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# **EAST YORKSHIRE SOLAR FARM**

**East Yorkshire Solar Farm  
EN010143**

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

**Document Reference: EN010143/APP/8.12**

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## Planning Act 2008

### **The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009**

## **East Yorkshire Solar Farm**

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

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## Table of Contents

|                                                          |    |
|----------------------------------------------------------|----|
| Statement of Common Ground.....                          | 1  |
| 1. Introduction and Purpose .....                        | 2  |
| 1.1 Purpose of the Statement of Common Ground.....       | 2  |
| 1.2 Description of the Scheme.....                       | 2  |
| 1.3 Format of Document and Terminology .....             | 3  |
| 2. Record of Engagement .....                            | 5  |
| 2.1 Record of Engagement.....                            | 5  |
| 3. Areas of Discussion between the Parties .....         | 11 |
| 3.1 Nationally and Internationally Designated Sites..... | 11 |
| 3.2 Protected Species.....                               | 36 |
| 3.3 Biodiversity Net Gain .....                          | 37 |
| 3.4 Soils and Agricultural Land .....                    | 39 |
| 3.5 Other Matters raised by the ExA.....                 | 53 |

## Tables

|                                                                 |    |
|-----------------------------------------------------------------|----|
| Table 1-1. Abbreviations .....                                  | 3  |
| Table 2-1. Schedule of Meetings and Correspondence.....         | 5  |
| Table 3-1. Nationally and Internationally Designate sites ..... | 11 |
| Table 3-2. Protected Species .....                              | 36 |
| Table 3-3. Biodiversity Net Gain .....                          | 37 |
| Table 3-4. Soils and Agricultural Land .....                    | 39 |
| Table 3-5. Other Matters raised by the ExA.....                 | 53 |

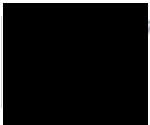
# Statement of Common Ground

## Signatures

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:.....27 September 2024.....

Signed:.....  .....

Lisa Sheldon, NSIP Senior Officer on behalf of Natural England.

Date:.....26 September 2024.....

Signed:.....See Appendix A.....

# 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 [REP5-009].

## 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**

| <b>Abbreviation/Term</b> | <b>Definition</b>                             |
|--------------------------|-----------------------------------------------|
| 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                               |

| <b>Abbreviation/Term</b> | <b>Definition</b>                            |
|--------------------------|----------------------------------------------|
| 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**

| <b>Date</b>      | <b>Form of correspondence and attendees</b> | <b>Summary of topics discussed and outcomes</b>                                                                                                                                                                                                                                                                                            |
|------------------|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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.                                                                                      |



| <b>Date</b>    | <b>Form of correspondence and attendees</b> | <b>Summary of topics discussed and outcomes</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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:<br>-Summary of Non-breeding bird data<br>-Rationale for determining functionally linked land.<br>-Proposed mitigation                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 20 July 2023   | Email                                       | Email from NE requesting information on:<br>-Maps to show locations where surveys were undertaken, including the routes taken as walkover surveys were carried out;<br>-Maps showing the locations where birds were identified (including the species which were not found in significant numbers);<br>-Clarification on the details of the walkover methodology, i.e. were initial observations undertaken of the fields prior to the walkover;<br>-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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

| <b>Date</b>       | <b>Form of correspondence and attendees</b> | <b>Summary of topics discussed and outcomes</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 25 August 2023    | Email                                       | <p>Email from the Applicant to NE seeking confirmation from NE that:</p> <ul style="list-style-type: none"> <li>a. None of the three proposed options for cable routing / installation at this location would impact habitats which are functionally linked to qualifying habitat;</li> <li>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</li> <li>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.</li> </ul> |
| 25 August 2023    | Email                                       | <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 29 August 2023    | Email                                       | <p>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.</p>                                                                                                                                                                                                                                                                                                                                  |
| 30 August 2023    | Email                                       | <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 06 September 2023 | Email                                       | <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 13 September 2023 | Meeting (Teams)                             | <p>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</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| <b>Date</b>       | <b>Form of correspondence and attendees</b> | <b>Summary of topics discussed and outcomes</b>                                                                                                                                                                                 |
|-------------------|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   |                                             | 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.                                                            |

| <b>Date</b>      | <b>Form of correspondence and attendees</b> | <b>Summary of topics discussed and outcomes</b>                                                                                                                                                                                                          |
|------------------|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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.                                                                                                                                                                                                                   |
| 22 July 2024     | Email                                       | NE confirmed that they would review the SoCG for Deadline 4.                                                                                                                                                                                             |

| <b>Date</b>       | <b>Form of correspondence and attendees</b> | <b>Summary of topics discussed and outcomes</b>                                                                                                                                                                                  |
|-------------------|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 23 July 2024      | Email                                       | NE provided their Deadline 3 submission.                                                                                                                                                                                         |
| 21 July 2024      | Email                                       | The Applicant requested a meeting to discuss outstanding matters.                                                                                                                                                                |
| 02 August 2024    | Email                                       | NE responded to confirm the meeting would need to take place after Deadline 4.                                                                                                                                                   |
| 09 August 2024    | Email                                       | The Applicant confirmed that a response to NE's Deadline 3 submission will be submitted at Deadline 4 and a meeting can be organised following this.                                                                             |
| 15 August 2024    | Email                                       | The Applicant shared their Deadline 4 submission with NE and a separate Technical Note to supplement the response to NE1 (this note was subsequently submitted into examination on 15 August 2024).                              |
| 23 August 2024    | Email                                       | NE confirmed they would review the submission and technical note under the Discretionary Advice Service Agreement and confirmed dates for a meeting.                                                                             |
| 06 September 2024 | Email                                       | NE confirmed that based on the additional information provided, NE now consider 'amber' issues resolved, subject to securing the measures / update of relevant documents, as detailed in the DAS advice letter dated 06 Sept 24. |
| 10 September 2024 | Meeting (Teams)                             | Meeting between the Applicant and NE to discuss outstanding matters and the SoCG.                                                                                                                                                |
| 11 September 2024 | Email                                       | The Applicant provided notes of the meeting which took place on the 10 September 2024.                                                                                                                                           |

