POWER FOR GOOD

Steeple Renewables Project

Information to Inform a Habitats Regulations Assessment

January 2026

Document Reference: EN010163/EX/5.5

Revision: 2

The Infrastructure Planning (Examination Procedure) Rules 2010

Rule 8(1)(b)

BSG ecology

Information to Inform a Habitats Regulations Assessment

Document Properties		
Prepared By	**The Steeple Renewables Project Consultant Team**	
Version History		
Version	Date	Version Status
Application Version	**April 2025**	**Rev 1**
Deadline 2 Version	**January 2026**	**Rev 2**

BSG | ecology

Steeple Renewables Project

Information to Inform a Habitats Regulations Assessment

BLANK PAGE

BSG ecology

Issuing office

4 Riverside Studios | Newcastle Business Park | Newcastle Upon Tyne | NE4 7YL
T: 0191 303 8964 | W: www.bsg-ecology.com | E: info@bsg-ecology.com

Client	Renewable Energy Systems
Project	Steeple, Steeple Renewables Project
Version	FINAL
Project number	P22-761 Steeple Renewables Project Draft Information to Inform HRA Report.docx

	Name	Position	Date
Originated	[redacted]	Director	03 March 2025
Reviewed	[redacted]	Associate Director	04 March 2025
Issued to client	[redacted]	Director	05 March 2025
Issued to Natural England as a draft	[redacted]	Director	17 March 2025
Comments from Natural England incorporated; issued to client as draft	[redacted]	Director	30 April 2025
Issued as final version to client	[redacted]	Director	12 May 2025
Rev 2	[redacted]	Senior Ecologist	08 January 2026

Disclaimer

This report is issued to the client for their sole use and for the intended purpose as stated in the agreement between the client and BSG Ecology under which this work was completed, or else as set out within this report. This report may not be relied upon by any other party without the express written agreement of BSG Ecology. The use of this report by unauthorised third parties is at their own risk and BSG Ecology accepts no duty of care to any such third party.

BSG Ecology has exercised due care in preparing this report. It has not, unless specifically stated, independently verified information provided by others. No other warranty, express or implied, is made in relation to the content of this report and BSG Ecology assumes no liability for any loss resulting from errors, omissions or misrepresentation made by others.

Any recommendation, opinion or finding stated in this report is based on circumstances and facts as they existed at the time that BSG Ecology performed the work. The content of this report has been provided in accordance with the provisions of the CIEEM Code of Professional Conduct. BSG Ecology works where appropriate to the scope of our brief, to the principles and requirements of British Standard BS42020.

Nothing in this report constitutes legal opinion. If legal opinion is required the advice of a qualified legal professional should be secured. Observations relating to the state of built structures or trees have been made from an ecological point of view and, unless stated otherwise, do not constitute structural or arboricultural advice.

Contents

1 Summary

1.1 A Stage 1 (screening) assessment in accordance with Regulation 63(1)(a) has been undertaken in respect of a Development Consent Order proposal for the Steeple Renewables Project in Nottinghamshire.

1.2 The screening has been undertaken in the absence of any measures to mitigate effects on the qualifying features for which any Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites are designated.

1.3 The scope of the screening encompassed the following sites:

Birklands and Bilhaugh SAC;

Hatfield Moor SAC;

Humber Estuary SPA;

Humber Estuary Ramsar;

Humber Estuary SAC;

Thorne and Hatfield Moors SPA; and,

Thorne Moor SAC.

1.4 It is concluded that the Proposed Development is not likely to have a significant effect on any of these sites either alone or in-combination.

1.5 It is concluded that there is no requirement to progress to Stage 2 of the appropriate assessment process (the test of ‘adverse effect on integrity’).

2 Introduction

Background and report purpose

2.1 BSG Ecology is commissioned by Renewable Energy Systems (RES) to prepare a report to inform a Habitats Regulations Assessment (HRA) for a Development Consent Order (DCO) proposal for the Steeple Renewables Project in Nottinghamshire (the Site). See Figure 1.

2.2 This report considers whether the development is likely to have a significant effect on any relevant designated sites of nature conservation interest (see section below), either when considered alone or in-combination with other plans or projects. If a significant effect is likely, then information to inform whether an Appropriate Assessment (AA) is provided.

2.3 Regulation 63 of the Habitats Regulations states, "*A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which – (a) is likely to have a significant effect on a European site in Great Britain (either alone or in-combination with other plans or projects), and (b) is not directly connected with or necessary to the management of the site, must make an appropriate assessment of the implications for the site in view of that site's conservation objectives*".

2.4 The competent authority is thus responsible for carrying out a HRA for a plan or project that is likely to have a significant effect on a European Site. This report provides the competent authority with relevant information needed to fulfil their duties.

Legislative context

2.5 Certain ecological sites that are designated for their international importance are subject to special considerations under the Conservation of Species and Habitat Regulations 2017 (as amended by the Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019), which apply either through operation of law or government policy. These are referred to as the 'Habitats Regulations' throughout the remainder of this document.

2.6 The Conservation of Habitats and Species Regulations 2017, as amended to account for the departure of the UK from the European Union by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 applies specific decision-making procedures to the 'national site network' (amended Regulation 3 'Interpretation'). This 'national site network' consists of Special Areas of Conservation (SACs) and of Special Protection Areas (SPAs) that were designated both in that period when the UK was a member of the EU and since the UK left the EU.

2.7 It is UK Government policy (in England this is identified in paragraph 194 of the National Planning Policy Framework, 2024) that all competent authorities should treat possible SACs (pSACs) and potential SPAs (pSPAs), listed or proposed Ramsar Sites, and sites identified or required as compensatory habitats as being within the scope of the decision-making requirement to conduct an assessment of plans and projects through HRA.

2.8 In this report the above collection of SACs, pSACs, SPA, pSPA, listed and proposed Ramsar Sites and compensatory habitat are referred to as 'Habitats Sites'.

2.9 The amending 2019 Regulations generally seek to retain the requirements of the 2017 Habitats Regulations but with adjustments for the UK's exit from the European Union. Regulation 4 confirms that the interpretation of these Regulations as they had effect, or any guidance as it applied before exit day, shall continue to do so.

2.10 These sites are subject to legal protection that imposes restrictions on a Competent Authority from granting consent, permission or authorisations for any plan or project that may affect the conservation status and integrity of these designations. The Habitats Regulations require the Competent Authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which is likely to have a significant effect on these designated sites (either alone or in

combination with other plans or projects) to make an appropriate assessment of the implications of the plan or project for potentially affected sites in view of those sites' conservation objectives.

2.11 A Stage 1 (Screening) report by the competent authority (which is informed by this report) provides an initial assessment of whether significant effects on the qualifying interest features and conservation objectives of Habitats Sites are likely as a result of the proposal. The results of this assessment determine whether a more detailed Appropriate Assessment (Stage 2) is required. See Section 3 below for further information.

2.12 Likely Significant Effects (LSE) are considered first in isolation and then in combination with other plans and projects if appropriate. In line with the precautionary principal, unless a significant effect can be objectively ruled out with certainty, then it is considered 'likely'.

2.13 This screening exercise takes into account recent case law, including the People Over Wind and Sweetman v Coillte Teoranta (C-323/17) which determined that mitigation aimed specifically at reducing the impacts of a given plan or project on a Habitats Site should be taken into account at Stage 2 only (Appropriate Assessment) and not at Stage 1 (Screening).

Contributors

2.14 This report has been prepared by James Gillespie, a Director at BSG Ecology. He is an experienced ecologist with over 30 years' experience. He has prepared HRA reports for a range of projects and managed, reviewed or otherwise contributed to numerous projects that have included a requirement for HRA.

2.15 The report has been reviewed by Dr Roger Buisson, An Associate Director at BSG Ecology. Roger has considerable experience in Habitats Regulations Assessment (HRA). This has included managing the delivery of HRA screening reports and appropriate assessments for developments, including renewable energy projects, potentially affecting wintering waders on farmland; wintering waterfowl at inland wetland complexes; intertidal waterbirds at the coast; seabirds when offshore; and birds at heathland / plantation forest mosaics. His experience has resulted in him being contracted to carry out reviews of HRAs for central Government, Government agencies and local planning authorities; and to prepare HRAs for public bodies acting as the appropriate authority or the decision-making body.

Consultation

2.16 During early engagement with the Planning Inspectorate (PINS) a scoping report was prepared and issued to PINS. The Scoping Opinion prepared by PINS on behalf of the Secretary of State and including the advice of Natural England that related to the consideration of Habitats Sites are reflected in this report.

2.17 Consultation meetings to discuss ecological topics have been held with Nottinghamshire County Council, Bassetlaw District Council and Nottinghamshire Wildlife Trust; and a series of public consultation meetings have been held.

2.18 RES have also undertaken statutory pre-application consultation directly with Natural England. The 03 March response from Natural England is appended to this report at Appendix 1.

2.19 Natural England were consulted directly for comments on the draft version of the document. They responded on 25 April 2025 and this was preceded by a videoconference meeting to review the main points of the response in advance. A further short clarification meeting then took place once the written response had been received. The written response is appended to this report at Appendix 2.

Data sources

2.20 This report draws on information from the following sources:

- The PEIR for the Proposed Development and the Environmental Statement for the Proposed Development, including Chapter 7: Biodiversity (including Appendix 7.2: (Designated Sites and

Habitats Baseline Report), Appendix 7.4 (Breeding Birds Survey Report), and 7.6 (Non-Breeding Bird Survey Report).

- Information gathered during stakeholder and public consultation for the development.
- Site designation information from the .gov.uk website and the Ramsar Sites Information Service.

Guidance

2.21 The following guidance has been used to inform this assessment:

- Nationally Significant Infrastructure Projects: Advice on Habitats Regulations Assessments (Planning Inspectorate, 2024)
- The Habitats Regulations Assessment Handbook (DTA Publications, 2023).

