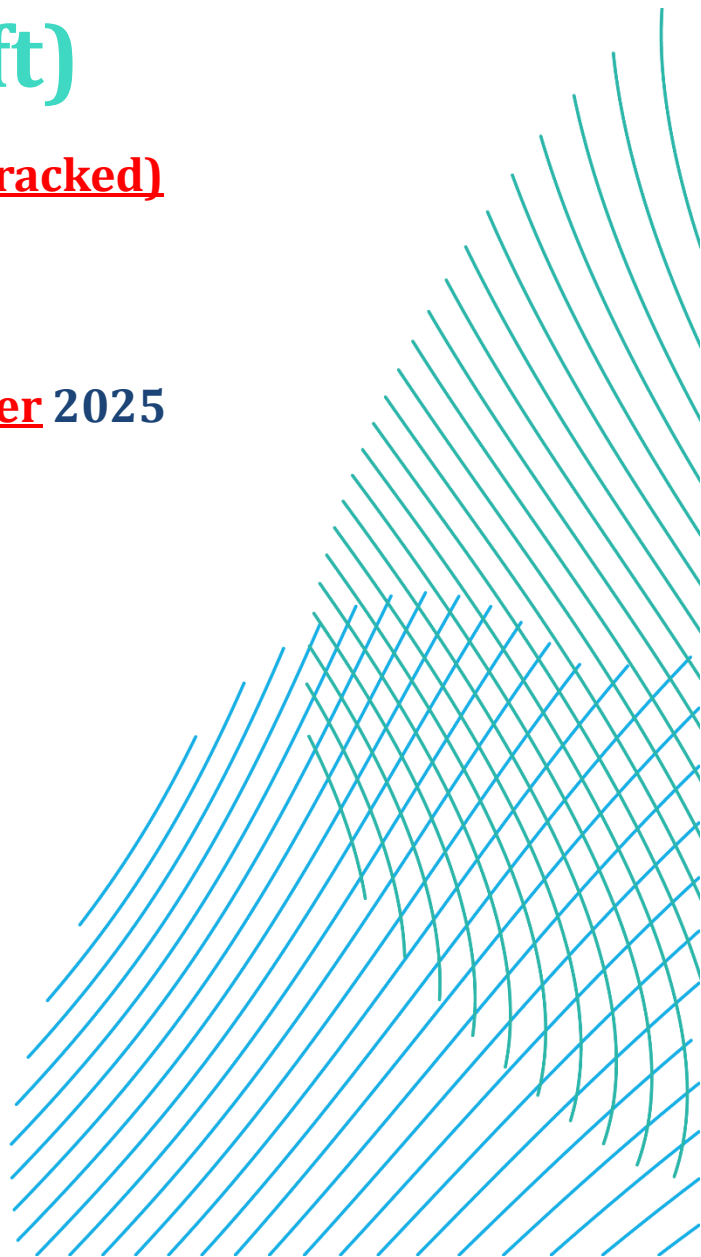




# Statement of Common Ground with Natural England (draft)

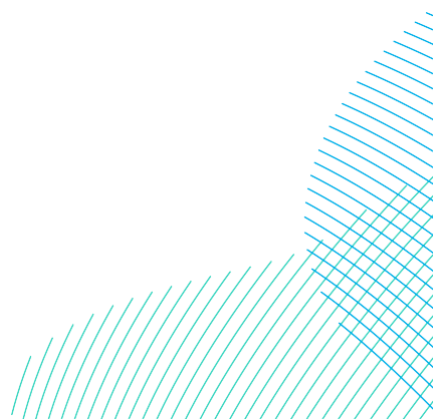
Revision 2 (tracked)

AugustOctober 2025



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# 1 Introduction

## 1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared to support the Examination of the Development Consent Order (DCO) application (the 'DCO Application') for Peartree Hill Solar Farm (the 'Proposed Development').
- 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 collaboratively by the Applicant and the Consultee (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 Proposed Development. Where matters are yet to be agreed, the parties will continue to proactively work to reach agreement.

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

- 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.

## **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 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 though discussion between the parties. It provides a summary of the position of each party and identifies the status of discussions on each matter:
- “Agreed” indicates where the issue has been resolved between the parties and is not anticipated to be subject to further discussions;
  - “Under discussion” indicates where a matter remains in active dialogue between the parties and a final position has not yet been reached;
  - “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 Proposed Development. **Table 1** shows a summary of the meetings and correspondence that has taken place between the Applicant and Natural England in relation to the Proposed Development. 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).

**Table 1: Record of Engagement since February 2024**

Date	Purpose of engagement	Description
<b>February – March 2024</b>	To seek advice regarding the approach to bird surveys	Email correspondence to discuss existing bird survey data, surveys completed to date, and proposed future surveys.
<b>March – April 2024</b>	To consult on a draft version of the wintering bird survey report	Email correspondence to discuss a draft version of the wintering bird survey report (subsequently developed into the submitted <b>ES Volume 4, Appendix 7.4: Wintering Bird Survey Report [APP-108]</b> ).
<b>15 July 2024</b>	To seek advice in relation to Habitats Regulations Assessment work.	Online meeting to discuss the methodology for assessment work and potential mitigation and enhancement measures in relation to European site qualifying species and functionally linked land.
<b>July – September 2024</b>	To consult on a draft version of the Agricultural Land Classification Report.	Email correspondence to discuss a draft version of the Agricultural Land Classification Report (subsequently developed into the submitted <b>ES Volume 4, Appendix 10.2: Agricultural Land Classification Report [APP-127]</b> ) and potential impacts on Best and Most Versatile (BMV) agricultural land.
<b>November 2024 – January 2025</b>	To provide an update on the project, to outline how Natural England's statutory consultation comments had been	Email correspondence to consult on the following documents: <ul style="list-style-type: none"><li>• Biodiversity Mitigation Strategy (for consultation purposes only - contents</li></ul>

Date	Purpose of engagement	Description
	addressed in the relevant DCO Application documentation and to reach agreement on any outstanding issues prior to submission.	<p>were subsequently incorporated into the submitted <b>Outline Landscape and Ecological Management Plan (Outline LEMP) [APP-156]</b>;</p> <ul style="list-style-type: none"> <li>• A draft version of the Habitats Regulations Assessment - Information to Inform Appropriate Assessment (later developed into the submitted <b>Habitats Regulations Assessment - Information to inform Appropriate Assessment [APP-145]</b>); and</li> <li>• A draft version of the Outline Soil Management Plan covering the grid connection cable route (later incorporated into the submitted <b>Outline Soil Management Plan (Outline SMP) [APP-159]</b>).</li> </ul>
<b>14 January 2025</b>	To consult on the Biodiversity Mitigation Strategy and the draft version of the Habitats Regulations Assessment – Information to Inform Appropriate Assessment.	Online meeting to discuss Natural England's comments on the Biodiversity Mitigation Strategy and the draft version of the Habitats Regulations Assessment – Information to Inform Appropriate Assessment (shared on 25 November 2024).
<b>3 February 2025</b>	To provide comments in relation to glint and glare.	Email from Natural England providing points for consideration in relation to glint and glare.
<b>March – April 2025</b>	To clarify points in relation to the Outline Landscape and Ecological Management Plan [APP-156].	Email correspondence to address Natural England's queries on the submitted <b>Outline LEMP [APP-156]</b> in relation to the 'bird days' calculation and the amount of mitigation land proposed for European site qualifying bird species.
<b>21 May 2025</b>	Kick-off progress meeting for the Pre-examination/ Examination period.	Online meetings to discuss Natural England's relevant representation responses and how the Applicant proposes to address them.
<b>21 July 2025</b>	To share the grid connection bird survey report.	Email from the Applicant to share the <b>Grid Connection Bird Survey Report [EN010157/APP/8.4]</b> .
<b>July 2025</b>	To set out the Applicant's proposed responses to	Email correspondence to share an updated draft version of the submitted

