
EAST YORKSHIRE SOLAR FARM

East Yorkshire Solar Farm
EN010143

**DRAFT Statement of Common Ground between East Yorkshire
Solar Farm Limited and Natural England**

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[Planning Act 2008](#)

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Statement of Common Ground

Signatures FINAL VERSION TO BE SIGNED

This Statement of Common Ground has been prepared and agreed by East Yorkshire Solar Farm Limited and Natural England.

Helen Standing, NSIP Development Manager on behalf of East Yorkshire Solar Farm Limited

Date:.....

Signed:.....

Name, Position, on behalf of Natural England.

Date:.....

Signed:.....

1. Introduction and Purpose

1.1 Purpose of the Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared for the examination of an application (the Application) made to the Secretary of State for Energy Security and Net Zero for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 (PA 2008) for the proposed East Yorkshire Solar Farm (the Scheme). The Application is submitted by East Yorkshire Solar Farm Limited (the Applicant).
- 1.1.2 This SoCG has been prepared between the (1) Applicant and (2) Natural England (NE) (jointly referred to as the Parties).
- 1.1.3 NE is the government's adviser for the natural environment in England, helping to conserve, enhance and manage the natural environment. NE is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and so has been consulted throughout the preparation of this DCO.
- 1.1.4 The Examining Authority requested the SoCG include the following matters as set out in the Rule 6 Letter **[PD-002]**:
- a. Effects on habitats, species and nationally designated sites;
 - b. Effects on European sites, functionally linked land and features relevant to Annex F F4 Other Parties to the SoCG to include Habitat Regulations Assessment, assessment methodology and conclusions;
 - c. Methodology for Environmental Impact Assessment (EIA), including assessment of cumulative and in combination effects;
 - d. Other issues relevant to Appropriate Assessment;
 - e. Land use, agriculture and socioeconomics including the effect on soils and BMV land;
 - f. Mitigation and enhancement measures, including likely effectiveness, monitoring procedures and method for securing such measures within the draft DCO including the outline soils resource management plan; and
 - g. Drafting of the draft DCO, including the Articles and Requirements.
- 1.1.5 It can be taken that any matters not specifically referred to in sections 2 and 3 of this SoCG are not of material interest or relevance to NE's representations and therefore have not been considered in this document.
- 1.1.6 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Parties, where agreement has not been reached (and that is the Parties' final position), and where discussions are still ongoing. This SoCG will be revised and updated as discussions between the Parties progress during the Examination.

1.2 Description of the Scheme

- 1.2.1 The Scheme comprises the construction, operation (including maintenance) and decommissioning of a solar photovoltaic (PV) electricity generating

facility with a total capacity exceeding 50 megawatts (MW) and export connection to the national grid, at National Grid’s Drax Substation. A detailed description of the Scheme is included in Chapter 2: The Scheme, Environmental Statement Volume 1 which was submitted with the DCO Application [APP-054] and a description of the development to be authorised is set out in Schedule 1 of the draft DCO [AS-008REP1-006].

1.3 Format of Document and Terminology

1.3.1 Section 2 of this SoCG summarises the engagement the Parties have had with regard to the Scheme.

1.3.2 Section 3 of this SoCG summarises the issues that are ‘agreed’, ‘not agreed’, or are ‘under discussion’. ‘Not agreed’ indicates a final position where the Parties have agreed to disagree, whilst ‘Agreed’ indicates where the issue has been resolved. The Parties have also indicated the likelihood that agreement will be reached on each item.

1.3.3 Abbreviations used within the SoCG are provided in Table 1-1 below.

Table 1-1. Abbreviations

Abbreviation/Term	Definition
AA	Appropriate Assessment
ALC	Agricultural Land Classification
BMV	Best and Most Versatile Land
CEMP	Construction Environmental Management Plan
DAS	Discretionary Advice Service
DBA	Desk Based Assessment
DCO	Development Consent Order
DEMP	Decommissioning Environmental Management Plan
DLL	District Level Newt License
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
FLL	Functionally Linked Land
GCN	Great Crested Newt
HDD	Horizontal Directional Drilling
HRA	Habitat Regulations Assessment
LEMP	Landscape and Ecological Management Plan
LSE	Likely Significant Effects
MW	Megawatts
NE	Natural England

Abbreviation/Term	Definition
OS	Ordnance Survey
PA	Planning Act 2008
PADS	Principal Areas of Disagreement Statement
PEI Report	Preliminary Environmental Information Report
PV	Photovoltaic
SAC	Special Area of Conservation
SMP	Soil Management Plan
SRP	Soil Resource Plan
SoCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
WMP	Water Management Plan
ZOI	Zone of Influence

2. Record of Engagement

2.1 Record of Engagement

2.1.1 Table 2-1 below set out a summary of the meetings and correspondence between the Parties in relation to the Scheme.

Table 2-1. Schedule of Meetings and Correspondence

Date	Form of correspondence and attendees	Summary of topics discussed and outcomes
14 February 2023	Email	Email from the Applicant seeking advice on the Great Crested Newt (GCN) District Level License (DLL) enquiry form before formal submission.
15 February 2023	Email	Email from the Applicant seeking advice from NE on the proposed baseline data collection methodology for the Cable Corridors and the Solar PV Site in relation to soils. In addition, some additional information was provided to NE that was not available at Scoping.
13 March 2023	Email	GCN DLL Enquiry form and associated documents issued by the Applicant.
16 March 2023	Email	Email from the Applicant seeking advice from NE via the Discretionary Advice Service (DAS), in relation to the bird survey and assessment methodology/ approach for the proposed East Yorkshire Solar Farm Scheme and the proposal to scope out impacts to common and widespread habitats of low sensitivity and/or conservation interest.
31 March 2023	Email	Advice received from NE on ecology surveys and soils.
3 May 2023	Letter	Letter from the Applicant to the NE notifying them of the dates of the Section 42 Statutory Consultation.
09 May 2023	Email	Email from the Applicant to confirm receipt of details of the soil and Agricultural Land Classification (ALC) survey and to confirm that the Preliminary Environmental Information Report (PEI Report) for the Scheme was published on 9 May 2023 until the 20 June 2023 on the website.
10 May 2023	Email	Email from the Applicant to NE confirming that statutory consultation had started (from 9 May 2023 until the 20 June 2023). Details requested of to whom to send confidential details on Badgers and Barn Owls that were removed from the PEI Report.

Date	Form of correspondence and attendees	Summary of topics discussed and outcomes
18 May 2023	Email	Email from the Applicant to NE providing the details on Badgers and Barn Owls that were removed from the PEI Report due to being confidential.
19 June 2023	Email	S42 Statutory Consultation response from NE.
28 June 2023	Email	Email from the Applicant to NE responding to queries raised through S42 statutory consultation.
14 July 2023	Email	In preparation for a meeting, a brief memorandum summarising the bird survey data and the proposed mitigation provisions in relation to functionally linked land within the proposed East Yorkshire Solar Farm were forwarded from the Applicant to NE.
17 July 2023	Meeting (Teams)	Meeting held with NE to discuss: -Summary of Non-breeding bird data -Rationale for determining functionally linked land. -Proposed mitigation
20 July 2023	Email	Email from NE requesting information on: -Maps to show locations where surveys were undertaken, including the routes taken as walkover surveys were carried out; -Maps showing the locations where birds were identified (including the species which were not found in significant numbers); -Clarification on the details of the walkover methodology, i.e. were initial observations undertaken of the fields prior to the walkover; -A breakdown of the tidal states on which surveys were undertaken (i.e. high tide/low tide), whether nocturnal surveys were undertaken etc.
21 July 2023	Email	Email from the Applicant to NE to share minutes of meeting on 17 July 2023 and to confirm the Ecology team were putting together a package to answer NE queries.
03 August 2023	Email	Email from the Applicant to provide further evidence requested by NE regarding non-breeding bird survey methodology and potential provision of mitigation in Solar PV Areas 1e, 1g and 1h.
18 August 2023	Email	Email from NE to the Applicant with response to the request for advice on the methodology and the proposed mitigation.