Terms used to describe the Site in this report

2.22 The following terms are used in this report.

- Proposed Solar Areas: areas within the Site which will support the solar panels, battery storage and associated infrastructure.
- Biodiversity Mitigation Areas (Eastern and Western): areas of the Site that will not be used for development, and are identified for biodiversity mitigation and enhancement.
- The Site: collectively including the Proposed Solar Areas and Biodiversity Mitigation Areas.

2.23 Figure 1 shows the Proposed Solar Areas and Biodiversity Mitigation Areas (as well as the Site boundary).

Baseline information

2.24 Biodiversity information about the Site that is relevant to this report has been collected as follows:

- Breeding bird survey March to July 2023 (incomplete coverage) and March to July 2024 (complete coverage of the Site) (see Appendix 7.4 of Chapter 7 of the PEIR; BSG Ecology 2025),
- Non-breeding bird survey October 2023 to March 2024 (complete coverage of the Site). (see Appendix 7.6 of Chapter 7 of the PEIR; BSG Ecology 2025),

3 Habitats Regulations Assessment process

3.1 The Habitats Regulations do not specify how an assessment should be undertaken. The methodology for this report is therefore informed by guidance as set out in Section 2, above.

3.2 The Habitats Regulations describe a procedure that provides for a systematic set of stages for the transparent consideration of the likely significant effects a plan or project could have on a Habitats Site. These are set out in Table 1, below. Each stage determines whether a further stage in the process is required. If, for example, the conclusions at the end of Stage One are that there are no likely significant effects on the Habitats Site, there is no requirement to proceed further.

Table 1: Stages in the Habitats Regulations Assessment process

Stage	Description	Legislative Context (Habitats Regulations)
Identification of purpose of plan or project	Determines if the purpose of the plan or project is directly connected with, or necessary, to the management of a Habitats Site. If it is, then no further assessment is necessary	Regulation 63(1)(b)
Scoping	The identification of any Habitats Sites that might be within scope of a HRA, i.e., those Habitats Sites should be taken forward to the screening stage based on a wide consideration of spatial and ecological factors. Such Habitats Sites may be located within the plan or project area but may also include sites located in	
Screening (Stage 1)	Assessment of whether a plan or project, either alone or in combination with other plans or projects, is likely to have a significant effect on any Habitats Site's qualifying features (habitats and species) and the achievement of the Habitats Site's conservation objectives. This is also known as the 'test of likely significant effect'.	Regulation 63(1)(a)
Appropriate Assessment (Stage 2)	Consideration of the impacts of the proposals to determine whether it is possible to conclude with certainty that the project will not result in an adverse effect on the integrity of a Habitats Site, either alone or in combination with other plans or projects and with reference to the Habitats Site's conservation objectives. This is also known as the test of 'adverse effect on integrity'. At this stage consent may be granted for the plan or project if it is possible to conclude with certainty that the proposal will not result in any adverse effect on the integrity of any Habitats Site, either alone or in combination with other plans or projects.	Regulation 63(5)
If it cannot be concluded with certainty that the proposal will not result in any adverse effect on the integrity of any Habitats Site then proceed to:		
Assessment of alternative solutions (Stage 3)	Assess whether there is an alternative solution to the plan or project, i.e., one that avoids adverse effects on Habitats Sites. If no such alternative solution exists, the process continues to an assessment of whether there are 'imperative reasons of overriding public interest' (IROPI) for the plan or project to proceed.	Regulation 64(1)
Assessment of IROPI (Stage 4)	Assess whether a plan or project can be justified as being needed for IROPI.	Regulation 64(1)
Compensatory measures	Identify and secure necessary compensatory measures to ensure that the overall coherence of the 'national site network' is protected.	Regulation 68

Identification of relevant European sites (at risk of being affected by the development)

3.3 Prior to consideration of any of the stages in Table 1 above, an initial spatial scoping has been undertaken to identify all European sites of reasonably possible relevance to the development because of their location in a defined zone of influence.

3.4 On a precautionary basis all sites within 30 km of the Site are initially included in the spatial scoping exercise. Natural England (letter to the Planning Inspectorate dated 17 May 2024) identify several Habitats Sites within 30 km of the Site that should be considered for possible inclusion. This also included the Humber Estuary SPA which is 37 km from the Site.

3.5 Subsequent correspondence from Natural England to RES (statutory pre-application consultation response dated 03 March 2025) deals further with the question of the inclusion of the Humber Estuary SPA, at paras. 1.3 to 1.7 of their response letter (see full text of letter at Appendix 1 to this report).

> *Functionally Linked Land*
>
> *1.3. NE generally advise that functionally linked land may extend up to the maximum foraging distance for the designated bird species. However, the number of birds foraging will tend to decrease further away from the protected site and thus the importance of the land to the maintenance of the designated population will decrease. The maximum foraging distance usually expected for any species associated with the Humber designations is 20km.*
>
> *1.4. Due to the distance from the development site to the Humber Estuary SAC/Ramsar (and further to the SPA), NE consider it unlikely that the proposed development site would be functionally linked but nonetheless welcome review of the breeding and wintering bird survey results in this context.*
>
> *1.5. NE have reviewed appendices 7.4 and 7.6* [breeding and non-breeding bird survey results presented as part of the PEIR] *& are satisfied with the survey methods used. As stated in our EIA Scoping Response with regard to wintering birds: where there remains any doubt about the use of the site by species associated with international designations, further survey is likely to be required over a 2nd winter. In this scenario, NE consider the single year's wintering bird survey effort likely to be satisfactory to enable a robust assessment.*
>
> *1.6. It is noted at paragraph 7.8.11 that these surveys show no 'significant activity' at the proposed development site from qualifying bird species, although there is some activity. Whilst it is Natural England's advice that this activity is likely to be insignificant (as a result of the distance from the designations & expected foraging distances of the species which were recorded), para 7.8.11 is clear that only an 'initial assessment' has been made with regard to FLL. NE advise that the recorded activity should be considered within the 'formal report to inform a HRA' to ensure all the relevant evidence and rationale is presented to the Planning Inspectorate & ultimately the Secretary of State for their consideration as the competent authority.*

3.6 Taking the above comments into account, the Humber Estuary SPA has not been scoped out at the initial spatial scoping stage, despite its separation from the Site being over 30 km, but has been included for completeness.

3.7 The Habitats Sites are set out in Table 2 below (initial spatial scoping of Habitats Sites) along with a summary of the initial spatial scoping rationale for each of the Habitats Sites. This is an initial sift to identify which Habitats Sites should be considered at screening (Stage 1) of the HRA process.

3.8 Each of the Habitats Sites in Table 2 is shown on Figure 2.

Table 2: Initial spatial scoping of Habitats Sites within 30 km of the Site

Habitats Site name	Designation	Distance form Site	Summary of interest features	Preliminary conclusion presented in Chapter 7 of the PEIR for the application	Natural England 17 May 2024 comment to PINS on EIA scoping report (in summary)	Initial scoping outcome
Birklands and Bilhaugh	SAC	17 km southwest	Supports Annex I habitat 'old acidophilous oak woods' and is notable for its rich invertebrate fauna, particularly spiders, and for a diverse fungal assemblage.	The Site does not support any similar Annex I habitat. Due the nature of the Proposed Development, the location of the Site and its separation from the SAC, direct impacts for example as a result of land-take or indirectly, for example as a result of pollution, are highly unlikely.	Natural England considered that impacts to this site were unlikely due to the physical and hydrological separation from the development site.	Not considered further
Hatfield Moor	SAC	19.5 km north	Lowland raised bog, that supports Annex I habitat 'degraded raised bogs still capable of natural regeneration'.	The Site does not support any similar Annex I habitat. Due the nature of the Proposed Development, the location of the Site and its separation from the SAC, direct impacts for example as a result of land-take or indirectly, for example as a result of pollution, are highly unlikely.	Natural England considered that impacts to the features of the SAC designation are unlikely due to the physical and hydrological separation. They went on to say, however, that this should still be assessed and considered within the Report to Inform the HRA.	Considered further
Thorne and Hatfield Moors	SPA	19.5 km north	Supports populations of breeding European nightjar *Caprimulgus europaeus,* which is closely associated with lowland	The Site does not support any suitable habitat for European nightjar and this species was not	Natural England considered that whilst the development site is significantly further than the usually considered 2km Impact Risk Zone for nightjar, the ES should consider any possible impacts, including via loss or disturbance to Functionally Linked Land.	Considered further

Habitats Site name	Designation	Distance form Site	Summary of interest features	Preliminary conclusion presented in Chapter 7 of the PEIR for the application	Natural England 17 May 2024 comment to PINS on EIA scoping report (in summary)	Initial scoping outcome
			heathland and felled or recently planted conifer plantations. The site also supports small numbers (at non-qualifying levels) of other Annex I species: hen harrier *Circus cyaneus*, merlin *Falco columbarius,* short-eared owl *Asio flammeus* and hobby *Falco subbuteo*.	recorded during the breeding or wintering bird surveys undertaken during 2023 and 2024. Due the nature of the Proposed Development, the location of the Site and its separation from the SPA, direct impacts for example as a result of land-take or indirectly, for example as a result of pollution or effects to functionally linked land, are highly unlikely.		
Humber Estuary	SPA	37 km north	Extensive wetland and coastal habitats support important numbers of waterbirds (especially geese, ducks and waders) during the migration periods and in winter. In summer, it supports important breeding populations of bittern *Botaurus stellaris*, marsh harrier *Circus aeruginosus*, avocet *Recurvirostra avosetta* and little tern *Sterna albifrons*	No significant effect on HRA due to distance - beyond 30 km from the Site.	Natural England suggested that consideration should be given to the Humber Estuary SAC, Ramsar and SPA. They advised in their response that, in respect of which species to consider when assessing the Humber Estuary SPA non-breeding, waterbird assemblage feature, focus should be on what they refer to as the 'main component species' of the assemblage (see Appendix 3). These main component species are set out in the text immediately below this table.	Although the SPA boundary is beyond 30 km from the Site, it is considered further for completeness, to reflect comments from Natural England.
Humber Estuary	SAC	26.5 km north	A range of Annex I coastal habitats including estuaries, Atlantic salt meadows, sandbanks, extensive intertidal mudflats, glasswort beds, coastal lagoons. Annex II species: sea lamprey *Petromyzon marinus*, river	The Site does not support any similar Annex I habitat or have the potential to support the Annex II species. Due the nature of the Proposed Development, the	Natural England stated that despite the physical separation of the development site to the SAC, consideration should be given within the Report to Inform the HRA to rule out any impacts to the features of the SAC.	Considered further

