



# Tween Bridge Solar Farm

## 9.9 Statement of Common Ground with Natural England

**Deadline 1 May 2026**

**Document Reference: 9.9**

**Revision 1**



# Statement of Common Ground

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# 1 Introduction

## 1.1. Purpose of this document

- 1.1.1. This Statement of Common Ground (hereafter referred to as the 'SoCG') has been prepared to support the Examination of the Development Consent Order (DCO) application (the 'DCO Application') for Tween Bridge Solar Farm (the 'Scheme').
- 1.1.2. The DCO Application is for a Nationally Significant Infrastructure Project (NSIP) for the construction, operation (including maintenance) and decommissioning of a solar photovoltaic (PV) array electricity generating facility, Battery Energy Storage System (BESS) and associated infrastructure which would allow for the generation and export of electricity.
- 1.1.3. The SoCG is a 'live' document that has been prepared by the Applicant and Natural England.
- 1.1.4. The SoCG has been prepared in accordance with the Guidance for examination of DCO applications which was published in 2024 by the Department for Levelling Up, Housing and Communities<sup>1</sup>.
- 1.1.5. This Guidance comments that:
- "A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree, or indeed disagree. A SoCG helps to ensure that the evidence at examination focuses on the material differences between the main parties and therefore makes best use of the lines of questioning pursued by the Examining Authority'.*
- 1.1.6. The aim of this SoCG is to therefore provide a clear position of the progress and agreement made or not yet made between the Applicant and Natural England on matters relating to the Scheme. Where matters are yet to be agreed, the parties will continue to proactively work to reach agreement.
- 1.1.7. The SoCG will be updated as more information becomes available and as a result of ongoing discussions between the Applicant and Natural England.

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<sup>1</sup> Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects (April 2024)

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### **1.2. Parties to this Statement of Common Ground**

- 1.2.1. This SoCG has been prepared by (1) the Applicant and (2) Natural England.
- 1.2.2. Natural England is a non-departmental public body. Their 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.
- 1.2.3. Collectively, the Applicant and Natural England are referred to as 'the parties'.

### **1.3. Terminology**

- 1.3.1. Section 3 of this document sets out the relevant matters raised through discussion between the parties. It provides a summary of the position of each party and identifies the status of discussions on each matter:
- 1.3.2. "Agreed" indicates where the issue has been resolved between the parties and is not anticipated to be subject to further discussions;
- 1.3.3. "Under discussion" indicates where a matter remains in active dialogue between the parties and a final position has not been reached;
- 1.3.4. "Not Agreed" indicates where the parties have established a final position that they cannot resolve the matter and will remain a point of difference.

## 2 Record of Engagement

### 2.1. Summary of consultation and engagement

2.1.1. The parties have been engaged in consultation and engagement throughout the development of the Scheme. Table 2-1 shows a summary of the meetings and correspondence that has taken place between the Applicant and Natural England in relation to the Scheme. This is limited to engagement which is materially relevant to the contents of this SoCG and does not seek to include every correspondence between the parties (e.g. that which was primarily administrative).

2.1.2. Table 2-1: Record of Engagement

Table 2-1 – Record of Engagement since 2023		
Date	Method	Purpose / Description
6 September 2023	Discretionary Advice Service	Non-breeding bird surveys  Requested additional surveys 2022 – 2023 to determine potential for impacts on the Humber Estuary Special Protection Area (SPA). NE state that surveys should include Vantage Point (VP) surveys and increased nocturnal surveys to that completed in Year 1.  Nightjar  NE requested that the assessment considers the potential for impacts on foraging nightjars during the construction and operational phases of the Scheme.
10 October 2024	Telephone call and email	Discussions on the use and management of mitigation area M1
14 October 2024	Email	Natural England emailed the Applicant to state that they did not have the resources to manage mitigation Area M1.
21 October 2024	Email	The Applicant issued a short summary of the current strategy and thinking with regards to the non-breeding mitigation package, Included Year 1 surveys only.

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05 December 2024	Email	Confirming the scope and costs of the Natural England DAS service.
20 December 2024	Discretionary Advice Service	Detail regarding the non-breeding bird mitigation strategy were provided including habitat carrying capacity for different species, habitat management and monitoring. In addition, detail on potential nightjar presence was provided.
13 January 2025	Online meeting	Meeting to discuss the Natural England 20 <sup>th</sup> December 2024 DAS response.
17 March 2025	Online Meeting	Meeting to discuss the project including the detail provided within the PEIR chapter, nightjar assessment and mitigation and cumulative impacts.
May 2025.	Natural England – Consultation response to PEIR Chapter.	NE provided a detailed response to all aspects of the ecology PEIR chapter.
16 June 2025	Email	NE confirmed that they reviewed the second year of non-breeding bird survey results as part of the PEIR chapter and that their advice is largely the same as for the first year of surveys. They confirmed that this was summarised in the PEIR and is more detailed in their DAS advice,
10 July 2025	Email	Confirmation from Natural England that the Bird Days calculations are correct.
11 September 2025	Email	The Applicant provided an update to Natural England on the timescales of the DCO application.
04 February 2026	Email	Natural England emailed the Applicant with details of the new case officer involved on this project. Confirmed that Natural England are happy to discuss the comments made in their Relevant Representation dated 23 December 2025 through their Discretionary Advice Service (DAS). Natural England also confirmed the current budget in the DAS and that the DAS contract will need extending.

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09 2026	February	Email	The Applicant confirmed that the Relevant Representations are being reviewed, that a meeting would be useful, and dates will be issued for this meeting. The Applicant also confirmed that DAS costs will be agreed and DAS contracts will be extended
12 2026	February	Email	<p>Natural England confirmed that once the Examination has begun, engagement through DAS will be limited where there are statutory consultations from the Planning Inspectorate. These consultations would be charged to the Applicant through the Statutory Advice Service.</p> <p>Natural England confirmed that they are happy to provide clarification/discuss comments issued in their Relevant Representations response; however, they state that the timeframe is now very limited for full review of any new information presented prior to Examination</p>
12 2026	February	Email	The Applicant confirmed that Natural England's additional fees for the DAS are agreed and asked for confirmation on when invoices would be issued.
12 2026	February	Email	<p>The Applicant confirmed that they understand the tight timescales to review document and confirmed that they are keen to arrange a meeting to discuss Natural England's Relevant Representation.</p> <p>The Applicant also sent Natural England the documents they stated in their Relevant Representation that they had not received, including 6.3.7.13 Appendix 7.13 Bat Activity Report, Appendix 7.6 Confidential otter and water vole report, and the BNG metric and 6.3.7.12 BNG Report.</p>
13 2026	February	Email	Natural England emailed the Applicant to confirm details of the DAS contract and to confirm that the documents emailed on the 12 February 2026 were submitted to PINS in advance of the Relevant Representations consultation, or if they are new.
17 2026	February	Email	Natural England confirmed that there is budget in the DAS contract to arrange a meeting and provided potential dates.

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17 February 2026	Email	The Applicant confirmed meeting availability, that the reports had been submitted as part of the application and requested that the location of the compounds referenced in Natural England's Relevant Representation point NE9 is confirmed.
23 February 2026	Email	Natural England sent a plan to the Applicant showing all the compound locations - <a href="#">ENO10148-000314-6.4.13.4 Indicative Nighttime Noise Contour Plot.pdf</a>
23 February 2026	Email	The Applicant thanked Natural England for the plan and sent a meeting agenda.
24 February 2026	Online Meeting	The Applicant and Natural England had an online meeting to discuss all matters detailed in the Relevant Representation received from Natural England.
04 March 2026	Email	The Applicant sent a meeting summary to Natural England and requested further confirmation on the compound locations detailed in point NE9 of their Relevant Representation and also whether Natural England could provide any examples of solar panels using white borders on solar panels as part of a mitigation approach.
04 March 2026	Email	The Applicant confirmed further updates to the DAS contract.
05 March 2026	Email	<p>Natural England provided further points to the meeting notes sent by the Applicant on the 04 March 2026. This included detail that Natural England will review updated plans and information with regards to non-breeding bird mitigation land; that they will discuss internally whether Natural England would manage mitigation area MI; confirmation that the protected species reports have been sent to the relevant team; that they cannot currently confirm the location of the 3 compound locations detailed in their Relevant Representations, but that compounds should be 200-300m from Thorne and Hatfield Moors SPA; confirmation that they will investigate the use of white borders on solar panels.</p> <p>In addition, Natural England confirmed receipt of the Rule 9 letter, the updated timescales and requested</p>

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		information on timings that documents would be submitted due to capacity issues in their team.
13 March 2026	Email	Natural England emailed the Applicant in relation to the potential transfer of mitigation parcel M1 to NE and stated that the Senior Reserve Manager at the Humberhead Peatlands NNR was copied in and would begin discussions in relation to this and next steps required.
18 March 2026	Email	The Applicant thanked Natural England for the recent correspondence and provided an update on the DAS contract.
26 March 2026	Email	The Applicant confirmed timings of the Statement of Common Ground and provided further confirmation on the DAS contract.
31 March 2026	Email	Natural England confirmed interest in management mitigation area M1, although stated that internal discussions are required and a further update would be provided regarding this.
01 April 2026	Email	The Applicant thanks Natural England for their response on mitigation area M1 and asked if anything further could be provided regarding this.
02 April 2026	Email	<p>The Applicant issued the Statement of Common Ground to Natural England and confirmed that various documents were being updated based on February meeting and the detail included in the Statement of Common Ground.</p> <p>The Applicant confirmed that a further meeting will be arranged after Easter with Natural England.</p>
08 April 2026	Email	The Applicant requested Natural England provide an update to when a response to the Statement of Common Ground would be received and suggested potential meeting dates on the 22 or 23 April.
09 April 2026	Email	Natural England apologises for the delayed response, explaining that there is very limited team capacity. Confirmed that a further response would be provided in the following week.

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09 April 2026	Email	The Applicant thanked Natural England for their response and requested meeting dates are provided.
15 April	Email	Natural England emailed the Applicant to confirm that the Statement of Common Ground had not yet been reviewed, but that an update and timescale will be provided.
23 April 2026	Email	Natural England provide a suggested meeting date and requested timings of the Examination.
27 April 2026	Email	The Applicant provided the Examination timescales and suggested alternative meeting dates. In addition the Applicant requested timescales for when a response to the Statement of Common Ground will be provided.
29 April 2026	Email	Natural England email to confirm receipt of the updated PINS timescales, provide information regarding trying to resource meeting availability, provided detail on timescales for the SoCG response and details on the DAS contract.
01 May 2025	Email	The Applicant provided further potential meeting timings and confirmation that the DAS contract queries will be followed up.

### 3 Current Position

- 3.1.1. The table below provides a summary of the current position of the Applicant and Natural England in relation to specific matters that have been under discussion to date.
- 3.1.2. Where a matter is not represented in the table, it should be assumed that it is either: (i) agreed between the parties and has not been the subject of detailed discussion; or (ii) not relevant to the discussion between the parties.
- 3.1.3. As noted above, this is a 'live' document and there are some aspects that are still under discussion between the parties. The intention is to provide a final position in subsequent versions of the SoCG, addressing and identifying where changes have been made and where agreement had been reached between the parties.

**Table 3-1 Current Position:**

Ref	Topic	Natural England Position	Applicant Position	Status
NEO	<b>International designated sites</b> <ul style="list-style-type: none"> <li>• Thorne Moor SAC</li> </ul> Thorne and Hatfield Moors SPA	Potential loss/ damage to designated habitats (C) and (O)  Natural England notes from Ecology and Nature Conservation Chapter 7 that <i>'The Order Limits lies outside designated sites with the exception of a small 0.54ha area of Thorne &amp; Hatfield Moors Special Protection Area (SPA), Thorne Moor Special Area of Conservation (SAC), Thorne, Crowle and Goole Moors Site of Special Scientific Interest (SSSI)</i>	The Applicant confirms that no works are proposed within the Thorne & Hatfield Moors SAC, SPA or SSSI.  The <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> requires the implementation of habitat protection buffers and prohibits works within retained sensitive areas, with the final Outline Ecological Construction Management Plan	Agreed

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		<p><i>and Hatfield Chase Ditches SSSI. Whilst the Thorne &amp; Hatfield Moors SPA/SAC/SSSI lies within the Order Limits, they are outside the development footprint and this area is to be buffered from any development. Therefore no work is scheduled within these designated sites.'</i></p> <p>We welcome that no works are scheduled within the SAC/SPA/SSSI; however, we advise that this restriction to works within the designated site boundary should be suitably secured via the DCO or associated plans. We would welcome clarification as to how this is secured.</p>	<p>secured via requirement 8 of the <b>Draft Development Consent Order [Document Reference 3.1 Revision 3]</b>. These measures ensure that no works will occur within the designated site boundaries.</p> <p>The Applicant is also proposing that this land is transferred to Natural England, or another appropriate body, to enable its long-term management in accordance with the conservation objectives of the designated site, although understand that previously this was not considered feasible due to Natural England's lack of resources.</p>	
NE1	<p><b>International designated sites</b></p> <p>Humber Estuary SPA</p> <p>Humber Estuary Ramsar</p>	<p>Potential loss of functionally linked land (FLL) for the relevant qualifying bird</p> <p><b><u>Design of the mitigation areas</u></b></p> <p>Natural England concurs with point 6.2.36 of the sHRA, which concludes that for greylag geese, lapwing, mallard, and pink-footed geese the site is functionally linked to the Humber Estuary SPA and</p>	<p>The Applicant has developed mitigation to ensure that suitable habitat is maintained for all of these species, with measures incorporated into the scheme design to avoid loss of ecological function associated with FLL supporting SPA bird species.</p> <p>In addition, the Applicant notes that the Order Limits are not functionally linked for golden plover and that</p>	Under Discussion