Date	Form of correspondence and attendees	Summary of topics discussed and outcomes
25 August 2023	Email	Email from the Applicant to NE seeking confirmation from NE that: <ol style="list-style-type: none"> a. None of the three proposed options for cable routing / installation at this location would impact habitats which are functionally linked to qualifying habitat; b. The proposed use of the existing track for site access and creation of a temporary bell mouth in the verge to the north of the track would not impact habitats which are functionally linked to qualifying habitat; and c. That the portion of the agricultural field mapped within the SAC/SSSI boundary does not lie within the SAC/SSSI and therefore that the SAC/SSSI would not be directly affected at this location.
25 August 2023	Email	Email from NE responding to email from the Applicant on 25 August 2023 to state that NE required additional information on impacts to bullhead, lamprey and otter which are designated features of the River Derwent SAC.
29 August 2023	Email	Email from the Applicant responding to an email from NE on 25 August 2023 to provide information on preferred routing and agreement with NE that the track and the verge are not habitats which are functionally linked to qualifying habitats. The memorandum did not include information on impacts to bullhead, lamprey and otter as it was not considered pertinent to the questions being raised.
30 August 2023	Email	Email from NE responding to email from the Applicant on 29 August 2023 to request figures with an OS map background rather than an aerial image and to ask whether any ecological surveys in the route corridors (such as phase 1 surveys) can be shared.
06 September 2023	Email	Email from the Applicant responding to an email from NE on 30 August 2023 to provide the updated figures and set out questions for the next meeting.
13 September 2023	Meeting (Teams)	Further detail provided to NE on the non-breeding bird surveys that were undertaken in 2022/23. Overall, it was agreed that the approach to surveys wasn't dissimilar to what NE were recommending but a more detailed explanation of the survey methods would be beneficial in

Date	Form of correspondence and attendees	Summary of topics discussed and outcomes
		resolving any remaining concerns over the methods used.
27 September 2023	Email	Email from the Applicant to NE to ask for comments on meeting notes from 13 September 2023.
28 September 2023	Email	Email from the Applicant to NE to share Habitats Regulations Assessment (HRA) and ask for comments.
2 October 2023	Email	email from NE responding to the Applicant to confirm receipt of HRA.
3 October 2023	Email	Email from the Applicant to NE to send over non-breeding bird transect survey routes overlaid on aerial imagery.
20 October 2023	Email	Email from the Applicant containing the GCN DLL application with the updated data.
20 October 2023	Email	Email from NE responding to the Applicant to provide comments on HRA.
1 November 2023	Email	Email from NE to the Applicant to provide Impact Assessment and Conservation Payment Certificate and Annex 3 location map(s), which has been prepared by NE in response to the DLL for GCN Enquiry Form.
10 November 2023	Email	Email from NE to the Applicant to ask whether the Applicant had reviewed the comments on the HRA and to ask whether the Applicant would be open to using component 10 of the Early Adopters Programme.
14 November 2023	Email	Email from the Applicant responding to NE to state that the HRA has been updated and to say that the Applicant will be in touch regarding the Early Adopters Programme.
23 November 2023	Email	Email from the Applicant to NE to confirm that the DCO application was submitted and to suggest a schedule of meetings and issues to be discussed in order to develop the Statement of Common Ground in advance of examination.
8 December 2023	Email	Email from the Applicant to NE to request availability for a meeting on overwintering bird surveys and mitigation and to confirm that work on ecology can be shared.

Date	Form of correspondence and attendees	Summary of topics discussed and outcomes
22 January 2024	Meeting (teams)	Meeting between NE and the Applicant to discuss survey updates since Statutory Consultation, HRA mitigation approach, and next steps.
08 February 2024	Email	Email from NE to the Applicant to confirm NE are happy to share the Relevant Representations at the same as with PINS and to request the most recent shapefile of the Order limits.
08 March 2024	Email	Email from NE with draft Principal Areas of Disagreement document and Relevant Representations document.
27 March 2024	Meeting (teams)	Meeting with NE to provide an update on Update regarding non-breeding bird surveys, Update regarding the mitigation strategy for SPA birds, NE Relevant representations – review of amber issues and Principal areas of disagreement statement and SoCG.
21 May 2024	Email	The Applicant shared the updated HRA, Framework Construction Environmental Management Plan, Framework Landscape and Ecological Management Plan and Environmental Statement Appendix 8-10 with NE.
28 May 2024	Email	Response from NE confirming receipt of the documents (Sent on 21 May 2024) and confirming timescales and methods for reviewing the documents.
29 May 2024	Email	Response from the Applicant to NE to confirm that the timescales are acceptable.
04 June 2024	Email	The Applicant shared the draft SoCG with NE.
13 June 2024	Email	NE provided comments on the draft SoCG.
14 June 2024	Email	The Applicant provided an updated draft SoCG to NE.
17 June 2024	Email	NE confirmed that the draft SoCG reflected NE's position at this time.
08 July 2024	Email	The Applicant provided a technical note to NE regarding the HRA updates submitted at Deadline 2 of examination.
19 July 2024	Email	The Applicant shared the SoCG with NE.

3. Areas of Discussion between the Parties

3.1 Nationally and Internationally Designated Sites

Table 3-1. Nationally and Internationally Designate sites

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
3.1.1	Relevant Representation NE3	Operational impacts (visual disturbance) to Functionally Linked Land (FLL) for the relevant qualifying bird features of the following sites: <ul style="list-style-type: none"> • Humber Estuary SPA/ Ramsar; and • Lower Derwent Valley SPA/ Ramsar. 	NE state that sections 6.3.3 to 6.3.8 of the HRA [APP-244REP2-012] (screening stage) assess operational impacts, primarily potential visual disturbance to birds using FLL. NE state that section 6.3.9 then concludes the following: <i>“Overall, there will be no LSEs of the Scheme regarding visual disturbance impacts in the operational phase, including obstruction of flight movements, disturbance displacement, from maintenance activities and glint and glare. Therefore, this impact pathway is screened out from AA.”</i> Based on the information provided, NE agree with this conclusion, however, advise that this pathway is considered in-combination (please refer to key issue NE9).	The Applicant notes that NE agree with the assessment of visual disturbance during operation set out in sections 6.3.3 to 6.3.8 of the HRA [APP-244REP2-012] which concludes that obstruction of flight movements, disturbance displacement from maintenance activities and glint and glare are screened out of the assessment. The HRA has been updated and will be submitted during and <u>Deadline 2 of</u> examination, which <u>and</u> provides further explanation of the ‘in combination’ decisions made.	Agreed.

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
3.1.2	Relevant Representation NE4	Potential water quality impacts during construction	<p>NE agree with the conclusions above subject to requiring all water quality mitigation measures relating to Horizontal Directional Drilling (HDD) being included in the Construction Environmental Management Plan (CEMP) and secured in the DCO and state that the inclusion of the Water Management Plan (WMP) within the CEMP should be secured within the DCO.</p> <p>In addition to these measures, NE state that contingency plans must be in place for potential ‘frac-out’ events and advises that these measures should be detailed in the final CEMP.</p> <p>NE notes that section 6.3.14 of the HRA clarifies that the solar PV panels will be cleaned with water, therefore screening this impact pathway out from AA. NE concurs with this conclusion.</p>	<p>The Applicant notes that NE agree with the conclusions set out in the HRA [APP-244REP2-012] subject to all water quality mitigation measures relating to HDD being included in the CEMP and secured in the DCO, and that the inclusion of the WMP is also secured in the DCO.</p> <p>The mitigation requirements with regard to the use of HDD are outlined in Table 4 of the Framework CEMP [APP-238REP1-053] and in Chapter 9 Flood Risk, Drainage and Water Environment, ES Volume 1 [APP-061]. This includes requirements for site specific groundwater risk assessment prior to commencing work, application of suitable buffers around watercourses and flood defences, the need for Hydraulic Fracture (frac-out) Risk Assessment that would include contingency measures in event of frac-out, monitoring of the drilling path, and use of water based drilling fluids.</p>	Agreed.