Habitats Site name	Designation	Distance form Site	Summary of interest features	Preliminary conclusion presented in Chapter 7 of the PEIR for the application	Natural England 17 May 2024 comment to PINS on EIA scoping report (in summary)	Initial scoping outcome
			lamprey *Lampetra fluviatilis*, grey seal *Halichoerus grypus*	location of the Site and its separation from the SAC, direct impacts for example as a result of land-take or indirectly, for example as a result of pollution, are highly unlikely.		
Humber Estuary	Ramsar	26.5 km north	A representative example of a near-natural estuary with the following component habitats: dune systems and humid dune slacks, estuarine waters, intertidal mud and sand flats, saltmarshes, and coastal brackish/saline lagoons. Supports internationally important assemblages of passage and wintering waders and waterfowl, as well as supporting aquatic and marine species. Natural England designated sites website[1] (accessed February 2025 summarises the designated features: *Estuary* *Grey seal* *Natterjack toad* *River lamprey – Passage* *Sea lamprey - Passage*	Due the nature of the Proposed Development, the location of the Site and its separation from the Ramsar, direct impacts for example as a result of land-take or indirectly, for example as a result of pollution or effects to functionally linked land, are highly unlikely.	Impacts to the passage and wintering birds associated within the SPA and Ramsar Designations are most relevant, largely due to the mobile & migratory nature of the notified species. Impacts to species associated with these sites must be considered within the ES, including via loss or disturbance to Functionally Linked Land.	Considered further

[1] https://designatedsites.naturalengland.org.uk/SiteGeneralDetail.aspx?SiteCode=UK11031&SiteName=humber&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=

Habitats Site name	Designation	Distance form Site	Summary of interest features	Preliminary conclusion presented in Chapter 7 of the PEIR for the application	Natural England 17 May 2024 comment to PINS on EIA scoping report (in summary)	Initial scoping outcome
			Bird species: NOTE all Ramsar species are part of the SPA interest and the test of likely significant effect for the SPA designation is therefore relevant to the Ramsar designation with the addition of the species in bold below. While these are SPA interest species, they are not identified by Natural England as key species of the SPA for the purposes of HRA (see above). For completeness they are considered separately in the Ramsar assessment in Table 3 below. Species that are common to both the SPA and the Ramsar are assessed once, for the SPA in Table 3 below. ***Bar-tailed godwit - Wintering*** ***Black-tailed godwit - Passage*** ***Black-tailed godwit - Wintering*** *Dunlin - Passage* *Dunlin - Wintering* *Golden plover - Passage* *Golden plover - Wintering* ***Knot - Passage*** ***Knot - Wintering*** ***Little tern Sterna albifrons*** *Redshank - Passage* *Redshank - Wintering*			

Habitats Site name	Designation	Distance form Site	Summary of interest features	Preliminary conclusion presented in Chapter 7 of the PEIR for the application	Natural England 17 May 2024 comment to PINS on EIA scoping report (in summary)	Initial scoping outcome
			Shelduck - Wintering *Waterbird assemblage - Wintering*			
Thorne Moor	SAC	28.5 km north	Supports Annex I habitat 'degraded raised bogs still capable of natural regeneration'.	The Site does not support any similar Annex I habitat. Due the nature of the Proposed Development, the location of the Site and its separation from the SAC, direct impacts for example as a result of land-take or indirectly, for example as a result of pollution, are highly unlikely.	Impacts to the features of the SAC designation are considered unlikely by Natural England, due to physical and hydrological separation. However, this should still be assessed and considered within the Report to Inform the HRA.	Considered further

Note on Humber Estuary SPA species

Natural England suggested in their 17 May 2024 advice to PINS that consideration should be given to the Humber Estuary SAC, Ramsar and SPA.

They advised in Annex B of their May advice that, in respect of which species to consider when assessing the Humber Estuary SPA non-breeding, waterbird assemblage feature, focus should be on what they refer to as the 'main component species' of the assemblage. (see Appendix 3). Main component species are then defined as:

(a) main component species of the SPA non-breeding waterbird assemblage;

(b) species that are not listed on the SPA citation but occur at site levels of more than 1% of the national population according to the most recent Humber Estuary Wetland Bird Survey (WeBS) 5-year average count;

(c) species which are not considered to be non-breeding waterbirds but are listed on the citation qualifying under article 4.1 and 4.2 of the Directive.

The species marked in **bold text** below are identified by Natural England as known to use off-site supporting habitat / functionally linked land (FLL) (e.g. arable farmland, grassland/pasture, and/or non-estuarine waterbodies) in the non-breeding season and may therefore be the most relevant for assessing potential impacts of a proposed plan/project on birds using FLL associated with the Humber Estuary SPA.

a) Species listed individually under the assemblage feature on the SPA citation:

Avocet, *Recurvirostra avosetta* (non-breeding)

Bar-tailed godwit *Limosa lapponica* (non-breeding)

Bittern *Botaurus stellaris* (non-breeding)

Brent goose *Branta bernicla* (non-breeding)

Curlew *Numenius arquata* (non-breeding)

Dunlin *Calidris alpina alpina* (non-breeding)

Golden plover *Pluvialis apricaria* (non-breeding)

Goldeneye *Bucephala clangula* (non-breeding)

Greenshank *Tringa nebularia* (non-breeding)

Grey plover *Pluviaris squatarola* (non-breeding)

Lapwing *Vanellus vanellus* (non-breeding)

Mallard *Anas platyrhynchos* (non-breeding

Oystercatcher *Haematopus ostralegus* (non-breeding)

Pochard *Aythya farina* (non-breeding)

Redshank *Tringa totanus* (non-breeding

Ringed plover *Charadrius hiaticula* (non-breeding)

Ruff *Philomachus pugnax* (non-breeding)

Sanderling *Calidris alba* (non-breeding)

Scaup *Aythya marila* (non-breeding)

Teal *Anas crecca* (non-breeding)

Turnstone *Arenaria interpres* (non-breeding)

Whimbrel *Numenius phaeopus* (non-breeding)

Wigeon *Anas Penelope* (non-breeding)

b) Species which are not listed on the SPA citation but occur at site levels of more than 1% of the national population according to the most recent Humber Estuary Wetland Bird Survey (WeBS) 5-year average count:

Green sandpiper *Tringa ochropus* (non-breeding)

Greylag goose *Anser anser* (non-breeding)

Little egret *Egretta garzetta* (non-breeding)

Pink-footed goose *Anser brachyrhynchus* (non-breeding)

Shoveler,*Anas clypeata* (non-breeding)

Crane *Grus grus* (non-breeding)

c) Species which are not considered to be non-breeding waterbirds but are listed on the citation qualifying under article 4.1 and 4.2 of the Directive. These include:

Hen harrier *Circus cyaneus* (non-breeding)

Marsh Harrier *Circus aeruginosus* (breeding)

Little tern *Sterna albifrons* (breeding)

Avocet *Recurvirostra avosetta* (breeding)

Bittern *Botaurus stellaris* (breeding)

4 Proposed Works

Summary of location and setting of the Site

4.1 The DCO proposal site (the Site) is located around the village of Sturton le Steeple in Nottinghamshire, in a rural landscape characterised by agricultural land with occasional villages and individual properties. It includes part of the West Burton Power Station site to the north; and the River Trent is to the east. Otherwise, agricultural land surrounds the Site.

4.2 The Site is within the administrative area of Bassetlaw District Council and is approximately 5km to the south of Gainsborough. Sturton le Steeple is adjacent to the eastern and western boundaries of the Site; Knaith, is approximately 250 m to the east of the Site on the opposite side of the River Trent; and North Leverton with Habblesthorpe and Fenton are adjacent to the southern boundary.

4.3 The Site extends to approximately 888 hectares and comprises primarily large arable fields with boundary hedgerows and individual trees. There is a network of ditches and drains, and two ponds and a lake. There are occasional small woodland blocks, grassland pasture fields, and agricultural buildings.

4.4 Figure 1 shows the Site boundary.

Summary project description

4.5 The proposed DCO consent development is not related to the nature conservation management of any European site. As a consequence it is not exempted from assessment by virtue of the provision of part (b) of Regulation 63(1).

4.6 The Proposed Development comprises the construction, operation (including maintenance) and decommissioning of ground-mounted solar PV and energy storage technologies. As technologies are rapidly advancing, and the detailed design of the Proposed Development will take place post-consent, a series of project parameters are therefore required to maintain the flexibility and allow an assessment of the likely 'worst-case' as far as is reasonable.

4.7 The Proposed Development would include:

- Areas for solar panels and associated development (e.g. PV module mounting infrastructure, Inverters and Transformers).
- Cable infrastructure.
- Substation, Battery Energy Storage System ("BESS") and associated infrastructure.
- Land on two dedicated biodiversity areas (east and west of the Site covering approximately 99 ha and 82 ha respectively.
- Land within the main development areas that will form part of the green infrastructure of the overall scheme.

4.8 Subject to obtaining the necessary consents, construction of the Proposed Development is anticipated to commence at the earliest in the year of 2027, and to be completed and operational in the year of 2029.