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		<p>mitigation should be provided. We welcome that the proposed mitigation will also deliver for golden plover, which have been recorded in high numbers within the Wider Survey Area.</p> <p>features of the listed SPA/Ramsar sites – Core mitigation areas and the implementation of a buffer (C) and (O)</p> <p>Natural England note the description of the habitat baseline for the mitigation areas provided in point 2.14 (Table 3) of the Non-Breeding Bird Mitigation Strategy. We advise that an assessment of each parcel should be provided. This should detail proposed design and enhancement/management (in line with the below advice in NE2) and demonstrate how the habitat suitability and capacity of each parcel will deliver for the intended species.</p> <p>We acknowledge that the Bird Days calculations have been provided, though advise that while they are a useful tool for informing approximate mitigation area size, they should be used in conjunction with ecological knowledge</p>	<p>greylag geese are not an SPA qualifying species, although consideration has been given to these species within the mitigation design.</p> <p>The Planning Inspectorate’s Section 51 letter (ENO10148, dated 15 August 2025) states that greylag geese are not an SPA qualifying species and that it was not clear why this species was being included within the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b>. As such, whilst this species has been considered within the mitigation design as part of a robust approach, mitigation for greylag geese is not required.</p> <p>The Applicant confirms that a full assessment of each parcel is provided, including details on the proposals and management of each parcel. <b>Environmental Statement Appendix 7.10 Non-Breeding Bird Mitigation Strategy [Document Reference 6.3.7.10 Revision 2]</b> is produced and submitted at Deadline 1 in this regard.</p>	
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		<p>of the carrying capacity of different habitat types.</p> <p>For information, we highlight that golden plover and lapwing rely on open vistas to forage, and the relevant mitigation areas should seek to deliver this site characteristic to ensure suitability for these species. Golden plover tend not to use fields less than 10ha, and fields 15–30ha or larger are used more often especially when in flocks of over 100 birds<sup>2</sup>.</p> <p>We advise that existing habitat suitability should be factored into the assessment of the proposed mitigation areas. We recommend that the design of mitigation areas should take into account potential benefits of securing areas of higher existing bird usage as mitigation areas through enhancement, rather than the establishment of entirely new habitats which have a lower usage baseline. For example, the <i>Wintering Bird Survey Results – 2023 to 2024 (Lapwing)</i> show significant lapwing usage of the southernmost point of the site in both years of surveys.</p>	<p>The Applicant confirms that Bird Days calculations have been used as a tool to inform the approximate mitigation area required, alongside ecological knowledge of the carrying capacity of different habitat types. Further detail is provided within the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b>.</p> <p>Surveys undertaken demonstrate that golden plover are not a functionally linked species and therefore no species-specific mitigation is required. However, the mitigation areas have been designed to provide open vistas suitable for lapwing, which will also provide suitable habitat for golden plover.</p> <p>Section 2 of the Non-Breeding Bird Mitigation Strategy submitted as <b>Environmental Statement Appendix 7.10 Non-Breeding Bird Mitigation Strategy [Document Reference 6.3.7.10 Revision 2]</b> sets out calculations of land availability with 150 m open vistas, with this information also included within the <b>Report to Inform Habitat</b></p>	
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			<p><b>Regulations Assessment [Document Reference 5.3 Revision 3]</b> and provided as part of Figure 1 within this document.</p> <p>Several mitigation parcels larger than 10ha with at least 150 m open vistas are provided, including M12 and M13.</p> <p>A total of 43.67ha of mitigation land with 150 m open vistas is located beyond 600 m of wind turbines, in line with point NE3 (see below), and is available for lapwing. Bird Days calculations demonstrate that 24.99 ha is required for lapwing (Appendix 2 of the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b>) confirming that more mitigation land is provided than required. Additional mitigation land within 600 m of turbines, including parcels M1 and M2, is also available, and lapwing have been recorded using these areas, therefore ensuring that additional land is available for this species.</p> <p>When considering mitigation land beyond 600 m of turbines, 108.84ha remains available for pink-footed</p>	
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		<p>geese and mallard, the remaining functionally linked species recorded within the Order Limits. Bird Days calculations indicate that 22.98 ha is required for pink-footed geese, and as this species forages in similar habitats to lapwing without competing for the same resources, more than sufficient land is provided.</p> <p>Bird Days calculations are not applicable to mallard, as detailed in the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b>, However, substantial mitigation land remains available beyond 600 m of turbines even after accounting for lapwing and pink-footed geese (85.86 ha), in addition to enhancements to the ditch network which will improve habitat suitability for this species.</p> <p>Table 1.1 provides further detail on the mitigation land calculations.</p> <p>The Applicant confirms that mitigation areas have been selected to reflect bird use where possible. Given the mobility of SPA bird species, and the location of the Order</p>	
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			<p>Limits approximately 7.7 km from the Humber Estuary SPA, birds will utilise suitable habitat across a large area.. This is supported by non-breeding bird survey results that show use of the Order Limits changed between the survey periods, although also show notable lapwing use in the northern part of the Order Limits close to proposed mitigation areas.</p>	
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<p>NE2</p>	<p><b>International designated sites</b></p> <ul style="list-style-type: none"> <li>Humber Estuary SPA</li> </ul> <p>Humber Estuary Ramsar</p>	<p><b>Potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the listed SPA/Ramsar sites.</b></p> <p><b><u>Management of the proposed mitigation areas</u></b></p> <p>All mitigation areas should be adequately managed, monitored and secured in-perpetuity, at least for the lifetime of the development. This should be clearly demonstrated in the relevant assessments. We advise that further detail is required on the proposed design, management and monitoring of the proposed mitigation areas within the oLEMP/Outline Non-Breeding Bird Mitigation Strategy.</p> <p>As previously advised, Natural England advises that the ecological mitigation plan should include the following:</p> <ul style="list-style-type: none"> <li>- Clear objectives.</li> <li>- Target/s for each objective, including SPA bird use targets and habitat targets.</li> <li>- Details of required management and monitoring (including who is responsible and when it will take</li> </ul>	<p>The Applicant confirms that further detail on the proposed design, management and monitoring of the proposed mitigation areas is provided within an updated <b>Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 2]</b> produced at Deadline 1.</p> <p>Additional details provided in the Outline Non-Breeding Bird Mitigation Strategy are included in the <b>Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 2]</b> submitted at Deadline 1, so they can be secured for the lifetime of the development.</p> <p>Natural England’s recommended bird monitoring approach, including the scheduling of surveys, has been added to the <b>Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 2]</b> submitted at Deadline 1.</p> <p>Further information will be provided regarding the potential remedial strategies which will be applied if habitats are found to be in sub-</p>	<p>Agreed</p>
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		<p>place).</p> <ul style="list-style-type: none"> <li>- Details of limits of acceptable change.</li> <li>- Details of remedial actions, where appropriate.</li> </ul> <p>We advise that sufficient detail of the proposed management and monitoring approach is required in the oLEMP at this stage to ensure the HRA conclusions regarding the mitigation measures are robust and deliverable. We welcome that the proposed non-breeding bird mitigation will be secured for the lifetime of the development via the LEMP. However, we advise that all additional details provided in the Outline Non-Breeding Bird Mitigation Strategy should be adequately secured via the LEMP.</p> <p><u>Management</u></p> <p>We note the management outline described in point 7.2.62 of the sHRA. We advise that it should be clearly stated how each mitigation parcel will be managed for target species, as golden plover and lapwing have different requirements to greylag geese and mallard. We encourage consideration of habitat suitability, food availability and</p>	<p>standard condition or if bird numbers fall below the target level in the updated <b>Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 2]</b> submitted at Deadline 1.</p>	
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		<p>capacity of the different parcels to support waders and/or geese in the assessment. For example, a large parcel may include a habitat mosaic of dense grassland for geese, bare ground and scrapes with high invertebrate numbers for waders, and areas of suitably managed grassland for both groups, and therefore the parcel could deliver for both waders and geese. Whereas another parcel may be a smaller area of sugar beet crop closer to a feature that reduces perceived openness and therefore be less suitable for waders but deliver for geese.</p> <p>While waders and geese will both forage on the same grassland, factors such as dominant sward height will impact suitability on a species-basis. We advise that taller grasses favour foraging for geese, while short to medium grass height provides soil accessibility for foraging waders, and short sward favours foraging herbivorous ducks. We advise that the 5cm height to be maintained throughout Autumn/Winter is sufficient for wintering birds. The creation of a habitat mosaic of different sward heights within the parcels will allow for multi-species use, though will require attentive</p>		
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		<p>management.</p> <p>The oLEMP states that the sward within the mitigation areas will be managed using 'low density' sheep grazing or other livestock. We advise that detail should be provided regarding the specific approach to sward management, given the implications for mitigation functionality.</p> <p><u>Targets and monitoring</u></p> <p>We acknowledge section 6 of the oLEMP, which details the general monitoring protocol for the habitats to be established across the site. We advise that the monitoring protocol should also include bird targets for the relevant SPA species, to ensure that the mitigation areas are functioning for the target species. The bird targets should be based upon the baseline bird survey data.</p> <p>Natural England recommend that the following bird monitoring approach should be considered as a minimum:</p> <ul style="list-style-type: none"><li>• The monitoring schedule</li></ul>		
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		<p>within the first 3 years should be more frequent to support mitigation establishment, and ensure any remedial works can be swiftly actioned. Non-breeding bird surveys should be undertaken once a month from November to March, annually for years 1-3.</p> <ul style="list-style-type: none"> <li>• After the initial consolidation period, monitoring may occur at two-year intervals for years 3-10, and at five-year intervals subsequently until the end of operation.</li> <li>• We advise that a monitoring report should be produced and submitted to the relevant local planning authority following each of the completed surveys, with Natural England consulted if the site is failing to meet its targets.</li> </ul> <p>Point 6.1.4 of the oLEMP states that it is responsibility of 'the Applicant' (RWE) to <i>'implement appropriate remedial measures'</i> in response to the reports completed by a suitably qualified ecologist. We advise that further</p>		
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		<p>information should be provided regarding the potential remedial strategies which will be applied if habitats are found to be in sub-standard condition or bird numbers are below the target level.</p> <p>Natural England cannot provide comprehensive advice on the adequacy of the mitigation until this information is provided.</p>		
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<p>NE3</p>	<p><b>International designated sites</b></p> <ul style="list-style-type: none"> <li>Humber Estuary SPA</li> </ul> <p>Humber Estuary Ramsar</p>	<p>Potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the listed SPA/Ramsar sites.</p> <p>(C) and (O)</p> <p><b><u>Potential impact of wind turbines in proximity to mitigation areas</u></b></p> <p>Point 1.5 of the Outline Non-Breeding Bird Mitigation Strategy states that due to the impacts of Tween Bridge Wind Farm, <i>'It is considered that this northern section of the Order Limits is already impacted for non-breeding birds due to displacement caused by the presence of the turbines'</i>. This is supported by the non-breeding bird survey results, which show less usage in the central northern part of the site by SPA species.</p> <p>However, Natural England note that mitigation areas 1, 2, 3, and 5 are within proximity to one of the operational wind turbines. The sHRA should assess the potential displacement impacts and increased collision risk associated with siting a SPA mitigation area in this</p>	<p>The Applicant notes that despite the presence of operational wind turbines in the north of the Order Limits, surveys demonstrate that the functionally linked SPA bird species do use land within 600m of these turbines. Numbers of lapwing, mallard and pink-footed geese have been recorded using these areas, as demonstrated by updated Figure P1 (16413_P16a_600m Buffers_TLR_RR ). Therefore, mitigation land is being provided and secured in areas of existing bird usage, in line with point NE1 'securing areas of higher existing bird usage'.</p> <p>Nonetheless, the majority of mitigation areas proposed are located well beyond 600m of any turbines, including all of areas M4, M7, M8, M11, M12, M13 and M15, and the majority of M3 and M5, totalling 152.51ha out of the total 187.32ha proposed. This ensures that there is sufficient mitigation land provided beyond 600m of turbines, as demonstrated by the Bird Days calculations, which Natural England have confirmed are accurate (see</p>	<p>Under Discussion</p>
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		<p>location, and whether this would impact the functionality of the mitigation.</p> <p>Natural England advise that a precautionary buffer of 600m should be used when assessing the predicted extent of displacement from wind turbines. Further assessment should be carried out within the recommended 600 m buffer zone to determine the predicted level and effects of displacement, informed by site-specific factors such as the habitats available, extent and type of bird usage within the buffer zone, relative importance of the area and existing pressures on the species present.</p> <p>Natural England advises that displacing birds on a continuing basis from areas used for all necessary stages of the non-breeding period equates to effective habitat loss, as such habitat is no longer 'available'. Should it be determined that the functionality of the mitigation areas would be adversely impacted, alternative sites should be considered.</p>	<p>email correspondence dated 10.07.2025 – see Appendix 1), and which have been completed in addition to ecological knowledge of the carrying capacity of different habitat types.</p>	
<b>NE4</b>	<p><b>International designated sites</b></p> <ul style="list-style-type: none"> <li>• Humber</li> </ul>	<p>Potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the listed SPA/Ramsar sites.</p>	<p>The Applicant agrees that mitigation areas intended to compensate for the loss of functionally linked land will</p>	Agreed

