

SCOPING OPINION:

Proposed Mylen Leah Solar Farm

Case Reference: EN0110002

Adopted by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

18 February 2025



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1. INTRODUCTION

- 1.0.1 On 08 January 2025, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from Mylen Leah Solar Limited (the applicant) under regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) for the proposed Mylen Leah Solar Farm (the proposed development). The applicant notified the Secretary of State (SoS) under regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the proposed development and by virtue of regulation 6(2)(a), the proposed development is 'EIA development'.
- 1.0.2 The applicant provided the necessary information to inform a request under EIA regulation 10(3) in the form of a Scoping Report, available from:

Documents | Mylen Leah Solar Farm

- 1.0.3 This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the proposed development as currently described by the applicant. This Opinion should be read in conjunction with the applicant's Scoping Report.
- 1.0.4 The Inspectorate has set out in the following sections of this Opinion where it has / has not agreed to scope out certain aspects / matters on the basis of the information provided as part of the Scoping Report. The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects / matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 1.0.5 Before adopting this Opinion, the Inspectorate has consulted the 'consultation bodies' listed in Appendix 1 in accordance with EIA regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in Appendix 2. These comments have been taken into account in the preparation of this Opinion.
- 1.0.6 The Inspectorate has published a series of advice pages, including Advice Note 7:

 <u>Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping (AN7)</u>. AN7 and its annexes provide guidance on EIA processes during the pre-application stages and advice to support applicants in the preparation of their ES.
- 1.0.7 Applicants should have particular regard to the standing advice in AN7, alongside other advice notes on the Planning Act 2008 (PA2008) process, available from:

Nationally Significant Infrastructure Projects: Advice pages - GOV.UK

This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (e.g. on formal submission of the application) that any development identified by the applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or associated development or development that does not require development consent.

2. OVERARCHING COMMENTS

2.1 Description of the Proposed Development

(Scoping Report Section 2)

| ID | Ref | Description | Inspectorate's comments |
|------|---------------------------------|--|---|
| 21.1 | Paragraphs 2.2.1 to 2.2.7 | Flexibility | The Inspectorate notes the applicant's intention to apply a 'Rochdale Envelope' approach to maintain flexibility within the design of the proposed development. The Inspectorate expects that at the point an application is made, the description of the proposed development will be sufficiently detailed to include the design, size, capacity, technology, and locations of the different elements of the proposed development or where details are not yet known, will set out the assumptions applied to the assessment in relation to these aspects. This should include the footprint and heights of the structures (relevant to existing ground levels), as well as land-use requirements for all elements and phases of the development. The description should be supported (as necessary) by figures, cross-sections, and drawings which should be clearly and appropriately referenced. |
| | | | Where flexibility is sought, the ES should clearly set out and justify the maximum design parameters that would apply for each option assessed and how these have been used to inform an adequate assessment in the ES. The Inspectorate advises that each aspect chapter includes a section that outlines the relevant parameters / commitments that have informed the assessment. |
| 212 | Paragraph 2.5.2 | Location of construction compounds and associated infrastructure | The ES should provide details on the approximate location and number of the construction compounds and the location of any associated temporary or permanent infrastructure such as access tracks required on the proposed development site, and these should be shown on a figure or plan. |

| ID | Ref | Description | Inspectorate's comments |
|------|-----------------------------|---|--|
| 213 | Paragraphs 2.5.12 to 2.5.15 | Capacity | The Scoping Report does not appear to give indicative capacity of the associated solar PV equipment and the 400kv compound or any infrastructure contained within. The ES should fully define the parameters of the proposed development, and where not known, base assessments on a worst-case scenario. |
| 21.4 | Paragraph 2.5.24 | Horizontal Directional Drilling (HDD) | The Inspectorate notes that HDD may be required during construction of the proposed development. The ES should identify the trenching technique to be used at the relevant locations and provide details of the programme and the works, including identifying if any night-time working is anticipated. Justification should be set out for use of the preferred technique at the chosen locations, and identification of potential impacts and an assessment where likely significant effects could occur should be provided. |
| 215 | Paragraph 2.6.1 | Construction phasing | Construction is anticipated to commence in 2029 and last 36 months. Construction activities are set out in Scoping Report paragraph 2.6.14, but the phasing of construction is not provided. The ES should determine when each construction activity is anticipated to commence and complete, how and where such activities will overlap and what plant and machinery is required. Details of any demolition works, and the extent and location of such works should also be set out. Where uncertainty remains at the point of application, the assessments should be made on the basis of the worst case scenario. |
| 21.6 | Paragraph 2.6.3 | Construction workers | There are no details regarding the number of construction workers anticipated for the proposed development. The ES should include a worst case scenario of construction workers at the peak of construction. |
| 21.7 | Paragraph 2.6.4 | Loss of vegetation | The ES should provide clarity on the maximum extent of vegetation loss and demonstrate that the design has sought to avoid or minimise loss. Any likely significant effects (both ecological and in terms of landscape and visual) associated with the temporary or permanent loss of any areas of vegetation should be assessed. The applicant's attention is drawn to the advice provided by the Forestry Commission (Appendix 2 of this Opinion). |

| ID | Ref | Description | Inspectorate's comments |
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| | | | Should any particular pockets of existing vegetation be relied upon to screen any parts of the proposed development, the Inspectorate expects their retention to be demonstrably secured. |
| 21.8 | Paragraph 2.7.2 | Vehicle movements | The ES should detail the number of anticipated vehicle movements during all phases of the proposed development and explain the assumptions upon which these have been established. |
| 21.9 | Paragraph 2.7.2 | Maintenance | The Scoping Report provides a very general overview of maintenance activities which may be required during operation. Given the size of the site and potential for replacement parts etc, the Inspectorate considers that the ES should provide more information regarding this matter. On that basis, the Inspectorate considers there may be potential for a large number of panels/ components which may need to be replaced during the operational life of the project. Although there is potential for technological improvements to extend this design life, the ES should ensure that a worst case scenario is assessed. Where there is the potential for comprehensive replacement of infrastructure during the operational lifespan of the proposed development this should be appropriately assessed. The ES should provide estimates of types and quantities of waste expected as well as an assessment of likely significant effects associated with the generation and disposal of waste if relevant. |
| 21.10 | Paragraph 2.8.1 | Decommissioning | The ES should provide a proportionate description of the activities and works which are likely to be required to decommission the proposed development or extend its operational life, and the anticipated duration. |
| | | | The ES should clarify whether the site will be returned to its current use and condition, or the infrastructure that is retained beyond the lifespan of the proposed development should be clearly distinguished, such as the proposed access tracks. |
| 21.11 | Section 3.2 | Site selection and design | The Scoping Report does not state how environmental considerations have been taken into account in the proposed development design and how design constraints will be addressed. No further information on the content of this chapter is provided within the |

| ID | Ref | Description | Inspectorate's comments |
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| | | | Scoping Report. The ES should explain the factors which have influenced site selection and design. For example, the ES should explain how the design evolution of the proposed development has ensured that preference has been made for poorer quality agricultural land instead of Best and Most Versatile (BMV) agricultural land, or provide reasons for why this was not possible. |

2.2 EIA Methodology and Scope of Assessment

(Scoping Report Section 4)

| ID | Ref | Description | Inspectorate's comments |
|-----|-------------|---|--|
| 221 | Section 4.9 | Overarching methodology | The Scoping Report does not contain a comprehensive overarching EIA methodology. The ES should contain a chapter/ section describing the broad principles of the methodology that will be adopted in the ES, including the approach that will be used to identify, evaluate and mitigate likely significant effects. Details should be provided of how the significance of an effect is determined, based for example on an assessment of magnitude of effect and sensitivity of the receptor, including details or relevant guidance or principles to follow. |
| 222 | Appendix D | Determination of significance – Professional judgement | The determination of whether an effect is considered significant would be based on professional judgement. The ES should clearly identify where professional judgement has been relied upon to determine the level of significance of effects. Any use of professional judgement to assess significance should be fully justified within the ES and the relevant experience and any qualifications of the assessor should be set out in the ES. |

| ID | Ref | Description | Inspectorate's comments |
|-----|-------------|---------------|--|
| 223 | Section 5.9 | Transboundary | The Inspectorate on behalf of the SoS has considered the proposed development and concludes that the proposed development is unlikely to have a significant effect either alone or cumulatively on the environment in a European Economic Area State. In reaching this conclusion the Inspectorate has identified and considered the proposed development's likely impacts including consideration of potential pathways and the extent, magnitude, probability, duration, frequency and reversibility of the impacts. |
| | | | The Inspectorate considers that the likelihood of transboundary effects resulting from the proposed development is so low that it does not warrant the issue of a detailed transboundary screening. However, this position will remain under review and will have regard to any new or materially different information coming to light which may alter that decision. |
| | | | Note: The SoS' duty under regulation 32 of the 2017 EIA Regulations continues throughout the application process. |
| | | | The Inspectorate's screening of transboundary issues is based on the relevant considerations specified in the annex to its Advice Page 'Nationally Significant Infrastructure Projects: Advice on Transboundary Impacts and Process', links for which can be found in paragraph 1.0.7 above. |

3. ENVIRONMENTAL ASPECT COMMENTS

3.1 Environmental factors proposed to be scoped out of further assessment

(Scoping Report Section 5)

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|-------|-------------|---|--|
| 3.1.1 | Section 5.2 | Electric, magnetic and electromagnetic fields | The applicant proposes to produce an electric, magnetic and electromagnetic fields (EMF) assessment report as an appendix to the ES, cross referred to relevant ES chapters rather than as a stand-alone chapter in the ES. The Inspectorate is content for this approach to be taken in the ES. |
| | | | The EMF report should include the location, routing and voltages of any cables over 132kV and a risk assessment to any human and ecological sensitive receptors within the Zone of Influence. |
| | | | The applicant's attention is drawn to the comments from the Environment Agency (Appendix 2 of this Opinion) requesting that potential impacts on fish from EMFs where high voltage cables are crossing under main watercourses be assessed. |
| 3.12 | Section 5.3 | Glint and glare | The applicant proposes to produce a glint and glare assessment report to be appended to the ES rather than a stand-alone chapter within the ES. A description of any mitigation measures and safety considerations of the proposed development are to be included in the proposed development description chapter of the ES and if any potential likely significant effects are identified these will be considered within the relevant individual ES chapters. |
| | | | The Inspectorate is content with this approach; however, the standalone glint and glare assessment should assess the worst case scenario and provide a description of any relevant mitigation measures and safety considerations. In the event that glint and glare effects are identified, it should be used to inform the relevant chapters in the ES, in particular the Landscape and Visual Impact Assessment (LVIA) and the traffic and transport chapters. Any required mitigation to avoid/ reduce potential effects from glint |

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
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| | | | and glare effects should be identified within the ES and secured through the Development Consent Order (DCO). |
| 3.1.3 | Section 5.4 | Heat and radiation | The applicant proposes to scope these matters from assessment in the ES due to the scale and nature of the proposed development, as it is not anticipated that there would be any significant sources of heat or radiation during construction, operation or decommissioning. |
| | | | The Inspectorate agrees that this matter may be scoped out from further consideration on the basis that the ES clearly signposts any identified sources of heat and radiation and how this has been considered with respect to site selection, site layout and any mitigation measures used in the design of the proposed development. |
| | | | The applicant is directed towards the Environment Agency's response (Appendix 2 of this Opinion) with regards to heat impacts on groundwater. The applicant should consider these comments in relation to the water ES chapter. |
| 31.4 | Section 5.5 | Human health | Rather than a stand-alone chapter in the ES, the applicant proposes that potential effects to human health from the proposed development will be considered through other assessments undertaken for the ES. The EIA methodology chapter should provide clear cross-referencing to where the relevant direct and indirect impacts on human health receptors are considered in the ES. Where human health impacts have been assessed in the ES, consideration should be given to relevant guidance such as the Institute of Environmental Management and Assessment (IEMA) 2022 guidance 'Determining Significance for Human Health in Environmental Impact Assessment'. |
| | | | The ES should consider impacts to human health from other aspects of the proposed development not listed in paragraph 5.5.1 such as flood risk, ground conditions, and land contamination, where human health impacts could occur. |
| | | | The Inspectorate would expect the ES to consider the impacts on human health of these other aspects where there is the potential for significant effects to occur or justify with |

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
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| | | | supporting information why these aspects of the proposed development have been excluded from an assessment of effects to human health. |
| | | | The applicant also anticipates that the impacts on health providers during construction and operation phases of the proposed development would not be significant for the reason set out in paragraph 5.5.3 of the Scoping Report. The Inspectorate agrees that impacts on health providers during construction and operation phases can be scoped out on this basis. |
| 3.1.5 | Section 5.6 | Major accidents and disasters | The applicant proposes to scope out this matter from the ES. The Scoping Report states that no significant effects in relation to major accidents and disasters are anticipated during the construction, operation and decommissioning phases, and mitigation measures required to manage any risks identified as the project progresses will be included in the appropriate plans, such as the drainage strategy, Emergency Response Plan and Construction Environmental Management Plan (CEMP). The Scoping Report states that major accidents and disasters not considered within the scope of the existing technical assessment would continue to be reviewed and addressed as part of the design process. |
| | | | The Inspectorate considers that the information provided in Table 5-1 aligns with the requirements of the Nationally Significant Infrastructure Projects: Technical Advice Page for Scoping Solar Development and accompanying Solar Scoping Table, and therefore considers that a standalone chapter can be scoped out of further assessment. |
| | | | The applicant's attention is drawn to the consultation responses received from Northern Gas Networks (Appendix 2 of this Opinion) on potential hazards from high pressure gas pipelines. |
| 3.1.6 | Section 5.7 | Material assets (and waste) | The applicant does not propose to prepare a separate material assets and waste chapter as part of the ES for the reasons set out in paragraphs 5.7.4 to 5.7.8 of the Scoping Report. The indirect impacts associated with anticipated materials consumption |

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
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| | | | and waste disposal (e.g. release of greenhouse gas emissions, water consumption, amenity impacts, ecological impacts, etc.) would be assessed elsewhere within the ES. |
| | | | The Scoping Report does not set out the anticipated waste streams and quantities as advised in the Nationally Significant Infrastructure Projects: Technical Advice Page for Scoping Solar Development and accompanying Solar Scoping Table. On this basis the Inspectorate is not able to agree that this matter can be scoped out of further assessment. |
| | | | The ES should clarify what material assets have been included within the scope of the assessment and the potential streams and volumes of construction and operation materials and waste should be set out in detail. |
| | | | The ES should include estimates, by type and quantity, of expected residues and emissions and quantities and types of waste produced during the construction, operation and decommissioning phases in line with Schedule 4 of the EIA Regulations. |
| | | | The ES should include an assessment of likely significant effects arising from the transportation and disposal of waste generated during construction and decommissioning which are likely to result in significant effects. Any assumptions made should be clearly set out and justified in the ES. The CEMP and Decommissioning Environmental Management Plan (DEMP) should include as much detail as possible on how waste would be managed in accordance with the waste management hierarchy, including any end use of the PV panels. |
| | | | If extensive replacement of solar panels or other infrastructure is likely to be required during the lifetime of the proposed development, the ES should provide an assessment of this, including any inter relationships such as traffic movement. |
| | | | The ES should clearly set out how decommissioning is to be assessed and any components which may remain following decommissioning and also consider the requirement for cumulative impacts from waste to be assessed at decommissioning. If |

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
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| | | | off-site disposal is required, an assessment of likely significant effects including intra- cumulative effects should be included within the ES. |
| 3.1.7 | Section 5.8 | Utilities | The Scoping Report states that the proposed development has the potential to affect existing utilities, and a search has identified several utility assets within the site boundary. |
| | | | The applicant proposes not to include utilities as a standalone ES chapter. It will include separation distances and methods of construction that will seek to avoid the risk of impact on utilities during the construction and potential mitigation would be included within the CEMP. |
| | | | The Inspectorate is content that a standalone ES Chapter for utilities is not required. However, the ES should explain the findings of the utilities search and evidence agreement with relevant statutory bodies on how any mitigation will be secured through the DCO. |

3.2 Air Quality

(Scoping Report Section 6.1)

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|-----|-------------|--|--|
| 321 | Table 6.1.9 | Dust and particulate matter from site activities and road traffic (operation only) | The Scoping Report table 6.1.9 states that there will be limited movement of vehicles to the site for operation and maintenance purposes. Therefore, emissions from vehicle movements to the site during operation will be minimal and not likely to be significant. On the basis the ES confirms that the operational vehicle types and numbers are below relevant guidance thresholds then the Inspectorate is content to scope this matter out. |

| ID | Ref | Description | Inspectorate's comments |
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| 322 | Section 6.1.2 | Study area | Section 6.1.2 of the Scoping Report states that a study area of 50m has been applied for ecological receptors and 250m for human receptors using the Institute of Air Quality Management 'Guidance. However, it is unclear whether the study area considers an assessment of air quality including traffic routes and the affected road network. The ES should explain how the construction traffic routes, key roads and road upgrades have been selected for the assessment, and how it can be assured that construction traffic will adhere to these routes only. The applicant should consider whether the study area in the ES should extend to 200m of the affected road network to ensure that all relevant receptors have been identified. The applicant's attention is drawn to the consultation response from the Environment Agency (Appendix 2 of this Opinion). |

| ID | Ref | Description | Inspectorate's comments |
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| 323 | Section 6.1.5 and 6.1.7 | Baseline – Human and ecological receptors | The Scoping Report states that human receptors have been identified within 250m of the site, however, descriptions of these human receptors, are not provided in this chapter. The Scoping Report states six Local Wildlife Sites (LWS) within 50m of the site have been identified. However, Scoping Report sections 2.4.17 and 2.4.18 identify other ecological receptors which are not described as part of the baseline conditions. |
| | | | The ES should report on all relevant receptors that have been identified within the zone of influence to appropriately characterise the baseline environment. |
| 324 | NA | Guidance | The applicant's attention is drawn to the Defra advice 'PM2.5 Targets: Interim Planning Guidance'. The ES should explain how key sources of air pollution within the proposed development have been identified and how action has been taken to minimise emissions of PM2.5 or its precursors. |

3.3 Biodiversity

(Scoping Report Section 6.2)

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|-------|----------------|---|--|
| 3.3.1 | Table 6.2.9 | Habitats Sites – Skipwith Common SAC | Skipwith Common Special Area of Conservation (SAC) is located approximately 4.7km west of the proposed development site boundary and is designated for northern Atlantic wet heaths and European dry heaths. The Scoping Report considers that this SAC is a sufficient distance from the site that no significant effects are considered likely. The Inspectorate agrees that this receptor can be scoped out on this basis. Natural |
| | | | England's consultation response (Appendix 2 of this Opinion) also supports this receptor being scoped out of further assessment. |
| 3.32 | Table 6.2.9 | Allerthorpe Common SSSI | The Scoping Report states that the proposed development is unlikely to be able to significantly impact the species and habitats associated with Allerthorpe Common Site of Special Scientific Interest (SSSI) designated due to lowland dry heath as it is located approximately 1.6km north of the area of search for underground grid connection cable area. |
| | | | The Inspectorate agrees that this receptor can be scoped out on this basis. Natural England concur that this SSSI can be scoped out of further assessment in their consultation response (Appendix 2 of this Opinion). |
| 3.3.3 | Table 6.2.9 | Ruddings Wood LWS and Thornton's Wood LWS – Invasive species | Ruddings Wood LWS and Thornton's Wood LWS are located on site and the Scoping Report states that this designation requires further consideration, but as the design of the proposed development would retain all woodland areas, these LWSs will not be impacted. |
| | | | The Inspectorate does not agree that these receptors can be scoped out without information demonstrating agreement with relevant consultation bodies and that there is the absence of a likely significant effect. |

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
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| 3.3.4 | Table 6.2.9 | Habitats of Principle Importance – | The applicant states that the design of the proposed development would retain all woodland areas therefore there is unlikely to be a significant effect. |
| | | Woodland | The Inspectorate is not in a position to scope out this habitat from the assessment without information demonstrating agreement with relevant consultation bodies and that there is the absence of a likely significant effect. |
| | | | The applicant's attention is drawn to the consultation responses received from the Forestry Commission in Appendix 2 of this Opinion. |
| 3.3.5 | Table 6.2.9 | Habitats not of Principal Importance | The Scoping Report states that habitats that are not considered important (e.g. non-priority habitats) will be mitigated for using the methodology of the Statutory Biodiversity Metric, which will result in no significant effects. |
| | | | The Inspectorate is content for this matter to be scoped out on this basis. |
| 3.3.6 | Table 6.2.9 | Invasive species | The Scoping Report states that no invasive species have been identified during the ongoing surveys and statutory obligations with regards to any invasive species encountered will be observed by the client, therefore invasive species are unlikely to provide a significant effect. |
| | | | The Inspectorate is not able to agree to scope this matter out at this stage due to the lack of information supporting this matter, therefore the ES should assess potential impacts from invasive species where significant effects are likely to occur. |
| | | | The ES should provide details of the components and activities of the proposed development for all phases which could result in the introduction and, or spread of invasive species, such as translocation through vehicle movements. |
| | | | The commitments register (Appendix Q of the Scoping Report) does not clarify whether an invasive species management plan is proposed or provides an outline of the measures to identify and control invasive species. |

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
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| | | | Where mitigation measures are required, the ES should describe these measures and signpost how they would be secured through the DCO. |
| 3.3.7 | Table 6.2.9 | Amphibians – Operational phase | The Scoping Report states that desk study and survey data indicated the proposed development site is likely to support amphibians including Great Crested Newts (GCN), but effects to GCN during the operational phase are considered unlikely due to minimal impacts on site. |
| | | | The Inspectorate agrees that this matter can be scoped out of the assessment for the operational phase. |
| 3.3.8 | Table 6.2.9 | Non-ground nesting birds | The Scoping Report states that retention of boundary hedgerows and trees will minimise the loss in nesting habitat for non-ground nesting birds, and the applicant assumes that small areas of habitat will be lost so that statutory obligations regarding protecting birds when nesting will be observed by the client, therefore there is unlikely to be a significant effect. |
| | | | The Inspectorate is content for this matter to be scoped out from further assessment on this basis. |
| 339 | Table 6.2.9 | Hazel dormice | The Scoping Report considers that hazel dormice are absent from the proposed development site as there are no known records of hazel dormice within 1km of the site boundary and it is outside the known range of hazel dormice. Hedgerows within the site boundary are considered to provide some suitability for hazel dormice, although many were species-poor, and woodland was generally sparse, so foraging opportunities were limited. |
| | | | The Inspectorate is content for this species to be scoped out from further assessment on this basis. |

| ID | Ref | Description | Inspectorate's comments |
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| 33.10 | Section 2.1 | Horizontal Directional Drilling and piling – Impacts on waterborne species | The Scoping Report states that HDD may need to be completed in areas where cable trenching is required below watercourses. An assessment of the potential impact of noise and vibrational effects from construction HDD and/ or piling on waterborne species should be included in the assessment for the ES and any mitigation measures required to avoid likely significant effects should be secured through the DCO. The impact on fish and other aquatic species from HDD fluid breakout should also be assessed. The applicant's attention is drawn to the Environment Agency and Natural England consultation responses in Appendix 2 of this Opinion. |
| 3.3.11 | Paragraph 2.5.21 | Construction impacts – Open cut trenching | Where open cut trenching is proposed for cable crossing of waterbodies these construction activities may have a negative impact on fish populations the Inspectorate would expect fish surveys to support the assessment of any negative impact on fish species and determine whether any significant effects are likely which would require mitigation. The applicant's attention is drawn to the Environment Agency's consultation response on this matter in Appendix 2 of this Opinion. |
| 33.12 | Section 6.2.2 | Study area - General | The ES should consider the potential for effects to occur beyond fixed distances, particularly where sites are designated for mobile species such as birds (e.g. the Humber Estuary SPA) where there may be functionally linked land, and bats, or where there is hydrological connectivity. Effort should be made to agree the study area(s) with relevant consultation bodies. The applicant's attention is drawn to the consultation responses from Natural England and East Riding of Yorkshire Council in Appendix 2 of this Opinion. |
| 33.13 | Section 6.2.2 | Study area - Bats | The Scoping Report states that the study area for bats will include an assessment of core sustenance zones up to 6km from the site boundary, and the survey area for bat activity would include the site boundary and adjacent habitats up to 20m from the site boundary, and the survey area for preliminary bat roost assessments is all trees and structures within the entire site, the site boundary, and adjacent habitats up to 20m from the site boundary. |

| ID | Ref | Description | Inspectorate's comments |
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| | | | The applicant should seek to agree the scope of the ecological impact assessment with relevant consultation bodies, including Natural England. |
| 33.14 | Section 6.2.2 and Appendix I | Specific surveys for Great Crested Newts | Appendix I of the Scoping Report states that ponds were identified from aerial images and Ordnance Survey maps on or within 250m of the site. Due to the low impact of solar energy developments on GCN habitats, and reflecting guidance published by Natural England, ponds beyond 250m from the site were not considered as part of the study area. However, assessment of ponds for GCN including desk study will include the entire site and a 500m buffer. |
| | | | For the avoidance of doubt the ES should clarify which ponds within the study area were considered for this assessment of this species. GCN can travel up to 500m from their breeding ponds. As such, the Inspectorate considers that any ponds up to 500m from the site should be surveyed for the presence of GCN. |
| | | | Natural England recommends early consideration of whether the District Level Licensing scheme for GCN is suitable for this project. The applicant's attention is drawn to Natural England's consultation response on this matter (Appendix 2 of this Opinion). |
| 3.3.15 | Section 6.2.2 | Surveys | The ES should report the full survey findings and list all receptors identified as potentially present on site and assess significant effects where they are likely to occur. |
| | | | Dependent on the timescales between scoping and submission of the ES, the applicant should consider whether surveys are current and should agree the scope and timing of surveys with relevant consultation bodies. |
| | | | Information on the condition or importance of watercourses present on site should be included in any habitat surveys, including aquatic receptors such as habitats, macrophytes and invertebrates as well as fish species. The applicant's attention is drawn to the Environment Agency's response on this matter in Appendix 2 of this Opinion. |
| 3.3.16 | NA | Veteran trees, ancient trees and ancient woodland | It is not clear from the Scoping Report whether veteran trees are included in the assessment. In line with NPS EN-1, veteran trees or ancient trees found outside of ancient woodland habitats should be identified and assessed in the ES where significant |

| ID | Ref | Description | Inspectorate's comments |
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| | | | effects are likely to occur. Any loss should be avoided or, where this is unavoidable, this should be fully justified. An arboricultural survey should be included as part of the baseline information to support any conclusions reached in the assessment. |
| | | | Root protection zones of both ancient woodland, ancient trees, and veteran trees should also be considered in the ES assessments of impacts to these habitats and appropriate buffer zones defined in line with Natural England and Forestry Commission's advice (see Appendix 2 of this Opinion). |
| 3.3.17 | NA | Confidential Annexes | Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable ecological features. Specific survey and assessment data relating to the presence and locations of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution, or commercial exploitation resulting from publication of the information, should be provided in the ES as a confidential annex. All other assessment information should be included in an ES chapter, as normal, with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request. |

3.4 Climate

(Scoping Report Section 6.3)

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|-------|----------------|---|---|
| 3.4.1 | Table 6.3.9 | Climate change risk | Risks from climate change are proposed to be scoped out on the basis that impacts are not likely to be considered significant during the proposed development's lifetime. |
| | | | The level of detail provided to scope this matter out does not fully reflect the Nationally Significant Infrastructure Projects: Technical Advice Page for Scoping Solar Development and accompanying Solar Scoping Table. However, based on similar proposals the Inspectorate is content with this approach to scope this matter out in principle, providing that the ES explains how the proposed development has been designed to be resilient to climate change risks and provide clear cross-referencing to where potential risks to human health have been considered in the ES. Should any likely significant effects be identified in the pre-application stage, then they should be scoped into further assessment. |
| 3.42 | Table 6.3.9 | In-combination impact assessment | The Scoping Report proposes to scope out an in-combination impact assessment for all project phases on the basis that the resilience of receptors identified in other chapters is unlikely to be affected by a combination of future climate change and the impacts of the proposed development. |
| | | | The level of detail provided to scope this matter out does not fully reflect the Nationally Significant Infrastructure Projects: Technical Advice Page for Scoping Solar Development and accompanying Solar Scoping Table. However, given that climate change impacts relevant to the proposed development will be assessed through the other relevant topics of the ES, the Inspectorate agrees to scope out an in-combination climate change impact assessment from the climate change chapter. The climate change chapter should signpost where in the ES the relevant climate change factors have been assessed. |

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|----|-----|---|--|
| | | | The Inspectorate notes that the potential in-combination impacts of heavy precipitation and the proposed development will be assessed within the Flood Risk Assessment (FRA) to be submitted as part of the DCO application. The Inspectorate is content with this approach. |

| ID | Ref | Description | Inspectorate's comments |
|-------|------------------|--|---|
| 3.4.3 | Section 6.3.2 | Study area – Greenhouse gas assessment | The Greenhouse Gas (GHG) assessment will consider GHG emissions from within the site and those indirect emissions from activities outside the site. The ES should explain how the study area has been determined including the definition of Scope 1, 2 or 3 emissions. |

3.5 Cultural heritage

(Scoping Report Section 6.4)