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
				<p>These measures would be expanded upon in the detailed CEMP to be produced by the Contractor post-consent as specified in the Framework CEMP [APP-238REP1-053], and thus secured by Requirement 11 in Schedule 2 of the draft DCO [AS-008REP1-006]. The draft DCO secures that the relevant planning authority must consult with Natural England when discharging Requirement 11.</p> <p>The comment regarding the WMP is noted. The WMP will be an appendix to the detailed CEMP, which will be substantially in accordance with the Framework CEMP [APP-238REP1-053] and secured by a requirement in Schedule 2 of the draft DCO [AS-008REP1-006].</p> <p>The comment regarding the impact from cleaning panels with water is noted. It can be confirmed that no cleaning products would be used as</p>	

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
				outlined in Chapter 9:Flood Risk, Drainage and Water Environment, ES Volume 1 [APP-061], paragraph 9.6.55.	
3.1.3	Relevant Representation NE5 - Securing of noise mitigation measures in the DCO/CEMP only. Please refer to 3.1.7 for all other outstanding points relating to NE5.	Potential impacts to otter (<i>Lutra lutra</i>) During construction, including horizontal directional drilling (HDD)	NE state that all noise mitigation measures relating to, for instance, HDD and the timing of works, should be included in the CEMP and secured in the DCO.	All noise mitigation measures relating to HDD activities and the timing of works are set out in the Framework CEMP [APP-238REP1-053]. A detailed CEMP (which will be substantially in accordance with the Framework CEMP [APP-238REP1-053]) will need to be approved post consent prior to construction with the relevant local authority and will be secured by Requirement11 in Schedule 2 of the draft DCO [AS-008REP1-006].	Agreed – with this aspect of NE5 only. Further outstanding points are in 3.1.7.
3.1.4	Relevant Representation NE8 – Potential impacts from construction dust from the project alone.	Potential damage to River Derwent SAC habitats from construction dust.	With dust mitigation measures in the CEMP and a dust management plan secured, NE agree with the conclusion given in 8.3.4, that there will not be adverse effects on the integrity of the River Derwent SAC resulting from dust deposition. However, NE advise that this conclusion is based on the project alone.	The Applicant notes that NE agree with the conclusions of the HRA [APP-244REP2-012] in relation to adverse effects on the integrity of the River Derwent SAC resulting from dust deposition, based on this project alone. Dust mitigation measures are set out in the Framework CEMP [APP-238REP1-053] which will inform a detailed	Agreed that potential impacts from construction dust from the project alone can be ruled out. Further

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
				<p>CEMP to be secured by Requirement 11 in Schedule 2 of the draft DCO [AS-008REP1-006].</p> <p>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 HRA has been updated and will be submitted during at Deadline 1 of examination, which [REP2-012], and provides further explanation of the ‘in combination’ decisions made.</p>	<p>outstanding points-in-combination-are-in 3-1-18</p>
3.1.5	Relevant Representation NE10	Potential air quality impacts from traffic emissions during construction on relevant designated sites alone or in-combination with other plans and / or projects.	NE agree with the conclusions of the assessment of potential air quality impacts from traffic emissions during construction on relevant designated sites alone or in-combination with other plans and / or projects based on this information, that none of the affected routes are within 200m of any designated site. NE advise that	The Applicant notes that NE agree with the conclusions of section 6.2.4333 of the HRA [APP-244 REP2-012] which rules out LSE of traffic emissions for the project alone and in-combination, because HGV movements will not exceed 50 per day, and that “...a preliminary assessment of the proposed routing of HGVs (also known as the	Agreed.

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
			impacts can therefore be ruled out alone or in-combination.	'Affected Road Network' [ARN]) indicates that none of the routes lie within 200m of any European site."	
3.1.6	Relevant Representation NE11	The potential effects of the introduction and spread of non-native species during construction on designated site qualifying habitats.	NE agree with the approach taken in mitigating the potential effects of the introduction and spread of non-native species during construction on designated site qualifying habitats but would advise the measures are reiterated in the final CEMP for the development.	The Applicant notes that NE agree with the approach taken to mitigating the potential effects of the introduction and spread of non-native species during construction on qualifying habitats which are addressed in the Framework CEMP [APP-238REP1-053]. Requirement 11 of the draft DCO [AS-008REP1-006] requires the submission of a construction environmental management plan, which must be substantially in accordance with the Framework CEMP [APP-238REP1-053], which will need to be submitted and approved by the Local Planning Authority in consultation with Natural England prior to commencement of the development.	Agreed.
3.1.7	Relevant Representation NE12	Potential impacts on Skipwith Common SAC, Thorne and Hatfield Moors SPA,	NE note the information included in the HRA [APP-244REP2-012] (paragraph 4.2.7) in relation to Skipwith Common SAC, Thorne	The Applicant notes that NE agree that Skipwith Common SAC, Thorne and Hatfield Moors SPA, and Thorne Moor SAC designated sites	Agreed.

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
		and Thorne Moor SAC.	and Hatfield Moors SPA, and Thorne Moor SAC and agree that the sites can be screened out of further assessment.	can be screened out of further assessment.	
3.1.8	Relevant Representation NE16	Potential impacts on the River Derwent SSSI dragonfly assemblage during construction	<p>NE notes the screening in of construction, operational, and decommissioning water quality impacts on the River Derwent SSSI dragonfly assemblage.</p> <p>The water quality measures detailed above in key issue ref NE4 are also proposed to mitigate impacts to the habitat utilised by the dragonfly assemblage. NE concurs with this proposed mitigation.</p>	The Applicant notes that NE agrees with the proposed mitigation for water quality impacts, as set out in the HRA [APP-244REP2-012] and in the Framework CEMP [APP-238REP1-053] , which will inform a detailed CEMP to be approved by the local planning authority and be secured by Requirement 11 in Schedule 2 of the draft DCO [AS-008REP1-006] . These mitigation measures will mitigate impacts to the River Derwent SSSI dragonfly assemblage as set out in the HRA [APP-244REP2-012] .	Agreed.
3.1.9	Relevant Representation NE19	Potential water quality impacts during construction on Barn Hill Meadows SSSI	NE welcome the mitigation measures for water quality impacts during construction on Barn Hill Meadows SSSI. All mitigation measures proposed during construction should be secured in the final CEMP.	The Applicant notes that NE welcome the mitigation measures for water quality impacts during construction on Barn Hill Meadows SSSI. The potential water quality impacts during construction are addressed in the Framework CEMP [REP1-053] . Requirement 11 of the	Agreed.

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
				draft DCO [AS-008REP1-006] requires the submission of a CEMP, which must be substantially in accordance with the Framework CEMP, to be submitted and approved by the Local Planning Authority in consultation with Natural England prior to commencement of the development.	
3.1.10	Relevant Representation NE1 - Securing of mitigation measures in the DCO/CEMP only. Please refer to 3.1.12 and 3.1.13 for all other outstanding points relating to NE1.	Agreed aspects of issue NE1 - Outstanding aspects are detailed in sections 3.1.12 to 3.1.18 below. Potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the following SPA / Ramsar sites:	NE note that mitigation requirements for the potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the Humber Estuary SPA/ Ramsar; and Lower Derwent Valley SPA/ Ramsar are to be delivered “as a package” due to both sites falling within the Zone of Influence (ZoI) of the Scheme and can confirm agreement with this approach. NE advise that the final version of the LEMP (following any updates required throughout Examination) is secured within the DCO.	The Applicant notes that NE agree with the approach to mitigation requirements for the potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the Humber Estuary SPA/ Ramsar; and Lower Derwent Valley SPA/ Ramsar being delivered “as a package” due to both sites falling within the Zone of Influence (ZoI) of the Scheme, as set out in the HRA [APP-244REP2-012]. This comment regarding the LEMP is noted by the Applicant. Requirement 6 of the draft DCO [AS-008REP1-006] requires a	Agreed with this aspect of NE1 only. Further outstanding points are in 3.1.12 and 3.1.13.