Date	Purpose of engagement	Description
	some matters in Natural England's relevant representation.	<b>Outline LEMP [APP-156] and the submitted Habitats Regulations Assessment - Information to inform Appropriate Assessment [APP-145].</b>
<b><u>4 September 2025</u></b>	<u>To consult with Natural England on proposed amendments to permissive path routes to minimise disturbance to mitigation areas.</u>	<u>Email from the Applicant explaining the proposed amendments to permissive path routes (later set out in the <b>Third notification of proposed changes to the DCO Application [AS-017]</b>).</u>
<b><u>11 September 2025</u></b>	<u>To discuss the key outstanding issues from Natural England's forthcoming Written Representations.</u>	<u>Online meeting to discuss the key outstanding issues from Natural England's Written Representations prior to submission of the document at Deadline 2, including the proposed amendments to permissive path routes.</u>

## 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 has been reached between the parties.



**Table 2: Current position of the Applicant and Natural England in relation to specific matters that have been under discussion to date**

Ref	Topic	Natural England's Position	Applicant's Position	Status
International designated sites - surveys				
NE01	Bird surveys – <del>general</del> <u>Land Areas</u>  <i>Biodiversity</i>	In their relevant representation <b>[RR-012]</b> (NE1e), Natural England considers that the <u>bird</u> survey effort for the <del>Site (excluding the grid connection cable route, the data for which had not been reviewed by Natural England at the time of the comment)</del> <u>Land Areas</u> is acceptable to inform the assessment of impacts from loss of functionally linked land due to factors such as the number of surveys undertaken and the results obtained.	The Applicant welcomes this response. See <b>ES Volume 2, Chapter 7: Biodiversity [EN010157/APP/6.2 Revision 2]</b> , <b>ES Volume 4, Appendix 7.4: Wintering Bird Survey Report [APP-108]</b> , <b>ES Volume 4, Appendix 7.5: Ornithological Survey Report [APP-109]</b> , and <b>ES Volume 4, Appendix 7.9: Passage Bird Survey Report [APP-113]</b> for details.	Agreed
NE02	Bird surveys – grid connection cable route  <i>Biodiversity</i>	In their <del>relevant</del> <u>written</u> representation <b>[RR-012REP2-154]</b> (NE1e) <u>submitted at Deadline 2</u> , Natural England welcomes <u>the provision of the Grid Connection Bird Survey Report and the inclusion of the new data in the HRA</u> . <u>However, Natural England advises that further assessment should be provided to determine whether the proposed measures are sufficient in the context of the updated bird survey results, particularly regarding potential impacts to pink-footed geese</u> . <u>Natural England notes that noise and visual disturbance impacts resulting from temporary</u>	<u>The Habitats Regulations Assessment - Information to inform Appropriate Assessment [EN010157/APP/5.3 Revision 4]</u> has been updated to provide further consideration in relation to pink-footed goose recorded within the grid connection cable route. During the 2024/25 bird surveys, pink-footed goose were seen flying over on four occasions and were only recorded twice within the Order Limits. Although the numbers recorded within the Order Limits were more than 1% of the SPA population, the grid connection cable route is not considered to	Under discussion

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p><u>loss of and disturbance to functionally linked land will need to be considered.</u></p> <p><u>Natural England will review the updated information and provide comments at Deadline 4.</u><del>that passage/ wintering bird surveys have been undertaken on the grid connection cable route and will provide detailed comments once the survey report is provided. Natural England welcomes that in the absence of targeted bird survey data of the grid connection cable route, a precautionary approach has been taken, with the associated land assessed as being functionally linked.</del></p> <p><u>Update 8 August 2025:</u> Natural England welcomes the incorporation of the new data in the updated HRA at Deadline 1. Natural England will review the information and provide comments at Deadline 2.</p>	<p><u>constitute functionally linked land for pink-footed goose given that they were not regularly recorded, no Wetland Bird Survey alerts have been triggered for this species on the Humber Estuary, and their numbers within the Humber have shown increases in recent years (following the national trend</u></p> <p><u>The updated <b>Habitats Regulations Assessment - Information to inform Appropriate Assessment</b> [EN010157/APP/5.3 Revision 4] is submitted at Deadline 3.</u><del>The Applicant welcomes this response. Since this comment, the <b>Grid Connection Bird Survey Report</b> [EN010157/APP/8.4], which is submitted at Deadline 1, has been shared with Natural England.</del></p> <p><del>The <b>Habitats Regulations Assessment - Information to inform Appropriate Assessment</b> [EN010157/APP/5.3 Revision 2] has been updated to incorporate the new data and is submitted at Deadline 1, although the overall conclusions in the Habitat Regulations Assessment are unchanged given that a</del></p>	

Ref	Topic	Natural England's Position	Applicant's Position	Status
			<del>precautionary approach had already been adopted.</del>	
International designated sites – mitigation areas				
NE03	Core mitigation areas and the implementation of a buffer  <i>Biodiversity</i>	<p>In their <u>relevant-written</u> representation <b>[REP2-154RR-012]</b> (NE1a), Natural England <u>noted that some further assessment of the habitat suitability and the capacity of each mitigation area to deliver for the intended species has been provided.</u> However, <u>Natural England advises that further details are needed regarding the management and monitoring measures to be implemented, before it can concur with the conclusion that the mitigation areas are sufficient to support the required bird numbers and species.</u> <u>Natural England advised that the required details can be provided through responses to issues NE1b, NE1c, NE1d, NE1e and NE1g in its written representation [REP2-154] but also requested that an overall conclusion justifying the suitability of the site should be provided.</u></p> <p><u>In an online meeting on 11 September 2025, Natural England acknowledged that it was not possible to physically extend the capacity of mitigation areas at this stage, but the</u></p>	<p><del>The 'bird-days' calculation to gauge the quantum of mitigation for bird species associated with International Designated Sites has been updated to take account of data from the <b>Grid Connection Cable Route Bird Survey Report [EN010157/APP/8.4]</b>, which is submitted at Deadline 1. The <b>Outline LEMP [EN010157/APP/7.5 Revision 3REP1-056]</b> that was submitted at Deadline 1 has been updated to incorporate the amended 'bird-days' calculations as well as to provide further assessment of the suitability and the potential carrying capacity of each mitigation area to deliver mitigation for the intended species.</del></p> <p><del>The Applicant will continue to engage with Natural England on this topic.</del></p> <p><del>The updated <b>Outline LEMP [EN010157/APP/7.5 Revision 3]</b> is submitted at Deadline 1. The Applicant has provided an overall conclusion justifying the suitability of the Site in its <b>Response to Deadline 2 Submissions and Additional Information</b></del></p>	Under discussion