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|-------|----------------|---|--|
| 3.5.1 | Table 6.4.9 | Findspots recorded by Humber Historic Environmental Record within the study area – Construction and operation | The Scoping Report states that findspots represent the location where archaeological artefacts have been recovered and removed from the location and are no longer present, therefore they do not represent a constraint, and the heritage significance of their former locations will not be impacted by the proposed development. The Inspectorate agrees that this matter can be scoped out from the assessment on this basis. |
| 3.52 | Table 6.4.9 | Setting effects on Listed Buildings within the settlement of Seaton Ross | The Scoping Report states that the closest listed building is the Grade II listed 'Old Mill', located 94m from the site boundary whose agricultural setting would not be altered by the proposed development and the significance of the building would not be impacted by the proposed development. The Scoping Report states that the setting of the other Listed Buildings in Seaton Ross would remain unchanged as their setting is confined to their immediate street scene and does not draw on views of the wider surroundings. |
| | | | The Inspectorate is not in a position to agree that this matter can be scoped out without evidence of agreement with relevant consultation bodies that the proposed development is not likely to have a significant effect on the setting of the Listed Building is included with the ES. |
| | | | The applicant's attention is drawn to Historic England's consultation response (Appendix 2 of this Opinion). |
| 3.5.3 | Table 6.4.9 | Setting effects on Rossmoor Lodge | The Scoping Report states that the Rossmoor Lodge is a Grade II Listed Building located 172m to the east of the site boundary. It is separated from the site by the B1228 road. The |

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|-------|----------------|---|--|
| | | | applicant states that its significance is in its architectural value and its immediate setting would remain unchanged by the proposed development. |
| | | | The Inspectorate is not in a position to agree that this matter can be scoped out without evidence of agreement with relevant consultation bodies that the proposed development is not likely to have a significant effect on the setting of the Listed Building is included with the ES. |
| | | | The applicant's attention is drawn to Historic England's consultation response (Appendix 2 of this Opinion). |
| 3.5.4 | Table 6.4.9 | Setting effects on Storwood Grange | The Scoping Report states that the Storwood Grange is a Grade II Listed Building 523m to the north of the site boundary, and its significance, based on its historical and architectural value, would not be altered by the proposed development. |
| | | | The Inspectorate is not in a position to agree that this matter can be scoped out without evidence of agreement with relevant consultation bodies that the proposed development is not likely to have a significant effect on the setting of the Listed Building is included with the ES. |
| | | | The applicant's attention is drawn to Historic England's consultation response (Appendix 2 of this Opinion). |
| 3.5.5 | Table 6.4.9 | Setting effects on Listed Buildings around Ellerton and Aughton villages | The Scoping Report states that the closest listed building in these villages is the Grade II listed Ellerton Methodist Chapel, located 790m to the south east. The positive contribution made by setting to the significance of residential Listed Buildings within settlements is typically confined to their immediate street scene and does not draw on views of the wider surroundings and the Scoping Report states that the proposed development would not alter its significance. |
| | | | The Inspectorate is not in a position to agree that this matter can be scoped out without evidence of agreement with relevant consultation bodies that the proposed development is |

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|-------|----------------|---|--|
| | | | not likely to have a significant effect on the setting of the Listed Building is included with the ES. |
| | | | The applicant's attention is drawn to Historic England's consultation response (Appendix 2 of this Opinion). |
| 3.5.6 | Table 6.4.9 | Setting effects on Listed Buildings within the settlement and vicinity of Melbourne | The Scoping Report states that the Grade II listed Melbourne Hall and Stable block at Melbourne Hall are the closest Listed Buildings to the northern part of the study area (380m to the east). The hall's significance is its historical value, as the building dates to c.1780-90. Both buildings are located in private woodland and parkland, which would remain unchanged by the proposed development and would screen the Listed Buildings from the site boundary. The Listed Buildings in Melbourne village would remain in a village setting and their significance would be unaffected. The positive contribution made by setting to the significance of residential Listed Buildings within settlements is typically confined to their immediate street scene and does not draw on views of the wider surroundings. |
| | | | The Inspectorate is not in a position to agree that this matter can be scoped out without evidence of agreement with relevant consultation bodies that the proposed development is not likely to have a significant effect on the setting of the Listed Building is included with the ES. |
| | | | The applicant's attention is drawn to Historic England's consultation response (Appendix 2 of this Opinion). |
| 3.5.7 | Table 6.4.9 | Setting effects on listed buildings in the villages of Bielby and Thornton, Pocklington Canal Coat's Bridge | The Scoping Report states that the exact location of the proposed Cable Route has not yet been fixed, but the Listed Buildings in these villages and surrounding area are unlikely to be affected. The Listed Buildings associated with Pocklington canal are the closest to the proposed development (16m to the east). Their significance is in their association with the canal and their history. This would not be altered by the proposed development. |

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|-------|----------------|---|---|
| | | and Pocklington Canal Coat's Lock | The Inspectorate is not in a position to agree that this matter can be scoped out without evidence of agreement with relevant consultation bodies that the proposed development is not likely to have a significant effect on the setting of the Listed Building is included with the ES. |
| | | | The applicant's attention is drawn to Historic England's consultation response (Appendix 2 of this Opinion). |
| 3.5.8 | Table 6.4.9 | Conservation Areas over 1 km from the proposed | The Scoping Report states that the positive contribution made by setting to the character of Conservation Areas is typically confined to their immediate street scene and does not draw on views of the wider surroundings. No significant effects are therefore predicted. |
| | | development | The special interest of the East Cotting with Conservation Area is its setting adjacent to Pocklington Canal and surrounding land, its traditional and unassuming buildings of similar scale and materials and the location of properties set off the footpaths behind traditional front gardens. The applicant states that special interests would not be changed by the proposal. |
| | | | The special interest of Everingham Conservation Area is its 19th century rural properties set back from the road, sense of openness, rural architecture and Everingham Hall estate, the boundaries of which dominate the roadside. The applicant states that special interests would not be changed by the proposed development. |
| | | | The Inspectorate is not in a position to agree that this matter can be scoped out without evidence of agreement with relevant consultation bodies that the proposed development is not likely to have a significant effect on the setting of the Conservation Areas is included with the ES. |
| 3.5.9 | Table 6.4.9 | All heritage assets within the study area – Decommissioning | The Scoping Report states that decommissioning will not result in impacts to heritage assets not affected during construction and operation. |

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|----|-----|---|---|
| | | | The decommissioning phase effects resulting from changes in the setting of heritage assets in the surrounding area will be no worse than the construction or operational phase effects. Decommissioning will reverse any adverse effects resulting from changes to the setting of heritage assets during operation. |
| | | | The Inspectorate agrees that this matter can be scoped out on this basis, provided evidence of agreement with relevant consultation bodies that the proposed development is not likely to have a significant effect on the heritage assets is included with the ES. |

| ID | Ref | Description | Inspectorate's comments |
|--------|------------------|-------------|--|
| 3.5.10 | Section 6.4.2 | Study area | A 2km study area from the site boundary is proposed to be used for designated and non-designated heritage assets. |
| | | | The Inspectorate is of the opinion that the study area should be informed by the furthest extent of likely significant effects and should be depicted on a supporting plan. This should include consideration of the Zone of Theoretical Visibility (ZTV) produced for the LVIA. |
| | | | The ES should contain a robust justification to support the study area, and the receptors selected for the purposes of the EIA on the basis of recognised professional guidance and the extent of the likely impacts. It should be clear how any heritage assets or conservation areas with long views towards or out from the application site have been identified and considered. |
| | | | The study area should be consulted on and agreed where possible with relevant consultation bodies. |
| | | | The applicant's attention is drawn to the consultation response received from Historic England (Appendix 2 of this Opinion). |

| ID | Ref | Description | Inspectorate's comments |
|--------|-------------------|--|---|
| 35.11 | Section 6.4.11 | Methodology – Archaeological remains | The ES should clarify the methodology for determining potentially unknown buried archaeological remains within the proposed development site and study area. The ES should consider the need for intrusive and non-intrusive field evaluation to provide information required to assess the likely significant effects for the whole proposed development site. Methodologies and the need for intrusive investigations should be agreed with relevant statutory consultation bodies. |
| 3.5.12 | Section 6.4.12 | Below ground archaeology | The Inspectorate considers that an assessment of significant effects arising from impacts to below ground archaeology within the site that could occur during construction should be scoped into the ES. |
| | | | The applicant should ensure that the information used to inform the assessment is robust and allows for suitable identification of below ground archaeology likely to be impacted by the proposed development. |
| | | | Impacts from changes in drainage on buried archaeology should be scoped into the assessment for both the operation and construction phases. |
| 3.5.13 | NA | Construction impacts on heritage assets | Vibrations from any HDD and piling activities during construction could cause physical damage to heritage assets potentially near to the cable corridor works area, such as the listed structures of Coats Bridge and Coats Lock that form part of Pocklington Canal, and should be considered in the assessment. Any likely significant effects should be addressed in the ES. |
| | | | The applicant's attention is drawn to the consultation responses from the Canal and Rivers Trust and Heritage England (Appendix 2 of this Opinion). |
| 3.5.14 | NA | Mitigation measures - Archaeology | The ES should describe any proposed mitigation measures and how these would be secured through the DCO, including proposals for the recording of any archaeology which would be permanently lost as a result of the proposed development. Effort should be made to agree the necessary measures with relevant consultation bodies. |

3.6 Land, soils and groundwater

(Scoping Report Section 6.5)

| ID | Ref | Applicant's proposed matters to | Inspectorate's comments |
|-------|----------------|---|---|
| | | scope out | |
| 3.6.1 | Table 6.5.9 | Groundwater - Operation only | Scoping Report table 6.5.9 proposes to scope out impacts to groundwater during operation as mitigation measures will be managed and implemented via an Outline Operational Environmental Management Plan (OOEMP). The Inspectorate is content that operational impacts to groundwater are unlikely to result in significant effects. Therefore, the Inspectorate agrees that this matter may be scoped out from further assessment, subject to appropriate measures being set out in the OOEMP and secured through the DCO. |
| 3.62 | Table 6.5.9 | Land (geological units underlying the site) | The Scoping Report proposes to scope out this matter on the basis that there are unlikely to be substantial excavation or earthworks operations that could result in significant effects on geological units. The Inspectorate agrees that an assessment of geological units can be scoped out of further assessment. |
| 3.6.3 | Table 6.5.9 | Land (impacts to geological SSSIs) | The Scoping Report proposes to scope out impacts to designated geological sites as none are present within 250m of the proposed development. On this basis, the Inspectorate is content to scope this matter out. |
| 3.6.4 | Table 6.5.9 | Land (mineral safeguarding) | The Scoping Report proposes to scope out an assessment of impacts on Mineral Safeguarding Areas (MSAs) on the basis that a mineral safeguarding assessment will form part of the Planning Statement which will be submitted in support of the DCO application. |
| | | | The Inspectorate notes that MSAs are present in land parcels B and D and most of the area for the grid connection cables, which has potential to result in impacts through interaction with the MSA during the lifetime of the proposed development. In the absence of the Scoping Report including any specific information set out in the Nationally Significant Infrastructure Projects: Technical Advice Page for Scoping Solar Development and accompanying Solar Scoping Table, the Inspectorate does not have sufficient information |

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|-------|-------------|---|---|
| | | | at this stage to exclude the possibility of significant effects to mineral resources. On this basis the Inspectorate does not agree to scope out mineral safeguarding. |
| | | | The ES should include an assessment of the anticipated interactions with mineral deposits where they are likely to be present and a conclusion on the potential sterilisation of land for mineral extraction during the lifetime of the proposed development. In addition, evidence of agreement and consultation with the relevant consultation bodies including the Mineral Planning Authority and a plan depicting the locations and extent of any MSAs in relation to the proposed development should be included in the ES. |
| 3.6.5 | Table 6.5.9 | Land (potential contamination) - Operation and decommissioning only | The Scoping Report table 6.5.9 states that there is potential contamination on site. The applicant proposes to undertake a Preliminary Risk Assessment to assess the potential risks to land, soil and groundwater from contamination. In addition, project activities such as the storage of fuels will be controlled by an Outline OEMP and DEMP. The Scoping Report section 6.5.5 states there are potential contamination sources which have been identified in land parcel B and within the proposed grid cable connection area from historic landfill sites and the RAF Melbourne Raceway site which could pose a risk to sensitive receptors. However, the Inspectorate can agree to scope out this matter on the basis that mitigation measures are set out in the Outline OEMP and DEMP and secured through the DCO, to manage the risks posed during these phases. |

| ID | Ref | Description | Inspectorate's comments |
|-------|---|---|--|
| 3.6.6 | Table 6.5.8 and section 6.10.7 | Impacts to soils and ALC land – All phases | The Scoping Report states that based on the completed Agricultural Land Classification (ALC) survey, that all land parcels contain BMV land as the cable search area has yet to be surveyed this matter has been scoped in for further assessment. However, the population section 6.10.7 states that there will be no loss of BMV land which is contradictory to what has been concluded in the land, soils and groundwater section 6.5.8. |
| | | | The ES should contain a clear tabulation of the areas of land in each BMV classification to be temporarily or permanently lost as a result of the proposed development, with reference to accompanying map(s) depicting the grades and consider this loss in a regional context. Specific justification for the use of the land by grade should be provided. Cumulative loss should be considered within the cumulative effects assessment. Accordingly, the ES should include an assessment of this matters or evidence demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect. |
| | | | Consideration should be given to the use of BMV land in the applicant's discussion of alternatives. |
| | | | The applicant's attention is drawn to the consultation responses received from Natural England in Appendix 2 of this Opinion regarding soils and BMV land. |
| 3.6.7 | Section 6.5.2 and 6.5.5 | Groundwater Dependent Terrestrial Environments (GWDTE) | The scoping report does not identify GWDTE within the baseline conditions, it is unknown whether these have been identified and subsequently been considered as part of the scoping report. Therefore, there is a risk that impacts to these sites could occur without identification and assessment of any significant likely significant effects on GWDTE. Two GWDTE sites have been identified within and outside of the cable connection areas. The applicant's attention is drawn to the consultation response received from the |
| | | | Environment Agency in Appendix 2 of this Opinion regarding GWDTE baseline and study area buffers. |

3.7 Landscape and visual

(Scoping Report Section 6.6)

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|-------|-------------|---|---|
| 3.7.1 | Table 6.6.9 | Howardian Hills National Landscape | The Scoping Report states that this nationally important designation is over 18km to the north of the site and therefore would not be impacted by the proposed development. The Inspectorate is content to scope this matter out from the assessment subject to this being substantiated with evidence in the ES, such as through the ZTV or with evidence of agreement from relevant consultation bodies. |
| 3.72 | Table 6.6.9 | Londesborough Park, Houghton Hall and Moreby Hall Registered Parks and Gardens | The Scoping Report states that all of the receptors are over 7.5km from the site and any potential impacts would not be greater than negligible. The Inspectorate is content to scope this matter out from the assessment subject to this being substantiated with evidence in the ES, such as through the ZTV or with evidence of agreement from relevant consultation bodies. |
| 3.73 | Table 6.6.9 | East Riding LCA 1B: Everington Estate Farmland and Parkland East Riding LCA 3B: River Derwent Corridor, Stamford Bridge to Pocklington Canal Reach East Riding LCA 5A: Howden to Bubwith Farmland | The Scoping Report states that within the study area but based on the extent of visibility of the proposed development within the ZTV study, all potential impacts on the Landscape Character Assessment (LCA) would be indirect and landscape elements and pattern of the LCA would not be impacted by the proposed development. The applicant considers that potential indirect impacts would be localised and would not impact key characteristics as identified in the East Riding of Yorkshire LCA and are unlikely to be greater than negligible. The Inspectorate agrees that these LCAs can be scoped out from further assessment on the basis that evidence is provided in the ES that there is little to no visibility of the proposed development from these LCAs and that the relevant consultation bodies agree to this approach. |

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|-------|----------------|--|---|
| | | East Riding LCA 6B: South Cliffe and Hotham Common | |
| | | East Riding LCA 7A: South Holme on Spalding Moor Farmland | |
| | | East Riding LCA 7B: Eastringham Farmland | |
| 3.7.4 | Table 6.6.9 | The North Yorkshire Landscape Characterisation Project (Landscape Character Type 28: Vale Farmland and Landscape Character Type 23: Levels Farmland) | The Scoping Report states that within the study area but based on the extent of visibility of the proposed development within the ZTV study, all potential impacts on the Landscape Character Type would be indirect and landscape elements and pattern of the Landscape Character Type would not be impacted by the proposed development. The applicant considers that any potential indirect impacts would be localised and would not impact key characteristics as identified in the Yorkshire Landscape Characterisation Project and are unlikely to be greater than negligible. The Inspectorate agrees that this matter can be scoped out from further assessment on the basis that evidence is provided in the ES that there will be negligible impact, including confirmation that the relevant consultation bodies agree to this approach and subject to confirmation of this in the final ZTV. |
| 3.7.5 | Table 6.6.9 | Visual amenity – Aughton village | The Scoping Report states that the distance from solar array fields and intervening vegetation and built form of Ellerton mean that whilst there may be occasional glimpsed views of the proposed development, the potential impact on visual amenity for residents in Aughton would not be greater than negligible adverse. |
| | | | The Inspectorate does not agree that this matter can be scoped out from further assessment at this stage, on the basis of the limited information provided in the Scoping |

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|-------|-------------|--|---|
| | | | Report. Evidence should be provided in the ES that demonstrates that there will be negligible impact and that the relevant consultation bodies agree to this approach. |
| 3.7.6 | Table 6.6.9 | Visual amenity of villages – Harlthorpe, Water End, Storwood, East Cottingwith | The Scoping Report states that the distance from solar array fields and intervening vegetation means that although there may be occasional glimpsed views of the proposed development, the potential impact on visual amenity would not be greater than negligible adverse. The Inspectorate does not agree that this matter can be scoped out from further assessment at this stage, on the basis of the limited information provided in the Scoping Report. Evidence should be provided in the ES that demonstrates that there will be negligible impact and that the relevant consultation bodies agree to this approach. |
| 3.7.7 | Table 6.6.9 | Lighting impacts on landscape character and visual amenity | The Scoping Report states that the proposed development would generally not be lit; however, infrared security lighting would be required around key electrical infrastructure. This lighting would be sensor triggered and therefore not continuous and potential lighting impacts on landscape character and visual amenity would not be greater than negligible adverse. |
| | | | The Inspectorate is not in a position to agree to scope out this matter from the assessment as there is not enough information in the Scoping Report on the proposed lighting strategy to determine whether any likely significant effects due to lighting impacts would occur, during construction or decommissioning stages for instance. The ES should provide further detail on the proposed lighting strategy during construction/ decommissioning and explain the measures in place to avoid or limit lighting impacts on human and ecological receptors. |
| | | | The proposed working hours for construction or decommissioning of the proposed development are not specified within the Scoping Report. The ES should provide an assessment of lighting effects including a night-time assessment, or the information required to demonstrate the absence of a likely significant effect. |

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|-------|----------------|---|---|
| 3.7.8 | Table 6.6.9 | Church of All Saints, Holme-on-Spalding- Moor | The Scoping Report states that the church is located outside of the 3km study area but sits on a hillside with extensive views back in the direction of the proposed development. The applicant states that the angle of view along with vegetation and built form will mean that whilst there may be occasional glimpsed views of the proposed development, the potential impact on visual amenity would not be greater than negligible adverse. |
| | | | The Inspectorate does not agree that this matter can be scoped out from further assessment at this stage without this being substantiated with evidence in the ES, such as through the final ZTV or with evidence of agreement from relevant consultation bodies. |

| ID | Ref | Description | Inspectorate's comments |
|-------|-------------|-------------|--|
| 3.7.9 | Table 6.6.2 | Study area | The Inspectorate notes the applicant's intention to use a ZTV to determine the visibility of the site. The final ZTV should be based on the maximum extent of the proposed development. |
| | | | The Inspectorate considers that the study area should be informed by the extent of likely effects, including from elevated viewpoints, rather than an arbitrary boundary. The ES should evidence how the study area has been derived to ensure it is representative and it should be agreed with relevant consultation bodies where possible. Effort should be made to agree the study areas with relevant consultation bodies. |
| | | | The applicant should demonstrate how their approach to using a ZTV complies with the Landscape Institute's guidance for the LVIA in 'Guidelines for Landscape and Visual Impact Assessment' (The Landscape Institute and Institute of Environmental Management and Assessment (IEMA), 3rd Edition, 2013) (GLVIA). The Landscape Institute's ZTV approach treats the world as 'bare earth' and does not take account of potential screening by vegetation or buildings. |

| ID | Ref | Description | Inspectorate's comments |
|--------|-----------------|---|---|
| 3.7.10 | Table 6.6.6 | Mitigation – Landscaping and planting | The ES should cover the period for the establishment of any landscaping scheme and any long-term management needs. Any assumptions made with regards to the height that proposed mitigation planting would have reached by the assessment years should be clearly presented and justified for the purposes of generating photomontages and reaching the assessment conclusions. |
| 3.7.11 | Table 6.6.11 | Photomontages | Photomontages should show all the components of the proposed development and demonstrate the proposed development before and after mitigation, in order to understand the implications of the worst-case scenario and the effectiveness of the proposed mitigation. |
| | | | Photomontages should present the likely visual impact at selected locations, particularly with the effects of glint and glare without mitigation. |
| | | | The number and location of the selected viewpoints for photomontages should be consulted on with relevant consultation bodies including local authorities, Historic England, and Natural England and agreed where possible. |
| | | | Photomontages should be provided during the winter as well as in the summer to allow an assessment of maximum visibility from chosen viewpoints and to illustrate the seasonal differences in screening provided by mitigation planting, in line with the GLVIA. |
| | | | The ES should clearly present any assumptions made with regards to the height that the proposed mitigation planting would have reached by the assessment years, for the purposes of generating photomontages and reaching the assessment conclusions. |
| | | | The cumulative assessment should be supported by photomontages where appropriate. |
| 3.7.12 | Table 6.6.11 | Landscape and visual effects assessment | To help clearly distinguish between the assessment of landscape effects and the assessment of visual effects, the Inspectorate recommends separate criteria are presented for each assessment, in line with advice in the GLVIA. |

| ID | Ref | Description | Inspectorate's comments |
|--------|-----|--|--|
| 3.7.13 | NA | Cumulative effects | The assessment of cumulative effects on visual receptors should distinguish between effect on overall landscape character and on visual impact/ amenity generally, as well as any other relevant impacts such as glint and glare. |
| 3.7.14 | NA | Cross referencing – Cultural heritage | The LVIA should cross refer to other relevant assessments and sensitive receptors, such as cultural heritage receptors. The ES should explain how the LVIA and cultural heritage assessments have been integrated with clear cross-referencing provided between the Cultural Heritage and Landscape and Visual chapters. |

3.8 Noise and vibration

(Scoping Report Section 6.7)

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|-------|----------------|---|---|
| 3.8.1 | Table 6.7.9 | Residential: Vibration (Operation only) | Table 6.7.9 of the Scoping Report states that operational vibration impacts from sources such as fixed plant structures have been scoped out as no discernible levels of vibration will occur from operational activities at residential receptors. |
| | | | Given the nature of the proposed development, the Inspectorate agrees that significant effects from vibration on residential receptors from the operational phase of the proposed development are unlikely and that this matter can be scoped out of further assessment. |
| 3.82 | Table 6.7.9 | Residential: Noise from off-site operational traffic (Operation only) | Table 6.7.9 of the Scoping Report states that operational increases in road traffic will be negligible other than routine maintenance and for this reason, has been scoped out for further assessment. However, the Inspectorate notes numbers of traffic movements has yet to be determined. On balance, the Inspectorate agrees to scope out operational road traffic noise subject to the ES confirming the numbers and types of vehicles for all the operational phase (with reference to thresholds within guidance), as well as proposed access/ transport routes to justify this position. |

| ID | Ref | Description | Inspectorate's comments |
|-------|------------------|--|---|
| 3.8.3 | Section 6.7.2 | Study area – Noise Sensitive Receptors (Human and Ecological) | The Scoping Report references construction activities such as HDD and piling. The Inspectorate notes in the Scoping Report that residential noise sensitive receptors have been located in Appendix M that may be impacted by the proposed development. However, the study area has not been described, nor how the receptors in Appendix M |

| ID | Ref | Description | Inspectorate's comments |
|----|-----|-------------|---|
| | | | have been identified. It is unclear from the Scoping Report the criteria for selection and whether this has been agreed with relevant consultees. |
| | | | The Inspectorate also notes that table 6.7.2 does not any identify any ecological sensitive receptors that could be affected by noise associated with the proposed development. The Inspectorate refers to ID 3.3.10 in this regard. |
| | | | The ES should ensure that sensitive ecological and human receptors are included in the assessment of effects from noise. The ES should explain how the study area(s) have been selected with reference to extent of the likely impacts of the proposed development and relevant supporting evidence such as modelling and/ or relevant guidance. Efforts should be made to agree the sensitive receptors and locations for baseline noise survey with relevant consultation bodies. |

3.9 Transport and access

(Scoping Report Section 6.8)

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|-------|----------------|--|--|
| 3.9.1 | Table 6.8.9 | All traffic and transport aspects (Operation only) | Scoping Report table 6.8.9 proposes to scope out operational phase traffic and transport on the basis that operational traffic will consist of maintenance activities which is insufficient to trigger the 30% threshold in line with the Environmental Assessment of Traffic and Movement Guidelines (IEMA, 2023). |
| | | | The Inspectorate agrees to scope this matter out subject to confirmation that the numbers and types of vehicles for all the operational phase is stated in the ES, with reference to relevant thresholds and agreement with relevant consultees that this matter would not give rise to a significant effect. |
| 3.92 | Table 6.8.9 | | Scoping Report table 6.8.9 proposes to scope out the decommissioning phase traffic and transport for the following reasons: |
| | | | It is unlikely to result in any more traffic movement than in the construction phase. |
| | | | There will be benefits from improved road conditions (junction improvements and better access). |
| | | | The solar farm will be operational for 60 years, it is not possible with certainty to ascertain the future baseline traffic. |
| | | | The Inspectorate notes that it is difficult to predict traffic data for the future decommissioning phase, however traffic flows are described as being similar to that of the construction phase which has been scoped in for further assessment. If construction phase and decommissioning phase traffic and transport are reported as being similar then on this basis, the Inspectorate considers that traffic and transport during the decommissioning phase should also be scoped in. |

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|----|-----|---|---|
| | | | The ES should clearly set out if and how decommissioning is to be assessed and any proposed development components which may remain following decommissioning, in agreement with the Local Authority, secured through the inclusion of an Outline Decommissioning Plan or similar with the application. |

| ID | Ref | Description | Inspectorate's comments |
|-------|------------------|-------------------------|---|
| 3.9.3 | Section 6.8.1 | Potential highway works | The Scoping Report states that potential road upgrades may be required in the vicinity of the proposed development to facilitate construction access. The ES should include a description of these works and provide an assessment of significant effects where these are likely to occur. |
| 3.9.4 | N/A | Traffic movements | The Scoping Report references the traffic assessment which will be provided to support a detailed baseline and assessment of transport and traffic detailed baseline conditions. For the avoidance of doubt, the traffic assessment should report on all aspects of traffic and transport across all phases of the proposed development. In addition, the ES should include an assessment of traffic impacts on the strategic road network during all phases which are likely to result in significant effects, as well as the types and numbers of all vehicle movements including heavy goods vehicles. |

3.10 Water

(Scoping Report Section 6.9)

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|--------|----------------|---|--|
| 3.10.1 | Table 6.9.9 | Water use demand (all phases) | Scoping Report table 6.9.9 has scoped out water resources as there the site is not within a 'water stressed area' and there will be no significant demand during construction, operation and decommissioning phases. |
| | | | The Inspectorate agrees to scope this matter out subject to the ES providing details of the intended water supply and demand requirements during all phases of the proposed development. |

| ID | Ref | Description | Inspectorate's comments |
|--------|------------------|---|---|
| 3.102 | Section 6.9.6 | Delineation of flood zones | The Scoping Report states that where practicable, built elements will be located outside of flood zones 2 and 3, implying that some elements may have to be situated in these areas. The ES should distinguish between flood zones 3a and 3b and specify what infrastructure will be in which flood risk zones. |
| 3.10.3 | Section 6.9.8 | Water Framework Directive (WFD) (groundwater) | The scoping report states that a WFD Screening Assessment has been scoped in to support the assessment of water quality impacts on surface waterbodies. However, it appears that groundwater WFD bodies have not been identified or considered for further assessment. Therefore, there is a risk that impacts to these sites could occur without identification and assessment of any significant likely significant effects. The ES should clearly present the identification and status of WFD groundwater bodies and what mitigation measures, if any, are proposed to reduce likely significant effects. |

| ID | Ref | Description | Inspectorate's comments |
|--------|-----|--|--|
| | | | The applicant's attention is drawn to the consultation response received from the Environment Agency in Appendix 2 of this Opinion regarding WFD groundwater bodies. |
| 3.10.4 | NA | Climate change and flood risk | The Scoping Report does not propose to apply climate change projections to the flood risk assessment or ES Water Chapter assessment. |
| | | | The applicant must take climate change into account in the flood risk assessment and in the ES water chapter. The assessment should apply the most up to date climate change projections and effort should be made to agree the approach with the relevant consultation bodies. |
| 3.10.5 | NA | Construction activities within the footprint of watercourses and flood zones | The Inspectorate notes that there are numerous watercourses within the site and wider study area, as well as flood risk zones 2 and 3. The applicant should consult the relevant consultation bodies to inform the design of the proposed development, including the OCEMP and surface water management plan, in order to robustly apply the mitigation hierarchy for effects on watercourses and existing drainage systems. |

