

Cottam Solar Project

Statement of Common Ground (~~DRAFT~~) Natural England Revision ~~AB~~ - Final

Prepared by: Lanpro Services

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Issue Sheet

Report Prepared for: Cottam Solar Project Ltd.
Examination Stage: Deadline ~~23~~

Draft Statement of Common Ground

Natural England

Revision ~~A~~

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Revision: [2]

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1	10 th October 2023	Harry Fox
2	21 November <u>19th</u> <u>December</u> 2023	Harry Fox/ <u>Robbie</u> <u>Clarey</u>



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1 Introduction

1.1 Purpose of this document

1.1.1 This Statement of Common Ground (SoCG) has been prepared as part of the proposed Cottam Solar Project Development Consent Order (the Application) made by Cottam Solar Project Ltd (the Applicant), to the Secretary of State for Energy Security and Net Zero (the Secretary of State), pursuant to the Planning Act 2008 (PA 2008).

1.1.2 The SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available on the Planning Inspectorate website.

1.1.3 This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties, and where agreement has not yet been reached. SoCGs are an established means in the DCO consenting process of allowing all parties to identify and focus on specific issues that may need to be addressed during the examination.

1.1.4 The scope of this SoCG covers matters relating to ecology and landscape.

1.2 Intended Parties to the Statement of Common Ground

1.2.1 The SoCG has been prepared by (1) Cottam Solar Project Ltd as the Applicant; and (2) Natural England (NE).

1.2.2 Collectively, Cottam Solar Project Ltd and NE are referred to as ‘the parties’.

1.3 Terminology

1.3.1 In the table in the Issues chapter of this SoCG:

- “Agreed” indicates where the issue has been resolved.
- “Not Agreed” indicates a final position, and
- “Under discussion” indicates where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.

1.4 Topic Referencing for all matters

1.4.1 All matters agreed, under discussion and not agreed have been given unique references which relate to the topic matter. The referencing system is defined as follows:

Topic	Unique Identifying Code
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Landscape and Visual	LAN-XX
Ecology and Biodiversity	ECO-XX

2 Record of Engagement

2.1 Summary of consultation

2.1.1 The parties have been engaged in consultation since December 2021. A summary of the meetings and correspondence that have taken place between the Applicant and NE is outlined in Table 2.1 below. References are made to the relevant paragraphs and sections in C6.2.9 ES Chapter 6 Ecology and Biodiversity [APP-044] prepared for the application.

Table 2.1 - Record of Engagement

Date & Form of Correspondence	Summary of Comment/Issues Raised	Key outcomes
Discretionary Advice Service (DAS) contract signed on 14/02/22. Kick off meeting took place 05/04/22 and advice requested. First written response received 06/05/22	Applicant’s ecologist requested advice concerning various aspects including species survey scope, identification of sources of potential impact, identification of potential avoidance techniques and mitigation measures and impacts upon protected sites. Advice received confirmed general acceptability of approach to survey for several species (bats, great crested newt, otters and water voles) and lack of impacts on Humber Estuary and Scotton Common and Laughton Woods SSSI complex.	Advice received is provided as Item 5 within C6.3.9.1 ES Appendix 9.1 [APP-078] and confirms suitability of survey approach taken.

<p>25/02/2022 EIA Scoping Response</p>	<p>NE advise that impacts upon four Sites of Special Scientific Interest (SSSIs) associated with Scotton Common and Laughton Woods should be considered (proximity to Cottam 3a).</p>	<p>This advice has been superseded and clarified by DAS response received since (see below – 27/7/2022 and relevant representation dated 30/03/2023) which states that residual impacts on these SSSIs is unlikely.</p>
	<p>NE recommend that cumulative impacts from other solar projects including West Burton Solar Project, Gate Burton, Mallard Pass and Heckington Fen solar projects) should be factored in.</p>	<p>Cumulative effects on ecological receptors arising from West Burton Solar Project, Gate Burton Energy Park, the Shared Cable Route Corridor and Tillbridge Solar are considered in Section 9.9 of the ES Chapter. It was determined that Heckington Solar and Mallard Pass were outside of the zone of influence.</p>
	<p>Further information on Biodiversity Net Gain (BNG) and connectivity with the Nature Recovery Network is recommended.</p>	<p>The BNG and ecological enhancements that form part of the Scheme are described within Section 9.10 of the ES Chapter, with a full assessment contained within C6.3.9.12 Appendix 9.1 of the ES [APP-089] following Defra’s current Biodiversity Metric 3.1 protocol. Enhancements are proposed in this document and in C6.3.9.12 Outline oLEMP [APP-339] which contribute to the aims of the Nature Recovery Networks, including diverse grassland creation (and reversion from arable), hedgerow and tree planting and wetland creation.</p>
	<p>Information on decommissioning impacts and aftercare is also advised.</p>	<p>Potential effects from the decommissioning phase are described in C7.2 Section 9.8 of the ES, C7.2 the Outline Decommissioning Statement [APP-338] and C3.1 Draft Development Consent Order (dDCO) [APP-016] proposed requirement 21. C6.2.8 LVIA Chapter [APP-043] (the ‘LVIA’) takes appropriate aftercare measures into consideration for the planting of new trees and other vegetation as required under the NPPF and Local Plan policy</p>

