

Date: 31 October 2024
Our ref: 491653
Your ref: EN010143



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Dear Inspector,

NSIP Reference Name / Code: EN010143

Title: Natural England's comments on the Report on the Implications for European Sites (RIES) in respect of the East Yorkshire Solar Farm Project.

Examining Authority's submission Deadline 7, with a date of 05 November 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England have reviewed the Report on the Implication for European Sites (RIES) [PD-011] for the East Yorkshire Solar Farm Project. We provide our comments on the RIES in **Appendix 1, Table 1**.

For any further advice on this consultation please contact the case officer Laura Tyndall and copy to consultations@naturalengland.org.uk.

Yours faithfully,

Laura Tyndall
Higher Officer - Terrestrial Sustainable Development
Yorkshire and northern Lincolnshire Area Team

Appendix 1: Natural England’s comments on the East Yorkshire Solar Farm RIES

Please refer to Table 1 below for Natural England’s comments on the East Yorkshire Solar Farm RIES. Please note that we have not provided comments on all sections of the document and have focused on those sections where we consider it more useful to comment on conclusions drawn. In particular, other than our first comment which relates to section 2.3.3, we have focused on the conclusions drawn around adverse effects on integrity (AEol) (section 3 of the RIES) for the relevant designated sites. Please note that for aspects of the RIES where we have not provided advice, we consider that the RIES broadly aligns with our position.

Table 1

RIES section / page number	Designated site(s)	Impact(s)	NE advice / comment(s)
2.3.3 Page 5	All relevant internationally designated sites (SAC/SPA/ Ramsar sites) in-combination.	All relevant impact pathways that could affect internationally designated sites (SAC/SPA/ Ramsar sites) in-combination.	<p>We note that this section discusses a submission by the Applicant at DL6 [REP6-023] which highlighted “...recent information published on 30 September 2024 about plans for Mylen Leah, a solar development approximately 1.8km north of the Proposed Development’s Order Limits at its closest point.” REP6-023 provides some information around possible cumulative impacts between the schemes in 1.8.3, and the following conclusion in 1.8.4: “...from the information available that there is no potential for likely significant cumulative effects of the Scheme with the Mylen Leah scheme.”</p> <p>We advise however, that based on the information currently available, Natural England consider that an in-combination assessment with the Mylen Leah project is not likely to be possible at this stage. The Applicant also acknowledges the lack of information available for the Mylen Leah scheme in 1.8.2 of REP6-023.</p> <p>The RIES notes in 2.3.3 that the above information is relevant to the consideration of in-combination effects but does not expand further. It would be our recommendation that based on the information currently available for the Mylen Leah project, which is at a much earlier stage in the planning process, that assessment of in-combination impacts from these projects would be more appropriately carried out by the Mylen Leah scheme.</p>

RIES section / page number	Designated site(s)	Impact(s)	NE advice / comment(s)
<p>3.2.6 Page 18</p> <p>3.4 Page 40</p>	<p>River Derwent SAC</p> <p>Lower Derwent Valley SAC / SPA / Ramsar</p> <p>Humber Estuary SAC / SPA / Ramsar</p>	<p>N/a: Comment on RIES wording</p>	<p>Section 3.2.6 summarises Natural England’s position in AS-044 as confirming agreement with the Applicant’s conclusion of no AEol in respect of these European sites. The conclusion in 3.4 also outlines that all matters relating to potential AEol are resolved. Although our representation AS-044 confirms that adverse effects on the integrity (AEol) of these sites is unlikely (issues now either ‘green’ or ‘yellow’), we note that this is subject always to the appropriate mitigation/compensation as outlined in the application documents being adequately secured.</p> <p>We advise that the wording in this section of the RIES does not provide the above detail and advise that the final HRA is clear where a conclusion of no AEol is dependent on mitigation measures.</p>
<p>Table 3; Rows 3.1, 3.6 and 3.9</p> <p>Pages 19 and 35-39</p>	<p>River Derwent SAC</p> <p>Lower Derwent Valley SAC</p>	<p><u>Impacts to otter (construction phase)</u></p> <p>Noise and visual disturbance effects from operations such as HDD</p> <p>Temporary loss of/damage to River Derwent SAC habitat</p>	<p>We agree with the conclusion of no AEol as a result of construction phase noise and visual impacts on the otter feature of both the River Derwent SAC and the Lower Derwent Valley SAC, subject to the measures detailed in our D3 response (REP3-048, page 15) being secured in the DCO, through the framework CEMP (fCEMP). The Applicant has confirmed in their submission REP4-029, page 33, that these measures have been included in the fCEMP submitted at D4.</p> <p>As noted in our D3 response (REP3-048, page 16), we welcome that a restoration plan for verge habitat will be included in the Framework LEMP. However, the Applicant also confirmed no evidence of otter using ditch DE21, therefore, we do not consider this likely to be supporting habitat for otter. We therefore do not consider there will be AEol on the otter feature as a result of temporary loss of habitat.</p>

RIES section / page number	Designated site(s)	Impact(s)	NE advice / comment(s)
Table row 3.4 Pages 22-29	Lower Derwent Valley SPA/Ramsar Humber Estuary SPA/Ramsar	<u>Functionally linked land (FLL)</u> Potential loss of FLL for the relevant qualifying bird features of the Humber Estuary SPA and Ramsar site and Lower Derwent Valley SPA and Ramsar site during construction and operation.	We agree with the conclusion of no AEoI as a result of loss of functionally linked land (FLL) for the relevant qualifying bird features of both the Humber Estuary SPA/Ramsar and the Lower Derwent Valley SPA/Ramsar, subject to the mitigation measures detailed in our response AS-044 , page 5-6, column 4 being secured. These measures are specifically the securing of Mitigation Area 1h (28.75 ha) and Mitigation Area 1g and 1h (15 ha) (alongside management and remediation measures) through the Development Consent Order (Page 38; Schedule 2, requirement 6). These must be secured for at least the lifetime of the development.
Table row 3.5 Pages 31-35	Lower Derwent Valley SPA/Ramsar Humber Estuary SPA/Ramsar	Noise and visual disturbance during construction to FLL for the relevant qualifying bird features of the Humber Estuary SPA and Ramsar site and Lower Derwent Valley SPA and Ramsar site.	We agree with the conclusion of no AEoI as a result of construction phase noise and visual disturbance impacts on FLL for the relevant qualifying bird features of the both Humber Estuary SPA/Ramsar and the Lower Derwent Valley SPA/Ramsar, subject to the measures detailed in AS-044 (page 9, column 4) being secured through the DCO.