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	<p>Estuary SPA Humber Estuary Ramsar</p>	<p>(C) <b><u>Construction phasing of mitigation areas</u></b></p> <p>The mitigation areas should be in place and functioning prior to construction works which lead to a loss of functionally linked land. The outline LEMP proposes that the <i>'initial ground preparation and sowing of seed mix will take place in the season before the main construction activity commences, to ensure that favourable bird habitat is available for birds to relocate once construction activity commences'</i>. Furthermore, point 7.3.3 of the Ecology and Nature Conservation chapter states that <i>'The proposed mitigation will be delivered in phases and linked to each land parcel'</i>.</p> <p>We advise that the strategy behind the timing and location of mitigation delivery should be detailed further, with an explanation of the factors which will determine the order in which the parcels will be developed. It should be clarified which mitigation parcels are intended to mitigate for each phase of the</p>	<p>be created in advance of construction activities that would result in such loss. As set out in the <b>Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 2]</b>, initial ground preparation and sowing of mitigation areas will take place in the season prior to the commencement of the relevant construction phase, ensuring that suitable habitat is available for birds to relocate once construction activity begins.</p> <p>The Applicant confirms that further detail on the strategy for the timing and sequencing of mitigation creation will be provided within the updated <b>Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 2]</b> provided at Deadline 1.</p> <p>The Applicant confirms that pre-construction checks of the mitigation areas will be undertaken by a suitably qualified ecologist to confirm that habitats have been created to an appropriate standard before construction works commence in line with the <b>Outline Landscape</b></p>	
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		<p>development and confirmed that each parcel will be delivered prior to construction of each relevant phase. We recommend pre-construction monitoring of the mitigation areas by a suitability qualified ecologist to ensure that they are suitably established prior to construction works commencing.</p> <p>We note point 7.3.4 of the Ecology and Nature Conservation chapter, which states that the potential impacts of the development are the same regardless of whether it proceeds in a phased or uniform approach.</p>	<p><b>Ecological Management Plan [Document Reference 7.6 Revision 2].</b> Where necessary, adaptive management measures will be implemented to ensure the mitigation areas are created as intended.</p> <p>The Applicant considers that the potential impacts will be the same regardless of whether construction proceeds in a phased or uniform manner, as mitigation land will be provided prior to impacts occurring in both scenarios.</p>	
NE5	<p><b>International designated sites</b></p> <p>Humber Estuary SPA</p> <p>Humber Estuary Ramsar</p>	<p>Potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the listed SPA/Ramsar sites.</p> <p>(O)</p> <p><b><u>Permissive footpaths within the proposed mitigation areas</u></b></p> <p>We note that mitigation area M1(A) (Figure 2.2a: Indicative Operational Layout Plan) appears to have a</p>	<p>The Applicant confirms that the potential effects of recreational disturbance associated with this route on the functionality of the mitigation areas for SPA bird species will be considered.</p> <p>The Applicant can confirm that, in line with Natural England's comments, it is currently engaging with stakeholders, including Natural England, regarding some proposed updates affecting</p>	Under Discussion

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		<p>permissive walking route through it. We advise that the impact of this path on the functionality of the proposed mitigation areas should be assessed in the HRA, particularly if this mitigation area is to be managed to SPA bird species.</p> <p>Natural England advise that the presence of human disturbance may reduce the suitability of the mitigation areas for SPA birds, impacting the core habitat available. We advise that NatureScot's <u>Disturbance Distances in selected Scottish Bird Species Guidance</u> may be helpful when considering disturbance distances.</p> <p>It should be clarified whether the proposed footpaths will be separated from the mitigation areas by stock proof fencing. We advise that if fencing is not proposed, the presence of dogs within mitigation areas can render the whole area unsuitable for the relevant species.</p> <p>We consider that signage alone would not be sufficient to reduce the impact of pedestrians and dogs within the mitigation area. However, Natural England would encourage fencing to be accompanied by 'positive' signage highlighting the reasons for the fencing,</p>	<p>mitigation area MI(A), one of which would include fencing the proposed permissive path route in response to Natural England's comments. The Applicant wrote to Natural England recently setting out details of the proposed updates. Subject to feedback received from stakeholders, the Applicant intends to bring these updates forward as part of the examination process and wrote to the Planning Inspectorate on 30 April 2026 giving notice of the same. The Applicant will continue to liaise with Natural England in relation to this matter via the SoCG process.</p> <p>Separately, the Applicant confirms that the mitigation strategy as a whole does not rely upon any single mitigation parcel to achieve the required level of mitigation. As set out in the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b> and supporting Bird Days calculations, the mitigation land provided across the Order Limits provides the area required to offset the predicted effects on SPA bird species, even if</p>	
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		<p>including, for example, pictures of the relevant bird species, in order to improve public engagement with the restrictions.</p> <p>We note that alternative 'dog run' areas away from the bird mitigation areas may also be effective at reducing impacts and enabling public enjoyment of the site. We therefore advise that it may be appropriate to consider whether there are other areas within the site design that would be suitable for dogs to be off lead.</p>	<p>area M1 is removed from the mitigation area calculations. .</p>	
NE6	<p><b>International designated sites</b></p> <ul style="list-style-type: none"> <li>Humber Estuary SPA</li> </ul> <p>Humber Estuary Ramsar</p>	<p>Potential loss of functionally linked land (FLL) for the relevant qualifying bird features of the listed SPA/Ramsar sites.</p> <p>(C) and (O)</p> <p><b><u>Hydrology of the proposed mitigation areas</u></b></p> <p>Natural England welcomes the proposed inclusion of scrapes/ephemeral pools in mitigation areas 11, 12, and 13. Natural England note point 2.8 of the sHRA, which states that the design of these features will be subject to '<i>consultation with engineering/attenuation requirements</i>'.</p> <p>We advise that water level management</p>	<p>The Applicant confirms that the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b> is updated to demonstrate that the assessed mitigation measures are deliverable. This will include consideration of alternative mitigation approaches to the provision of scrapes, an assessment of any implications for habitat suitability, carrying capacity and the extent of mitigation required.</p> <p>Detail on scrape creation and their ongoing management, should they be provided, is set out within the <b>Outline</b></p>	Under Discussion

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		<p>of the proposed grassland areas should be considered in the scheme design, and we recommend assessing the existing drainage regime to determine the ability of the fields to hold sufficient water. This should include assessment of current under field drainage, and the potential for this to be blocked, or boundary ditch water raised through use of sluices. In the absence of hydrological studies or assessment prior to construction, a precautionary approach is needed.</p> <p>Natural England advise that there needs to be confidence that the mitigation measures assessed in the HRA are deliverable. If hydrological studies are not completed at this stage, we advise that the HRA should include a detailed assessment of the potential alternative approaches to mitigation. This should include an assessment of whether the absence of scrapes would reduce the carrying capacity/suitability of the area for the relevant bird species and therefore determine whether a larger area of mitigation would be required under the alternative scenarios.</p> <p>We recommend that scrapes should be created at the same time as the ground is</p>	<p><b>Landscape Ecological Management Plan [Document Reference 7.6 Revision 2].</b></p>	
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		prepared for sward establishment. We recommend that the surface of scrapes should be disturbed every two years, in order to prevent over-vegetation. This can be achieved through use of rotovating or discing machinery, with an open/even finish in the margins.		
NE7	<p><b>International designated sites</b></p> <ul style="list-style-type: none"> <li>Humber Estuary SPA</li> </ul> <p>Humber Estuary Ramsar</p>	<p>Potential noise and visual disturbance impacts to functionally linked land for relevant qualifying bird features of the listed SPA/Ramsar sites.</p> <p>(C)</p> <p><b><u>Noise and visual disturbance impacts to functionally linked land</u></b></p> <p>Natural England advises that noise and visual disturbance impacts on functionally linked land during construction, operation and decommissioning should be assessed in more detail within the sHRA.</p> <p>Point 7.2.50 of the sHRA states that the <i>'majority of construction activity will be below 70dB and would therefore not cause any disturbance response to birds which may be utilising retained or</i></p>	<p>The Applicant confirms in line with the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> that it is expected that the majority of construction activity will be below 70dB and would therefore not cause any disturbance response to birds which may be utilising retained or adjacent land, including golden plover. Consequently, no specific mitigation is considered necessary for noise impacts with regards to the Humber Estuary SPA/Ramsar and SAC. In addition, the measures detail in section 3.3.22 of the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> provide further certainty that noise impacts</p>	Under Discussion

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		<p><i>adjacent land</i> and therefore <i>'no specific mitigation is considered necessary for noise impacts with regards to the Humber Estuary SPA/Ramsar and SAC'</i>. However, this justification is not considered sufficient and Natural England advises that further assessment is required.</p> <p>We advise that noise levels above 70dB LAmax are likely to be disturbing, and further information should be provided regarding the location, duration and potential impacts of any activities which have the potential to exceed this threshold.</p> <p>Therefore, we advise that further assessment should be provided in the HRA regarding the predicted location of 'noisy' works in the context of the non-breeding bird survey results. This assessment should identify whether disturbing noise levels from the development will affect land utilised by birds in significant numbers and determine the sufficiency of any embedded mitigation measures. Mitigation measures may include (one or a combination of) restrictions to timing of works, buffer zones, acoustic screening,</p>	<p>will be mitigated. Such measures include:</p> <ul style="list-style-type: none"> <li>• Ensuring vehicles and machinery are regularly serviced and in good condition;</li> <li>• Speed limits;</li> <li>• Installing silencers or attenuators where applicable;</li> <li>• Replacing older equipment with quieter alternatives;</li> <li>• Using broadband reversing alarms; and</li> <li>• Not leaving engines idling when not in use.</li> </ul> <p>The Applicant confirms that should construction activities above 70db be required further information will be provided on the location, duration and timing of higher-noise activities, with further detail to be provided within the updated <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> provided</p>	
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		<p>piling shrouding or other measures.</p> <p>Point 7.2.55 of the sHRA which states that a visual disturbance to SPA birds using FLL will be managed via an ECoW reviewing the working areas and judging the risk to adjacent birds. The ECoW will subsequently decide whether or not <i>'hoarding/hessian mesh on the perimeter Heras fencing is necessary'</i>. We advise that further information should be provided regarding how the decision to apply mitigation will be reached and whether this approach adequately mitigates the potential impacts.</p> <p>Furthermore, Table 5-1 of the oCEMP states that <i>'Visual and acoustic barriers (typically 3m high) will be installed between bird mitigation areas and the working areas'</i>. We welcome this approach and advise that it should be assessed within the sHRA alongside the approach proposed point 7.2.55.</p>	<p>at Deadline 1. These activities have been assessed in the updated <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> in the context of the non-breeding bird survey results to determine whether land used by SPA birds may be affected and any measures to be adopted to mitigate those impacts.</p> <p>The Applicant considers that the detail has been provided in the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> on when visual barriers are required: <i>"In these instances, the appointed ECoW will review the proposed working areas and risk to birds in adjacent land (if a given phase would require works at a time of year when sensitive estuary birds would be present, taken to be September – March in any given year) and advise if additional screening in the form of hoarding/hessian mesh on the perimeter heras fencing is necessary."</i></p>	
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			<p>The Applicant is willing to consider specific suggestions for additional text to be included in the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> which Natural England may have.</p> <p>The Applicant confirms that Visual and acoustic barriers (typically 3m high) installed between bird mitigation areas and the working areas have been assessed within the updated <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b> alongside the approach proposed point 7.2.55, provided at Deadline 1.</p>	
NE8	<p><b>International designated sites</b></p> <p>Thorne and Hatfield Moors SPA</p>	<p>Potential Loss of functionally linked land (FLL) for the relevant qualifying bird features of the listed SPA/Ramsar sites.</p> <p>(C) and (O)</p> <p><b><u>Displacement/disturbance impacts to functionally linked land</u></b></p> <p>Nightjar can travel long distances to feed, with radio tagging studies</p>	<p>The Applicant confirms that as noted by Natural England, nightjar can travel long distances to forage and therefore utilise land beyond the Order Limits boundary. As such, nightjar will not rely solely upon land within the Order Limits for foraging.</p> <p>The Applicant confirms that the <b>Outline Landscape Ecological Management Plan [Document</b></p>	Under Discussion

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		<p>conducted on Thorne and Hatfield Moors showing that nightjar frequently forage outside of the designated site and within the proposed development area. We advise that when developing mitigation, it is important to account for the fact that the tagging study only reflects the movements of a small number of birds. The data indicates that almost all tagged nightjar forage outside of the SPA, so it is reasonable to infer that many of the untagged birds will also. Therefore, further areas within the proposed order limits may constitute functionally linked nightjar habitat. Furthermore, there is limited evidence available of impacts of solar farms on nightjar; therefore, we advise that a precautionary approach should be taken, due to the importance of Thorne and Hatfield Moors SPA and supporting habitats for this species.</p> <p>Natural England welcomes that the sHRA references the <i>'retention and protection of hedgerows'</i> and <i>'the seeding of species-rich neutral grassland around field boundaries'</i> to mitigate for the degradation of nightjar foraging habitat outside of the SPA. This aligns with objective 3 of the oLEMP, which is <i>'To provide strengthened green corridors</i></p>	<p><b>Reference 7.6 Revision 2]</b> will be updated at Deadline 1 to clearly set out and secure the specific management measures intended to deliver strengthened green corridors for nightjar, in line with Objective 3.</p> <p>The Applicant will also provide further detail within the updated <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b> submitted at Deadline 1, on the provision of margins for foraging nightjar in areas within proximity to the SPA and key foraging areas identified in the results of the GPS tagging data.</p> <p>While a minimum 2m buffer will be provided larger buffers comprising grassland margins will be delivered across the Order Limits as detailed in the, <b>ES Figure 6.4.6.4 Landscape and Visual Mitigation Strategy [Document Reference 6.4.6.4 Revision 2]</b>. This includes the entirety of mitigation area M1 in the north of the Order Limits adjacent to Hatfield Moor SPA, the retention and protection of all non-statutory designated drains through minimum</p>	
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		<p><i>along field boundary features, specifically for the benefit of nightjar</i>'. However, the oLEMP includes no further information as to how the proposed management measures will be specifically designed to mitigate impacts to nightjar and reach this objective. We advise that the sHRA should assess the suitability of any proposed mitigation measures in relation to the impact pathway, and the oLEMP should clearly set out, and secure, the specific details of the proposed management measures to mitigate impacts to nightjar.</p> <p>We advise that to minimise potential displacement impacts and ensure that nightjar are able to forage along the site's hedgerows, adequate margins should be provided between the panels and hedgerows. Particular focus should be placed upon the margins adjacent to the southern boundary of Thorne Moor, the northern boundary of Hatfield Moor, and the areas in which nightjar have been recorded foraging in the tagging studies.</p> <p>We note point 2.8 of the sHRA, which states that <i>'permanent grass margins to the fields measuring a minimum 2</i></p>	<p>5m buffers, which will be extended to 9m for all Internal Drainage Board (IDB) watercourses, a 15m buffer to Whittaker's Plantation CLWS, a minimum 3m buffer to all hedgerows, and an approximate 40m to the bank top of River Torne. Additional larger buffers will also be provided between panels and security fencing, comprising grassland margins, with further grassland margin buffers provided outside security fencing throughout the Order Limits. Further detail has been provided within the <b>Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 2]</b> and the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b> submitted at Deadline 1.</p> <p>The Applicant confirms that, considering the majority of the Order Limits currently comprises intensively managed arable farmland, the provision of additional grassland habitat throughout the Order Limits will increase foraging opportunities for nightjar.</p>	
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		<p>metres' will be built into the design. We advise that 2-metre margins are relatively narrow for a solar PV site and may not be sufficient to mitigate potential impacts to nightjar, due to uncertainty regarding displacement effects from solar panels, and the development of nightjar-supporting vegetation may be inhibited by factors such as panel shading and access requirements along the margins. We therefore advise that wider margins will be required in key areas for nightjar.</p> <p>We advise that margins 10 metres wide have been shown to leave sufficient space for access and the development of functional habitat for a range of species<sup>3</sup>. Furthermore, wider margins will function as wildlife corridors between the SPA and mitigation areas, improving habitat connectivity for a wide range of species. The size of the proposed margins used should be justified within the sHRA.</p> <p>Natural England advises that the requirement for wider margins for foraging nightjar should be assessed in areas within proximity to the SPA and key foraging areas identified in the results of the GPS tagging data. For example (but</p>	<p>The Applicant confirms that the enhancement of hedgerows and planting of trees and scrub within margins and along field boundaries will be focused in areas in proximity to the SPA and areas where nightjar have been recorded foraging, with further detail to be provided within the updated <b>Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 2]</b> submitted at Deadline 1.</p>	
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		<p>not necessarily limited to), the boundaries of/corridors within the following fields:</p> <ul style="list-style-type: none"> <li>• A3, A5, A6, A7, A8, A9 A11, A13, A19, A20, A21.</li> <li>• D14, D15, D16, D17.</li> <li>• B1, B2, B3, B4, B5.</li> </ul> <p>Nightjar prey on moths, for which tree/scrub cover is important. The enhancement of hedgerows and planting of trees/scrub in the margins/along the boundaries should be focused in the areas in proximity to the SPA, and in which nightjar have been recorded foraging.</p>		
NE8a	<p><b>International designated sites</b></p> <p>Thorne and Hatfield Moors SPA</p>	<p>Potential collision risk for nightjar using FLL.</p> <p>(O)</p> <p>Natural England advises that the potential risk for nightjar collision with the solar panels should be assessed in more detail. Consideration should be given to relevant evidence and factors such as nightjar flight heights in the context of the proposed panel heights. Invertebrates have been recorded</p>	<p>The Applicant notes Natural England’s advice regarding the potential for polarised light effects associated with photovoltaic (PV) panels, including the attraction of aquatic invertebrates and the potential for an associated increase in collision risk for insectivorous bird species such as nightjar.</p> <p>The Applicant has reviewed the evidence cited by Natural England</p>	Under Discussion

