RWE

Tween Bridge Solar Farm

8.29 Applicant Responses to the Report on the Implications for European Sites

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1 Introduction

1.1.1. This report provides the response made by RWE Renewables UK Solar and Storage Ltd (the Applicant) to the Examining Authority (ExA)'s observations / questions raised in its Report on the Implications for European Sites **[PD-014].**

1.1.2. The Report on the Implications for European Sites **[PD-014]** is issued by the ExA to ensure that interested parties, including the Appropriate Nature Conservation Body (ANCB) Natural England (NE), are consulted formally on Habitats Regulations matters. It also aims to identify and close any gaps in the ExA's understanding of interested parties' positions on Habitats Regulations matters, in relation to all European sites (i.e. Special Areas of Conservation (SAC), candidate SACs, proposed SACs, Special Protection Areas (SPA), potential SPAs, listed and proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on any of these sites) and qualifying features as far as possible, in order to support a robust and thorough recommendation to the SoS.

1.1.3. The Report on the Implications for European Sites **[PD-014]** was informed by the Applicant's **Habitats Regulations Assessment – Information to inform Appropriate Assessment [APP-028]** (and updated following section 51 advice [AS-004], Deadline 1 [**REP1-010**], Deadline 2 [**REP2-010**], Deadline 4 [**REP4-011**], and Deadline 5 [**REP5-006**]), as well as representations submitted to the examination by interested parties, issue specific hearing (ISH) documents, statements of common ground (SoCG).

1.1.4. The responses to the ExA's questions provided by the Applicant in this document and by the interested parties will be considered by the ExA in making its recommendation to the Secretary of State (SoS).

2 Applicant Responses to the ExA's observations and questions in relation to adverse effects on integrity

2.1.1. **Table 1** below provides the Applicant's response to the ExA's observations / questions on examination matters in relation to adverse effects on integrity, as set out in **Table 3.1-3.4** of its Report on the Implications for European Sites **[PD-014].**

Table 1: Applicant's response to the ExA's observations and questions in relation to adverse effects on integrity (as set out in Table 3.1-3.4 of its Report on the Implications for European Sites [PD-014]).

ID	Issue Summary	Details of Issue	ExA's Observation and Questions	Applicant's Response
Issues affecting multiple sites assessed for AEoI - Issues raised in the examination to date by the ExA and IPs in relation to the applicant's assessment of effects on integrity (alone and in-combination)				
3.1.1	Assessment of impacts of preliminary works prior to	In its local impact report, City of Doncaster Council (CDC) [REP1-062] considered that the definition of "commence" within the dDCO excludes "permitted preliminary works". CDC therefore considered that works such as vegetation removal	RIESQ1: To CDC and NE: Please confirm your position on the "carve-out" provided within the dDCO in	The Applicant notes this matter is directed to CDC and NE.

	"commence ment"	could take place prior to the approval and implementation of management plans and the mitigation measures contained within. The applicant [REP2-089] considered that the dDCO drafting was precedented in other solar farm applications, and that the applicant would ensure the permitted preliminary works would be carried out in accordance with the outline management plans, as to not do so would result in the potential for site conditions which would not permit discharge of the requirements. The ExA explored this matter at ISH2 in relation to how these works have been assessed, in particular in relation to FLL. The applicant [REP3-047] confirmed that the dDCO contained control measures in the form of a requirement that preliminary works would only be permitted if there were "unlikely to give rise to any materially new or materially different environmental effects to those	relation to the oLEMP and if there are any remaining concerns in relation to the scope of the permitted preliminary works and potential impacts to European Sites? If there are remaining concerns, provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve those concerns.	

		assessed". The applicant also considered that the activities would be minimal in nature and scale. CDC [REP3-081] maintained that the current assessment and management plans did not refer to the permitted preliminary works, and therefore these works would not be subject to any control measures, unlike other made DCOs which restricted these types of works prior to the approval of management plans. The applicant undertook a review of the scope of the permitted preliminary works and elected to provide a specific "carve-out" in relation to requirement 8 (oLEMP) of the dDCO [REP4-003] to clarify the permitted works (as detailed in [REP4-058] and [REP4-065] and provision of relevant control measures. The ExA does note, however, that this matter does not appear in the dDCO section of the SoCG [REP5-047], and that the extent to which this matter is agreed or not		

		between the applicant and CDC remains unclear.		
3.1.2	HRA implications of amended construction and operational dates	The applicant provided [AS-026] which detailed that the assessed connection date of a single year of 2029 may have to be delayed to a range of dates of 2031 to 2035. The ExA sought clarity on the potential HRA implications of this delay and the flexible grid connection date and location ([PD-010] Q2.0.29). The applicant responded [REP2-087] to provide a "sensitivity test" [REP2-091] which addressed the potential differing construction scenarios and connection dates. The applicant confirmed that no materially new or materially different effects arise from a later connection date or varied construction scenarios, and that the HRA Report conclusions remain valid, with further supporting information provided [REP4-062] in response to ([PD-011], Q2.2.11]). NE [REP4-080] in response ([PD-011], Q2.2.11]) noted that	RIESQ2: To NE: Noting the applicant's response at DL5, please provide your latest position on this matter and set out whether there are any implications for the conclusions on AEoI? If there are remaining concerns, provide reasoning and clearly set out specific actions that, in your view, the applicant should	The Applicant notes this matter is directed to NE.

		it broadly agreed with the conclusions, however sought clarity on 3 matters: • How any updates required to the pre-construction baseline (bird surveys) as a result of a delayed construction start date are secured. • How any changes to the proposed mitigation measures as a result of the updated baseline surveys would be specified in the oLEMP and other mitigation documents. • How data gaps in the in-combination assessment as a result of new projects being proposed during a delayed construction period would be considered (though noting that the projects would also have to consider Tween Bridge Solar in their cumulative assessments). The applicant provided a response to NE's second written question response [REP5-041], an updated HRA Report [REP5-006], and an updated oECMP [REP5-030] to confirm that prior to construction, a desk study and walkover survey will be undertaken within the order limits to	take to resolve those concerns	

		determine whether the suitability of habitats for passage and non-breeding birds has changed since the baseline surveys were completed. The results of these survey will be used to inform the ecological mitigation to be included within the final LEMP. The applicant also noted NE's position on the status of cumulative assessments.		
3.1.3	Potential water quality/ quantity impacts (abstraction of surface water for Horizontal Directional Drilling (HDD)) – construction only	NE considered ([RR-023] NE14) that it was not specified within the application documents where water, required for HDD, would be abstracted from. In the event that this is sourced from watercourses, NE considered that there may be impacts to all sites assessed due to hydrological linkages, and that the HRA Report had omitted an assessment of this. The applicant [REP1-043] [REP1-057] confirmed that the water would be sourced from off-site, and that no water abstraction from local watercourses was expected, as confirmed in the oECMP [REP1-032]. NE [REP3-075] continued	RIESQ3 - To NE – For entries NE14 to NE18 [REP5 066], the ExA notes that [RR 023], clarified by [REP2-105], refers to the 6 sites taken forwards to the assessment of AEoI. However, the agreement provided in [REP4-080] and	The Applicant notes this matter is directed to NE.