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p><u>capacity can be increased through effective management and monitoring of the mitigation areas.</u></p> <p><u>Natural England will review the updated information and provide comments at Deadline 4.</u> <del>advises that all core mitigation areas should be surrounded by a buffer of 150m, within which the land use is secured for a purpose which will not affect the integrity of the mitigation area. However, Natural England agreed in principle at a meeting on 19 June 2025 that the presence of screening (e.g. hedgerows) between proposed mitigation areas and areas of solar PV modules would negate the need for a 150m buffer from the solar PV modules from a visual impact perspective, assuming hedgerows are high enough to screen panels and other works. Natural England requested that if a 150m buffer is not included within the proposals, further assessment of the suitability of areas closer to the panels (e.g. some species rely on open vistas to forage), and the amount of 'core habitat' available, should be provided. The 'core habitat' should be of sufficient size and ecological suitability</del></p>	<p><u>[EN010157/APP/8.14], which is submitted at Deadline 3. That document also contains detailed answers to issues NE1b NE1c, NE1d, NE1e and NE1g from Natural England's written representation [REP2-154] and sets out how the updated <b>Outline LEMP</b> [EN010157/APP/7.5 Revision 6], which is submitted at Deadline 3, has been amended to address each respective issue.</u></p>	

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p><del>to deliver the required mitigation for the birds displaced by the development.</del></p> <p><u>Update 8 August 2025:</u>  <del>Natural England welcomes that further information will be provided in the Outline LEMP at Deadline 1. Natural England advises that justification should also be included in the HRA, where relevant to the conclusions of the assessment. Natural England will review the information and provide comments at Deadline 2.</del></p>		
NE04	Permissive paths and the proposed mitigation areas  <i>Biodiversity</i>	In their relevant representation <b>[RR-012]</b> (NE1b), Natural England noted that Figure 3.4 Indicative Environmental Masterplan [APP-058] detailed proposed permissive walking routes around mitigation areas 9 and 11 and advised that the impact of these paths on the functionality of the proposed mitigation areas should be assessed in the HRA. <u>Natural England confirmed via email on 10 September 2025 that overall, it welcomes the Applicant's proposed changes to address this matter, specifically the proposed removal of the permissive path loops around mitigation area 9 (Fields D18) and 11 (Field E6).</u> Natural England also requested	<u>As set out in the Third notification of proposed changes to the DCO Application [AS-017], the Applicant is proposing amendments to the permissive path routes around mitigation areas, including mitigation areas 9 (Field E6) and 11 (Field D18), to address this matter, following consultation with Natural England. The Applicant is also proposing to install 1m-high post and rail fencing with wire mesh between relevant sections of permissive path and mitigation areas to prevent path users and dogs straying into the mitigation areas, along with appropriate signage (to provide footpath users with information on the ecological importance of the mitigation areas and the</u>	Under discussion

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p><del>clarification on whether the proposed footpaths will be separated from the mitigation areas by fencing advised that stock proof fencing should be considered to separate permissive path users from all mitigation areas to prevent dogs from entering the mitigation areas.</del></p> <p><u>Update 8 August 2025:</u> Natural England will continue to engage with the Applicant on this topic.</p>	<p><u>countryside code which includes ensuring all dogs are kept on a lead).</u></p> <p><del>Should the proposed changes be accepted by the Examining Authority, relevant documents would be updated as necessary and submitted at subsequent deadlines. The Applicant is investigating ways to address this issue, such as the re-routing of the proposed permissive paths around mitigation areas 9 and 11, the use of signage in appropriate locations instructing dog walkers to keep their dogs on a lead and/ or additional fencing. The Applicant will continue to engage with Natural England on this topic.</del></p> <p><del>The Outline LEMP [EN010157/APP/7.5 Revision 3] and ES Volume 3, Figure 3.4: Indicative Environmental Masterplan [APP-058] will be updated to reflect any changes as necessary and submitted at subsequent deadlines.</del></p>	
NE05	Hydrology of the proposed mitigation areas	<p>In their <del>relevant-written</del> representation [REP2-154RR-012] (NE1c) <u>submitted at Deadline 2</u>, Natural England welcomed <u>the further information provided regarding the hydrology and soil types within the proposed</u></p>	<p>The Outline LEMP [REP1-056EN010157/APP/7.5 Revision 3] <u>that was submitted at Deadline 1</u><del>has been updated to include</del> further information regarding the viability of the proposed scrapes based on</p>	Under discussion

Ref	Topic	Natural England's Position	Applicant's Position	Status
	Hydrology and Flood Risk	<p><u>scrape mitigation areas, and the predicted suitability of the locations for scrape creation. Natural England concurs that mitigation areas 11 and 13 are likely to be suitable for scrape creation and agrees that appropriate micro-siting of the scrapes can be determined by pre-construction hydrological studies.</u> the proposed creation of scrapes but advises that the existing drainage regime should be considered to determine the ability of the proposed fields to hold sufficient water. In the absence of hydrological studies or assessment prior to construction, a precautionary approach is needed. If hydrological studies are not completed at this stage, Natural England advises 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>known information on the current hydrological statuses and permeability of soils in Mitigation Areas 11 (Field E6), 13 (Fields E13/E14) and 9 (Field D18). An initial review indicates that Mitigation Areas 11 and 13 are suitable locations to create scrapes successfully. Further assessment <del>has been was</del> provided in the updated <b>Outline LEMP [EN010157/APP/7.5 Revision 3REP1-056]</b> <u>that was submitted at Deadline 1 of regarding</u> the suitability and the potential carrying capacity of each mitigation area to deliver mitigation for the intended species and to set out that pre-construction hydrological studies are proposed to determine the exact locations of the scrapes within the mitigation areas. <u>The updated Outline LEMP [EN010157/APP/7.5 Revision 6], which is submitted at Deadline 3, secures that scrapes will be implemented, monitored and maintained to ensure suitable wetland habitat is in place for the duration of construction and operational phases of the Proposed Development.</u></p> <p>The <u>updated</u> <b>Habitats Regulations Assessment - Information to inform Appropriate Assessment</b></p>	

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p><u>However, Natural England advises that further information should be provided regarding the 'suitable mitigation' measures that will be implemented, to ensure that the scrapes will remain hydrologically isolated from the wider retained under-field drains because if scrape excavation goes through the pipes or sits above them, the scrapes are unlikely to hold sufficient water.</u></p> <p><u>Natural England will review the updated information and provide comments at Deadline 4.</u></p> <p><u>Update 8 August 2025:</u>  Natural England welcomes that further information will be provided in the Outline LEMP and HRA at Deadline 1. Natural England will review the information and provide comments at Deadline 2.</p>	<p><del>[EN010157/APP/5.3 Revision 2]</del><b>EN010157/APP/5.3 Revision 4</b> has been updated to include <u>s</u> cross-references to relevant sections of the <b>Outline LEMP [EN010157/APP/7.5 Revision 36]</b>.</p> <p><del>The updated documents are submitted at Deadline 1.</del></p>	
NE06	Management of the proposed mitigation areas  <i>Biodiversity</i>	<p>In their <u>relevant written</u> representation <b>[REP2-154RR-012]</b> (NE1d), Natural England <u>welcomes that Natural England welcomes that further information on monitoring and management has been included in the updated Outline LEMP. However, Natural England:</u></p>	<p><del>The Outline LEMP [EN010157/APP/7.5 Revision 3] sets out the broad framework for the monitoring strategy to be carried out during the operational phase of the Proposed Development. It has been updated to include indicative management and monitoring procedures, and targets for success criteria and potential remedial actions.</del> The <b>Outline</b></p>	Under discussion