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
		<ul style="list-style-type: none"> Humber Estuary SPA/ Ramsar; and Lower Derwent Valley SPA/ Ramsar. 	<p>NE advise that habitat must be established prior to commencement of construction works in the closest parts of the Scheme. NE advise this is also specifically secured within the DCO.</p> <p>NE advise that the mitigation area is secured in-perpetuity, and at least for the lifetime of the development.</p>	<p>detailed LEMP, which is to be substantially in accordance with the Framework LEMP [APP-246REP1-063], to be submitted to and approved by the relevant planning authority prior to commencement of the development. The Framework LEMP is a certified document for the purposes of article 40(1). As such, the final version of the document will be specified in Schedule 12 of the DCO once made and certified by the Secretary of State accordingly.</p> <p>The Applicant accepts the comment relating to the habitats and sets out detail that habitats must be established prior to commencement of construction works in the closest parts of the Scheme in section 8.4.18 of the HRA [APP-244REP2-012]. This has been updated in the Framework LEMP, which have been submitted at Deadline 1: [REP1-063].</p>	

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
				<p>Requirement 6 of the draft DCO [AS-008REP1-006] requires a detailed LEMP, which is to be substantially in accordance with the Framework LEMP [APP-246REP1-063], to be submitted to and approved by the relevant planning authority prior to commencement of the development. Similarly, Requirement 11 of the draft DCO [AS-008REP1-006] requires the submission of a CEMP, which must be substantially in accordance with the Framework CEMP, to be submitted and approved by the Local Planning Authority in consultation with Natural England prior to commencement of the development.</p> <p>The Applicant agrees with NE that the mitigation area for potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the Humber Estuary SPA/ Ramsar; and Lower Derwent Valley SPA/ Ramsar be secured until decommissioning of the Solar PV</p>	

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
				<p>site, as set out in paragraph 6.1.84 of the updated Framework LEMP submitted at Deadline 1. This is set out in paragraphs 8.4.23/24 of the HRA (updated during examination) and the Framework LEMP [APP-246REP1-063] secured in Requirement 6 of the draft DCO [AS-008REP1-006] which requires a final LEMP, that is to be substantially in accordance with the framework LEMP, to be submitted to and approved by the relevant planning authority prior to commencement of the development.</p>	
3.1.12	<p>Relevant Representation NE1 – 150m buffer around mitigation zone.</p>	<p>- Requirement for an 150m buffer around mitigation area</p>	<p>NE agree with detail included in 8.4.15 of the HRA around limiting surrounding hedgerows and woodland, along with roads and built-up areas, to facilitate long-distance views for birds and reduce disturbance. NE advise that to ensure this is the case, an undeveloped / undisturbed 150m buffer around the mitigation area is secured</p>	<p>The Applicant notes that NE are in agreement with the detail included in 8.4.15 of the HRA [APP-244REP2-012] and confirms that there are no parts of the solar infrastructure with the potential to emit noise, e.g., field stations, and generate visual disturbance, within 150m of the mitigation areas. HoweverThe mitigation area is set on the edge of the Order limits, minimising its</p>	<p>Under discussion.</p>

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
				<p>boundaries with solar PV areas and therefore, the Applicant does not consider a 150m undeveloped buffer around the mitigation area to be necessary. The large, contiguous nature of the mitigation areas allow adequate foraging and roosting space for both species within the centre of fields, away from boundary features and adjoining Solar PV Areas, creating a sufficient 'in-field' buffer to ensure usage and minimise any potential displacement. In addition, the mitigation area is already screened from the areas proposed for Solar PV by existing vegetation.</p>	
3.1.13	<p>NE PADS (PADS1) Relevant Representation NE1, NE13, NE14</p>	<p>Loss of FLL for the Humber Estuary SPA / Ramsar / SSSI and Lower Derwent Valley SPA / Ramsar (and underpinning SSSIs, Brighton Meadows and Derwent Ings) (Construction and operation).</p>	<p>NE advise that there is not currently enough information provided to determine whether the proposed mitigation for loss of FLL is sufficient based on limitations in the current survey data. However, NE is aware that the Applicant is carrying out an additional year of wintering bird surveys (2023/2024) following pre-app advice. NE welcome this additional survey</p>	<p>The Applicant can confirm that the 1% population threshold has not been applied rigidly when determining functionally linked land nor for apportioning requirements for mitigation. The regularity of occurrence and inter-annual variation in site usage has been considered along with other metrics such as the assemblage of qualifying species recorded and</p>	<p>Under discussion.</p>

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
			<p>effort. However, as the additional bird survey data will not be submitted until after this deadline, NE’s advice in relation to FLL is currently limited to the results of the 2022/2023 surveys only, and therefore incomplete, particularly in relation to any mitigation measures for loss of FLL cannot yet be finalised.</p>	<p>availability of suitable habitats for qualifying species. The 2023/24 non-breeding bird survey data have been provided to Natural England and in the updated HRA, submitted during examination. These data support the conclusions presented in the HRA, illustrating that the occurrence of designated site qualifying species is opportunistic and variable, being dependant, in part, on the cropping pattern in any given year. Furthermore, the observations of qualifying species within PV areas across the two years of survey confirm irregular usage by significant numbers of individuals considered to be associated with designated sites, i.e., in exceedance of 1% of the designated site population. Therefore, the data from the non-breeding bird surveys in 2023/24 confirm that the overall area identified for habitat offsetting for golden plover and pink footed goose (109ha in total within which</p>	

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
				<p>the full 28.75ha of golden plover habitat will be maintained and 15ha for pink footed goose in any year) is sufficient to deliver necessary habitat.</p>	
3.1.14	<p>NE PADS (PADS2) and Relevant Representation NE1, NE2 NE13, NE14 and NE17 and Additional Submission by Natural England [AS-024].</p>	<p>Noise disturbance to birds using FLL associated with the Humber Estuary SPA / Ramsar / SSSI, Lower Derwent Valley SPA / Ramsar (and underpinning SSSIs, Brighton Meadows and Derwent Ings) and River Derwent SSSI bird assemblage feature. (Construction)</p>	<p>The assessment of noise disturbance in <u>Following the updates made to the HRA does not currently provide enough information and/or certainty to justify the assessment conclusion, and further assessment / consideration of mitigation options is required.</u></p> <p>We advise that the following additional information and / or amendments are required:</p> <ul style="list-style-type: none"> Removal of reference to IECS 2013 'Waterbird disturbance mitigation toolkit'. A 300m initial disturbance zonesubmitted for noise disturbance (reducing this 	<p>With regard to noise, an updated version of Figure 6 of the HRA has been produced, to be submitted during examination, with the bird data overlain. This has been shared with NE. NE have suggested mapping the use of tracked excavators and their duration would be useful. However, these are a constantly moving source of noise rather than fixed and will be used throughout construction. It is therefore not possible to comprehensively map their locations. For the noise assessment presented in the HRA the use of excavators at the edges of the fields has been modelled as the worst-case.</p> <p>The Applicant has also produced an updated HRA, to be submitted</p>	<p>Under discussion. <u>Agreed</u></p>

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
			<p>where mitigation measures allow).</p> <ul style="list-style-type: none"> • Further detail in HRA Figure 6 around bird species present / timings of works / type of works planned (ideally as an overlay map) • Further discussions around possible mitigation options (Deadline 2, including options such as noise fencing) due to potentially significant increases in comparison to background noise levels. • As detailed for the PADS1 we note that additional wintering bird surveys are in the process of being completed. We advise that these results could also affect the outcome of the noise assessment for FLL and should also be considered in this context once available. <p>NE advise that it is currently unclear from the information <u>further justification</u> provided in <u>68.1 Chapter 8 – Ecology [APP-060]</u></p>	<p>during examination. In that updated HRA the applicant has:</p> <ul style="list-style-type: none"> • Removed reference to the waterbird disturbance mitigation toolkit. The Applicant did not rely on the distances in the toolkit so this does not materially change the impact assessment. • Deleted reference to 200m as a general distance for noise disturbance. The Applicant haven't relied on the 200m for the noise assessment, instead using bespoke modelling at the AA stage. Therefore, this does not change the assessment. A reference to 300m as a screening distance for disturbance effects is in paragraph 8.1.39. <p>The Applicant notes NE wish to consider the updated maps before forming a view on whether they agree with the Applicant's conclusion of no adverse effect on integrity without the need for</p>	