		to advise that the water source should be confirmed. However, at DL4 following the most recent SoCG, NE [REP4-080] confirmed that subject to no water abstraction from the ditch network within the order limits being secured through the dDCO (via the oECMP), this matter was agreed. The applicant confirmed the updates to the oECMP at DL5 in its response to NE's second written question responses [REP5-041], and this matter was noted to be agreed within the updated SoCG [REP5-055] and NE's submission [REP5 066], based on the updated oECMP and as the oLEMP is to be secured by the dDCO. However, the ExA seeks clarity from NE on the sites subject to agreement of no AEoI.	[REP5-066] only refer to some of those sites. Can NE confirm whether its agreement of no AEoI relates to all 6 sites for entries NE14 to NE18?	
3.1.4	Potential water quality impacts (contaminated water run-off) –	NE considered ([RR-023] NE15) that insufficient detail had been provided on mitigation measures for contaminated water run-off. The applicant [REP1-043] [REP1-057] stated that its position was that the	This matter is considered to be resolved.	The Applicant notes this comment.

	construction only	assessment of the pathway and required mitigation measures were adequately detailed in the HRA Report [REP2-010] and oECMP [REP1-032]. NE confirmed [REP3-075] that it required further (unspecified) updates to the HRA Report to confirm the relevant mitigation measures, which the applicant provided [REP4-011] (with an updated oLEMP) [REP4-055]. At DL4, NE [REP4 080] referred to its DL3 submission and noted that this matter required minor clarifications only. The applicant, in the updated SoCG [REP5-055] and in response to NE's second written questions responses [REP5-041] confirmed that the requirement to source water from offsite was included in the previous updates to the oECMP and HRA Report. NE confirmed [REP5-066] that the relevant measures set out within the HRA Report are sufficient to conclude no AEoI and that this matter is considered agreed and secured		

		through the oECMP, as also confirmed in the SoCG [REP5-055].		
3.1.5	Potential water quality impacts (bentonite breakout) – construction only	NE considered ([RR-023] NE16) that the HRA Report had omitted an assessment of bentonite breakout from HDD works, including identifying any mitigation measures required to prevent AEoI. The applicant [REP1-043] [REP1-057] responded to refer to the updated oECMP [REP1-032] and HRA Report [REP1-010] which included confirmation of mitigation measures for bentonite breakout. NE noted [REP3-075] [REP4-080] the updated HRA Report [REP2-010], and that, subject to NE being included as a consultee on the proposed bentonite breakout plan, this matter and conclusion of no AEoI were agreed, which was confirmed in [REP4-080] [REP5-066] and the updated SoCG [REP5-055]. The applicant also confirmed the updates to the relevant documents in response to NE's second written questions [REP5-041].	RIESQ4 – To the applicant – Can you confirm how it is secured in the dDCO that NE would be consulted on the proposed bentonite breakout plan?	The Applicant confirms that the Horizontal Directional Drilling (HDD) Method Statement, including measures addressing bentonite breakout, will form part of the Construction Environmental Management Plan secured under Requirement 14 of the dDCO, and that Natural England will be consulted as part of finalising this document. The Applicant confirms that the Outline Construction Management Plan [Document Reference 7.1 Revision 6] and Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6] have been updated at Deadline 6 to clarify this. .

		However, the ExA seeks clarity on how NE would be consulted on the bentonite breakout plan.		
3.1.6	Potential water quality impacts (run-off of solar panel cleaning chemicals) – operation only	NE considered ([RR-023] NE17) that the HRA Report had omitted an assessment of the run-off of chemicals used to clean solar panels, including identifying any mitigation measures required to prevent AEoI. The applicant [REP1-043] [REP1-057] (and in an updated HRA Report [REP1 010]) confirmed that the anticipated panel maintenance methodology would use de-ionised water in most instances, with limited potential for impacts where chemicals were required in exceptional circumstances. NE [REP2-095] initially confirmed that pending a review of the updated HRA Report, that this matter was agreed, however, further updated its position [REP3-075] to request information on the mitigation measures to prevent impacts from the occasions of chemical use. The applicant provided	This matter is considered to be resolved.	The Applicant notes this comment.

		this in an updated HRA Report [REP4-011]. At DL4, NE [REP4-080] referred to its DL3 submission and noted that this matter required minor clarifications only. The applicant confirmed in the updated SoCG [REP5-055] and in response to NE's second written question responses [REP5-041], referred to the previous updates of the HRA report, which NE [REP5-066] confirmed that are sufficient to conclude no AEoI and that this matter is considered agreed, with measures secured by the oECMP (as also confirmed by the SoCG [REP5-055]).		
3.1.7	Potential water quality impacts (run-off of fire suppression water) – operation only	NE considered ([RR-023] NE18) that the HRA Report had omitted an assessment of run-off of water used in any firefighting incidents including identifying any mitigation measures required to prevent AEoI. The applicant [REP1-043] [REP1-057] stated that the outline Battery Safety Management Plan (oBSMP) [APP-179] includes provision for the	This matter is considered to be a "yellow" issue on the NE submissions which NE do not consider would make a material difference to the	The Applicant welcomes the conclusion from **Natural England's Deadline 5 submission [REP5-066]**, that confirmed that this matter was resolved in terms of agreement over the conclusions of no Adverse Effect on Integrity (AEOI).

		development of a drainage strategy post-consent to ensure that firefighting water run-off is retained on-site and cannot be released to the wider environment until it has been tested for potential contamination. NE confirmed [REP3-075] that its outstanding concerns related to the detail of whether a sealed system would be used and whether discharge or collection for off-site disposal was proposed. At DL4, NE [REP4-080] referred to its DL3 submission and noted that this matter required minor clarifications only. The applicant stated in the updated SoCG [REP5-055] and responses to NE's second written question responses [REP5-041] that the outline Surface Water Drainage Strategy includes detail regarding the containment strategy, including use of a penstock and impermeable liner. The applicant also stated that a detailed drainage strategy (within the oBSMP [REP5-	conclusions of no AEoI.	