		(paras. 8.3.36 and 8.3.57. The LVIA also takes account of maintenance of planting during the mitigation stages (para. 8.6.2).
27/07/22 S42 consultation response	NE confirmed their opinion that residual effects on the Humber Estuary SPA are unlikely and there is little evidence to show that solar farms pose a risk to birds in terms of confusion with water of collision. NE also agree that residual effects on the complex of SSSIs associated with Laughton Woods are unlikely. Provision of a EPMS welcomed, with soil protection measures recommended. The potential for habitat creation to augment the local network is encouraged. Inclusion of decommissioning plan is welcomed and measures to safeguard future ecological baseline recommended. A BNG report is welcomed, and habitat management for the lifetime of the scheme is encouraged. General comments and suggestions are made in	All suggestions were noted and were factored into this assessment, as well as in C7.3 Outline oLEMP [APP-339], C7.19 Outline Ecological Protection and Mitigation Strategy (oEPMS) [APP-356] and C6.3.9.12 Biodiversity Net Gain Report -[APP-089].

	relation to the Outline LEMP draft provided with the PEIR.	
30 th March Relevant Representations Reference: RR-037	<p>NE clarify their agreement and positive stance regarding the assessment of potential impacts on designated sites, BNG and Ancient Woodland. NE flag up the potential need for further advice concerning the potential for protected species licensing, and impacts on soils and best and most versatile agricultural land. NE has summarised its advice in the RR as follows:</p> <p><i>“Overall, Natural England are satisfied that the proposals address the majority of potential impacts to the natural environment. The only areas of concern we consider require further assessment and or information to enable the examining authority to make an informed decision are: Soils and Best and Most Versatile (BMV) Agricultural Land and Protected Species</i></p>	All ecological aspects are considered to be common ground between NE and the Applicant. Response provided regarding soils and best and most versatile agricultural land. Response provided in Table 3.2 below (ECO-06) regarding protected species licensing.

	<p><i>The key concerns we have regarding Soils and BMV agricultural land are:</i></p> <ul style="list-style-type: none"> • <i>The omission of assessment of the loss of BMV land to each element of the proposal, including biodiversity opportunity areas.</i> • <i>Deficiencies within the Soil Management Plan.</i> • <i>The restoration of the site following decommissioning.</i> <p><i>The key concerns we have regarding Protected Species are:</i></p> <ul style="list-style-type: none"> • <i>The possible need for protected species licences."</i> 	
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It is agreed that this is an accurate record of the key meetings and consultation undertaken between the Applicant and Natural England in relation to ecological, landscape and visual ~~impact matters~~impact matters.

3 Issues

3.1 Record of Engagement and Matters Agreed

3.1.1 Table 3.1 below identifies the matters agreed with NE relating to the Landscape and Visual Assessment and impacts.

Table 3.1: Landscape and Visual Matters Agreed

Topic Ref.	Sub-topic	Stakeholder Comment	Applicant Response
LAN-01	Landscape Character	<p><i>From Scoping Submission – 25/02/2022</i></p> <p>The Environmental Statement should include an assessment of local landscape character through the consideration of relevant National Character Areas (NAs) and any local landscape character assessments. This should also include any likely in-combination/cumulative effects from other known Solar Projects in the area.</p>	<p>No further action necessary – matter agreed.</p> <p>The published landscape character assessments that are relied upon at the national, regional and local level are set out within C6.2.8 LVIA Chapter, Section 8.5 [APP-043] , C6.3.8.2 Appendix 8.2 [APP-074] and C6.3.8.3 Appendix 8.3 [APP-075] in the assessment baseline conditions. This includes an assessment of local landscape character through the consideration of relevant National Character Areas and any local landscape character assessments. In C6.2.8 LVIA [APP-043], the assessment considers both the Trent Vale Landscape Conservation Management Plan (June 2013)</p>