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			<p>whether there has been any direct assessment on the 'Assemblages of breeding birds' and 'Aggregations of non-breeding birds – Bewick's Swan, Cygnus columbianus bewickii' features of the River Derwent SSSI. These features do not overlap with those of the River Derwent SAC. NE therefore advise that further information is provided in relation to 8.1.15, 8.1.16 and 8.1.19, it is Natural England's view that <u>potential construction phase impacts on these features, noise disturbance impacts on FLL can be ruled out, if the following is satisfied:</u></p> <ul style="list-style-type: none"> • <u>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.</u> • <u>Any construction works in the closest parts of the Scheme (e.g., Solar PV Area 1e) to the mitigation area will be</u> 	<p>mitigation. The Applicant's view remains that specific noise mitigation (other than as already committed for some HDD) shouldn't be required given:</p> <ul style="list-style-type: none"> • <u>the opportunistic nature of bird use of the affected fields. This indicates that the birds are not particularly wedded to specific fields but rather use fields throughout the large functionally-linked land zone around the SPAs as and when it is available and suitable, moving to other fields if a given field is unsuitable at a particular time.</u> • <u>The fields surrounding the PV area would be subject to comparable disturbance through normal farming operations in adjacent land (e.g. farm machinery ploughing, fertilising, spraying and harvesting) or go temporarily out of suitability (e.g. being put fallow, or having their crop changed) as part of routine farming use of the landscape.</u> 	

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			<p><u>undertaken first to minimise any potential for disturbance from noise.</u></p>	<p>The opportunistic use of these fields surrounding the PV area indicates that it would be difficult to identify where noise fencing (for example) would need to be located as the birds are only present on some occasions and absent on others, and this is not predictable.</p> <p>The 2023/24 wintering bird survey data have been presented to NE, with a report to be provided. The data illustrate how opportunistic and variable field use is for most species, with numbers exceeding 1% of the SPA population only being recorded occasionally within the PV areas during the two years of survey. The data also confirm that the overall area identified for habitat offsetting for golden plover and pink footed goose (109ha in total) remains sufficient to deliver necessary habitat. Within this a minimum area of 15ha for pink-footed goose and 28.75ha for golden plover will be provided annually.</p>	

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
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~~In addition to the assessment of effects such as habitat loss and injury to species associated with the River Derwent SSSI, where distance and crossing methods are stated, the effect on associated species as a result of Disturbance to cited species (as detailed in Table 8-6) through noise/lighting/ visual disturbance is assessed on page 188-190 of Chapter 8: Ecology, ES Volume 1 [APP-060]. This includes the following text;~~

~~Any disturbance to cited bird species from works associated with the installation of the Grid Connection Cable will be temporary and localised to a very narrow area of the River Derwent SSSI. Consequently, the potential for significant effects to individual species (see Table 8-1 for cited bird features) or the SSSI assemblage to arise is unlikely.~~

~~In addition to the assessment of effects such as habitat loss and~~

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
				<p>injury to species associated with the SSSI, where distance and crossing methods are stated, the effect on associated species as a result of Disturbance to cited species (as detailed in Table 8 6) through noise/lighting/ visual disturbance is assessed on page 188-190 of Chapter 8: Ecology, ES Volume 1 [APP-060].</p> <p>This includes the following text; Any disturbance to cited bird species from works associated with the installation of the Grid Connection Cable will be temporary and localised to a very narrow area of the SSSI. Consequently, the potential for significant effects to individual species (see Table 8 1 for cited bird features) or the SSSI assemblage to arise is unlikely. The Applicant can confirm that the commitments for establishing the habitat in Ecology Mitigation Areas 1g and 1h prior to the commencement of construction works and that any construction</p>	

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
				<p>works in the closest parts of the Scheme (e.g., Solar PV Area 1e) to the mitigation area be undertaken first to minimise any potential for disturbance from noise are set out in sections 6.1.78 and 6.1.87 of the Framework LEMP [REP1-063]. These commitments are secured in Requirement 6 of the draft DCO [REP1-006] which requires a final LEMP, that is to be substantially in accordance with the framework LEMP, to be submitted to and approved by the relevant planning authority prior to commencement of the development.</p>	
3.1.15	<p>NE PADS (PADS 3) and Relevant Representation NE5, NE14 and NE15 and Additional Submission by Natural England [AS-024].</p>	<p>Disturbance impacts to otter associated with the Lower Derwent Valley SAC / River Derwent SAC (Construction)</p>	<p>NE note that the project intends to cross the river Derwent using HDD methods. NE do not consider sufficient information has been provided to rule out adverse effects on otter associated with the relevant designated sites.</p> <p>NE advise that the following additional information and / or amendments are required:</p>	<p>NE has asked for further information as to why DE52, DE03, and OU24 have not been considered for HDD rather than open trenching methods. They also suggest the Applicant considers noise fencing for OU20, OU24 and OU13. These watercourses are all identified in surveys as suitable for dispersal only, rather than for resting places or holts. DE53, River Ouse and River Derwent were assessed as</p>	<p>Under discussion. Agreed</p>

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			<p>Further details around the justifications as to why DE52, DE03, and OU24 have not been considered for HDD, given the information provided in the HRA.</p> <p>NE and the Applicant are in discussion on how to resolve this issue within examination. 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</p>	<p>having potential for more than dispersal. In addition, as stated no evidence of use by otter was found in these additional watercourses, only along DE53, River Ouse and River Derwent. Since the crossing works will be short-term (typically several days) and will typically be undertaken mainly during the day (whereas otter generally move at night), no need for HDD or noise fencing as mitigation exists.</p>	

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			<p><u>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.</u></p>		
3.1.16	NE PADS (PADS 4) and Relevant Representation NE6, NE13, NE15 and NE17	Noise disturbance to river lamprey, sea lamprey (River Derwent SAC and Humber Estuary SAC), bullhead (River Derwent SAC), and River Derwent SSSI fish assemblage feature. (Construction)	<p>NE note that the project intends to cross the river Derwent and the River Ouse using HDD methods. We advise that there is not enough information to rule out the likelihood of significant effects on the fish features of the relevant designated sites.</p> <p>NE advise that the following additional information and / or amendments are required:</p> <ul style="list-style-type: none"> •Assessment of the River Derwent SAC bullhead feature •Further justification around distance buffers for HDD, and if they allow noise/vibration to 	<p>Bullhead are most at risk of impacts during their spawning periods (February to June). There is currently limited species-specific information available on how they react to noise and vibrational disturbances. On this basis a precautionary approach would be taken and HDD activities beneath the River Ouse and River Derwent will avoidThe avoidance of the core fish migration season of September to February and May where practicable -</p> <p>Sensitivity of bullhead is now further discussed in paragraph 6.2.5 of the updated HRA shared with NE. Both bullhead and is not a key reason for</p>	Under discussion. <u>Agreed.</u>

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
			<p>attenuate to acceptable levels for the relevant fish species.</p> <ul style="list-style-type: none"> Further comparisons of relevant fish migration periods and timings <p>NE and the Applicant are in discussion on how to resolve this issue within examination. <u>Natural England notes that section 6.2.7 of the HRA submitted at Deadline 2 [REP2-012] clarifies that the HDD process will take place over a short period of time. Additionally, as stated in the Framework CEMP [REP1-053], 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.</u></p>	<p>the conclusion of no likely significant effect (hence why it was not mentioned in the originally submitted HRA) but was added to reinforce the lamprey species are of low sensitivity to vibration impacts other than those arising within the water column conclusion since they lack swim bladders. Moreover, with the HDD 30m back from the banks and 5m deep there will be a large volume (c. 1500m³) of substrate and rock between the HDD and the river laterally and approximately 1000m³ above the drill. This will provide considerable damping and the duration of the drill is short being approximately several days.</p> <p>Nonetheless, the HRA has been updated and will be submitted during examination to include reference to it was already mentioned in the Chapter 8: Ecology, ES Volume 1 [APP-060]. To clarify that the seasonal restriction already mentioned is not a fundamental basis for the</p>	

