

Evans, Rebecca

From: Tyndall, Laura [REDACTED]@naturalengland.org.uk>
Sent: 09 July 2024 14:21
To: East Yorkshire Solar Farm
Subject: Written Update Prior to ISH2 - 10th July

Categories: Additional Submission, CO

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Dear Inspector,

In advance of the EYSF issue-specific hearing on environmental matters tomorrow (10th July), Natural England can provide the brief updates below for each relevant topic area:

Potential loss of functionally linked land (FLL) for Humber Estuary SPA / Ramsar and Lower Derwent Valley SPA / Ramsar birds

We are not able to provide an update on this topic at present. Please refer to previous correspondence in relation to this issue, which we consider to be outstanding. We aim to provide further detailed comments at Deadline 3 (23 July 2024).

Potential noise disturbance during construction to FLL for Humber Estuary SPA / Ramsar and Lower Derwent Valley SPA / Ramsar birds

Following the updates made to the HRA submitted for Deadline 2, including further justification provided in 8.1.15, 8.1.16 and 8.1.19, it is Natural England's view that potential noise disturbance impacts on FLL can be ruled out, if the following is satisfied:

- As per 8.4.18 of the HRA, the habitat in Ecology Mitigation Areas 1g and 1h will be established prior to the commencement of construction works.
- Any construction works in the closest parts of the Scheme (e.g., Solar PV Area 1e) to the mitigation area will be undertaken first to minimise any potential for disturbance from noise.

Disturbance impacts to otter associated with the Lower Derwent Valley SAC / River Derwent SAC

Natural England notes the clarifying comments in the Deadline 2 HRA regarding the suitability of drainage channels DE03, DE52, OU13, OU20, and OU24 as otter habitat. The lack of otter presence in these watercourses, predicted short duration of HDD (several days), and use of drilling during the daytime rather than night, should be sufficient in managing impacts to otter. We advise that noise barriers should still be used on the HDD sites adjacent to watercourses with recorded otter presence, in addition to all other mitigation previously established. As stated previously, Natural England advises that nighttime use of HDD should be minimised and only occur in instances when 24/hour working is unavoidable, to avoid disturbance to the nocturnal activities of otter. We therefore consider that if the above is satisfied, issues relating to this topic are now resolved.

Potential noise disturbance to SAC river lamprey, sea lamprey (River Derwent SAC and Humber Estuary SAC) and bullhead (River Derwent SAC)

Natural England notes that section 6.2.7 of the HRA submitted at Deadline 2 clarifies that the HDD process will take place over a short period of time. Additionally, as stated in the Framework CEMP [APP-238], HDD is planned outside of the "...core fish migration season of September to February and May". Alongside the further justifications provided across 6.2.5 to 6.2.7, we advise that adequate detail has now been provided to rule out impacts on lamprey and bullhead associated with the River Derwent SAC and/or Humber Estuary SAC. Please note that it is our advice that measures that are intended to avoid impacts on European site features, should be considered as mitigation. In this case, it would be our advice that avoidance of the core fish migration seasons for the designated fish features of the relevant European sites would comprise mitigation

and should be assessed at the appropriate assessment stage. However, we do not consider that this would materially impact conclusions of the Stage 2 assessment on adverse effects on integrity.

Direct loss of habitat within the River Derwent SAC

We welcome the addition to 8.5.4 in the Deadline 2 HRA that confirms that a restoration plan for verge habitat will be included in the Framework LEMP and confirms that there is no evidence of otter using ditch DE21, therefore, suggesting this is not supporting habitat for otter. We therefore consider this issue resolved.

In-combination impacts

In our Relevant Representations response, we advised that further in-combination assessment was required for the following identified impact pathways:

- Impacts to FLL, including loss of openness in the landscape
- Noise / visual disturbance (Humber Estuary SPA / Ramsar and Lower Derwent Valley SPA / Ramsar)
- Noise impacts to any designated sites if there is potential for timing overlap during construction.
- Water quality (River Derwent SAC)
- Atmospheric pollution (dust) (River Derwent SAC)

Following the provision of the Deadline 2 HRA, we have the following comments to make in relation to the in-combination assessment. We still consider this to be under discussion in relation to impacts on Functionally Linked Land and aim to provide more detailed comments at Deadline 3. However, we consider that the following areas have been resolved:

Noise disturbance to FLL in-combination

We note that the HRA has been updated with further information relating to in-combination noise assessment for the above designated sites. This states in 8.1.42, that regarding the proposed Helios Renewable Energy Project, "...there is a small section of overlap of the Underground Grid Connection for this development with the Grid Connection Corridor of the Scheme to the east of Drax Substation." Further justification is then provided, noting that "...arable parcels immediately adjoining Drax Substation are small and subject to existing high levels of disturbance. No SPA/Ramsar birds were recorded in these fields in wintering bird surveys, and they are not considered functionally linked." We therefore advise that for noise disturbance to FLL specifically, in-combination impacts with other plans and projects can be ruled out.

Noise disturbance to otter in-combination

We welcome the clarifications in 8.1.34 around HDD operations and potential noise disturbance impacts on otter for impacts of the project alone. However, we recommend that further assessment should be made of any potential overlap with other plans/projects that may be undertaking noise-producing works on the same temporal scale, that could be disturbing to otter. However, we consider it unlikely based on the new information provided in 8.1.34, particularly due to the short duration of the works, that there will be impacts in-combination.

Water quality impacts in-combination

The HRA clarifies the Scheme and all other developments (we understand this refers to the list in 8.2.16) will mitigate their own water quality impacts, therefore there is no potential for in-combination impacts. We note, however, that although impacts of a development may be fully avoided through mitigation, potential residual impacts that could act in combination should still be assessed, ie. where small discharges are still present from multiple projects, after mitigation has been applied. However, if the mitigation proposed will prevent the potential discharge of pollutants into the watercourse entirely, we can agree that there will be no AEOL.

Atmospheric pollution (dust) in-combination

We welcome that the following addition has been made to 8.3.5: "It is considered that the mitigation measures to be delivered and secured in the CEMP will entirely avoid adverse dust impacts resulting from the Scheme and, therefore, any potential for in-combination effects with other developments." The updated HRA now also states the following: "...none of the in-combination projects listed in Table 10 fall within the 200m impact zone

for dust deposition surrounding the River Derwent SAC.” We advise that based on this information, we can agree that impacts of atmospheric pollution (dust) in-combination can be ruled out.

Kind regards,

Laura Tyndall
Higher Terrestrial Sustainable Development Officer
Yorkshire and Northern Lincolnshire Team
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From: Tyndall, Laura
Sent: Friday, July 5, 2024 4:39 PM
To: eastyorkshiresolarfarm@planninginspectorate.gov.uk
Subject: ISH2 10th July

Good afternoon,

I am emailing to confirm that Natural England will not be attending the issue-specific hearing on 10th July. We have also informed the Applicant of this.

We are currently reviewing the amended HRA, recently submitted for Deadline 2, and we will make our comments on this by Deadline 3 on 23rd July.

Best wishes,
Laura

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