3.11 Population

(Scoping Report Section 6.10)

| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments |
|--------|-----------------|---|---|
| 3.11.1 | Table 6.10.9 | Private property and housing | Scoping Report table 6.10.9 proposes to scope out private property and housing on the basis that no properties will be demolished because of the proposed development and the land is not earmarked for housing development. |
| | | | The Inspectorate notes that the reasons for scoping out private property and housing does not align to the study area. Paragraph 6.10.2 refers the study area as within the site boundary and 500m as per DMRB LA 112, however only the site boundary has been used for justification on scoping this matter out. The study area for each environmental aspect should be consistent throughout the assessment, or suitable justification provided for a different study area. |
| | | | Although this does not align with the study area the Inspectorate acknowledges there is unlikely to be significant effects outside of the site boundary. Therefore, the inspectorate agrees to scope this matter out of further assessment. |
| 3.11.2 | Table 6.10.9 | Community land and assets | Scoping Report table 6.10.9 proposes to scope out impacts to community land and assets on the basis that there are no receptors present within the site boundary. |
| | | | The Inspectorate notes that the reasons for scoping out community land and assets does not align to the study area. Paragraph 6.10.2 refers the study area as within the site boundary and 500m as per DMRB LA 112, however only the site boundary has been used for justification on scoping this matter out. The study area for each environmental aspect should be consistent throughout the assessment, or suitable justification provided for a different study area. |
| | | | Although this does not align with the study area the Inspectorate acknowledges there is unlikely to be impacts outside of the site boundary. Therefore, the inspectorate agrees to scope this matter out of further assessment. |

| 3.11.3 | Table 6.10.9 | Occupancy rates – Operation only | Scoping Report table 6.10.9 proposes to scope out occupancy of local facilities by operational staff working at the site, on the basis that operational workers are anticipated to be a commutable distance from the proposed development. |
|--------|--------------|--|---|
| | | | The Inspectorate notes that the numbers of operational staff are unknown and that there is the 'potential for a proportion of staff to require temporary accommodation, which will impact capacity rates' and therefore there could be an impact on occupied local facilities during operation. However, on balance, the Inspectorate agrees that this matter can be scoped out on the basis that a defined worst-case scenario of operational worker numbers is included within the ES, where significant effects are likely to occur, the impacts on the availability of local accommodation and services should be assessed. |
| 3.11.4 | Table 6.10.9 | Receptors located outside of the study areas | Scoping Report table 6.10.9 proposes to scope out receptors located outside of the study area. The Inspectorate agrees that any receptors located outside an appropriately defined or justified study area can be scoped out for further assessment. |

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES

Bodies prescribed in schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the 'APFP Regulations (as amended)')

| SCHEDULE 1 DESCRIPTION | ORGANISATION |
|---|---|
| The relevant parish council | North Duffield Parish Council |
| or, where the application relates to land in Wales or | Thorganby Parish Council |
| Scotland, the relevant community council | Ellerton Parish Council |
| | Spaldington Parish Council |
| | Holme upon Spalding Moor Parish Council |
| | Bubwith Parish Council |
| | Foggathorpe Parish Council |
| | Seaton Ross Parish Council |
| | Cottingwith Parish Council |
| | Melbourne Parish Council |
| | Sutton upon Derwent Parish Council |
| | Thornton Parish Council |
| | Allerthorpe Parish Council |
| | Barmby Moor Parish Council |
| | Everingham Parish Council |
| | Hayton and Burnby Parish Council |
| | Pocklington Parish Council |
| | Wheldrake Parish Council |

| SCHEDULE 1 DESCRIPTION | ORGANISATION |
|--|--|
| The Environment Agency | The Environment Agency |
| Natural England | Natural England |
| The Forestry Commission | Forestry Commission |
| The Historic Buildings and Monuments Commission for England (known as Historic England) | Historic England |
| The relevant internal | Ouse and Humber Drainage Board |
| drainage board | Foss Internal Drainage Board |
| | Selby Area Internal Drainage Board |
| | Ouse and Derwent Internal Drainage Board |
| The Canal and River Trust | The Canal and River Trust |
| The relevant Highways | East Riding of Yorkshire Council |
| Authority | National Highways |
| The Health and Safety Executive | Health and Safety Executive |
| United Kingdom Health Security Agency, an executive agency of the Department of Health and Social Care | United Kingdom Health Security Agency |
| NHS England | NHS England |

TABLE A2: RELEVANT STATUTORY UNDERTAKERS

'Statutory undertaker' is defined in The APFP Regulations (as amended) as having the same meaning as in section 127 of the Planning Act 2008 (PA2008)

| STATUTORY UNDERTAKER | ORGANISATION |
|---|--|
| The Crown Estate Commissioners | The Crown Estate |
| The relevant police authority | North Yorkshire Combined Authority |
| | Humberside Police and Crime Comissioner |
| The relevant ambulance service | Yorkshire Ambulance Service NHS Trust |
| The relevant fire and rescue | Humberside Fire and Rescue Service |
| authority | North Yorkshire Fire and Rescue Service |
| The relevant Integrated Care Board | NHS Humber and North Yorkshire Integrated Care Board |
| NHS England | NHS England |
| The relevant NHS Trust | Yorkshire and the Humber Ambulance Service NHS Trust |
| Railways | Network Rail Infrastructure Ltd |
| | National Highways Historical Railways Estate |
| Canal Or Inland Navigation Authorities | The Canal and River Trust |
| Universal Service Provider | Royal Mail Group |
| Homes and Communities Agency | Homes England |
| The relevant Environment Agency | The Environment Agency |
| The relevant water and sewage undertaker | Yorkshire Water |

| STATUTORY UNDERTAKER | ORGANISATION |
|--|------------------------------------|
| The relevant public gas | Cadent Gas Limited |
| transporter | Northern Gas Networks Limited |
| | Scotland Gas Networks Plc |
| | Southern Gas Networks Plc |
| | CNG Services Ltd |
| | Energy Assets Pipelines Limited |
| | ES Pipelines Ltd |
| | ESP Connections Ltd |
| | ESP Networks Ltd |
| | ESP Pipelines Ltd |
| | Fulcrum Pipelines Limited |
| | GTC Pipelines Limited |
| | Harlaxton Gas Networks Limited |
| | Independent Pipelines Limited |
| | Indigo Pipelines Limited |
| | Inovyn Enterprises Ltd |
| | Last Mile Gas Ltd |
| | Leep Gas Networks Limited |
| | Mua Gas Limited |
| | Quadrant Pipelines Limited |
| | Stark Works |
| | National Gas |
| The relevant electricity distributor with CPO Powers | Northern Powergrid (Yorkshire) plc |
| distributor with CPO Powers | Advanced Electricity Networks Ltd |

| STATUTORY UNDERTAKER | ORGANISATION |
|--|---|
| | Aidien Ltd |
| | Aurora Utilities Ltd |
| | Eclipse Power Network Limited |
| | Energy Assets Networks Limited |
| | ESP Electricity Limited |
| | Fulcrum Electricity Assets Limited |
| | Green Generation Energy Networks Cymru Ltd |
| | Harlaxton Energy Networks Limited |
| | Independent Distribution Connection Specialists Ltd |
| | Independent Power Networks Limited |
| | Indigo Power Limited |
| | Last Mile Electricity Ltd |
| | Leep Electricity Networks Limited |
| | Mua Electricity Limited |
| | Optimal Power Networks Limited |
| | Stark Infra-Electricity Ltd |
| | The Electricity Network Company Limited |
| | UK Power Distribution Limited |
| | Utility Assets Limited |
| | Vattenfall Networks Limited |
| The relevant electricity transmitter with CPO Powers | National Grid Electricity Transmission Plc |
| transmitter with CPO Powers | National Grid Electricity System Operation Limited |

TABLE A3: LOCAL AUTHORITIES AS DEFINED IN SECTION 43(3) OF THE PA2008

| LOCAL AUTHORITY | |
|----------------------------------|--|
| City of York Council | |
| City of Doncaster Council | |
| North Yorkshire Council | |
| East Riding of Yorkshire Council | |
| North Lincolnshire Council | |
| Hull City Council | |

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

| CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE: |
|--|
| Allerthorpe Parish Council |
| Bubwith Parish Council |
| Canal and River Trust |
| East Cottingwith Parish Council |
| East Riding of Yorkshire Council |
| Environment Agency |
| Forestry Commission England |
| Foss Internal Drainage Board |
| Health and Safety Executive |
| Historic England |
| Melbourne Parish Council |
| Nation Gas Transmission |
| National Grid |
| National Highways |
| Natural England |
| North Lincolnshire Council |
| North Yorkshire Council |
| North Yorkshire Fire and Rescue Service |
| Northern Gas Networks |
| Ouse and Humber Drainage Board |
| Pocklington Town Council |
| UK Health Security Agency |

From:

Sent: 01 February 2025 10:00
To: Mylen Leah Solar Farm

Subject: RE: EN0110002 - Mylen Leah Solar Farm - EIA Scoping and Consultation and

Regulation 11 Notification

Categories: EST

Allerthorpe Parish Councillors have the following comments/questions regarding this -

What route are the construction vehicles taking to access the site? How many vehicle movements are expected each day and during what times? What route is the cable taking to the sub station at Thornton?

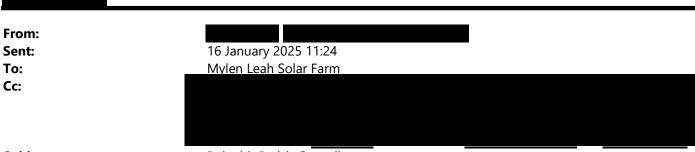


X@PINSgov in Planning Inspectorate planninginspectorate.gov.uk

Ensuring fairness, openness and impartiality across all our services

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Subject: Bubwith Parish Council

Whilst the proposed solar farm is not in the parish of Bubwith the effects will be felt by our residents

Currently the Parish Council is aware of the BOOM application plus one covering Brind in Wressle parish plus one near the junction of the A19 and A163

Hence our residents will be affected massively if these developments all take place

As such Bubwith Parish Council does not support the Mylenleahs application and asks that a full Environmental Statement is conducted plus the effect on all residents surrounding the site

Steve Young Clerk to Bubwith Parish Council



Secretary of State
The Planning Inspectorate
Environmental Services
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Ref EN0110002

Our Ref IPP-256

Wednesday 5th February 2025

BY EMAIL ONLY mylenleahsf@planninginspectorate.gov.uk

Dear Sirs

Mylan Leah Solar Farm (Ref EN0110002) - Scoping Opinion, Comments from the Canal & River Trust

Thank you for your consultation on the Environmental Impact Assessment Scoping for the above project.

We are the charity who look after and bring to life 2000 miles of canals θ rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation.

The proposals include a cable corridor search area that would entail a crossing of the Pocklington Canal, which is owned by the Trust. We wish to make the following comments in respect of the scoping report.

Ecology and Biodiversity (Chapter 6.2)

We note that 6.2.5 describes the applicant's assessment of key habitat and species likely to be affected. The Pocklington Canal SSSI, located within the search area for an underground grid connection, is identified.

6.2.6 describes key mitigation practices to be employed during construction. Whilst relatively comprehensive, we with to highlight that vibrations from any drilling works below, or any severance of habitat corridors resulting from construction compounds in proximity to the waterspace have the potential to adversely impact this habitat.

HDD activities have the potential to impact waterborne species in any watercourses they cross through vibrational effects. Vibrations could impact invertebrates, amphibians, otter and fish, and an assessment of the potential impact on these species should be scoped into the report.

Cultural Heritage (Chapter 6.4)

The Pocklington Canal benefits from the presence of several listed structures, notably:

- Thornton Lock
- Walbut Lock
- Walbut Bridge
- Coats's Lock

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk/

• Coat's Bridge

Other assets of importance that we believe should be considered in the Environmental Report include Thornton Weir Footbridge, Black Beck Aqueduct and the Swing Bridge east of Walbut Lock (PO-005-001)

The permanent works are unlikely to impact the setting of these assets on the presumption that the cable works will be sited underground. We note that the report identifies potential impacts to the setting of assets during the construction phase (paragraph 6.4.8), and we agree that an assessment of impacts to these assets during the construction phase should be considered.

We wish to highlight that, in addition to impacts to their setting during the construction phase, there is a risk that vibrations from any HDD activity nearby could cause physical damage to heritage assets. We therefore request that the Environmental Report also considers this potential impact.

6.4.9 suggests that impacts to Coats Bridge and Coats Lock will not be assessed in the final report. These assets do lie next to the cable search area and, subject to the final design of the cable corridor, could be impacted during the construction phase (through changes to their setting due to the installation of construction compounds, or through damage from nearby HDD activities). We therefore suggest that impacts to these assets should be considered unless the cable search area is redrawn so that it is not adjacent to these assets (as currently shown).

Landscape and Visual Amenity (Chapter 6.6)

The scoping report highlights that the Environmental Assessment seeks to follow the industry standard methodology for the Landscape and Visual Impact Assessment (LVIA) of GLVIA III. We understand that the Pocklington Canal will be covered and assessed as a receptor given the National Trail Status shown in appendix G.8, potential visual receptors, with a need for the LVIA to review the impact on views and amenities. Whilst the canal is not fully navigable, we do request that consideration is given towards the future impact on boaters as well as users of the National Trail given the fact that there is an active restoration project for this waterway.

We consider that the visual impact of long distance views of the solar farm from the canal should be considered in the LVIA, especially as the solar farm is within 3km of the site. Due to the scale of the scheme, it is challenging to conclude where baseline views from the Pocklington Canal should be located. Consideration should, however, be made towards ensuring that views are taken from the most open parts of the canal, from where the solar farm is most likely to be seen.

We note that the LVIA will assess impacts from the cabling works from 100mm either side of the area of search. Whilst the cabling works will be underground, we request that the LVIA should consider any impact cause by losses to vegetation or temporary impacts from construction compounds as seen from the canal.

Noise and Vibration (Chapter 6.7)

We wish to highlight that works to install pipelines below our waterways, as suggested in the scoping document, would need to be carefully managed to avoid any significant vibration or loading that could adversely impact the stability of the Pocklington canal above.

We request that methodology and associated risk mitigation details should be submitted prior to the commencement of development on site. We advise that this information should be incorporated into the EIA. In chapter 6.7, the existing scoping report highlights that Noise and Vibration assessments will focus upon impacts to sensitive receptors, such as residential property. We request that this should be expanded so that any risk to the banks of the Pocklington Canal, including existing stone and piled wash walls, as well as listed assets (see our comments with respect to 6.4 above) are fully assessed.

Depth of HDD activities

The Trust advise that any directional drilling below our network should seek to be a minimum of 3.5m in depth from bottom of canal bed to top of the pipe (the exact distance can depend on settlement during construction works).

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk

Trust Code of Practice

As the promoter may be aware, the Trust will require any works in, under, over, or in close proximity to, the Trust's waterway infrastructure, to be carried out in accordance with the Trust's Third Party Works Code of Practice (which can be found at https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice). The Trust created the Code of Practice to provide to all third parties working in and around the Trust's network with expectations, standards and processes to ensure the integrity and safety of the network, safeguard operations and conserve its heritage and the natural environment, in line with its statutory duties and charitable objectives. Where nationally significant infrastructure projects have the potential to interact with, or impact, the Trust's network, the Trust secures protective provisions within the DCO. A draft set of these has been shared with the promotor. The standard protective provisions for the Trust ensure undertakers work with the Trust to design, construct, operate and maintain their new infrastructure in a way that minimises impact on the Trust's network. We expect most concerns raised by the Trust, about the Mylen Leah Solar Farm, will be adequately addressed through these protective provisions. We welcome discussion with the promotor, as more details about the project are identified and shared with the Trust. In our experience, early agreement of protective provisions can mean the Trust need only be minimally involvement in the examination process.

The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team via switchboard on 0303 040 4040 should they have any questions, require further information upon the Code of Practice, or seek clarification over the feasibility of pipeline routing below our network. Horizontal Directional Drilling crossing information can be found in Part 2 of the Code of Practice Section 2 Service Crossings.

Landowner Comments

Landowner consent would likely be required for the installation of a new cable below our waterways, due to the Trust's land ownership. The applicant is advised to contact the Trust's Utilities section at utilitiesenguiru@canalrivertrust.org.uk for further advice.

Please note that the Canal & River Trust is a statutory undertaker which has specific duties to protect the waterways. Accordingly, it is likely that we will resist the use of compulsory purchase powers which may affect our land or undertakings. We reserve the right to seek protections under \$16 of the Acquisition of Land Act 1981 should any proposals affect land which has been acquired for the purposes of our undertaking. Accordingly, we require that the acquisition of any Trust land or rights over Trust land should be secured by agreement.

We encourage details of the applicant's land ownership requirements are provided and for negotiation for any land transfers to occur as soon as possible. Disposals by the Trust of operational land require internal approvals to satisfy its own policies and Charity Commission rules and time should be allowed for this in the transaction process.

I trust the above information is of use. If you or the applicant have any questions or require further information, please do not hesitate to contact me on the details below.

Yours Sincerely

Area Planner - Yorkshire and North East

@canalrivertrust.org.uk
Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire, DE13 7DN

https://canalrivertrust.org.uk/specialist-teams/planning-and-design

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk

From:

To:

06 February 2025 21:21 Mylen Leah Solar Farm

Subject:

Mylen Leah solar Farm consultation

Categories:

EST

Good afternoon

Having looked at the EIA Scoping and consultation and Regulation 11 Notification, the members of East Cottingwith Parish Council would like the following to be included: -

Boundary Farm and all other properties within the parish adjoining the B1228 as being direct neighbours in terms of visual impact.

Should you have any queries, please do not hesitate in contacting me. Kind regards

Yvonne Eggleston

Clerk

East Cottingwith Parish council



County Hall Beverley East Riding of Yorkshire HU17 9BA Telephone (01482) 393939 www.eastriding.gov.uk

Stephen Hunt Director of Planning and Development Management

The Planning Inspectorate **Environmental Services** Operations Group 3 Temple Quay House 2 The Square Bristol BS1 6PN

EN0110002 Your Ref: Our Ref: Enquiries to:

24/03374/NSIP

Email: Tel Direct: Date:

@eastriding.gov.uk

3 February 2025

Dear Sir/Madam

Application by Mylen Leah Solar Limited (the Applicant) for an Order granting **Development Consent for the Mylen Leah Solar Farm (the Proposed Development)**

I am responding on behalf of East Riding of Yorkshire Council to your email communication of 9 January 2025 regarding the above. The Council have consulted the relevant internal consultees to request what information should be included within the Applicant's Environmental Statement (ES). Their comments are provided below.

Highways

In principle, the Highways Officer is satisfied with the scoping report.

The Highway Authority has been involved with several large environmental developments in recent years. It is important that the developer and their Transport Consultant continue dialogue with the Highway Authority so we can discuss and agree transport implications and any potential mitigation measures with them.

Public Protection

Air Quality

The Environmental Control Specialist has reviewed the Environmental Impact Assessment (EIA) Scoping Report by Statkraf (dated January 2025), specifically Section 6.1 - Air Quality and is satisfied with the proposals for assessment of air quality outlined by the applicant.

Land Contamination

The Environmental Control Specialist has reviewed the Environmental Impact Assessment (EIA) Scoping Report by Statkraft (dated January 2025), specifically Section 6.5 -Land, soils and groundwater and is satisfied with the proposed scope regarding land contamination.

Executive Director of Planning and Economic Regeneration





Glint/Glare and Noise and Vibration

The Environmental Control Officer has reviewed the Environmental Impact Assessment Scoping Report by Statkraft (dated January 2025), specifically Sections 5.3 Glint and Glare and 6.7- Noise and vibration and is satisfied with the proposals including construction noise mitigation measures as outlined by the applicant.

Drainage

The Lead Local Flood Authority have advised that they do not have any objections to the principle of the development. The comments below should be considered during the drainage design for the development and a further assessment can be made when more details are submitted.

The site lies within Flood Zones 1, 2 and 3, the Flood Risk Assessment will need to address the required flood mitigation methods. There are areas of the sites which have a low, medium and high risk of surface water flooding.

The majority of the areas where the PV modules are proposed to be located are within the Foss and Ouse and Humber Internal Drainage Board areas. The developer will need to consult them regarding any consenting works required and agree discharge rates for and proposed surface water runoff. Which will be limited to greenfield runoff of 1.4l/s/ha. If discharging to a main river the Environment Agency will be required to consent and approve any proposed discharge.

Consultation should take place with the Internal Drainage Boards and Lead Local Flood Authority regarding any cable routes between the sites that cross any watercourse to agree any proposed watercourse crossing methodology, horizontal directional drilling should be considered as the preferred option.

All sites should be surveyed for existing land drainage systems and ensure that any works would not impact on existing drainage systems. Access should also be considered for future maintenance and inspections of existing watercourses.

Any hardstanding or impermeable areas should be positively drained with full details to be submitted and approved by the East Riding of Yorkshire Council, Foss Internal Drainage Board and Ouse and Humber Internal Drainage Board.

Nature Conservation and Trees

Ecology 6.2.14 Scoping questions

6.2.1 Do you agree with the proposed list of consultees?

We recommend engaging with the Carstairs Countryside Trust (CCT) who have land holdings and strong conservation interests in the Lower Derwent Valley.

6.2.2 Do you agree with the proposed study areas?

SSSI impact risk zones may extend up to 5km. The scope should be increased in accordance with impact risk zone criteria on magic where impacts are likely. Other listed study areas are acceptable. We would ask that the Humber Estuary SPA Ramsar is scoped in as Golden Plover, Lapwing and Pink-footed geese, for example are known to use land beyond 10km of the designated site boundaries.

6.2.3 Do you agree that the data sources listed to inform the EIA baseline characterisation are appropriate?

Other useful data sources include the East Yorkshire Bat Group that hold authoritative records for the region, this may be a useful data source. WeBS sector data may be useful for baseline characterisation in relation to use of individual sectors of the Lower Derwent Valley.

<u>6.2.4 Do you agree that the surveys proposed to inform the EIA baseline characterisation</u> are appropriate?

Year 1 passage and wintering bird surveys do not follow Natural England guidance. Proposed survey effort in year 2 appear now to reflect their standard advice. This can be shared with the applicant if not already received.

Bat activity surveys appear to follow Bat Conservation Trust guidance for low suitability habitat rather than moderate or high suitability for bats (Table 8.3 Collins, J (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines, 4th edition) we would expect to see justification for characterisation of the site as low suitability rather than moderate or high (Table 4.1) (Collins, J (ed, 2023)

Roost assessments should be undertaken on any trees likely to be impacted by the proposal.

Tree surveys should be undertaken on any individuals, groups and woodlands to be impacted.

6.2.5 Are any receptors/assets/resources not identified that you would like to see included in the EIA?

Ancient and Veteran trees should be included. Note that footnote 8 details that impacts on veteran trees is to be considered under 'designated sites' in the air quality assessment section. Needs to be considered separately.

Humber Estuary SPA Ramsar (as above)

SPA assemblage species should be included in any assessment.

Brown hare and hedgehog should be assumed present

6.2.6 Do you agree with the proposed additional (secondary and tertiary) mitigation measures and is this mitigation appropriate?

Outlined secondary and tertiary mitigation proposals follow standard best practice and we fully support pre-construction surveys for mobile species

6.2.7/8/9 Do you agree with the receptors/matters that are proposed to be scoped in and out of further assessment?

Given the identified importance of the study area for invertebrates. The potential impacts of the solar panels on aquatic invertebrates should be scoped in. We can't see that section 6.2.7 would cover this impact.

Veteran Trees cannot be scoped out presently

'Passage' should be added to wintering birds

Invasive species are known from Pocklington Canal and associated catchment. Himalayan Balsam may be present in the cable corridor and can spread quickly throughout connected catchments. This should be scoped in on a precautionary basis

Do you agree with the proposed factor-specific assessment approach

6.2.10? Not quite sure what this means

Having reviewed the wintering bird data to date, we consider that mitigation for impacts to passage and wintering birds associated with the Lower Derwent Valley SPA Ramsar will likely be required and should be factored into the design.

Proposals for the creation of flower rich grassland in association with PV panels should be realistic

New hedgerow planting should be characteristic of the local area and should aim for enhancements in terms of species diversity.

Welcome proposals to enhance field boundaries.

The consideration for the movement of deer and small mammals is appropriate Attention should be made to existing habitats of principal importance on site and their enhancement and appropriate management.

Countryside Access and Public Rights of Way

Comments to follow.

Archaeology

Please contact Humber Archaeology Partnership for further comments.

Heritage Assets

The Conservation Officer has the following comments to make:

Do you agree with the proposed consultees in 6.4.1?

I agree generally with the proposed consultees in 6.4.1. However, I would confirm that conservation team at ERYC will also comment on the impact on grade I and II* listed assets. Just because these are within Historic England's remit, does not mean it's outside ours.

Do you agree with the proposed 2 km study areas?

Yes- the study area looks to be sufficient

<u>Do you agree that the majority of the listed buildings can be scoped out of the assessment, with the exception of those listed within or adjacent to the area of search for underground grid connection cable Site boundary?</u>

Given the likely extent of the setting of these assets, and the contribution it makes to their significance, I am happy that the listed buildings can be scoped out of the assessment.

<u>Do you agree that the listed buildings within the Cable Corridor Site boundary should be</u> scoped into the assessment?

Yes

<u>Do you agree that there are opportunities for enhancing the public's understanding of the historic environment by introducing information boards about the Medieval heritage assets?</u>

Yes, I do- although I would also suggest talking to archaeology, as they have more experience with the actual interpretation schemes. I would, however, highlight that the potential for enhancement is not a justification for allowing harm to the heritage assets, if this harm can be avoided.

<u>Do you agree that the data sources listed to inform the EIA baseline characterisation are appropriate?</u>

Yes

<u>Do you agree that the surveys proposed to inform the EIA baseline characterisation are appropriate?</u>

Generally- although it is not clear what 'Desk-based assessment including field visit' means in practice- is it purely desk based or it is proposed to visit the site to confirm the findings of the DBA? I would suggest that visiting the site in person would be beneficial to support the DBA, in case changes on site or elements not appreciable from a DBA alter the conclusions drawn.

Are any receptors/assets/resources not identified that you would like to see included in the EIA?

No additional receptors identified

<u>Do you agree with the proposed additional (secondary and tertiary) mitigation measures and is this mitigation appropriate?</u>

Yes- subject to the additional measures being discussed in greater detail later in the process

<u>Do you agree with the receptors/matters that are proposed to be scoped in and out of further assessment?</u>

Yes

Landscape/Visual and Agricultural/Soils

No comments at this stage. The Council would need to appoint external consultants to advise on these matters.

Yours Sincerely



Stephen Hunt MRTPI
Director of Planning and Development Management



The Planning Inspectorate Our ref: XA/2025/100243/01-L01

[mylenleahsf@planninginspectorate.gov] Your ref: EN0110002

Date: 6 February 2025

Dear Sir/Madam

EIA SCOPING CONSULTATION FOR MYLEN LEAH SOLAR FARM.

APPROXIMATELY 1,200 HA OF AGRICULTURAL AND BROWNFIELD LAND TO THE SOUTH OF MELBOURNE VILLAGE, YORKSHIRE, WITHIN THE ADMINISTRATIVE AREA OF EAST RIDING OF YORKSHIRE COUNCIL.

Thank you for your consultation on the Environmental Impact Assessment (EIA) Scoping Opinion for the above Nationally Significant Infrastructure Project (NSIP). We have reviewed the Mylen Leah Solar Farn EIA Scoping Report main text, appendices and figures.

We have structured our comments below to first address the questions posed by the applicant at the conclusion of each scoping section within the Scoping Report. Following these responses, we have provided more detailed comments and observations.

The appendices (1 - 4) provide further advice to the applicant regarding:

- Environmental Permitting
- Land contamination assessments
- Groundwater pollution relating to heat
- Air quality

Biodiversity (Chapter 6.2)

Biodiversity (6.2) Scoping Questions

Do you agree with the proposed list of consultees?

The Environment Agency (EA) should be added to the list of consultees for Biodiversity.

Do you agree with the proposed study areas? Yes.

Do you agree that the data sources listed to inform the EIA baseline characterisation are appropriate?

Yes.



Do you agree that the surveys proposed to inform the EIA baseline characterisation are appropriate?

No. The habitat survey presented provides little to no information on the condition or importance of watercourses present on site. Additional surveys for fish are mentioned as a possibility, but other aquatic receptors such as habitats, macrophytes and invertebrates are not. This is relevant because the report details the possibility that watercourses may be culverted or have other structures constructed across them.

The EA's policy is that culverts should be avoided, and where unavoidable we would expect it to be demonstrated that it is the only reasonable and practicable alternative. Mitigation and compensation measures would be expected.

It is recommended that further information on the watercourse habitats is needed to inform potential impacts, implications for Water Framework Directive (WFD) assessment and the need for detailed targeted assessments.

