

Summary of queries regarding the Scoping Opinion raised by EYSF in meeting with PINS on 11th November 2022

PINS REF	TOPIC	PINS COMMENT	EYSF QUERY	SUPPORTING INFORMATION
3.7.1	Minerals Safeguarding Areas	The Inspectorate notes that the site is located within East Riding of Yorkshire's Minerals Safeguarding Area (MSA) EC6 and an (unnamed) area of safeguarded surface mineral resource in North Yorkshire, and that this matter is proposed to be scoped out on the basis that mineral deposits would not be permanently sterilised by the Proposed Development and could be extracted, if required, after its decommissioning. It is stated that this approach is subject to consultation with the two Councils. The Inspectorate is satisfied that this matter may be scoped out subject to confirmation that the Minerals Planning Authority (MPA) agree to the suggested approach and that there would not be a LSE on minerals resources. The ES should evidence such agreement. A copy of the Minerals Safeguarding Report (as described at paragraph 16.7.17 of the Scoping Report) should be appended to the ES. The ES should identify the measures required to protect the material resources within the MSA during the construction, operation and decommissioning of the Proposed Development and confirm how these would be secured in the DCO.	It is proposed that information regarding Mineral Safeguarding Areas will be provided within the Planning Statement to be submitted with the DCO application and not set out in a separate Minerals Safeguarding Report as reported in paragraph 16.7.17 of the Scoping Report. Therefore, agreement is sought from the Inspectorate that a separate Minerals Safeguarding Report (summary of minerals safeguarding data for information) does not need to be included as an appendix to the ES as this would duplicate the information within the Planning Statement and whether the Inspectorate would accept the ES cross referencing to the Planning Statement in this regard.	<p>East Riding of Yorkshire Council and North Yorkshire County Council, as the Mineral Planning Authorities, have been contacted to obtain formal agreement for the scoping out of an assessment of impacts to Minerals Safeguarding.</p> <p>East Riding of Yorkshire Council has agreed that 'Mineral Safeguarding can be scoped out of the ES and instead be covered under a separate document submitted as part of the DCO submission'. This will be documented in the ES.</p> <p>A reply is awaited from North Yorkshire County Council.</p>
3.10.6	Agricultural Land Classification (ALC)	The Inspectorate notes that it is proposed that the detailed soil and ALC survey to be undertaken in Autumn 2022 excludes the Grid Connection Corridor on the basis that it would incur temporary impacts but following reinstatement of the soils would be available for farming in the same way as at present. ALC grading for the Grid Connection Corridor would be calculated using Natural England's (NE) 'Provisional ALC' to determine the proportions of ALC Grades 1, 2, 4 and 5. For areas provisionally mapped as Grade 3, the proportions of Subgrade 3a and 3b would be calculated using NE's 'Likelihood of BMV Agricultural Land'. The Inspectorate agrees that this approach is appropriate in the circumstances, however recommends that it is agreed with NE.	<p>Agreement is sought from the Inspectorate to change the methodology.</p> <p>Does the Inspectorate agree to the use of Cranfield University's Predictive ALC dataset in place of calculations based on NE's 'Provisional ALC' and 'Likelihood of BMV Agricultural Land' datasets subject to NE's agreement?</p>	<p>Methodology proposed at Scoping was to calculate the proportion of Subgrade 3a/3b land within the Grid Connection Corridor using the provisional ALC data in combination with Likelihood of BMV mapping. Predictive ALC data have been purchased from Cranfield University. Two levels of dataset are available and the more detailed 'Version 2' which also considers Post-1988 survey datasets has been purchased.</p> <p>The Cranfield data are considered to be more accurate than those obtained via the methodology proposed at Scoping, as they are generated by undertaking ALC calculations using the current ALC methodology (Agricultural Land Classification of England and Wales, Guidelines and criteria for grading the quality of agricultural land, 1988) with inputs taken from a combination of the most detailed / current published data and survey data. This also allows the geographic distribution of the different ALC gradings to be mapped, which is not possible with the methodology put forward at Scoping.</p> <p>The Cranfield University methodology was used to prepare the Welsh Government's Predictive ALC dataset (publicly available) and it is anticipated that it will be used to prepare the same dataset for England (for Defra) over the next three to four years.</p>