		028]) will be developed post-consent. Whilst this matter was noted to be under discussion in the SoCG [REP5-055], NE's DL5 submission [REP5-066] confirmed that this matter was resolved in terms of agreement over the conclusions of no AEoI. NE, however, considered this to be a "yellow" category as advice relating to post-consent/ permitting works would be deferred to the Environment Agency. NE also provided a summary of the requirements that the detailed drainage plan should meet.		
Issues affecting multiple sites assessed for AEoI - Issues raised in the examination to date by the ExA and IPs in relation to the applicant's assessment of effects on integrity (alone and in-combination)				
Thorne and Hatfield Moors SPA and Humber Estuary SPA				
3.2.1	Potential disturbance to FLL from lighting – construction	NE considered ([RR-023] NE10) that insufficient detail had been provided in the assessment of AEoI from the potential visual disturbance from lighting impacts. The applicant [REP1-	RIESQ5 - To the applicant – Please provide confirmation of when the	The Applicant confirms that the construction lighting measures requested by Natural England under issue NE10 were included in the **Outline Ecological Construction**

	and operation	043] [REP1-057] and within an updated HRA Report [REP1-010] and oECMP [REP1-032] provided further detail on the lighting strategy, design, and additional mitigation measures related to reducing light spill. Further detail was given in response [REP2-089] to the CDC Local Impact Report (LIR) to confirm working hours would be during daylight hours only where possible, and that short spells of the use of artificial lighting during winter would not require additional mitigation. NE confirmed [REP3-075] that, provided the relevant mitigation measures were included in the oLEMP and made reference to specific SPA species, the conclusion of no AEoI was agreed, which was confirmed in [REP4-080]. NE confirmed that the updated HRA [REP4-011] addresses the outstanding concerns, and that provided the oECMP is updated with the mitigation measures proposed, this matter and the conclusion of no	required updates to the oECMP will be or have been submitted to the examination.	**Management Plan [Document Reference 7.5 Revision 6]**, submitted at Deadline 4. Issue NE10 is recorded as agreed in the **Natural England Statement of Common Ground [REP5-055]**. The measures are retained at paragraphs 3.3.27 to 3.3.31 of the updated **Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6]**, submitted at Deadline 6.

		AEoI are agreed (as also confirmed by the updated SoCG [REP5-055]).		
Thorne Moor SAC and Humber Estuary SPA				
3.2.2	Hydrological impacts – construction and operation	NE considered ([RR-023] NE11, later amended to NE11b at DL5) that insufficient detail had been provided on hydrological changes as a result of mitigation earthworks, and the potential to improve water retention and reprofile peat cuttings as part of the mitigation design, in area M1(A). The applicant [REP1-043] [REP1-057] stated that it considered the raising of water levels may lead to unacceptable downstream flood risk impacts and was therefore not appropriate. NE confirmed [REP3-075] that its outstanding concerns were still related to achieving the required hydrological levels and the use of peat cuttings. However, at DL4, NE [REP4-080] confirmed that as the oLEMP confirmed that management of the	This matter is considered to be resolved in relation to the agreement over the conclusions of no AEoI (NE11b).	The Applicant notes this comment.

		mitigation area does not conflict with managing impacts to, and allowing for enhancements of, the hydrology of the SAC and SPA, the conclusion of no AEoI was agreed. The updated SoCG [REP5-055] confirmed that the applicant had considered NE's comments on the overall hydrological conditions, but reiterated that the blocking of drainage ditches or deliberate flooding of certain areas would potentially result in adverse downstream flood risk impacts and were therefore not considered. NE confirmed [REP5 066] that the measures outlined in the oLEMP [REP4-055] and updated HRA Report [REP4-011] are sufficient to rule out AEoI for Thorne Moor SAC (as also confirmed by the updated SoCG REP5-055]). To note – This matter is considered to be grey (indicated to be a matter for the Secretary of State) by NE, and under discussion in the SoCG [REP5-055] as discussions are		

		ongoing over the transfer of the mitigation area to ownership or control by NE. NE have provided specific agreement of no AEoI from this pathway.		
Thorne Moor SAC and Hatfield Moor SAC				
3.2.3	Air quality impacts – construction only	NE considered that insufficient detail had been provided on mitigation measures for dust generation ([RR-023] NE12), as it was not clear if the measures were specifically designed to avoid effect to the SACs. The applicant [REP1-043] [REP1-057] provided an updated oECMP [REP1-032] and updated mitigation measures, including additional dust suppression where works would be within 200m of a designated site. NE [REP2-095] [REP3-075] confirmed the HRA Report should be updated to include reference to the SAC and SPA and all project phases and activities. However, subject to this, the conclusion of no AEoI was agreed,	RIESQ6 - To the applicant – Please provide confirmation of when the required updates to the HRA Report will be or have been submitted to the examination.	The Applicant confirms that the assessment of potential construction dust effects was included in the **Report to Inform Habitat Regulation Assessment [REP4-011]**, submitted at Deadline 4, and carried forward in the version submitted at Deadline 5 **[REP5-006]**, as recorded under issue NE12 of the **Natural England Statement of Common Ground [REP5-055]**. The measures are retained in paragraphs 7.2.58 to 7.2.61 of the **Report to Inform Habitat Regulation Assessment [Document Reference 5.3 Revision 8] submitted at Deadline 6**.

		which was confirmed at DL4 [REP4-080]. The applicant reiterated in the updated SoCG [REP5-055] that the potential for, and mitigation for, dust impacts had been adequately considered in the HRA Report [REP4 011] and measures secured via the oECMP [REP4-053] to include the updated mitigation measures discussed during the examination. NE noted [REP5-066] the updates to the HRA Report [REP4-011] but identified that sections of the oECMP [REP4-053] include measures solely for the breeding nightjar feature of the Thorne and Hatfield Moors SPA. NE considered that the HRA Report should include all relevant impacts for the Thorne Moor SAC, as for the SPA. Subject to this, this matter and the conclusion of no AEoI were agreed, as also recorded in the SoCG [REP5 055].		
3.2.4	Air quality impacts –	NE considered ([RR-023] NE13) that insufficient detail had been provided on mitigation measures for emissions	RIESQ7 - To the applicant – Please provide	**Appendix 14.1 - Air Quality Impacts on Designated Ecological Sites [Ref APP-115]** considers the effect of