The WFD screening assessment will need to consider the potential implications of such impacts on the achievement of the River Basin Management Plan objectives.

River and/or ditch condition assessment will be required to inform the Biodiversity Net Gain Assessment, and this may contribute information relevant to the impact assessment.

Are any receptors/assets/resources not identified that you would like to see included in the EIA?

To be confirmed. This is dependent on further assessment of watercourses.

Do you agree with the proposed additional (secondary and tertiary) mitigation measures and is this mitigation appropriate?
Yes.

Do you agree with the receptors/matters that are proposed to be scoped in and out of further assessment?
Yes.

Fisheries (Chapter 6.2)

Biodiversity (6.2) Scoping Questions regarding fisheries

Do you agree with the proposed list of consultees? Yes.

Do you agree with the proposed study areas?



Yes.

Do you agree that the data sources listed to inform the EIA baseline characterisation are appropriate?

No. Freely available EA fish population survey data should also be obtained and used to inform the baseline.

Do you agree that the surveys proposed to inform the EIA baseline characterisation are appropriate?

Yes. Certain construction activities may have a negative impact on notable fish populations. Particularly where open cut trenching is proposed for cable crossing of waterbodies. We would expect quantitative fish surveys to be completed beforehand to assess the impact on fish and thus design robust mitigation.

Any fish surveys other than with rod and line will require permission in writing from the EA under S27a of the Salmon and Freshwater Fisheries Act 1975.

Are any receptors/assets/resources not identified that you would like to see included in the EIA?

Yes. There are records of Atlantic salmon in the River Derwent. Bullhead and European eel are present in the Bielby Beck. Where an impact-pathway exists then these sensitive species must be assessed in the EIA.

Do you agree with the proposed additional (secondary and tertiary) mitigation measures and is this mitigation appropriate?

Yes. However, mitigation should be included in the Outline Construction Environment Management Plan (oCEMP) and Outline Decommissioning Environment Management Plan (oDEMP) to ensure that pollutant matter and fine sediment is not washed into watercourses. Furthermore, where sensitive fish species are present, mitigation should be included to ensure that any noisy construction activities (i.e. Horizontal Directional Drilling (HDD) and piling) do not have an impact on fish. Where open cut trenching is proposed robust mitigation should be included.

Trenchless crossing techniques are preferred. Where open trench crossings are proposed, it is assumed that waterbodies will be flumed, or coffer dammed and thus require over-pumping. It may be necessary for a fish rescue and relocation to take place and for key spawning and migration periods to be avoided. Any over-pumping should ensure that screens are fitted on inlets and outlets of pumps and that they are compliant with the Eels (England and Wales) Regulations 2009.

Do you agree with the receptors/matters that are proposed to be scoped in and out of further assessment?

Yes. Fish are scoped in for further assessment.

We note that cable corridors are proposed to cross main watercourses (including the



Bielby Beck, tributary of the River Derwent). It is assumed that cables will be buried under watercourses. The impact on fish from noise associated with vibration and drilling fluid breakout should be assessed.

Where high voltage cables are laid beneath watercourses, there is the risk of Electro Magnetic Fields (EMFs) having a behavioural impact on fish. There is evidence that EMFs can impact on fish egg and larval development. Therefore, the impact of EMFs on fish should be assessed in the EIA. Our position is that EMFs from cables are not detectable by fish in the channel of a watercourse. This is likely to mean that cables will need to be buried deeper to ensure that there is enough buffer between the cable and the riverbed. There needs to be confidence that the chosen depth will ensure that EMFs are not detectable. To achieve confidence, evidence needs to be provided which would involve comparing cables and EMFs to analogous studies, such as in the marine environment. Post construction monitoring of EMFs may be required to satisfy no impact.

Do you agree with the proposed factor-specific assessment approach? Yes.

Legislation

The Salmon and Freshwater Fisheries Act 1975 and The Eels (England and Wales) Regulations 2009 have not been included in the list of legislation that is relevant to biodiversity. The legal responsibility on the developer pertaining to this fish specific legislation has not been considered. Both pieces of legislation should be listed as relevant in the biodiversity chapter of the EIA.

Geomorphology

Any infrastructural developments on the river/floodplain environment should be designed and delivered to have a minimal impact on natural river dynamics (e.g. erosion, deposition, meander migration etc.) and should not place any significant limitations on future river restoration projects.

The Scoping Report suggests that river crossings (bridges, culverts, and buried cables) may be required as part of this development. Therefore, we would expect to see geomorphologically robust designs that will cause minimal impacts on natural fluvial processes operating in the river/floodplain environment over the course of the 21st century.

Groundwater (6,5)

Land, soils and groundwater (6.5) Scoping Questions

Do you agree with the proposed list of consultees? No. We recommend that the following are consulted



| Consultee | Reason |
|-------------------|--|
| Yorkshire Water | To request details of assets and abstractions within the study |
| | area. |
| East Riding of | To request details regarding private water supplies within the |
| Yorkshire Council | study area. |

Table 1: Consultees

The Applicant can contact the EA to request data on licensed public water supply abstractions within the study area.

Do you agree with the proposed study areas?

No. The Study area is defined in Section 6.5.2 as the Site plus a 250m search buffer for identifying land and soil related receptors, and a 500m buffer for groundwater receptors. We agree with the use of a 250m buffer for land and soil issues. However, we consider a 500m search buffer to be insufficient for the characterisation of risk to groundwater receptors. We urge the applicant to apply a 1km search buffer for this aspect of the Proposed Development due to the presence of Groundwater Dependent Terrestrial Environments (GWDTE) and a principal bedrock aquifer within the site and surrounding area.

Do you agree that the data sources listed to inform the EIA baseline characterisation are appropriate?

No. We are pleased to see that most of the expected sources of EIA baseline characterisation have been listed in Section 6.5.3, but this should also include private groundwater abstractions, which we would expect to see considered as a potential sensitive groundwater receptor.

The information in Table 1 should also be included as a data source to inform the EIA baseline.

Are any receptors or resources not identified that you would like to see included in the EIA?

Yes. The Scoping Report does not consider the on-site WFD Groundwater bodies, and although a WFD Screening Assessment is proposed in Section 6.9.8 this appears to consider WFD surface water bodies only. WFD Groundwater bodies should be considered in the assessment.

Do you agree with the proposed additional (secondary and tertiary) mitigation measures and is this mitigation appropriate?

Yes. The proposed mitigation set out in Section 6.5.6 is acceptable in principle. However, we would expect to see several additional measures incorporated into the outline CEMP and DEMP, as detailed below.

Do you agree with the receptors/matters that are proposed to be scoped in and out of further assessment?



No. See below for details.

Section 2.4.29

We note that this section presents a less detailed summary of the geological setting of the site. It only discusses the predominant superficial and bedrock lithologies and neglects to mention the presence of the higher sensitivity lithologies present at the site (Sherwood Sandstone bedrock Principal aquifer and superficial deposits classified as Secondary Undifferentiated aquifers). The presence of these higher sensitivity lithologies should be included in this section

Section 6.5.3 Data sources to inform the EIA baseline CharacterisationAlthough this section states that significant site-specific data have been obtained from an Envirocheck search, this information is not reproduced in the Scoping Report. We recommend that the Desk Study and Preliminary Risk Assessment (PRA) is provided as a supporting document with the Preliminary Environmental Information Report (PEIR).

Section 6.5.5 Baseline conditions

The summary of superficial and bedrock geology is largely suitable but it excludes mention of the presence of superficial Hemingbrough Glaciolacustrine Formation deposits in the south-eastern part of the Site, described by the British Geological Survey (BGS) as comprising silty clay. However, we do not consider this omission likely to significantly impact the assessment presented in the report.

The presence of GWDTEs are not identified within the baseline conditions and should be included. According to our records one GWDTE, Melbourne and Thornton Ings Site of Special Scientific Interest (SSSI), extends into the proposed cable connection search area. A second GWDTE, White Carr Meadow SSSI, is approximately 0.3 km north-east of the proposed cable connection search area.

The Scoping Report does not presently state that unlicensed groundwater abstractions will be considered in the Environmental Statement (ES). These should be included in the assessment.

No reference is made to the WFD status of the groundwater bodies present at the site. The applicant should present this information and consider the status and applicable pressures on these WFD water bodies. In addition, whilst the applicant has referred to the use of groundwater vulnerability maps as an information source, no discussion of groundwater vulnerability status is presented within the Scoping Report. This should be considered as part of the assessment.

The summary of potential sources of contamination does not refer to or consider the BGS hydrocarbons well indicated to be immediately adjacent to the south-eastern site boundary (BGS reference: <u>SE73NE4</u>). This information should be considered in the assessment.

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Scamland Bridge historic landfill is situated within the proposed grid cable connection search area boundary and is described as having received: inert, industrial, commercial and household wastes between 1948 and 1979. This is in line with our records. However, our information also identifies the following wastes that have been received: soil, sub-soil, demolition, construction, highway construction and repair waste, glass cullet, drums of waste oil, packaging materials, fluorescent tubes. These wastes should be considered in the assessment.

Ellerton Site A and B historic landfill is situated within Land Parcel B and is described as having received: inert, industrial, commercial and household wastes between 1975 and 1976, which matches our records. Please note that our information also refers to the following wastes that have been received: construction industry waste, old cars vehicles and trailers, excavation soil and subsoil arising from road improvements in the Holme and Spalding Moor area. These wastes should be considered in the assessment.

The Scoping Report states that Breckstreet Airfield (Melbourne Raceway) is visible on historic maps from 1952 onwards within a portion of Area D, and that it's understood to have been used for aviation between 1940 and 1946. The report concludes that contamination may be present associated with historic aviation activity, including fuel storage and aircraft maintenance, and more recently associated with the use of the airstrip as a motorsport raceway. As a former Royal Air Force (RAF) airfield, the potential for the localised presence of contamination associated with authorised or ad-hoc onsite aircraft disposal (potentially including luminised equipment) and ordnance storage, use and disposal should be considered.

The Applicant does not identify any contaminated land register entries or notices on or within 250m of the site. The Scoping Report states that there have been eight pollution incidents to controlled waters within the site boundary. No indication of whether any pollution incidents to land have occurred on or within 250m of the Site boundary is given in the report. This needs to be considered.

The Scoping Report summarises the findings of a review of BGS borehole records and EA borehole records. However, as these are unreferenced it is difficult to ascertain the accuracy of the summary. We have reviewed several BGS logs across the site, indicating significantly more variability in the depth to interface with Mercia Mudstone and Sherwood Sandstone bedrock than is suggested in Section 3.5.5 of the Report. A more detailed summary of the anticipated lithological sequence and groundwater rest levels and flow direction is requested. Our review of the BGS logs has shown significant variance in groundwater strikes across the Site and immediate surrounding area, some as shallow as 1.82m within the superficial deposits (SE73NE6 and SE74SE17). Given the applicant concludes that sub-artesian groundwater conditions may be encountered at the site, the potential for



groundwater to interact with foundation structures and works is significant and should be further assessed.

No discussion of the topography of the site is presented, making it difficult to interpret the findings of the report regarding relative depth ranges of strata and groundwater. We note that the Scoping Report states that regional groundwater flow direction is anticipated to be in line with local topography and toward surface watercourses, but in the absence of a discussion of topography this is of little contextual use. The applicant should provide further detail on the topography of the site.

We recommend that a site walkover (also referred to as Site Reconnaissance) is carried out as part of the Desk Study in accordance with the recommendations of the Environment Agency's Land Contamination Risk Management guidance and BS10175:2011+A2:2017. This is to establish the potential for infilled ground to be present associated with former mineral extraction, and to further assess the risks posed by identified contamination sources such as on-site landfills and the former RAF Melbourne/Melbourne Raceway site.

Should any potentially unacceptable risks to controlled waters be identified by the PRA presented in the Desk Study, further intrusive investigations should be undertaken to quantify the risk and enable refinement of the Preliminary Conceptual Site Model.

Section 6.5.6 Additional (secondary and tertiary mitigation)

We are pleased to see that the risks to groundwater will be addressed by the development of a CEMP, and suggest that the following should be incorporated:

- A watching brief for unexpected contamination and discovery protocol if any such contamination is encountered (we would expect to see a similar measure embedded in the DEMP).
- Development of a Foundation Works Risk Assessment for any proposed deep foundation works, should these be required as part of the Proposed Development.
- Where HDD or other trenchless drilling methods are proposed to be carried out within aquifers or beneath surface watercourses or sensitive ecological receptors, a Hydrogeological Risk Assessment should be carried out.
- A Drilling Fluid Breakout Plan to be applied to any HDD or other trenchless cable installation methods.

We suggest that the CEMP and DEMP should also outline the methods to be applied to prevent contamination and cross contamination of soils and surface and



groundwater should any sources of pollution be identified.

Although not cited in the Scoping Report, the design of oil storage infrastructure should be in accordance with statutory guidance and best practice such as the Control of Pollution (Oil Storage) (England) Regulations.

The Scoping Report states that no additional mitigation measures would be expected to be required during operational or decommissioning phases beyond the embedded mitigation incorporated into the design of the Proposed Development and measures detailed in the outline Operational Environmental Management Plan (OEMP) and DEMP. This approach is acceptable provided the OEMP and DEMP incorporate measures sufficient to manage the risks posed to groundwater during these phases, including spills/leaks of fuels and chemicals, management of surface water drainage from key potential contamination sources such as substations and associated infrastructure, and a watching brief for contamination during the decommissioning phase.

Section 6.5.7 Description of likely significant effects

This section should include the potential for piling, trenchless utility installation and excavation activities to introduce a preferential flow pathway for sources of mobile contamination, such as landfilled wastes or historic spill and leaks associated with former land use, to impact the underlying bedrock aquifers.

This section does not list effects caused during the operation and decommissioning phases of the proposed development on the basis these are likely to be less significant in comparison with those during the construction phase. Whilst we largely agree with this statement, we consider that the potential for generation of fugitive emissions such as fire water in the event of a catastrophic fire at the substation infrastructure during the operation phase should be included.

Sections 5.4 (Heat and radiation)6.5.8 (Receptors/ matters to be scoped into further assessment) and 6.5.11 (Proposed assessment methodology)

The applicant proposes to scope out consideration of heat and radiation in Section 5.4. We do not agree with the scoping out of this impact at this stage. Underground cables, such as the high voltage grid connection cables, generate heat that dissipates naturally to the surrounding ground during power transmission. The levels of heat loss and dissipation will be dependent on numerous factors including cable design, soil structure, transmission voltage and engineering design. Where underground cables interact with groundwater bodies this could result in local degradation of groundwater quality via the generation of a heat plume. To Scope Out this impact the applicant should be able to demonstrate that significant sources of heat would not be generated from underground cables during the operational phase, and/or that the underground cables would not interact with groundwater bodies. We recommend that this impact be scoped in for further assessment. This should be assessed further when the ground conditions and the thermal characteristics of the

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cables to be installed are better understood. Further information on this topic is provided at Appendix 3.

Impacts to groundwater during the operational phase have been scoped in by the applicant in Section 6.5.8, and as such we disagree with the contradictory proposed scoping out of the same impact in Section 6.5.9.

We agree with the scoping out (section 6.5.9) of impacts to land (potential contamination), which may result in mobile contaminants entering groundwater, during the operational and decommissioning stages. This is on the basis that potential contaminative impacts to land during the operational phase would be adequately managed under the OEMP and Surface Water Management Plan, and that the potential for contamination to be encountered and mobilised during decommissioning activities would be adequately managed by the DEMP. We recommend that the oDEMP should incorporate a watching brief for unidentified contamination and a discovery strategy for management of any such contamination.

Sections 6.5.8 and 6.5.11 refer to a proposed site investigation which would be required to inform detailed design and feed into a piling risk assessment. The Scoping Report does not clearly state whether this would incorporate geoenvironmental data collection, and whether this would target potential contamination sources identified in the PRA. We do however note that Appendix D does refer to this being a potential requirement depending on the outcome of the PRA. We direct the applicant to ensure that the investigation is conducted in accordance with the requirements of relevant legislation and guidance documents.

We recommend that the <u>EA Land Contamination Risk Assessment (LCRM)</u> and <u>BS10175:2011+A2:2017 Investigation of potentially contaminated sites Code of practice.</u> are added to the key list of legislation and guidance relevant to ground conditions within Section 6.5.11.

In accordance with Statement C5 of the EA's Approach to Groundwater Protection, the EA will normally object to pipelines or fluid-filled cables that transport pollutants, particularly hazardous substances that:

- Pass through SPZ1 or SPZ2 where this is avoidable;
- Are below the water table in principal or secondary aquifers.

Where there is an unavoidable need for pipelines or fluid-filled cables to pass through SPZ1 or SPZ2, operators are expected to adopt Best Available Techniques (BAT) and operate in accordance with the Energy Networks Association guidance. The applicant should confirm whether underground fluid-filled cables are proposed as part of the design of the Proposed Development, and if so should demonstrate that the installation of such cables cannot be substituted. Note that the EA expects operators to carry out a site-specific risk assessment prior to the decommissioning of



fluid-filled cables in SPZ1 and SPZ2 and will work with operators to agree the best available environmental option.

HDD may be locally applied at key crossing points. This work could involve the use of drilling fluids, and their use may require risk assessment to ensure they do not pose a risk to controlled waters. If HDD is proposed to be used to cross watercourses, the applicant would need to assess whether this would affect local licensed or unlicenced abstractions by carrying out a water feature survey. We therefore consider that the EIA should include potential impacts from directional drilling, any foundation works that may be required, and any other elements of the construction which may have the potential to cause or mobilise contamination. We consider that a Hydrogeological Risk Assessment should be produced to support any HDD works where these may interact with Secondary A or Principal aquifers.

Table 2-1 states that the mounting structure for PV panels would be secured by piled metal posts extending to an anticipated maximum depth of 4m. Foundation details for other proposed structures forming the proposed development, including substations and inverters are not currently available and may involve piling or deep foundation works. These activities may result in the introduction of a preferential flow pathway for any mobile shallow contamination which may be present through lower permeability strata into the Principal or Secondary B aquifers. Due to the high sensitivity of groundwater resources at the site, a Foundation Works Risk Assessment should be produced to ensure the use of piling methodology that minimises the likelihood of creating a pollution pathway to groundwater.

6.5.9 Receptors/ matters to be scoped out of further assessment

Table D18 presents a ranked list of groundwater receptor importance. We are pleased to see that the table considers both aquifer designation and Source Protection Zones as examples of different sensitivity indicators. However, it does not currently include indicative importance rankings for licensed and unlicensed water abstractions and Secondary aquifer types. The sensitive controlled water receptors which have been considered in the Scoping Report should be clearly stated and assigned sensitivity categories. This should include:

- Aguifer designations;
- Source Protection Zones; and
- Private and public groundwater abstractions.

Flood Risk

Water (6.9) Scoping Questions in relation to flood risk

Do you agree with the proposed list of consultees? Yes.



Do you agree with the proposed study areas? Yes.

Do you agree that the data sources listed to inform the EIA baseline characterisation are appropriate?
Yes.

Are any receptors/assets/resources not identified that you would like to see included in the EIA?

Yes. The Applicant will need to obtain the asset data that the EA hold for assets (Asset Information and Maintenance Programme).

Do you agree with the proposed additional (secondary and tertiary) mitigation measures and is this mitigation appropriate?

No. Flood risk mitigation is yet to be agreed. This information will be available when the Flood Risk Assessment (FRA) is produced.

Do you agree with the receptors/matters that are proposed to be scoped in and out of further assessment?
Yes.

Is the CIRIA Simple Index Approach considered satisfactory for areas of proposed drainage infrastructure?

Yes. However, flood risk from surface water is within the remit of the Lead Local Flood Authority (LLFA). Therefore, the Applicant should consult them on this matter.

Climate (6.3) Scoping Questions in relation to flood risk

Do you agree with climate change risk being scoped out of further assessment? No. Please see the Flood Risk Assessment section below for further information on flood risk and climate change.

Flood Risk Assessment

We acknowledge that flood risk during construction, operation and decommissioning is scoped into further assessment and an FRA is to be completed at a later stage.

The Flood Map for Planning is only intended as a planning tool to prompt where a more detailed assessment of flood risk may be required. The Flood Map for Planning does not account for future flood risk, taking climate change into consideration, and is also not detailed enough to cover any catchments smaller than $3km^2$ (regardless of whether there is an associated fluvial flood risk or not). The Flood Map for Planning identifies area of the site as being within Flood Zone 2 and 3, so further assessment of this fluvial flood risk is required.

We note that the scoping report describes how the EA will be consulted to determine

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if any modelling data is available to further assess baseline conditions of flooding. We welcome this. Any available modelling information can be requested via nevorkshire@environment-agency.gov.uk. The use of any modelling data needs to be checked in line with guidance on using modelling for FRAs, available online at: Using modelling for flood risk assessments - GOV.UK. Any fluvial/tidal flood risk modelling which is developed or updated by the Applicant should be reviewed by the EA. It is recommended that modelling methodologies are agreed with the EA prior to undertaking any detailed modelling work.

There are some small ordinary watercourses which cross the site which have no associated Flood Zone mapping due to the small size of their respective catchments. There may be flood risk associated with watercourses which have smaller catchments, it is just not mapped or included within the Flood Map for Planning. The new Risk of Flooding from Surface Water (RoFSW) dataset published in January 2025 is a useful starting point for establishing the flood risk associated with smaller Ordinary Watercourses. Further information is available online at: Updates to national flood and coastal erosion risk information - GOV.UK. Please note however, where a reliance is being placed on existing flood risk products such as the RoFSW mapping then clear justification should be provided as to why this is a suitable proxy for representing fluvial flood risk. In some cases, more detailed hydraulic modelling may be required to understand the impacts of flood risk to the development and as a result of the development, particularly when understanding flood risk to more sensitive infrastructure

The proposed scheme is classified as 'Essential Infrastructure' as defined in Annex 3: Flood Vulnerability classification of the Planning Practice Guidance (PPG).

It is stated, in section 2.7.1 of the Scoping Report, that the project has an expected operational lifetime of 60 years. Please note that the <u>PPG (Paragraph: 006 Reference ID: 7-006-20220825)</u> states that non-residential development should include an assessment of flood risk over at least 75 years.

There are some areas of the site that are situated within Flood Zones 2 & 3 which have a higher probability of flooding from rivers and/ or the sea. The Sequential Test will therefore be required to be passed, as outlined in the National Policy Statement (NPS) EN-1, and the National Planning Policy Framework (NPPF). Compliance with policy regarding the Sequential Test is not within the remit of the EA. Therefore, the Applicant will need to consult the Local Planning Authority regarding this matter.

A sequential approach should be applied to the layout of the site, with all buildings, substation, and anything considered to be critical infrastructure located outside of areas at risk of flooding (Flood Zone 1). However, if solar panels and equipment need to be situated in areas at risk of flooding (Flood Zone 2 & 3), then <a href="https://example.com/Thesample.



In this location, based on the guidance "<u>Flood Risk Assessment: Climate Change Allowances</u>", the 100-year fluvial flood event, using the 2080s epoch, higher central climate change allowance should be used as the design flood event when assessing suitable flood mitigation measures. We would expect the solar panels and equipment to be raised 300mm above the design flood level.

The assessment of future flood risk should incorporate a Credible Maximum scenario and should also be able to demonstrate how proposals can be adapted over their predicted lifetimes to remain resilient to the Credible Maximum climate change scenario, as required by NPS EN-1. Please refer to the guidance on climate change allowances for Flood Risk Assessment for further guidance: Flood risk assessments: climate change allowances - GOV.UK

Built development within the fluvial floodplain should be quantified to establish the need for compensatory flood storage. We understand that development within flood risk areas will predominantly be solar panel on supports, which would result in minimal loss of storage, however this should be demonstrated and quantified within the FRA.

The applicant will need to confirm operational needs for the site, i.e., will the site remain operational and will staff remain on site during a flood event. There will also need to be consideration given to access and egress from the site during flood event scenarios.

Watercourse crossings (access tracks)

Any proposed access crossings should be designed so that the soffit level of any bridges sits above the design flood level with an allowance for freeboard. The design flood level for permanent crossings in areas of fluvial flood risk would be the 1% (1 in 100) annual exceedance probability (AEP) plus higher central climate change scenario. In watercourses which are tidally dominated the 0.5% (1i n 200) AEP plus higher central climate change should be considered. For temporary crossings as part of the construction phase of the scheme the present day (without climate change) 1% (1 in 100)/0.5% (1 in 200) AEP scenario can be used depending on whether the watercourse is fluvially or tidally dominated. Careful consideration will need to be given to how the design flood level will be determined for any proposed crossings. Typically, this would be determined by undertaking hydraulic modelling or referring to existing detailed hydraulic modelling data (where available and suitable). Any proposed crossings should be designed such that they do not increase flood risk elsewhere.

Surface Water Quality

Water (6.9) Scoping Questions in relation to surface water quality

Do you agree with the proposed list of consultees?



Yes. However, we suggest that the Yorkshire Water should be consulted in relation to surface water drainage infrastructure.

Do you agree with the proposed study areas? Yes.

Do you agree that the data sources listed to inform the EIA baseline characterisation are appropriate?
Yes.

Are any receptors/assets/resources not identified that you would like to see included in the EIA?

No.

Do you agree with the proposed additional (secondary and tertiary) mitigation measures and is this mitigation appropriate?

Yes. However, the OEMP should include the below.

Do you agree with the receptors/matters that are proposed to be scoped in and out of further assessment?

No. There is significant potential for contamination to arise from fire and explosion hazards related to energy systems like inverters and substations. We consider that the Surface Water Drainage Strategy should be developed in alignment with the impact assessment to establish surface water management, inclusive of fire water containment at such features to prevent contaminants entering surface water or the ground.

This information should include, but not be limited to:

- A detailed drainage plan which demonstrates, in the event of an emergency, that contaminated firewater can be adequately contained within the site to ensure that there is no discharge of polluted water to surface or ground water bodies.
- The scheme should include an impermeable base or layer beneath transformer infrastructure to ensure infiltration beneath the site can be controlled.
- Any system for the storage of contaminated firewater should have sufficient capacity/headroom for the volumes expected in the event of a fire, even during periods of intense rainfall.

The system for containing firefighting effluent should be automatic with a backup system in place in case of power failure.



Is the CIRIA Simple Index Approach considered satisfactory for areas of proposed drainage infrastructure?
Yes.

Water Resources (

Water (6.9) Scoping Questions in relation to water resources

Do you agree with the proposed list of consultees? Yes.

Do you agree with the proposed study areas? Yes.

Do you agree that the data sources listed to inform the EIA baseline characterisation are appropriate?

Yes. However, the Applicant should review the <u>abstraction licensing strategy</u> for the catchment.

Do you agree with the proposed additional (secondary and tertiary) mitigation measures and is this mitigation appropriate?
Yes.

Do you agree with the receptors/matters that are proposed to be scoped in and out of further assessment?

No. We agree that water demand during operation may be negligible. However, water demand during construction should not be underestimated. Uses such as dust suppression, washing; and bentonite clay mixing for HDD and can require significant volumes of water. These activities do not always require potable quality water, and it is not clear if this supply is intended to come from the water company mains supply or not.

Abstraction licences from local surface water will be issued with restrictions limiting access to water outside of low flow periods.

We recommend a basic water supply strategy is undertaken with the ES which identifies demands clearly and options appraises potential sources of supply.

Are any receptors/assets/resources not identified that you would like to see included in the EIA?

No

Is the CIRIA Simple Index Approach considered satisfactory for areas of proposed drainage infrastructure?

Not application to water resouces

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Yours faithfully

Mr Lewis Pemberton Planning Specialist



Appendix 1 – Environmental permitting and consents – advice to applicant

Flood Risk Activity Permit (FRAP)

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- on the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk

Water Resources - abstraction and Impoundment

The proposals may require Water Resource Licences in respect of the construction activities required. Advice on regulated activities and licence requirements is given below.

Water Resource (Impoundment and Abstraction) Licences are issued by the Environment Agency under the terms of the Water Resources Act 1991 and the provisions of the Water Resources (Abstraction and Impounding) Regulations 2006. No other Environment Agency administered Regulatory Regime provides consent to create or modify an impoundment and / or abstracted water at volumes greater than 20m3/day. You should seek to fully understand the permissions required for your proposal and not assume consent for abstraction and impoundment activity is provided by other regulatory documents.

Abstraction licence

If dewatering is required, the applicant may require an abstraction licence if it doesn't meet the exemption in The Water Abstraction and Impounding (Exemptions) Regulations 2017 Section 5: Small scale dewatering in the course of building or engineering works.

If the applicant does not meet the exemption and requires a full abstraction licence, they should be aware that some aquifer units may be closed for new consumptive



abstractions in this area. More information can be found on our website: <u>Abstraction licensing strategies (CAMS process) - GOV.UK (www.gov.uk)</u> and <u>Apply for a water abstraction or impounding licence - GOV.UK (www.gov.uk)</u>

Please note that the typical timescale to process a licence application is 9-12 months. The applicant may wish to consider whether a scheme-wide dewatering application rather than individual applications would be beneficial. We suggest talking to our National Permitting Service early in the project planning.

Temporary dewatering of wholly or mainly rainwater that has accumulated in an excavation may be exempt from an Environmental Permit for a Water Discharge Activity. More information can be found on our website:

https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water. Note that this does not permit discharge of groundwater from a passive or active dewatering activity or permit the abstraction of groundwater.