### 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"> <li>• Humber Estuary SPA/ Ramsar; and</li> <li>• Lower Derwent Valley SPA/ Ramsar.</li> </ul> | NE state that sections 6.3.3 to 6.3.8 of the HRA <b>[AS-038]</b> (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 <b>[AS-038]</b> which concludes that obstruction of flight movements, disturbance displacement from maintenance activities and glint and glare are screened out of the assessment. The latest HRA <b>[AS-038]</b> was submitted between Deadlines 5 and 6 and 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 and Additional Submission by NE <b>[AS-024]</b> | Potential water quality impacts during construction | <p>NE agree with the conclusions set out in the HRA <b>[AS-038]</b> relating to potential water quality impacts during construction subject to requiring all water quality mitigation measures relating to Horizontal Directional Drilling (HDD) to be 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 is satisfied that the abovementioned measures are secured via the Framework CEMP <b>[REP4-010]</b> and future detailed CEMP by requirement 11 of</p> | <p>The Applicant notes that NE agree with the conclusions set out in the HRA <b>[AS-038]</b> 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 <b>[REP4-010]</b> and in Chapter 9 Flood Risk, Drainage and Water Environment, ES Volume 1 <b>[APP-061]</b>. 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. These measures would be</p> | Agreed. |

| Ref | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                                                                                                                                                                                                                                    | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Status |
|-----|-------------------------------|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
|     |                               |                                  | <p>Schedule 2 to the draft DCO <b>[AS-032]</b>.</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 Appropriate Assessment. NE concurs with this conclusion in the HRA <b>[AS-038]</b>.</p> | <p>expanded upon in the detailed CEMP to be produced by the Contractor post-consent as specified in the Framework CEMP <b>[REP4-010]</b>, and thus secured by Requirement 11 in Schedule 2 of the draft DCO <b>[AS-032]</b>. The draft DCO secures that the relevant planning authority must consult with NE when discharging Requirement 11.</p> <p>The comment regarding the WMP is noted. The WMP will be an appendix to the detailed CEMP as explained in Table 4 of the Framework CEMP <b>[REP4-010]</b>. The detailed CEMP will be substantially in accordance with the Framework CEMP <b>[REP4-010]</b> and secured by requirement 11 of Schedule 2 to the draft DCO <b>[AS-032]</b>.</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 outlined in Chapter 9:Flood Risk,</p> |        |



| Ref   | Relevant Application Document                                                                                     | Summary of Description of Matter                                                                                                                                                                                                                                                                                                                 | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Status |
|-------|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
|       |                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Drainage and Water Environment, ES Volume 1 <b>[APP-061]</b> , paragraph 9.6.55.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |        |
| 3.1.3 | NE PADS (PADS 3) and Relevant Representation NE5, NE14 and NE15 and Additional Submission by NE <b>[AS-024]</b> . | <p>Disturbance impacts to otter associated with the Lower Derwent Valley SAC / River Derwent SAC (Construction)</p> <p>Potential impacts on Brighton Meadows SSSI and Derwent Ings SSSI designated features (Construction) and (Operation)</p> <p>Potential impacts on River Derwent SSSI designated features (Construction) and (Operation)</p> | <p>NE notes the comments in the HRA <b>[AS-038]</b> 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 (restricted to only a few days), and use of drilling during the daytime rather than night, should be sufficient in managing impacts to otter. NE 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.</p> <p>NE 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. NE note that the</p> | <p>The Applicant has explained in the HRA <b>[AS-038]</b> that there is evidence of use by otter along DE53, River Ouse and River Derwent but not drainage channels DE03, DE52, OU13, OU20, and OU24. The HDD crossing works will be short-term (typically several days) and will typically be undertaken mainly during the day (whereas otter generally move at night),</p> <p>The Applicant notes the need to secure buffers for HDD activities in relation to specific watercourses. These are discussed in Tables 3 and 4 of the Framework CEMP <b>[REP4-010]</b> This confirms there will be a 30 m buffer to prevent impacts to the River Derwent SAC. Table 3 also include the need for details regarding where HDD is to occur in relation to SAC boundaries to be</p> | Agreed |

| Ref | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Status |
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|     |                               |                                  | <p>buffers which are to be used for HDD in relation to specific watercourses should be established within the CEMP. Specific details regarding where HDD is to occur in relation to SAC boundaries should also be detailed in the CEMP, following completion of the Hydraulic Fracture Risk Assessment. These measures should be secured within the DCO. 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.</p> <p>NE is satisfied that the abovementioned measures are secured via the Framework CEMP <b>[REP4-010]</b> and future detailed CEMP by requirement 11, Schedule 2 of the draft DCO <b>[AS-032]</b>.-</p> | <p>detailed in the detailed CEMP, following completion of the Hydraulic Fracture Risk Assessment. Noise mitigation measures are detailed in the Framework CEMP <b>[REP4-010]</b> at Table 7 and reference to temporary noise mitigation fencing for otter is detailed at page 44 of Table 3 and paragraph 2.5.2 in the Framework CEMP <b>[REP4-010]</b>.</p> <p>In summary, all noise mitigation measures relating to HDD activities and the timing of works are set out in the Framework CEMP <b>[REP4-010]</b>.</p> <p>A detailed CEMP (which will be substantially in accordance with the Framework CEMP <b>[REP4-010]</b>) will need to be approved post consent prior to construction with the relevant local authority and this is secured by Requirement 11 in Schedule 2 of the draft DCO <b>[AS-032]</b>.</p> |        |