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			<p><u>NE note that it is their 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, NE do not consider that this would materially impact conclusions of the Stage 2 assessment on adverse effects on integrity.</u></p>	<p><u>conclusion it has been moved in the ES chapter. This reinforces a HRA Revision 01 [REP2-012] to paragraph 6.2.9 so that it now follows the conclusion of no adverse likely significant effect on integrity.</u></p>	
3.1.17	NE PADS (PADS 5) and Relevant Representation NE7 and NE15	Physical damage to River Derwent SAC habitat (Construction)	<p><u>NE note that temporary removal of habitat associated with the access track requires addition to 8.5.4 in the Deadline 2 HRA that confirms that a restoration plan. The vegetated banks are 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</u></p>	<p>The Applicant notes this comment. The Applicant wishes to clarify that the affected area is not part of the watercourse banks but is on the opposite side of the track from the watercourse and is essentially path-side verge on the field boundary. In addition, the Phase 1 otter survey recorded no evidence of otter along ditch DE21 in any event. Notwithstanding this, the affected</p>	<p><u>Under discussion. Agreed.</u></p>

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
			<p>habitat for the designated otter feature, and NE advise that there is potential for adverse effect on integrity, if the habitat is not fully restored.</p> <p>NE state that the HRA needs to be updated to state that a restoration plan for the removed vegetation will be undertaken, and that this restoration plan must be developed prior to commencement of development.</p> <p><u>therefore consider this issue resolved.</u></p>	<p>area of vegetation will be restored following works.</p> <p>A separate habitat restoration plan for the area impacted by vegetation removal is not anticipated to be necessary, however details of how the verge habitat will be restored are now included within the Framework LEMP, to be [REP1-063] submitted at Deadline 1. This includes measures undertaken to reinstate full ecological functionality to this area of habitat within the River Derwent SAC.</p>	
3.1.18	<p>NE PADS (PADS6) and Relevant Representation NE9 <u>and Additional Submission by Natural England [AS-024]</u></p>	<p>HRA in-combination assessment</p>	<p>NE state that the HRA does not provide a sufficient in-combination assessment, and Natural England require further detail / assessment.</p> <p>NE state that the HRA should identify where impacts have been fully avoided through mitigation and where there is still a potential residual impact that could act in combination. This should consider residual effects of developments</p>	<p>The HRA has been updated and provided to NE, which provides further explanation of the ‘in combination’ decisions made. Further in-combination assessment is provided in relation to</p> <ul style="list-style-type: none"> • Impacts to FLL, including loss of openness in the landscape, and noise / visual disturbance (Section 8.1). • Noise impacts to any designated sites if there is potential for 	Under discussion.

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
			<p>together, and if mitigation or compensation has completely avoided or removed the effect, that this would not act in combination with other projects.</p> <p><u>NE require further Noise disturbance to FLL in-combination NE note that the HRA has been updated with further information relating to in-combination noise assessment for the following: 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</u></p>	<p>timing overlap during construction (Section 8.1).</p> <ul style="list-style-type: none"> • Water quality (Section 8.2). • Atmospheric pollution (dust) (Section 8.3). <p><u>This matter has been resolved except in relation to impacts to FLL including loss of openness in the landscape' which relates to resolution of item 3.1.13.</u></p>	

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
			<p><u>considered functionally linked.” NE therefore advise that for noise disturbance to FLL specifically, in-combination impacts with other plans and projects can be ruled out.</u></p> <p>• <u>Impacts</u> <u>Noise disturbance to FLL, including loss of openness</u><u>otter in-combination</u> <u>NE welcome the landscape, clarifications in 8.1.34 around HDD operations and potential noise /visual disturbance. disturbance impacts on otter for impacts of the project alone.</u> <u>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.</u> <u>However, NE consider it unlikely based on the new information provided in 8.1.34, particularly due to the short duration of the works,</u></p>		

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
			<p><u>that there will be impacts in-combination.</u></p> <ul style="list-style-type: none">• Noise impacts to any designated sites if there is potential for timing overlap during construction.• <p><u>Water quality-- impacts in-combination</u></p> <ul style="list-style-type: none">• 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. NE 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		

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
			<p><u>can agree that there will be no AEOI.</u></p> <p><u>- Atmospheric pollution (dust-) in-combination</u> NE welcome that the following addition has been made to 8.3.5: <u>“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.”</u> The updated HRA now also states the following: <u>“...none of the in-combination projects listed in Table 10 fall within the 200m impact zone for dust deposition surrounding the River Derwent SAC.”</u> NE advise that based on this information, we can agree that impacts of atmospheric pollution (dust) in-combination can be ruled out.</p>		

3.2 Protected Species


Table 3-2. Protected Species

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
3.2.1	Relevant Representation NE20	Protected species-General	NE have adopted standing advice for protected species, which includes guidance on survey and mitigation measures. NE are not providing bespoke advice on the protected species information provided in the ES for this project.	This comment is noted by the Applicant.	Agreed.
3.2.2	Relevant Representation NE20	Protected species surveys-	NE agree with the scope and extent of baseline ecological surveys undertaken, with the exception of the non-breeding bird surveys.	The Applicant notes that NE agree with the scope and extent of baseline ecological surveys undertaken to characterise baseline conditions, set out in Table 8-3 of Chapter 8: Ecology of the ES [APP-060] , other than the additional non-breeding bird surveys (addressed in Table 3.1 above).	Agreed.

3.3 Biodiversity Net Gain

Table 3-3. Biodiversity Net Gain

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
3.3.1	Relevant Representation NE21	Biodiversity Net Gain	NE welcome the commitment to delivering BNG on this project. NE recommend that the target increase in BNG across all biodiversity unit types is secured by a suitably worded requirement in the DCO. NE state that biodiversity gains should ideally be secured for a minimum of 30 years and be subject to adaptive management and monitoring	<p>The Applicant notes that NE welcome the commitment to deliver BNG on this project, as set out in the Framework Landscape and Ecological Management Plan (LEMP) [APP-246REP1-063] which has been prepared for the DCO Application. A detailed LEMP will need to be approved by the relevant local authorities prior to construction and is secured by Requirement 6 in Schedule 2 of the draft DCO [AS-008REP1-006].</p> <p>The Framework LEMP [APP-246REP1-063] sets out the principles for how the land will be managed throughout the operational phase, following the completion of construction, and specifies mitigation and enhancement measures that will support the delivery of BNG. A Biodiversity Net Gain strategy which must be in</p>	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
				accordance with the Framework LEMP is secured by Requirement 7 of the draft DCO [AS-008 REP1-006].	

3.4 Soils and Agricultural Land

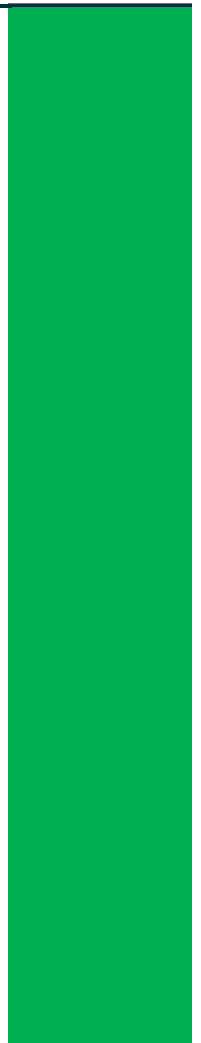
Table 3-4. Soils and Agricultural Land

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
3.45.1	Relevant Representation NE22	Soils and BMV Agricultural Land	NE note and welcome the Applicant's commitments to providing a detailed Soil Management Plan (SMP) in paragraph 4.7.1. NE state that the ES and associated SMP needs to clearly demonstrate how the ALC Grades and soil types will inform soil handling and restoration, setting out the site-specific mitigation measures with reference to the best practice guidance.	The Applicant notes that NE welcome the commitments to providing a detailed SMP. The Framework Soil Management Plan (SMP) [APP-241REP1-058] clearly sets out how good practice measures (such as those described in Defra's Construction Code of Practice and the BSS's Guidance Note) will be used to inform appropriate good practice soil management measures. Requirement 15 of the draft DCO [AS-008REP1-006] requires a SMP that is substantially in accordance with the framework soil management plan, to be submitted to and to and approved by the relevant planning authority prior to commencement.	Agreed.
3.4.2	Relevant Representation NE22	Soils and BMV Agricultural Land	NE note paragraph 1.1.4 of the Framework Soil Management Plan [APP-241REP1-058]. NE state that within the loQ	Paragraph 1.1.4 of the Framework SMP [APP-241REP1-058] explains the relevance of Institute of Quarrying guidance on the	Agreed.