4.9 The Proposed Development is anticipated to be operational for approximately 40 years, at which point the decommissioning phase will commence.

5 Potential for Likely Significant Effects

5.1 Habitats Site are screened in or out of further assessment based on whether the predicted effects of the proposed development are likely to give rise to a significant effect on the qualifying interest features of each Habitats Site.

5.2 Qualifying features of Habitats Sites have the potential to be affected by the proposed development where:

- There is overlap in the zone of influence/timing of an effect and a Habitats Site's qualifying feature (alone or in-combination with other plans or projects), i.e., there is a spatial and/or temporal pathway between the effect and the receptor; or
- In the case of qualifying species, the predicted effects of the proposed development overlap spatially and temporally with vital habitats or food resources within the species' normal range (alone or in-combination with other plans or projects).

Potential impact pathways and likely significant effects test for the identified Habitats Sites

5.3 Screening for likely significant effects (LSE) for construction (and decommission) and operational phases of the development is set out in Table 3 below, for each of the identified (i.e. scoped-in) Habitats Sites. Potential impact pathways considered include the following.

Physical loss / change of habitats on which interest features depend

5.4 The Site and adjacent land do not form part of any European site and therefore loss of habitats within a Habitats Site will not occur.

5.5 The construction phase of the development will result in the direct removal of habitats including modified grassland, cropland, and small sections of hedgerow and ditch habitat, which will be replaced with modified grassland (including beneath the solar panels), other neutral grassland, woodland copses, hedgerows, and the infrastructure of the solar energy and battery storage development.

5.6 Grassland has the potential to provide supporting habitats (and therefore functionally linked habitat) for interest features of European Sites, particularly birds such as geese, waders, and raptors.

5.7 Downstream hydrological impacts arising from pollution of watercourses or groundwater systems could give rise to downstream habitat changes that could impact functionally linked land upon which Habitats Site qualifying species rely.

5.8 The operational phase will not result in habitat loss.

5.9 Lamprey associated with the Humber Estuary SAC and Ramsar migrate upstream in the River Trent and its tributaries to spawn. In their 25 April 2025 consultation response Natural England advised that "*whilst little evidence is available for the distances these species travel upstream along the River Trent, NE consider that any works that may create a barrier to migration could cause an adverse effect to the SAC* [and Ramsar] *populations. From the information available, NE advise that the project appears unlikely to introduce any new barriers to migration. Nonetheless, it is advised that this pathway should be considered within the HRA for completeness.*"

5.10 The construction phase of the development will result in the insertion and replacement of culverts at crossing points, on several small drains, with no structures affecting the River Trent or the water flow in any of the larger drains on the Site. Culverts will be designed to maintain existing flows[2] and given this and the distance upstream of the Site from the SAC it is very unlikely that any barrier to migration of lampreys would occur.

Disturbance of interest features of Habitats Site (noise, visual, killing / injury of interest features or their prey)

5.11 The construction phase of the development will require the use of machinery and personnel that have potential to cause disturbance to wildlife. Habitats are not sensitive to noise and visual disturbance in this sense, so cannot be affected.

5.12 Noise and visual disturbance during construction and decommissioning have the potential to disturb birds that may be that may be sensitive to noise and visual disturbance and are interest features of the scoped-in Habitats Sites. They or their prey items may also be subject to killing / injury. The impact mechanisms for these species are considered below.

5.13 The operational phase will result in levels of disturbance that are negligible.

5.14 In terms of visual disturbance, the level of visual enclosure provided by existing vegetation and (to a limited degree) changes in topography result in some visual screening. It is anticipated that the effects of visual disturbance would be limited to localised areas within the Site and the immediately adjacent fields. This includes disturbance via artificial lighting, where used.

Killing, injury or removal of a designated species, or their prey

5.15 The construction phase of the development will require the use of machinery and personnel that have potential to cause killing / injury of wildlife.

5.16 Killing or injury of interest features or their prey items during construction and decommissioning phase has the potential to disturb birds that may be interest features of the scoped-in Habitats Site.

Changes to air quality and deposition

5.17 With reference to Chapter 14 of the Environmental Statement (air quality) construction dust, construction traffic emissions, and emissions from on-site (Non-Road Mobile Machinery (NRMM)) are considered.

5.18 It is concluded that NRMM will give rise to no likely significant effects to air quality, in the absence of any mitigation. NRMM (for example on-Site generators / cement mixers) would also only potentially cause impacts locally so due to separation distances would not impact the Habitats Sites.

5.19 With regard to construction traffic, there are no statutory designated ecological sites (SSSI/SPA/SAC/Ramsar) within 200 m of the proposed construction routes.

5.20 Dust emissions from construction activities may impact local air quality concentrations. However, the closest Habitats Site is 17 km away to the south-west and no effect on Habitats Site are identified.

[2] 32 ditch and river crossings have been identified. 16 relate to ditches that are considered likely to be dry most of the time. These are not considered suitable to support regular fish passage. For proposed crossings of dry ditches where culverted sections and farm tracks already exist the culverts will be replaced and upgraded. Four of the crossings over dry ditches will be wholly new, with new culverts to be installed; and three will involve backfilling small areas of the dry ditch to widen an existing land bridge.
Of the remaining crossings over wet ditches and rivers:

- One is a road bridge (where Common Lane overlies the Catchwater Drain), which has been assessed as requiring no additional work for the proposed development.
- Two would be wholly new clear-span footbridges for a pedestrian route.
- Two are existing culverts that will be removed and replaced with new clear-span vehicle bridges.
- Three would be wholly new culverts on wet ditches confirmed as either isolated from rivers or having ca. 6cm water depth and likely to dry in late summer, and unlikely to support fish species.
- Eight are existing culverts on wet ditches which will be upgraded as culvert pipes of the same or greater flow capacity.

5.21 Issues of changes to air quality and deposition are likely to be non-existent or imperceptible for all relevant Habitats Sites during all phases and are ruled out as a potential impact mechanism.

Hydrology and water quality changes

5.22 Standard practice construction and decommissioning phase pollution control and water management measures will be implemented and governed by a Construction Environment Management Plan (CEMP) or similar. This would prevent incidents of pollution of watercourses and prevent pollution from reaching Habitats Sites. This would avoid a likely significant effect without any further measures being required.

5.23 In addition, the Humber Estuary SPA, SAC, Ramsar is around 30 km downstream of the Site via the drains on the Site and the River Trent. Because of the distance between the Site and the Habitats Sites and the volume and flows in the drains and the river, the dispersion and dilution of any contaminants in drains / watercourses would mean that there would be no discernible adverse effect on any Habitats Sites should any pollution enter the watercourse.

5.24 Issues of hydrology and water quality are likely to be non-existent for or imperceptible for all relevant Habitats Sites and are ruled out as a potential impact mechanism.

Table 3: Stage 1 – screening of likely significant effects

Site, designation, summary of interest	Potential impact pathway	Screening of likely significant effect	Summary
Hatfield Moor SAC (Annex I habitat 'degraded raised bogs still capable of natural regeneration')	Physical loss / change of habitats on which interest features depend	Habitat interest – no appreciable effect due to separation distance, no work taking place outside of application Site boundary.	No likely significant effect
	Disturbance of interest features of Habitats Site (noise, visual, killing / injury of interest features or their prey)	Habitat interest – not a receptor; no appreciable effect.	No likely significant effect
	Killing, injury or removal of a designated species, or their prey	Habitat interest – not a receptor; no appreciable effect.	No likely significant effect
	Changes to air quality and deposition	Ruled out as a potential impact mechanism for all Habitats Sites.	No likely significant effect
	Hydrology and water quality changes	Ruled out as a potential impact mechanism for all Habitats Sites.	No likely significant effect
Thorne and Hatfield Moors SPA (breeding nightjar)	Physical loss / change of habitats on which interest features depend	There are no records of nightjar within 2 km of the Site (see Chapter 7 of the PEIR). Nightjar is closely associated with lowland heathland and felled or recently planted conifer plantations, and none are found on the Site. No work taking place outside of application Site boundary. No appreciable effect due to separation distance, lack of survey records and lack of suitable habitat on the Site. In addition, due to the distance to the SPA, the Site is unlikely to be in the core foraging or roosting area for individuals that are associated with the SPA.	No likely significant effect
	Disturbance of interest features of Habitats Site (noise, visual, killing / injury of interest features or their prey)	There are no records of nightjar within 2 km of the Site (see Chapter 7 of the PEIR). Nightjar is closely associated with lowland heathland and felled or recently planted conifer plantations, and none are found on the Site. No appreciable effect due to separation distance, lack of survey records and lack of suitable habitat on the Site.	No likely significant effect
	Killing, injury or removal of a designated species, or their prey	There are no records of nightjar within 2 km of the Site (see Chapter 7 of the PEIR). Nightjar is closely associated with lowland heathland and felled or recently planted conifer plantations, and none are found on the Site. No appreciable effect due to separation distance, lack of survey records and lack of suitable habitat on the Site.	No likely significant effect