| Ref   | Relevant Application Document                                                                                                                   | Summary of Description of Matter                                                                | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Status  |
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| 3.1.4 | Relevant Representation NE8 – Potential impacts from construction dust from the project alone and Additional Submission by NE <b>[AS-024]</b> . | Potential damage to River Derwent SAC habitats from construction dust.                          | With dust mitigation measures in the Framework CEMP <b>[REP4-010]</b> and a dust management plan secured, NE agree with the conclusion given in 8.3.4 of the HRA <b>[AS-038]</b> , that there will not be adverse effects on the integrity of the River Derwent SAC resulting from dust deposition from the Scheme. There would also be no in combination effects of the Scheme with the other projects identified in Table 10 of the HRA <b>[AS-038]</b> as a result of these mitigation measures. The position on in-combination effects overall is set out under NE9. | <p>The Applicant notes that NE agree with the conclusions of the HRA <b>[AS-038]</b> 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 <b>[REP4-010]</b> which will inform a detailed CEMP to be secured by Requirement 11 in Schedule 2 of the draft DCO <b>[AS-032]</b>.</p> <p>It is considered that the mitigation measures to be delivered and secured in the detailed CEMP which are set out in the Framework CEMP <b>[REP4-010]</b> will entirely avoid adverse dust impacts resulting from the Scheme and, therefore, any potential for in-combination effects with other developments.</p> | Agreed  |
| 3.1.5 | Relevant Representation NE10                                                                                                                    | Potential air quality impacts from traffic emissions during construction on relevant designated | NE agree with the conclusions of the assessment of potential air quality impacts from traffic emissions during construction on relevant designated sites alone or                                                                                                                                                                                                                                                                                                                                                                                                        | The Applicant notes that NE agree with the conclusions of section 6.2.33 of the HRA <b>[AS-038]</b> which rules out LSE of traffic emissions for the project alone and in-                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Agreed. |

| Ref   | Relevant Application Document | Summary of Description of Matter                                                                                                       | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Status  |
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| 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. NE also agrees that the mitigation measures for the potential effects of the introduction and spread of non-native species during construction are set out in the Framework CEMP <b>[REP4-010]</b> and will be brought forward in the detailed CEMP which is secured via requirement 11, Schedule 2 of the draft DCO <b>[AS-032]</b> and which must be in substantial accordance with the Framework CEMP <b>[REP4-010]</b> . | 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 <b>[REP4-010]</b> . Requirement 11 of the draft DCO <b>[AS-032]</b> requires the submission of a detailed CEMP, which must be substantially in accordance with the Framework CEMP <b>[REP4-010]</b> , which will need to be submitted and approved by the Local Planning Authority in consultation with NE prior to commencement of the development. | Agreed. |

| Ref   | Relevant Application Document | Summary of Description of Matter                                                              | NE Current Position                                                                                                                                                                                                                                                                                                                                          | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Status  |
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| 3.1.7 | Relevant Representation NE12  | Potential impacts on Skipwith Common SAC, Thorne and Hatfield Moors SPA, and Thorne Moor SAC. | NE note the information included in the HRA <b>[AS-038]</b> (paragraph 4.2.7) in relation to Skipwith Common SAC, Thorne and Hatfield Moors SPA, and Thorne Moor SAC and agree that the sites can be screened out of further assessment.                                                                                                                     | The Applicant notes that NE agree that Skipwith Common SAC, Thorne and Hatfield Moors SPA, and Thorne Moor SAC designated sites can be screened out of further assessment.                                                                                                                                                                                                                                                                                                               | Agreed. |
| 3.1.8 | Relevant Representation NE16  | Potential impacts on the River Derwent SSSI dragonfly assemblage during construction          | NE notes the screening in of construction, operational, and decommissioning water quality impacts on the River Derwent SSSI dragonfly assemblage.<br><br>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. | The Applicant notes that NE agrees with the proposed mitigation for water quality impacts, as set out in the HRA <b>[AS-038]</b> and in the Framework CEMP <b>[REP4-010]</b> , which will inform a detailed CEMP to be approved by the local planning authority and is secured by Requirement 11 in Schedule 2 of the draft DCO <b>[AS-032]</b> . These mitigation measures will mitigate impacts to the River Derwent SSSI dragonfly assemblage as set out in the HRA <b>[AS-038]</b> . | 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.                                                                                                                                                                                                                                                  | The Applicant notes that NE welcome the mitigation measures for water quality impacts during construction on Barn Hill Meadows SSSI. The mitigation measures for                                                                                                                                                                                                                                                                                                                         | Agreed. |