			and the Trent Vales Landscape Character Assessment at Section 8.5 and addresses the relevant priorities outlined within these reports, where applicable. The LVIA includes a fine-grained assessment, which considers local landscape features and the local landscape character as set out within the East Midlands Regional Landscape Character Assessment (EMRLCA), April 2010. The LVIA also takes into account the information collated as part of <i>The Historic Character of The County of Lincolnshire</i> (September 2011) in Section 8.5.6.
LAN-02	Landscape and Visual Impact Assessment	<p><i>From Scoping Submission – 25/02/2022</i></p> <p>A landscape and visual impact assessment should also be carried out for the proposed development and the surrounding area.</p>	<p>No further action necessary – matter agreed.</p> <p>C6.2.8 Landscape and Visual Assessment [APP-043] is provided in Chapter 8 of the Environmental Statement covering the proposed area within the Order Limits and the surrounding area.</p>

LAN-03	Cumulative Effects	<p><i>From Scoping Submission – 25/02/2022</i></p> <p>The assessment should also include the cumulative effects of the development and other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.</p>	<p>No further action necessary – matter agreed.</p> <p>A cumulative assessment has been undertaken as part of the LVIA , and the findings are set out within the individual receptor sheets within C6.3.8.2 Appendix 8.2 [APP-074] and C6.3.8.3 Appendix 8.3 [APP-075]. Proposed cumulative developments that have been assessed are shown in C6.4.8.15.11 LVIA Figure 8.15.1 [APP-290] All sites and development included within the cumulative assessment have been discussed and agreed with Lincolnshire County Council and Nottinghamshire County Council. The judgements on the likely cumulative effects and conclusions for the landscape and visual receptors, as set out within C6.2.8 LVIA Chapter, Section 8.10 [APP-043] and C6.3.8.2 Appendix 8.2 [APP-074] and C6.3.8.3 Appendix 8.3 [APP-075]. This also includes the judgements on the likely in-combination effects and</p>
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			<p>conclusions for the landscape receptors, as set out within C6.2.8 LVIA Chapter, Section 8.9 [APP-043], C6.3.8.2 Appendix 8.2 [APP-074] and C6.3.8.3 Appendix 8.3 [APP-075] are sufficient to inform the findings of the assessment. The assessment therefore includes any likely in-combination/cumulative effects from other known Solar Projects in the area.</p>
LAN-04	Local Materials	<p><i>From Scoping Submission – 25/02/2022</i></p> <p>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.</p>	<p>No further action necessary – matter agreed.</p> <p>The Scheme would deliver landscape and ecological improvements through mitigation areas and planting that reflect local character. This information is set out in the C7.3 outline Landscape and Ecological Management Plan (oLEMP) [APP-339] and C6.4.8.16.1 to C6.4.8.16.10 Landscape and Ecology Mitigation and Enhancement Plans (Figures 8.16.1 to 8.16.10) [APP-305-315].</p>

LAN-05	Local Distinctiveness	<p><i>From PEIR Stage Submission – 27/07/2022</i></p> <p>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.</p>	No further action necessary – matter agreed.
LAN-06	Cumulative Landscape Impacts	<p><i>From PEIR Stage Submission – 27/07/2022</i></p> <p>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.</p>	No further action necessary – matter agreed.
LAN-07	National Character Areas	<p><i>From Relevant Representations – RR-037</i></p> <p>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. The examining authority should have regard for the landscape character of the area; we welcome the reference to Natural England’s National Character Areas and other Local Landscape Character Assessments within ES Chapter 8 (Landscape and Visual Impact Assessment). We would also like to stress the importance of cumulative landscape impacts from the development; note the significant number of other solar developments proposed in Lincolnshire, Nottinghamshire, and Rutland.</p>	No further action necessary – matter agreed.
LAN-08	Ancient woodland and ancient/veteran trees	<p><i>From Relevant Representations – RR-037</i></p> <p>Natural England advise that impacts on ancient woodland and ancient and veteran trees should be considered in line with paragraph 180 of the NPPF. Natural England and the Forestry Commission have also produced standing advice for planning authorities in relation to ancient woodland</p>	No further action necessary – matter agreed.

		and ancient and veteran trees. We note that there is no Ancient Woodland or ancient/veteran trees within the order limits or within close proximity; as such, have no detailed comments to make.	
LAN-09	Public rights of way and accesses	<p><i>From PEIR Stage Submission – 27/07/2022</i></p> <p>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.</p>	<p>The LVIA has carried forward the landscape mitigation from the PEIR into C6.2.8 Section 8.8 of Chapter 8 [APP-043], including the intention to enhance the footpath network associated with the Sites, where appropriate, noted as secondary mitigation for Public Rights of Way. These measures recommend increasing accessibility and connectivity of PRoW, but also measures to increase understanding of the local landscapes and the Scheme. This matter remains under review during the Examination process. The LVIA also includes ecological enhancement measures to provide a wider public understanding of the Scheme and encourage public access to nature.</p> <p>Scheme Evolution: The Strategic Landscape Mitigation Measures</p>