	construction only	for non-road mobile machinery (NRMM). This was particularly in relation to the use of a generic 200m buffer zone without consideration of specific works locations, and absence of information on the number, capacity, and operational hours of back-up generators. The applicant, in response [REP1-043] [REP1-057] and in an updated HRA Report [REP1 010] and oECMP [REP1-032], provided updated mitigation measures, including additional controls on NRMM within 200m of a designated site. NE [REP2-095] confirmed that, pending a review of the updated documents, this matter was agreed. At DL3 [REP3-075], NE noted a change of approach to standard advice on air quality, with issue NE13 not being considered further by NE in the examination and this matter changed to "yellow" which NE considered would not make a material difference to the conclusions of no AEoI.	confirmation of how the HRA Report and design of mitigation measures has taken into account the NE standing advice in relation to air quality.	emissions during both construction and operation phases of the Scheme; it is anticipated that emissions during construction will occur from construction vehicles and on-site plant and machinery, whilst operational emissions will be limited to road traffic. **Appendix 14.1 - Air Quality Impacts on Designated Ecological Sites [Ref APP-115]** discusses the effect of vehicle movements on internal roads separately to those vehicle movements on the existing road network. Natural England's Standard Advice for NSIPs sets out five stages, divided into six steps, that should be followed to assess the air quality impacts from a Development on Protected Sites (Sites of Special Scientific Interest (SSSIs)) and European Sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and Ramsars).

				During consultation on the Preliminary Environmental Information Report (PEIR), Natural England commented that "*if it is determined that the access routes will be within 200 m of designated sites then an assessment of potential air quality impacts should be undertaken in the HRA* [Habitats Regulations Assessment] (see Table 14-3 in **ES Chapter 14 Air Quality and Greenhouse Gases [REP2-025]**). *The assessment should be undertaken in line with Natural England's guidance NEA001.*" The application, following the NEA001 guidance, was submitted for examination in September 2025, and therefore predates the new Standard Advice, which was issued in December 2025. How the assessment of air quality effects set out in Appendix 14.1 [Ref APP-115] aligns with the Standard Advice is summarised below. It should be noted that the comment from Natural England (Key Issue Reference NE13) is specifically in

				relation to the Thorne Moor SAC and Hatfield Moor SAC. However, for completeness, consideration of the Standard Advice is provided for all habitats considered in Appendix 14.1 [Ref APP-115]. **Stage: Initial screening for credible risk of an effect** *Step 1: Check distance criteria – could significant emissions reach a protected site?* For combustion sources, the Standard Advice provides a range of distances depending on the type and size of the source, whilst for emissions from road traffic, the Standard Advice states that affected roads within 200 m of a protected site should be considered. Taking into consideration consultation comments provided by Natural England, and based on the routeing of traffic flows generated by the Scheme

				during construction and operation, it was determined that there was a credible risk of an effect on the following Protected Sites: • Thorne Moor SAC, Thorne and Hatfield Moors SPA and Thorne, Crowle and Goole Moors SSSI; • Hatfield Moor SAC and SSSI; • Hatfield Chase Ditches SSSI; and • Crowle Borrow Pits SSSI. Since the response to Step 1 is 'Yes', it is necessary to move to Step 2. *Step 2: Check if the qualifying habitats or supporting habitat of qualifying species are sensitive to air quality impacts*. Following discussions with the Project Ecologists it was determined that there were habitats sensitive to air quality impacts at the Protected Sites identified during Step 1.

				Since the response to Step 2 is 'Yes', it is necessary to move to Step 3. **Stage: Detailed AQ modelling** *Step 3: Undertake detailed modelling using a recognised dispersal model – i.e. Atmospheric Dispersion Modelling System (ADMS)* The assessment set out in Appendix 14.1 [Ref APP-115] does not use dispersion modelling. The justification for this is set out under Step 4, below. **Stage: Applying screening thresholds** *Step 4: Apply Screening Thresholds Alone (4a) and In-Combination (4b)* Step 4 requires the Process Contributions from the Scheme alone and in-combination to be compared to a screening threshold of 1% of the assessment level. Where the 1% threshold will not be exceeded, the

				Standard Advice states "*the emission is not likely to have a significant effect*". Prior to publication of the Standard Advice, Natural England's guidance on advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations recommended the use of the Design Manual for Roads and Bridges (DMRB) criteria[1]. These criteria are a change in Annual Average Daily Traffic (AADT) flows of 1,000 vehicles or more, or a change in Heavy Duty Vehicle flows of 200 vehicles or more. Below these criteria, the DMRB guidance concludes that the air quality impacts can be scoped out of further assessment. Because the assessment predates the Standard Advice, it follows the approach set out in Natural England's

[1] Highways England (2019), Design Manual for Roads and Bridges LA 105 Air Quality.

				pre-existing guidance. Traffic flows were therefore compared against the 1,000 AADT criterion. **Stage: Detailed Assessment of ecological impacts** *Step 5: This step is to consider the ecological impacts of AQ on the interest features of the designated site and is not based only on numerical figures* Whilst the majority of Protected Sites could be screened out as part of Stage 3, further consideration was required with respect to in-combination effects on sections of Hatfield Chase Ditches SSSI within 200 m of the M180. As described in **ES Chapter 7: Ecology and Nature Conservation (Rev 5) [REP5-012]**, the majority of the SSSI is in a declining state, largely as a result of agricultural run-off; proximity to road traffic emissions has not been

				identified as a reason for this decline. Further, a Briefing Paper drafted between North Lincolnshire Council and Natural England to assist with the North Lincolnshire Local Plan examination[2] states *"Air pollution may have some impact on the ditches. Realistically though, this is going to have a tiny contribution in comparison to the water quality issues created by agricultural run-off and management of adjacent farmland which causes nutrient enrichment"*. **ES Chapter 7: Ecology and Nature Conservation (Rev 5) [REP5-012]** concludes that "*with protection measures in place, impacts on the SSSI are assessed as negligible magnitude on a receptor of National value and sensitivity, which is Not Significant."*

[2] North Lincolnshire Council (2023), 'Briefing Paper: Position with Natural England'.

				Stage: Appropriate Assessment for habitats sites Since the assessment concludes that there will be no significant effect, it is not necessary to progress to this stage. **Summary** A summary of the findings for each Protected Site during construction is set out in Table 1 below. Where the cell is shaded green, the effect is concluded to be scoped out at Step 1 or 2, whilst yellow shaded cells demonstrate the effect is concluded to be scoped out at Step 4, and orange shaded cells demonstrate the effect is concluded to be scoped out following consideration by the Project Ecologist at Step 5. During operation, the Scheme is anticipated to generate just one vehicle per month; for brevity

				these findings have not been reproduced in the table.