| Ref    | Relevant Application Document                                                                                                      | Summary of Description of Matter                                                                                                                                                                                                                                  | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                           | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Status         |
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|        |                                                                                                                                    |                                                                                                                                                                                                                                                                   | <p>NE agrees that the mitigation measures for potential water quality impacts during construction on Barn Hill Meadows SSSI are set out in the Framework CEMP <b>[REP4-010]</b> and will be brought forward in the detailed CEMP which is secured via requirement 11, Schedule 2 of the draft DCO <b>[AS-032]</b> and which must be in substantial accordance with the Framework CEMP <b>[REP4-010]</b>.</p>                                                  | <p>water quality impacts during construction are addressed in the Framework CEMP <b>[REP4-010]</b>. Requirement 11 of the draft DCO <b>[AS-032]</b> 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 NE prior to commencement of the development.</p>                                                                                           |                |
| 3.1.10 | <p>Relevant Representation NE1 - Securing of mitigation measures in the DCO/CEMP only and additional submission <b>AS-044]</b></p> | <p>Securing the mitigation measures for the potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the following SPA / Ramsar sites:</p> <ul style="list-style-type: none"> <li>Humber Estuary SPA/ Ramsar; and</li> </ul> | <p>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.</p> <p>NE advise that the final version of the LEMP (following any updates</p> | <p>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 <b>[REP2-012]</b>.</p> <p>This comment regarding the LEMP is noted by the Applicant.</p> | <p>Agreed.</p> |

| Ref | Relevant Application Document | Summary of Description of Matter                                                    | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Status |
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|     |                               | <ul style="list-style-type: none"> <li>Lower Derwent Valley SPA/ Ramsar.</li> </ul> | <p>required throughout Examination) is secured within the DCO.</p> <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>NE is satisfied that the abovementioned measures are secured via the Framework LEMP <b>[AS-040]</b> and future detailed LEMP by requirement 6, Schedule 2 of the draft DCO <b>[AS-032]</b>.</p> | <p>Requirement 6 of the draft DCO <b>[AS-032]</b> requires a detailed LEMP, which is to be substantially in accordance with the Framework LEMP <b>[AS-040]</b>, 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 <b>[REP2-012]</b>. This has been included in the Framework LEMP <b>[AS-040]</b>.</p> |        |

| Ref | Relevant Application Document | Summary of Description of Matter | NE Current Position | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Status |
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|     |                               |                                  |                     | <p>Requirement 6 of the draft DCO <b>[AS-032]</b> requires a detailed LEMP, which is to be substantially in accordance with the Framework LEMP <b>[AS-040]</b>, to be submitted to and approved by the relevant planning authority prior to commencement of the development. Similarly, Requirement 11 of the draft DCO <b>[AS-032]</b> 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 NE 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 site, as set out in paragraph 6.1.84</p> |        |




| Ref    | Relevant Application Document                                                                                                                                | Summary of Description of Matter                      | NE Current Position                                                                                                                                                                                                                                                                                                                                      | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Status  |
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| 3.1.11 | Relevant Representation NE1 – 150m buffer around mitigation zone, NE’s deadline 3 submission <b>[REP3-048]</b> ; additional submission by NE <b>[AS-044]</b> | Requirement for an 150m buffer around mitigation area | <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.</p> <p>NE advise that to ensure this is the case, an undeveloped / undisturbed 150m buffer around the mitigation area is secured.</p> | <p>of the updated Framework LEMP<b>[AS-040]</b>. This is set out in paragraphs 8.4.23/24 of the HRA <b>[AS-038]</b> and the Framework LEMP <b>[AS-040]</b> secured in Requirement 6 of the draft DCO <b>[AS-032]</b> 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> <p>The Applicant notes that NE are in agreement with the detail included in 8.4.15 of the HRA <b>[AS-038]</b> 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. To secure this the Framework LEMP <b>[AS-040]</b> includes a commitment at paragraph 6.1.79 for Field Stations to be no closer than 150 m from the Ecology Mitigation Area.</p> | Agreed. |

| Ref | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Status |
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|     |                               |                                  | <p>NE notes that the Applicant's updated bird-days calculations set out in its Technical Note <b>[REP4-037]</b> demonstrate that Ecology Mitigation Area 1h (28.75ha) can incorporate a buffer of 150m next to the field edges and remain of adequate size to support the peak numbers of golden plover and lapwing. This is also explained in the Applicant's updated HRA <b>[AS-038]</b>. Therefore NE consider that sufficient evidence has been provided to address this point.</p> | <p>The Ecology Mitigation Area is set on the edge of the Order limits, minimising its 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> <p>In addition, the Applicant's Technical Note <b>[REP4-037]</b> provides calculations which demonstrate that the Ecology Mitigation Area 1h (28.75ha) can incorporate a buffer of 150m next to the field edges and remain of adequate size to support</p> |        |

| Ref    | Relevant Application Document                                                                           | Summary of Description of Matter                                                                                                                                                       | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Status |
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| 3.1.12 | NE PADS (PADS1) Relevant Representation NE1, NE13, NE14 and Additional Submission by NE <b>[AS-044]</b> | 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>NE consider that based on the Applicant's information set out in Technical Note <b>[REP4-037]</b>, its updated HRA <b>[AS-038]</b> and subject to all relevant mitigation measures being appropriately secured in any consent given (see 3.1.10 above), that adverse effects on the integrity of the Humber Estuary SPA / Ramsar and Lower Derwent Valley SPA / Ramsar can be ruled out alone and in-combination.</p> <p>NE confirms that that the Applicant's assessment now considers the highest peak number of 800 individuals, as recorded in Ecology Mitigation Area 1h in December 2023. NE advised that this figure was used, as the birds using the area due to be mitigation</p> | <p>the peak numbers of golden plover and lapwing. This is also explained in the Applicant's updated HRA <b>[AS-038]</b>.</p> <p>The Applicant agrees with NE's position that there will be no adverse effects on the integrity of the Humber Estuary SPA / Ramsar and Lower Derwent Valley SPA / Ramsar of the Scheme alone and in-combination with other developments. The Applicant has updated the HRA <b>[AS-038]</b> to include all relevant information and the mitigation is to be secured as discussed in 3.1.10 above.</p> <p>The Applicant notes NE's comments in relation to the bird days calculation for pink footed geese and agrees that the total provision for pink footed geese is sufficient based on the evidence available.</p> | Agreed |