The applicant may also need to consider discharge of groundwater, especially if it is contaminated. More information can be found on our website:

https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits

The use of drilling muds for any necessary directional drilling may require a groundwater activity permit unless the 'de minimis' exemption applies. Early discussion about this is also recommended.

It is worth considering the likely infrastructure required to meet any potential discharge permit requirements to ensure that there is sufficient space within the Order Limits. For example, infrastructure required to treat any contaminated groundwater which may need to be discharged to surface waters. Insufficient space is a common constraint which can result in permit non-compliance, non-permitted discharges or expensive/complex treatment methods.

Boreholes to abstract water in the event of a fire – Ground Water Investigation Consents

The Environment Agency regulates the abstraction of water from surface water and underground sources. An abstraction licence is not needed to install and test a borehole solely for the purpose of firefighting (including training and testing). It is recommended the operator of the site obtains a groundwater investigation consent (under section 32/3 of the Water Resources Act 1991) so they can find out whether there is adequate water available. See

https://www.gov.uk/government/publications/apply-for-consent-to-investigate-a-groundwater-source/apply-for-consent-to-investigate-a-groundwater-source for further information



Impounding licence requirement

If you intend to impound a watercourse then you are likely to need an impounding licence from the Environment Agency. An impoundment is any dam, weir or other structure that can raise the water level of a water body above its natural level. 'On-line' impoundments hold back water in rivers, stream, wetlands and estuaries, and consequently affect downstream flows, sediment transport and migration of fish. Impoundments could be created through works to modify or change existing watercourses. An Impoundment Licence could also be required if you amend, modify or remove existing in channel structures. More information is available on gov.uk: https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence

Discharge of trade effluent

Effluent discharged from any premises carrying on a trade or industry and effluent generated by a commercial enterprise where the effluent is different to that which would arise from domestic activities in a normal home is described as trade effluent. If you are not able to discharge effluent, it will be classed as waste, and you must then comply with your duty of care responsibilities.

If you wish to discharge effluent, after appropriately treating it, to groundwater or surface water a permit under the Environmental Permit Regulations will be required. Full characterisation of the effluent will be required, and modelling may be required at the planning stage to determine the impact of the effluent on the receiving watercourse.

A trade effluent consent or a trade effluent agreement with your water and sewerage company must be obtained before you discharge trade effluent to a public foul sewer or a private sewer that connects to a public foul sewer.

Further guidance is available at: https://www.gov.uk/guidance/pollution-prevention-for-businesses

Water Quality Permit requirements

You do not require a permit if you are only discharging uncontaminated surface runoff. If you intend to discharge to surface water for dewatering purposes, this may be covered by a Regulatory Position Statement (RPS) for water discharge activities. If you can comply with all the conditions within the RPS, then a permit is not required for this activity. Please find the RPS conditions here: https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water

If any discharges do not fully comply with the RPS, then a bespoke discharge permit will be required. Please find guidance on applying for a bespoke water discharge permit here: https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits

Waste



If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other **naturally** occurring material excavated in the course of construction activities, etc.' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

any operation the principal result of which is waste serving a useful purpose
by replacing other materials which would otherwise have been used to fulfil a
particular function, or waste being prepared to fulfil that function, in the plant
or in the wider economy.

We have produced guidance on the recovery test which can be viewed at https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-recovery-plans-and-deposit-for-recovery-permits#how-to-apply-for-an-environmental-permit-to-permanently-deposit-waste-on-land-as-a-recovery-activity.

More information on the Waste Framework Directive can be found at: https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive

More information on the use of waste in exempt activities can be found at: Waste exemption guides - GOV.UK

Non-waste activities are not regulated by us (i.e. activities carried out under the CL:ARE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The 'Is it waste' tool, allows you to make an assessment and can be found at: https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes.

The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt

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with responsibly and only given to businesses authorised to take it. The code of practice can be found here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506917/waste-duty-care-code-practice-2016.pdf

If you need to register as a carrier of waste, please follow the instructions here: https://www.gov.uk/register-as-a-waste-carrier-broker-or-dealer-wales

In order to meet the applicant's objectives for the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood based products) may be either a hazardous or non-hazardous waste dependent upon whether or not they have had preservative treatments. Proper classification of the waste both ensures compliance and enables the correct onward handling and treatment to be applied. In the case of treated wood, it may require high temperature incineration in a directive compliant facility. More information on this can be found here: https://www.gov.uk/how-to-classify-different-types-of-waste

Waste to be taken off site (contaminated land)

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to our website at www.gov.uk/government/organisations/environment-agency for more information.

If you require any local advice or guidance please contact your local Environment Agency office: yorkshirewaste@environment-agency.gov.uk



Appendix 2 – Land Contamination Assessments – advice to Applicant

We expect land contamination assessments to follow the tiered approach laid out in our Land Contamination Risk Management (LCRM) guidance. The preliminary risk assessment should include historical plans of the site, an appraisal of the environmental setting (including geology, hydrogeology, groundwater and surface water receptors, potential contaminants of concern and source areas), an initial conceptual site model (CSM) describing possible pollutant linkages for controlled waters, and identification of potentially unacceptable risks. Land contamination investigations should be undertaken by suitably qualified and experienced professionals and in accordance with BS 5930: Code of practice for ground investigations and BS 10175: Investigation of potentially contaminated sites – code of practice. Soil and water analysis should be fully MCERTS accredited. Investigation, demolition, remediation, or construction works must not create new pathways or linkages to controlled waters. Clean drilling techniques may be required for boreholes that penetrate contaminated ground.



Appendix 3 - Ground water pollution (heat) - advice to applicant

Heat as a groundwater pollutant was introduced in 2023 via the Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2023 SI No.2023/651:

""pollutant", in relation to England, means any—

- a) substance,
- b) heat, or
- c) biological entity or micro-organism,

which is liable to cause pollution;"

We are mindful that work is being carried out in this area in relation to heating of groundwater from ground source heating and cooling systems but there is currently no guidance relating to the potential thermal implications of high voltage buried electricity cables. The Environment Agency's Chief Scientist's Group has published a report for Ground Source Heating and Cooling (GSHC) systems (Environmental Impacts of Temperature Changes from Ground Source Heating and Cooling Systems). In this study, a 'thermal plume' was defined as the region around a GSHC system that experiences a 1 degree C temperature change or greater. While the study is not directly applicable to thermal emission from underground cables, an equivalent benchmark could be considered when assessing heat pollution from underground HV cables.

The Chief Scientist's Group states that the environmental factors with the greatest influence on thermal plume development include groundwater flow and bulk thermal conductivity. It identifies that impacts may occur by direct (temperature change) and indirect (e.g. changes in water chemistry) means.

At this stage we require the potential thermal implications of buried cables, in relation to risks to groundwater, to be considered further.

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Appendix 4 - Air quality- advice to Applicant

We note this matter has been scoped into the ES. Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/ or operation, at that site, we strongly recommend that the machinery used shall meet or exceed the latest emissions standards set out in Regulation (EU) 2016/1628 (as amended). This should apply to the point that the machinery arrives on site, regardless of it being hired or purchased.

Use of low emission technology will improve or maintain air quality and support local authorities and developers in improving and maintaining local air quality standards and support their net zero objectives.

We also advise, the item(s) of machinery should also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually the local authority.

Non-Road Mobile Machinery includes items of plant such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs etc. The Applicant should be able to state or confirm the use of such machinery in their application to which this then can be applied.



Yorkshire & North East

Foss House Kings Pool 1-2 Peasholme Green York YO1 7PX

Tel 0300 067 4900

yne@forestrycommission.gov.uk

Area Director

Crispin Thorn

By email only

Date: 21st January 2025

Dear Sir/Madam,

Ref: Mylen Leah Solar Farm

Thank you for seeking the Forestry Commission's advice about the impacts that this application may have on the woodland identified in this proposed application. As a Non-Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather, we are providing information on the potential impact that the proposed development could have on woodland. The Forestry Commission is pleased to provide you with the following information that may be helpful when you consider the application:

- Details of Government policy relating to ancient woodland
- Information on the importance and designation of ancient woodland
- Details of Government policy relating to non-ancient woodland

Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS). It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "there are wholly exceptional reasons and a suitable compensation strategy exists" (National Planning Policy Framework paragraph 186c).



For more information on the impacts of development on ancient woodland and how to assess these, please see the joint Forestry Commission /Natural England Standing Advice on Ancient Woodland – "Ancient woodland, ancient trees and veteran trees: advice for making planning decisions", the supporting guidance included within it, and Keepers of Time – A Statement of Policy for England's Ancient and Native Woodland (published June 2005).

The standing advice also provides information on mitigation, including the use of buffers. Proposals in proximity to ancient woodland should have a buffer zone of at least 15m from the boundary of the woodland to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, for example the effects of air pollution from increased traffic or industrial processes, the proposal is likely to require a larger buffer zone.

In relation to the presence of non-ancient woodland within the proposal, we would like to draw your attention to paragraph 131 of the NPPF which states that planning policies and decisions should ensure that existing trees are retained wherever possible.

What is most important to the Forestry Commission in this case is that there will be no loss or detrimental impact as a result of this proposed development on ancient woodland as mentioned above. We hope these comments are helpful to you. We look forward to hearing from you with regards to any future planning applications for this site. If you have any further queries or would like a follow up meeting to discuss this planning application, please do not hesitate to contact the Forestry Commission on the email address provided above.

Yours faithfully,



Dan Brown, Local Partnership Advisor Yorkshire and North East Team **From:** Planning <planning@yorkconsort.gov.uk>

Sent: 23 January 2025 09:23 **To:** Mylen Leah Solar Farm

Subject: EN0110002 - Mylen Leah Solar Farm

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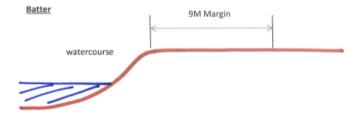
Dear Sirs,

Thank you for your letter dated 9 January 2025 in relation to a Scoping Opinion for the proposed Mylen Leah Solar Farm.

We can confirm that a lot of the land the applicant is considering for the underground cable route to the Thornton Greener Grid Park falls within the district of Foss (2008) Internal Drainage Board. The solar farm itself does not fall within our district.

Under the Land Drainage Act 1991 and the Boards' byelaws, the Board's **prior written** consent (outside of the planning process) is needed for:-

- a. any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- b. any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. This applies whether the discharge enters the watercourse either directly or indirectly (i.e. via a third party asset such as a mains sewer).
- c. works within, under, or over a Board maintained watercourse, or any ordinary watercourse in the Board's district for example, land drainage, an outfall structure, bridges, culverting etc.
- d. any construction, building, hardstanding, fencing or planting within 9 metres of the top of the embankment of a Board maintained watercourse (as shown on the below diagram)



Please note that the Board does not, generally, own any watercourses and the requirement for you to obtain the Board's consent is in addition to you obtaining consent from any land owner or other authority to carry out the relevant works.

The Board wants to be clear that for **any** watercourse within our district (whether it is Board maintained, or a riparian-owner maintained watercourse) the Board's consent will be required for any works within, under, or over the watercourse. Where there is no Internal Drainage Board district then the matter would fall to the Lead Local Flood Authority. The Board does not feel that this is clear under section *"6.9.5 Baseline conditions"*.

The Board notes that Trenchless Horizontal Directional Drilling is likely to be proposed for any Internal Drainage Board assets – this is welcomed and would be our request. We would also ask that the applicant considers this for **all** watercourses within our district to avoid any damage to the embankments of any watercourses.

The Board will also need to consider, in due course, any cables which will be within 9 metres of watercourses (we need to ensure they are at a sufficient depth to allow our machine to drive over them and to ensure they are not too close to the bank top in the event that a watercourse needs widening in the future).

The Board hope the above assists. We are happy to discuss anything further in due course.

Kind regards,



Planning Officer

Working Hours: Monday, Wednesday, Thursday – 8.45am to 4.30pm



Airedale Drainage Commissioners
Ainsty (2008) Internal Drainage Board
Beverley & North Holderness Internal Drainage Board
Foss (2008) Internal Drainage Board
Ouse & Derwent Internal Drainage Board

Address: Derwent House | Crockey Hill | York | YO19 4SR

E-mail: planning@yorkconsort.gov.uk

Telephone:

Website: http://www.yorkconsort.gov.uk

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CEMHD Policy - Land Use Planning, NSIP Consultations, Building 1.2, Redgrave Court, Merton Road, Bootle, Merseyside L20 7HS.

Date: 27 January 2025

HSE email: NSIP.applications@hse.gov.uk

Email: @planninginspectorate.gov.uk

Dear Mr King (PINS EIA Advisor)

PROPOSED MYLEN LEAH SOLAR FARM (the project)
PROPOSAL BY MYLEN LEAH SOLAR LIMITED (the applicant)
INFRASTRUCTURE PLANNING (ENVIROMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as amended) REGULATIONS 10 and 11

Thank you for your letter of 9 January 2025 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records there are no major accident hazard sites with Hazardous Substances Consent or pipelines in the vicinity of the infrastructure project and, therefore, we would not wish to comment on its siting. If in the intervening period we are notified of a change to this situation, the developer would need to seek advice from us.

Hazardous Substance Consent

It is not clear whether the applicant has considered the hazard classification of any chemicals that are proposed to be present at the development. Hazard classification is relevant to the potential for accidents. For example, hazardous substances planning consent is required to store or use any of the Categories of Substances or Named Hazardous Substances set out in Schedule 1 of The Planning (Hazardous Substances) Regulations 2015 as amended, if those hazardous substances will be present on, over or under the land at or above the controlled quantities. There is an addition rule in the Schedule for below-threshold substances.

If hazardous substances planning consent is required, please consult HSE on the application.

Consideration of risk assessments

Regulation 5(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE's role on NSIPs is summarised in the following Advice Note 11 Annex on the Planning Inspectorate's website - <u>Annex G – The Health and Safety Executive</u>. This document includes consideration of risk assessments on page 3.

Explosives sites

CEMHD 7's response is no comment to make as there are no HSE Licensed explosives sites in the vicinity of the proposed development.

Electrical Safety

No comment from a planning perspective.

At this time, please send any further communication on this project directly to the HSE's designated e-mail account for NSIP applications at nsip.applications@hse.gov.uk . We are currently unable to accept hard copies, as our offices have limited access.

Yours sincerely

Cathy Williams
CEMHD4 NSIP Consultation Team



Dr Rowena Henderson RSK Fourways House 57 hilton Street Manchester M1 2EJ Direct Dial: I

Our ref: PL00797066

30 January 2025

Dear Dr Henderson

Re: EIA Scoping Opinion, Mylen Leah Solar Farm, East Yorkshire.

Re: MYLEN LEAH SOLAR FARM ENVIRONMENTAL IMPACT ASSESSMENT (EIA) - SCOPING REPORT

Thank you for your communication of 9th January 2025 consulting Historic England about the above EIA Scoping Report.

While Historic England broadly welcomes measures to mitigate and adapt to the effects of climate change, we are aware that such developments have the potential to harm the significance of heritage assets and their settings. With this in mind Historic England has drawn up guidance for planners and developers on climate change and renewable energy technologies, available at www.helm.org.uk. http://www.helm.org.uk.

To assist in the implementation of national planning policy Historic England has produced guidance on managing change within the settings of heritage assets. The guidance offers a structured framework for the consideration of setting, applicable to designated and non-designated heritage assets, and for assessing the implications of development affecting the setting of a heritage asset. It provides the principal Historic England advice on the issue of setting and should be used by the applicant in conjunction with other relevant guidance. The Setting of Heritage Assets is available at heritage-assets/>

Our initial review indicates that the proposed development could, potentially, have an impact upon a number of designated heritage assets and their settings in the area, specifically the nationally important Scheduled Monument, NHLE 1015303 'Moated site at Chapelgarth 450m north east of Manor Farm'. In line with the National Planning





Policy Framework (NPPF, paragraph 207), we would expect the Environmental Statement to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and sufficient to understand the potential impact of the proposal on their significance.

We recommend that the applicant contact the respective local authority Historic Environment Record offices (East Riding of Yorkshire) for further information on designated heritage assets and including the relevant local authority for the location of conservation areas.

We would expect the assessment to clearly demonstrate that the extent of the proposed study area is of the appropriate size to ensure that all heritage assets likely to be affected by this development have been included and can be properly assessed. Methodologies which can help to inform the extent of the study area include a Visual Impact Assessment and the production of a Zone of Theoretical Visibility (ZTV) in line with current guidance. The ZTV of the proposed development should initially be based on topographical data before the impact of existing trees and buildings etc. on lines of sight is assessed.

We would also expect the Environmental Statement to consider the potential impacts which the proposals might have upon those heritage assets which are not designated. The NPPF defines a heritage asset as "a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest". This includes designated heritage assets and assets identified by the local planning authorities (including local listing). This information is available via the local authority Historic Environment Record (www.heritagegateway.org.uk) and relevant local authority staff.

We recommend that the applicant involve the Conservation Officers of the named local authority and the archaeological staff of the relevant HER in the development of this assessment. They are best placed to advise on: local historic environment issues and priorities; how the proposal can be tailored to avoid and minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets. We provide targeted science support through our Science Advisors https://historicengland.org.uk/advice/technical-advice/archaeological-science/science-advisors/ this forms part of our Extended Advice Service on NSIPS.





In general terms, Historic England advises that a number of considerations will need to be taken into account when proposals for green energy are assessed. This includes consideration of the impact of ancillary infrastructure, such as tracks and grid connections, as well as the built infrastructure:

- The potential impact upon the historic character of the landscape, including landscape features which positively contribute to character.
- Direct impacts on heritage assets (buildings, monuments, sites, places, areas, landscapes), whether designated or not.
- Impacts on the settings of heritage assets since elements of setting can contribute to the significance of a heritage asset. An assessment of the impact on setting will be proportionate to the significance of the asset and the degree to which the proposed changes enhance or detract from its significance and the ability to appreciate the asset. In the consideration of setting a variety of views may make a contribution to significance to varying degrees. These can include long-distance views as well as the inter-visibility between heritage assets or between heritage assets and natural features. For further advice see *The Setting of Heritage Assets*.
- The potential for archaeological remains.
- Effects on landscape amenity from public and private land.
- The cumulative impacts of the proposal.

It is important that the assessment is designed to ensure that all impacts are fully understood. Section drawings and techniques such as photomontages are a useful part of this.

The assessment should also take account of the potential impact which associated activities (such as construction, servicing and maintenance, and associated traffic) might have upon perceptions, understanding and appreciation of the heritage assets in the area. The assessment should also consider, where appropriate, the likelihood of alterations to drainage patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits and can also lead to subsidence of buildings and monuments.

We have the following comments to make regarding the content of the Scoping Report:

General Points:





We welcome the iterative approach to assessment set out in the consultation.

In general, techniques of aerial / lidar survey / geophysics etc should be seen as work to produce a layered picture rather than as simple alternatives.

Looking to the information sources cited we would stress the utility of Portable Antiquities Scheme data which can be requested in raw un-redacted form with a sufficient research justification. See https://finds.org.uk/about/contactus feel free to copy us in as they may require verification.

As regards military air-crash sites refer to https://www.gov.uk/guidance/aviation-archaeology and take particular care for unexploded ordinance in this landscape.

Setting is not merely a matter of views and viewpoints. Setting refers to and includes the way in which a place is 'experienced'. To this end the assessment of setting should include dynamic and kinetic assessments of the landscape (the way in which it changes as the viewer moves through it), views from third locations, sights, the feel, sounds and smells characterising the place.

Specific Points:

Section 6.4.6 The mitigation refers to 'off-setting'. This is not especially useful regarding archaeological remains which are by their nature unique and irreplaceable / unsusceptible to substitution. The sequential approach to management of impacts should generally be; avoid -> mitigate -> compensate.

The ES and Landscape Mitigation Strategy should identify climate resilient species.

Section 6.4.8: There is no reference to 'harm' to significance, and the 'Justification' section confuses heritage values. The understanding of 'harm', 'impact' and 'significance is very confused. 'Impact' can be positive or negative and therefore when the text refers to 'these assets may be temporarily impacted by the design', what does this mean? The issue to be identified is twofold, what contribution does setting make to significance, and how does any aspect of the proposal 'harm', detract from or enhance significance.

Section 6.4.9: The discussion of Findspots is confused, and the meaning is not clear.

Section 6.4.10: Enhancement. The proposed enhancements are very basic and do not really deliver meaningful public benefit. This needs greater consideration.

Section 6.4.14 Questions:





- Do you agree with the proposed consultees in 6.4.1? Yes
- Do you agree with the proposed 2 km study areas? Yes
- Do you agree that the majority of the listed buildings can be scoped out of the
 assessment, with the exception of those listed within or adjacent to the area of
 search for underground grid connection cable Site boundary? This is largely a
 matter for the Local Authority with regard to Grade II buildings and CAs.
- Do you agree that the listed buildings within the Cable Corridor Site boundary should be scoped into the assessment? Yes
- Do you agree that there are opportunities for enhancing the public's understanding of the historic environment by introducing information boards about the Medieval heritage assets? Partially. Interpretation boards are one very basic example. More should be done to develop public benefit through outreach and engagement initiatives. NPS EN-1 is very clear about developing and delivering public benefit, and the current proposal is very limited.
- Do you agree that the data sources listed to inform the EIA baseline characterisation are appropriate? Yes
- Do you agree that the surveys proposed to inform the EIA baseline characterisation are appropriate? Yes, although note our comments in General Points
- Are any receptors/assets/resources not identified that you would like to see included in the EIA? No
- Do you agree with the proposed additional (secondary and tertiary) mitigation measures and is this mitigation appropriate? Yes, but this should avoid use of off-setting
- Do you agree with the receptors/matters that are proposed to be scoped in and out of further assessment? We consider that the receptor matters, particularly concerning Justification need some reconsideration as to how that information is presented.

Given the number of designated heritage assets within the area, we would welcome early discussions with the applicant in order to agree the key sites and setting issues which will need to be addressed within the EIA.

If you have any queries about any of the above, or would like to discuss anything





further, please contact me.

Yours sincerely,

Inspector of Ancient Monuments
@HistoricEngland.org.uk

cc: James Goodyear, Humber Archaeology Partnership.



From:

Sent: 15 January 2025 18:54 **To:** Mylen Leah Solar Farm

Cc: NEIL COOPER

Subject: Comments Melbourne Parish Council East Riding of Yorkshire Council

Categories: EST

Good evening

Melbourne Parish Council (MPC) wishes to make the following comments on the Mylen Leah Solar Farm Scoping Document.

First, two small factual errors:

- 1. Page 11, 2.4.18 Melbourne Grange is located 430m south of the Site boundary and contains nutrient rich standing water. Melbourne Grange is **north** of the Site boundary.
- 2. Page 11, 2.4.18 Pocklington Canal LWS is located 965m north of the Site boundary and is a stream that originates from calcareous substrata in the Yorkshire Wolds Natural Area. Pocklington Canal is a manmade structure and does not originate in the Yorkshire Wolds.

We have concerns about the stated maximum height of some of the equipment/components.

Page 17, 2.5.6 Project Components Table 2.1 Anticipated parameters for solar panel PV modules maximum dimensions 3 x 2 x 0.5m. Solar Module Mounting Structures record a maximum/minimum height for Fixed Tilt Structures as 4.5/0.5m and for Sun Tracking Structures as 5.5/0.5m.

The maximum height of these structures would be far too imposing and difficult to visually screen with vegetation. MPC would request that heights nearer to the minimum dimensions would be far preferable.

Page 21, 2.5.28 *Lighting ... it is anticipated the Proposed Development would not be lit.* MPC would request that any temporary or ad-hoc lighting be kept to a minimum to lessen impacts on wildlife and surrounding human habitation.

In general MPC would like to see this development take up the smallest footprint possible as its size is of concern to our community, its visual effect lessened, as comments made above, and by natural screening to its fullest extent.

Kind regards
Jane Stewart
Clerk to Melbourne Parish Council

From: box.assetprotection <box.assetprotection@nationalgas.com>

Sent: 10 January 2025 09:00 **To:** Mylen Leah Solar Farm

Subject: RE: EN0110002 – Mylen Leah Solar Farm – EIA Scoping and Consultation and

Regulation 11 Notification

Hi,

Thank you for your email.

Regarding planning application at site location EN0110002 there are no National Gas assets affected in this area.

If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry.

Kind Regards

Jordane Maples

Asset Protection Assistant Asset Protection

@nationalgas.com



National Gas Transmission, Warwick Technology Park, Gallows Hill, Warwick, CV34 6DA nationalgas.com | Twitter | LinkedIn

Please consider the environment before printing this email.







Tiffany Bate
Development Liaison Officer
Land, Planning, and External Affairs
ome
ome

www.nationalgrid.com

SUBMITTED ELECTRONICALLY:

mylenleahsf@planninginspectorate.gov.uk

06 February 2025

Dear Sir/Madam

APPLICATION BY MYLEN LEAH SOLAR LIMITED (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE MYLEN LEAH SOLAR FARM (THE PROPOSED DEVELOPMENT)

SCOPING CONSULTATION RESPONSE

I refer to your letter dated 9th January 2025 in relation to the above proposed application. This is a response on behalf of National Grid Electricity Transmission PLC (NGET).

Having reviewed the scoping report, I would like to make the following comments regarding NGET existing or future infrastructure within or in close proximity to the current red line boundary.

NGET has high voltage electricity overhead transmission lines, underground cables and a high voltage substation within the scoping area. The overhead lines and substation forms an essential part of the electricity transmission network in England and Wales.

Existing Infrastructure

Substation

- THORNTON 400 kV Sub Station
- · Associated overhead and underground apparatus including cables

Overhead Lines

4ZR 400 kV OHL

4VC 400 kV OHL LACKENBY - THORNTON 1 LACKENBY - THORNTON 2

DDAY THODNITON

4VC 400 kV OHL DRAX - THORNTON 1 DRAX - THORNTON 2

CREYKE BECK - THORNTON 1

CREYKE BECK - THORNTON 2





4ZR 400 kV OHL

OSBALDWICK - THORNTON 1 OSBALDWICK - THORNTON 2

I enclose a plan showing the location of NGET's apparatus in the scoping area.

New infrastructure

Please refer to the Holistic Network Design (HND) and the National Grid ESO website to view the strategic vision for the UK's ever growing electricity transmission network. https://www.nationalgrideso.com/future-energy/the-pathway-2030-holistic-network-design/hnd

NGET requests that all existing and future assets are given due consideration given their criticality to distribution of energy across the UK. We remain committed to working with the promoter in a proactive manner, enabling both parties to deliver successful projects wherever reasonably possible. As such we encourage that ongoing discussion and consultation between both parties is maintained on interactions with existing or future assets, land interests, connections or consents and any other NGET interests which have the potential to be impacted prior to submission of the Proposed DCO.

The Great Grid Upgrade is the largest overhaul of the electricity grid in generations, we are in the middle of a transformation, with the energy we use increasingly coming from cleaner greener sources. Our infrastructure projects across England and Wales are helping to connect more renewable energy to homes and businesses. To find out more about our current projects please refer to our network and infrastructure webpage. https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/infrastructure-projects. Where it has been identified that your project interacts with or is in close proximity to one of NGET's infrastructure projects, we would welcome further discussion at the earliest opportunity.

These projects are all essential to increase the overall network capability to connect the numerous new offshore wind farms that are being developed, and transport new clean green energy to the homes and businesses where it is needed.



Specific Comments - Electricity Infrastructure:

- NGET's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. NGET recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for "overhead line clearances Issue 5 (2019)".
- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance Note GS 6 "Avoidance of Danger from Overhead Electric Lines" and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum "sag" and "swing" and overhead line profile (maximum "sag" and "swing") drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or "pillars of support" of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation ("pillar of support") drawings can be obtained using the contact details above.
- NGET high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide NGET full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with NGET prior to any works taking place.
- Ground levels above our cables must not be altered in any way. Any alterations to the
 depth of our cables will subsequently alter the rating of the circuit and can compromise the
 reliability, efficiency and safety of our electricity network and requires consultation with
 National Grid prior to any such changes in both level and construction being implemented.



To download a copy of the HSE Guidance HS(G)47, please use the following link: http://www.hse.gov.uk/pubns/books/hsg47.htm

Further Advice

We would request that the potential impact of the proposed scheme on NGET's existing and future assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.

Where any diversion of apparatus may be required to facilitate a scheme, NGET is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by NGET. Further information relating to this can be obtained by contacting the email address below.

Where the promoter intends to acquire land, extinguish rights, or interfere with any of NGET apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO.

