions at **Annex A** below.

For any further advice on this consultation please contact the case officer Robbie Clarey and copy to consultations@naturalengland.org.uk.

Yours sincerely

Robbie Clarey
Planning & Environment Lead Adviser

Annex A

Question Reference	Question	Natural England response
1.6.3	In its detailed advice [RR-037] on Internationally Designated Sites and in relation to its WR [REP-098], has Natural England considered the Humber Estuary Ramsar site?	<p>It is an error within our representations to have omitted reference to this designation.</p> <p>Paragraph 4.1.1 of the applicant's iHRA states: <i>'According to the Conservation of Habitats and Species Regulations 2017 (as amended), the network of national sites receiving protection under this legislation is limited to SACs and SPAs. Notably, Ramsar wetland sites are no longer considered part of this network although in effect receive protection through their overlap with SACs and SPAs.'</i></p> <p>Natural England have discussed this with the applicant, as it is also government policy that Ramsar sites, potential SPAs, possible SACs and sites used to compensate for adverse effects on European Sites are considered in the HRA process. This is described in paragraph 181 of the National Planning Policy Framework:</p> <p><i>'181. The following should be given the same protection as habitats sites: a) potential Special Protection Areas and possible Special Areas of Conservation; b) listed or proposed Ramsar sites; and c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.'</i></p> <p>The overlap between the SAC/SPA designations and Ramsar designation is noted, both geographically and with regard to the designated features. However this should not warrant the omission of consideration of the Ramsar designation in it's own right.</p> <p>All but one of the Ramsar features are also features of the</p>

		<p>SAC/SPA. Natterjack Toad are a feature of the Ramsar site only. Due to the physical separation of the site from the proposed development, and the limited range of the Natterjack Toad, Natural England do consider that impacts on this feature are unlikely, however, this should be noted within the ES/iHRA for completeness. In discussions regarding the Statement of Common Ground between Natural England and the Applicant, the applicant has noted the need for specific consideration of the Ramsar designation; this is forthcoming.</p>
<p>1.8.4</p>	<p>What is Natural England's view over whether the Agricultural Land Classification survey follows Natural England guidance for such an assessment now that the Applicant has provided further information to Natural England regarding the amounts and proportions of agricultural land, including BMV across the full Order Limits?</p>	<p>Natural England raise no concern regarding the applicant's ALC survey methodology. The comments in our written representations relate to the representation of the ALC findings; the applicant has stated within the latest draft of their SoCG: <i>'In a proposed development of 1179ha, approximately 47.9ha of that area (4%) will not be available for continued agricultural use during the lifetime of the scheme. This 47.9ha comprises the combined area of substation, BESS and temporary access tracks and includes approximately 4ha of best and most versatile land. These elements will however be restored to agricultural use on decommissioning with no permanent loss of agricultural land as set out at paragraph 19.7.7 of C6.2.19 ES Chapter 19_Soils and Agriculture [EN010133/EX1/C6.2.19_A]. Biodiversity opportunity areas will not entail any loss of, or degradation to, the agricultural land resource, best and most versatile land or otherwise.'</i></p> <p>We welcome the additional information provided, and acknowledge that the proportion of BMV across the order limits is low, and the proportion occupied by permanent infrastructure is also low. We do consider the presentation of the data within the ES could be more clear, with regards to representing the amount and proportion of land (including BMV) impacted by each element of the development. Nonetheless, this is not a matter we have any further concerns with, and we do consider the ALC survey itself is satisfactory.</p>

