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Our ref: 495358
Your ref: EN010142



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BY EMAIL ONLY

Dear Nicholas Ely and Luke Simpson

Planning consultation: Tillbridge Solar Project - Examining Authority's first written questions and requests for information
Location: Tillbridge Solar

Thank you for your consultation on the above dated 19 November 2024 which was received by Natural England on 19 November 2024.

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.

If you have any queries relating to the advice in this letter, please contact the case officer Lucy Collins and copy to consultations@naturalengland.org.uk.

Yours sincerely

Lucy Collins
Sustainable Development Higher Officer
East Midlands Area Team

Annex A

ExQ1 Ref	Question to:	Question:	Response from Natural England:
Q1.11	All parties	<p>Good design All parties should be aware that Nationally Significant Infrastructure Projects: Advice on Good Design was published on 23 October 2024. All parties (in particular the Applicant and Local Authorities) are invited to submit representations on the implications of the advice note. In addition, could the Applicant please explain whether, and if so how, the Application complies with this advice?</p>	No comment.
Q1.2.3	Applicant Natural England	<p>Species Impact: Skylark (<i>Alauda arvensis</i>) What is the impact on the skylark population of the loss of arable cropland versus the BNG provision and under sowing of the solar panels? During construction the site is likely to be subject to surface significant traffic and disruption. How will this transient impact relate to the displacement of the resident skylark population and its potential for their return to the site following construction? Ref: 6.2 Appendix 9-8 Baseline Report for Non-Breeding Birds [APP-089].</p>	<p>As skylark are not associated with any designated sites impacted by the Scheme, Natural England have no comments to make on this as it is outside our remit.</p> <p>We note the Scheme is providing skylark breeding mitigation. We have no specific comment on its efficacy in delivering suitable mitigation.</p>
Q1.2.4	Applicant Environment Agency Natural England	<p>Species Impact: Aquatic Invertebrates There is evidence of disruption to the aquatic invertebrate population by the presence of solar panels and also consequently the native bat population who rely on those invertebrates for food source and also mistake solar panels for large bodies of water. What is the likely impact on both of these populations from this scheme? Ref: BSG Ecology Report on Solar Farms impacts on wildlife</p>	As aquatic invertebrates are not associated with any designated sites impacted by the Scheme, Natural England have no comments to make on this as it is outside our remit.
Q1.2.5	Applicant Natural England	<p>Species Impact: Curlew (<i>Scolopax arquata</i>) What is the significance of the breeding curlew pair noted within the Order Limits and what is the potential impact the</p>	As curlew are not associated with any designated sites impacted by the Scheme, Natural England have no comments to make on this as it is outside our remit.

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		<p>proposal may have for the continued return to the site of the species?</p> <p>Ref: 6.2 Appendix 9-7 Breeding Birds Part 1 of 2 [APP-088].</p>	
Q1. 2.6	Applicant Natural England	<p>Species Impact: Great Crested Newt (<i>Triturus cristatus</i>) What is the significance of the development on the Great Crested Newt population within the Order Limits?</p> <p>6.2 Appendix 9-5 Baseline Report for Great Crested Newt [APP-085]</p>	<p>As great crested newts are not associated with any designated sites impacted by the Scheme, Natural England have no comments to make on this as it is outside our remit.</p> <p>A license is not deemed to be required by the Applicant, they are adopting a Reasonable Avoidance Measures approach. If information changes, from pre-construction surveys, a license will be sought as noted in the framework Construction Environment Management Plan. This is expected to be secured by requirement in the Development Consent Order.</p> <p>Should a licence be required, Natural England would assess any possible impacts upon GCN at this stage; work with the applicant to ensure appropriate mitigation is sought.</p>
Q1. 2.7	Applicant Environment Agency Natural England	<p>Species Impact: Migratory fish including Lamprey on the River Trent The burial depth of the cable below the riverbed assesses there is only risk to migratory aquatic species in the lower water column near the bottom of the river. The Applicant advises that the migratory species can use the full depth of the water column but will they be able to sense this risk and adjust accordingly or should they have to?</p> <p>Ref: 6.1 Chapter 17 Other Environmental Topics [APP-048].</p>	<p>Natural England are satisfied with the approach to cable burial and consider the 5m depth to be suitably precautionary. Any increase in EMF activity in the lower portion of the water column is considered likely not to cause a significant effect upon the lamprey population associated with the Humber Estuary designations.</p> <p>Nonetheless, noting the evidence gaps in this area, the commitment to monitor effects to migratory fish (including Lamprey) on the River Trent is considered necessary and any identified impacts must be acted upon.</p>
Q1.	Natural England	Species Impact: Ground nesting birds	As ground nesting birds are not associated with any