Ref	Topic	Natural England's Position	Applicant's Position	Status
		<ul style="list-style-type: none"> <li>• <u>advises that the maximum sward height should be 10cm during winter;</u></li> <li>• <u>requests clarification on how national trends will be considered in assessment of bird numbers and 'success' of the mitigation areas;</u> advised that the Outline Landscape and Ecological Management Plan should include the following:</li> <li>• <u>advises that it may be appropriate to consider increasing the frequency of bird monitoring for years 3-10, to provide confidence that the site is experiencing adequate bird usage and to allow for the early implementation of remedial measures if needed; and</u></li> <li>• <u>Clear objectives.</u></li> <li>• <u>Targets for each objective, including SPA bird use targets and habitat targets;</u></li> <li>• <u>Details of required management and monitoring (including who is responsible and when it will take place).</u></li> <li>• <u>Details of limits of acceptable change.</u></li> </ul>	<p><u><b>LEMP [EN010157/APP/7.5 Revision 6]</b> has been updated to address each bullet point from item 1a in Natural England's written representation <b>[REP2-154]</b>. Details of how these points have been addressed are set out in the Applicant's <b>Response to Deadline 2 Submissions and Additional Information [EN010157/APP/8.14]</b>, which is submitted at Deadline 3.</u></p> <p>The <del>monitoring strategy has taken on board the points raised by Natural England, and the</del> final management and monitoring protocol in the Landscape and Ecological Management Plan will be agreed in consultation with Natural England at the detailed design stage.</p> <p>The updated <b>Outline LEMP [EN010157/APP/7.5 Revision 36]</b> is submitted at Deadline <u>34</u>.</p>	

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<ul style="list-style-type: none"> <li><del>Details of remedial actions, where appropriate.</del></li> </ul> <p><del>Update 8 August 2025:</del></p> <ul style="list-style-type: none"> <li><del>Natural England welcomes that further information will be provided in the Outline LEMP at Deadline 1. Natural England advises that justification should also be included in the HRA, where relevant to the conclusions of the assessment. Natural England will review the information and provide comments at Deadline 2.</del></li> </ul> <p><del>requests clarification of 'the right habitat conditions' and specific remedial action in relation to the following text in the Outline LEMP: "If the number of birds fall below the baseline conditions when taking into consideration national trends, the Applicant should ensure habitat management is providing the right habitat and conditions as outlined in the Landscape and Ecological Management Plan."</del></p>		

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p><u>Natural England also advises that a monitoring report should be produced following each of the completed surveys and that these reports should be submitted to the Local Planning Authority for review, with Natural England consulted if the site is failing to meet its targets.</u></p> <p><u>Natural England will review the updated information and provide comments at Deadline 4.</u></p>		
NE07	<p>'Bird days' calculation methodology</p> <p><i>Biodiversity</i></p>	<p>In their <del>relevant written</del> representation <del>[REP2-154] [RR-012]</del> (NE1f), Natural England <u>welcomed the clarification provided in Appendix E of the Outline LEMP, having previously requested that the lapwing and golden plover 'bird days' requirements be considered separately</u> <del>when calculating the amount of mitigation in hectares required for wintering bird species,</del> in order to ensure that <u>the the</u> mitigation <u>provided</u> is sufficiently large enough to deliver for the combined number of both species recorded.</p> <p><u>Natural England considers this matter to now be resolved.</u></p>	<p>The Applicant <del>agreed to this request</del> <u>welcomes this response. See the Outline LEMP [EN010157/APP/7.5 Revision 3] for details.</u> The 'bird days' calculations within Appendix E of the updated <b>Outline LEMP [REP1-056]</b> that <u>was submitted at Deadline 1 were redone</u> <del>it should be noted that calculations regarding to</del> <u>consider</u> lapwing and golden plover <u>separately have been redone</u> <del>and</del> to take account of the data in the <b>Grid Connection Cable Route Bird Survey Report [EN010157/APP/8.4 REP1-072]</b>, which <del>is was</del> <u>also</u> submitted at Deadline 1. <del>The Outline LEMP [EN010157/APP/7.5 Revision 3] has been updated accordingly and is submitted at Deadline 1.</del></p>	Agreed

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<u>Update 8 August 2025:</u> <del>Based on the information provided, Natural England agrees that this point is now resolved.</del>		
NE07a	<u>In combination impacts</u>  <u>Biodiversity</u>	<p><u>In their written representation [REP2-154] (NE1g), Natural England notes that Carr Farm Solar Farm, which is situated adjacent to mitigation area 11, has recently been consented. Natural England advises, therefore, that further assessment should be provided in the in-combination assessment regarding the potential for this development to impact on openness and sightlines for mitigation area 11.</u></p> <p><u>Additionally, Natural England advises that the in-combination assessment should consider recently submitted planning application 25/02275/STPLF, which is situated in close proximity to the site, and includes land within the red line boundary.</u></p>	<p><u>The proposed mitigation areas for Carr Farm Solar Farm are directly adjacent to mitigation area 13 (Fields E13 and E14) and therefore compliment the Proposed Development's proposed mitigation.</u></p> <p><u>Although mitigation area 11 (Field E6) is adjacent to a proposed solar panel area for Carr Farm Solar Farm on its western edge, the two are separated by Holderness Drain, either side of which are tall hedgerows that will provide screening from the proposed solar PV modules. It is therefore considered that mitigation area 11 (Field E6) is still appropriate. Section 7.2 of the <b>Habitats Regulations Assessment - Information to inform Appropriate Assessment [EN010157/APP/5.3 Revision 4]</b> has been updated to include further information explaining why the consented Carr Farm Solar Farm will not affect the functionality of mitigation area 11 (Field E6).</u></p>	<u>Under discussion</u>

Ref	Topic	Natural England's Position	Applicant's Position	Status
			<p><u>Table 8-1 of the <b>Habitats Regulations Assessment - Information to inform Appropriate Assessment</b> [EN010157/APP/5.3 Revision 4] has been updated to include planning application 25/02275/STPLF in the in-combination assessment. However, it is worth noting that the application has not yet provided sufficient information to identify potential impacts to European designated sites.</u></p> <p><u>The updated <b>Habitats Regulations Assessment - Information to inform Appropriate Assessment</b> [EN010157/APP/5.3 Revision 4] is submitted at Deadline 3.</u></p>	
International designated sites – potential noise and visual disturbance impacts to functionally linked land				
NE08	Potential noise and visual disturbance impacts to functionally linked land for relevant qualifying bird features of the listed SPA/ Ramsar sites	In their <u>relevant-written</u> representation <b>[REP2-154RR-012]</b> (NE2a), Natural England welcomed that, as set out in the HRA [REP1-015] and secured in the Outline CEMP [REP1-050], completion of activities most likely to disturb birds (e.g. piling) will be undertaken outside of the period October to March within the fields adjacent to the mitigation areas (i.e. Fields E4, E5, E15, E17 and D17) and that should this not be	<del>The Applicant welcomes this response. Within Fields E4, E5 and E15, E17 and D17 (adjacent to the Humber Estuary designated sites Mitigation Areas 9, 11 and 13), the Applicant will avoid completing the most disturbing (e.g. piling, installing access tracks, laying cables, etc.) during winter (October to March). Only less-disturbing activities (e.g. commissioning works, including panel installation) would take place in these fields during winter, if</del>	Under discussion