Table 2: Assessment of Air Quality Impacts during Construction on Protected Sites

Habitat	Scenario	External Roads	Internal Roads	On-site Plant and Machinery
Thorne Moor SAC, Thorne and Hatfield Moors SPA and Thorne, Crowle and Goole Moors SSSI	Alone	Boundary is >200 m from any existing road used by construction vehicles.	Peak construction flows of 143 HDVs and 164 LDVs are below the screening criteria.	Generally, each construction compound will include a back-up diesel generator, whilst other plant that will operate across the Site and within the compounds will include tractors with trailers, piling rigs, cement mixers and cranes.
	In-combination		No access for non-development traffic, therefore no change to the 'Alone' traffic flows.	
Hatfield Moor SAC and SSSI	Alone	Boundary is >200 m from any existing road	Peak construction flows of 67 HDVs and 76 LDVs are below the screening criteria.	

	In-combination	used by construction vehicles.	No access for non-development traffic, therefore no change to the 'Alone' traffic flows.	The Standard Advice provides screening distances of 500 m (for general combustion processes under 20 MW input) and 2 km (for general combustion processes between 20 and 50 MW input). The Site covers over 1,830 hectares and extends for more than 4 km north-south and nearly 9 km east-west; as part of the measure to *"plan the site layout so that machinery and dust-causing activities are located away from receptors"* specified in the **Outline Construction Environmental Management Plan (CEMP) [Document**
Hatfield Chase Ditches SSSI	Alone	Peak construction flows on any road within 200 m of the SSSI are 42 HDVs and 42 LDVs (on the A18) which are below the screening criteria.	Peak construction flows of 155 HDVs and 175 LDVs are below the screening criteria.	
	In-combination	No additional cumulative trips identified on the A18 or unnamed road, therefore no change to the 'Alone' traffic flows. For the M180, the Standard Advice advises that external trips can be excluded from the initial screening assessment, and therefore consideration	No access for non-development traffic, therefore no change to the 'Alone' traffic flows.	

		of in-combination AADT flows is not required. Notwithstanding, further consideration from the Project Ecologist concluded that air pollution might have some impact on the ditches, but this would be small compared to the effects of water and flushing events.		**Reference 7.5 Rev 6]**, which will be secured through DCO requirement 14, the screening distances set out in the Standard Advice will be used as minimum offset distances. Impacts will therefore screen out at Step 1. Further, the Outline CEMP commits to "*selecting electrically driven equipment in preference to internal combustion powered*", such that there may be no combustion processes, and thus no emissions, during the construction phase of the Scheme.
Crowle Borrow Pits SSSI	Alone	Construction traffic flows on the section of the A161 within 200 m of the SSSI are zero.	No access roads proposed through the Scheme.	
	In-combination			

Humber Estuary SPA and Ramsar site - Issues raised in the examination to date by the ExA and IPs in relation to the applicant's assessment of effects on integrity (alone and in-combination)				
3.3.1	Mitigation measures for potential loss (and disturbance) of FLL – construction only	NE considered ([RR-023] NE4) that it was not clear whether mitigation areas would be in place prior to construction works. The applicant confirmed at ISH1 [REP1-046], in response to NE's relevant representation [REP1-043] [REP1-057] and in an updated non-breeding bird mitigation strategy (NBBMS) [REP1-019], oECMP [REP1-032] and oLEMP [REP1 034], that any mitigation areas would be in place prior to the occurrence of the construction or operational effects	This matter is considered to be resolved pending the mitigation document updates as discussed in NE1/ NE1a in entry 3.3.3 below).	The Applicant welcomes that this matter is considered resolved.

		that it was designed to mitigate. The applicant also confirmed that the mitigation was suitable for the different construction scenarios permitted in the dDCO. NE ([REP3-075] (NE1a which combined the previous matters NE1 to NE6)) confirmed that its outstanding concerns related to confirmation as to whether the mitigation parcels would be fully implemented, functional and subject to monitoring and suitability checks prior to construction. The applicant provided further supporting information on the mitigation timings in an updated oLEMP [REP4-055] and oECMP [REP4-053]. This matter and the conclusion of no AEoI were noted to be agreed in the NE DL5 submission [REP5-066] and revised SoCG [REP5-055] pending the updates to the oLEMP required by NE1a.		
3.3.2	Potential disturbance to FLL from	NE considered ([RR-023] NE7) that insufficient detail had been provided in the assessment of AEoI from noise	RIESQ8 - To the applicant – Please provide	The Applicant confirms that the seasonal restriction was amended from November to February to

	noise and visual impacts– construction only	and visual disturbance to FLL during construction, in relation to the justification of the predicted noise level assessed by the applicant, uncertainty over the location of noise-generating works and criteria for the use of permanent and temporary noise barriers (to be decided by the ECoW). The applicant [REP1-043] [REP1-057] and in updated HRA Report [REP1-010] and oECMP [REP1-032] gave additional detail on the mitigation measures, including the locations of works above 70 decibels (dB) and criteria for ECoW assessment. NE confirmed ([REP3-075], NE1a) its outstanding concerns related to a requirement to utilise average (Laeq) and maximum/ sudden (LAmax) noise levels, as both can affect the behaviour of qualifying features. NE also requested further clarity on how the ECoW would decide if the threshold for additional mitigation had been reached. Whilst	confirmation of when the required updates to the relevant mitigation and assessment documents referred to by NE will be or have been submitted to the examination.	October to February, as recorded under issue NE7 of the **Natural England Statement of Common Ground [REP5-055]**. The amended restriction is included at paragraphs 7.2.71 and 7.2.73 of the updated **Report to Inform Habitat Regulation Assessment [Document Reference 5.3 Revision 8]** and paragraphs 3.3.37 and 3.3.39 of the updated **Outline Ecological Construction Management Plan [Document Reference 7.5 Revision 6]**, submitted at Deadline 6.