| Ref | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Applicant Current Position | Status |
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|     |                               |                                  | <p>land are also at risk of being displaced by other birds which currently use the area to be developed.</p> <p>NE notes that the Applicant's Technical Note <b>[REP4-037]</b> clarifies further how the 15ha of a total 79.09ha is to be managed to target the months in which pink-footed goose was found (October to December), to include stubble and associated split grain, and delayed sowing of the next crop until January. This states that it is not considered likely that the Order limits (including the mitigation areas) currently support suitable foraging opportunities for the species outside of these months. NE agrees the management proposed is adequate and that the assessment submitted by the Applicant in its Technical Note <b>[REP4-037]</b> which is now reflected in the HRA <b>[AS-038]</b> demonstrates that the Mitigation Area 1g and 1h</p> |                            |        |

| Ref | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Applicant Current Position | Status |
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|     |                               |                                  | <p>(15ha managed on a rotational basis) has adequate carrying capacity for pink-footed goose.</p> <p>NE notes that the Applicant's updated bird-days calculations set out in its Technical Note <b>[REP4-037]</b> demonstrate that Ecology Mitigation Area 1h (28.75ha) can incorporate a buffer of 150m next to the field edges and remain of adequate size to support the peak numbers of golden plover and lapwing. The remaining usable area with a 150m buffer incorporated is given as 26.3 ha. The bird-days calculations demonstrate that a managed wet grassland area of this size, will provide adequate provision for both lapwing and golden plover.</p> <p>NE considers that for one aspect of the Applicant's assessment provided for NE1, NE does not agree with the Applicant's approach. This</p> |                            |        |

| Ref    | Relevant Application Document                      | Summary of Description of Matter                                                  | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Applicant Current Position                                                                                                            | Status                                                                               |
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|        |                                                    |                                                                                   | <p>relates to the figure used in the bird-days calculations for pink-footed goose which NE notes is for sugar beet, when the Applicant is proposing to feed to geese with stubble and associated split-grain. As sugar beet has higher energy content than stubble, the calculation may not be representative of the area required. However, it is NE's understanding that an accurate value for stubble and split grain was not available. The calculation provided by the Applicant in its Technical Note <b>[REP4-037]</b> demonstrates that an area of 12.16ha is required. As the Applicant is providing 15ha in total, alongside the potential for the geese to graze some of the lapwing and golden plover mitigation land, NE advises that the total provision for pink footed geese is sufficient based on the evidence available.</p> |                                                                                                                                       |  |
| 3.1.13 | <p>NE PADS (PADS2) and Relevant Representation</p> | <p>Noise and visual disturbance to birds using FLL associated with the Humber</p> | <p>Following the updates made to the HRA <b>[AS-038]</b>, including further justification provided in 8.1.15, 8.1.16 and 8.1.19, it is NE's view</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>The Applicant can confirm that the commitments for establishing the habitat in Ecology Mitigation Areas 1g and 1h prior to the</p> |                                                                                      |

| Ref | Relevant Application Document                                                                                                | Summary of Description of Matter                                                                                                                                                              | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Status |
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|     | NE1, NE2 NE13, NE14 and NE17 and Additional Submission by NE <b>[AS-024]</b> and Additional Submission by NE <b>[AS-044]</b> | Estuary SPA / Ramsar / SSSI, Lower Derwent Valley SPA / Ramsar (and underpinning SSSIs, Brighton Meadows and Derwent Ings) and River Derwent SSSI bird assemblage feature during Construction | <p>that potential noise disturbance impacts on FLL can be ruled out, if the following is satisfied:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> <p>NE is satisfied that the abovementioned measures are secured via the Framework LEMP <b>[AS-040]</b> and future detailed LEMP by requirement 6, Schedule 2 of the draft DCO <b>[AS-032]</b>.</p> <p>NE notes that paragraph 8.1.6 of the HRA <b>[AS-038]</b> states that there is little observable effect below 55dB LAmax, and that as LAeq is</p> | <p>commencement of construction works and that any construction 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 <b>[AS-040]</b>. These commitments are secured in Requirement 6 of the draft DCO <b>[AS-032]</b> 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> <p>The Applicant notes that paragraph 8.1.6 of the HRA <b>[AS-038]</b> actually states that '<i>Since LAeq is always lower than the LAmax, 55dB LAmax was used as the noise threshold to determine the extent of functionally linked habitat potentially subjected to significant temporary disturbance from construction works</i>'. Therefore</p> |        |

| Ref | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Applicant Current Position                                                                                                                                                                       | Status |
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|     |                               |                                  | <p>always lower than L<sub>Amax</sub>, that 55dB L<sub>Aeq</sub> will be used as the threshold to identify FLL affected by construction activity.</p> <p>NE advises that consideration of L<sub>Aeq</sub> only is not precautionary, and that the reason it is lower is because it is an average. Therefore, a point on the 55dB L<sub>Aeq</sub> contour can sometimes experience noises louder than 55dB, and so may result in disturbing levels of noise at certain points in the day. If contours are available for both L<sub>Amax</sub> and L<sub>Aeq</sub>, it could be determined, for example, if a field would occasionally experience very loud noise (L<sub>Amax</sub>), but over the course of the day the noise would be low (L<sub>Aeq</sub>). Figure 6 provides the L<sub>Aeq</sub> contours for the full site, whereas L<sub>Amax</sub> has not been shown for the full development site. However, NE accept the information provided as NE note that figure 7 does provide L<sub>Amax</sub> figures for the loudest predicted activities. NE therefore do</p> | <p>the Applicant believes NE have misread that paragraph. However, the Applicant agrees with NE's comment that any change would not have a material impact on the outcome of the assessment.</p> |        |