Site, designation, summary of interest	Potential impact pathway	Screening of likely significant effect	Summary
	Changes to air quality and deposition	Ruled out as a potential impact mechanism for all Habitats Sites.	No likely significant effect
	Hydrology and water quality changes	Ruled out as a potential impact mechanism for all Habitats Sites.	No likely significant effect
Humber Estuary SPA (range of qualifying species and waterbird assemblage) 37 km north	Physical loss / change of habitats on which interest features depend	With reference to the main component species identified by Natural England (see Table 2 above) the following non-breeding species of the SPA were recorded on the Site. All other species in Appendix 3 have not been recorded and are not likely to suffer any appreciable adverse effect. Due to the distance to the SPA (37 km), the Site is unlikely to be in the core foraging or roosting area for any individual of species that are interest features of the SPA, and the Site is unlikely to be functionally linked land. Curlew: - recorded once in Eastern Biodiversity Mitigation Area on open fields; peak count 3. This location will not be affected by development. No appreciable effect likely due to very low numbers and location recorded, away from development. Site unlikely to be functionally linked land because of the separation distance between the Site and the SPA. Dunlin: - peak count 2 (once in Eastern Biodiversity Mitigation Area; one further record from the Proposed Solar Areas). No appreciable effect likely due to very low numbers, and Site unlikely to be functionally linked land because of the separation distance between the Site and the SPA. Lapwing: - recorded each month in winter, all in Eastern Biodiversity Mitigation Area, peak count 150 (typically 20-55 birds, in same fields each time). No appreciable effect likely due to location recorded, and Site unlikely to be functionally linked land because of the separation distance between the Site and the SPA. Mallard: peak count 53, Eastern Biodiversity Mitigation Area. Recorded in all survey months, mostly in Eastern Biodiversity Mitigation Area. Peak count on Proposed Solar Areas 28 (range 2, 2, 5, 8, 28). Birds were typically recorded within wetland features such as Littleborough Lagoon LWS in the Eastern Biodiversity Area; and in the larger drains within the Proposed Solar Areas. No appreciable effect likely due to location, and when recorded on the Proposed Solar Areas, low numbers. Site unlikely to be functionally linked land because of the separation distance between the Site and the SPA. Teal: peak count 173; all records in eastern biodiversity area on Littleborough Lagoon LWS. No appreciable effect likely due to location recorded Site unlikely to be functionally linked land because of the separation distance between the Site and the SPA.	No likely significant effect

Site, designation, summary of interest	Potential impact pathway	Screening of likely significant effect	Summary
		Wigeon: peak count 525; all records in eastern biodiversity area on Littleborough Lagoon LWS. No appreciable effect likely due to location recorded. Site unlikely to be functionally linked land because of the separation distance between the Site and the SPA. Hen harrier: peak count 1 (immature bird) recorded on four occasions only: in October in the Eastern Biodiversity Mitigation Area; November, December and January over the Proposed Solar Areas. Typically it was hunting along the drains within the Proposed Solar Areas or in habitats near to the River Trent within the Eastern Biodiversity Area. The development is unlikely to preclude continued foraging at the Site and no appreciable effect is likely. Site unlikely to be functionally linked land because of the separation distance between the Site and the SPA. In addition, marsh harrier (an SPA species for its breeding population) was recorded in winter on two occasions in the eastern biodiversity area (counts: 1 and 2). The species was not recorded during the breeding season. A single bird was recorded hunting around the eastern wetland areas, and was considered likely to be the same individual. The species is unlikely to suffer any appreciable effect due to very low numbers and sporadic use of the Site, and location recorded. Site unlikely to be functionally linked land because of the separation distance between the Site and the SPA. The eastern biodiversity area has been identified an area for biodiversity enhancement measures, and no solar or associated built development will be sited in this area. The nearest area of potential Solar Development to the waterbody in the eastern biodiversity area is approximately 500 m away. Impacts on bird species using these waterbodies are unlikely during any phase of the Proposed Development. In addition, due to the distance to the SPA, the Site is unlikely to be in the core foraging or roosting area for individuals that are associated with the SPA, and is therefore unlikely to be functionally linked land.	
	Disturbance of interest features of Habitats Site (noise, visual, killing / injury of interest features or their prey)	No appreciable effect likely in respect of bird species considered above. Some localised displacement of bird species may arise on the Proposed Solar Areas during construction but given the distance from the SPA the Site is unlikely to be in the core foraging or roosting area for individuals that are associated with the SPA, and is unlikely to be functionally linked land.	No likely significant effect
	Killing, injury or removal of a designated species, or their prey	No appreciable effect likely in respect of bird species considered above. No killing is likely given normal working practices and operation of the renewables project. During construction there are no identifiable reasons for killing or injury to arise. Some prey items may be killed incidentally but given the abundance of retained habitat, no effect is likely. Given the distance from the SPA the Site is unlikely to be in the core foraging or roosting area for individuals that are associated with the SPA, and the Site is unlikely to be functionally linked.	No likely significant effect

Site, designation, summary of interest	Potential impact pathway	Screening of likely significant effect	Summary
	Changes to air quality and deposition	Ruled out as a potential impact mechanism for all Habitats Sites	No likely significant effect
	Hydrology and water quality changes	Ruled out as a potential impact mechanism for all Habitats Sites	No likely significant effect
Humber Estuary Ramsar (assemblages of passage and wintering waders and waterfowl as well as several other species and a range of habitats)	Physical loss / change of habitats on which interest features depend	All of the birds assessed for the SPA are relevant to the Ramsar, and the SPA assessment in respect of those birds is relevant to the Ramsar. In addition, the following Ramsar species are assessed: *Bar-tailed godwit – Wintering: not recorded on the Site. No appreciable effect on Habitats Sites likely.* *Black-tailed godwit – Passage: not recorded on the Site. No appreciable effect on Habitats Sites likely.* *Black-tailed godwit – Wintering: not recorded on the Site. No appreciable effect on Habitats Sites likely.* *Knot – Passage: not recorded on the Site. No appreciable effect on Habitats Sites likely.* *Knot – Wintering: not recorded on the Site. No appreciable effect on Habitats Sites likely.* *Little tern – Breeding: not recorded on the Site. No appreciable effect on Habitats Sites likely.* *Shelduck – Wintering – Recorded on 2 of 6 surveys (January and February 2024) with all birds recorded Littleborough Lagoon LWS in the Eastern Biodiversity Area. Peak count of 2 birds. No appreciable effect on Habitats Sites likely: very low numbers on Site and all records are away from development.* The Ramsar boundary is within 30 km of the Site. All Ramsar bird feature species encompassed within the list of features for the Humber Estuary SPA. The SPA boundary is 37 km from the Site. An evaluation of the suitability of that component of the Ramsar beyond and to the south of the SPA, is that it provides very little habitat that would support SPA species, being primarily tidal River Trent, upstream as far as Walcot. For these reasons the bird interest of the Ramsar designation is taken to coincide with that of the SPA. *No appreciable effect on Habitats Sites likely*. The eastern biodiversity area has been identified as an area for biodiversity enhancement, and no solar or associated built development will be sited in this area. The nearest area of potential Solar Development to these waterbodies is approximately 500 m away. Impacts on bird species using these waterbodies are unlikely during any phase of the Proposed Development. In addition, due to the distance to the Ramsar, the Site is	No likely significant effect

Site, designation, summary of interest	Potential impact pathway	Screening of likely significant effect	Summary
		unlikely to be in the core foraging or roosting area for individuals that are associated with the Ramsar. Other features: *Estuary – the complex of estuary habitats is separated from the Site by a minimum of 25.5 km (straight line) and no appreciable effect is likely.* *Grey seal – the Site is separated from the Ramsar by a minimum of 25.5 km (straight line) and no appreciable effect on grey seal is likely.* *River lamprey – Passage - the drains on the Site drain north into the River Trent, which flows ultimately into the Humber Estuary (Ramsar). Implementation of standard watercourse protection measures means that pollution of watercourses on the Site will be avoided and in any case there is a significant distance downstream to the Habitats Site and the volume and flows in the river will give rise to heavy dilution and dispersal. In addition, there will be no barrier effects in watercourses arising from the Proposed Development. As a result, there will be no appreciable adverse effect on river lamprey.* *Sea lamprey - Passage - the drains on the Site drain north into the River Trent, which flows ultimately into the Humber Estuary (Ramsar). Implementation of standard watercourse protection measures means that pollution of watercourses on the Site will be avoided and in any case there is a significant distance downstream to the Habitats Site and the volume and flows in the river will give rise to heavy dilution and dispersal. In addition, there will be no barrier effects in watercourses arising from the Proposed Development. As a result, there will be no appreciable effect on sea lamprey.* <u>Natterjack toad</u> In the HRA for the recently consented Cottam Solar Project, it states: "*3.5.4 Natural England's response to EXQ1 dated 21st November 2023 [REP2-088], it is expressed that, despite the earlier omission, significant effects upon the Humber Estuary Ramsar Site are considered unlikely:* *"3.5.5 The overlap between the SAC/SPA designations and Ramsar designation is noted, both geographically and with regard to the designated features. However this should not warrant the omission of consideration of the Ramsar designation in its own right. All but one of the Ramsar features are also features of the SAC/SPA. Natterjack Toad are a feature of the Ramsar site only. Due to the physical separation of the site from the proposed development, and the limited range of the Natterjack Toad, Natural England do consider that impacts on this feature are unlikely [...]*" The comments about natterjack toad are noted and it is concluded that no appreciable effect is likely to arise in respect of this interest feature.	