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		<p>mistaking PV panels for water<sup>4</sup>, which hunting nightjar may also fail to recognise, increasing the likelihood of collision. Adequate mitigation should be assessed and implemented, where required. We advise that white borders on PV panels should be considered to reduce collision risk for nightjar utilising FLL.. Larger margins in key areas (as detailed above) should also be considered as mitigation for collision risk.</p> <p>We recommend that operational site monitoring should include monitoring of bird carcasses in order to monitor any increase in incidences of collision.</p>	<p>(e.g. Horváth et al., 2014), which demonstrates that horizontally polarised light reflected from flat, dark surfaces can attract polarotactic aquatic insects under experimental conditions, and that this effect may be reduced through the use of non-polarising white borders. However, the Applicant notes that the experimental conditions within this study are not representative of the Scheme. In particular, the test surfaces were positioned flat or near-horizontal at ground level, on dark substrates such as asphalt and in close proximity to water bodies.</p> <p>In contrast, the Scheme will comprise tilted PV panels mounted at an angle and raised above ground level (minimum clearance of 0.8 m). The inclination, spacing and layout of panels, together with the presence of vegetation beneath and between panel rows, will substantially reduce the potential for panels to mimic water bodies or present a continuous reflective surface. In addition, the majority of panels are to be located well away from any watercourse,</p>	
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			<p>significantly reducing the likelihood of being mistaken for such a habitat.</p> <p>The Applicant further notes that the cited evidence relates to invertebrate behaviour and does not provide empirical evidence of increased collision risk for nightjar or other bird species. Natural England's evidence review (NEER012) confirms that there is currently limited peer-reviewed evidence relating to the ecological effects of solar PV developments and no robust evidence demonstrating significant bird collision risk.</p> <p>In addition, modern PV panels incorporate surface treatments designed to maximise light absorption and minimise reflectivity, further reducing the potential for glint, glare and polarised light effects compared to earlier panel designs.</p> <p>On this basis, the Applicant does not consider that the provision of white borders on PV panels is a necessary or proportionate mitigation measure for the Scheme. Instead, mitigation is embedded through Scheme design,</p>	
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			<p>including appropriate panel height, layout and spacing, and the provision of habitat buffers and enhancements, that will increase the biodiversity importance of the site, as demonstrated by the BNG calculations.</p> <p>These habitat enhancements, along with the cessation of chemical input across the Order Limits will create improved habitat conditions for invertebrates and consequently foraging nightjar. This is supported by research by scientists from the RSPB and University of Cambridge<sup>2</sup> as part of the Centre for Landscape Regeneration that concluded – hectare for hectare – solar farms situated in agriculturally dominated landscape contained a greater number of bird species and overall number of individuals than surrounding arable land, likely due to increased floral diversity providing</p>	
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<sup>2</sup> Copping et al. Solar farm management influences breeding bird responses in an arable-dominated landscape. Bird Study. Volume 72, 2025 - [Issue 3](#)

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			<p>food via seeds and invertebrate prey.</p> <p>The Applicant confirms that operational monitoring will also consider the potential for bird collisions within the site in the updated <b>Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 2]</b> to be submitted at Deadline 1, including the monitoring of bird carcasses as part of the monitoring approach where appropriate.</p>	
NE9	<p><b>International designated sites</b></p> <p>Thorne and Hatfield Moors SPA</p>	<p>Potential noise and visual disturbance impacts to qualifying bird features of the listed SPA site.</p> <p>(C)</p> <p><b><u>Construction disturbance buffer</u></b></p> <p>Natural England acknowledge point 6.2.20 of the sHRA, which states that <i>'given the close proximity of the SPA to the Order Limits boundary, should construction take place during the time nightjar are present between April and August, there is potential that disturbance impact from construction</i></p>	<p>The Applicant notes Natural England's comments regarding potential disturbance to breeding nightjar associated with construction activities in proximity to the SPA.</p> <p>The Applicant confirms that the potential for disturbance to nightjar has already been considered within the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b>, which recognises that nightjar may nest in close proximity to the SPA boundary and identifies the potential for</p>	Under Discussion

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		<p><i>could occur from noise and lighting. We concur with this statement, and advise that nightjar have been recorded nesting in close proximity to the site boundary (&lt;50m), making them potentially susceptible to disturbance.</i></p> <p>Natural England welcomes the use of timed construction buffers to avoid disturbance to nightjar. We advise that the seasonal timing of the buffers should be justified in the HRA.</p> <p>However, we advise that there are inconsistencies in the size of the buffer proposed. Point 3.3.23 of the ECMP proposes a buffer of 50m from the SPA, while Table 3-2 proposes a <i>'minimum of 15m stand off from boundary of SPA'</i>. Furthermore,</p> <p>Table 7-12 of the Ecology and Nature Conservation chapter states 'Sensitive timing of construction works to avoid nesting period within 150m of SPA boundary'. Clarification and justification should be provided for the buffer used.</p> <p>We highlight that NatureScot recommends 150m-500m buffer for breeding nightjar, classifying the species</p>	<p>disturbance from construction noise and lighting during the breeding season (April–August).</p> <p>Clarification has been provided to resolve the difference in buffer distances currently referenced within the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> with a single, clearly defined buffer approach presented and secured through the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b>.</p> <p>The Applicant has carried out an assessment of the potential construction phase ecological effects of the Scheme (including the proposed construction compounds) which includes consideration of disturbance impacts from construction noise. The findings of this assessment are reported in <b>Environmental Statement Chapter 7 Ecology and Nature Conservation [APP-044]</b> and <b>Report to Inform Habitat Regulations Assessment</b></p>	
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		<p>as Medium/High susceptibility to disturbance<sup>5</sup>. Therefore, Natural England advises that a buffer of 50m from the SPA would not be sufficient during the breeding bird period. We advise that a larger buffer should be assessed and secured via the ECMP, informed by suitable evidence and details of the proposed works during this period.</p> <p>Location of construction compounds</p> <p>We note that that the Indicative Construction Layout Plan shows that three of the proposed construction compounds are to be situated in close proximity to the SPA. Furthermore, Figure 13.4: Indicative Night-time Noise Contour Plot demonstrates that the night time noise impacts of these compounds have the potential to impact habitat within the SPA site boundary.</p> <p>Further information should be provided regarding the assessment of potential impacts, including consideration of potential alternative compound locations further from the designated site boundary, which would minimise potential impacts on sensitive receptors.</p>	<p><b>[Document Reference 5.3 Revision 3]</b>. Measures proposed to control potential noise impacts from construction activity are set out in the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> and <b>Outline Construction Environmental Management Plan [Document Reference 7.1 Revision 2]</b>.</p> <p>As outlined in paragraph 3.3.4 of the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> research recommends that construction noise levels are kept below 70dB to avoid excessive disturbance of birds. <b>Figure 6.4.13.3 Environmental Statement Figure 13.3 Indicative Daytime Noise Contour Plot [APP-167]</b> and <b>Figure 6.4.13.4 Environmental Statement Figure 13.4 Indicative Nighttime Noise Contour Plot [APP-168]</b> demonstrate that noise levels within the boundary of the SPA will be considerably less than 70dB (a maximum of 45dB during both day and night time) and</p>	
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			<p>therefore would not cause any disturbance response to birds in the SPA. These figures also show that noise levels within the Order Limits adjacent to the SPA, some of which is considered to be functionally linked, remain considerably below 70dB. Consequently, no specific mitigation is considered necessary for noise impacts with regards to the Thorne and Hatfield Moors SPA and the measures proposed to control potential noise impacts from construction activity set out in the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> and <b>Outline Construction Environmental Management Plan [Document Reference 7.1 Revision 2]</b> provide further confidence that no impacts will take place. The Applicant notes that this includes a commitment to avoiding construction works within 150m of the SPA between April and August which is considered to be the period when nightjar could be present.</p>	
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			Specifically in relation to Natural England’s comment regarding night time noise associated with the proposed construction compounds, the Applicant would highlight the core construction working hours set out at Section 4.1 of the <b>Outline Construction Environmental Management Plan [Document Reference 7.1 Revision 2]</b> , which is secured via DCO requirement and will ensure construction activities are limited to daytime hours unless otherwise agreed with the relevant local planning authority.	
NE10	<p><b>International designated sites</b></p> <ul style="list-style-type: none"> <li>• Thorne and Hatfield Moors SPA</li> </ul> <p>Humber Estuary SPA</p>	<p>Potential lighting impacts to qualifying bird features of the listed SPA site. (C) and (O)</p> <p><b><u>Lighting impacts</u></b></p> <p>We note point 7.2.48 of the sHRA which states that during construction the <i>‘lighting of hedgerows and retained offsite habitats’</i> will be avoided <i>‘through sensitive placement of lighting and choice of luminaire’</i>.</p>	<p>The Applicant notes Natural England’s comments regarding potential lighting impacts on qualifying bird features of the Thorne and Hatfield Moors SPA and Humber Estuary SPA.</p> <p>The Applicant confirms that potential construction lighting impacts have been considered within the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b> and supporting</p>	Under Discussion

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		<p>We advise that the sHRA should assess the potential increase in light spill to Thorne and Hatfield Moors SPA, and FLL to the Humber Estuary SPA, and demonstrate whether there will be a net increase in light spill to the SPA once mitigation is applied. Furthermore, any mitigation for light spill should be stated in the Ecological Construction Management Plan, making specific reference to the management of light spill impacts to relevant SPA species, in addition to European protected species.</p>	<p>documentation. As set out within the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> construction lighting will be temporary and limited to periods where natural lighting is insufficient, primarily during winter months when daylight hours are reduced.</p> <p>Core construction working hours are proposed to be from 07:00 hours to 19:00 hours Monday to Saturday and from 09:00 hours to 13:00 hours on Sundays.</p> <p>Construction temporary site lighting, in the form of mobile lighting towers, will be required in areas where natural lighting is unable to reach (sheltered/confined areas) and during core working hours within winter months. Artificial lighting will be provided to maintain sufficient security and health and safety for the Site, whilst adopting mitigation principles to avoid excessive glare and minimise spill of light to nearby receptors (including ecology and</p>	
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		<p>residents) outside of the Order Limits as far as reasonably practicable.</p> <p>All construction lighting will be deployed in accordance with the following recommendations to prevent or reduce impacts on human and ecological receptors, to be secured in the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b></p> <ul style="list-style-type: none"> <li>• The use of lighting will be minimised to that required for safe site operations;</li> <li>• Lighting will conform to best practice guidelines with respect to minimising light spill into adjacent habitats and prevent disturbance to bats and other species during construction;</li> <li>• Lighting will utilise directional fittings to minimise outward light spill and glare (e.g. via use of light hoods/cowls which direct light below the horizontal plane, preferably at an</li> </ul>	
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			<p>angle greater than 20° from horizontal); and</p> <ul style="list-style-type: none"> <li>• Lighting will be directed towards the interior of the Site rather than towards the boundaries.</li> </ul> <p>These measures ensure that light spill to adjacent habitats, including the Thorne and Hatfield Moors SPA and functionally linked land associated with the Humber Estuary SPA, will be minimised as far as reasonably practicable.</p>	
NE11	<p><b>International designated sites</b> Thorne Moor SAC</p>	<p>Hydrological impacts to SAC features (C) and (O)</p> <p><b><u>Proposed management of mitigation area M1(A)</u></b></p> <p>We welcome point 2.29 of the Non-Breeding Bird Mitigation plan, which states that '<i>A wet grassland scheme will be implemented with ditch raising and water level management in this location</i>'. We advise that details of this approach should be assessed within the sHRA and secured within the LEMP.</p> <p>Natural England has previously advised</p>	<p>The Applicant notes Natural England's comments regarding the proposed management of mitigation area M1(A) and the potential opportunities to support the hydrological functioning of Thorne Moor SAC.</p> <p>The Applicant has advised that flooding the mitigation areas could potentially alter downstream water levels and flow dynamics, increasing the risk of flooding elsewhere. On this basis, this approach may not be considered appropriate. The</p>	Under Discussion