			<p>have evolved since the PEIR submission, and more detail is now provided in C6.4.8.16.1 Figures 8.16.1 [APP-305/] to C6.4.8.16.10 Figure 8.16.10 [APP-315] of the Landscape and Ecology Mitigation and Enhancement Measures. These drawings take account of the offsets and buffers from the PRow and ecological features.</p>
LAN-10	Connecting people with nature	<p><i>From Relevant Representations – RR-037</i></p> <p>Public Rights of Way are discussed in depth within ES Chapter 8, which states at section 8.7.33 in reference to the Cottam 1 site that ‘the aim is to enhance the existing network especially where there is potential connectivity to the river corridors and their flood plains for their recreational importance’. We welcome the retention of all PRow within the order limits and the intention to keep them open throughout all phases of the development. We also note the provision of an additional permissive footpath connecting Stow to the development site and to existing PRow through and near to the site. Nonetheless, we note that further provision for access across the site could be achieved through the development; would provide additional benefit to local residents and users of the PRow network. Access around areas for Biodiversity Enhancement could provide and promote access to nature.</p>	<p>The LVIA has carried forward the landscape mitigation from the PEIR into C6.2.8 Section 8.8 of ES Chapter 8, [APP-043] including the intention to enhance the footpath network associated with the Sites, where appropriate, noted as secondary mitigation for Public Rights of Way. These measures include increasing accessibility and connectivity of PRow, but also measures to increase understanding of the local landscapes and the Scheme. This matter remains under review during the Examination process. The LVIA also includes ecological enhancement</p>

			<p>measures to provide a wider public understanding of the project and encourage public access to nature.</p> <p>Scheme Evolution: The Strategic Landscape Mitigation Measures have evolved since the PEIR submission, and more detail is now provided in C6.4.8.16.1 Figure 8.16.1 [APP-305] to C6.4.8.16.10 Figure 8.16.10 [APP-315] of the Landscape and Ecology Mitigation & Enhancement Measures. These drawings take account of the offsets and buffers from the PRoW and ecological features.</p>
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3.1.2 Table 3.2 below identifies the matters agreed with Natural England regarding Ecology and Biodiversity.

Table 3.2: Ecology and Biodiversity Matters Agreed

Topic Ref.	Sub-topic	Stakeholder Comment	Applicant Response
ECO-01	Decommissioning	<p><i>From Section 42 Consultation Response – 27/07/22</i></p> <p>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</p>	No further action necessary – matter agreed.

		consideration of options closer to the decommissioning phase is recommended.	
ECO-02	Landscape and Ecological Management Plan	<p><i>From Section 42 Consultation Response – 27/07/22</i></p> <p>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. 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.</p>	<p>No further action necessary – matter agreed.</p> <p>It is noted that it may be useful to obtain further advice from NE via the DAS contract in due course to aid in the refinement of habitat management and enhancement proposals within the LEMP post consent.</p>
ECO-03	Soils and Best and Most Valuable Agricultural Land	<p><i>From Section 42 Consultation Response – 27/07/22</i></p> <p>General guidance for protecting soils during development is also available in Defra’s Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g., in relation to handling or trafficking on soils in wet weather.</p> <p>The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.</p>	<p>Soil quality will be protected through the duration of construction, operation and decommissioning through measures set out in a Soil Management Plan with the aims of conserving the soil resource and maintaining the current ALC Baseline. Outline measures are set out within the Outline Soil Management Plan [APP-146], as secured by Requirement 19 of Schedule 2 of C3.1_A Draft Development Consent Order Revision A [AS-012].</p>

			<p>We note the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites and BSSS Benefitting from Soil Management in Development and Construction documents both give advice pertinent to achieving these aims. We would also add that the Institute of Quarrying document Good Practice Guide for Handling Soils in Mineral Workings provides more detailed advice on plant selection and soil conditions appropriate to the soil stripping, storage and reinstatement that will take over a limited extent within the Sites (temporary tracks, cable laying and switchgear housing locations).</p>
ECO-04	Internationally Designated Sites	<p><i>From Relevant Representations – 30/03/23 – RR-037:</i></p> <p>The 'Information to Support a Habitats Regulation Assessment' concludes that no significant effects are likely to occur. Natural England concur with this conclusion.</p> <p><i>"Natural England note the hydrological connectivity between the development site and the Humber Estuary SAC, however, due to the low likelihood and small scale of potential pollution events from the development activities, and distance to the SAC, a conclusion of no Likely Significant Effects is suitable."</i></p>	<p>No further action necessary – matter agreed.</p>