Ref	Topic	Natural England's Position	Applicant's Position	Status
	during construction  <i>Biodiversity</i>	<p><u>possible, acoustic barriers will be installed for the construction period. Natural England confirmed that consideration of noise and visual disturbance to the mitigation areas is now resolved.</u></p> <p>However, Natural England advisesuggested that further assessment should be provided in the HRA regarding the predicted location of 'noisy' works in the context of bird survey results, to identify whether disturbing noise levels from the development will reach land utilised by birds in significant numbers. However, in a meeting on 19 June 2025, Natural England agreed in principle with the Applicant's proposed approach to mitigating noise and visual disturbance to functionally linked land as long as potential impacts are assessed in the HRA. Natural England also agreed that additional noise modelling would not be necessary should it be possible to avoid potential impacts through timing of work.</p> <p><u>Update 8 August 2025:</u> Natural England welcomes that further information will be provided in the updated</p>	<p><del>necessary. Should this not be possible, acoustic fencing would be installed for the construction period to provide a noise and visual barrier, complementing hedgerow screening already in place.</del></p> <p><del>The <b>Habitats Regulations Assessment - Information to Inform Appropriate Assessment</b> [EN010157/APP/5.3 Revision 2] and the <b>Outline Construction Environmental Management Plan (Outline CEMP)</b> [EN010157/APP/7.2 Revision 2] have been updated accordingly to secure these commitments and are submitted at Deadline 4.</del>The pattern of bird activity within and adjacent to the Order Limits, including the grid connection cable route was for small numbers of birds being widely distributed with no particular hotspots. The <b>Habitats Regulations Assessment - Information to inform Appropriate Assessment</b> [EN010157/APP/5.3 Revision 4] has considered that the agricultural land within these areas comprises functionally linked land for golden plover, lapwing, mallard, teal, and black-headed gull, and that on a precautionary basis, construction noise (albeit short term and</p>	

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p><u>HRA at Deadline 1. Natural England will review the information and provide comments at Deadline 2-s —that a detailed assessment is still needed regarding the potential impacts of noisy works on areas where birds have been recorded in significant numbers outside of the Order Limits and in the grid connection corridor.</u></p> <p><u>It also advises that further assessment should be provided in the HRA regarding the predicted location of 'noisy' works in the context of the bird survey results, to identify whether disturbing noise levels from the development will reach land utilised by birds in significant numbers.</u></p> <p><u>Mitigation measures may include (one or a combination of) restrictions to timing of works, buffer zones, acoustic screening, piling shrouding or other measures. Natural England notes that the HRA [REP1-015] outlines measures to 'mitigate the effect of visual and noise disturbance on birds' and advises that an assessment should be provided of the predicted reduction in noise levels that will occur as a result of the</u></p>	<p><u>temporary) could cause disturbance/ displacement of these species. The <b>Habitats Regulations Assessment - Information to inform Appropriate Assessment [EN010157/APP/5.3 Revision 4]</b> has been amended (see paragraphs 7.3.15 to 7.3.17) to clarify that the measures included in the <b>Outline CEMP [EN010157/APP/7.2 Revision 5]</b> will be implemented to mitigate the effect of disturbance/ displacement of relevant bird features of the Humber Estuary SPA/Ramsar within and adjacent to the Order Limits, including the grid connection cable route, as well as the mitigation areas. This list includes the measures suggested by Natural England.</u></p> <p><u>The Applicant notes Natural England's confirmation that consideration of noise and visual disturbance to the mitigation areas is now resolved. Therefore, birds will have alternate areas to forage if disturbed/displaced by construction activities, including construction activities associated with the grid connection cable route. For these reasons, the Applicant does not believe that the requirement to undertake additional noise monitoring in relation to wintering birds is necessary given</u></p>	

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p><u>proposed mitigation measures, in order to assess their effectiveness.</u></p> <p><u>Natural England will review the updated information and provide comments at Deadline 4.</u></p>	<p><u>that no particular hotspots for birds have been identified and taking into account the comprehensive suite of mitigation measures already proposed.</u></p>	
International designated sites – potential disturbance to lamprey				
NE09	<p>Potential disturbance impacts to lamprey</p> <p><i>Biodiversity</i></p>	<p>In their <del>relevant written</del> representation [<del>RR-042REP2-154</del>] (NE3) <u>submitted at Deadline 2</u>, Natural England <u>welcomed the updated information provided in the HRA and confirmed agreement with the conclusions agreed</u> that there would not be adverse effects on the integrity of the Humber Estuary SAC/ Ramsar resulting from vibration/ noise disturbance impact to lamprey resulting from HDD or electromagnetic field impacts once proposed mitigation is taken into account (i.e. HDD pits would be positioned a minimum of 50m from the River Hull; HDD under the River Hull would be at a minimum depth of 7m; cabling under the River Hull would include an insulating layer made of XLPE, also known as cross-linked polyethylene, or similar; and the preferred timing of the HDD work would be spring/ summer, i.e. April to</p>	<p>The Applicant welcomes this response. The <b>Outline CEMP [EN010157/APP/7.2 Revision 52]</b> <del>has been updated to secure</del> the measures relating to distance of HDD pits from Main Rivers, depth of HDD under the River Hull and insulation of cabling under the River Hull, <del>and is submitted at Deadline 4.</del></p> <p>While the Applicant cannot commit to restrictions on timing of the HDD works under the River Hull at this stage, given that construction phasing has not been finalised, it will adhere to these timings where possible. In the unlikely event that it is not possible to avoid the lamprey migration period, no adverse effects are anticipated, given that the HDD under the River Hull would be at a minimum depth of 7m, short-term (estimated to take a maximum of 24 hours), and that fish without a swim bladder (such as lamprey) have the</p>	Agreed



Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p>September, to avoid the peak lamprey migration period).</p> <p><del>In a meeting on 19 June 2025, Natural England agreed that there were not likely to be adverse effects in the unlikely event that works need to be undertaken outside of the spring/ summer period (assuming all other mitigation is adhered to) but requested that both scenarios be considered in the HRA. Natural England considers this matter to now be resolved.</del></p> <p><u>Update 8 August 2025:</u>  <del>Natural England welcomes the updated information provided and agrees that this point is now resolved, subject to inclusion of the required measures in the outline CEMP.</del></p>	<p>lowest sensitivity to noise/ vibration. See the <del>updated</del> <b>Habitats Regulations Assessment - Information to inform Appropriate Assessment [EN010157/APP/5.3 Revision 421]</b>, which is submitted at <del>Deadline 1</del>, for details.</p>	
International designated sites – potential water quality impacts				
NE10	<p>Potential abstraction impacts resulting from HDD</p> <p><i>Biodiversity</i></p>	<p>In their <del>relevant</del><u>written</u> representation [<del>RR-012</del><b>REP2-154</b>] (NE4) <u>submitted at Deadline 2</u>, Natural England <u>confirmed it was satisfied that the Applicant had addressed its request for clarification on the source of water for HDD. Natural England welcomes that the water required for HDD will be brought to site</u></p>	<p>The Applicant <del>agrees to this request</del><u>welcomes this response</u>. The <u>updated</u> <b>Habitats Regulations Assessment - Information to inform the Appropriate Assessment [EN010157/APP/5.3 Revision 2REP1-015]</b> <u>that was submitted at Deadline 1</u> <del>has been updated to confirm</del><u>ed</u> that the water for HDD will be brought to site and <del>to remove</del><u>d</u> mention</p>	Agreed

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p><u>and not abstracted from the River Hull or a tributary of the Humber Estuary.</u></p> <p><u>Natural England considers this matter to now be resolved. notes that the sHRA [APP-145] states that 'water supply impacts may arise due to abstraction' as a result of HDD. However, no further details are provided in the sHRA [APP-145] regarding where the water required for HDD will be sourced. Natural England advises 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 designated sites should be assessed in the HRA.</u></p> <p><u>Update 8 August 2025:</u> Natural England welcomes the updated information provided and agrees that this point is now resolved, subject to the measures being suitably secured.</p>	<p>of abstraction. No water will be abstracted from the River Hull or a tributary of the Humber Estuary for the HDD. Wastewater from the HDD wastewater (including bentonite) will be incarcerated within the launch pit and transported to a specialised local facility for disposal. <u>The updated <b>Outline CEMP [REP1-050]</b> that was submitted at Deadline 1 secured these commitments.</u></p> <p>The updated <b>Habitats Regulations Assessment – Information to inform the Appropriate Assessment [EN010157/APP/5.3 Revision 2]</b> is submitted at Deadline 1.</p>	
NE11	HDD (bentonite breakout)  <i>Construction</i>	In their <u>relevant-written</u> representation <b>[REP2-154RR-012]</b> (NE5) <u>submitted at Deadline 2</u> , Natural England noted that a general bentonite breakout management plan was provided in the <b>Outline CEMP</b>	<u>The procedures prescribed in the Construction Environmental Management Plan will be in line with the Principal Contractor's method statements. Natural England will be consulted on bentonite breakout procedures included in</u>	Under discussion