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		<p>the Applicant on designing the management of mitigation area M1(A) in order to manage impacts to, and enhance, the hydrology of Thorne Moor SAC, whilst improving the habitat suitability for Humber Estuary SPA birds. This advice should be considered in the mitigation approach. The principles of the advice include:</p> <ul style="list-style-type: none"> <li>- Maintaining higher water levels within the southern permitter ditch of the SAC would lead to a reduction in the hydrological gradient and improved water retention within the SAC.</li> <li>- The reprofiling the old peat cuttings along the boundary of mitigation parcel M1(A) boundary to create a gentler peatland slope would reduce sub-surface seepage from the deep peat immediately to the east, reducing future erosion. Blocking the boundary ditch at each end and reprofiling the peatland edge would have a positive effect on the SAC feature. This would potentially raise the water table for the</li> </ul>	<p>Applicant will undertake further consultation with Natural England.</p> <p>The Applicant will also undertake further discussions regarding these matters in light of the proposed changes to this area as detailed in NE5.</p>	
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		<p>wider parcel, creating damp grassland to benefit non-breeding waders.</p> <p>We would be pleased to provide continued advice on the management approach for this parcel to ensure suitability for the requirements of both Thorne Moors SAC and the Humber Estuary SPA.</p>		
NE12	<p><b>International designated sites</b></p> <p>Thorne and Hatfield Moors SAC</p>	<p>Air quality impacts to SAC features (C)</p> <p><b><u>Dust impacts on SAC features</u></b></p> <p>Natural England note that the sHRA screens in Thorne and Hatfield Moors SAC for the '<i>degradation of habitat quality during construction, including dust and run-off</i>'. We note that countermeasures for this impact pathway have been provided in the Outline eCMP. We advise that mitigation for dust impacts, if to be used in relation to an internationally designated site, should be assessed within the sHRA. The assessment should assess whether proposed dust-suppression measures provide adequate mitigation for impacts to designated sites within 200 m of the</p>	<p>The Applicant confirms that the potential for dust-related impacts during construction has been considered within the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b> which identifies the potential pathway of habitat degradation through dust deposition and run-off.</p> <p>As set out in the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b>, mitigation measures have been secured within <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b>.</p>	Under Discussion

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		<p>works, and would result in no significant change from the baseline.</p>	<p>There is no effect from dust deposition and run off due to the measures to be implemented as part of the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b>, as concluded within the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b> and detailed within Table 7.2 of the same document. Accordingly, the Applicant considers that the mitigation measures set out within the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> are sufficient to avoid significant dust-related effects on the SAC. Nonetheless, the updated <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> provided at Deadline 1, will provide further detail regarding the proposed dust-suppression measures for impacts to designated sites within 200 m of the works, and will include confirmation that these measures would result in no significant change from the baseline.</p>	
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<p>NE13</p>	<p><b>International designated sites</b> Thorne and Hatfield Moors SAC</p>	<p>Air quality impacts to SAC features (C)</p> <p><b><u>Non-Road Mobile Machinery</u></b></p> <p>Natural England reiterates our previous advice on assessing the impacts of NRMM on designated sites. We note the shadow HRA states <i>“if there are fewer than 1,000 movements per day, no significant effect is anticipated.”</i> However, Natural England recommends the lower screening threshold for HGVs should be applied to NRMM. Alternatively, precautionary mitigation could be applied by securing a separation distance of 200m between NRMM and designated sites. The shadow HRA states <i>“...any vehicles and NRMM operating within 200m will remain as distant as practicable from the designation boundaries.”</i> However, this approach is not considered sufficient or adequately secured to rule out effects.</p> <p>For back-up generators, a 200m separation distance will not be sufficient to avoid impacts on designated sites and an assessment which includes information on the location, number, capacity, and operational hours of</p>	<p>The Applicant confirms that the potential for air quality impacts associated with NRMM and construction plant has been considered within the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b></p> <p>The Applicant can confirm that generators will be &gt;200m from the Thorne and Hatfield Moors SAC boundary, with further detail to be provided in an updated <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> submitted at Deadline 1.</p>	<p>Under Discussion</p>
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		<p>proposed back-up generators should be undertaken. We advise that the current justification provided in Appendix 14.1: Air Quality Impacts on Designated Ecological Sites is not sufficient to rule out impacts at this stage.</p> <p>We note that the shadow HRA and outline eCMP state that mitigation measures for noise include “<i>Siting any generators in the east of the Order Limits.</i>” Natural England would welcome clarification as to whether generators will be located in the east of the Order Limits away from the SAC/SPA for noise purposes, which would also reduce the impact from emissions to air.</p> <p>We have attached Natural England’s standard advice on NSIPs in Annex A. You should review any further information received in line with Natural England’s advice to assess the application. This standard advice is Natural England’s formal statutory advice. It provides decision makers with the information needed to fulfill their statutory duties when making decisions on NSIP applications with potential air pollution impacts. Any overall conclusion regarding impacts on statutory protected sites</p>		
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		must take into account the standard advice for air pollution.		
<b>NE14</b>	<p><b>International designated sites</b></p> <ul style="list-style-type: none"> <li>• Humber Estuary SPA</li> <li>• Humber Estuary SAC</li> <li>• Humber Estuary Ramsar</li> <li>• Thorne Moors SAC</li> <li>• Hatfield Moors SAC</li> </ul> <p>Thorne and Hatfield Moors SPA</p>	<p>Potential abstraction impacts resulting from Horizontal Directional Drilling (HDD) (C)</p> <p>Natural England note that the Outline Ecological Construction Management Plan (oECMP) states that 'no water abstraction from ditches is expected.' However, no further details are provided in the HRA regarding where the water required for HDD will be sourced. Natural England advise that the source of the water for HDD should be clarified. If water is to be sourced from a local watercourse, the potential impacts to the Humber Estuary and Thorne and Hatfield Moors designated sites should be assessed in the HRA, where relevant.</p>	<p>The Applicant confirms that the source of water required for HDD will be offsite. As stated within Table 3.2 of the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> no water abstraction as part of the directional drilling from the ditch network in the Order Limits is expected.</p>	Under Discussion
<b>NE15</b>	<p><b>International designated sites</b></p> <ul style="list-style-type: none"> <li>• Humber Estuary SAC</li> <li>• Humber Estuary Ramsar</li> </ul>	<p>Potential water quality impacts - construction (C)</p> <p>We advise that further detail on water quality impacts during construction and proposed mitigation should be assessed in the HRA for the relevant designated</p>	<p>The Applicant confirms that the potential for water quality impacts associated with construction activities has been considered within the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b>, including the potential pathway of</p>	Under Discussion

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	<ul style="list-style-type: none"> <li>• Humber Estuary SPA</li> <li>• Thorne Moors SAC</li> <li>• Hatfield Moors SAC</li> </ul> <p>Thorne and Hatfield Moors SPA</p>	<p>sites.</p> <p>We note that mitigation measures related to contaminated run off are outlined within the oECMP. These 'Practical Measures to Avoid or Reduce Impacts During Construction' should be assessed in the HRA, where relevant.</p>	<p>contaminated run-off affecting nearby watercourses and downstream designated sites.</p> <p>The <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b> references the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> which secures mitigation measures to be implemented to avoid or reduce the potential for contaminated run-off during construction.</p> <p>The Applicant confirms that the practical measures to avoid or reduce impacts during construction, as set out within the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> and assessed within the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b>, will be implemented to control surface water runoff, manage pollutants and protect nearby watercourses.</p>	
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<p><b>NE16</b></p>	<p><b>International designated sites</b></p> <ul style="list-style-type: none"> <li>• Humber Estuary SAC</li> <li>• Humber Estuary Ramsar</li> <li>• Humber Estuary SPA</li> <li>• Thorne Moors SAC</li> <li>• Hatfield Moors SAC</li> <li>• Thorne and Hatfield Moors SPA</li> </ul> <p>Hatfield Chase SSSI</p>	<p>Potential water quality impacts – construction</p> <p>(C)</p> <p><b><u>Horizontal Directional Drilling – Bentonite breakout</u></b></p> <p>Potential impacts from bentonite breakout from Horizontal Directional Drilling (HDD) should be assessed in the relevant documents.</p> <p>Natural England note that the HRA and outline eCMP include general practices and other mitigation measures in relation to HDD, including lighting. However, we note that mitigation measures for bentonite breakout are not explicitly addressed in the HRA.</p> <p>Natural England cannot provide comprehensive advice until this information is provided. Natural England advise that the outline eCMP should provide sufficient site-specific detail on the required mitigation measures for</p>	<p>The Applicant confirms that HDD activities will be monitored to identify any potential bentonite breakout during construction as detailed in Section 4.9 of the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b>. Appropriate controls detailed in this document will be implemented to ensure that any drilling fluids are contained and managed to prevent pollution of nearby watercourses.</p>	<p>Under Discussion</p>
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		bentonite breakout to inform conclusions in the HRA.		
NE17	<p><b>International designated sites</b></p> <ul style="list-style-type: none"> <li>• Humber Estuary SAC</li> <li>• Humber Estuary Ramsar</li> <li>• Thorne Moors SAC</li> <li>• Hatfield Moors SAC</li> </ul> <p>Thorne and Hatfield Moors SPA</p>	<p>Potential water quality impacts – operation (O)</p> <p><b><u>Cleaning of solar PV modules</u></b></p> <p>Natural England note that section 7.2.34 of the HRA states ‘<i>Periodic cleaning and maintenance of PV modules will take place although will be temporary and not considered significant</i>’. Natural England advise that clarity should be provided regarding the cleaning substances to be used in the cleaning of solar PV modules, with impacts to water quality assessed in the HRA if appropriate. Natural England advise that a methodology which does not impact water quality should be used. The agreed approach to panel cleaning should be secured via the OEMP.</p>	<p>The Applicant confirms that periodic cleaning and maintenance of PV modules will take place although will be temporary and not considered significant. Furthermore, solar PV modules will be cleaned using de-ionised water, with no chemicals used in the cleaning process, unless required in an exceptional case in which case it would only be in small discrete areas. As such, the cleaning of panels will not result in impacts to water quality or any designated sites, with detail provided within the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b> at Deadline 1.</p>	Agreed
NE18	<p><b>International designated sites</b></p> <ul style="list-style-type: none"> <li>• Humber Estuary SAC</li> <li>• Humber Estuary</li> </ul>	<p>Potential water quality impacts – operation (O)</p> <p><b><u>Firefighting water runoff</u></b></p> <p>Potential impacts from firefighting water</p>	<p>The Applicant confirms that the <b>Outline Battery Safety Management Plan [APP-179]</b> includes provision for the development of a drainage strategy post consent to ensure that firefighting water runoff is retained</p>	Under Discussion

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	<p>Ramsar</p> <ul style="list-style-type: none"> <li>• Thorne Moors SAC</li> </ul> <p>Thorne Moors SAC</p>	<p>runoff should be assessed in the HRA.</p> <p>Natural England note that the outline Battery Safety Management Plan (BSMP) states that a drainage strategy will be developed '<i>such that retention of firefighting water runoff is afforded and cannot be released to the wider environment prior to being tested for any contamination.</i>' We note that this strategy will be developed post consent; however, we advise that further information is required pre-consent to inform the HRA.</p> <p>Whilst various fire suppression systems, including aerosol and gaseous options are discussed, we note that the use of an aerosol aqueous solution is currently considered for this site and that it is described as '<i>non-harmful to the environment</i>'.</p> <p>We welcome the environmentally preferable method but note the final system has not yet been confirmed. Details of the agreed system should be provided, with impacts to water quality assessed in the HRA if appropriate. The assessment should demonstrate that there will be no net increase in pollutants from contaminated water</p>	<p>on site and cannot be released to the wider environment until it has been tested for potential contamination.</p> <p>The Applicant also confirms that detail is provided in Section 7 of ES <b>Appendix 10.1 –Flood Risk Assessment [Document Reference 6.3.10.1 Revision 2]</b> regarding firefighting water run-off and in section 7.42 of this document, it states that procedures are in place to prevent contaminated runoff from entering the receiving waterbodies.</p>	
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		<p>produced by the proposed fire suppression measures, where relevant. This may require details of control measures, closed system or mitigation, secured via the drainage strategy and BSMP.</p>		
NE19	<p><b>International designated sites</b></p> <ul style="list-style-type: none"> <li>• Humber Estuary SAC</li> <li>• Humber Estuary Ramsar</li> <li>• Thorne and Hatfield Moors SAC</li> </ul> <p>Thorne and Hatfield Moors SPA</p>	<p>In-combination assessment (C and O)</p> <p>Natural England highlights that the sHRA does not include a detailed in-combination assessment following the appropriate assessment stage of the HRA. The sHRA instead defers to the Cumulative Impacts chapter of the ES – Chapter 17 [Document Reference: 6.2.6]. Relevant developments listed within this chapter are likely appropriate, though we advise that a detailed in-combination assessment is required within the sHRA.</p> <p>The in-combination requirements ensure that the effects of numerous proposals, which alone would not result in a significant effect, are assessed to determine whether their combined effect would be significant enough to require more detailed assessment. Therefore,</p>	<p>The Applicant confirms that the potential for in-combination effects has been considered within the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b>, which draws on the list of plans and projects identified within the cumulative assessment presented in the ES.</p> <p>The <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b> concludes that, following the application of mitigation measures, the Scheme will not result in significant effects on the relevant designated sites. As no residual effects arise from the Scheme alone, there is no pathway by</p>	Under Discussion

