

## Helios Renewable Energy Project EN010140

### Natural England - Principal Areas of Disagreement Statement (PADS) – Deadline 2

Date: 13 January 2025

PADS reference	Relevant Reps Key Issue ref(s)	Principal issue in question.	The brief concern held by Natural England which will be reported on further at relevant Examination deadlines.	What needs to change, be included, or amended, to overcome the disagreement.	Likelihood of the concern being addressed in examination.
<b>PADS1</b>	NE1, NE11 and NE12	Loss of functionally linked land (FLL) for the Humber Estuary SPA / Ramsar / SSSI and Lower Derwent Valley SPA / Ramsar (and underpinning SSSIs, Derwent Ings, Melbourne & Thornton Ings, and Brighton Meadows)  (Construction and operation)	Natural England do not consider that there is currently enough information provided to determine whether there will be a loss of functionally linked land.  We note that following the submission of our Relevant Representations response [RR-268], the applicant has submitted a draft Statement of Common Ground (SoCG) [REP1-004] and a response to relevant representations document [PDA-004], which both include	In REP1-004 and PDA-004, the Applicant states in NE01-2 that the following further information is to be provided at future deadlines. We will update our advice when this information is provided. In summary, this is due to include: <ul style="list-style-type: none"> <li>• Updates to the desk study.</li> <li>• Consultation with local bird groups/other organisations that may hold relevant information.</li> <li>• Use of the BTO's WeBS data to examine collected survey data against peak counts for the estuary as a whole/ for the most relevant sectors.</li> <li>• Provision of the transect routes.</li> <li>• Explanation regarding the data collection and varied coverage.</li> <li>• Clarification on the peak count of lapwings and how this is calculated.</li> <li>• Further justification on the nocturnal survey approach.</li> </ul>	<u>Likely</u> to be addressed during Examination if further information / assessment is provided.

			<p>Appendix B: Response to NE Position on Functionally Linked Land. Please refer to the column to the right for details of our outstanding concerns.</p>	<p>Our key comments on Appendix B [REP1-004 and PDA-004] are summarised below. For full versions of these comments, please refer to our Written Representations letter.</p> <ol style="list-style-type: none"> <li>1. We do not consider the approach taken in NE paper NECR361 appropriate at a development site level. The Applicant's assessment should relate the survey results to the relevant designated site populations as previously advised.</li> <li>2. The 1% rule of thumb approach should be combined with other assessment such as how birds are using the project site in each season, and site characteristics such as habitat type in the years of survey/ cropping regimes that may impact its suitability to support SPA birds.</li> <li>3. We acknowledge golden plover, shelduck, mallard and oystercatcher have been found in low numbers, however, we cannot make a complete assessment of these figures until information outlined in NE01-2 above is provided.</li> <li>4. Some of the survey results for lapwing are not clear, and one of the counts of lapwing presented represents over 1% of the population for both the Humber Estuary and Lower Derwent Valley. Clarification around this count is required from the Applicant.</li> <li>5. We continue to advise that information on crop cover at the time of the bird surveys should be provided alongside the survey results.</li> </ol>	
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<b>PADS2</b>	NE2, NE11 and NE12	Noise disturbance to birds using FLL associated with the Humber Estuary SPA / Ramsar / SSSI and Lower Derwent Valley SPA / Ramsar (and underpinning SSSIs, Derwent Ings, Melbourne & Thornton Ings, and Brighton Meadows)  (Construction)	Natural England do not consider that there is currently enough information provided to determine whether there will noise disturbance to birds using FLL associated with these designated sites.	In REP1-004 and PDA-004, the Applicant states in NE-02 that further assessment of construction noise and disturbance along grid corridor to field 339 will be carried out. We will update our advice when this information is provided.  However, as stated in RR-068, we still consider that indirect disturbance impacts could be possible in other areas of the site. Depending on the outcome of the further assessment around FLL pending above in NE1.2 and NE1.3, further assessment may be required of impacts in other areas.	<u>Likely</u> to be addressed during Examination if further information / assessment is provided.
<b>PADS3</b>	NE3, NE11 and NE12	Operational impacts (visual disturbance) to any adjacent FLL associated with the Humber Estuary SPA / Ramsar / SSSI and Lower Derwent Valley SPA / Ramsar (and underpinning SSSIs, Derwent Ings, Melbourne & Thornton Ings, and Brighton Meadows)  (Operation)	Natural England do not consider that there is currently enough information provided to determine whether there will be operational visual disturbance impacts to birds using FLL associated with these designated sites.	In REP1-004 and PDA-004, the Applicant states in NE-03 that further glint and glare justification will be provided at a future deadline. We will update our advice when this information is provided.	<u>Likely</u> to be addressed during Examination if further information / assessment is provided.

<b>PADS4</b>	NE8	<p>Potential in-combination impacts on international designated sites.</p> <p>(Construction and Operation)</p>	<p>The HRA does not provide a sufficient in-combination assessment, and Natural England require further detail / assessment.</p>	<p>In REP1-004 and PDA-004, the Applicant states in NE-08 that an updated cumulative assessment with consideration of East Yorkshire Solar Farm and will be provided at a future deadline. We will advise further after submission of this information.</p> <p>We also continue to advise (as in RR-068) that for all internationally designated sites for which impacts have been screened out alone, there has been no subsequent assessment of potential in-combination impacts at the screening stage in Table 8.12 of Chapter 8 of the ES. We would advise this is provided.</p>	<p><u>Likely</u> to be addressed during Examination if further information / assessment is provided.</p>
<b>PADS5</b>	NE4, NE10, NE13	<p>Air quality impacts from construction traffic on internationally and nationally designated sites.</p> <p>(Construction)</p>	<p>There is currently insufficient information provided with the submitted documents in relation to air quality impacts from construction traffic on internationally and nationally designated sites.</p>	<p>In REP1-004 and PDA-004, the Applicant states in NE-04, NE-10 and NE-13 that the air quality assessment information will be provided at a future deadline. We will advise further after submission of this information.</p>	<p><u>Likely</u> to be addressed during Examination if further information / assessment is provided.</p>

<b>PADS6</b>	NE11, NE12	Impacts on the interest features of the Humber Estuary SSSI, Derwent Ings SSSI, Melbourne & Thornton Ings SSSI, and Brighton Meadows SSSI	We noted in RR-068 that these SSSI's are designated for additional features (alongside the features that overlap with the corresponding SPA/SAC/Ramsar), and that potential impacts on these features should also be considered in the relevant assessment and appropriate justification provided where impacts are ruled out.	<p>In REP1-004 and PDA-004, the Applicant states in NE-11 that further consideration will be provided, however, this states that this will be for the SPA/Ramsar site and not the SSSI. We would advise clarification is provided around whether the features of the SSSI are due to be assessed also.</p> <p>In REP1-004 and PDA-004, the Applicant states in NE-12 that further consideration will be provided around Derwent Ings, Melbourne &amp; Thornton Ings and Brighton Meadows SSSIs at a future deadline. We will advise further after submission of this information.</p>	<u>Likely</u> to be addressed during Examination if further information / assessment is provided.
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