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				This query will also form part of discussions with NE as part of a submitted Discretionary Advice Service request. NE will also be consulted on whether the level of consistency between the Predictive ALC and the low density field surveys (on-going) would be sufficient to reduce the level of survey effort and sampling.
3.9.3	Human Health – Determining Significance	The Scoping Report explains that NHS England’s Healthy Urban Development Unit’s Rapid Health Impact Assessment Toolkit (HUDU), (2019) which forms the basis of the assessment methodology, does not provide a methodology for assessing significance of effects. Therefore, it is proposed that the ES would not assign an effect significance and would instead identify positive, neutral, negative or uncertain effects as set out in Table 14-2. The Inspectorate notes that it is a requirement of the EIA Regulations for the ES to describe the LSE of the development on the environment, including those resulting from risks to human health. Therefore, the ES should confirm the threshold for determination of a significant effect in relation to human health impacts so that such effects can be described.	<p>The recently released (November 2022) IEMA guidance “Determining Significance For Human Health In Environmental Impact Assessment” will be used as the approach for assessing the significance of human health effects.</p> <p>Does the Inspectorate accept the use of this methodology? The use of the methodology will also be discussed and agreed with the with LPA public health teams and the local Integrated Care Board.</p>	This guidance has been developed by IEMA and specialists in the human health field and is therefore considered robust.
3.3.2	Ecology	<p>The Scoping Report states that impacts to common and widespread habitats of low sensitivity and/or conservation interest is proposed to be scoped out. No justification is provided for scoping this matter out, however paragraph 8.7.2 outlines the overall assessment approach and states that the assessment will focus on ecological features which are considered important and have potential to be affected by the Proposed Development rather than addressing all habitats (and species) with potential to occur within the study area. In the absence of information, such as evidence demonstrating clear agreement with relevant statutory bodies and details of the proposed habitats to be scoped out, the Inspectorate is not in a position to agree to scope this matter out.</p> <p>Accordingly, the ES should include an assessment of this matter, or information demonstrating agreement with the relevant consultation bodies and the absence of a LSE.</p>	Given the additional explanatory text in the next column does the Inspectorate agree that common and widespread habitats of low sensitivity and/or conservation interest can be scoped out of the ES?	<p>The assessment methodology presented at Scoping follows CIEEM’s Guidelines for Ecological Impact Assessment (EclA), and therefore represent the accepted standard methodology employed for EclA within the UK.</p> <p>The Guidelines require the assessment to focus on those habitats and species which are 'relevant' i.e., ecological features considered important and potentially affected by the proposed Scheme. The guidance also makes clear that there is no need to "carry out detailed assessment of features that are sufficiently widespread, unthreatened and resilient to project impacts and will remain viable and sustainable" – i.e. common and widespread habitats of low sensitivity and/or conservation interest.</p> <p>The assessment will consider all habitats and species which are of greater than Site Value, therefore the only habitats not specifically assessed would be those such as species poor / monoculture amenity grassland and areas of ornamental landscaping.</p> <p>It is also noted that efforts will be made to safeguard wider biodiversity, and the Scheme has committed to delivering Biodiversity Net Gain well in excess of 10%.</p>