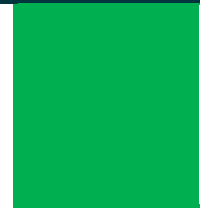
| Ref    | Relevant Application Document                                                                                               | Summary of Description of Matter                                                                                                                                                                                            | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Status         |
|--------|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
|        |                                                                                                                             |                                                                                                                                                                                                                             | <p>not believe this additional evidence in relation to the noise assessment would have a material impact on the outcome of the assessment and therefore it is not required to be provided by the Applicant.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                |
| 3.1.14 | <p>NE PADS (PADS 4) and Relevant Representation NE6, NE18 and Additional Submission by Natural England <b>[AS-044]</b>.</p> | <p>Potential impacts to river lamprey, sea lamprey (River Derwent SAC and Humber Estuary SAC), bullhead (River Derwent SAC), and River Derwent SSSI fish assemblage Feature including noise disturbance. (Construction)</p> | <p>NE notes that section 6.2.7 of the HRA <b>[AS-038]</b> clarifies that the HDD process will take place over a short period of time. Additionally, as stated in the Framework CEMP <b>[REP4-010]</b>, 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.</p> <p>NE note that it is their advice that measures that are intended to avoid impacts on European site features, should be considered as</p> | <p>For the European Sites referred to under NE6 the avoidance of the core fish migration season of September to February and May where practicable is not a key reason for the conclusion of no likely significant effect (hence why it was not mentioned in the originally submitted HRA) but was added to reinforce the conclusion since it was already mentioned in the Chapter 8: Ecology, ES Volume 1 <b>[APP-060]</b>. To clarify that the seasonal restriction is not a fundamental basis for the conclusion it has been moved in the HRA <b>[AS-038]</b> to paragraph 6.2.9 so that it now follows the conclusion of no likely significant effect. It is acknowledged that NE consider this to be mitigation for the purposes of</p> | <p>Agreed.</p> |

| Ref | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Status |
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|     |                               |                                  | <p>mitigation. In this case, it would be NE’s 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.</p> <p>NE note that the additional information outlined in 8.44 Applicant’s Response to Submissions Received at Deadline 3 ) [REP4-029], for NE18 (River Derwent SSSI fish assemblage provides adequate additional information to confirm that that the proposed development will not damage or destroy the interest features for which the River Derwent SSSI has been notified.</p> | <p>the assessment however do not consider that this would affect conclusions of the Stage 2 assessment on adverse effects on integrity, as it would only influence where in the HRA report the measures were discussed, not the ability of the Scheme to use the measures.</p> <p>With regard to the River Derwent SSSI, as set out in [REP4-029], whilst the ‘outstanding assemblage of native fish feature’ was not directly referenced in Chapter 8 Ecology, ES Volume 1 [APP-060], the River Derwent SSSI was still considered in the assessment in the overall mitigation for fish. Fish species noted in the SSSI citation are bleak, ruffe and burbot, whilst they are not afforded any legislative protection themselves, the mitigation provided during construction explained in the Framework CEMP [REP4-010] for HDD at a depth of 5m, will mitigate any potential detrimental impacts on these species. It should also be</p> |        |

| Ref | Relevant Application Document | Summary of Description of Matter | NE Current Position | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Status |
|-----|-------------------------------|----------------------------------|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
|     |                               |                                  |                     | <p>noted that the actual drilling activity associated with HDD will be temporary, with the entire drilling process typically completed within several days. Moreover, with the HDD 30 m back from the banks and 5 m deep there will be a large volume (c.1500m<sup>3</sup>) of substrate and rock between the HDD and the river laterally and approximately 1000m<sup>3</sup> above the drill. This will provide considerable damping. Impacts to resident coarse fish species such as bleak and ruffe (burbot has been extinct in the UK since 1969) will not be significant, as assessed for overall fish assemblage in the ES Chapter 8 Ecology <b>[APP-060]</b>. Potential impacts to fish assemblage, including notable species in the River Derwent, will not be significant given the implementation of suggested mitigation which is set out in the Framework CEMP <b>[REP4-010]</b> and secured via a detailed CEMP under requirement</p> |        |

| Ref    | Relevant Application Document                                                                   | Summary of Description of Matter                            | NE Current Position                                                                                                                                                                                                                                                                                                                       | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Status  |
|--------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
|        |                                                                                                 |                                                             |                                                                                                                                                                                                                                                                                                                                           | 11 Schedule 2 of the draft DCO [AS-032].                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |
| 3.1.15 | NE PADS (PADS 5) and Relevant Representation NE7 and NE15, Additional Submission by NE [AS-024] | Physical damage to River Derwent SAC habitat (Construction) | NE welcome the addition to 8.5.4 in the HRA [AS-038] that confirms that a restoration plan for verge habitat will be included in the Framework LEMP [AS-040] and confirms that there is no evidence of otter using ditch DE21, therefore, suggesting this is not supporting habitat for otter. NE therefore consider this issue resolved. | <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 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 [AS-040] This includes measures undertaken to reinstate full ecological functionality to this area of habitat within the River Derwent SAC. Paragraph</p> | Agreed. |