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
			<p>Guidance, there is a preferred set of handling practices, which are set out in Sheets A to D (these correspond to the Defra Construction Code). These sheets set out the methodology for soil stripping; creating soil stockpiles; excavation of soil stockpiles; and soil replacement, all using Excavators and dump trucks. These are considered best practice to achieve high standards required for BMV reinstatement.</p> <p>NE advise when referring to loQ guidance we would expect specific sheets to be referred to alongside the reference. NE welcome this approach to on-site supervision set out in paragraphs 1.2.7 to 1.2.9.</p>	<p>handling of soils in mineral workings to infrastructure projects. The Framework SMP [APP-241REP1-058] describes that in most locations soil stripping will be undertaken by excavator and dump truck with the described methodology following the Sequential Bed/Strip Practice (i.e. as per Sheet A of the loQ guidance). Where this is not possible the Framework SMP [APP-241REP1-058] confirms that operations will follow an alternative method set out in the loQ guidance. Paragraphs 4.6.7 and 4.6.8 of the Framework SMP [APP-241REP1-058] describe that soil stockpiles along cable trenches are to be formed using backacting/360° excavator with no transport (dump truck) required; and where soil transport is required the method described in Sheet B of the loQ guidance will be followed. Paragraphs 4.10.2 and 4.10.3 describe that in most locations on the Cable Corridors</p>	

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
				<p>there will be direct excavation of the soil from the stockpiles using a long-reach back-acting/360° excavator; and that where larger stockpiles are created and there is a necessity for soils to be transported to the reinstatement area via dump truck the methodology described in Sheet C of the loQ guidance will be followed. Paragraph 4.10.13 describes that soil replacement is to follow the methodology set out in Sheet D of the loQ guidance. The detailed SMP to be prepared post-consent will continue to reference specific sheets providing more detail as necessary.</p> <p>Natural England’s comment regarding the approach to on-site supervision is noted.</p>	
3.4.3	Relevant Representation NE22	Soils and BMV Agricultural Land	NE state that soils should only be handled in a dry and friable condition. A field suitable method for assessing whether soils are in	Section 4.3 of the Framework SMP [APP-241REP1-058] sets out a two-stage methodology, comprising a moisture state test	Agreed.

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
			<p>a dry and friable condition based on plastic limits set out in Part One (Explanatory Note 4 – Table 4.2 provided below in Annex 1) of the Institute of Quarrying’s Good Practice Guide for Handling Soils in Mineral Working, and this approach together with the associated rainfall protocols should be adopted.</p>	<p>and a consistency test, for the field testing of soil moisture conditions. The approach follows Table 4.2 of the IoQ guidance, with the advice/methodology presented in Table 4.2 of the IoQ guidance summarised in Tables 1 and 2 of the Framework SMP [APP-241REP1-058]. The IoQ guidance (Part 1, Supplementary Note 4) provides generic guidelines on a rainfall protocol for the suspension and restart of soil handling operations. This is reflected in Section 4.2 of the Framework SMP [APP-241REP1-058].</p>	
3.4.4	Relevant Representation NE22	Soils and BMV Agricultural Land	<p>NE state that soil handling should normally be avoided during October to March inclusive, irrespective of soil moisture conditions, because it will generally not be possible to establish green cover over winter to help dry out soils and protect them from erosion. NE acknowledge that this is recognised in Table 11 in the</p>	<p>Where practicable, soils will be handled when in a dry and friable condition. However, as noted at paragraph 4.2.7 of the Framework SMP [APP-241REP1-058], due to the scale of the Scheme, a project-wide seasonal constraint to the construction programme has not been recommended as this may not be achievable in practice; and it may be necessary</p>	Agreed

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			<p>Framework Decommissioning Environmental Management Plan (DEMP) [APP-240REP1-057] however advise that the same commitment should be referenced during the construction phase.</p>	<p>for some soils to be handled wet. Additional mitigation measures for wet working are described in the Framework SMP (paragraph 4.2.8) with a provision that 'should wet handling of soils be required, appropriate soil handling, drying and cultivation methodologies will be set out in the detailed SMP and in site-specific construction method statements, as required'. These wet working measures would be based on good practice guidance measures and would also be applied to the wetter, clay soils, as required. It is noted that Table 11 of Framework DEMP [APP-240REP1-057] does not commit to all soil handling being restricted to October to March inclusive, but states that this will be undertaken where practicable. The scale of works at decommissioning is expected to be less than required at construction and so this may be more easily accommodated than during construction.</p>	

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			NE state that topsoil stripping depths should be informed through a detailed soil survey.	Soil survey (and record of topsoil depths) has been undertaken within the Solar PV Site and Ecological Mitigation Area (at survey densities agreed with Natural England) by specialist soil surveyors. As stated in Chapter 15: Soil and Agricultural Land, ES Volume 1 [APP-067] further targeted survey of the Cable Corridors will be undertaken (prior to construction) on any agricultural land within the working corridor (i.e., agricultural land that will be subject to direct disturbance) and the information used to inform the detailed SMP and provide baseline land quality data for the reinstatement of land. The survey would be conducted to the densities described by NE in their Discretionary Advice Service (DAS) response (as presented in Appendix 15-4, ES Volume 2 [APP-119]), with flexibilities around density depending on land quality identified in the Predictive	

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
3.4.5	Relevant Representation NE22	Soils and BMV Agricultural Land	<p>NE state that the soil survey will also identify the different soil types, and can be used to inform storage requirements, including the volumes and areas necessary.</p> <p>Where topsoil is proposed to be stripped, typically for construction compounds; access tracks and laying cabling, the soil handling methodology (movement, storage and replacement) and soil protection proposals are reviewed to ensure that appropriate mitigation is in place to allow for the restoration of the land to the baseline ALC Grade.</p>	<p>ALC Mapping report (version 2): detailed survey where best and most versatile (BMV) land is identified and semi detailed survey where land is expected to be non-BMV.</p> <p>The Applicant notes this comment, and it is confirmed that soil survey data will be used to inform storage requirements, including the volumes and areas necessary in the detailed SMP and/or method statements.</p> <p>The detailed SMP will build upon the Framework SMP [APP-241REP1-058] and will ensure that appropriate mitigation is in place to protect the soil types present (as identified through survey).</p> <p>Application of the SMP (and the good practice measures contained within) will ensure soil quality is maintained allowing soils to support/achieve the same ALC</p>	Agreed

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				grading upon restoration as prior to the Scheme (note that the ALC guidance states that ALC survey of reinstated land should not be undertaken for five-years post-restoration to allow time for 'bedding in').	
3.4.6	Relevant Representation NE22	Soils and BMV Agricultural Land	For topsoil NE's preference is for a 1 to 3m height to minimise the impact of storage on biological processes, whereas for subsoils where the biological activity is lower, subject to safe operations, mounds are often raised to heights of 3 to 5m depending on the resilience of the soils to compaction.	Section 4.6 of the Framework SMP [APP-241REP1-058] discusses the good practice that will be in place for the creation of stockpiles, and states that topsoil stockpiles should not exceed 3 m in height and subsoil stockpiles should not exceed 5 m in height. Stockpile heights appropriate to specific to the soil types /conditions present on site will be set out in the detailed SMP. The appropriateness of higher stockpiles will be established on a location-by-location basis.	Agreed
3.4.7	Relevant Representation NE22	Soils and BMV Agricultural Land	NE note and welcome the commitment stated in paragraph 4.7.2 of the Framework SMP [APP-241REP1-058] ; however, advise this commitment	Paragraph 4.7.2 commits to seeding of stockpiles where soil is expected to be stored for a period of more than six months (subject to landowner agreement) to	Agreed.