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		<p>where there are small effects which are not significant alone, these should be assessed alongside small effects of other plans/projects which were not significant alone. For impact pathways where there is no effect from the project alone, these will not require an assessment in-combination with other plans/projects.</p> <p>For instance, we advise that mitigation area M15 is within relatively close proximity to the proposed North Humber to High Marnham overhead powerline development. There should be consideration of the potential for collision and/or displacement impacts of this development on the functionality of the mitigation.</p>	<p>which in-combination effects could occur.</p> <p>Accordingly, the Applicant considers that the information provided within the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b> and the ES demonstrates that the Scheme will not result in adverse effects on the integrity of the Humber Estuary SAC, Humber Estuary SPA, Humber Estuary Ramsar site, Thorne and Hatfield Moors SAC or Thorne and Hatfield Moors SPA, either alone or in combination with other plans or projects.</p> <p>The Applicant considers that as mitigation Area M15 is approximately 1,300m from new powerlines to be created as part of the High Marnham overhead powerline development, no potential for collision and/or displacement would take place as this is significantly further than the 600m buffer required for wind turbines as detailed in NE3.</p>	
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<p>NE20</p>	<p><b>Nationally designated sites</b> Humber Estuary SSSI</p>	<p>Potential impacts on the Humber Estuary SSSI designated features (C) and (O)</p> <p>Our advice regarding impacts on the Humber Estuary SSSI coincides with our advice regarding the Humber Estuary SPA/SAC/Ramsar.</p>	<p>The Applicant confirms that the assessment of potential impacts and mitigation measures for the Humber Estuary SSSI aligns with those set out for the Humber Estuary SPA, SAC and Ramsar site, as reflected within the <b>Report to Inform Habitat Regulations Assessment [Document Reference 5.3 Revision 3]</b> and relevant management plans.</p>	<p>Agreed</p>
<p>NE21</p>	<p><b>Nationally designated sites</b> Thorne, Crowle &amp; Goole Moors SSSI</p>	<p>Potential impacts on Thorne, Crowle &amp; Goole Moors SSSI designated features (C) and (O)</p> <p>Our advice regarding Thorne, Crowle &amp; Goole Moors SSSI broadly coincides with our advice for Thorne Moor SAC and Thorne &amp; Hatfield Moors SPA. However, we highlight that Thorne, Crowle &amp; Goole Moors SSSI is designated for additional features including assemblages of breeding birds (mixed: lowland damp grassland, lowland heath, scrub, woodland) and invertebrate assemblage. We note that point 7.7.59 refers the reader to the 'relevant species' sections</p>	<p>The Applicant confirms that no development is proposed within the Thorne, Crowle &amp; Goole Moors SSSI and that this area is excluded from the development footprint.</p> <p>The Scheme design includes buffers between solar infrastructure and ecological features including drains, woodland and boundary habitats. Clarification has been provided regarding the extent of buffers adjacent to the SSSI boundary in the updated <b>Outline Landscape Ecological Management Plan</b></p>	<p>Under Discussion</p>

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		<p>for impacts to SSSI breeding birds, non-breeding birds and invertebrates for a detailed assessment. However, we advise that there should be a distinct assessment of any potential impact pathway to SSSI features, proposed mitigation/avoidance measures, and anticipated effectiveness of these measures, within the ES.</p> <p>In particular, we advise that there should be further consideration of whether the buffers in which no panels are to be sited along the boundary of the SSSI are wide enough to minimise the loss of foraging resource for SSSI assemblage species.</p> <p>We note the findings of the Invertebrate Scoping Report, and acknowledge that the proposed enhancements suggested in the oLEMP will likely benefit invertebrates. We advise that potential impacts to invertebrates may be mitigated by using panels with non-polarising white borders and white</p>	<p><b>[Document Reference 7.6 Revision 2]</b> submitted at Deadline 1.</p> <p>Given the grassland buffers to be provided to solar panels and ditches, the cessation of agri-chemical inputs and native habitat creation, all of which will enhance habitats for invertebrates, the provision of white borders on panels is not considered necessary by the Applicant. This is also supported by research undertaken by scientists from the RSPB and University of Cambridge<sup>3</sup> as part of the Centre for Landscape Regeneration that concluded – hectare for hectare – solar farms situated in agriculturally dominated landscape contained a greater number of bird species and overall number of individuals than surrounding arable land, likely due to increased floral diversity providing food via seeds and invertebrate prey</p>	
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<sup>3</sup> Copping et al. Solar farm management influences breeding bird responses in an arable-dominated landscape. Bird Study. Volume 72, 2025 – [Issue 3](#)

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		<p>grates. The use of this technology has also been shown to reduce incidences of bird collision.</p> <p>We advise that the impact of the introduction of 50 honeybee hives on the SSSI invertebrate assemblage should be assessed, including the potential for increased competition for foraging resource.</p>	<p>Further detail on this has been assessed within the updated <b>Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 2]</b> submitted at Deadline 1.</p> <p>Further clarity on the potential effects of introducing honeybee hives on the SSSI invertebrate assemblage, including competition for foraging resources, will also be assessed the updated <b>Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 2]</b> submitted at Deadline 1.</p>	
NE22	<p><b>Nationally designated sites</b></p> <p><b>Hatfield Chase Ditches SSSI</b></p>	<p>Potential impacts on the <b>Hatfield Chase Ditches SSSI</b> designated features (C)</p> <p>As noted above, we advise that there should be a distinct assessment of any potential impact pathway to SSSI features, proposed mitigation/avoidance measures, and anticipated effectiveness of these measures, within the ES.</p> <p>Further detail should be provided on how HDD activities will be managed near</p>	<p>The Applicant confirms that the further detail is provided on the management of HDD activities in proximity to the SSSI, including clarification of HDD crossing point 3 and the proposed stand-off distances for send and receive pits in the updated <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> submitted at Deadline 1.</p>	Under Discussion

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		<p>the designated site. Natural England note that HDD crossing point 3 (Figure 2.4: Indicative HDD Crossing Plan) appears to cross the SSSI. Natural England notes that the applicant intends to use a 9m buffer for works in proximity to Hatfield Chase Ditches SSSI, in addition to IDB watercourses. However, Natural England advise a minimum 15m stand-off distance from SSSI watercourses for the send and receive pits.</p> <p>We advise that alongside the protected species advice, impacts to water vole should be considered in the context of the SSSI.</p>	<p>Potential impacts to water vole are also to be considered in the context of the SSSI through further surveys prior to construction works and if required the implementation of a licence, as detailed in <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> and summarised in Table 3.2 of the same document.</p>	
NE23	<b>Protected Species</b>	<p>General comments</p> <p>It is the responsibility of the person or organisation undertaking the works to make the decision as to whether a protected species licence will be required, typically based on advice from a consultant ecologist and based on appropriate consideration of survey data, specialist knowledge of the species concerned, the specific nature of the works and the habitats present.</p>	<p>The Applicant confirms that the requirement for any protected species licences will be informed by ecological survey data and specialist advice, in accordance with relevant legislation as set out in the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b>. Where works are proposed that could affect protected species and cannot be avoided or appropriately mitigated,</p>	Under Discussion

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		<p>If the proposed works are likely to result in an impact to a protected species and/or their habitats, and such impacts cannot be avoided or appropriately mitigated for, then a protected species licence will likely be required to cover activities that would otherwise constitute an offence under the relevant legislation. If an individual or organisation chooses to proceed without a licence, and/or in accordance with the measures within a Precautionary Working Method Statement (PWMS), then Natural England advises that such persons document their decision-making process and outline the measures that will be taken to avoid committing an offence. Natural England does not provide commentary on, or approval for, PWMS approaches. It should be noted that if works are carried out under a non-licensed Method Statement and a protected species is subsequently identified on site, all works must cease immediately and Natural England must be contacted to obtain the appropriate licence.</p>	<p>the necessary licences will be obtained.</p> <p>Where works proceed under a Precautionary Working Method Statement post consent, the decision-making process and avoidance measures will be documented. Should a protected species be identified during works, activities will cease and Natural England will be consulted as required with relevant licences applied for.</p>	
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<p>NE23a</p>	<p><b>Protected species</b></p>	<p>Protected species – Otter</p> <p>In the Ecology and Nature Conservation chapter it has been indicated that the Zone of Influence of the scheme for otters is within the ditch networks in the Order Limits. Given the mobile nature of the species and utilisation of terrestrial habitat Natural England would suggest this is reassessed.</p> <p>The Ecology and Nature Conservation chapter state there are addendums for the Otter and Water Vole Surveys. Natural England would welcome the addendums for review.</p> <p>The 2023 surveys identified potential otter holt/resting up areas at ditches D10 and D13, which are likely to be impacted by proposed mitigation works, as highlighted in the Otter and Water Vole Survey report and confirmed in Figure 1 of the Outline Landscape Ecological Management Plan. From the review of the 2025 survey points (Figure 1 of the Otter and Water Vole Survey Report) there was limited coverage of both ditches in 2025. Given impacts are likely to occur at these ditches, further survey</p>	<p>The Applicant confirms that the otter and water vole addendums were submitted by Tyler Grange and have been forwarded to Natural England for review following submission.</p> <p>As detailed in the <b>ES Volume 2 ES Chapter 7 Ecology and Nature Conservation [AS-012]</b>, update surveys for otter and water vole will be completed following consent and prior to construction. These surveys will include the ditch network, including D10 and D13, as well as terrestrial habitats.</p> <p>Appropriate working methods will be set out to avoid disturbance to otter, including restrictions on working hours in proximity to otter habitat where required will be included in the updated <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> to be submitted at Deadline 1. Where ditch management or improvement works are proposed, pre-works checks by a suitably qualified ecologist will be undertaken</p>	<p>Agreed</p>
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		<p>of this area is considered necessary. The weather conditions preceding the otter surveys have not been provided within the report, however, heavy rain was not noted in the constraints. Therefore, Natural England assume the findings of the surveys are valid.</p> <p>Natural England would recommend also avoiding working in the vicinity of otter habitat during the hours of darkness and within 2 hours after sunrise and 2 hours before sunset. This can be reduced to one hour between November to February (inclusive) because of the limited daylight.</p> <p>Where ditch management and improvement are proposed a suitably qualified individual should survey the area prior to works to ensure no impacts on protected species are likely to occur.</p>	to confirm the absence of otter and other protected species.	
<b>NE23b</b>	<b>Protected species</b>	<p>Protected species – Badger</p> <p>As some parts of the Order Limits have not been surveyed since 2022, Natural England advise undertaking additional badger surveys before works begin to</p>	The Applicant confirms that updated badger surveys will be undertaken prior to works commencing to confirm the current status of setts within the Order Limits as set out in <b>Outline Ecological Construction Management Plan [Document</b>	Agreed

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		<p>confirm that the status of the setts within the survey area has not changed. We recommend that the additional surveys are planned to allow sufficient time for a licence application to be submitted and assessed (if required) before works need to begin. Please note that Natural England will expect updated surveys to have been completed if the survey data is 6 months or older in age at the time at which a licence application is formally submitted. Natural England recommend identifying the locations of the main setts present in before the development begins, Natural England advise marking the locations of all setts within the working area and providing toolbox talks to all site personnel to inform them of the legal protections afforded to badgers, the locations of setts, actions to be taken if a badger is encountered and contact details for appropriate persons (including an ecologist with relevant experience of badger mitigation). Natural England require more information about the height of the solar panels to be able to assess if gaps are to be created at the base of the perimeter</p>	<p><b>Reference 7.5 Revision 2]</b> in Table 3.2. Where required, surveys will be timed to allow sufficient opportunity for any necessary licence applications to be submitted and determined.</p> <p>Panels will be a minimum clearance of 800mm from the ground (see Table 2-1 of <b>Appendix A: Design Parameters Document [Document Reference 5.6.1 Revision 3]</b>, ensuring the minimum height of 250-300mm is well exceeded and enabling movement for badgers and other wildlife.</p> <p>Mammal gates are to be used throughout the Order Limits and they will be two way.</p> <p>The locations of badger setts within the working area will be identified and appropriately marked, and relevant information will be communicated to site personnel through toolbox talks and site inductions. The Applicant confirms that a strict 30m buffer for works with heavy machinery or ground investigations within 30m of a sett</p>	
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		<p>fencing and solar compartment fencing, we advise that they are 250mm–300mm in height to allow badgers to move under the fencing more easily. If gates are to be used, they must be two-way gates, and consideration should be given as to how often the gates will be monitored to ensure they continue to open freely from both sides.</p> <p>If a licence application is submitted to Natural England, maps/figures should be provided that show the location of each sett and its entrances. Each entrance should be shown and numbered, and the status of each entrance (active, partially active or inactive) and the directions of sett tunnels displayed. Separate maps/figures could be submitted for each sett, or multiple setts could be shown on one figure if they are in close proximity. licensable activities have not been detailed in the 'Mitigation / Avoidance Measures' section of the 'Confidential Badger Survey Report'. Natural England support the statement of the mitigation hierarchy being followed and impacts to badgers being avoided wherever possible. If avoidance is not possible and a licence is required, Natural England recommend submitting the mitigation</p>	<p>will be undertaken and is detailed in the updated <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> to be submitted at Deadline 1. .</p>	
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		<p>proposal for further review and comments using our Discretionary Advice Service (DAS) before a licence application is formally submitted.</p> <p>We advise that the proposed limit of 'Up to 30m from an active sett' is not sufficient. There should be a strict 30m buffer for works with heavy machinery or ground investigations within 30m of a sett.</p>		
NE23c	<b>Protected species</b>	<p>Protected species – Bats</p> <p>From the Ecology and Nature Conservation chapter it has been identified that bat surveys have been conducted in 2025 to assess potential impacts of the scheme on foraging and commuting routes. Natural England would welcome review of the Bat Survey report, and any additional proposed mitigation approaches, if appropriate.</p> <p>Bat roost impacts have been scoped out due to lack of direct impacts however it has been identified that there are trees within the order limits that have bat roosting potential. The</p>	<p>The Applicant confirms that the Bat Survey Report was submitted as part of the DCO application – Technical Appendix 7.13 Doc Ref 6.3.7.13 and has been forwarded to Natural England following receipt of this response.</p> <p>Potential impacts to bat roost are included in the ES and summarised in Table 7.10 of this document, and Table 3.2 of the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b>.</p> <p>Any trees with bat roosting potential will be assessed by a suitably</p>	Agreed