NGET requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following email address: box.landandacquisitions@nationalgrid.com

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

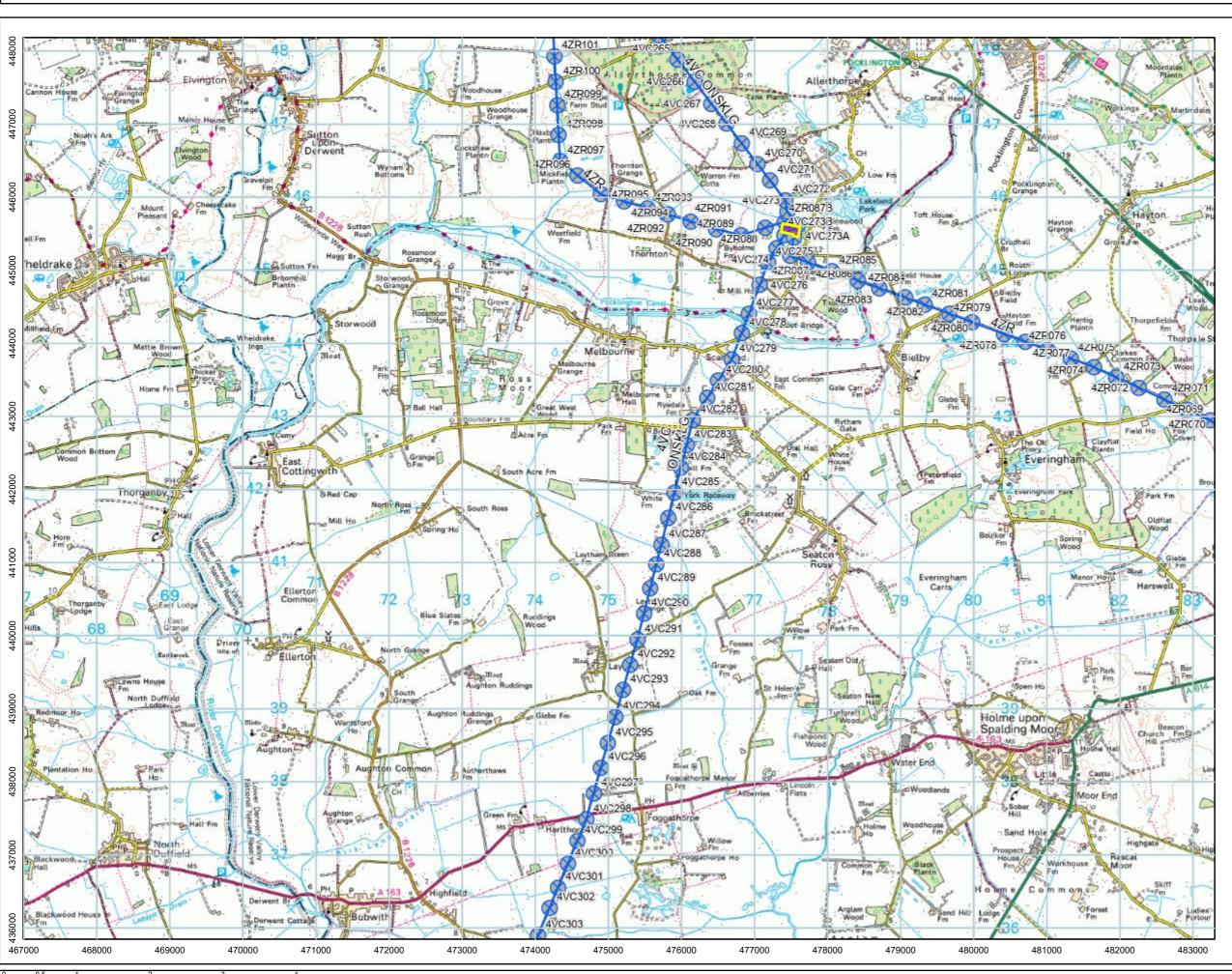
The information in this letter is provided not withstanding any discussions taking place in relation to connections with electricity customer services.

Yours faithfully



Tiffany Bate
Development Liaison Officer
Commercial and Customer Connections
Land, Planning, and External Affairs

nationalgrid National Grid Web Map





Legend

Fibre Cable

Fibre Cable

Commissioned

Towers

Towers Commissioned

OHL 400Kv

OHL 400Kv

Commissioned

Substations

Substations Commissioned

Notes

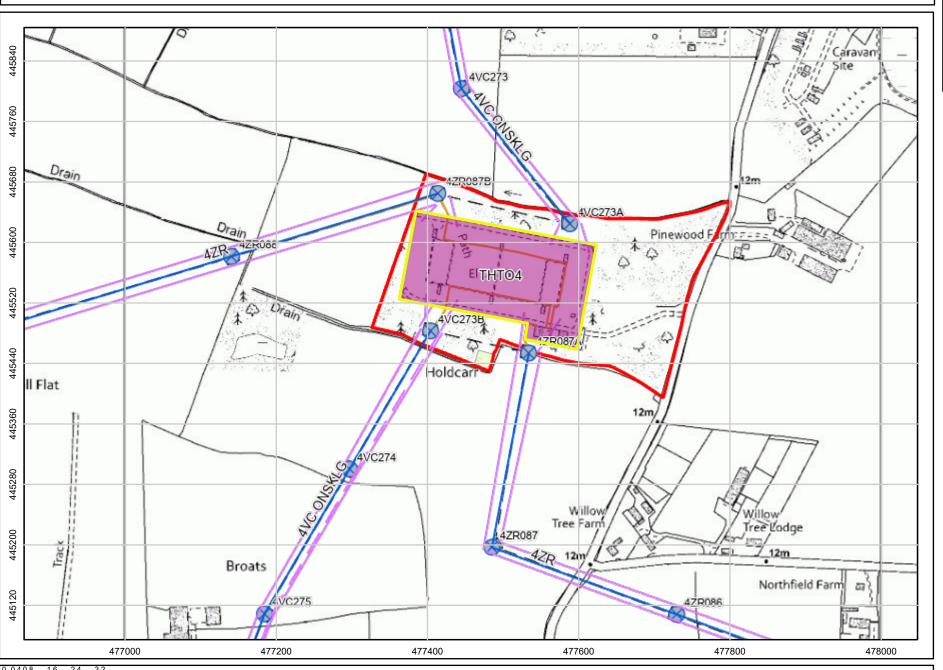
OS Disclaimer: Background Mapping information has been reproduced from the Ordnance Survey map by permission of Ordnance Survey on behalf of The controller of His Majesty's Stationery Office ©Crown Copyright Ordnance Survey National Grid Electricity Transmission (100024241) & National Date: 1/28/2025 Time: 1:46 PM

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Note: Any sketches on the map are approximate and not captured to any particular level of precision

nationalgrid | National Grid Web Map



North Sea Dublin o Sources: Esri, TomTom, Garmin FAO, NOAA, USUSO OpenStreetMap contributors, and the GIS User Communityis

Legend

Electric Land Ownership

- Tenancy **Electric Land**
- Ownership -
- ☐ Freehold

Telecoms

ARAMM

Fibre Cable

Fibre Cable Commissioned

Towers

- **Towers** Commissioned
- OHL 400Kv
 - OHL 400Kv
- Commissioned
- **OHL Circuits**
- Commissioned
- Decommission
- Group
- Substations
- Substations Commissioned

Notes

0 0.4 0.8 1.6 2.4 3.2

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Disclaimer

National Grid Gas Transmission and National Grid Electricity Transmission or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law, nor does it supersede the express terms of any related agreements.



Purpose and scope

The purpose of this document is to give guidance and information to third parties who are proposing, scheduling or designing developments close to National Grid Electricity Transmission assets.

The scope of the report covers information on basic safety and the location of our assets – and also highlights key issues around particular types of development and risk areas.

In the case of electrical assets, National Grid does not authorise or agree safe systems of work with developers and contractors. However, we will advise on issues such as electrical safety clearances and the location of towers and cables. We also work with developers to minimise the impact of any National Grid assets that are nearby.

How to identify specific National Grid sites

Substations

The name of the Substation and emergency contact number will be on the site sign.



Overhead Lines

The reference number of the tower and the emergency contact number will be on this type of sign.



Contact National Grid

Plant protection

For routine enquiries regarding planned or scheduled works, contact the Asset Protection team online, by email or phone.

www.lsbud.co.uk

 $\textbf{Email:} \ asset protection@national grid.com$

Phone: 0800 001 4282

Emergencies

In the event of occurrences such as a cable strike, coming into contact with an overhead line conductor or identifying any hazards or problems with National Grid's equipment, phone our emergency number 0800 404 090 (option 1).

If you have apparatus within 30m of a National Grid asset, please ensure that the emergency number is included in your site's emergency procedures.

Consider safety

Consider the hazards identified in this document when working near electrical equipment



Part 1

Electricity transmission infrastructure

National Grid owns and maintains the highvoltage electricity transmission network in England and Wales (Scotland has its own networks). It's responsible for balancing supply with demand on a minute-by-minute basis across the network.

Overhead lines

Overhead lines consist of two main parts – pylons (also called towers) and conductors (or wires). Pylons are typically steel lattice structures mounted on concrete foundations. A pylon's design can vary due to factors such as voltage, conductor type and the strength of structure required.

Conductors, which are the 'live' part of the overhead line, hang from pylons on insulators. Conductors come in several different designs depending on the amount of power that is transmitted on the circuit.

In addition to the two main components, some Overhead Line Routes carry a Fibre Optic cable between the towers with an final underground connection to the Substations.

In most cases, National Grid's overhead lines operate at 275kV or 400kV.

Underground cables

Underground cables are a growing feature of National Grid's network. They consist of a conducting core surrounded by layers of insulation and armour. Cables can be laid in the road, across open land or in tunnels. They operate at a range of voltages, up to 400kV.

Substations

Substations are found at points on the network where circuits come together or where a rise or fall in voltage is required. Transmission substations tend to be large facilities containing equipment such as power transformers, circuit breakers, reactors and capacitors. In addition Diesel generators and compressed air systems can be located there.

Part 2

Statutory requirements for working near high-voltage electricity

The legal framework that regulates electrical safety in the UK is The Electricity Safety, Quality and Continuity Regulations (ESQCR) 2002. This also details the minimum electrical safety clearances, which are used as a basis for the Energy Networks Association (ENA) TS 43-8. These standards have been agreed by CENELEC (European Committee for Electrotechnical Standardisation) and also form part of the British Standard BS EN 50341-1:2012 Overhead Electrical Lines exceeding AC 1kV. All electricity companies are bound by these rules, standards and technical specifications. They are required to uphold them by their operator's licence.

Electrical safety clearances

It is essential that a safe distance is kept between the exposed conductors and people and objects when working near National Grid's electrical assets. A person does not have to touch an exposed conductor to get a lifethreatening electric shock. At the voltages National Grid operates at, it is possible for electricity to jump up to several metres from an exposed conductor and kill or cause serious injury to anyone who is nearby. For this reason, there are several legal requirements and safety standards that must be met.

Any breach of legal safety clearances will be enforced in the courts. This can and has resulted in the removal of an infringement, which is normally at the cost of the developer or whoever caused it to be there.

Breaching safety clearances, even temporarily, risks a serious incident that could cause serious injury or death.

National Grid will, on request, advise planning authorities, developers or third parties on any safety clearances and associated issues. We can supply detailed drawings of all our overhead line assets marked up with relevant safe areas.



Your Responsibilities - Overhead lines

Work which takes place near overhead power lines carries a significant risk of coming into proximity with the wires. If any person, object or material gets too close to the wires, electricity could 'flashover' and be conducted to earth, causing death or serious injury. You do not need to touch the wires for this to happen. The law requires that work is carried out in close proximity to live overhead power lines only when there is no alternative, and only when the risks are acceptable and can be properly controlled. Statutory clearances exist which must be maintained, as prescribed by the Electricity Safety, Quality and Continuity Regulations 2002.

Under the Health and Safety at Work etc. Act 1974 and Management of Health and Safety at Work Regulations 1999, you are responsible for preparing a suitable and sufficient risk assessment and safe systems of work, to ensure that risks are managed properly and the safety of your workforce and others is maintained. Your risk assessment must consider and manage all of the significant risks and put in place suitable precautions/controls in order to manage the work safely. You are also responsible for ensuring that the precautions identified are properly implemented and stay in place throughout the work.

Work near overhead power lines must always be conducted in accordance with GS6, 'avoiding danger from overhead power lines', and any legislation which is relevant to the work you are completing.

What National Grid will provide

National Grid can supply profile drawings in PDF and CAD format showing tower locations and relevant clearances to assist you in the risk assessment process.

What National Grid will not provide

National Grid will not approve safe systems of work or approve design proposals



Part 3

What National Grid will do for you and your development

Provision of information

National Grid should be notified during the planning stage of any works or developments taking place near our electrical assets, ideally a minimum notification period of 8 weeks to allow National Grid to provide the following services:

Drawings

National Grid will provide relevant drawings of overhead lines or underground cables to make sure the presence and location of our services are known. Once a third party or developer has contacted us, we will supply the drawings for free.

400kV

The maximum nominal voltage of the underground cables in National Grid's network

Risk or impact identification

National Grid can help identify any hazards or risks that the presence of our assets might bring to any works or developments. This includes both the risk to safety from high-voltage electricity and longer-term issues, such as induced currents, noise and maintenance access that may affect the outcome of the development. National Grid will not authorise specific working procedures, but we can provide advice on best practice.





Risks or hazards to be aware of

This section includes a brief description of some of the hazards and issues that a third party or developer might face when working or developing close to our electrical infrastructure.

Land and access

National Grid has land rights in place with landowners and occupiers, which cover our existing overhead lines and underground cable network. These agreements, together with legislation set out under the *Electricity Act 1989*, allow us to access our assets to maintain, repair and renew them. The agreements also lay down restrictions and covenants to protect the integrity of our assets and meet safety regulations. Anyone proposing a development close to our assets should carefully examine these agreements.

Our agreements often affect land both inside and outside the immediate vicinity of an asset. Rights will include the provision of access, along with restrictions that ban the development of land through building, changing levels, planting and other operations. Anyone looking to develop close to our assets must consult with National Grid first.

For further information, contact Asset Protection:

Email: assetprotection@nationalgrid.com Phone: 0800 001 4282

Electrical clearance from overhead lines

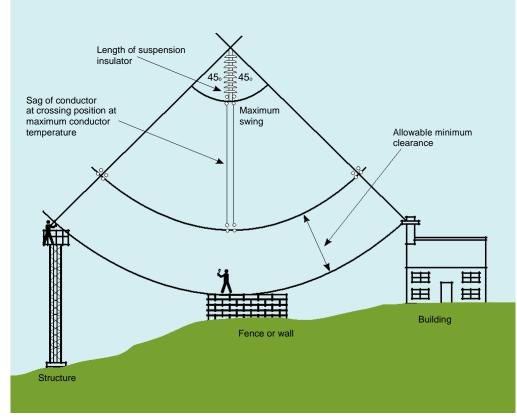
The clearance distances referred to in this section are specific to 400kV overhead lines. National Grid can advise on the distances required around different voltages i.e. 132kV and 275kV.

As we explained earlier, *Electrical Networks*Association TS 43-8 details the legal clearances to our overhead lines. The minimum clearance between the conductors of an overhead line and the ground is 7.3m at maximum sag. The sag is the vertical distance between the wire's highest and lowest point. Certain conditions, such as power flow, wind speed and air temperature can cause conductors to move and allowances should be made for this.

The required clearance from the point where a person can stand to the conductors is 5.3m. To be clear, this means there should be at least 5.3m from where someone could stand on any structure (i.e. mobile and construction equipment) to the conductors. Available clearances will be assessed by National Grid on an individual basis.

National Grid expects third parties to implement a safe system of work whenever they are near Overhead Lines.

Diagram not to scale



There should be at least 5.3m between the conductors and any structure someone could stand on

We recommend that guidance such as *HSE Guidance Note GS6 (Avoiding Danger from Overhead Power Lines)* is followed, which provides advice on how to avoid danger from all overhead lines, at all voltages. If you are carrying out work near overhead lines you must contact National Grid, who will provide the relevant profile drawings.

7.3m

The required minimum clearance between the conductors of an overhead line, at maximum sag, and the ground





The undergrounding of electricity cables at Ross-on-Wye

Underground cables Underground cables operating at up to 400kV are a significant part of the National Grid Electricity Transmission network. When your works will involve any ground disturbance it is expected that a safe system of work is put in place and that you follow guidance such as HSG 47 (Avoiding Danger from Underground Services).

You must contact National Grid to find out if there are any underground cables near your proposed works. If there are, we will provide cable profiles and location drawings and, if required, onsite supervision of the works. Cables can be laid under roads or across industrial or agricultural land. They can even be layed in canal towpaths and other areas that you would not expect.

Cables crossing any National Grid high-voltage (HV) cables directly buried in the ground are required to maintain a minimum seperation that will be determined by National Grid on a case-by-case basis. National Grid will need to do a rating study on the existing cable to work out if there are any adverse effects on either cable rating. We will only allow a cable to cross such an area once we know the results of the re-rating. As a result, the clearance distance may need to be increased or alternative methods of crossing found.

For other cables and services crossing the path of our HV cables, National Grid will need confirmation that published standards and clearances are met.

Impressed voltage

Any conducting materials installed near high-voltage equipment could be raised to an elevated voltage compared to the local earth, even when there is no direct contact with the high-voltage equipment. These impressed voltages are caused by inductive or capacitive coupling between the high-voltage equipment and nearby conducting materials and can occur at distances of several metres away from the

equipment. Impressed voltages may damage your equipment and could potentially injure people and animals, depending on their severity. Third parties should take impressed voltages into account during the early stages and initial design of any development, ensuring that all structures and equipment are adequately earthed at all times.



Earth potential rise

Under certain system fault conditions – and during lightning storms – a rise in the earth potential from the base of an overhead line tower or substation is possible. This is a rare phenomenon that occurs when large amounts of electricity enter the earth. This can pose a serious hazard to people or equipment that are close by.

We advise that developments and works are not carried out close to our tower bases, particularly during lightning storms.

Noise

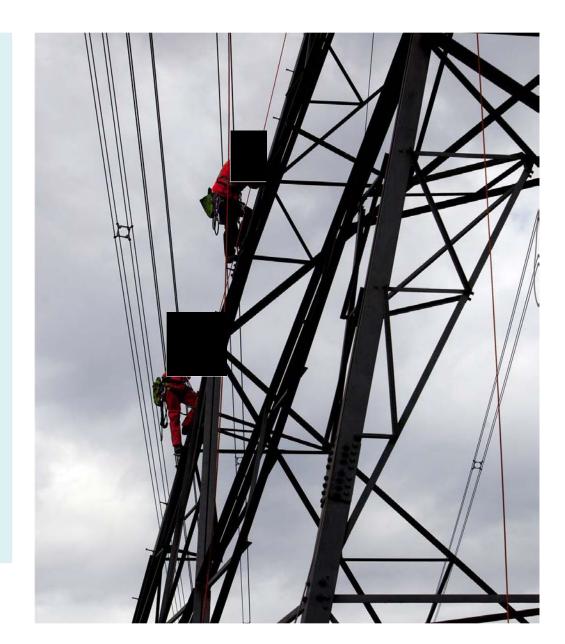
Noise is a by-product of National Grid's operations and is carefully assessed during the planning and construction of any of our equipment. Developers should consider the noise emitted from National Grid's sites or overhead lines when planning any developments, particularly housing. Low-frequency hum from substations can, in some circumstances, be heard up to 1km or more from the site, so it is essential that developers find adequate solutions for this in their design. Further information about likely noise levels can be provided by National Grid.

Maintenance access

National Grid needs to have safe access. for vehicles around its assets and work that restricts this will not be allowed. In terms of our overhead lines, we wouldn't want to see any excavations made, or permanent structures built, that might affect the foundations of our towers. The size of the foundations around a tower base depends on the type of tower that is built there. If you wish to carry out works within 30m of the tower base, contact National Grid for more information. Our business has to maintain access routes to tower bases with land owners. For that reason, a route wide enough for an HGV must be permanently available. We may need to access our sites, towers, conductors and underground cables at short notice.

30m

If you wish to carry out work within this distance of the tower base, you must contact National Grid for more information





Fires and firefighting

National Grid does not recommend that any type of flammable material is stored under overhead lines. Developers should be aware that in certain cases the local fire authority will not use water hoses to put out a fire if there are live, high-voltage conductors within 30m of the seat of the fire (as outlined in ENA TS 43-8).

In these situations, National Grid would have to be notified and reconfigure the system – to allow staff to switch out the overhead line – before any firefighting could take place. This could take several hours.

We recommend that any site which has a specific hazard relating to fire or flammable material should include National Grid's emergency contact details (found at the beginning and end of this document) in its fire plan information, so any incidents can be reported.

Developers should also make sure their insurance cover takes into account the challenge of putting out fires near our overhead lines.

Excavations, piling or tunnelling

You must inform National Grid of any works that have the potential to disturb the foundations of our substations or overhead line towers. This will have to be assessed by National Grid engineers before any work begins.

BS ISO 4866:2010 states that a minimum distance of 200m should be maintained when carrying out quarry blasting near our assets. However, this can be reduced with specific site surveys and changes to the maximum instantaneous charge (the amount of explosive detonated at a particular time).

All activities should observe guidance layed out in *BS 5228-2:2009*.

Microshocks

High-voltage overhead power lines produce an electric field. Any person or object inside this field that isn't earthed picks up an electrical charge. When two conducting objects – one that is grounded and one that isn't – touch, the charge can equalise and cause a small shock, known as a microshock. While they are not harmful, they can be disturbing for the person or animal that suffers the shock.

For these reasons, metal-framed and metalclad buildings which are close to existing overhead lines should be earthed to minimise the risk of microshocks. Anything that isn't earthed, is conductive and sits close to the lines is likely to pick up a charge. Items such as deer fences, metal palisade fencing, chain-link fences and metal gates underneath overhead lines all need to be earthed.

For further information on microshocks please visit **www.emfs.info.**





Specific development guidance

Wind farms

National Grid's policy towards wind farm development is closely connected to the Electricity Networks Association Engineering Recommendation L44 Separation between Wind Turbines and Overhead Lines, Principles of Good Practice. The advice is based on national guidelines and global research. It may be adjusted to suit specific local applications.

There are two main criteria in the document:

- (i)The turbine shall be far enough away to avoid the possibility of toppling onto the overhead line
- (ii) The turbine shall be far enough away to avoid damage to the overhead line from downward wake effects, also known as turbulence

The toppling distance is the minimum horizontal distance between the worst-case pivot point of the wind turbine and the conductors hanging in still air. It is the greater of:

- the tip height of the turbine plus 10%
- or, the tip height of the turbine plus the electrical safety distance that applies to the voltage of the overhead line.

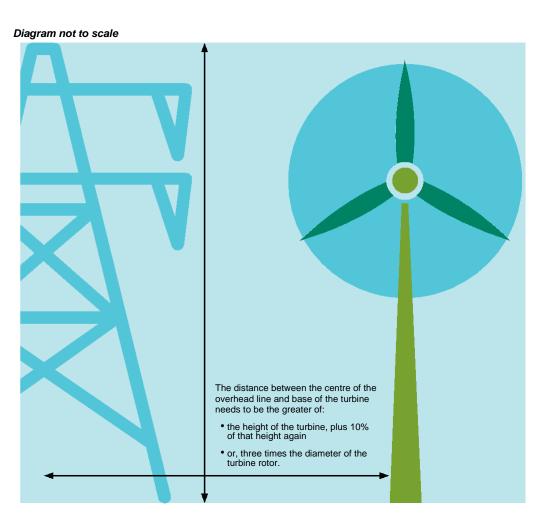
To minimise the downward wake effect on an overhead line, the wind turbine should be three times the rotor distance away from the centre of the overhead line.

Wake effects can prematurely age conductors and fittings, significantly reducing the life of the asset. For that reason, careful consideration should be taken if a wind turbine needs to be sited within the above limits. Agreement from National Grid will be required.

Commercial and housing developments

National Grid has developed a document called *Design guidelines for development near pylons and HVO power lines*, which gives advice to anyone involved in planning or designing large-scale developments that are crossed by, or close to, overhead lines.

The document focuses on existing 275kV and 400kV overhead lines on steel lattice towers, but can equally apply to 132kV and below. The document explains how to design large-scale developments close to high-voltage lines, while respecting clearances and the development's visual and environmental impact.



Turbines should be far enough away to avoid the possibility of toppling onto the overhead line



The advice is intended for developers, designers, landowners, local authorities and communities, but is not limited to those organisations.

Overall, developers should be aware of all the hazards and issues relating to the electrical equipment that we have discussed when designing new housing.

As we explored earlier, National Grid's assets have the potential to create noise. This can be low frequency and tonal, which makes it quite noticeable. It is the responsibility of developers to take this into account during the design stage and find an appropriate solution.

Solar farms

While there is limited research and recommendations available, there are several key factors to consider when designing Solar Farms in the vicinity of Overhead Power Lines.

Developers may be looking to build on arable land close to National Grid's assets. In keeping with the safety clearance limits that we outlined earlier for solar panels directly underneath overhead line conductors, the highest point on the solar panels must be no more than 5.3m from the lowest conductors.

This means that the maximum height of any structure will need to be determined to make sure safety clearance limits aren't breached. This could be as low as 2m. National Grid will supply profile drawings to aid the planning of solar farms and determine the maximum height of panels and equipment.

Solar panels that are directly underneath power lines risk being damaged on the rare occasion that a conductor or fitting falls to the ground. A more likely risk is ice falling from conductors or towers in winter and damaging solar panels.

There is also a risk of damage during adverse weather conditions, such as lightning storms, and system faults. As all our towers are earthed, a weather event such as lightning can cause a rise in the earth potential around

the base of a tower. Solar panel support structures and supply cables should be adequately earthed and bonded together to minimise the effects of this temporary rise in earth potential.

Any metallic fencing that is located under an overhead line will pick up an electrical charge. For this reason, it will need to be adequately earthed to minimise microshocks to the public.

For normal, routine maintenance and in an emergency National Grid requires unrestricted access to its assets. So if a tower is enclosed in a solar farm compound, we will need full access for our vehicles,

Diagram not to scale There are several factors to consider when positioning solar farms near National Grid assets Underground The highest point on the solar panels cables under must be a minimum or near of 5.3m from the overhead lines lowest conductors may be subject vork area to impressed voltage

HGV access corridor

Including access through any compound gates.

During maintenance – and especially re-conductoring

– National Grid would need enough space
near our towers for winches and cable
drums. If enough space is not available, we
would require solar panels to be temporarily
removed.



Asset protection agreements

In some cases, where there is a risk that development will impact on National Grid's assets, we will insist on an asset protection agreement being put in place. The cost of this will be the responsibility of the developer or third party.

Contact details

Emergency situations

If you spot a potential hazard on or near an overhead electricity line, do not approach it, even at ground level. Keep as far away as possible and follow the six steps below:

- Warn anyone close by to evacuate the area
- Call our 24-hour electricity emergency number: 0800 404 090 (Option 1)¹
- Give your name and contact phone number
- · Explain the nature of the issue or hazard
- Give as much information as possible so we can identify Monday to Friday 08:00-16:00 the location – i.e. the name of the town or village, numbers of nearby roads, postcode and (ONLY if it can be observed without putting you or others in danger) the tower number of an adjacent pylon
- Await further contact from a National Grid engineer

Routine enquiries

Email:

assetprotection@nationalgrid.com

Call Asset Protection on: 0800 0014282

Opening hours:

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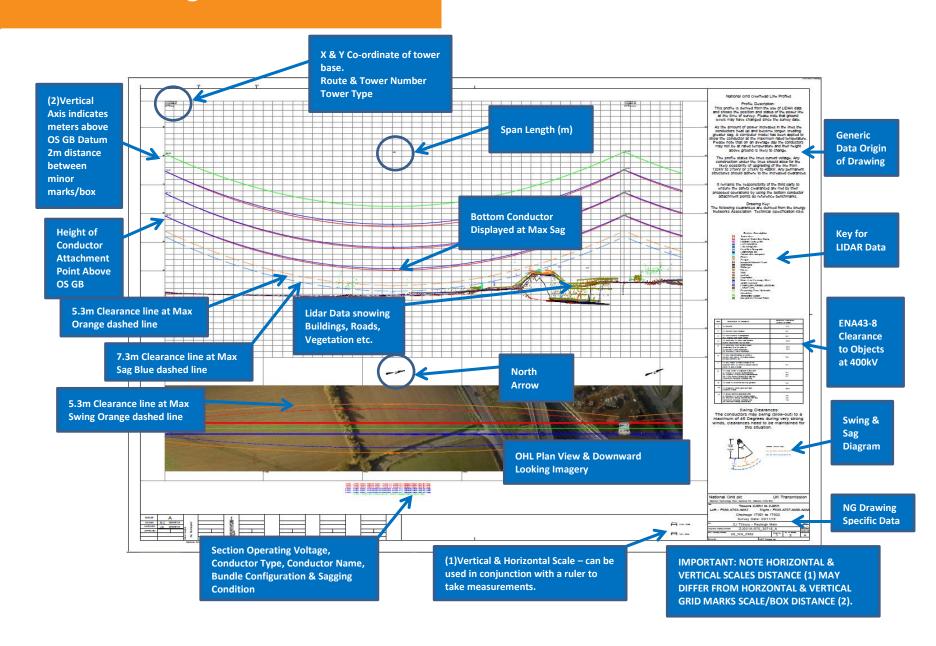
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¹ It is critically important that you don't use this phone number for any other purpose. If you need to contact National Grid for another reason please use our Contact Centre at www2.nationalgrid.com/contact-us to find the appropriate information or call 0800 0014282.