		<p><i>“Thorne Moor SAC and Hatfield Moor SAC are both physically and hydrologically separated from the development site. In addition, the notified features of these sites are immobile in nature; as such, a conclusion of no Likely Significant Effects is suitable.”</i></p> <p><i>“Thorne and Hatfield Moors SPA is notified for its Nightjar populations. Site surveys show that within the order limits there are no heathland or woodland habitats likely to be of interest to Nightjar. Additionally, survey results showed no recordings of Nightjar and no potential for their presence within the order limits. As such, Natural England consider the order limits do not constitute functionally linked land for Nightjar and concur with the conclusion of no Likely Significant Effects.”</i></p> <p><i>“Birklands and Bilhaugh SAC is both physically and hydrologically separated from the development site. In addition, the notified features of the site are immobile in nature; as such, a conclusion of no Likely Significant Effects is suitable.”</i></p> <p><i>“The Humber Estuary supports a variety of wintering, passage and breeding birds, including internationally important populations of a number of species. Site surveys have shown species for which the SPA is notified flying over, foraging or sheltering within the order limits. Natural England consider the numbers of, and frequency of, birds noted within site surveys, when compared to the SPA populations as a whole, not to be significant enough to render the order limits critical to or necessary for the ecological or behavioural functioning of the relevant qualifying feature and thus concur that the order limits are not functionally linked to the SPA. We concur with the conclusion of no Likely Significant Effects.”</i></p>	
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<p>ECO-05</p>	<p>Nationally Designated Sites</p>	<p><i>From Relevant Representations – 30/03/23 – RR-037:</i></p> <p>Natural England advised within our DAS response that Cottam 3 lies partially within the surface water catchment of Laughton Common SSSI. The ES points out that Cottam 3 is likely to drain to the Northorpe Beck, which flows downstream of the designated site. As such, this impact pathway may not be relevant. Despite the possible absence of a hydrological link to the SSSI, the CEMP and EPMS contain measures to prevent pollution. We consider that where the order limits and the SSSI were linked, these measures would nonetheless prevent any significant impacts to the notified features of the SSSI.</p> <p>Table 3.3 of the outline CEMP includes: ‘measures to limit the mobilisation of sediments and runoff, such as when working in very wet conditions or the use of silt fencing when working in ditches’.</p> <p>Table 3.4 of the oCEMP addresses hydrology, flood risk and drainage, including measures to ensure pollution events are avoided, minimised and contained through a number of means.</p> <p>oEPMS Method Statement 3 also includes details of measures to be used to prevent pollution during construction. These are aimed primarily at protecting adjacent and on site habitats, but the measures outlined here will contribute to protection of the wider water environment from pollution.</p> <p>Due to the physical separation of these SSSIs from the order limits and immobile nature of their interest features, we consider other direct impacts to be unlikely.</p> <p>Ashton’s Meadow SSSI & Treswell Wood SSSI: Due to the separation from the order limits of these two SSSIs and the non-</p>	<p>While the hydrological link between the Order Limits and Laughton Common SSSI is debateable owing to the likely drainage from Cottam 3a away from the SSSI, it is common ground that precautionary construction measures within C7.1 Outline Construction Environmental Management Plan (oCEMP) [APP-337] would sufficiently avoid any potential impacts on it.</p> <p>It is agreed that no impacts on other nationally designated sites are likely.</p>
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		mobile nature of their interest features, we consider significant impacts to be unlikely.	
ECO-06	Protected Species Licensing	<p><i>From Relevant Representations – 30/03/23 – RR-037:</i></p> <p>As it stands, ES Chapter 9 indicates that no protected species licences are required from Natural England, although it is noted that a number of licences may be required where avoidance is not possible.</p> <p>At Section 5.3.2 of the Outline Ecological Protection and Mitigation Strategy (oEPMS) it states that where bat roosts are discovered a licence will be required from Natural England.</p> <p>Section 5.6.4 of the oEPMS notes that a licence from Natural England will be required where impacts to Otter and Water Vole Holts, Burrows and Sheltering Sites are unavoidable.</p> <p>Section 8.4.2 of the oEPMS also notes that in the event that an active sett is to be unavoidably impacted by construction activities, a licence from Natural England would likely be necessary.</p> <p>As there may be a requirement for protected species licences from Natural England, we would like to flag this within our representations, but acknowledge that there may be a circumstance where no licences are required; as such this would not pose a significant obstacle. At this stage, Natural England have not been engaged regarding the production of a Letter of No Impediment (LoNI) for protected Species Licences; should this be required submission of draft protected species licence applications would be required for review.</p>	<p>As a result of baseline surveys and sensitive development design, the potential for impacts on the listed protected species is low and no clear need for protected species licensing has been identified at this stage. As such, it is considered common ground that it is not possible at this stage to prepare any draft licences to inform a Letter of No Impediment given an absence of need.</p> <p>It is considered common ground that the methods and contingency measures set out in C7.19 oEPMS [APP-356] are precautionary. Nonetheless, it is noted that in the unlikely event of a protected species being found in advance of or during construction works (e.g. by ECoWs), any necessary licences must be and will be applied for, with a decision being made in the usual manner by NE, and/or work programmes must be altered to proceed in a lawful way.</p>