Site, designation, summary of interest	Potential impact pathway	Screening of likely significant effect	Summary
	Disturbance of interest features of Habitats Site (noise, visual, killing / injury of interest features or their prey)	No appreciable effect likely in respect of bird or other species considered above. Some localised displacement may arise on the Proposed Solar Areas during construction but given the distance from the Ramsar, the Site is unlikely to be in the core foraging or roosting area for individuals that are associated with the Ramsar.	No likely significant effect
	Killing, injury or removal of a designated species, or their prey	No appreciable effect likely in respect of bird or other species considered above. No killing is likely given normal working practices and operation of the renewables project. During construction there are no identifiable reasons for killing or injury to arise. Some prey items may be killed incidentally but given the abundance of very similar habitat in the locality, no effect is likely. Given the distance from the Ramsar the Site is unlikely to be in the core foraging or roosting area for individuals that are associated with the Ramsar.	No likely significant effect
	Changes to air quality and deposition	Ruled out as a potential impact mechanism for all Habitats Sites	No likely significant effect
	Hydrology and water quality changes	Ruled out as a potential impact mechanism for all Habitats Sites	No likely significant effect
Humber Estuary SAC (Annex I coastal habitats; Annex II species sea lamprey *Petromyzon marinus*, River lamprey *Lampetra fluviatilis* and grey seal *Halichoerus grypus*)	Physical loss / change of habitats on which interest features depend	Habitat interest – no appreciable effect due to separation distance / no work taking place outside of application Site boundary. Faunal interest – no appreciable effect: the drains on the Site drain north into the River Trent, which flows ultimately into the Humber Estuary (Ramsar). However, because of the distance between the Site and the Habitats Site and the volume and flows in the drains and the river, the dispersion and dilution of any contaminants in drains / watercourses will have no discernible adverse effect on river lamprey, sea lamprey or grey seal.	No likely significant effect
	Disturbance of interest features of Habitats Site (noise, visual, killing / injury of interest features or their prey)	Habitat interest – no appreciable effect due to separation distance / no work taking place outside of application Site boundary. Faunal interest – no appreciable effect due to separation distance and nature of proposals.	No likely significant effect
	Killing, injury or removal of a designated species, or their prey	Habitat interest – no appreciable effect due to separation distance / no work taking place outside of application Site boundary. Faunal interest – no appreciable effect due to separation distance and nature of proposals.	No likely significant effect
	Changes to air quality and deposition	Ruled out as a potential impact mechanism for all Habitats Site	No likely significant effect

Site, designation, summary of interest	Potential impact pathway	Screening of likely significant effect	Summary
	Hydrology and water quality changes	Ruled out as a potential impact mechanism for all Habitats Site	No likely significant effect
Thorne Moor SAC ((Annex I habitat 'degraded raised bogs still capable of natural regeneration')	Physical loss / change of habitats on which interest features depend	No appreciable effect due to separation distance between Site and SAC.	No likely significant effect
	Disturbance of interest features of Habitats Site (noise, visual, killing / injury of interest features or their prey)	Habitat interest – not a receptor; no effect.	No likely significant effect
	Killing, injury or removal of a designated species, or their prey	Habitat interest – not a receptor; no effect.	No likely significant effect
	Changes to air quality and deposition	Ruled out as a potential impact mechanism for all Habitats Sites	No likely significant effect
	Hydrology and water quality changes	Ruled out as a potential impact mechanism for all Habitats Site	No likely significant effect

6 Appraisal of Likely Significant Effects of Proposals 'In-Combination'

6.1 When considered alone, the development will not give rise to any appreciable adverse effects on Habitats Sites, due primarily to separation distances between the development Site and each Habitats Site. The rationale for why each impact pathway generates no appreciable adverse effect on Habitats Sites is contained within column 3 of Table 3 (above).

6.2 In the absence of the project alone giving rise to any appreciable adverse effects and thus making no material contribution to any type of adverse effect on the interest features of the Habitats Sites that could accumulate with other proposed developments, it is concluded that a formal in-combination assessment is not required.

7 References

BSG Ecology, 2025. Breeding bird surveys. Appendix 7.4 of Chapter 7 of the PEIR

BSG Ecology, 2025. Non-breeding bird surveys. Appendix 7.6 of Chapter 7 of the PEIR

BSG Ecology, 2025. Chapter 7: Ecology and Biodiversity. Preliminary Environmental Information Report, Steeple Renewables Project

DTA Publications, 2023 The Habitats Regulations Assessment Handbook.

Planning Inspectorate, 2024. Nationally Significant Infrastructure Projects: Advice on Habitats Regulations Assessments

Appendix 1: Letter from Natural England to RES dated 03 March 2025

Date: 03 March 2025
Our ref: 501254
Your ref: EN010163

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Steeple Renewables Project

BY EMAIL ONLY

Dear [redacted]

Planning consultation: Statutory pre-application consultation 20th January 2025 to 3rd March 2025.

Thank you for your consultation on the above dated 20 January 2025 which was received by Natural England on 29 January 2025.

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

We understand that you are consulting us under S42 of the Planning Act 2008. We have reviewed the Preliminary Environmental Information Report (PEIR) and supporting documents, and have provided comments on the areas relevant to our remit based on this information. Our comments are provided in Annex 1 to this letter. Key recommendations are shown in red.

It is noted that the Discretionary Advice Service estimate sent to the applicant on 23rd August 2024 has not been returned. Natural England would be pleased to engage further via DAS following this statutory consultation response.

For any queries regarding this letter, contact me on [redacted] For new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

[redacted]
Senior Sustainable Development Officer
East Midlands Area Delivery – Natural England

ANNEX 1: Comments on the PEIR and supporting documents

1. Internationally Designated Sites

1.1. Chapter 7 (inc. Appendix 7.2) correctly identifies the internationally designated sites within 30km of the proposed development:

- Birklands and Bilhaugh SAC
- Thorne and Hatfield Moors SPA
- Hatfield Moor SAC
- The Humber Estuary Ramsar
- The Humber Estuary SAC
- Thorne Moor SAC

1.2. It is noted that the Humber Estuary SPA lies beyond the 30km search radius; as a result further assessment of the impact of the proposal on this designation has been scoped out.

Functionally Linked Land

1.3. NE generally advise that Functionally linked land may extend up to the maximum foraging distance for the designated bird species. However, the number of birds foraging will tend to decrease further away from the protected site and thus the importance of the land to the maintenance of the designated population will decrease. The maximum foraging distance usually expected for any species associated with the Humber designations is 20km.

1.4. Due to the distance from the development site to the Humber Estuary SAC/Ramsar (and further to the SPA), NE consider it unlikely that the proposed development site would be functionally linked but nonetheless welcome review of the breeding and wintering bird survey results in this context.

1.5. NE have reviewed appendices 7.4 and 7.6 & are satisfied with the survey methods used. As stated in our EIA Scoping Response with regard to wintering birds: where there remains any doubt about the use of the site by species associated with international designations, further survey is likely to be required over a 2nd winter. In this scenario, NE consider the single year's wintering bird survey effort likely to be satisfactory to enable a robust assessment.

1.6. It is noted at paragraph 7.8.11 that these surveys show no *'significant activity'* at the proposed development site from qualifying bird species, although there is *some* activity. Whilst it is Natural England's advice that this activity is likely to be insignificant (as a result of the distance from the designations & expected foraging distances of the species which were recorded), para 7.8.11 is clear that only an 'initial assessment' has been made with regard to FLL. NE advise that the recorded activity should be considered within the 'formal report to inform a HRA' to ensure all the relevant evidence and rationale is presented to the Planning Inspectorate & ultimately the Secretary of State for their consideration as the competent authority.

1.7. NE would be pleased to engage with the applicant on the report to inform the HRA prior to DCO submission.

Other impact pathways

1.8. Little further assessment has been provided at this stage with regard to other impact pathways to the Humber sites or other international designations.

1.9. Due to the intervening distances and hydrological separation, impacts to other international sites are considered unlikely. Nonetheless, the formal report to inform a HRA should identify any potential impact pathways, clearly setting out why impacts are unlikely to each designation.

1.10. NE have the following additional advice:

- The proposed development lies well beyond the usual 2km foraging distance of Nightjar, the sole qualifying feature of Thorne and Hatfield Moors SPA, meaning impacts to this designation are unlikely. In addition, Nightjar were not recorded during any bird surveys to date.
- The proposed development is hydrologically connected to the Humber Estuary (SAC/Ramsar), however, the distance to the Humber and the use of appropriate construction management methods is likely to avoid any appreciable effects upon the qualifying features of the Humber Estuary sites via changes to water quality.
- No significant impact pathways appear to exist between the proposed development and: Birkland and Bilhaugh SAC, Hatfield Moor SAC and Thorne Moor SAC.

2. Nationally Designated Sites

2.1. Clarborough Tunnel SSSI lies approximately 40m from the development boundary and has been identified as the only SSSI triggering one of Natural England's Impact Risk Zones (IRZs). NE concur with this and consider impacts to any other SSSI's as a result of the proposed development to be unlikely

2.2. Paragraph 7.8.12 states that as the nearest part of the proposed development to Clarborough tunnel SSSI is the Western mitigation area, no impacts on the SSSI are anticipated. NE would concur that impacts to the SSSI during operation are unlikely as a result of this, however, it is unclear at this stage exactly what construction activity is likely to occur within proximity to the SSSI. We advise that there may be potential for impacts to the SSSI via the following pathways, which should be considered in the ES:

Air Quality - Construction Traffic

2.2.1. Due to the proximity of the SSSI to the development site, construction traffic emissions could cause an adverse effect to the SSSI, i.e. via ammonia, NOx Emissions & subsequent Nitrogen deposition. Chapter 14 (Air Quality) sets out the screening criteria used for consideration of impacts to ecological receptors: 1000 AADT and/or 200 HDV AADT increase on the Affected Road Network (ARN) within 200m of a sensitive site. Paragraph 14.3.23 states Construction traffic is unlikely to be routed within 200m of Clarborough Tunnel SSSI, and that any change in traffic is expected to be below the relevant thresholds anyway. NE welcome this consideration, and advise that where this is the case, impacts could be ruled out. Nonetheless, this information should be clearly illustrated in ES to evidence the likely absence of any traffic emission related impacts to Clarborough Tunnel SSSI.

Air Quality - Construction Dust

2.2.2. Due to the proximity of the SSSI to the development site, construction dust could cause an adverse effect to the SSSI, i.e. via smothering. Appendix 14.3 includes a dust assessment, in line with IAQM guidance. The assessment identified the SSSI as a sensitive receptor within 50m, which is welcomed, although Table A1.9 states that ecological sensitivity is 'low', despite the SSSI being of medium sensitivity. NE would advise that ecological sensitivity should be classed as 'Medium' as a result of the SSSI.

2.2.3. Nonetheless, NE consider the mitigation measures outlined in Table A14.11 likely to be sufficient to avoid a significant adverse effect to the SSSI. These should be secured within the oCEMP and DCO requirements. Table A14.11 states the Dust Management Plan '*may include'* monitoring. NE advise the plan *must include* monitoring, which should form the basis fo the plan, especially at the SSSI & other sensitive ecological receptors, to enable a flexible approach to be taken & action to be taken where unacceptable dust emissions are identified.

