

Date: 29 January 2024
Our ref: 455365
Your ref: EN010133



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Dear Rory Cridland

NSIP Reference: EN010133 – Cottam Solar Project
Consultation: Examining Authorities Second 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 Senior Adviser

Annex A

Question Reference	Question	Natural England response
2.6.1	<p>Natural England's views are sought on the Revised Information to Support a Habitat Regulations Assessment document [REP3-024], which has been updated to include the Humber Estuary Ramsar site.</p>	<p>Section 3.5 of the updated iHRA includes Natural England's comments upon the omission of consideration of the Ramsar designation. The applicant has engaged with Natural England regarding this; our comments are included at section 3.5 of the updated iHRA.</p> <p>Natural England concur with the updated rationale and conclusion within the iHRA, that likely significant effects upon the Ramsar Designation at the Humber Estuary can be ruled out. This is for the reasons as stated at paragraph 5.1.4 of the updated iHRA: <i>'large distances and presence of intervening land, infrastructure and settlements, together with the inherently low capacity for, and likelihood of, pollution events resulting from the solar energy generation and storage schemes'</i>.</p>
2.6.4	<p>Further to the Applicant's response to ExQ1.6.13 [REP2-034], should the ExA therefore consider BNG to be at least 10% (110+%), rather than other figures that are cited in the application because these other figures also include mitigation and compensation to address impacts. Notwithstanding the agreed SoCG [REP3-047], Natural England's view is also sought on this matter, as the Applicant has referred to DEFRA's 2022 BNG consultation in this regard.</p>	<p>The Applicant's response to Question 1.6.13 about mitigation and compensation for impacts to protected species and protected sites is correct. These measures can be counted towards a Biodiversity 'No Net Loss', as long as a 10% gain is provided via other means.</p> <p>It is compensation for impact to Irreplaceable Habitats (i.e. ancient woodland) which cannot be counted towards Biodiversity Net Gain. However, no such compensation is required for this scheme.</p> <p>Natural England would always recommend that 10% BNG is provided and would welcome a commitment to a minimum of 10% BNG within the DCO, as it is intended that this will become mandatory for NSIPs in November 2025. However, as this is not yet mandatory, we raise no additional concerns on this matter.</p>

2.8.6	<p>The Applicant has submitted a further version of the Outline Soil Management Plan [REP3-010] at Deadline 3. The ExA seeks Natural England's views, in light of comments made on previous version(s) of this document</p>	<p>Natural England are satisfied with the updated outline Soil Management Plan.</p> <p>The update has specifically addressed the below three issues raised by NE in relation to the oSMP:</p> <ul style="list-style-type: none"> - Commitment to restore the agricultural land within the order limits to the same ALC grade following decommissioning. - Commitment to restore cable trenches to the same ALC grade following construction. - Commitment to monitor soil health for the lifetime of the development to inform remediation and the wider understanding of the impact of solar projects on soil health.