14 APPENDIX A



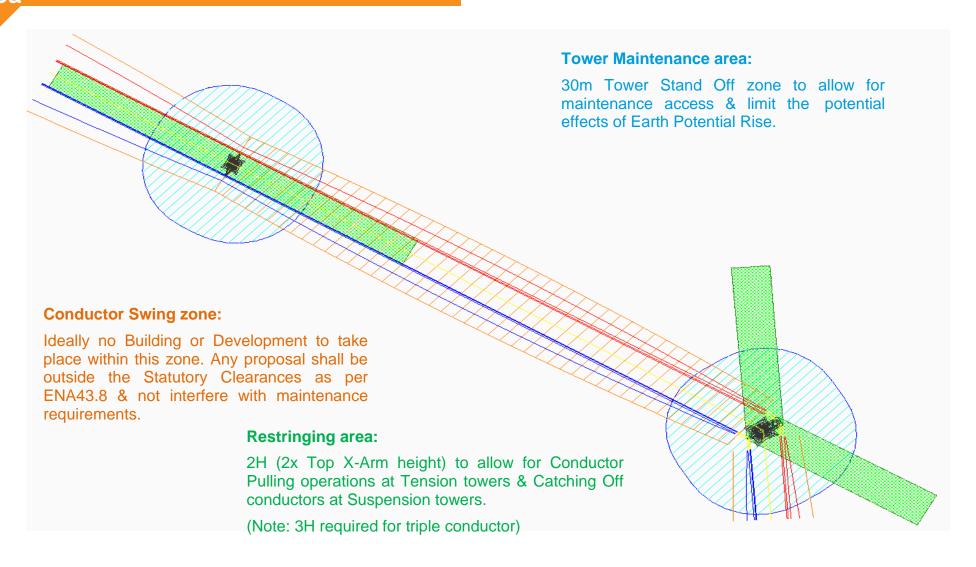
OHL Profile Drawing Guide



15 APPENDIX B



OHL Tower Stand Off & Reconductoring Area



From: @nationalhighways.co.uk>

Sent: 05 February 2025 11:30 **To:** Mylen Leah Solar Farm

Cc: transportplanning@dft.gov.uk; Spatial Planning; Simon Brown

Subject: EN0110002- Mylen Leah Solar Farm Scoping request

Dear

Thankyou for consulting with National Highways for our written opinion as to the scope, and level of detail, of the information to be provided in the ES relating to the Proposed Development of the **Mylen Leah Solar Farm**.

The Applicant has set out its proposed scope of the ES in its Scoping Report. The EIA Scoping Report and its associated Appendices were made available for National Highways review via PINS.

On the basis of this review, below are the comments on the suitability of the information with discussion provided in relation to the details relevant to understanding the impacts of the proposals at the Strategic Road Network [SRN]. Given National Highways interests lie with the potential impact of the proposals upon the SRN, it is stressed that only the relevant sections of the above documents have been considered within this review.

In consideration of the SRN, the northern and southern extents of the Site boundary lie equidistant between the M62 north of Gilberdyke and the A64 south of Fulford. In both cases, the SRN is circa 10km (crow flies' distance)) from the Site boundary extents. As such, a Glint and Glare Assessment is not required to consider any impacts on the SRN.

Notwithstanding the Site location considerations identified above, it is noted that the EIA Scoping Report identifies the A19 between Escrick and Selby as being within the proposed study area of the site. The A19 connects to the A64 SRN at Fulford Interchange circa 5km north of Escrick, therefore it is considered that the A64 south of York, but particularly at Fulford Interchange, is the most likely section of SRN that could incur a traffic impact for consideration within the forthcoming ES.

With a view to the above, given the location of the development site, it is advised that National Highways will need to understand the likely traffic impact of the proposals upon the A64 and how it will be managed and mitigated if necessary.

Traffic and Transport Assessment Guidance

National Highways consider the applicant would likely use various access routes to and from the SRN. It is therefore important that the applicant considers any current capacity and/or safety problems at junctions surrounding the site and outlines any mitigation required – if necessary – to address these issues.

National Highways will require details of Heavy Goods Vehicle [HGV] movements and staff movements to and from the site during the construction, operation and decommissioning phases of the development, along with any Abnormal Indivisible Load [AIL] movements required.

National Highways considers that a Transport Assessment [TA] should be prepared in support of the development proposals and that the TA should be based on a 'first principles' approach for the construction, operation and decommissioning phases evidenced using the applicant's / operator's

experience on similar schemes to inform the TA. This is considered by National Highways to be the most accurate methodology to enable to understand and assess any peak hours impacts at the SRN.

A Construction Traffic Management Plan [CTMP] should inform the development proposals and should be aligned to the TA to ensure there is crossover and compliance between the two documents.

Transport Assessment

Appendix E of the EIA Scoping Report identifies the proposed structure of the forthcoming ES, including the provision of a 'Transport and Access' assessment at Chapter 14. Paragraph 2.5.5 of the EIA Scoping Report also identifies that a traffic assessment for the development will be carried out and included in the ES. It is not clear at this stage whether the traffic assessments will be in the form of a full TA; nevertheless, the assessment(s) accompanying the DCO submission is expected to follow relevant guidance, notably the *Department for Transport Circular 01/2022* to enable the impact of the assessment of the development proposals at the SRN to be assessed. Traffic Generation and Distribution should be considered within the assessment of Transport and Access, including the following elements of analysis:

- Trip Generation and Distribution for all phases of site development, including construction, operation and decommissioning:
- Number of AIL movements;
- Number of HGV movements
- Number of construction staff throughout the construction period;
- Distribution of construction vehicles and staff / operational movements; and
- Timings of vehicle movements.

Construction Traffic Management Plan

Paragraph 2.5.5 of the EIA Scoping Report states that a detailed CTMP will be implemented to manage any traffic impact associated with the Proposed Development. An Outline CTMP will be developed and submitted in support of the DCO application. The Detailed CTMP(s) will be secured by Requirement in the DCO. National Highways welcomes the commitment to provide relevant CTMPs in consideration of the development proposals and outlines the general requirements for these submissions in the following paragraphs.

The CTMP should demonstrate the likely impacts of the development on the SRN as well as on existing road users. The CTMP should identify the measures that can be put in place to minimise traffic and associated environmental impacts on the SRN and its adjacent receptors.

The purpose of the CTMP is to ensure the safety of the public and the workforce. The CTMP should include the following:

- Identification of the approved haul routes to site (including AIL routes) and identification of measures to prevent the use of any unauthorised routes;
- Identification of the site access strategy;
- Details of the expected traffic generation associated with the construction periods including maximum daily HGV trips;
- Identification of the proposed works programme by construction task;
- Identification of workforce numbers for the site and details of workforce travel arrangements;
- Details of site working hours and details of any exceptions;
- Measures to minimise, wherever possible, the use of public roads during morning and evening peak periods. At the SRN, National Highways would expect movements during the network peak periods to be minimised;

- Details of measures to reduce the number of delivery trips to site such as a combination of consolidated ordering, rationalising suppliers and consolidated deliveries
- Details of measures to reduce on-site waste such as recycling and re-use of materials to minimise the number of collections from site:
- Provision of wheel washing facilities (or mechanical rumble devices where mains water is not available) on all site exits;
- Vehicles carrying soil and other dusty materials to be fully sheeted when travelling to or leaving site:
- Details for publicising the movement of AlLs;
- Details of a site liaison officer who will act as point of contact for the CTMP; and
- Details regarding how the CTMP will be monitored and enforced.

Operational Phase

The EIA Scoping Report identifies that during the operational phase of the proposed development, on-site activities would be limited to inspections and maintenance activities. The operational phase would result in occasional traffic for maintenance of the solar farm.

The EIA Scoping Report states that the traffic associated with this phase would be insufficient to trigger the 30% threshold for assessment (taken from the Environmental Assessment of Traffic and Movement Guidelines) and as such, proposes that this phase can be scoped out of further assessment. It should be noted that National Highways would consider a threshold of 30 two-way trips through any single SRN junction, during any single network peak hour, to be a reasonable starting point in determining the need for further assessment. The applicant should therefore demonstrate an operational traffic impact of less than 30 two-way trips through SRN junctions to justify scoping out the operational phase.

Decommissioning

Decommissioning will likely involve the removal of solar arrays and ancillary infrastructure. National Highways has already made reference to the fact that the decommissioning phase should be referenced within the TA.

The EIA Scoping Report states that: "It is proposed to scope out the decommissioning phase from further assessment. It is, however, proposed that a commitment for a Decommissioning Traffic Management Plan [DTMP] is made within the DCO application to protect the future road authority's interests and to ensure the safe movement of all road users at that time. This would be secured by a requirement to the DCO."

National Highways consider the production of a DTMP to be necessary and welcome the commitment for this to be secured through a Planning Requirement. The content of the DTMP will likely need to replicate much of the agreed CTMP; however, up-to date guidance at the time of decommissioning will need to be considered.

I trust this response is helpful, if you require anything further please do not hesitate to contact me.

Yours Faithfully

,Planning & Development

National Highways | 2 City Walk | Leeds | LS11 9AR

Mob:

Web: www.nationalhighways.co.uk

Date: 06 February 2025

Our ref: 499015 Your ref: EN0110002

Planning Inspectorate mylenleahsf@planninginspectorate.gov.uk

BY EMAIL ONLY



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

T 0300 060 900

Dear Sir/Madam

Environmental Impact Assessment Scoping Consultation under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulation 11

Proposal: Mylen Leah Solar Farm.

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 09 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.

A robust assessment of environmental impacts and opportunities, based on relevant and up to date environmental information, should be undertaken prior to an application for a Development Consent Order (DCO). Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

For any new consultations, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

Yours sincerely

Louis Jones

Terrestrial Sustainable Development

Yorkshire and Northern Lincolnshire Area Team

Annex A – Natural England's Advice on EIA Scoping

1. General principles

Regulation 11 of the Infrastructure Planning Regulations 2017 - (The EIA Regulations) sets out the information that should be included in an ES to assess impacts on the natural environment. This includes:

- A description of the development including physical characteristics and the full land use requirements of the site during construction and operational phases
- Appropriately scaled and referenced plans which clearly show the information and features associated with the development
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
- A description of the aspects and matters requested to be scoped out of further assessment with adequate justification provided¹.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), cultural heritage and landscape and the interrelationship between the above factors
- A description of the likely significant effects of the development on the environment –
 this should cover direct effects but also any indirect, secondary, cumulative, short,
 medium, and long term, permanent and temporary, positive, and negative effects.
 Effects should relate to the existence of the development, the use of natural
 resources (in particular land, soil, water and biodiversity) and the emissions from
 pollutants. This should also include a description of the forecasting methods to
 predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
- An outline of the structure of the proposed ES

2. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

- a. existing completed projects
- b. approved but uncompleted projects
- c. ongoing activities
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and

¹ National Infrastructure Planning <u>Advice Note Seven, Environmental Impact Assessment, Process, Preliminary Environmental Information and Environmental Statements</u> (see Insert 2 – information to be provided with a scoping request)

e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

The Planning Inspectorate uses a four staged approach to Cumulative Effects Assessment (CEA) with the applicant required to fill in templates <u>4 Stage CEA Process</u>.

3. Environmental data

National datasets held by Natural England are available at http://www.naturalengland.org.uk/publications/data/default.aspx.

Detailed information on the natural environment is available at www.magic.gov.uk. This includes Marine Conservation Zone GIS shapefiles.

Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the <u>Natural England Open Data Geoportal</u>.

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local Wildlife Trust, local geo-conservation group or other recording society.

4. Biodiversity and geodiversity

The assessment will need to include potential impacts of the proposal upon sites and features of nature conservation interest as well as opportunities for nature recovery through biodiversity net gain (BNG). There might also be strategic approaches to take into account.

Ecological Impact Assessment (EcIA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EcIA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. <u>Guidelines</u> and an <u>EcIA checklist</u> have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

5. International and European sites

The development site is within or may impact on the following **European/internationally designated nature conservation site(s)**:

- Lower Derwent Valley SPA
- Lower Derwent Valley SAC
- Humber Estuary SPA
- Humber Estuary Ramsar
- River Derwent SAC

Natural England concur that Skipwith Common SAC can be scoped out of further assessment.

The ES should thoroughly assess the potential for the proposal to affect internationally designated sites of nature conservation importance / European sites, including marine sites where relevant. This includes Special Protection Areas (SPA), Special Areas of Conservation (SAC), listed Ramsar sites, candidate SAC and proposed SPA.

Article 6 (3) of the Habitats Directive requires an appropriate assessment where a plan or project is likely to have a significant effect upon a European Site, either individually or in combination with other plans or projects.

Natural England's Impact Risk Zones incorporate internationally designated sites and features and can be used to help identify the potential for the development to impact on a European Site. The dataset and user guidance can be accessed from the <u>Natural England Open Data Geoportal</u>.

The Lower Derwent Valley <u>Supplementary Planning Document</u> offers guidance on developments occurring around the LDV (this is due to be updated imminently, though the guidance for Solar is not expected to change significantly).

| Table 1: Potential risk to International designated sites: the development is within or may impact on the following European/Internationally designated site(s) | | |
|---|---|--|
| Site name with link to conservation objective | Potential impact pathways where further information/assessment is required | |
| Lower Derwent Valley SPA Lower Derwent Valley SPA Supplementary Advice on Conservation Objectives Humber Estuary Special Protection Area (SPA) European Site Conservation Objectives for Humber Estuary SPA Humber Estuary Ramsar Designated Sites View | Potential impacts to functionally linked land (FLL) Natural England have been in contact with RSK Biocensus, on behalf of the Applicant, through our Discretionary Advice Service (DAS) regarding designated site impacts, mitigation, and survey methodology. We acknowledge that 'comments provided by Natural England have not been fully addressed' in the scoping document and that 'consideration will be given to all comments provided by Natural England in the PEIR'. Through DAS engagement Natural England acknowledge that wintering/passage bird surveys are ongoing and advise that we will provide detailed advice once the full course has been completed. Based on the survey data submitted to date, the proposed development will directly impact (through loss of), and indirectly impact (via disturbance to), significant areas of functionally linked habitat to the Lower Derwent Valley SPA and the Humber Estuary SPA/Ramsar. The ES will need to consider impacts to all species of the SPA non-breeding bird assemblages, in addition to individually qualifying species utilising areas outside of the site boundary which are functionally linked to the SPA. Natural England advises the ES/HRA should consider: | |
| | - Impacts due to temporary/permanent loss of functionally | |

Table 1: Potential risk to International designated sites: the development is within or may impact on the following European/Internationally designated site(s)

Site name with link to conservation objective

Potential impact pathways where further information/assessment is required

linked habitat for SPA bird species.

- Impacts due to changes in food availability within functionally linked habitat.
- Disturbance impacts to functionally linked land adjacent to the project area during construction, operation, and decommissioning from disruption of open vistas, acoustic impacts, vibration, and artificial lighting,

The following SPA species of the LDV SPA are known to use functionally linked land, and therefore should be assessed within the ES:

- Ruff, *Philomachus pugnax* (non-breeding)
- Teal, *Anas crecca* (non-breeding)
- Whimbrel, *Numenius phaeopus* (non-breeding)
- Wigeon, Anas Penelope (non-breeding)
- Greylag goose, Anser answer (non-breeding)
- Whooper swan, Cygnus cygnus (non-breeding)
- Golden plover, *Pluvialis apricaria* (non-breeding)
- Lapwing, Vanellus vanellus (non-breeding)
- Bewick's swan, Cygnus columbianus bewickii (nonbreeding)

We note that the Humber Estuary SPA has not been scoped in or out with regard to impacts on SPA species. Although the Humber Estuary is over 10km from the proposed development site, certain species, including Pink Footed Geese, Golden Plover, Lapwing and Greylag Geese are known to forage over 10km from the designated site boundary.

The ES/HRA should therefore consider impacts on wintering/passage birds of the Humber Estuary SPA in the assessment of impacts on functionally linked land. Pink Footed Geese are included in the Humber Estuary SPA non-breeding bird assemblage and are recorded in significant numbers in the surveys completed to date. Therefore, these results should be assessed in more detail in the HRA.

Natural England considers it likely that suitable habitat creation/management/protection for SPA bird species will be required. It will need to be clearly demonstrated that the mitigation areas will be able to support the species impacted by the development. All mitigation areas should be adequately secured, managed and monitored. Natural England advises an ecological mitigation plan should be secured and include the following:

· Clear objectives.

Table 1: Potential risk to International designated sites: the development is within or may impact on the following European/Internationally designated site(s)

Site name with link to conservation objective

Potential impact pathways where further information/assessment is required

- Target/s for each objective, including SPA bird use targets and habitat targets.
- Details of required management and monitoring (including who is responsible and when it will take place).
- Details of limits of acceptable change.
- Details of remedial actions, where appropriate.

We have provided further detailed advice regarding mitigation in our DAS communication with RSK Biocensus.

Wintering bird survey methodology

Through pre-application DAS engagement Natural England has advised the applicant on wintering bird survey methodology. We acknowledge that surveys are ongoing and will be able to provide more complete advice once the full course has been completed. Based on the Non-Breeding Bird Survey Report V3 the methodology used thus far does not meet our guidelines detailed in Annex C. The key missing elements are highlighted below.

- Two months of the Autumn Passage (August to October inclusive) have not been surveyed in 2023/24 or ongoing 2024/2025 surveys, i.e. August and September. As 2024's autumn passage period has passed, Natural England advise that the 2025 passage period should be surveyed.
- The full spring passage period (March Mid-May inclusive) has not been surveyed. We advise that the end of March to mid-May should be included in the ongoing 2024/2025 surveys.
- Provided it has not already been surveyed, the grid connection corridor should undergo passage/wintering bird surveys to inform the assessment of impacts. One year of surveys for the grid connection corridor may be sufficient in this instance.
- With regards to field survey limitations outlined in section 2.1.7, it should be clarified whether Fields 538 to 546 will be included in the 2024/25 surveys. The size of this area and habitat types present should also be confirmed to inform a more detailed assessment of their potential suitability as FLL. Although these fields may be considered to 'represent a small amount of the overall survey area,' they may still

Table 1: Potential risk to International designated sites: the development is within or may impact on the following European/Internationally designated site(s)

Site name with link to Potential impact pathways where further information/assessment is required conservation objective support high numbers of SPA birds, and it is important that they are surveyed to determine the required extent and type of mitigation required for the full proposal. The dates of all surveys should be provided. For instance, it is unclear whether the Vantage Point (VP) surveys were completed on separate days to the walkover surveys, i.e. whether one or two days were surveyed per month. Natural England recommends two surveys per month within the wintering and passage periods. The results in Table 3.2 should be updated to include all component species of the non-breeding waterbird assemblages for the Lower Derwent Valley SPA and Humber Estuary SPA (see Annex B and B1 attached), in addition to individually qualifying species. The accompanying text should also be updated to include key results for these additional relevant species. Note that this will necessitate further assessment of designated site impacts and mitigation requirements for additional species, including (but not limited to) lapwing and pink-footed goose. It would be helpful to present the peak counts of SPA birds recorded as a percentage of the current WeBS 5-year average for each of the relevant designated sites, to determine relative ecological importance of the areas surveyed. We advise that any area which is earmarked as a mitigation site should also be surveyed to ensure that it offers existing habitat suitability for the target species. The results from fields 451-453 have notably not been presented. Natural England data shows that these fields provide key spring staging whimbrel foraging site. Potential light pollution impacts Natural England welcomes that sensor-triggered lighting will be

Natural England welcomes that sensor-triggered lighting will be used around key infrastructure only. The impact of lighting should be assessed in relation to designated sites and FLL.

Potential air quality impacts

| Site name with link to conservation objective | Potential impact pathways where further information/assessment is required |
|---|--|
| | See section 14 below for further information on air quality impacts to designated sites with 200m of the proposed development site. |
| Lower Derwent Valley SAC Lower Derwent Valley SAC Supplementary Advice on Conservation Objectives River Derwent SAC River Derwent SACO | Potential impacts to SAC qualifying species The ES should consider direct and indirect impacts to Otter associated with Lower Derwent Valley SAC and the River Derwent SAC. These impacts may include: • Habitat loss • Loss of habitat connectivity • Habitat damage • Visual and noise disturbance • Water quality impacts • Air quality impacts to supporting habitats (see below) This should entail an assessment of the potential connectivity of water courses, suitability of habitats, and the distance that otter are likely to travel. Furthermore, the ES should consider direct and indirect impacts to migrating SAC fish species: river lamprey, sea lamprey, and bullhead. These impacts may include: • Injury/mortality • Habitat loss • Loss of habitat/migration route connectivity • Habitat damage • Visual and noise disturbance • Water quality impacts The ES should consider channels connected to the River Derwent within the order limits to assess whether these watercourses are part of the migration routes. |
| | Potential water quality impacts We note that 'Water Resource' usage during Construction/Operation/Decommissioning has been scoped out of further assessment. The project area covers a large number of drains/watercourses and the River Derwent SAC and Lower Derwent Valley SAC are downstream of the order limits. Therefore, the ES should consider the possibility that pollution events which may occur during construction or decommissioning could incur |

Table 1: Potential risk to International designated sites: the development is within or may

impact on the following European/Internationally designated site(s) Site name with link to Potential impact pathways where further information/assessment is required conservation objective direct or indirect impacts on SAC species/habitats via hydrological connectivity. Furthermore, the underground grid connection cable search area runs immediately adjacent to Melbourne and Thornton Ings SSSI. which underpins the Lower Derwent Valley SPA, meaning consideration of direct impacts may be necessary. In addition, the applicant intends to use Horizontal Directional Drilling (HDD) to avoid disturbance to various watercourses, including Pocklington Canal SSSI, during the laying of the underground grid connection cable. This would entail drilling upstream of the River Derwent designated sites and could result in pollution events, including but not limited to; drilling fluid break-out, pollutant run off through surface water, and impacts from abstraction. The impact of these factors on SAC species/habitats should be considered within the ES. The ES should also assess the operational impact of solar panel washing fluid on watercourses. Potential water supply impacts Furthermore, potential water supply impacts from abstraction should be assessed. The ES should detail where the water used in the HDD process is proposed to be sourced from, with a view to determining whether any proposed abstractions are in the catchments of the relevant designated sites and assessing associated impacts. Potential air quality impacts See section 14 below for further information on air quality impacts to designated sites with 200m of the proposed development site.

6. Nationally designated sites

Sites of Special Scientific Interest

Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981 (as amended). Further information on the SSSI and its special interest features can be found at www.magic.gov.uk.

Natural England's SSSI Impact Risk Zones can be used to help identify the potential for the

development to impact on a SSSI. The dataset and user guidance can be accessed from the <u>Natural England Open Data Geoportal</u>.

The development site is within or may impact on the following Site of Special Scientific Interest:

- Pocklington Canal SSSI
- Melbourne and Thornton Ings SSSI
- Derwent Ings SSSI
- Breighton Meadows SSSI
- River Derwent SSSI
- White Carr Meadow SSSI
- Humber Estuary SSSI

The ES should include a full assessment of the direct and indirect effects of the development on the features of special interest within the listed SSSIs and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects.

Natural England concur that Allerthorpe Common SSSI can be scoped out of further assessment.

| Table 2: Potential risks to nationally designated sites: the development is within or may impact on the following sites | | |
|---|--|--|
| Site name | Potential impact pathways where further information/assessment is required | |
| Pocklington Canal SSSI | Pocklington Canal SSSI is one of the most important canal sites England. We note that Pocklington Canal is within the area of search for the underground grid connection cable, and that the applicant intends to use HDD to avoid impacts to the site. | |
| | We advise that the required standoff distance for the HDD pits will depend on local geology and adjacent habitats. Therefore, ground investigation and habitat surveys should be completed to determine the appropriate standoff distance in the proposed location/s. Based on previous HDD in the area, 20-30 meters may be appropriate if the send and receive pits are situated in arable land. | |
| | Furthermore, the ES should assess potential noise and visual disturbance impacts from HDD to breeding birds using the SSSI, and any water quality/dust impacts which may occur during construction (see our advice re. the River Derwent SAC above for further detailed advice). | |
| Melbourne and Thornton Ings SSSI Derwent Ings SSSI | We advise that in addition to the impact to the Lower Derwent Valley SPA/Ramsar, potential impacts to species associated with the underpinning SSSIs (Thornton Ings, Derwent Ings, Breighton Meadows, River Derwent), should also be assessed, including individually qualifying species and the relevant breeding bird | |
| Breighton Meadows SSSI | assemblages. Species which breed in the LDV, for instance lapwing and curlew, might nest within the designated site, but will also use surrounding | |

| Table 2: Potential risks to nationally designated sites: the development is within or may impact on the following sites | | |
|---|--|--|
| Site name | Potential impact pathways where further information/assessment is required | |
| The River Derwent SSSI | farmland to forage. In summary, potential impacts to all species listed under the relevant SSSI designations should be assessed, not just SPA species. | |
| White Carr Meadow SSSI | The ES should examine the possibility of indirect and direct impacts to White Carr Meadow SSSI such as habitat loss/damage and pollution impacts during construction, depending on the final location of the grid connection corridor. | |

7. Protected species

The conservation of species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 is explained in Part IV and Annex A of Government Circular 06/2005 <u>Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System.</u>

Applicants should check to see if a mitigation licence is required using Natural England guidance on licensing Natural England wildlife licences. Applicants can also make use of Natural England's charged service Pre Submission Screening Service for a review of a draft wildlife licence application. Natural England then reviews a full draft licence application to issue a Letter of No Impediment (LONI) which explains that based on the information reviewed to date, that it sees no impediment to a licence being granted in the future should the DCO be issued. This is done to give the Planning Inspectorate confidence to make a recommendation to the relevant Secretary of State in granting a DCO. See Advice Note Eleven, Annex C – Natural England and the Planning Inspectorate | National Infrastructure Planning for details of the LONI process.

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

Natural England has adopted <u>standing advice</u> for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may also be required.

If detailed licensing advice is required, Natural England Wildlife Licensing Service (NEWLS)

Chargeable Advice and Strategic Casework (CASC) Team encourage early consultation on NSIP schemes likely to impact protected species and/or their habitats.

The CASC Team would particularly encourage developers to consult Natural England on draft Licence Applications during the pre-application period in pursuit of a Letter of No Impediment (LONI).

Where capacity allows, the NEWLS CASC team can also provide comments/advice on (but generally not design):

- Surveys.
- Impacts, methods and mitigation in support of a licence.
- · Compensation where required.

Applicants seeking protected species advice via the Discretionary Advice Service (DAS) and pre-submission screening service (PSS) should submit enquiries and requests for charged advice to PSSEnquiries@naturalengland.org.uk.

8. District Level Licensing (DLL) for great crested newts

Natural England recommends early consideration of whether the DLL scheme for great crested newts (GCN) is suitable for this project.

We advise that if the applicant is intending to use DLL, they should contact Natural England's GCN DLL team as early as possible to in their scheme design to understand the associated costs and discuss if there is sufficient capacity to meet the needs of the project: gcndll@naturalengland.org.uk.

Where strategic approaches such as DLL for GCN are used, a Letter of No Impediment (LONI) will not be required. Instead, the developer will need to provide evidence to the Examining Authority (ExA) on how and where this approach has been used in relation to the proposal, which must include a counter-signed Impact Assessment and Conservation Payment Certificate (IACPC) from Natural England, or a similar approval from an alternative DLL provider.

The DLL approach is underpinned by a strategic area assessment which includes the identification of risk zones, strategic opportunity area maps and a mechanism to ensure adequate compensation is provided regardless of the level of impact. In addition, Natural England (or an alternative DLL provider) will undertake an impact assessment, the outcome of which will be documented in the IACPC (or equivalent).

If no GCN surveys have been undertaken, Natural England's risk zone modelling may be relied upon. During the impact assessment, Natural England will inform the applicant whether their scheme is within one of the amber risk zones and therefore whether the Proposed Development is likely to have a significant effect on GCN. The IACPC will also provide additional detail including information on the Proposed Development's impact on GCN and the appropriate compensation required.

By demonstrating that the <u>DLL scheme for GCN</u> will be used, consideration of GCN in the ES can be restricted to cross-referring to the Natural England (or alternative provider) IACPC as a justification as to why significant effects on GCN populations as a result of the Proposed Development would be avoided.

9. Priority Habitats and Species

Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found here. Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to download. Further information is also available here.

An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The ES should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys)
- Additional surveys carried out as part of this proposal
- The habitats and species present
- The status of these habitats and species (e.g. whether priority species or habitat)
- The direct and indirect effects of the development upon those habitats and species
- Full details of any mitigation or compensation measures
- Opportunities for biodiversity net gain or other environmental enhancement

10. Ancient Woodland, ancient and veteran trees

The ES should assess the impacts of the proposal on any ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.

Ancient woodland and ancient and veteran trees are irreplaceable habitats of great importance for its wildlife, its history, and the contribution it makes to our diverse landscapes. Paragraph 180 of the NPPF sets out the highest level of protection for irreplaceable habitats and development should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

Natural England maintains the <u>Ancient Woodland Inventory</u> which can help identify ancient woodland. The <u>wood pasture and parkland inventory</u> sets out information on wood pasture and parkland.

The <u>ancient tree inventory</u> provides information on the location of ancient and veteran trees.

Natural England and the Forestry Commission have prepared <u>standing advice</u> on ancient woodland, ancient and veteran trees.

11. Biodiversity net gain

Natural England notes and supports the applicant's aspiration to deliver over 10% Biodiversity Net Gain on site. The Environment Act 2021 includes NSIPs in the requirement for BNG, with the biodiversity gain objective for NSIPs defined as at least a 10% increase in the pre-development biodiversity value of the on-site habitat. Natural England welcomes the applicant's commitment to deliver 10% BNG.