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2.8		<p>What is Natural England's view on the likely impact on the scheme and whether it results in a net displacement of bird population or encourages ground nesting due to lack of predators?</p> <p>Ref: 6.2 Appendix 9-8 Baseline Report for Non-Breeding Birds [APP-089]</p>	<p>designated sites impacted by the Scheme, Natural England have no comments to make on this as it is outside our remit.</p>
Q1. 2.9	Applicant Natural England	<p>Species Impact: Bats</p> <p>Is there any evidence to establish the impact on commuting and foraging bats of the presence of large areas of solar panels?</p> <p>Ref: 6.2 Appendix 9-9 Baseline Report for Bats [APP-090].</p>	<p>As bats are not associated with any designated sites impacted by the Scheme, Natural England have no comments to make on this as it is outside our remit.</p> <p>A license is not deemed to be required by the Applicant, they are adopting a Reasonable Avoidance Measures approach. If information changes, from pre-construction surveys, a license will be sought as noted in the framework Construction Environment Management Plan. This is expected to be secured by requirement in the Development Consent Order.</p> <p>Should a licence be required, Natural England would assess any possible impacts upon Bats at this stage; work with the applicant to ensure appropriate mitigation is sought.</p> <p>We welcome the operational monitoring proposed by the Scheme.</p>
Q1. 2.10	Applicant Natural England	<p>Biodiversity Net Gain:</p> <p>The results of the assessment indicate that the current illustrative design for the Scheme is predicted to result in a net gain of 64.55% for area-based habitat units, 17.33% for hedgerow units, and 22.94% for watercourse units. How does this provision of biodiversity net gain align to the biodiversity impacts lost and specifically to those species relying on the existing biodiversity provision.</p>	<p>Natural England have no comment to make on the Biodiversity Net Gain (BNG) provided by the Scheme as we are not a statutory consultee. Nonetheless, it is noted that impacts to individual species must be assessed in isolation from biodiversity net gain; the delivery of BNG alone should not be taken as the successful avoidance/mitigation of impacts to individual species.</p> <p>We note the mechanism for securing BNG creation is</p>

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		<p>The scheme alludes to providing over 1,000 hectares of new grassland creation. This is presumed to be principally the land area under the proposed solar panels. How will this biodiversity provision compare the biodiversity lost from the existing situation i.e. arable fields; and how will this grassland compare to grassland unencumbered by the overshadowing of solar panels.</p> <p>What are the mechanisms within the DCO for securing BNG creation and ensuring its ongoing maintenance as required. Ref: 7.14 BNG Report [APP-226].</p>	<p>within DCO Requirement 8. It is noted that the framework LEMP does specify the commitment to a minimum of 10% BNG which is welcomed, although NE would always encourage commitment to additional gains, for example the 64.55% for area-based habitat units, 17.33% for hedgerow units, and 22.94% for watercourse units set out in the Biodiversity Net Gain report, where these are shown to be achievable.</p> <p>The mechanism for securing the ongoing maintenance of the BNG provision is included within the Framework LEMP, secured by DCO Requirement 7.</p>
Q1. 2.14	Natural England	<p>HRA</p> <p>Does Natural England (NE) have any representations in relation to the Applicant's responses to Natural England's Relevant Representation [RR-208] provided in the document titled 'Applicant's Responses to Relevant Representations' (PDF pages 10-28) [REP1-028]? Could NE also please provide a response on updated ES Appendix 9-12: Habitats Regulations Assessment Report [REP1-058] and in particular the conclusions in relation to:</p> <ul style="list-style-type: none"> a) the distances used to screen in European sites to the assessment; b) the rationale for screening out the Golden Plover qualifying feature of the Humber Estuary Ramsar site; c) conclusions in relation to no Likely Significant Effects (LSE) from water quality to the Humber Estuary Ramsar site and Humber Estuary Special Area of Conservation (SAC); and d) the conclusions in respect of in-combination effects with the One Earth Solar and Great North Road solar 	<p>Natural England are satisfied with the Applicant's response in document titled 'Applicant's Responses to Relevant Representations' (PDF pages 10-28) [REP1-028] to our representation (reference NE1). We have reviewed the updated ES Appendix 9-12: Habitats Regulations Assessment Report [REP1-058] (dated October 2024, revision 01) and can confirm:</p> <ul style="list-style-type: none"> a) We are satisfied with the distances used in the assessment, they are in line with our Impact Risk Zones, used to assess impacts from developments to designated features of designated sites, including functional usage outside of designated sites. b) We are satisfied with the reasoning for screening out golden plover, a qualifying feature of the Humber Estuary Ramsar site. Based on the distance and the results of their surveys, with only sporadic use of the site within the Order Limits by golden plover, we are satisfied they can be screened out from further assessment. This has been agreed in the Statement of Common Ground (Ref 1.1). c) We are satisfied that impacts from construction and