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		<p>potential of indirect impacts through light, noise and vibration during the construction period should be considered.</p> <p>It has been stated that if PRF-I trees require felling that Reasonable Avoidance Measures (RAMs) will be utilised. Any categorisation of tree roost suitability should be conducted by a suitably qualified ecologist.</p>	<p>qualified ecologist as detailed in the ES and summarised in Table 7.10 of this document, and Table 3.2 of the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b>. Where felling of trees with roosting potential is required, appropriate Reasonable Avoidance Measures will be applied in accordance with best practice and relevant guidance.</p>	
NE23d	<b>Protected species</b>	<p>Protected species – Great crested newt</p> <p>Natural England recommend completing additional eDNA surveys (as detailed in Section 7.8.64 of ‘Tween Bridge Solar Farm Environmental Statement. Chapter 7: Ecology and Nature Conservation’) before construction works begin to increase confidence of GCN absence.</p> <p>We advise continuing efforts to gain access to survey all ponds within 250m of the Order Limits.</p> <p>Section 2.2.2 of ‘Tween Bridge Solar Farm Environmental Statement Appendix 7.7: Great Crested Newt Presence / Absence Survey Report’ details that not all</p>	<p>The Applicant confirms that updated GCN surveys will be undertaken prior to construction as set out in <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> in Table 3.2. Efforts will be made to gain survey access to all ponds within 250m of the Order Limits, unless access permissions are not granted or health and safety constraints prevent surveys from being completed.</p> <p>The Applicant confirms that the full version of the ‘Tween Bridge Solar Farm Environmental Statement Appendix 7.7: Great Crested Newt</p>	Agreed

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		<p>watercourses within and adjacent to the Draft Order Limits could be surveyed due to the scale of the watercourse network. Natural England recommend surveying all waterbodies that have the potential to support GCN, unless access permissions are not granted or health and safety constraints prevent surveys from being completed.</p> <p>If further documents are to be reviewed by Natural England, we advise providing maps/figures that clearly show the locations of the waterbodies with the survey area, the survey methods that were used for each waterbody, and the results of the surveys. The Order Limits boundary should be clearly outlined, and figure legends provided to explain the symbols used on the figures.</p> <p>Pages 20 – 24 of 'Tween Bridge Solar Farm Environmental Statement Appendix 7.7: Great Crested Newt Presence / Absence Survey Report' are missing. Please ensure that all relevant information is submitted to Natural England for review.</p>	<p>Presence / Absence Survey Report' that includes the missing Pages 20 – 24 have been issued to Natural England.</p> <p>The Applicant confirms that any further documents to be reviewed by Natural England, will provide maps/figures that clearly show the locations of the waterbodies with the survey area, the survey methods that were used for each waterbody, and the results of the surveys. The Order Limits boundary will be clearly outlined, and figure legends provided to explain the symbols used on the figures.</p>	
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NE23e	Protected species	<p>Protected species – Water vole</p> <p>The 2023 survey identified presence of water vole at ditch 3, through the presence of latrines, burrows and feeding remains. The surveys utilised detection dogs. The use of detection dogs is an emerging survey technique and shouldn't be solely relied upon. However, the surveys were conducted in conjunction with a suitably experienced ecologist who was conducting the surveys in accordance with the Water Vole Mitigation Handbook (Dean <i>et al</i>, 2016), therefore the findings of the 2023 survey are acceptable.</p> <p>The 2025 surveys conducted in June identified presence at ditch 13, which is subject to impacts by proposed mitigation works. No secondary survey in the second half of the season, as recommended by The Water Vole Mitigation Handbook has been included in the survey report. However, section 2.9 of the Otter and Water Vole Survey Report indicated a further summer survey will be conducted in line with</p>	<p>The Applicant confirms that the updated 6.3.7.6 Confidential Report – Otter and Water Vole Survey Report has been issued to Natural England. The additional water vole surveys were undertaken in accordance with the Water Vole Mitigation Handbook (Dean <i>et al</i>, 2016), including further survey coverage where required to inform works associated with the proposed mitigation and culvert crossings.</p> <p>The results of the additional surveys have informed the assessment and the development of appropriate mitigation measures.</p> <p>As detailed in the <b>Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 2]</b> in Table 3.2 updated surveys will be undertaken prior to construction in accordance with the Water Vole Mitigation Handbook (Dean <i>et al</i>, 2016), including coverage of the locations of the proposed 45 culverts.</p>	Agreed
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		<p>guidance. Natural England would welcome the submission of the updated report for review.</p> <p>From the Ecology and Nature Conservation chapter it has been identified that targeted water vole surveys will be conducted on ditch crossing points. Given the presence of IDB ditches within the Order Limits management of the ditches by the IDB is likely to create a dynamic situation on site, which could have impacts on the water vole population's distribution. Therefore, Natural England would recommend wider updated surveys are conducted in accordance with The Water Vole Mitigation Handbook (Dean <i>et al</i>, 2016), in particular this should cover the locations of the proposed 45 culverts.</p> <p>As per the otter section, the Ecology and Nature Conservation chapter state there are addendums for the Otter and Water Vole Surveys. Natural England would welcome the addendums for review.</p>	<p>The Applicant confirms that the Otter and Water Vole Survey reports have been issued to Natural England.</p>	
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		Where ditch management and improvement are proposed a suitably qualified individual should survey the area prior to works to ensure no impacts on protected species are likely to occur as a result of the works.		
NE23f	Protected species	<p>Protected species – Breeding birds</p> <p>The oLEMP states that skylark plots will be provided in accordance with Countryside Stewardship guidance. Care should be taken to ensure that the actions required for developing/managing skylark habitat work in conjunction with the requirements for wintering birds, given that the intention is to provide mitigation for both within the same plots.</p> <p>The advice provided in Section NE8 regarding the dimensions of field margins for foraging nightjar is relevant for creating/sustaining habitats for other breeding birds. Wider margins will provide greater foraging and nesting opportunities for breeding birds, and is encouraged.</p>	<p>The Applicant confirms that the management of skylark plots will be implemented, in addition the mitigation land will be managed for the benefit of ground nesting birds in line with the <b>Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 2]</b>. The management approach will ensure that measures for breeding birds operate alongside the requirements for wintering birds where these habitats are delivered within the same areas.</p> <p>As set out in the response to NE8, wider field margins are incorporated within the Scheme design in key locations. These margins will provide additional opportunities for foraging and nesting for breeding birds.</p> <p>The Applicant also confirms that</p>	Agreed

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		<p>When developing habitat for breeding birds, like skylark, we recommend that our advice provided in NE2 regarding setting objectives and targets for species should be applied. This is to ensure that habitat can be managed long term, and adapted as need be.</p> <p>The assessment of impacts to skylark, and grey partridge, both of which occur in significant numbers on site, falls outside of Natural England’s statutory remit. We advise that the applicant should consult with local stakeholders, including the Local Planning Authority, for advice regarding these species and breeding birds more broadly.</p>	<p>objectives and management targets for breeding birds is included within the updated <b>Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 2]</b> to be submitted at Deadline 1. to support the long-term management and monitoring of these habitats.</p> <p>The Applicant also confirms that they are responding to representations made by the Local Planning Authority regarding skylark as part of the Examination.</p>	
<b>NE24a</b>	<b>Biodiversity Net Gain (BNG)</b>	<p>Biodiversity Net Gain – Approach to assessment</p> <p>Natural England welcome the commitment to delivering Biodiversity Net Gain (BNG) on this project. We recommend that the target increase in BNG of at least 10% across all biodiversity unit types is secured via the Landscape and Ecological Management Plan (LEMP). Please note that BNG is not yet mandatory for NSIPs and Defra’s</p>	<p>The Applicant confirms that the commitment to delivering at least 10% BNG on this project.</p> <p>As set out in para 6.6.18 of the Planning Statement, whilst the provisions relating to BNG for NSIPs are not currently in force, it is expected that the biodiversity gain statement to be introduced to the Planning Act 2008 (via Schedule 15 to the Environment Act 2021) will</p>	<b>Agreed</b>

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		<p>guidance on provision of BNG for NSIPs has not yet been published; therefore, our advice may be subject to change once this is available.</p> <p>By reviewing the project's biodiversity gain plan at this early stage, it gives us an opportunity to help maximise outcomes and reduce risks. It would be helpful to make the full BNG metric available for stakeholder review.</p> <p>We support that the biodiversity baseline included within the metric is based upon all land within the development's order limits. This includes all areas required for environmental mitigation. This presents a 'worst case scenario' approach and is consistent with the approach taken for other types of development, including TCPA.</p> <p>Natural England advises that BNG baseline habitat surveys should be carried out in line with best practice guidance. However, we note that the original surveys were carried out prior to the implementation of BNG and therefore welcome the use of a precautionary approach, informed by the available habitat surveys.</p>	<p>specify a requirement for new NSIPs to provide a minimum 10% BNG. The drafting of Requirement 8 of the draft DCO is reflective of this. Accordingly, the Applicant does not consider that it is necessary to go further by providing actual percentage gains across habitat types.</p> <p>The Applicant notes Natural England's support for the baseline approach adopted within the metric, including the use of all land within the Order Limits and the precautionary approach taken to habitat condition scoring, informed by available survey data and best practice guidance.</p> <p>The Applicant provides detail on the Trading Rules below in NE24b.</p>	
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			<p>We welcome that, in the absence of detailed condition assessments for all habitats within the Order Limits, a precautionary approach has been taken in the metric calculations and higher condition scores have been attached to baseline habitats, hedgerows and watercourses which ensures that the assessment does not underestimate baseline biodiversity value.</p> <p>Natural England notes that the developer has deviated from the Defra biodiversity metric trading rules. Trading rules are established to ensure losses are compensated for through creating or enhancing habitats on a 'like-for-like' basis, and of equal or higher value. In this case scrub habitat is being lost and is being replaced with woodland. This decision should be clearly explained and rationale provided.</p>		
NE24b	Biodiversity Gain (BNG)	Net	<p>Biodiversity Net Gain - Metric Trading Rules</p> <p>Natural England notes that the developer has deviated from the Defra biodiversity metric trading rules. Trading rules are established to ensure losses are</p>	<p>The Applicant notes Natural England's comments regarding biodiversity metric trading rules. Although the full extent of scrub habitat has not been provided, woodland of the same distinctiveness as the required scrub habitat is being provided creating</p>	Under Discussion

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			<p>compensated for through creating or enhancing habitats on a 'like-for-like' basis, and of equal or higher value. In this case scrub habitat is being lost and is being replaced with woodland. This decision should be clearly explained and rationale provided.</p>	<p>gains, which, while not the same broad habitat type, will comprise similar native woody species to scrub and will contribute positively to overall habitat quality.</p>	
NE24c	Biodiversity Gain (BNG)	Net	<p>Biodiversity Net Gain - Management and Monitoring</p> <p>Natural England support the proposal to monitor and manage the site for BNG for 40 years, which is the lifetime of the Scheme, which is over and above the 30 years required for TCPA applications.</p> <p>We note that the LEMP states the site will be 'periodically monitored', however Natural England would recommend that a Management and Monitoring plan is implemented with prescriptive monitoring periods in place to increase chances of success. For example, annual monitoring for the first five years whilst new habitats establish followed by reduced frequency (every 3-5 years) depending on habitat maturity and stability.</p>	<p>The Applicant notes Natural England's comments regarding the management and monitoring of Biodiversity Net Gain. Further clarification will be provided in the proposed monitoring framework to be included in the updated <b>Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 2]</b> submitted at Deadline 1, including defined monitoring periods during establishment and subsequent longer-term management, to support the delivery of BNG over the lifetime of the Scheme.</p>	Agreed