| Ref    | Relevant Application Document                                                                                      | Summary of Description of Matter | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Status  |
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| 3.1.16 | NE PADS (PADS6) and Relevant Representation NE9, <b>[REP3-048]</b> and Additional Submission by NE <b>[AS-044]</b> | HRA in-combination assessment    | <p>In relation to in-combination impacts relating to loss of FLL, NE agree that the mitigation measures provided will be adequate to mitigate for all loss of functionally linked land resulting from the Scheme. Therefore, as a result of this, there are unlikely to be residual effects, and therefore no in-combination effects.</p> <p>In <b>[REP3-048]</b>, NE confirmed that the following potential in-combination issues were resolved:</p> <ul style="list-style-type: none"> <li>• Noise disturbance to FLL incombination</li> <li>• Noise disturbance to otter incombination</li> <li>• Water quality impacts in-combination</li> <li>• Atmospheric pollution (dust) incombination</li> </ul> <p>NE confirms that based on all information received to-date, in-</p> | <p>8.5.4 of the HRA <b>[AS-038]</b> discusses this approach.</p> <p>The HRA <b>[AS-038]</b> 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"> <li>• Impacts to FLL, including loss of openness in the landscape, and noise / visual disturbance (Section 8.1).</li> <li>• Noise impacts to any designated sites if there is potential for timing overlap during construction (Section 8.1).</li> <li>• Water quality (Section 8.2).</li> <li>• Atmospheric pollution (dust) (Section 8.3).</li> </ul> <p>Further information relating to mitigation measures for FLL as discussed under NE1 was also provided in <b>[REP4-037]</b> and detailed in the HRA <b>[AS-038]</b>, The Applicant agrees that this now resolves all in-combination matters.</p> | Agreed. |

| Ref | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                     | Applicant Current Position | Status                                                                              |
|-----|-------------------------------|----------------------------------|-------------------------------------------------------------------------|----------------------------|-------------------------------------------------------------------------------------|
|     |                               |                                  | combination impacts on international designated sites can be ruled out. |                            |  |

## 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 |
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| 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) <b>[AS-040]</b> 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 <b>[AS-032]</b>.</p> <p>The Framework LEMP <b>[AS-040]</b> 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 accordance with the</p> | Agreed |



| Ref | Relevant Application Document | Summary of Description of Matter | NE Current Position | Applicant Current Position                                                                    | Status                                                                              |
|-----|-------------------------------|----------------------------------|---------------------|-----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
|     |                               |                                  |                     | Framework LEMP <b>[AS-040]</b> is secured by Requirement 7 of the draft DCO <b>[AS-032]</b> . |  |

### 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  |
|-------|-------------------------------|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 3.4.1 | 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) <b>[REP1-058]</b> 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 <b>[AS-032]</b> 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 <b>[REP1-058]</b> . NE state that within the IoQ Guidance, there is                                                                                                                                                                                                                                        | Paragraph 1.1.4 of the Framework SMP <b>[REP1-058]</b> explains the relevance of Institute of Quarrying guidance on the handling of soils                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Agreed. |

| Ref | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Status |
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|     |                               |                                  | <p>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>in mineral workings to infrastructure projects. The Framework SMP <b>[REP1-058]</b> 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 <b>[REP1-058]</b> 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 <b>[REP1-058]</b> 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 there will be direct excavation of</p> |        |

| Ref   | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                                                                                                     | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Status  |
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|       |                               |                                  |                                                                                                                                                                         | <p>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 a dry and friable condition based | Section 4.3 of the Framework SMP <b>[REP1-058]</b> sets out a two-stage methodology, comprising a moisture state test and a consistency test, for the field                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Agreed. |

| Ref   | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                               | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Status |
|-------|-------------------------------|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
|       |                               |                                  | <p>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>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 <b>[REP1-058]</b>. 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 <b>[REP1-058]</b>.</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 Framework Decommissioning Environmental Management Plan (DEMP) <b>[REP3-014]</b> however</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 <b>[REP1-058]</b>, 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 for some soils to be handled wet. Additional mitigation measures for wet working are described in the</p>                | Agreed |

| Ref | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                 | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Status |
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|     |                               |                                  | advise that the same commitment should be referenced during the construction phase. | 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 <b>[REP1-057]</b> 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. |        |

| Ref | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                       | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Status |
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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 <b>[APP-067]</b> 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 <b>[APP-119]</b> ), with flexibilities around density depending on land quality identified in the Predictive ALC Mapping report (version 2): |        |

| Ref   | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Status |
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| 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>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 <b>[REP1-058]</b> 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 grading upon restoration as prior to the Scheme (note that the ALC</p> | Agreed |



| Ref   | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                                                                                                                                                                                                                                           | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Status  |
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|       |                               |                                  |                                                                                                                                                                                                                                                                                                               | 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 <b>[REP1-058]</b> 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 <b>[REP1-058]</b> ; however, advise this commitment emphasises the importance for a closed season during winter months as                                                                                                   | 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 protect the soil against erosion, minimise soil nutrient loss, and                                                                                                                                                                                                                                                           | Agreed. |