ECO-07	Biodiversity Net Gain	<p><i>From Relevant Representations – 30/03/23 – RR-037:</i></p> <p>Natural England acknowledge the production of Appendix 9.12 (Biodiversity Net Gain Report), which illustrates via use of the Biodiversity Metric 3.1 that the proposal will give rise to gains for biodiversity in the magnitude of 96.09% for habitat units, 70.22% for hedgerow units and 10.69% for river units. This is in exceedance of the intended 10% mandatory gain and is welcomed.</p> <p>Overall, Natural England welcome the biodiversity enhancement proposals, illustrated in the Landscape and Ecology Mitigation and Enhancement Plans (ES figures 8.16.1 to 8.16.10) which include a variety of habitats complimentary to the local environment.</p> <p>Biodiversity enhancement areas are focussed along linear features across the order limits, which will contribute to enhanced biodiversity value, but also to increased connectivity throughout and across the order limits, thus contributing to the Nature Recovery Network. In particular, we note the enhancements along the course of the River Till, which will maintain and improve this as an important blue-green infrastructure corridor.</p> <p>The provisions of the oLEMP are also noted, which outline appropriate management measures to ensure the maximum benefit for biodiversity is realised during the operational phase of the scheme. We would, however, encourage further detail to be provided within the LEMP to cover management actions to be taken where a specific habitat fails to establish.</p>	No further action necessary – matter agreed.
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ECO-08	Ancient Woodland and Veteran Trees	<p><i>From Relevant Representations – 30/03/23 – RR-037:</i></p> <p>We note that there is no Ancient Woodland or ancient/veteran trees within the order limits or within close proximity; as such, have no detailed comments to make.</p>	No further action necessary – matter agreed.
ECO-09	Overall Comments at Relevant Representations Stage	<p><i>From Relevant Representations – 30/03/23 – RR-037:</i></p> <p>Natural England’s concerns regarding impacts to other elements of the natural environment have been addressed within the ES submission and, subject to the appropriate use of DCO requirements, we consider impacts to these elements can be ruled out. Natural England does not intend to make oral representations regarding this examination but is happy to work with the applicant and examining authority to ensure the development will not have adverse impacts on the natural environment.</p>	<p>No further action necessary – matter agreed.</p> <p>It is noted that NE state that previously raised concerns have been addressed in the ES through continued informal (Discretionary Advice Service) and statutory consultation in the lead up to submission.</p>
ECO-10	Landscape and Ecological Management Plan – Cable Route	<p><i>From Section 42 Consultation Response – 27/07/22</i></p> <p>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 its 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.</p>	Owing to the temporary nature of the construction works for the cabling elements of the Scheme and taking into account landownership and access challenges when enacting and maintaining any possible enhancement measures in the longer term, it was not elected to pursue enhancement measures within the cable route.

		<p><i>NE response - 24/07/23</i></p> <p>Whilst we would encourage enhancement and improvement measures to be pursued as far as possible across all areas of the site, including cable routes, we acknowledge that the cable route works are temporary, and the constraints surrounding ownership, access and maintenance are not insignificant. As such, we raise no significant concerns with this point and can consider this agreed.</p> <p>As is noted further below in this SoCG, the cable route should be restored to it's current ALC grade following construction.</p>	
ECO-11	Soils and Best and Most Valuable Agricultural Land	<p><i>From Relevant Representations – 30/03/23 – RR-037:</i></p> <p>No breakdown of agricultural land quality has been provided for each element of the development. The discussion within chapter 19 is limited to the ALC grade of the whole site, and the area to be permanently lost to the substation and power storage infrastructure (29ha). The ES (Chapter 19) should include additional information to clearly show the amounts and proportions of agricultural land, including BMV across the full Order Limits, impacted by each element of the Proposed Development, including permanent infrastructure, temporary solar PV arrays; retained arable fields/set aside land and other mitigation and enhancement options (i.e. Biodiversity Opportunity Areas) to properly inform an assessment of impacts.</p>	<p>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] [REP-011].</p> <p>Biodiversity opportunity areas will not entail any loss of, or degradation to,</p>