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p><del>[APP-153REP1-050]</del>, which includes generic countermeasures, and that further details regarding HDD breakout <u>management</u> will be included in the Construction Environmental Management Plan. <del>However, Natural England advises that the Outline CEMP should provide sufficient site-specific detail on the required mitigation measures for bentonite breakout to inform conclusions in the HRA.</del></p> <p><u>Update 8 August 2025:</u>  <del>Natural England notes the Applicant's position that final details of bentonite breakout management activities cannot be provided at this stage before once</del> a Principal Contractor is appointed. However, <del>we</del> <u>Natural England</u> <del>advises</del> that it should be possible to provide further details <u>in the Outline CEMP</u> at the application stage to inform the <u>conclusions in the</u> HRA, including:</p> <ul style="list-style-type: none"> <li>providing the options of what the procedures could be (i.e. Rochdale envelope type approach);</li> <li>assessing is the worst-case scenario to show whether AEol can be ruled out;</li> </ul>	<p><u>the Construction Environmental Management Plan prior to construction commencing.</u></p> <p>The measures in the <b>Outline CEMP [EN010157/APP/7.2 Revision 5]</b> are secured by the Construction Environmental Management Plan under requirement 4 of the <b>Draft DCO [EN010157/APP/3.1 Revision 7]</b>.</p> <p><u>Natural England has been added as a statutory consultee on the Construction Environmental Management Plan, secured under requirement 4 of the Draft DCO [EN010157/APP/3.1 Revision 7] in relation to measures relating to bentonite breakout.</u></p> <p><del>The Applicant is unable to provide further details of bentonite breakout management activities at this stage as they cannot be finalised until a Principal Contractor is appointed and site-specific methodologies are agreed upon.</del></p> <p><del>As set out in the Outline CEMP [EN010157/APP/7.2 Revision 2], further details regarding HDD bentonite breakout will be included in the Construction Environmental</del></p>	

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		<ul style="list-style-type: none"> <li>confirming that the general HDD practices included in the outline CEMP will be secured, as a minimum; <u>and</u></li> <li><u>clarifying how the approach will be decided post-consent.</u></li> </ul> <p><u>Natural England will review the updated information and provide comments at Deadline 4.</u></p>	<del>Management Plan, once the Principal Contractor has been appointed.</del>	
NE12	Cleaning of solar PV modules  <i>Water Resources</i>	<p>In their <del>relevant-written</del> representation [<del>RR-012</del><b>REP2-154</b>] (NE6a) <u>submitted at Deadline 2, Natural England welcomed the updated information provided in the HRA and Outline OEMP confirming that solar PV modules will be cleaned using deionised water only.</u></p> <p><u>Natural England considers this matter to now be resolved, advises 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 advises that a methodology which does not impact water quality should be used. The agreed approach to panel cleaning should be secured via the OEMP.</u></p>	<p>The Applicant <del>agrees to this request</del><u>welcomes this response.</u> The <u>updated Habitats Regulations Assessment - Information to inform Appropriate Assessment [REP1-015EN010157/APP/5.3 Revision 2]</u> that was <u>submitted at Deadline 1</u> <del>has been updated to</del> <u>confirmed</u> that the solar PV modules will be cleaned using deionised water only and therefore there would be no impacts on water quality as a result of cleaning the solar PV modules. The <u>updated Outline OEMP [EN010157/APP/7.3 Revision 2REP1-052]</u> that was <u>submitted at Deadline 1</u> <del>has also been updated to clarify</del> <u>secured the</u> details of solar PV module cleaning.</p>	Agreed

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p><u>Update 8 August 2025:</u>  Natural England welcomes the updated information provided and agrees that this point is now resolved, subject to inclusion of the required measures in the outline OEMP.</p>	<p><del>The updated documents are submitted at Deadline 1.</del></p>	
NE13	<p>Fire suppression/ protocol</p> <p><i>Water Resources</i></p>	<p>In their <del>relevant written</del> representation [REP2-154RR-012] (NE6b) <u>submitted at Deadline 2</u>, Natural England <u>welcomed the updated information provided in the Outline Battery Safety Management Plan and HRA confirming that a non-water based fire suppression system would be used. Natural England notes that if water is required, it will only be used to cool areas adjacent to the BESS, and will therefore not contain any chemicals or firefighting compounds after use.</u> <del>requests details of the proposed automatic clean agent fire suppression system, with impacts to water quality assessed in the HRA if appropriate. Natural England advises that the firefighting protocol for the Battery Energy Storage System (BESS) should be specified, with an explanation of the methodology by which a fire within a BESS container will be extinguished set out. Where possible,</del></p>	<p>The Applicant <del>agrees to this request</del> <u>welcomes this response</u>. The <u>updated Outline Battery Safety Management Plan [EN010157/APP/7.6 Revision 2REP1-058]</u> <del>that was submitted at Deadline 1</del> <u>has been updated to</u> provided details on the automatic clean agent (aerosol or gas) fire suppression system that would be used in the event of a battery fire. The use of a non-water-based system reduces the need for large volumes of on-site water and reduces the risk of contamination of adjacent habitats from firewater. Water would only be used to cool areas adjacent to a BESS to prevent fire spread, rather than being used to attempt to directly fight a fire within the BESS. The <u>updated Habitats Regulations Assessment - Information to Inform the Appropriate Assessment [EN010157/APP/5.3 Revision 2REP1-015]</u> <del>that was submitted at Deadline 1</del> <u>has been updated to</u> included an</p>	Agreed

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p><del>firefighting facilities should use methods which do not impact on water quality. If non-water-based solutions need to be employed, the measures to avoid contamination to watercourses should be provided.</del></p> <p><u>Natural England considers this matter to now be resolved.</u></p> <p><u>Update 8 August 2025:</u> Natural England welcomes the updated information provided and agrees that this point is now resolved, subject to inclusion of the required information in the relevant documents.</p>	<p>assessment of potential likely significant effects from the fire suppression system.</p> <p><del>The Outline Battery Safety Management Plan [EN010157/APP/7.6 Revision 2] also identifies the key standards, guidelines, and principles the Applicant will adhere to during the detailed design and operation of the BESS.</del></p> <p><del>The updated documents are submitted at Deadline 1.</del></p>	
National designated sites				
NE14	<p>Humber Estuary Site of Special Scientific Interest (SSSI)</p> <p><i>Biodiversity</i></p>	<p>In their <del>relevant representation</del><u>written representation [RR-012REP2-154]</u> (NE7) <u>submitted at Deadline 2</u>, Natural England confirmed it was satisfied that<del>advised that due to potential impacts of the Proposed Development on</del> the Humber Estuary SSSI; <del>the site should</del> <u>has now been</u> scoped into the assessment <del>of likely effects</del><u>within ES Chapter 7</u> as a separate <del>feature</del><u>ecological receptor</u>.</p>	<p>The Applicant <del>agrees to this request</del><u>welcomes this response</u>. The Humber Estuary SSSI <del>has been</del><u>is</u> considered <u>as a separate ecological receptor</u> in the updated <b>ES Volume 2, Chapter 7: Biodiversity [EN010157/APP/6.2 Revision 2REP1-019]</b> <u>that was submitted at Deadline 1</u><del>as a separate ecological receptor</del>. As agreed with Natural England, where the reasons for the SSSI designation correspond to qualifying features of the Humber Estuary</p>	Agreed