		NE's position at DL4 was that this matter was still under discussion, the applicant provided an updated HRA Report [REP4-011] and oECMP [REP4-053] to confirm the thresholds and other monitoring responsibilities of the ECoW, and additional confirmation of seasonal restrictions on noise generating works. The updated SoCG [REP5-055] stated that there is no LAmax or LApeak source data for solar panel frame piling and therefore it is not possible to undertake any predictive calculations, and as such seasonal restrictions and use of an ECoW have been proposed instead. NE stated [REP5-066] that email communications between NE and the applicant had clarified that the seasonal restriction on works will be October to February (instead of the originally proposed November to February). NE stated that the applicant has agreed to update all relevant documents with this		

		restriction and pending this, this matter and the conclusion of no AEOI were agreed (as also confirmed in the SoCG [REP5-055].		
3.3.3	Mitigation measures for potential loss (and disturbance) of FLL – construction and operation	NE considered ([RR-023] NE1) that insufficient detail had been provided on the specific suitability of the proposed habitat provision for features subject to LSE. Lincolnshire Wildlife Trust (LWT) [RR-019] [REP1-046] agreed with NE, however, no further submissions have been received. The applicant [REP1-043] [REP1-054] [REP1-057] outlined the approach to the design of mitigation areas, with reference to the breeding and non-breeding bird surveys, bird day calculations, and individual species behaviour. Updates were also provided to the HRA Report [REP1-010], NBBMS [REP1-019] and oLEMP [REP1 034] to include a detailed description of the design of each mitigation parcel and provide measurements of areas of 150m vistas	RIESQ9 - To the applicant – Please provide confirmation of when the required updates to the oLEMP will be or have been submitted to the examination. RIESQ10 - To Lincolnshire Wildlife Trust – Please provide an update to your position on this matter following the applicant's and	The Applicant confirms that the further mitigation parcel design, management, monitoring and remedial measures requested by Natural England under issue NE1a were included in the **Outline Landscape Ecological Management Plan (Revision 5) [REP4-055]**, submitted at Deadline 4. The **Natural England Statement of Common Ground [REP5-055]** records that Natural England considered the Deadline 4 updates sufficient to address its Deadline 3 comments and records the issue as agreed. These provisions are retained in the updated **Outline Landscape Ecological Management Plan**

		as required by the target species. The applicant provided further updates to the oLEMP [REP2-070] and HRA Report [REP2-010] to include a new section on scheme design, and updates to mitigation measures for the individual species. NE raised some minor further queries [REP2-095], which were responded to by the applicant in the same document, including confirming that mitigation parcel M1(A) would be restructured, rather than removed fully, as a result of change request 1. The ExA sought clarity as to any implications of a reduction in the area of M1(A) ([PD-011], Q2.2.8). The applicant [REP4-062] and NE [REP4-080] confirmed that neither considered that area (M1(A)) is specifically for mitigation for a European site, and the mitigation strategy is considered as a whole rather than relying on individual parcels. NE ([REP3-075], NE1a) provided further detail on the	NE's deadline 5 submissions.	**[Document Reference 7.6 Revision 6]**, submitted at Deadline 6: • The operational lifetime is addressed at paragraph 1.1.8; habitat management is set out in Table 4-1; Delivery and establishment before the relevant construction phase are addressed at paragraphs 6.22 to 6.28; Parcel-specific measures are set out at paragraphs 6.31 to 6.103; monitoring is addressed at paragraphs 7.1 to 7.26; Remedial measures are addressed at paragraphs 8.1 to 8.11; and Responsibility for delivery is addressed at paragraphs 9.1 to 9.4.

		outstanding areas of concern. These related to connectivity between parcel M11, M12 and M13, the requirement for a larger area to be managed for pink footed goose, and the consideration of the existing hydrological regime in the creation of scrapes. NE also requested details of how on site and adjacent habitat quality, bird surveys, boundary features, and additional monitoring would be undertaken for lapwing, mallard, pink footed goose, golden plover and greylag goose. The applicant provided updates to the NBBMS [REP4-029], oECMP [REP4-053] and oLEMP [REP4-055]. The updates included mitigation design (including new figures), a summary for each parcel of the baseline bird use, surrounding habitats, design considerations for specific species, and additional bird day calculations and mitigation design for greylag goose. Within the updated SoCG with		

		NE [REP5-055], and in response to NE's second written question responses [REP5-041], the applicant provided a summary of all relevant document updates submitted to the examination and how these were proposed to address NE's concerns. This matter and the conclusion of no AEOI were noted to be agreed in the revised SoCG [REP5-055] based on the revised documents submitted at DL4. However, the NE DL5 submission [REP5-066] stated that the agreement was subject to updates to the oLEMP to include the additional information provided within the NBBMS (most recently provided as [REP4-029]), and the oLEMP being secured in the dDCO for at least the operational lifetime of the proposed development.		
3.3.4	Mitigation measures for potential loss (and disturbance)	NE considered ([RR-023] NE2) that insufficient detail had been provided on the long term management and monitoring responsibilities of mitigation areas. The applicant [REP1-	This matter is considered to be resolved pending the mitigation	The Applicant refers to its response to RIESQ9 at entry 3.3.3 above. The relevant mitigation, management, monitoring and remedial provisions were included in the **Outline**

	of FLL – construction and operation	043] [REP1-057], and in an updated HRA Report [REP1-010] and oLEMP [REP1-034] stated additional detail on monitoring arrangements, including potential remedial strategies which would be applied if habitats are found to be in sub-standard condition or if surveyed bird numbers fall below the target level. The ExA also sought clarity on how the proposed mitigation of the cessation of arable farming and implementation of "adaptive farming methods" in area M15 was secured and monitored ([PD-010] Q2.0.49). The applicant [REP2-087] confirmed that the description of the management and monitoring measures was included in the oLEMP [REP1-034], which was secured by the dDCO. NE ([REP3-075], NE1a) confirmed that its outstanding concerns were in relation to the provision of the timings and duration of management techniques, and requested that NE are consulted on monitoring reports and the detail of	document updates as discussed in NE1/ NE1a in entry 3.3.3 above.	**Landscape Ecological Management Plan** (Revision 5) **[REP4-055]**, submitted at Deadline 4, and are retained in the updated **Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 6]**, submitted at Deadline 6.

		remedial measures. NE also recommended that any oLEMP updates should be included in the NBBMS. The applicant provided further supporting information on management, monitoring and remedial measures in an updated oLEMP [REP4-055]. Within the updated SoCG with NE [REP5-055], and in response to NE's second written question responses [REP5-041], the applicant provided a summary of all relevant document updates submitted to the examination and how these were proposed to address NE's concerns. This submission also detailed the provision of pre-construction monitoring and how this would be used to inform the mitigation design, and provided additional information on possible remedial interventions. This matter and the conclusion of no AEoI were noted to be agreed in the NE DL5 submission [REP5-066] and revised SoCG [REP5-055] pending the		

		updates to the oLEMP required by NE1a.		
3.3.5	Mitigation measures for potential loss (and disturbance) of FLL – construction and operation	NE considered ([RR-023] NE3) that insufficient detail had been provided on the proximity of mitigation areas to existing wind turbines, as this may introduce displacement and collision risk due to the mitigation areas being less than recommended distance from the turbines (600m). The applicant [REP1-043] [REP1-057] stated that the majority of mitigation areas are located beyond 600m of any turbines, and as such there would be sufficient mitigation land beyond this distance, with reference to the bird day calculations in addition to the use of ecological knowledge of the carrying capacity of different habitat types. The areas beyond 600m were provided in summary tables in the HRA Report [REP1-010], NBBMS [REP1-019] and oLEMP [REP1-034]). NE requested further information from the applicant to support its position	This matter is considered to be resolved pending the mitigation document updates as discussed in NE1/ NE1a in entry 3.3.3 above.	The Applicant refers to its response to RIESQ9 at entry 3.3.3 above. The relevant mitigation, management, monitoring and remedial provisions were included in the **Outline Landscape Ecological Management Plan** (Revision 5) **[REP4-055]**, submitted at Deadline 4, and are retained in the updated **Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 6]**, submitted at Deadline 6.