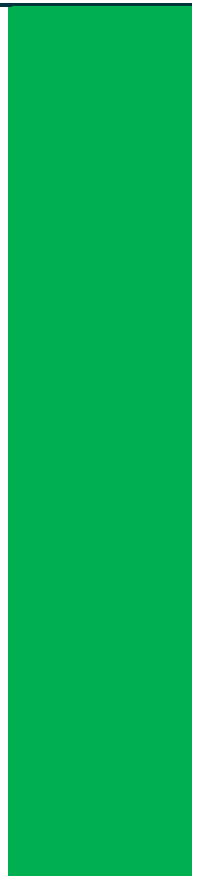
Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
			<p>emphasises the importance for a closed season during winter months as establishment of low maintenance ground cover would be hindered and risk to soil erosion increased. NE state that the SMP should recognise the exact amount (%) of BMV land that has been identified in the ALC report.</p>	<p>protect the soil against erosion, minimise soil nutrient loss, and maintain soil biological activity. As stated in paragraph 4.2.7 of the Framework SMP [APP-241REP1-058], due to the scale of the Scheme, a project-wide seasonal constraint to the construction programme has not been recommended as this may not be achievable in practice, but appropriate measures for soil handling will be in place through the detailed SMP. Sections 4.6 to 4.9 of the Framework SMP [APP-241REP1-058] provide further details of good practice measures to prevent soil erosion.</p> <p>The exact amount (%) of BMV land that has been identified will be outlined in the detailed SMP.</p>	
3.4.8	Relevant Representation NE22	Soils and BMV Agricultural Land	NE advise the measures to be implemented to short term soil stockpiles to avoid or reduce potential long-term damage or	The Applicant notes this comment. The Framework SMP [APP-241REP1-058] has been updated to include these measures and submitted at Deadline 1.	Agreed.

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
			loss should be clarified (paragraph 4.7.5).		
3.4.9	Relevant Representation NE22	Soils and BMV Agricultural Land	<p>NE state that a Soil Resource Plan (SRP) will normally form part of the Materials Management Plan for the site (paragraph 4.8.2). It should include the following:</p> <ul style="list-style-type: none"> • Maps showing topsoil and subsoil types, and the areas to be stripped and left in-situ. • Methods (including machinery) for stripping, stockpiling, respreading, and ameliorating the soils. • Location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B). • Schedules of volumes for each material. • Expected after-use for each soil whether topsoil to be used on site, used, or sold off site, or subsoil to be retained for 	<p>The Applicant notes this comment. The Framework SMP has been updated to include the points specified in Relevant Representation NE22. A detailed SMP is secured through Requirement 15 of the Draft DCO [AS-008REP1-006].</p>	

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			<p>landscape areas, used as structural fill or for topsoil manufacture.</p> <ul style="list-style-type: none"> • Identification of person responsible for supervising soil management. 		
3.4.10	Relevant Representation NE22	Soils and BMV Agricultural Land	NE state that the depth of decompaction should reflect the depth of compaction (paragraph 4.10.15). Additionally, where compaction is likely to take place further consideration should be given to providing a decompaction strategy to maximise the effectiveness of decompaction methods. Further guidance may be found here; IQ Soil Guidance Sheet O.pdf.	Paragraph 4.10.15 refers to Supplementary Note 3: Compaction of the IoQ guidance and further details of appropriate soil decompaction will be provided in the detailed SMP, referring to Sheets N and O of the IoQ guidance (decompaction by excavator bucket and decompaction by bulldozer drawn tines) as appropriate.	Agreed.
3.4.11	Relevant Representation NE22	Soils and BMV Agricultural Land	NE are unclear when the 'after' statement will take place (paragraph 4.10.18 of the Framework SMP [APP-241REP1-058]). NE advise this should take place for all phases	As set out in paragraph 4.10.16 of the Framework SMP [APP-241REP1-058], post-restoration surveys will be required across all land reinstated to agriculture, to determine whether target soil profile specifications have been	Agreed.

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			<p>where both permanent and temporary impacts are expected.</p>	<p>met, and it is anticipated that post-construction soil surveys will be undertaken to record the 'after' statement of physical characteristics of the restored soils (paragraph 4.10.17). These surveys would be undertaken on completion of restoration of land to agriculture along the cable corridors. As the poles of the PV mounting structures (frames which hold the solar panels) are directly driven directly into the ground there is no requirement for the excavation of foundations or disturbance to the surrounding land surface (soils) within the Solar PV Site, and therefore post-restoration surveys will not be undertaken in this area.</p>	
3.4.12	<p>Relevant Representation NE22</p>	<p>Soils and BMV Agricultural Land</p>	<p>NE note Table 9 of the Framework OEMP [APP-239]. Soils should only be handled in a dry and friable condition. A field suitable method for assessing whether soils are in a dry and friable condition based on plastic limits set out in Part One</p>	<p>Soil movement is not expected during the operational phase, although localised small scale maintenance operations may require excavations. Table 9 of the Framework Operational Environmental Management Plan [APP-239] states '<i>soils should</i></p>	<p>Agreed.</p>

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			<p>(Explanatory Note 4 – Table 4.2 provided below in Annex 1) of the Institute of Quarrying’s Good Practice Guide for Handling Soils in Mineral Working, and this approach together with the associated rainfall protocols should be adopted.</p>	<p><i>only be moved under the driest practicable conditions, and this must take account of prevailing weather conditions’.</i> Works would be planned to be undertaken when soils were in a dry and friable condition, however it must be noted that in the event of emergency maintenance it may be necessary to handle soils when wet. Appropriate Additional mitigation measures for wet working are described in the Framework SMP [APP-241REP1-058] (paragraph 4.2.8) and would be fully described in the Risk Assessment Method Statement (RAMS), Operating Procedure or similar produced to cover the works.</p>	
3.4.13	Relevant Representation NE22	Soils and BMV Agricultural Land	NE state that the commitment made in paragraph 1.1.4 of the Framework DEMP [APP-240REP1-057] is welcomed, and the additional consideration of land management is acknowledged.	The Applicant notes that NE welcome the commitment made in paragraph 1.1.4 of the Framework DEMP [APP-240REP1-057], and that additional consideration of land management is acknowledged.	Agreed.

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			<p>NE state that it is clear that the intention is to retain the current ALC grade and go beyond this. Nonetheless, NE consider that the commitment could be altered to be clear that the site will be restored at a minimum to the same ALC grade, and additional measures will be taken to further benefit the land quality/productivity. NE consider the specific commitment to retaining the same ALC grade to be key to provide certainty in terms of the DCO that the land quality will not be affected.</p> <p>NE state that restoration criteria should be included in the detailed SMP to ensure the restored land is aligned to the ALC survey results.</p>	<p>As set out in the Framework CEMP [APP-238REP1-053] the land within the Grid Connection Corridor will be returned to the landowner after restoration. As set out in the Framework DEMP [APP-240REP1-057] the land within the Solar PV Area will be restored using the soils which were striped and stockpiled during construction.</p> <p>Restoration criteria will be included in the detailed SMP to ensure the restored land is aligned to the ALC survey results.</p>	

3.5 Other Matters raised by the ExA

Table 3-5. Other Matters raised by the ExA

Ref	Relevant Application Document	Summary of Description of Matter	NE Current Position	Applicant Current Position	Status
3.5.1		Methodology for EIA, including assessment of cumulative and in combination effects	The EIA Methodology, including the assessment of cumulative and in combination effects, is considered acceptable.	Chapter 5: Environmental Impact Assessment Methodology, ES Volume 1 [APP-057] sets out the Applicants EIA Methodology, including for Cumulative Effects with other Developments.	Agreed.
3.5.1		Socio-Economic Impacts	The Socio-Economic Impacts set out in Chapter 12: Socio Economics and Land Use, ES Volume 1 [APP-064] are considered acceptable. Please note, NE's remit only includes the Land use aspects of this chapter, where they relate to BMV soils.	Chapter 12: Socio Economics and Land Use, ES Volume 1 [APP-064] sets out the Socio-Economic impacts associated with the Scheme. There are no significant effects expected during the construction, operational and decommissioning phases of the Scheme.	Agreed.