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p><u>Natural England considers this matter to now be resolved.</u></p> <p><u>Update 8 August 2025:</u>  <del>Natural England welcomes the updated information provided and agrees that this point is now resolved. Natural England will review the information once received.</del></p>	<p>European sites, the assessment includes cross-references to the <b>Habitats Regulations Assessment - Information to inform Appropriate Assessment</b> [EN010157/APP/5.3 Revision <b>42</b>]. Those features not included on the citations for the European sites are assessed in <b>ES Volume 2, Chapter 7: Biodiversity</b> [REP1-019EN010157/APP/6.2 Revision 2].</p> <p><del>The updated documents are submitted at Deadline 1.</del></p>	
Protected species				
NE15	Water vole and otter  <i>Biodiversity</i>	<p>In their <del>relevant written</del> representation [RR-042REP2-154] (NE8a) <u>submitted at Deadline 2</u>, Natural England <del>advises</del><u>confirmed that the updated information provided in the Outline CEMP satisfactorily addressed its request in relation to surveys for water vole</u> (that for the smallest, least impactful works surveys should be undertaken within the footprint of the works <del>take place</del>, including temporary work areas plus 100m upstream and downstream in line with the Water Vole Mitigation Handbook guidance) <u>and otter</u> (-</p>	<p>The Applicant <del>agrees to this request</del><u>welcomes this response</u>. <u>The updated ES Volume 2, Chapter 7: Biodiversity</u> [EN010157/APP/6.2 Revision 2REP1-019] and <del>the Outline CEMP</del> [EN010157/APP/7.2 Revision 2REP1-050] <u>that were submitted at Deadline 1 have been updated to include</u> commitments to undertakeing:</p> <ul style="list-style-type: none"> <li><u>Pre-construction</u> <del>water</del> water vole surveys 100m upstream and downstream of proposed culverts and watercourse crossing points which affect watercourses assessed as 'suitable but poor to optimal suitability'</li> </ul>	Agreed

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p><del>Natural England advises</del> that <del>otter</del> surveys should cover 'all suitable habitat within 200m of the proposed works', in line with NatureScot guidelines).</p> <p><u>Natural England considers this matter to now be resolved.</u></p> <p><del>Natural England advises that any deviation from these guidelines should be clearly outlined.</del></p> <p><u>Update 8 August 2025:</u>  <del>Natural England welcomes the updated information provided and agrees that this point is now resolved, subject to inclusion of the required measures in the outline CEMP.</del></p>	<p>within <b>ES Volume 4, Appendix 7.7: Water Vole and Otter Habitat Suitability Report [APP-111]</b>; <u>and</u></p> <ul style="list-style-type: none"> <li><del>Pre-construction otter surveys of suitable habitat will be undertaken</del> within 200m of the proposed works.</li> <li><del>The updated documents are submitted at Deadline 1.</del></li> </ul>	
NE16	Badger <i>Biodiversity</i>	<p>In their <del>relevant written</del> representation <b>[REP2-154RR-012]</b> (NE8b), Natural England notes<del>d</del> that 'where reasonably practicable, construction work will not take place within 30m from a main badger sett'. <u>However,</u> Natural England <del>advises that although some activities can be undertaken within 30m (work with hand tools for example), a hard 30m limit should be imposed for works with</del></p>	<p><u>Table 7.6 of <b>ES Volume 2, Chapter 7: Biodiversity [REP1-019]</b> that was submitted at Deadline 1 was updated to state 'where reasonably practicable, construction work will not take place within 30m from active badger setts'.</u></p> <p>As secured within the <b>Outline CEMP [EN010157/APP/7.2 Revision 52]</b>, appropriate badger mitigation will be determined by the</p>	Under discussion



Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p><del>heavy machinery, horizontal drilling and heavy plant vehicles.</del></p> <p><del>We note that mammal gates are potentially proposed, and we would welcome clarification on how it will be determined if they are required.</del></p> <p><del>All measures highlighted should be secured in the CEMP.</del></p> <p><u>Update 8 August 2025:</u>  Natural England welcomes the updated information provided and will continue discussions with the applicant. Natural England would welcome requested clarification on which construction activities may be permitted under the 'where reasonably practicable' exemption. Natural England advises that there should be a hard 30-m limit for piling and other intrusive groundworks.</p> <p><u>Natural England notes that mammal gates are potentially proposed and would welcome clarification on how it will be determined if they are required.</u></p>	<p>results of the pre-construction badger surveys and will be detailed within the Construction Environmental Management Plan. This will include ensuring that, where reasonably practicable, construction work will not take place within 30m from an active badger sett identified during the pre-construction surveys without appropriate mitigation. <u>If work needs to occur within 30m (considered unlikely),</u> Mitigation may involve the exclusion of setts under a Natural England licence if assessed as necessary. <u>The relevant commitment in the Outline CEMP [EN010157/APP/7.2 Revision 5] has been updated to confirm that should pre-construction surveys and micro-siting indicate likely disturbance to a sett, then the Applicant would apply for the appropriate licence either to live dig under ecological supervision or to temporarily close the sett.</u></p> <p>The pre-construction badger survey will determine if badger gates are required and the Construction Environmental Management Plan will provide specific information.</p>	

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<u>Natural England will review the updated information and provide comments at Deadline 4.</u>	The updated <b>Outline CEMP [EN010157/APP/7.2 Revision 52]</b> is submitted at Deadline <u>34</u> .	
NE17	Breeding birds <i>Biodiversity</i>	<p>In their <u>relevant-written</u> representation <b>[REP2-154RR-012]</b> (NE8d), Natural England welcomes that the Outline LEMP has been <u>updated to include clear objectives, defined targets, details of limits of acceptable change and details of remedial actions. However, Natural England advises that clarification should be provided on how national trends will be considered in the assessment of bird numbers and 'success' of the mitigation areas.</u></p> <p><u>National declines in bird numbers should not remove the need to consider the influence of site-level factors such as habitat management on bird counts. Consideration should also be given to the advice provided in NE1b regarding permissive footpaths in the proposed mitigation areas.</u></p> <p><u>Natural England will review the updated information and provide comments at Deadline 4, advises that terms such as 'well</u></p>	<p><del>The Applicant agrees to this request.</del> The <b>Outline LEMP [EN010157/APP/7.5 Revision 3]</b> <u>that was submitted at Deadline 1 has been updated to include</u> clear objectives, defined targets, details of limits of acceptable change and details of remedial actions in relation to breeding birds, where appropriate, <del>and is submitted at Deadline 1.</del> <u>Clarification has been provided in the updated Outline LEMP [EN010157/APP/7.5 Revision 6], which is submitted at Deadline 3, on how national trends in bird populations will be considered as part of monitoring and that this will only be one of a suite of factors that will be considered.</u></p> <p><u>With regard to potential disturbance from permissive paths please refer to the Applicant's response to item NE1b in its Response to Deadline 2 Submissions and Additional Information [EN010157/APP/8.14], which is submitted at Deadline 3 (also summarised in Ref. N04 above in this table).</u></p>	<u>Agreed Under discussion</u>