		that both the bird day calculations and ecological experience have been used to design the mitigation measures [REP2-095]. At DL5, the applicant provided confirmation within the SoCG [REP5-055] that the existing wind turbines (and other vertical structures) were considered within the bird day calculations, and that surrounding land outside of the order limits is not relied upon as mitigation. This matter and the conclusion of no AEoI were noted to be agreed in the NE DL5 submission [REP5-066] and revised SoCG [REP5-055] pending the updates to the oLEMP required by NE1a.		
3.3.6	Mitigation measures for potential loss (and disturbance) of FLL – construction	NE considered ([RR-023] NE6) that insufficient detail had been provided on whether the proposed mitigation of scrapes/ ephemeral pools were deliverable due to uncertainty over the current ground conditions, hydrological and drainage regime. The applicant [REP1-043] [REP1-057] and in	This matter is considered to be resolved pending the mitigation document updates as discussed in	The Applicant refers to its response to RIESQ9 at entry 3.3.3 above. The relevant mitigation, management, monitoring and remedial provisions were included in the **Outline Landscape Ecological Management Plan** (Revision 5) **[REP4-055]**, submitted at Deadline 4, and are

	and operation	an updated HRA Report [REP1-010], NBBMS [REP1-019] and oLEMP [REP1-034] provided information on the deliverability of the mitigation, and alternatives in the event of an inability to construct or failure during operation after monitoring. Further information on scrape location and design was included within the updated HRA Report [REP2-010] and SoCG with NE [REP2-095]; NE confirmed ([REP3 075], NE1a) that its concern related to ensuring a sufficient water level in scrapes in relation to the existing ground conditions so as to be suitable for the target species. The applicant provided further information to support the design of the proposed scrapes in an updated oLEMP [REP4-055] and at DL5 [REP5-041] [REP5-055] to include confirmation of the monitoring and management of the scrapes to ensure sufficient water retention and habitat suitability for foraging waders. This	NE1/ NE1a in entry 3.3.3 above.	retained in the updated **Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 6]**, submitted at Deadline 6.

		matter and the conclusion of no AEOI were noted to be agreed in the NE DL5 submission [REP5-066] and revised SoCG [REP5-055] pending the updates to the oLEMP required by NE1a.		
3.3.7	Mitigation measures for potential loss (and disturbance) of FLL – operation only	NE considered ([RR-023] NE5) that the new permissive route in mitigation parcel M1(A), was not proposed to be fenced off as it was located on common land, which NE considered may introduce recreational disturbance. The applicant [REP1-043] [REP1-057] stated that it considered that recreational disturbance had been adequately considered within the HRA Report [REP1-010], and that the mitigation strategy as a whole does not rely on any single parcel and should instead be considered as a whole based on supporting bird day calculations. However, the applicant acknowledged [REP2-095] that it would make changes to the design of the affected mitigation area, which	This matter (NE11a) is considered to be a "yellow" issue on the NE submissions which NE do not consider would make a material difference to the conclusions of no AEoI. NE5 is considered to be resolved pending the mitigation document updates as discussed in	The Applicant notes this comment and Natural England's confirmation that NE11a does not make a material difference to the conclusion of no adverse effect on integrity. The Applicant refers to its response to RIESQ9 at entry 3.3.3 above. The relevant mitigation, management, monitoring and remedial provisions were included in the **Outline Landscape Ecological Management Plan** (Revision 5) **[REP4-055]**, submitted at Deadline 4, and are retained in the updated **Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 6]**, submitted at Deadline 6.

		were formalised in change request 1 [CR1-001] to [CR1-026], which amended the scheme design to exclude common land, enabling the applicant to reroute and fence off the permissive path. NE confirmed ([REP3-075], NE1a) that its outstanding concerns related to the provision of the specific design of the fencing, screening, routing and educational signage of the permissive path. The applicant provided supporting information on the permissive footpath design in an updated oLEMP [REP4-055], with further specific design details in relation to fencing provided at DL5 [REP5-041] [REP5-055]. This matter was noted to be agreed in the NE DL5 submission [REP5-066] and revised SoCG [REP5-055] pending the updates to the oLEMP required by NE1a. NE [REP5-066] also provided comments under NE11a, which was for the purposes of separating the previous entry NE11 into	NE1/ NE1a in entry 3.3.3 above.	

		matters relating to management of parcel M1(A) and the fencing design, from management of hydrological conditions (NE11b). NE confirmed that whilst it agreed with the conclusions of no AEoI, it advised the applicant to consider the potential for the path be re-routed to the edge of the parcel. Whilst the updated SoCG [REP5-055] considers this is under discussion, the NE DL5 submission [REP5-066] considers this to be a yellow issue.		
Thorne Moor SPA - Issues raised in the examination to date by the ExA and IPs in relation to the applicant's assessment of effects on integrity (alone and in-combination)				
3.4.1	Potential disturbance to FLL from noise and visual impacts – construction only	NE considered ([RR-023] NE9) that insufficient detail had been provided on mitigation measures required as a result of the proximity of construction works. This concern was predominately due to NE requesting clarity over the seasonal restrictions of works in nightjar breeding season, uncertainty over the location of construction compounds, and the	This matter is considered to be resolved	The Applicant notes this comment.

		proposed buffer zones between the designated sites and areas of construction being less than the 150m recommended. The applicant [REP1-043] [REP1-057] confirmed in an updated HRA Report [REP1-010], NBBMS (in relation to foraging habitat) [REP1-019] and oECMP [REP1-032] a single approach to buffer zone distances and locations across the order limits, and provided confirmation of seasonal (and daily working hours) restrictions close to the SPA boundary and additional noise and visual mitigation measures. The applicant gave a further assessment of potential impacts within the SoCG with NE [REP2-095] to confirm that no additional specific mitigation measures were required for impacts to the SPA. NE confirmed [REP3-075] that its outstanding concerns related to a requirement to utilise average (Laeq) and maximum/ sudden (LAmax) noise levels, as both can		

		affect the behaviour of qualifying features. NE also requested further clarity on how the ECoW would decide if the threshold for additional mitigation had been reached. Whilst NE's position at DL4 was that this matter was still under discussion, the applicant provided an updated HRA Report [REP4-011], oECMP [REP4-053] and oLEMP [REP4 055] to confirm the thresholds and other monitoring responsibilities of the ECoW, seasonal restrictions, confirmation of the buffer zones, and to state that no works would be permitted within the sites. NE confirmed [REP5-066] that the information in the updated HRA Report [REP4-011] and information regarding the role of the ECoW was sufficient to conclude no AEoI and that this matter and the conclusion of no AEOI were agreed (as also confirmed by the updated SoCG [REP5-055]).		