			the agricultural land resource, best and most versatile land or otherwise.
ECO-12	Soils and Best and Most Valuable Agricultural Land	<p><i>From Relevant Representations – 30/03/23 – RR-037:</i></p> <p>During the life of the proposed development, it is likely that there will be a reduction in agricultural production over the whole development area. Furthermore, if not time limited as described, the proposed development has the potential to lead to the permanent reduction in agricultural production. This should be considered whether this is an effective use of land in line with the National Policy Statement for Energy (EN-1) and Renewable Energy Infrastructure (EN-3), which encourages the Applicant to seek to ‘<i>minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations</i>’.</p>	<p>The Sites are approximately 95% ALC Grade 3b land and the Applicant has therefore complied with EN-1 and Draft EN-3 by minimising impacts on BMV land.</p> <p>Furthermore, the Applicant’s position is that this land resource is not permanently lost (as the Scheme will be decommissioned) and can remain in agricultural production for the duration of the operational phase of the Scheme.</p>
ECO-13	Soils and Best and Most Valuable Agricultural Land	<p><i>From Relevant Representations – 30/03/23 – RR-037:</i></p> <p>Natural England welcomes the preparation of an outline Soil Management Plan (oSMP) which has been prepared and submitted with the application. We have made some specific comments on the oSMP below:</p> <ul style="list-style-type: none"> • The proposed requirements in oSMP section 8 should make reference to the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. • oSMP section 7.1.2 states ‘A map of topsoil units will be prepared as a requirement of the SMP and retained to ensure 	<ul style="list-style-type: none"> • The ES Chapter 19 Soils and Agriculture (C6.2.19 [APP-054]) makes reference the Defra CoP for the sustainable use of soils on construction sites. In the outline Soil Management Plan the Applicant expands upon this Defra guidance and has proposed that the Institute of Quarrying Good Practice Guide for Handling Soils in