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<p>NE25a</p>	<p><b>Soils and best and most versatile agricultural land</b></p>	<p>Comments on <i>Appendix 15.1: Agricultural Land Classification Report</i></p> <p>Natural England note that <i>'The Order Limits consist of approximately 1,831 ha of agricultural land'</i> (page 4, HRA) and Appendix 15.1 Agricultural Land Classification (ALC) assesses the grading of 1848.2 ha.</p> <p>Natural England also note that section 15.3.43 of the ES states that the area involved in the installation of the cables <i>'involves temporary disturbance'</i> and that <i>'The works will involve only a small part of this area and soil survey can be completed at a later date once the corridor width has been defined, and can inform the final Soil Management Plan prior to construction works commencing.'</i></p> <p>Natural England re-iterate that a detailed ALC and soil survey of the agricultural land should be undertaken across the full Study Area. Our advice remains that this data should be provided prior to consent in order to inform decision making. Soil data collected as part of an ALC survey can also be used to inform the soil resource and management plan as set out in the Defra Construction Code of</p>	<p>The ALC has been completed at a detailed level for all the land within the Order Limits, with the exception of a small number of interconnecting cable route corridors and a small area of biodiversity land at the eastern edge of the Site. The results are detailed in the <b>Environmental Statement Appendix 15.1: Agricultural Land Classification [APP-120]</b> and on <b>Figure 15.1: Agricultural Land Classification [APP-173]</b>.</p> <p>Natural England's comments in terms of the potential for tracks to be retained on decommissioning are noted. They have been assessed in the <b>ES Chapter 15 Agricultural Circumstances [APP-052]</b> and NE's recommendation to the ExA is noted.</p> <p>In respect of the identification of peat, peaty subsoils were identified at a small number of locations, as set out in the <b>Environmental Statement Appendix 15.1: Agricultural Land Classification [APP-120]</b> Appendix 3.</p>	
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		<p>Practice for the Sustainable Use of Soils on Construction Sites. Natural England advises that there is a risk of soil damage, ALC degradation and long term or permanent loss of BMV from cable installation (grid connection cable route). Therefore, soil will need to be handled according to best practice and reinstated to a high standard to reduce the impacts. The results from a detailed ALC survey would provide soils data to inform a soil management plan for the whole Site regardless of whether the use is permanent or temporary in nature. We advise, however, that the Examining Authority should determine whether the proposed approach is acceptable.</p> <p>Based on the information provided in the ALC survey, we highlight that the proposal has the potential to affect approximately 819.2 ha of BMV agricultural land (although the ES states this is as 813 ha). To assess the extent of impact on Best and Most Versatile (BMV) land, we note that the ES provides a breakdown of permanent and temporary land take by ALC grade. Table 15-12 Summary of Construction Effects on ALC suggest that all effects will be temporary. However, section 15.5.12 of the ES</p>	<p>The soils recorded as peat were mostly recorded at depth of 50-60cm down to 120cm (ALC maximum depth). Slightly shallower peaty subsoils were found at auger points 120, 122, 141 and 161, all found as a subsoil layer between different soils, with peaty soils at depths of 35/40cm to 45/70cm, with a variable layer of 10cm to 40cm identified.</p> <p>The subsoils identified as peaty subsoils were found below dark topsoils indicating high levels of organic matter, but none of the topsoils were sufficiently high in organic matter to be recorded as organic mineral soil, peaty or peat.</p> <p>It is the Applicant's understanding that these soils do not fall within the "high environmental value" soils identified in the Doncaster Local Plan Policy 60 (D).</p> <p>Nevertheless, the City of Doncaster Council have made a suggestion that a separate section of the <b>Outline Soil Management Plan [Document Reference 7.8 Revision 2]</b> could be</p>	
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		<p>acknowledges that with regards to the access tracks, <i>'on decommissioning some or all of these tracks may be left for agricultural use, if the landowners request them to be left. If all were left there would be a permanent loss of 9.1 ha of BMV, which is a medium magnitude impact on a resource of high sensitivity, which is a moderate adverse effect, which is significant'</i>. We continue to advise that where there is uncertainty over the restorability of the works, we recommend that these are assessed as permanent losses.</p> <p>We also note that of the fixed infrastructure that covers BMV land, 'all except 0.4ha will be restored at decommissioning.' The impact is predicted to be 'temporary and of low magnitude, and the overall effect is minor adverse, which is not significant' (15.7.3 ES).</p> <p>Natural England note that the ALC report identifies the presence of peat in several sample locations across the Order Limits, with peat recorded at varying depths in the soil profile. The ES concludes that peaty soils were not identified at agricultural depth in a way that would</p>	<p>provided dealing specifically with the peaty subsoils. The <b>Outline Soil Management Plan [Document Reference 7.8 Revision 2]</b> will be expanded to include where these soils are, and how they should be handled to minimise any impacts. This will be provided at Deadline 1, through an updated version of the <b>Outline Soil Management Plan [Document Reference 7.8 Revision 2]</b>.</p> <p>Subject to NE's further comments on an expanded section within the <b>Outline Soil Management Plan [Document Reference 7.8 Revision 2]</b>, NE's comments are noted and agreed.</p>	
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		influence ALC grading. However, Natural England advise that the presence of peat within the soil profile warrants consideration in terms of carbon storage, ecological sensitivity, and appropriate handling measures. We recommend that the ES should include a clear estimate of the volume of peat to be disturbed and an assessment of the potential impact on carbon sequestration, in line with the IEMA (2022) guidance, as previously committed to by the applicant.		
NE25b	<b>Soils and best and most versatile agricultural land</b>	<p>Comments on the <i>Outline Soil Management Plan</i></p> <p>Natural England welcomes the submission of the Outline Soil Management Plan (oSMP). We note that the oSMP sets out principles for soil handling, restoration, and decommissioning.</p> <p>Natural England advises that all soils should be handled in a dry and friable condition. Table 1-1 of the oSMP identifies November to March (or December to February in dry years) as the least suitable period for working with</p>	<p>NE advises that soil handling should normally be confined to April through September, rather than April through October. This is because it is generally not possible to establish green cover to help dry soils out in storage outside this period. This advice accords with the <b>Outline Soil Management Plan [Document Reference 7.8 Revision 2]</b> which advises on seeding grass over soil storage bunds in 4.3.8.</p> <p>NE's comments on soil suitability tests in the Good Practice Guide for Handling Soils, are noted. These tests</p>	

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		<p>Subgrade 1, 2 and 3a soils, however, section 2.2.11. states that '<i>Works within these periods may be able to take place</i>'. Natural England advise that it is expected that soil handling will be confined to the drier summer period (April through September) to minimise risk of soil damage. 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. This would minimise the need to recondition soils, which requires additional space and time.</p> <p>This is particularly important for land to be restored to agricultural use. Soil handling methods should normally be as specified as in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks). A field suitable method for assessing whether soils are in a dry and friable condition based on plastic limits is set out in Part One (Explanatory Note 4 – Table 4.2 provided below in Annex 1) of the Institute of Quarrying's <u>Good Practice</u></p>	<p>are referenced in the OSMP at section 3.</p> <p>NE's comments on short and long-term storage of soil, and on reinstatement of cable trenches, are noted and are covered within sections 4.3 &amp; 4.5 of the <b>Outline Soil Management Plan [Document Reference 7.8 Revision 2]</b>.</p>	
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		<p><u>Guide for Handling Soils in Mineral Working</u>, and this approach together with the associated rainfall protocols should be adopted.</p> <p>Section 2.2.19 of the oSMP states that <i>'If localised compaction occurs during construction, it should be ameliorated. This can normally be achieved with standard agricultural cultivation equipment, such as subsoilers (if required), power harrows and rolls.'</i> We advise that careful planning and consideration of the above advice regarding soil handling will lessen the risk of damage, and the subsequent need for amelioration.</p> <p>Natural England welcome that the 'Implementation of this outline SMP, and adherence to its principles, will be the responsibility of the Applicant who will appoint a competent Principal Contractor who will implement onsite during the construction and decommissioning stages'. Given the high quality of the agricultural land, we recommend that this should include supervision of soil handling by a competent soil specialist.</p> <p>We note that soil storage will be either short- or long-term. We welcome</p>		
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		<p>section 4.3.7 – 4.3.8 of the oSMP that states ‘If the soil is likely to be stored for in excess of six months, then, depending upon timing, it should be seeded with grass.’ Natural England supports this approach and advises that weed control and other necessary maintenance should also be carried out.</p> <p>Natural England note the swift reinstatement of the soils after the cables have been laid and that cable installation will be to sufficient depth to avoid disturbance during decommissioning, and that cables may be left in situ in accordance with EN-3 guidance. We welcome the commitment in Section 6.1.1 of the oSMP to ‘restore all fixed infrastructure areas to return the land to the same ALC grade and condition as it was when the construction phase commenced.’</p>		
NE26	<b>Biodiversity enhancement</b>	<p>Advice regarding the management of solar farms to enhance biodiversity.</p> <p>Section 2.10 of the <i>National Policy Statement for Renewable Energy Infrastructure</i> (EN-3, 2024) highlights</p>	The Applicant notes Natural England’s comments regarding opportunities for biodiversity enhancement within the Scheme and should further enhancements be identified these will be included, where appropriate. Further	Agreed

## Statement of Common Ground

		<p>that solar farms have the potential to greatly increase the biodiversity value of a site, especially on land which was previously intensively managed.</p> <p>Research indicates that solar farms managed specifically for biodiversity show significant increases in plants, invertebrates, and birds, compared with sites which are not. Consequently, the implementation of good design and management on solar sites can result in significant environmental enhancements beyond that which is required through Biodiversity Net Gain.</p> <p>We welcome the enhancements which have already been proposed, though we advise that there may be further scope for biodiversity enhancement. Please refer to Annex G for further information regarding the management of solar farms to enhance biodiversity, which may help refine your plans.</p>	<p>detail will be provided within the updated <b>Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 2]</b> submitted at Deadline 1.</p>	
NE27	<b>Ancient woodland and ancient/veteran trees</b>	<p>Ancient woodland and ancient/veteran trees – General</p> <p>Natural England has adopted <u>standing advice</u> for ancient woodland, which</p>	<p>The Applicant confirms that there are no Ancient Woodlands within or in close proximity to the Order Limits, and no veteran trees, as detailed in the</p>	Agreed

## Statement of Common Ground

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		<p>should be referred to. Natural England is not providing bespoke advice on the ancient woodland information provided in the ES for this project.</p> <p>The requirement for mitigation/compensation has not been assessed by Natural England.</p>	<b>Arboricultural Impact Assessment [APP-070].</b>	
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DRAFT

## 4 Signatures

This Statement of Common Ground is agreed upon:

On behalf of [xx] Consultee:

Name:

Signature:

Date:

On behalf of the Applicant:

Name:

Signature:

Date:

DRAFT

## Statement of Common Ground

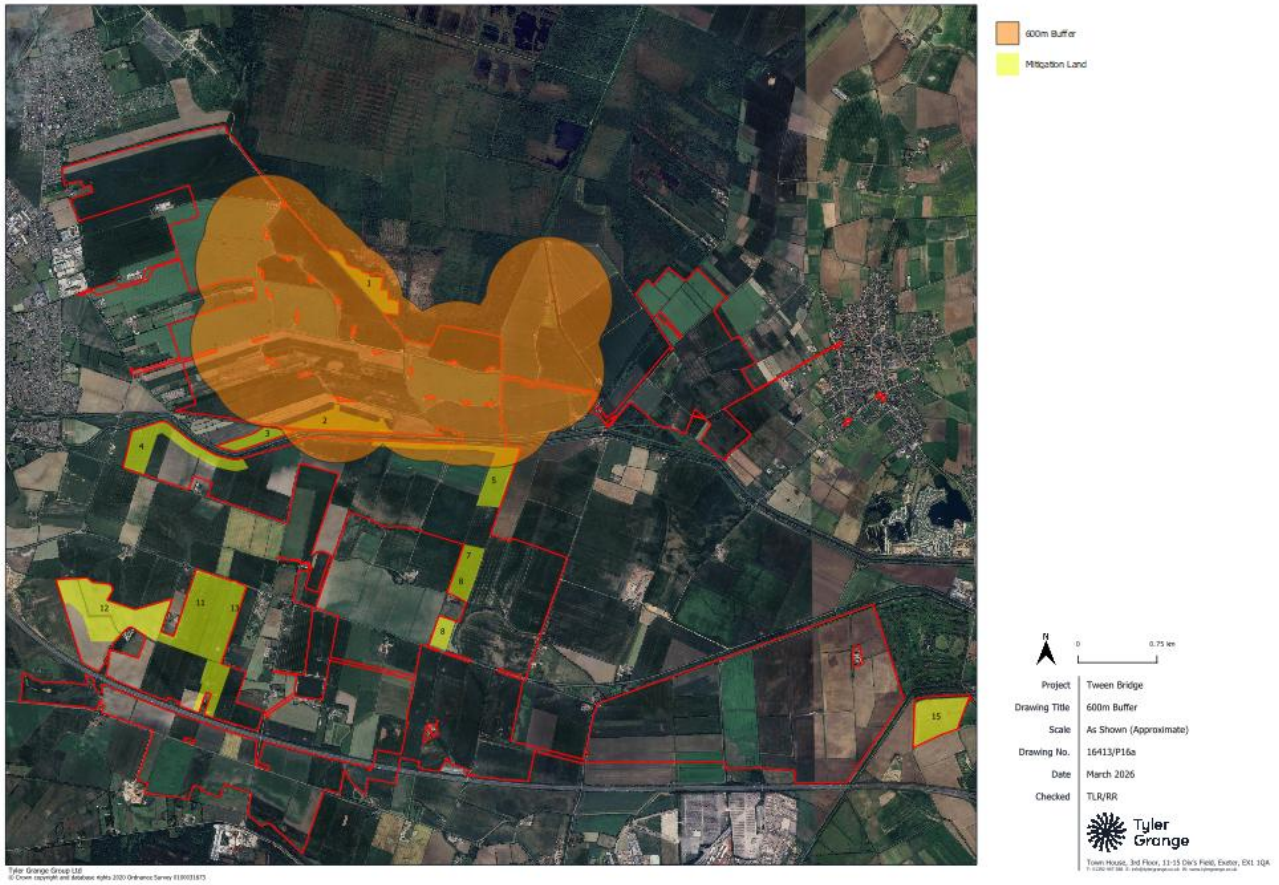
### Tables

Mitigation Field Number	Total Area (ha)	Total Area with 150m open vista	Total Area beyond 600m of existing Turbine (ha)	Total Area beyond 600m of existing turbine and with 150m open vista (ha)
M1	10.44	0.00	0.00	0.00
M2	13.42	0.00	0.00	0.00
M3	6.73	1.90	6.17	1.90
M4	19.94	2.97	19.94	2.97
M5	19.24	3.20	8.86	1.98
M7	4.76	0.64	4.76	0.64
M8	10.71	1.17	10.71	1.17
M11	20.84	5.14	20.84	5.14
M12	34.83	12.83	34.83	12.83
M13	29.55	14.03	29.55	14.03
M15	16.85	3.01	16.85	3.01
<b>Total</b>	<b>187.31</b>	<b>44.89</b>	<b>152.51</b>	<b>43.67</b>

Table 1-1: Non-Breeding Bird Mitigation Land Calculations

## Figures

Figure 1: 16413\_P16a\_600m Buffers\_TLR\_RR



## Appendices:

### Appendix 1: Natural England Email Correspondence – Bird Days

[REDACTED]

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**From:** [REDACTED]@naturalengland.org.uk  
**Sent:** 10 July 2025 16:34  
**To:** [REDACTED]  
**Subject:** RE: Natural England/Tween Solar Farm

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi [REDACTED]

Apologies for the delay on this. Our ornithologist has got back to me and confirmed that the calculations look fine, although NE doesn't have a nationally recognised method of using bird days in this way within terrestrial ornithology. As mentioned previously, ecological knowledge should supplement the calculations to demonstrate that there is suitable habitat provision for the numbers of birds displaced by the development.

Hope that helps.

Best wishes,

[REDACTED]

[REDACTED]  
Senior Officer – Nationally Significant Infrastructure Projects (NSIPs)  
Yorkshire and Northern Lincolnshire Area Team  
Lateral, 8 City Walk, Leeds, LS11 9AT  
[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