3.4.2	Potential loss (and disturbance) of FLL – construction and operation	NE considered ([RR-023] NE8) that insufficient detail had been provided on how mitigation measures for potential loss of FLL for nightjar had been specifically designed to be suitable given the foraging distances and behaviours of nightjar. The applicant [REP1-043] [REP1-057] and in an updated NBBMS [REP1-019] (in relation to foraging habitat) and oLEMP [REP1-034] responded to NE provide an updated green corridor design for foraging nightjar, with reference to additional buffers around retained ditches and hedgerows. The applicant also provided further updates to the HRA Report [REP2-010] and oLEMP [REP2-070] to include a new section on scheme design, and updates to mitigation measures for nightjar. These updates were further detailed in the applicant's response [REP2-087] to ([PD-010] Q2.0.28). NE confirmed [REP2-095] [REP2-105] that its main concern related to the size of	This matter is considered to be resolved	The Applicant notes this comment.

		retained/ installed margins along recorded nightjar flight routes. NE updated its position [REP3-075] to note that it welcomed a clarification from the applicant (by email) that most of the margins would be between 5 and 10m width, and that this information should be considered within the HRA Report to support the assessment conclusions. The applicant initially provided this detail in [REP3-046] in response to Q2.0.28 and later in updates to the text and figures of the HRA Report [REP4-011] and oLEMP [REP4-055] showing buffer zones, grass sward height and field margins. NE confirmed [REP5-066] that the additional information in the HRA Report [REP4-011] and oLEMP [REP4-055] were sufficient to conclude no AEoI and that this matter is agreed (as also confirmed by the updated SoCG REP5-055]).		
3.4.3	Potential collision risk	NE considered ([RR-023] NE8a) that the HRA Report [APP-028] had	RIESQ11 - To the applicant –	The Applicant confirms that the additional assessment of potential

	for nightjar using FLL – Operation	omitted mitigation measures for collision risk with solar panels during operation, due to nightjar mistaking the panel colours for waterbodies. NE requested further monitoring measures, including bird collision monitoring and recording the presence of carcasses. The applicant [REP1-043] [REP1-057] and in an updated oLEMP [REP1-034] responded to provide details requested by NE including consideration of nightjar flight height levels, how the panel design would avoid collision risk and how the overall mitigation design would benefit nightjar. NE provided a further series of recommended mitigation and monitoring measures related to panel appearance [REP2-095], and noted that its outstanding concerns were in relation to the provision of detail on the proposed remedial measures, where required, as a result of the proposed monitoring [REP3-075]. The applicant provided	Please provide confirmation of when the required updates to the HRA Report will be or have been submitted to the examination.	collision risk requested by Natural England under issue NE8a has been incorporated into the updated **Report to Inform Habitat Regulation Assessment [Document Reference 5.3 Revision 8]**, submitted at Deadline 6. The associated monitoring and remedial measures were previously included in the **Outline Landscape Ecological Management Plan (Revision 5) [REP4-055]**, submitted at Deadline 4, as recorded under issue NE8a of the N**atural England Statement of Common Ground [REP5-055]**. These measures are retained at paragraphs 7.25 and 8.8 of the updated **Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 6],** submitted at Deadline 6 and have been added to paragraph 7.2.34 of the **Report to Inform Habitat**

		further updates to the oLEMP [REP4-055] to include updates on bird carcass monitoring and how this would inform remedial measures. NE acknowledged [REP5-066] the limited available evidence regarding collision risk for nightjar from solar panels. NE considered that, acknowledging this context, the additional information provided in the oLEMP sufficiently ruled out AEoI. However, NE reiterated the importance of monitoring and remedial measures for nightjar post-consent to validate this conclusion. NE stated that, subject to the additional assessment relating to collision risk in the SoCG [REP2-095] also being included in the HRA Report to support the overall conclusion of no AEoI, this matter was agreed (also confirmed by the updated SoCG REP5 055]).		**Regulation Assessment [Document Reference 5.3 Revision 8]**, submitted at Deadline 6.
3.4.4	Potential disturbance to FLL from noise and	CDC raised similar issues to NE in relation to the assessment of impacts to, and requirement for mitigation for, the nightjar population of the SPA. In	RIESQ12: To CDC - Please provide your latest position on this	

	visual impacts – construction and operation	[REP1-062], CDC considered that it was not clear as to how the mitigation design was suitable for nightjar (NE8), as the habitat of open pastures was not appropriate. CDC also questioned the age of baseline survey data, and requested detail on how nightjar flight pathway tracking had informed the location and design of mitigation areas. The applicant provided further information to CDC [REP2-089] on the nightjar survey efforts, including use of flight data and agreement with NE. At ISH2, CDC [REP3-081] confirmed that its outstanding concerns related to the provision of the locations and nature of the mitigation either as habitats or functional features. The applicant provided details on this in [REP3-046] in response to Q2.0.28 and in updates to the text and figures of the HRA Report [REP4-011] and oLEMP [REP4-055] showing buffer zones, grass sward height and field margins, as detailed in response to	matter and whether there are any implications for the conclusions on AEoI? If there are remaining concerns, provide reasoning and clearly set out specific actions that, in your view, the applicant should take to resolve those concerns.	

		CDC [REP4-065]. In [REP1-062], CDC considered that a seasonal exclusion to avoid nightjar breeding season should be considered (NE9), and in [RR-006] [REP1-050] [REP1-062], CDC considered that that the assessment of lighting impacts was limited in detail (NE10). No submissions in addition to those discussed at 3.4.1 and 3.4.2 above are noted for these matters. At DL5, CDC [REP5-058] confirmed that the additional drawings provided were acceptable, however, the overall issue of the assessment of impact to and mitigation for nightjar remained under discussion in the updated SoCG [REP5-047].		