		<p>topsoil units are restored to their original location’, which is welcomed. The stockpiled soils should be labelled and protected from trafficking and damage. Any soil stockpiles in place for more than 6 months need to be seeded.</p> <ul style="list-style-type: none"> • Section 8.7 of the oSMP sets out the details of the decommissioning requirements, however, Natural England consider that specific requirement for restoration of arable land occupied by the Solar PV site to its former ALC grade where appropriate, should be secured through the SMP. This would comprise an example of implementing good practice to assure restoration of the land to the baseline ALC grade, minimising the potential loss of soil functions. • The restoration criteria need to be set out in the detailed SMP, including the restored ALC grade for all land within the Order Limits. This could be set out similarly to the proposals for mapping stored soils in section 7.1.2. • Specific soil sampling along the cable route should be made a requirement of the DCO, to ensure operations and restoration are correctly informed and the cable route is restored to its current ALC grade. • Tall vegetation / crops should be cleared prior to topsoil stripping. • Areas of the site which are not to be stripped or used for stockpiling, haul routes or compounds must be clearly marked by signs and barrier tape and protected from trafficking and construction. • The scope of the oSMP should be expanded to include the soil management of the land under any proposed Biodiversity Opportunity Areas, and aftercare. Although there is no 	<p>Mineral Workings (2021) guidance is used, specifically sheets A to D of the guidance on the use of excavator and dump truck for soil handling and storage bunds (Paragraph 3.1.1 of the Outline Soil Management Plan). Paragraph 3.1.2 also recommends that Supplementary Note 4 of the Institute of Quarrying good practice guide be followed in assessing soil consistency after rain, with soil handling work and trafficking over unprotected soil being suspended when soil is at or wetter than its plastic limit. The guidance referenced in the oSMP therefore is more detailed than the broad general terms outlined in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.</p> <ul style="list-style-type: none"> • Soils stored in bunds will be labelled and recorded. Soil bunds retained through the
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		<p>soil movement proposed in these areas, soil trafficking may occur and therefore mitigation measures need to be in place to minimise the potential impact on the soil resource.</p> <p><i>NE response 15/12/2023</i></p> <p>Natural England welcome the updates made to the oSMP to address the above comments; particularly in clarifying the commitment to restore the agricultural land to the same ALC grade. In addition, we welcome the commitment to monitor soil health at the site.</p>	<p>operational phase of the development will be seeded. The oSMP will be has been updated to include this.</p> <ul style="list-style-type: none"> The oSMP will include now includes the appointment of a suitably qualified soil scientist who will assess disturbed and undisturbed land within the Sites for any degradation of the baseline ALC Grade and soil functionality. It should be noted that ALC assessment assumes a good standard of land management even if this is not apparent at a site. Remediation of any soil degradation will not be limited to only that needed to maintain the ALC Grade baseline, but will also ensure that a good standard of land management at the completion of the restoration works has been achieved. The oSMP will be has been updated to include this. The Cable Route Corridor will be subject to a detailed soil
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			<p>assessment to inform the SMP as set out in the oSMP. This will be undertaken following the grant of development consent. As for decommissioning work within the sites described above, this assessment will be undertaken by a suitably qualified soil scientist. The SMP will ensure that cable laying works do not result in a loss of ALC Grade.</p> <ul style="list-style-type: none"> • All agricultural land within the Sites will be sown with a green cover prior to commencement of construction work as set out in the oSMP and detailed in the SMP. This may be sown direct into stubble from the previous crop but no tall vegetation will remain. <p>The SMP will include measures to control traffic within the Sites, avoiding any unnecessary movements off the temporary track network and further restricting any vehicle access off the tracks until the soil has dried to below the plastic limit. This traffic control can include identification of</p>
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			<p>Biodiversity opportunity areas, avoiding any vehicle traffic over such areas that is not directly related to the establishment and maintenance of these areas.</p> <p>The principles set out in the oSMP will conserve the soil resource, both in terms of quantity of resource and quality (functional capacity for the support of agricultural production) with the aim of there being no loss of current baseline ALC Grade on completion of decommissioning work.</p>
ECO-14	Inclusion of assessment of Humber Estuary Ramsar Site in HRA.	<p>NE Response 15/12/2023</p> <p>Natural England are satisfied with the updates made to the iHRA, and concur with the justification and rationale which leads to a conclusion of no Likely Significant Effects to the Ramsar site.</p>	<p>Applicant confirms that the Information to Support an HRA document has been updated to include assessment of the Humber Estuary Ramsar site. A copy of this document has now been submitted to the Examining Authority and to Natural England for their review.</p>

3.2 Matters Under Discussion

3.2.1 Table 3.3 below identifies the Landscape and Visual matters under discussion with Natural England.

Table 3.3: Landscape and Visual Matters under discussion

Topic Ref.	Sub-topic	Stakeholder Comment	Applicant Response
None	Not applicable	Not applicable	Not applicable

3.2.2 Table 3.4 below identifies the Ecology and Biodiversity matters under discussion with Natural England.

Table 3.4: Ecology and Biodiversity Matters under discussion

Topic Ref.	Sub-topic	Stakeholder Comment	Applicant Response
None	Not applicable	Not applicable	Not applicable

3.3 Matters Not Agreed

3.3.1 Table 3.5 below identifies the Landscape and Visual matters not agreed with Natural England.

Table 3.5: Landscape and Visual Matters Not Agreed

Topic Ref.	Sub-topic	Stakeholder Comment	Applicant Response
None	Not applicable	Not applicable	Not applicable

3.3.2 Table 3.6 below identifies the Ecology and Biodiversity matters not agreed with Natural England .

Table 3.6: Ecology and Biodiversity Matters Not Agreed

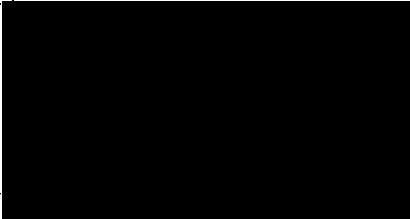
Topic Ref.	Sub-topic	Stakeholder Comment	Applicant Response
None	Not applicable	Not applicable	Not applicable

4 Signatories

4.1 Overview

4.1.1 The above SoCG is agreed between Cottam Solar Project Ltd. (the Applicant) and Natural England, as specified below.

Duly authorised for and on behalf of Cottam Solar Project Ltd.

Name:	Harry Fox
Job Title:	Principal Ecologist
Date:	18/12/23
Signature:	

Duly authorised for and on behalf of Natural England.

Name:	Andrew Stubbs
Job Title:	Planning & Environment Senior Adviser
Date:	19/12/2023
Signature:	