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3.5.2	Lighting Assessment	The Applicant proposes to scope out a lighting assessment on the basis that any lighting during the construction phase would be directional and temporary and designed to be sensitive to light spillage; and operational lighting would be directed at the infrastructure and only motion triggered. Limited information is presented regarding the proposed lighting (during construction and operation) or the receptors that could be affected. As such the Inspectorate is not in a position to scope this matter out at this stage. The ES should clearly explain the construction and operational lighting strategy and any measures necessary to avoid or mitigate lighting effects. This should also include consideration of effects relating to intermittent lighting sources such as motion-activated security lighting.	<p>Consideration of the impacts of lighting from the Scheme on relevant ecological receptors will be contained within the discipline specific chapter of the ES. This will include the effects of intermittent lighting sources.</p> <p>However, an assessment of likely effects on landscape features and character, and views and visual amenity during construction, operation and decommissioning is proposed to be scoped out (as reported in paragraph 10.8.7 of the Scoping Report)</p> <p>As further detail on lighting strategy will be provided within the PEIR and ES, does the Inspectorate agree to this approach?</p>	<p>The approach to lighting during Construction and Operation will be summarised within the Chapter 2 of the PEIR (Scheme Description) and in the corresponding chapter of the ES. Consideration of lighting will be included within the high level Framework Construction Environmental Management Plan (CEMP) presented as an appendix to the PEIR (Appendix 2.1) and in the more developed Outline CEMP presented as an appendix to the ES.</p> <p>Both Construction and Operational Lighting will be directional with care to minimise potential for light spillage beyond the site particularly towards houses, live traffic, and habitats, and will be designed with reference to the Institute of Lighting Professionals Guidance Notes (in particular GN-8: Bats and Artificial Lighting which was produced in collaboration with the Bat Conservation Trust, and GN-1: Reduction of Obtrusive Light) in so far as it is reasonably practicable.</p> <p>This includes the implementation of measures such as:</p> <ul style="list-style-type: none"> •Lights installed will be of the minimum brightness and/ or power rating capable of performing the desired function; •Light fittings will be used that reduce the amount of light emitted above the horizontal (reduce upward lighting); •Light fittings will be positioned correctly, inward facing and directed downwards; •Direction of lights will seek to avoid spillage onto neighbouring properties or habitats; <p>•As far as is possible, construction works will be limited to daylight hours only, with focussed task specific lighting provided where this is not possible, for example at HDD locations. Within construction compounds task specific and fixed 'general' lighting may be required in winter periods up (early mornings and up to 7 pm for general workforce and potentially by the mobile security team during their rounds) to meet safety requirements. Outside of core working hours Passive Infra-Red (PIR) controlled lights (motion sensors) will be used.</p>

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3.4.4	Water quality sampling	<p>The Scoping Report states that no water quality sampling is proposed beyond a site walkover survey, but no justification is provided for this approach. The ES should describe the existing quality of water affected by the Proposed Development. Given that there are waterbodies within the site boundary, the Proposed Development site is located within multiple Water Framework Directive catchments, and construction impacts may alter water quality (as highlighted in paragraph 9.6.8), surface water quality surveys should be undertaken to inform the baseline and reported in the ES.</p>	<p>After considering the additional information provided in the next column does the Inspectorate agree to scoping out water quality sampling?</p>	<p>It is considered that the nature of the scheme, having a relatively light footprint and limited ground works does not warrant a water quality monitoring programme. Water quality sampling has not been required for other comparative solar schemes and was not requested by the EA in their detailed response to the scoping report.</p> <p>Within the assessment, the importance (receptor significance) of water bodies will be determined from a holistic review of water body features and does not rely on water quality due to the legislative requirement that no controlled water may be polluted.</p> <p>Similarly, water quality impacts will be based on a risk assessment that does not require input of raw background water quality data.</p> <p>The nature of water bodies within the site is generally minor comprising small ponds and ditches. Water quality of the more significant watercourses within and beyond the site will be determined with reference to Environment Agency background water quality monitoring data available via the Environment Agency Water Quality Archive website. These data are available for a number of relevant locations including the River Ouse at Long Drax, and River Derwent at Loftsome Bridge and Fleet Dike at Wressle Clough. It is noted that trenchless crossing techniques (such as HDD) will be employed at all main river crossings.</p> <p>Water quality monitoring is also only effective when there is a clear purpose for it, and may require monitoring over a long period of time to ensure reliable and robust results.</p>