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p><del>short' are ambiguous and that actual targets, and the levels below which remedial measures are needed in relation to breeding birds, should be defined in the Outline LEMP.</del></p> <p><u>Update 8 August 2025:</u>  <del>Natural England welcomes the updated information provided and agrees that this point is now resolved.</del></p>		
Biodiversity Net Gain (BNG)				
NE18	BNG – general <i>Biodiversity</i>	<p>In their relevant representation [RR-012] (NE9), Natural England is satisfied with the Applicant's assessment of BNG. Natural England welcomes that the whole application site within the Order Limits has been included in the BNG assessment, all gains are on-site, and gains will be monitored and managed for the operational life of the Proposed Development. Natural England also welcomes that a precautionary approach has been taken regarding watercourses (i.e. assuming 'good' condition for baseline calculations where river condition assessments were not available). Natural England recommends that recommends that biodiversity net gain of at least 10% BNG</p>	<p>The Applicant welcomes this response. The headline figures for BNG, based on the Indicative Environmental Masterplan contained within <b>Appendix D</b> of the <b>Outline LEMP [EN010157/APP/7.5 Revision 3]</b>, are 62.36% for area habitats, 46.48% for hedgerow habitats and 12.50% of watercourse habitats. See <b>ES Volume 4, Appendix 7.10: Biodiversity Net Gain Assessment [APP-114]</b> for more details.</p>	Agreed

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p>across all biodiversity unit types is secured via the LEMP.</p> <p><u>Natural England considers this matter to now be resolved.</u></p> <p><u>Update 8 August 2025:</u> Natural England agrees that this point is resolved.</p>		
Soils and Agricultural Land Classification (ALC)				
NE19	<p>Grid connection cable route ALC and soil surveys</p> <p><i>Agricultural Land</i></p>	<p>In their <del>relevant-written</del> representation <b>[REP2-154RR-012]</b> (NE10), Natural England <del>requests that a detailed ALC and soil survey of the grid connection cable route be undertaken and the results provided prior to consent in order to inform decision making and to inform the soil resource and management plan. 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.</del></p> <p><u>Update 8 August 2025:</u> Natural England <del>dereiterates</del> that it does not consider it best practice to defer a detailed</p>	<p>A detailed ALC and soil survey has not been undertaken of the grid connection cable route at this stage. However, the <b>Outline SMP [EN010157/APP/7.8 Revision 2]</b> covers the full Order Limits, including the grid connection cable route. As set out in the <b>Outline SMP [EN010157/APP/7.8 Revision 2]</b>, it is proposed that detailed soil/land quality surveys of the grid connection cable route will be undertaken pre-construction, once the design and land needed for excavation is confirmed, thus avoiding unnecessarily surveying the entire width of the proposed grid connection cable route corridor. The <b>Outline SMP [EN010157/APP/7.8 Revision 2]</b> describes the survey work that will be carried out prior to</p>	Not agreed

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<p>ALC and soil survey of the grid connection cable corridor until after final design and land-take confirmation. Natural England recommends a bespoke soil-investigation programme agreed at an early stage, proportionate to the site's scale and complexity. Agreeing a truncated survey now and postponing comprehensive sampling risks under-estimating local soil variability, agricultural sensitivity and reinstatement challenges and it undermines the integrity of the eventual Soil Management Plan.</p> <p>Waiting until later to define survey extents and depths prevents soil data from informing route-optimum design, reinstatement commitments or cumulative impact assessments. Natural England therefore recommends that the applicant should submit a detailed, targeted ALC and soil survey methodology for the entire grid-connection corridor upfront, with sampling intensity, horizon-depth verification and mapping protocols tailored to the route's particular</p>	<p>drafting the Soil Management Plan, and the consultation process that will be in-built prior to finalising the Soil Management Plan before works commence.</p> <p>This is aligned with the approach taken on the recently consented East Yorkshire Solar Farm (EN010143), where Natural England accepted the approach of undertaking soil and ALC surveys of the cable corridor "once the final route has been determined"<sup>2</sup>.</p>	

<sup>2</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010143/EN010143-000692-Natural%20England.pdf>

Ref	Topic	Natural England's Position	Applicant's Position	Status
		land uses. This early agreement will secure robust, project-specific soil inputs and avoid protracted consultations once design is fixed.		
NE20	Soil handling  <i>Construction</i>	<p>In their <del>relevant-written</del> representation <b>[REP2-154RR-012]</b> (NE11), Natural England <del>advises-welcomed the updated information provided in the Outline Soil Management Plan stating</del> that soil handling <del>will be principally confined to the period April to October be confined to the drier summer period (April through September)</del> to minimise risk of soil damage. <del>Natural England states that S</del>soil handling should normally be avoided <del>during October to March inclusiveduring the winter period</del>, 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. <del>This-Appropriate timing of soil handling</del> would minimise the need to recondition soils, which requires additional space and time. This is particularly important for land to be restored to agricultural use.</p> <p><u>Natural England considers this matter to now be resolved.Update 8 August 2025:</u></p>	<p><del>The Applicant welcomes this response. The updated Outline SMP [EN010157/APP/7.8 Revision-2REP1-062] that was submitted at Deadline 1 has been updated to stated</del> April through October as the drier summer period to which soil handling will, so far as possible, principally be confined (it previously incorrectly stated November through April). Soil handling cannot be restricted to only April to September due to programme constraints; however, as stated in the <b>Outline SMP [REP1-062EN010157/APP/7.8 Revision-2]</b>, should site work during the winter period be unavoidable, the more resilient SHU A soils will be prioritised for working on during this period. Additionally, site inspections of the soil condition prior to vehicle movements across the Site will be required, particularly during wet weather conditions.</p> <p><del>The updated Outline SMP [EN010157/APP/7.8 Revision-2] is submitted at Deadline 2.</del></p>	Agreed

Ref	Topic	Natural England's Position	Applicant's Position	Status
		<del>Natural England welcomes the updated information provided and agrees that this point is now resolved.</del>		
Other				
NE21	Glint and glare (general)  <i>Glint and Glare</i>	<p><del>Natural England confirmed via email on 8 August 2025 that it In an email dated 3 February 2025, Natural England is satisfied with the Applicant's response to its advice</del></p> <p>that post-consent monitoring should include consideration of the potential disruption to flight pathways of qualifying bird species as a result of glint and glare, in order to help inform future assessments. Although Natural England accepts that there is no established methodology for monitoring to study the effects of glint and glare on birds and is not aware of any examples of such monitoring that has previously been undertaken, it suggests that observing bird behaviour around the panels may be appropriate.</p> <p><u>Update 8 August 2025:</u> <del>Natural England welcomes the updated information provided and agrees that this point is now resolved.</del></p>	<p>The Applicant <del>agreed to this request</del><u>welcomes this response</u>. Post-consent monitoring of the potential disruption to flight pathways of qualifying bird species due to glint and glare (to help inform future assessments) forms part of the monitoring strategy outlined within the <b>Outline LEMP [EN010157/APP/7.5 Revision 3]</b>.</p> <p>It should be noted that the effect on the integrity of the populations of the qualifying species of Hornsea Mere SPA or Humber Estuary SPA/ Ramsar sites in relation to disruption of flight paths as a result of glint and glare has been assessed as part of the <b>Habitats Regulations Assessment - Information to inform Appropriate Assessment [EN010157/APP/5.3 Revision 2]</b>, which concludes no adverse effects.</p>	Agreed

## 4 Signatures

4.1.1 This Statement of Common Ground is agreed upon:

On behalf of Natural England:

Name:

Signature:

Date:

On behalf of the Applicant:

Name:

Signature:

Date:



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