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		projects.	<p>decommissioning to water quality from additional silt is suitably mitigated. As laid out in a Silt Management Plan within the framework Construction Environment Plan (fCEMP), silt pollution into water courses will be avoided and mitigated. Bentonite pollution to waterways is also addressed within the fCEMP. It is expected the fCEMP will be secured by requirement within the Development Consent Order. This has been agreed in the Statement of Common Ground (Refs 1.3 and 1.4).</p> <p>d) We are satisfied with the conclusions of the in-combination effects with regards to One Earth Solar and Great North Road Solar projects. This has been agreed in the Statement of Common Ground (Ref 1.2).</p>
Q1. 2.15	Natural England, WLDC, NCC, BDC and LCC.	<p>HRA In its response to Relevant Representations [REP1-028], the Applicant provides further explanation on the reasons for the selection of a minimum 5m depth for the crossing of the River Trent. Are you satisfied with the Applicant's explanation? If not, what do you consider the Applicant needs to do to resolve these matters?</p>	Natural England are satisfied that the explanation of the embedded mitigation design for the cable burial is adequate and requires no further justification. This is in line with other NSIP solar projects requiring cable burial under the River Trent. This has been agreed in the Statement of Common Ground (Ref 1.5).
Q1. 12.5	Applicant Natural England	<p>Agricultural Land What are the potential implications of the land being laid to rest, not ploughed or cropped for 60 years versus the existing management regime and how might this affected the classification and quality of the land in the long term?</p>	<p>At present, the impact of solar developments on agricultural land and soils is considered a potentially reversible, temporary, albeit relatively long term and typically time limited development, with much less impact than that of a permanent built development which includes soil sealing and permanent loss of agricultural land.</p> <p>Solar development proposals allow for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays, and Natural England typically advise Local Planning Authorities to</p>

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			<p>apply conditions to secure appropriate agricultural land management and biodiversity enhancement during the lifetime of the development and thus retain some degree of agricultural production, as well as requiring the site to be decommissioned and restored to its former condition and ALC grade when planning permission expires. It is acknowledged there may be a reduction in the intensity of production during operation, for example where there is a change from intensive arable to a grassland system. The current agricultural use of the land does not influence the ALC grade nor does the grade necessarily reflect the current economic value of the land.</p> <p>It is considered that the inherent soil, site and climatic properties required to determine the ALC Grade would remain unaffected by solar developments, and therefore not alter the ALC grade in the long term.</p> <p>We welcome the Scheme's commitment to soil monitoring in the framework Soil Management Plan (fSMP). This will add to the evidence base on this topic and aid understanding of the impacts solar development has on agricultural land. It is expected the fSMP will be secured through requirement within the Development Consent Order. This has been reviewed in the Statement of Common Ground (Ref 3.5).</p>