Direct Disturbance

2.2.4. Whilst the proposed development site is not directly adjacent to the SSSI, a small possibility remains for direct damage to the notified interest, i.e. via tracking of construction vehicles. To avoid this, the CEMP should include measures to ensure construction workers are aware of sensitive features in proximity to any construction activity.

Enhancement

2.3. The nearest part of the project to Clarborough Tunnell SSSI is the Western Mitigation area. Enhanced grasslands & woodland planting are proposed in this area, which is welcomed. NE would generally encourage the use of species mixes complimentary to the SSSI, where appropriate – noting the calcareous nature of the SSSI, present due to the gypsum through which the tunnel has been cut - to increase connectivity & provide supporting habitats for the diverse breeding bird/insect fauna found on the SSSI.

2.4. Further opportunity to increase connectivity may be possible along the railway lines diverging eastwards from the SSSI, for example via extending a narrow buffer of habitat creation along the northern branch of the railway line to the intersection with the Trent Valley Minor Green Corridor (Figure 6.7 sheet 4).

3. Nationally Designated Landscapes

3.1. The proposed development is not located within, or within the setting of, any nationally designated landscapes. As such, NE have no specific comments to make on the further landscape implications of this proposal. We welcome the reference made to Natural England's National Character Areas, and advise that the development should avoid impact to and, where possible, enhance local distinctiveness.

4. Protected Species

4.1. Natural England generally welcome the approach taken to avoid impacts to protected species, in line with the mitigation hierarchy.

4.2. It is noted, however, at paragraph 7.7.4 that protected species licences may be sought where impacts to protected species cannot be avoided. Specifically, paragraphs 7.8.109 and 7.8.136 make reference to licences for Badgers and GCN, respectively.

4.3. Natural England draw your attention to PINS Advice Note 11 Annex C, which includes useful information regarding what PINS expect with regard to protected species licencing.

4.4. Advice note 11 Annex C states that The Planning Inspectorate '*will wish to be in a position by the end of the examination to report to the Secretary of State on the likelihood of any necessary protected species licence being obtained'*.

4.5. As a result, generally, where licence need has been identified, or where it is likely that a licence will be required based on evidence gathered pre-consent, NE recommend using our Pre-Submission Screening Service, whereby we can assess a draft licence application and provide a LoNI (Letter of No Impediment), where we consider there to be no reason that a licence would not be granted post DCO consent.

4.6. It is noted that some relevant information may be absent from a draft licence application pre-consent, however, NE will work with the applicant to ensure the relevant information is presented within the ES to satisfy PINS regarding the likelihood of any necessary protected species licence being obtained. The costs incurred from this could be charged under a regular DAS contract, where one exists between the applicant & NE already.

4.7. It is acknowledged that it may not be possible to put together a draft licence application where survey effort to date indicates that the need for any licences is likely to be avoided. In this scenario, it may be appropriate to enter examination without any LoNIs. Where **post-consent** surveys reveal the need for a licence from Natural England, this will need to be applied for in the usual manner; Natural England are unable to provide a position on the likelihood of a licence being granted without having reviewed a draft licence application.

4.8. It should also be noted that Natural England are unable to comment on the need for a licence, this responsibility falls to the developer. Our protected species standing advice should be consulted here.

5. Soils and Best & Most Versatile Agricultural Land

5.1. Soil is a finite resource which plays an essential role within sustainable ecosystems,

performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. To safeguard soil resources as part of the overall sustainability of the development, it is important that the soil resource i able to retain as many of its important functions as possible. This can be achieved through careful soil management and appropriate, beneficial soil re-use, with consideration on how any adverse impacts on soils can be avoided or minimised. Any actions which compromise options for the future use of the land, or which undermine its inherent capability should be avoided.

5.2. ALC Survey Methods

5.2.1. Natural England welcome the completion of an ALC survey according to the 1988 guidelines, with a density of 1 auger boring per hectare, supported by soil pits in each soil type. However, it is noted at paragraph 15.3.7 that the survey has only been undertaken on the areas of the Site which are intended to have solar infrastructure installed. All other areas of the site have been excluded from the in-field survey works. Natural England advise that a full ALC survey should be undertaken pre-consent for all agricultural land within the full order limits, including the cable route and enhancement areas.

5.2.2. Without this information, it is not possible for the applicant to evidence the 'avoid' principle of the mitigation hierarchy. Any soil disturbance, including trafficking, risks damaging the soil resource and soil profile, and the agricultural land quality including the potential for degrading agricultural land quality. As such an ALC survey is essential to understand the baseline conditions to firstly avoid BMV agricultural land where possible; then to inform the soil handling practises necessary to minimise potential damage; and provide a baseline soil profile to which the restoration can be compared to demonstrate the land has been appropriately reinstated. Some flexibility in the methodology for soil survey along the linear route is likely to be suitable, to best represent the ALC grade of the land along the route.

5.2.3. The Planning Inspectorate's EIA Scoping Opinion clearly sets this out at ID 3.10.2: '*The Applicant should ensure that the survey has sufficient coverage across the Proposed Development including the cable route to accurately inform the assessment in line with relevant guidance and/or standards (e.g., Natural England Technical Information Note TIN049, 2012), or justify why an alternative surveying methodology approach is sufficient*'.

5.2.4. It is noted that the full ALC survey report has not been provided with the PEIR, so NE are unable to provide any further comment.

5.3. Avoidance of BMV

5.3.1. Some consideration has been provided in the design to the avoidance of BMV land for elements of the proposal that include sealing of land. Paragraph 15.7.5 states '*Any temporary sealing of agricultural land as a result of the Proposed Development is confined to the lowest grade BMV land (ALC Grade 3a) across the Site'*. NE welcome this, but note that avoidance of BMV entirely, including grade 3a, should be the goal. NE advise that further consideration should be given to the avoidance of BMV land, where possible. This should be clearly presented in the ES.

5.3.2. Natural England must also advise that habitat creation proposals can lead to permanent/irreversible land use change, where these proposals are intrusive and remove the possibility for land to be returned to agricultural use. Nonetheless, habitat creation on its own will not automatically result in a permanent loss of BMV, and with careful consideration, the long-term potential of the land can be retained. For example, a change from arable use to a grazed species rich grassland sward would be unlikely to cause an irreversible land use change, as the soil resource remains in situ and undisturbed; thus could be readily reverted back to BMV. Or, where soils remain undisturbed and water table levels are altered to create certain habitat features, this might easily be controlled by a land manager so the land could be readily reverted back to BMV. This is because ALC grading is based around the long term, inherent properties

affecting agricultural capability (climate, site and soil) and versatility, not nutrient levels or having a specific type of cropping or stocking. As such, whilst careful consideration should be given to the siting of any potentially intrusive biodiversity enhancement measures, avoiding BMV land wherever possible, it may remain possible to deliver permanent biodiversity enhancement, beyond the lifetime of the development, without compromising the long-term potential of the land.

5.4. Assessment of Impacts to BMV land

Presentation of ALC data

5.4.1. Paragraph 15.7.1 sets out the preliminary ALC survey results, which show 12% of the site is ALC Grade 3b (non-BMV land), 6% is ALC Grade 1, 21% ALC Grade 2 and the remaining 61% ALC Grade 3a. Whilst these results are provisional, they illustrate the high proportion of the site that is Best and Most Versatile.

5.4.2. When the ALC dataset is complete, this should be presented in the ES including a breakdown of the land take (and the proportion/amount of BMV land) for each element of the development, including Solar PV, mitigation/enhancement areas, retained agricultural land, substations/BESS infrastructure, construction compounds, cable routes and access tracks. This will inform the Planning Inspectorates consideration of the overall impact of the proposal on agricultural land quality and soils. The implications of each element of the proposal on agricultural land quality and soil health may differ; this should be accounted for and addressed within the SMP too.

Magnitude & significance of effects to BMV land

5.4.3. Tables 15.2 & 15.3 set out the sensitivity & magnitude criteria relating to Best and Most Versatile Land. NE agree with the assignment of high magnitude to any impacts leading to permanent loss of 20ha BMV land. NE also agree with the assignment of High & Very High Sensitivity to Grades 2/3a and Grade 1 land, respectively.

5.5. Time Limit & Reinstatement

5.5.1. It is noted in the Non-Technical Summary (page 2) that the proposed development has a proposed lifespan of 40 years, with decommissioning to commence 40 years after the development becomes operational. This time limit is welcomed; NE advise this must be secured within the DCO.

5.5.2. It is noted in the Non-Technical Summary that: '*it is the intention that after the 40 years of operation, the whole Site will be available to revert to its current use and be used by the landowner for agricultural operations of their choice and determined by the global markets at that time. This will include the areas that will have been used for biological mitigation over the lifetime of the Proposed Development.'*

1.1.1. Paragraph 15.4.2 also states: '*soil resources disturbed either temporarily or permanently by the Proposed Development will be handled and utilised in a manner which conserves their capabilities, such that these areas can be fully restored to their original ALC grade on decommissioning'*. However, paragraph 15.7.6 states: *'In addition, an*y elements of the Proposed Development which are to remain following the decommissioning phase will total <20ha'. NE query this inconsistency and would welcome clarity regarding the restoration of all agricultural land to it's original ALC grade. The commitment to restoring agricultural land to its original grade should be secured within the DCO, or appropriate control documents (I.e. SMP).

5.6. Soil Management

5.6.1. NE welcome the commitment to produce an outline Soil Management Plan (oSMP) for submission. The detail of this plan is key to safeguarding the soil resource across the development site.

5.6.2. The SMP must cover the full site boundary, and should incorporate any works that involve soil handling or other activities which may impact the soil, including during any 'pre-commencement' activities.