| Ref   | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                                                                                                                                                            | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Status  |
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|       |                               |                                  | <p>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>maintain soil biological activity. As stated in paragraph 4.2.7 of the Framework SMP <b>[REP1-058]</b>, 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 <b>[REP1-058]</b> 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 loss should be clarified (paragraph 4.7.5).                                                            | The Applicant notes this comment. The Framework SMP <b>[REP1-058]</b> 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 |
|-------|-------------------------------|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 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"> <li>• Maps showing topsoil and subsoil types, and the areas to be stripped and left in-situ.</li> <li>• Methods (including machinery) for stripping, stockpiling, respreading, and ameliorating the soils.</li> <li>• Location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).</li> <li>• Schedules of volumes for each material.</li> <li>• Expected after-use for each soil whether topsoil to be used on site, used, or sold off site, or subsoil to be retained for landscape areas, used as</li> </ul> | <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 <b>[AS-032]</b>.</p> |        |

| Ref    | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                                                                                                                                                                                                                                                                                            | Applicant Current Position                                                                                                                                                                                                                                                                                               | Status  |
|--------|-------------------------------|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
|        |                               |                                  | <p>structural fill or for topsoil manufacture.</p> <ul style="list-style-type: none"> <li>Identification of person responsible for supervising soil management.</li> </ul>                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                          |         |
| 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 [REP1-058]). NE advise this should take place for all phases where both permanent and temporary impacts are expected.                                                                                                                                        | As set out in paragraph 4.10.16 of the Framework SMP [REP1-058], post-restoration surveys will be required across all land reinstated to agriculture, to determine whether target soil profile specifications have been met, and it is anticipated that post-construction soil surveys will be                           | Agreed. |

| Ref    | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                                                                                                                                                                                                                                                             | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Status  |
|--------|-------------------------------|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
|        |                               |                                  |                                                                                                                                                                                                                                                                                                                                 | <p>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 | Relevant Representation NE22  | Soils and BMV Agricultural Land  | <p>NE note Table 9 of the Framework OEMP <b>[AS-036]</b>. 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 (Explanatory Note 4 – Table 4.2 provided below in Annex 1) of the</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 <b>[AS-036]</b> states ‘<i>soils should only be moved under the driest practicable conditions, and this</i></p>                                                                                                                                                                                                                                                              | Agreed. |

| Ref    | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                                                                                                                                                                                                | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Status  |
|--------|-------------------------------|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
|        |                               |                                  | <p>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>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 <b>[REP1-058]</b> (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  | <p>NE state that the commitment made in paragraph 1.1.4 of the Framework DEMP <b>[REP3-014]</b> is welcomed, and the additional consideration of land management is acknowledged.</p> <p>NE state that it is clear that the intention is to retain the current</p> | <p>The Applicant notes that NE welcome the commitment made in paragraph 1.1.4 of the Framework DEMP <b>[REP3-014]</b>, and that additional consideration of land management is acknowledged.</p> <p>As set out in the Framework CEMP <b>[REP4-010]</b> the land within</p>                                                                                                                                                                                                                                                                              | Agreed. |

| Ref | Relevant Application Document | Summary of Description of Matter | NE Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Applicant Current Position                                                                                                                                                                                                                                                                                                                                                                               | Status |
|-----|-------------------------------|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
|     |                               |                                  | <p>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>the Grid Connection Corridor will be returned to the landowner after restoration. As set out in the Framework DEMP <b>[REP3-014]</b> 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 <b>[APP-057]</b> sets out the Applicant's 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 <b>[APP-064]</b> 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 <b>[APP-064]</b> 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. |



## **Appendix A Email from NE confirming agreement with SoCG**

---

**From:** Heeley, Clare

**Sent:** Friday, September 27, 2024 3:34 PM

**To:** Sheldon, Lisa <[REDACTED]@naturalengland.org.uk>; Tyndall, Laura <[REDACTED]@naturalengland.org.uk>

**Cc:** Polyakova, Anastasia <[REDACTED]@aecom.com>; Helen Standing <[REDACTED]@boom-power.co.uk>;

Jack Spurway <[REDACTED]@boom-power.co.uk>

**Subject:** RE: EYSF SoCG

Hi Lisa,

Many thanks for your email and attaching your final edits to the SoCG, which we accept. I have attached a copy of the SoCG which will be submitted to PINS next Tuesday for deadline 6.

We note that NE do not put individual's signatures on SoCGs and so we will append your email to the SoCG as per the attached.

Kind regards

Clare

**Clare Heeley** BSc MSc MRTPI

Associate Director, Infrastructure Consents and Town Planning, Environment and Sustainability, UK&I

D [REDACTED]  
[REDACTED]@aecom.com

**My working days are Tuesday to Friday**

---

**From:** Sheldon, Lisa <[REDACTED]@naturalengland.org.uk>

**Sent:** Thursday, September 26, 2024 5:18 PM

**To:** Heeley, Clare <[REDACTED]@aecom.com>; Tyndall, Laura <[REDACTED]@naturalengland.org.uk>

**Cc:** Polyakova, Anastasia <[REDACTED]@aecom.com>; Helen Standing <[REDACTED]@boom-power.co.uk>;

Jack Spurway <[REDACTED]@boom-power.co.uk>

**Subject:** RE: EYSF SoCG

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Hi Clare

Thank you for sending this through. Please see return of the SoCG with a couple of requested edits, these are mostly small deletions I have made to cut down some sections. Mainly I have done this to try to help the Examiner identify the key points where we come to agreement, and have taken out some of the previous comments that we made before additional information was provided. I have also clarified further on the comments we made on presentation of LAmox. If you're in agreement with the changes I am happy for you to submit this to PINS.

It was decided on a national level that Natural England will not be putting individual's signatures on SoCGs for NSIPs. However please take this email as our position being agreed by an NSIP Senior Officer.

Kind regards  
Lisa Sheldon

NSIP Senior Officer  
Yorkshire and Northern Lincolnshire Area Team  
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Kings Pool,  
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