5.6.3. The SMP should detail the involvement of a suitably qualified soil specialist during the construction, operation and decommissioning phases of the development.
5.6.4. The SMP should follow DEFRA's Code of practice for the sustainable use of soils on construction sites - GOV.UK.

6. Biodiversity Net Gain

6.1. NE welcome the use of the Statutory Biodiversity Metric for the preliminary BNG calculations.
6.2. Paragraph 7.8.40 states that BNG will be delivered in line with relevant legislation and policy, however, no commitment is made within the PEIR to the delivery of a minimum of 10% BNG. NE recommend that whilst not yet mandatory, a commitment to at least 10% BNG in habitat, hedgerow and river units could be made within the ES. Where demonstrated to be feasible through the BNG Assessment, NE would also endorse commitment to greater gains than the minimum 10%.
6.3. It is welcomed that areas which may be required to deliver mitigation have not been included in the BNG calculations at this stage.
6.4. Appendix 7.12 (Preliminary Biodiversity Gain Report), states that a Habitat Management and Monitoring Plan (HMMP) will be used to secure the management of the enhancements. NE note that the PEIR also references the use of a LEMP. It may be possible to deliver the role of the HMMP within the LEMP.

7. Ancient Woodland and Ancient/Veteran Trees

7.1. It is noted that there will be no direct loss to Ancient Woodland as a result of the development; thus, NE have no specific comment to make in this regard[1] and refer to our Standing Advice for Ancient Woodland, Ancient Trees and Veteran trees.

8. Connecting People with Nature

8.1. The site is crossed in various location by Public Rights of Way & Natural England welcome the intention to provide a Public Rights of Way Management Plan.
8.2. The provision of additional footpaths (shown in Figure 6.7) is also welcomed, to further increase the accessibility of the PRoW network in the area.
8.3. Review of the Accessible Natural Greenspace profile and Accessible Green Infrastructure layers on the NE Green Infrastructure mapping tool show that despite it's rural nature, the development site and surrounding areas have poor greenspace provision and accessible Green Infrastructure. The establishment of permissive footpaths and accessible enhancement areas are thus increasingly valuable in improving the Green Infrastructure provision for the surrounding local communities. As a result, NE would recommend a focus on ensuring local communities are able to access the PRoW network in and around the site.

9. Other Matters

9.1. NE note the connection to the grid is to be made at the former West Burton Power station. This site is proposed to be the site of the STEP Nuclear Fusion Reactor: https://step.ukaea.uk/west-burton/. Whilst this project is in it's infancy, NE query whether any collaboration has taken place with this project.

[1] Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK – *'Natural England is a statutory consultee for proposals that affect any sites of special scientific interest. For all other proposals that affect ancient woodland or ancient and veteran trees, you should use the guidance on this page. Natural England will only provide advice if consulted on other cases in exceptional circumstances.'*

Appendix 2: Letter from Natural England dated 25 April 2025 with comments on draft iHRA report

Date: 25 April 2025
Our ref: UDS A015327

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

0300 060 3900

BY EMAIL ONLY

Dear [redacted]

Discretionary Advice Service (Charged Advice): UDS A015327
Development proposal and location: Steeple Renewables Project - Bassetlaw

Thank you for your consultation on the above dated 17 March 2025.

The following advice is based upon the information within the provided '**Steeple Renewables Project Information to Inform a Habitats Regulations Assessment Consultation Draft**', as part of the contract reference UDS A015327, signed 02 March 2025.

Natural England's advice is set out below, with comments set out per report section. Where no comments are made it can be assumed Natural England concur with the content of the report.

Section 1 - Summary:

Overall, Natural England consider the correct sites have been considered within the iHRA report and concur with the 'alone' assessment of each impact to the identified European sites, however, we have some minor comments summarised below and detailed in the relevant sections of this letter.

- Water pollution impacts have been ruled out based on a 1km distance threshold.
- Potential impacts to migratory lamprey from direct disturbance/barriers to migration have not been considered.
- Insufficient rationale is provided for the omission of detailed in combination assessment.

Section 2 – Introduction:

Paragraph 2.4:
NE welcome the clear note that this report is intended to provide the competent authority with relevant information needed to fulfil their duties under the Habs Regs. A minor note that **the Planning Inspectorate are not the competent authority for the HRA**, although they often produce a Report on the Implications for European Sites, the ultimate responsibility sits with the relevant Secretary of State themselves.

Paragraph 2.7:
NE welcome the inclusion of consideration of pSAC/pSPA/Ramsar sites in line with NPPF paragraph 194.

Paragraph 2.23:
NE consider the survey effort undertaken is sufficient to inform a robust assessment in the HRA. As

per our Section 42 response, where there remains any doubt about the use of the site by species associated with international designations, further survey is likely to be required over a 2nd winter. **In this scenario, NE consider the single year's wintering bird survey effort likely to be satisfactory to enable a robust assessment**.

Section 3 – HRA Process:

Paragraph 3.6:
NE welcome the consideration of the Humber Estuary SPA, despite it's location outside the 30km spatial screening area. The use of NE's 'Annex B' relating to species associated with the Humber Estuary is also welcomed.

Table 2 – Initial spatial scoping of Habitats Sites within 30km of the site:
Natural England concur with the sites scoped in for further consideration within the screening report. All sites identified have been scoped in aside from Birklands and Bilhaugh SAC. As set out in our Section 42 consultation response, it is considered that no impact pathways exist between the proposed development and the interest features of Birklands and Bilhaugh SAC.

Section 5 – Potential for LSE:

Omission: Barriers to River and Sea Lamprey Migration:
Lamprey associated with the Humber Estuary SAC migrate upstream in the River Trent & it's tributaries to spawn. Whilst little evidence is available for the distances these species travel upstream along the River Trent, NE consider that any works that may create a barrier to migration could cause an adverse effect to the SAC populations. From the information available, NE advise that the project appears unlikely to introduce any new barriers to migration. Nonetheless**, it is advised that this pathway should be considered within the HRA** for completeness.

Paragraph 5.20:
A 1km distance has been used to screen out potential impacts from water pollution, due to dilution and dispersion of contaminants. It is unclear how this threshold has been determined and as such Natural England do not agree with its application at this stage. It is Natural England's advice that prior to consideration of dilution and dispersion effects**, the HRA should consider measures embedded into the scheme to avoid impacts**, as per the mitigation hierarchy. **The implementation of best practise construction water management measures via the CEMP, which would A) prevent pollution incidents, and B) prevent pollution incidents form reaching the designated site, are considered likely to avoid a likely significant effect in this instance**. These embedded measures could reasonably be considered at the screening stage of the HRA, as they have not been implemented to avoid impacts to the designated sites, but as standard working practise. Where additional measures are required, for example where particularly harmful or polluting works are required, additional measures may be required, which would need to be considered at Appropriate Assessment.

Notwithstanding the above comments, NE concur with the conclusions regarding LSE for each impact pathway as set out in *Table 3: Stage 2 – screening of likely significant effects*. Where relevant, our comments are set out below:

- Ornithological interest of the Humber Estuary SPA/Ramsar:
    - The distance from the development site to the designation is greater than the typical foraging distances considered for the SPA features, however, it is welcomed that the survey information has been reviewed to identify any significant use by SPA species.
    - Whilst the full ornithology survey results have not been reviewed by NE at this stage, the survey results presented in this table show relatively low numbers and frequency of use by SPA/Ramsar birds.
        - The records of Hen Harrier and Marsh Harrier at the site are noted, however in this instance, due to their limited use of the site, limited disturbance

anticipated from the operation of the development, and availability of alternative habitat at this distance from the designated sites, NE concur that a significant effect upon these species remains unlikely.

- It is noted that the majority of SPA species recorded on site were in the eastern biodiversity mitigation area, which will not be developed through the project.
- Based on the numbers, frequency of use and locations of SPA/Ramsar birds within the site, in-combination with the distance to the designated sites, **NE concur that the site is unlikely to be functionally linked to the Humber Estuary SPA/Ramsar and that a likely significant effect can be ruled out.**
- Nonetheless, NE advise enhancements in the eastern biodiversity area should consider the existing use & be designed accordingly to enhance the value for these species, were possible.

Section 6 - Appraisal of Likely Significant Effects of Proposals 'In-Combination':

Paragraph 6.2:
No in combination assessment has been undertaken as part of the HRA due to an absence of impacts alone. Whilst the absence of appreciable effects can exclude a plan/project from in combination assessment[1], NE advise that the in-combination section of the HRA should be clear why, for each impact pathway, any effects are not 'appreciable'.

☒ The advice provided in this letter has been through Natural England's Quality Assurance process

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours sincerely,

[redacted]
Senior Officer – East midlands Area Delivery

[1] Sweetman (C-258/11)

Appendix 3: Humber Estuary SPA Focal Species Using Functionally Linked Land

The following have been identified by Natural England as species that make use of functionally linked land outside of the SPA boundary:

- Brent goose *Branta bernicla* (non-breeding)
- Curlew *Numenius arquata* (non-breeding)
- Dunlin *Calidris alpina alpina* (non-breeding)
- Golden plover *Pluvialis apricaria* (non-breeding)
- Lapwing *Vanellus vanellus* (non-breeding)
- Mallard *Anas platyrhynchos* (non-breeding)
- Redshank *Tringa totanus* (non-breeding)
- Ruff *Philomachus pugnax* (non-breeding)
- Sanderling *Calidris alba* (non-breeding)
- Teal *Anas crecca* (non-breeding)
- Whimbrel *Numenius phaeopus* (non-breeding)
- Wigeon *Anas Penelope* (non-breeding)
- Little egret *Egretta garzetta* (non-breeding)
- Pink-footed goose *Anser brachyrhynchus* (non-breeding)
- Crane *Grus grus* (non-breeding)
- Hen harrier *Circus cyaneus* (non-breeding)
- Marsh Harrier *Circus aeruginosus* (breeding)