It is the intention that BNG should apply to all terrestrial NSIPs accepted for examination from November 2025. This includes the intertidal zone but excludes the subtidal zone (an approach to marine net gain is being developed but this will not form part of mandatory BNG). Projects that span both offshore and onshore will be subject to BNG requirements for the onshore components only.

Natural England recognises the high opportunity for the development to deliver Biodiversity Net Gain (BNG) on-site and it is recommended that the following guidance is applied in order to achieve this:

- Biodiversity Net Gain: Good Practice Principals for Development
- BS 8683: 2021 Process for designing and implementing Biodiversity Net Gain. Specification.

In order to maximise nature recovery and target habitat enhancement where it will have the greatest local benefit it is recommended that locally identified opportunities should be acknowledged and incorporated into the design of BNG (both on and off-site). This should include any locally mapped ecological networks and priority habitats identified by East Riding of Yorkshire Council. In addition, Local Nature Recovery Strategies (LNRS) are a new mandatory system of spatial strategies for nature established by the Environment Act 2021 which will contribute to the national Nature Recovery Network (NRN). Work is currently underway to develop these strategies, which will identify strategic priorities for nature protection, recovery, and enhancement. Given the size, scale and opportunities afforded by the application is therefore recommended that engagement with relevant local planning authorities, responsible authorities and statutory consultees (including Natural England) is undertaken to align habitat enhancement through the development with any emerging plans and policies in relation to LNRS.

12. Connecting people with nature

The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 100 and there will be reference in the relevant National Policy Statement. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

Measures to help people to better access the countryside for quiet enjoyment and opportunities to connect with nature should be considered. Such measures could include reinstating existing footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Access to nature within the development site should also be considered, including the role that natural links have in connecting habitats and providing potential pathways for movements of species.

13. Soils and agricultural land quality

Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered. Further guidance is set out in the Natural England <u>Guide to assessing</u> development proposals on agricultural land.

Natural England are a statutory consultee for development proposals affecting agricultural land and therefore should be listed in Section 6.5.1 among the other consultees.

We note that an ALC survey has been undertaken of the Site which identifies the presence of Best and Most Versatile (BMV) agricultural land within the area to be developed. We also note that point 6.10.7 states that 'The ALC concluded that loss of land associated with the Proposed Development would not result in the loss of best and most versatile agricultural land' and would welcome clarification on this conclusion.

Given that the construction of substations, access tracks, and hardstanding is required, the permanent loss of BMV agricultural land is possible as these pieces of infrastructure will potentially remain in situ. The ES should state where the permanent infrastructure is to be situated, and consequently the ALC survey should clearly state the amount temporary/permanent loss of BMV agricultural land which is to occur. Consideration should also be given to whether 60 years' consent for the solar infrastructure should be regarded as temporary in this context. We also note the intent to survey the search area for the underground grid connection cable area, and advise that the assessment of the final cable route should account for potential impacts to BMV land, informed by appropriate ALC surveys.

Natural England welcome the completion of an Outline Soil Management Plan (SMP) and will review it upon completion.

Furthermore, the following issues should be considered and, where appropriate, included as part of the ES:

- The degree to which soils would be disturbed or damaged as part of the development.
- The extent to which agricultural land would be disturbed or lost as part of this
 development, including whether any BMV agricultural land would be impacted.

This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see www.magic.gov.uk.

- Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).
- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed,

including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

Further information is available in the <u>Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites</u> and The British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction.

14. Air quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue. For example, approximately 85% of protected nature conservation sites are currently in exceedance of nitrogen levels where harm is expected (critical load) and approximately 87% of sites exceed the level of ammonia where harm is expected for lower plants (critical level of 1µg)^[1].

A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The Government's Clean Air Strategy also has a number of targets to reduce emissions including to reduce damaging deposition of reactive forms of nitrogen by 17% over England's protected priority sensitive habitats by 2030, to reduce emissions of ammonia against the 2005 baseline by 16% by 2030 and to reduce emissions of NOx and SO₂ against a 2005 baseline of 73% and 88% respectively by 2030. Shared Nitrogen Action Plans (SNAPs) have also been identified as a tool to reduce environmental damage from air pollution.

The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly, or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions or SNAPs, which may be being developed or implemented to mitigate the impacts of air quality. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk).

Natural England has produced guidance for public bodies to help assess the impacts of road traffic emissions to air quality capable of affecting European Sites. NEA001
under the Habitats Regulations - NEA001

Information on air pollution modelling, screening and assessment can be found on the following websites:

 Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England http://www.airqualityengland.co.uk/laqm

Air quality impacts to designated sites

Designated sites within 200m of a road which will experience a significant increase in traffic movements should be assessed for impacts due to air pollution from traffic. This assessment should also factor in the *'road upgrades, widening and new road construction'* referred to in section 6.8.1.

^[1] Report: Trends Report 2020: Trends in critical load and critical level exceedances in the UK - Defra, UK

When undertaking an assessment of the potential impacts during the construction phase of the development there will need to be clarification provided on which roads will be used to access the development site, and the number of predicted vehicle movements. Natural England has produced guidance for assessing the impacts of air pollution due to traffic.

Ammonia emissions from road traffic could make a significant difference to nitrogen deposition close to roads. As traffic composition transitions toward more petrol and electric cars (i.e., fewer diesel cars on the road) – catalytic converters may aid in reducing NOx emissions but result in increased ammonia emissions – therefore consideration of the potential for impacts is needed (see https://www.agconsultants.co.uk/news/february-2020-(1)/ammonia-emissions-from-roads-for-assessing-impacts).

There are currently two models which can be used to calculate the ammonia concentration and contribution to total N deposition from road sources. One of these models is publicly available and called CREAM (<u>Air Quality Consultants - News - Ammonia Emissions from Roads for Assessing Impacts on Nitrogen-Sensitive Habitats (aqconsultants.co.uk)</u>, and there is another produced by National Highways.

Potential impacts which may arise due dust and other pollution incidents during construction should also be considered. We note in section 6.1.2 that a 50m buffer is proposed for dust impacts to designated sites. Natural England advise that designated sites within 200m of a dust source should be screened in for impacts. Suitable mitigation for these impacts could be outlined within a Construction Environmental Management Plan (CEMP).

15. Water quality

NSIPs can occur in areas where strategic solutions are being determined for water pollution issues and they may not have been factored into the local planning system as they are delivered through National Policy Statements.

The planning system plays a key role in determining the location of developments which may give rise to water pollution, and hence planning decisions can have a significant impact on water quality, and land. The assessment should take account of the risks of water pollution and how these can be managed or reduced. A number of water dependent protected nature conservation sites have been identified as failing condition due to elevated nutrient levels and nutrient neutrality is consequently required to enable development to proceed without causing further damage to these sites. The ES needs to take account of any strategic solutions for nutrient neutrality or Diffuse Water Pollution Plans, which may be being developed or implemented to mitigate and address the impacts of elevated nutrient levels.

16. Climate change

The England Biodiversity Strategy published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Para 174), which should be demonstrated through the ES.

Annex A -Natural England general advice

Protected Landscapes

Paragraph 182 of the National Planning Policy Framework (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. Section 245 of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Biodiversity duty

The local planning authority has a <u>duty</u> to conserve and enhance biodiversity as part of its decision making. Further information is available here.

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on 'appropriate assessments'. Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via Impact Risk Zones or as standard or bespoke consultation responses.

Protected Species

Natural England has produced <u>standing advice</u> to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre,

Annex A -Natural England general advice

wildlife trust, geoconservation groups or recording societies. Emerging <u>Local Nature Recovery Strategies</u> may also provide further useful information.

Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on Gov.uk.

Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the NPPF glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

Further information on the timetable for mandatory biodiversity net gain can be found <u>here</u>. Further information on biodiversity net gain, including <u>draft Planning Practice Guidance</u>, can be found <u>here</u>.

The statutory <u>Biodiversity Metric</u> should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites, the <u>Small Sites Metric</u> may be used. This is a simplified version of the <u>Biodiversity Metric</u> and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

Natural England's <u>Environmental Benefits from Nature tool</u> may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the <u>Biodiversity Metric</u> and is available as a beta test version.

Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government <u>Planning Practice Guidance for the natural environment</u>.

Ancient woodland, ancient and veteran trees

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further

Annex A -Natural England general advice

information is contained in <u>GOV.UK guidance</u> Agricultural Land Classification information is available on the Magic website and the <u>Data.Gov.uk</u> website

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, separate guidance on soil protection for site restoration and aftercare is available on Gov.uk website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Green Infrastructure

Natural England's <u>Green Infrastructure Framework</u> provides evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the <u>15 Green Infrastructure Principles</u>. The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

GI mapping resources are available <u>here</u> and <u>here</u>. These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 104 and 180 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Further information is set out in Planning Practice Guidance on the natural environment

Annex B: Humber Estuary Special Protection Area: non-breeding waterbird assemblage

The Humber Estuary Special Protection Area (SPA) qualifies under article 4.2 of the European Commission Bird Directive (79/409/EEC) in that it supports an internationally important assemblage of waterbirds. Confusion can arise concerning which species to consider when assessing the Humber Estuary SPA non-breeding, waterbird assemblage feature.

Natural England recommends focusing on what are referred to as the 'main component species' of the assemblage. Main component species are defined as:

- a) All species listed individually under the assemblage feature on the SPA citation (i.e the species that qualified in 2004 when the site was designated).
- b) Species which might not be 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 where more than 2000 individuals are present according to the most recent Humber Estuary WeBS count.

The assemblage qualification is therefore subject to change as species' populations change. It should be noted that species listed on the citation under the assemblage features, whose populations have fallen to less than 1% of the national population, retain their status as a main component species and should be considered when assessing the impacts of a project or plan on the Humber Estuary SPA.

Natural England advises that the main component species of the Humber Estuary SPA non-breeding waterbird assemblage include (October 2022):

- 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)
 - Black-tailed godwit, Limosa limosa islandica (non-breeding)¹
 - Brent goose, Branta bernicla (non-breeding)¹
 - Curlew, N. arguata (non-breeding)¹
 - Dunlin, Calidris alpina alpina (non-breeding)¹
 - Golden plover, Pluvialis apricaria (non-breeding)1
 - Goldeneye, Bucephala clangula (non-breeding)
 - Greenshank, T. nebularia (non-breeding)
 - Grey plover, *P. squatarola* (non-breeding)
 - Knot, Calidris canutus (non-breeding)
 - Lapwing, Vanellus vanellus (non-breeding)¹
 - Mallard, Anas platyrhynchos (non-breeding¹
 - Oystercatcher, Haematopus ostralegus (non-breeding)
 - Pochard, Aythya farina (non-breeding)
 - Redshank, Tringa totanus (non-breeding¹
 - Ringed plover, Charadrius hiaticula (non-breeding)
 - Ruff, Philomachus pugnax (non-breeding)¹
 - Sanderling, Calidris alba (non-breeding)

¹ Species known to use non-wetland habitats (e.g. arable farmland and/or grassland/pasture)

- Scaup, Aythya marila (non-breeding)
- Shelduck, Tadorna tadorna (non-breeding)¹
- Teal, Anas crecca (non-breeding)21
- Turnstone, Arenaria interpres (non-breeding)
- Whimbrel, Numenius phaeopus (non-breeding)¹
- Wigeon, Anas Penelope (non-breeding)¹

And

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)¹
- Little egret, Egretta garzetta (non-breeding)¹
- Pink-footed goose, Anser brachyrhynchus (non-breeding)¹
- Shoveler, Anas clypeata (non-breeding)
- White-fronted goose, Anser albifrons (non-breeding)¹

As stated above, the assemblage qualification is subject to change as species' populations change; therefore, the appropriate WeBS data should be considered in any assessment and the above list should be used as a guide only.

Please note, the advice set out above should be considered when assessing potential impacts on the waterbird assemblage feature. You will also need to consider potential impacts on 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)¹
- Marsh Harrier, Circus aeruginosus (breeding)¹
- Little tern, Sterna albifrons (breeding)
- Avocet, Recurvirostra avosetta (breeding)
- Bittern, Botaurus stellaris (breeding)

The species marked ¹ **in bold text** are known to use non-wetland habitats (e.g. arable farmland and/or grassland/pasture) and may therefore be the most relevant for assessing potential impacts of a proposed plan/project on birds using functionally linked land associated with the Humber Estuary SPA. However, please note that this list should be used as a guide only; usage may depend on factors such as the habitats available on the site and distance to the Humber Estuary etc. Therefore, assessments of potential impacts on birds using functionally linked land should consider all relevant species and clear justification should be provided if any species are excluded from the assessment.

¹ Species known to use non-wetland habitats (e.g. arable farmland and/or grassland/pasture)

Annex C: Passage and wintering bird surveys for functionally linked land associated with the Humber Estuary and/or Lower Derwent Valley designated sites (Version 1.1, December 2021)

Background

The below guidance is intended to inform assessments of proposed development sites in proximity to the Humber Estuary and/or the Lower Derwent Valley designated sites only, where potential impacts from loss of/disturbance to functionally linked land (FLL) have been identified, for example due to presence of suitable habitat (such as arable land/grassland or open waterbodies) and/or relevant bird records and/or local knowledge.

Natural England recommends that surveys are undertaken of the site and surrounding fields to provide an overview of bird usage during wintering and spring/autumn passage periods.

We recommend that the surveys are carried out in line with the following best practice guidance. Where alternative approaches are used, clear justification should be provided.

Please note that recommended survey periods, frequency and design may differ for sites located within the boundaries of Humber Estuary or Lower Derwent Valley designated sites, or in proximity to other designated sites. Please contact Natural England in such cases.

Survey periods and frequency

Natural England recommends that surveys are completed at the following frequency:

- Autumn Passage two surveys per month between August to October inclusive.
- Winter two surveys per month between October to March inclusive.
- Spring Passage two surveys per month between March Mid-May inclusive.

We advise that spring and autumn passage surveys are completed (in addition to winter surveys) as the Humber Estuary and Lower Derwent Valley SPAs are important for species migrating between breeding and wintering sites. Further advice on seasonality for Humber Estuary SPA and Lower Derwent Valley SPA designated features can be found at Designated Sites View (naturalengland.org.uk)) and UK9006092 Lower Derwent Valley SPA Published 14 Sep 2023 (naturalengland.org.uk), respectively.

Weekly visits during the autumn and spring passage periods are recommended where birds are likely to be present in the migration period only, due to high turnover of birds during migration. Note that certain passage species, such as whimbrel associated with the Lower Derwent Valley SPA, may have specific survey requirements due to their migration behaviour. Please discuss such cases with Natural England.

Natural England recommends that two years of wintering and passage surveys should be completed in certain cases to provide a more robust understanding of SPA bird usage on the site and inform design of suitable mitigation, where relevant. This will depend on site-specific factors, for example where proposed development sites:

- are in very close proximity to the designated site/s; and/or
- have a large development footprint; and/or
- are expected/shown to have high bird sensitivity, especially where activity varies significantly between years; and/or
- existing bird records / expert advice demonstrates usage of the site by high numbers of SPA birds.

Annex B1: Lower Derwent Valley Special Protection Area: non-breeding waterbird assemblage (Version 1.1, June 2023)

The Lower Derwent Valley Special Protection Area (SPA) qualifies under article 4.2 of the European Commission Bird Directive (79/409/EEC) in that it supports an internationally important assemblage of waterbirds. Confusion can arise concerning which species to consider when assessing the Lower Derwent Valley SPA non-breeding, waterbird assemblage feature.

Natural England recommends focusing on what are referred to as the 'main component species' of the assemblage. Main component species are defined as:

- a) All species listed individually under the assemblage feature on the SPA citation (i.e. the species that qualified when the site was designated).
- b) Species which might not be listed on the SPA citation but occur at site levels of more than 1% of the national population according to the most recent Lower Derwent Ings Wetland Bird Survey (WeBS) count.
- c) Species where more than 2000 individuals are present according to the most recent Lower Derwent Ings WeBS count.

The assemblage qualification is therefore subject to change as species' populations change. It should be noted that species listed on the citation under the assemblage feature, whose populations have fallen to less than 1% of the national population, retain their status as a main component species and should be considered when assessing the impacts of a project or plan on the Lower Derwent Valley SPA.

Natural England advises that the main component species of the Lower Derwent Valley SPA include (June 2023):

- a) Species listed individually under the assemblage feature on the SPA citation:
 - Pochard, Aythya ferina (non-breeding)
 - Ruff, Philomachus pugnax (non-breeding)¹
 - Shoveler, *Anas clypeata* (non-breeding)
 - Teal, Anas crecca (non-breeding)¹
 - Whimbrel, Numenius phaeopus (non-breeding)1
 - Wigeon, Anas Penelope (non-breeding)¹

And

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 Lower Derwent Ings Wetland Bird Survey (WeBS) 5-year average count:

- Gadwall, *Anas strepera* (non-breeding)
- Greylag goose, Anser answer (non-breeding)¹
- Pintail, *Anas acuta* (non-breeding)
- Whooper swan, Cygnus cygnus (non-breeding)¹

And

c) Species where more than 2000 individuals are present according to the most recent Lower Derwent Ings WeBS 5-year average count:

¹ Species known to use off-site supporting habitat / functionally linked land (FLL)

- Golden plover, Pluvialis apricaria (non-breeding)1
- Lapwing, Vanellus vanellus (non-breeding)¹

As stated above, the assemblage qualification is subject to change as species' populations change; therefore, the appropriate WeBS data should be considered in any assessment and the above list should be used as a guide only.

Please note, the advice set out above should be considered when assessing potential impacts on the waterbird assemblage feature. You will also need to consider potential impacts on other individual species listed on the citation qualifying under article 4.1 and 4.2 of the Directive. These include:

- Bewick's swan, Cygnus columbianus bewickii (non-breeding)¹
- Shoveler, Anas clypeata (breeding)

Further detailed guidance on assessing potential impacts on the Lower Derwent Valley SPA can be found in the <u>Supplementary advice on conserving and restoring site features</u>.

Individual species listed on the citations for the relevant underpinning Sites of Special Scientific Interest (SSSIs) should also be considered in assessments of potential SSSI impacts, where appropriate.

The species marked ¹ **in bold text** are known to use off-site supporting habitat / functionally linked land (FLL) (e.g. arable farmland, grassland/pasture, and/or wetlands/waterbodies outside the designated site) and may therefore be the most relevant for assessing potential impacts of a proposed plan/project on birds using FLL associated with the Lower Derwent Valley SPA. However, please note that this list should be used as a guide only; usage may depend on factors such as the habitats available on the site and distance to the Lower Derwent Valley SPA etc. Therefore, assessments of potential impacts on birds using functionally linked land should consider all relevant species and clear justification should be provided if any species are excluded from the assessment.

-

¹ Species known to use off-site supporting habitat / functionally linked land (FLL)

Please contact Natural England if you are unclear on whether two years of wintering and passage surveys are recommended for this proposal.

Survey design

Wintering/passage surveys should be designed to ensure that results are sufficient to provide a robust picture of distribution, abundance and regularity of use by waterbirds associated with the Humber Estuary and/or Lower Derwent Valley SPAs across the full extent of the proposed development site. Please refer to Annex B and/or Annex B1 for the non-breeding waterbird assemblage list for the Humber Estuary and Lower Derwent Valley SPA, respectively.

A detailed methodology should be included in the relevant report/s, including key information such as number of visits, date and time of visits, viewpoint locations and/or transect routes walked. The survey results should provide some understanding of how the birds use the site (for example, for roosting or foraging) as well as presence/ absence. We would expect to see commentary of birds landing and taking off within and outwith the development site. We also recommend recording birds in flight, particularly if the application may have the potential to affect bird flight lines.

Consideration should also be given to surveys in poor weather/ visibility conditions. Usual survey methodology is to avoid surveying in poor conditions due to potential reduced detectability of birds. However, use can vary in different weather conditions, so it may be helpful to carry on with surveys in poor weather. Weather conditions may affect the results of the surveys and therefore should be considered in assessing the robustness of the dataset.

In addition, details of wider weather conditions should be included, for example, where there may have been a particularly wet or cold season and this may change bird distribution across the area, due to frozen ground etc. Furthermore, a milder autumn may lead to wintering birds arriving later and vice versa in colder autumns.

The methodology should also consider whether the site has any seasonal features such as dips and low-lying areas that retain water at particular times, for example early in the season or in wet years. These areas may have importance for waders at these times, but if surveyed during a drier spell or where full passage/winter surveys have not been completed, it may be possible to underestimate the importance of the site.

For sites in close proximity to the Humber Estuary, the surveys should cover different tidal states. Use of sites closer to the estuary are more likely to be tidally influenced. For sites which may potentially affect high tide roosts, observations should be conducted from two hours before high tide to two hours after high tide. For sites where there are high tide roosts, it may be beneficial to have a series of counts at different heights of tides ('through the tide counts'), as some sites are only used on Spring tides and others are only used on Neap and low tides.

For sites in proximity to the Lower Derwent Valley, the surveys should cover different times of day and different flooding states in the valley. For example, during certain winter periods, the designated site may be extensively flooded and therefore usage of surrounding functionally linked land may be higher for wading birds.

The surveys should cover open arable land/grassland and any waterbodies within the proposed site boundary, as well as land adjacent to the development that could be affected and provides the potential to support designated site species. Where a site is adjacent to the Humber Estuary designated site, additional considerations may be required, for example

ensuring adequate surveys of intertidal habitats. Please contact Natural England in such cases.

Surveys may also need to take account of surveys at dusk and dawn, depending upon the bird species (i.e. geese and swans). If geese and swans have the potential to use the development site or surrounding area, we would expect to see surveys 1 hour before and 1 hour after, dusk and dawn during the respective bird survey season (i.e. winter, spring and autumn passage (as above)). These surveys should be in addition to the standard daytime survey but can be carried out on the same day. For example, a dawn survey to count geese or swans at their night-time roost could then extend into a survey of daytime use of fields for foraging.

Natural England generally recommends that observations from vantage points (VP) are used. VP surveys are considered preferable to walkover surveys for observing behaviour of birds on the ground (i.e., whether they are foraging/loafing etc.), and to minimise the risk of flushing birds due to movement of a surveyor during a walkover survey. Also, birds which may otherwise have landed in the field during the survey period may be unlikely to do so with the presence of a moving surveyor. If landscape features mean it is not possible to avoid walking through part of the survey area to get from one point count to another, this should be noted and the reaction of any birds present recorded, including any that are flushed.

Further guidance on vantage point surveys can be found at Recommended bird survey methods to inform impact assessment of onshore windfarms | NatureScot. Natural England recognises that the NatureScot VP guidance is written for impacts associated with wind turbines. However, Natural England considers that the survey guidance detailed in Section 3.7 provides an appropriate methodology to identify distribution and abundance of birds to inform the assessment of other developments. We acknowledge that some of the information regarding the required watch hours and height considerations etc will not be relevant in the context of other developments. Therefore, site-specific considerations should be taken into account when designing the survey methods.

Where VP surveys are not considered appropriate for a particular site, clear reasoning and justification regarding the alternative survey methods undertaken should be provided.

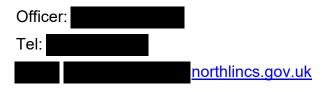
Natural England has generally advised that if ≥1% of a Humber Estuary bird species population could be affected by a proposal, alone or in combination with other plans or projects, then further consideration is required. However, where species are particularly vulnerable due to declines in the Humber population, then it may not be appropriate to rely on the 1% of the estuary population as the critical threshold. Mitigation measures may be required where lower numbers of vulnerable species are using a site that is proposed for development.

Nocturnal surveys

Wader and waterfowl usage of arable land/grassland outside designated sites can be substantially different at night. Therefore, Natural England recommends nocturnal surveys are also carried out if waders and/or waterfowl have the potential to use the development site. These surveys should be in addition to the standard daytime surveys. We recommend that several visits should be completed to determine if the site and/or surrounding areas play a regular role in supporting SPA species at night. Night vision/infra-red equipment and survey on moonlit nights can establish presence of nocturnal species or presence and direction of feeding/migration movements both by calls and by sight¹.

Guidance on nocturnal surveys can be found at <u>Nocturnal bird surveys | Bird Survey</u> <u>Guidelines</u>. The nocturnal survey design should take this guidance into account, and the approach should be justifiable in the assessment. It should be noted that for most species nocturnal activity is likely to be underestimated in any attempted survey¹.

¹ Scottish Natural Heritage: Recommended bird survey methods to inform impact assessment of onshore wind farms (March 2017- Version 2).



North Lincolnshire Council

04/02/2025

Mylen Leah Solar Limited 19th Floor, 22 Bishopgate, London, EC2N 4BQ www.northlincs.gov.uk
Church Square House
30-40 High Street
Scunthorpe
North Lincolnshire
DN15 6NL

North Lincolnshire Council Reference: PA/SCO/2025/2

Planning Inspectorate Reference: EN0110002

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by Mylen Leah Solar Limited (the Applicant) for an Order granting Development Consent for the Mylen Leah Solar Farm (the Proposed Development)

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Location: Land to the south of Melbourne, the west of Seaton Ross and to the north of the A163 road within East Riding of Yorkshire.

Officer: Matthew Gillyon

Thank you for your email dated 9th January 2025 giving North Lincolnshire Council (NLC) the opportunity to feedback on the Application by Mylen Leah Solar Limited for an order granting Development Consent for the Mylen Leah Solar Farm.

I can confirm that after consultation with our internal technical consultees that North Lincolnshire Council has no comments or objections to raise in respect of this project with the proposed development not likely to result in any significant impact upon North Lincolnshire.

Kind Regards



Senior Planning Officer North Lincolnshire Council



Planning Inspectorate Mylen Leah Solar Limited

By email to:

mylenleahsf@planninginspectorate.gov.uk

Planning Services (Selby Area)

North Yorkshire Council

Civic Centre

Doncaster Road

Selby

North Yorkshire

YO8 9FT

Email: ppu.sel@northyorks.gov.uk

Tel: 0300 1312131

Web: www.northyorks.gov.uk

Our Ref ZG2025/0044/CPO

Your Ref EN0110002 Date 20 January 2025

Dear Sir/Madam

<u>Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment)</u> Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by Mylen Leah Solar Limited (the Applicant) for an Order granting Development Consent for the Mylen Leah Solar Farm (the Proposed Development)

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Thank you for your consultation on the above.

I can confirm that North Yorkshire Council does not have any comments to make.

Yours faithfully,



Trevor Watson
Assistant Director - Planning



NYFRS Reference: Premises: 00417359

Job: 1313999

Harrogate Fire Station Skipton Road Harrogate North Yorkshire HG1 4LE

When telephoning please ask for: Sam Crossley Tel: 01423 857840

Fax: 01423 522403

Email: @northyorksfire.gov.uk

15 January 2025

FIRE SAFETY - COMMUNICATION WITH THE PLANNING INSPECTORATE

Mylen Leah Solar Farm Land to the south of Melbourne, the west of Seaton, YO42 4NH

Receipt is acknowledged of your planning communication:

Dated: 09 January 2025 Plans No: EN0110002

Your communication has been dealt with as follows:

At this stage in the planning process the York and North Yorkshire Combined Authority in its capacity as Fire and Rescue Authority ("YNYCA") offer the following observations to the proposed development: The National Fire Chiefs Council (NFCC) publication Grid Scale Battery Energy Storage System Planning BESSDesignGuidance(nfcc.org.uk) should be used as current best practice guidance in the design and installation of Battery Energy Storage System (BESS) sites.

The majority of information we collect regarding business fire safety is non-personalised information, however any personal data we collect will be managed in accordance with our Privacy Notice which can be viewed on our website, www.northyorksfire.gov.uk/about-us/data/privacy-policies/.

Under the Regulatory Reform Order 2005 we are obliged to publish a public register of enforcement action which can be viewed via our website, www.northyorksfire.gov.uk/about-us/financial/lists-and-registers/.

Should you require further information please contact the officer whose name appears at the head of the letter.

Yours faithfully



S Crossley MiFireE

From: @northerngas.co.uk>

Sent: 09 January 2025 13:28 **To:** Mylen Leah Solar Farm

Subject: RE: EXT:EN0110002 – Mylen Leah Solar Farm – EIA Scoping and Consultation and

Regulation 11 Notification

Categories: EST

You don't often get email from @northerngas.co.uk. <u>Learn why this is important</u>

Good afternoon,

NGN has a number of gas assets in the vicinity of some of the identified "site development" locations. It is a possibility that some of these sites could be recorded as Major Accident Hazard Pipelines(MAHP), whilst other sites could contain High Pressure gas and as such there are Industry recognised restrictions associated to these installations which would effectively preclude close and certain types of development. The regulations now include "Population Density Restrictions" or limits within certain distances of some of our "HP" assets.

The gas assets mentioned above form part of the Northern Gas Networks "bulk supply" High Pressure Gas Transmission" system and are registered with the HSE as Major Accident Hazard Pipelines.

Any damage or disruption to these assets is likely to give rise to grave safety, environmental and security of supply issues.

NGN would expect you or anyone involved with the site (or any future developer) to take these restrictions into account and apply them as necessary in consultation with ourselves. We would be happy to discuss specific sites further or provide more details at your locations as necessary.

If you give specific site locations, we would be happy to provide gas maps of the area which include the locations of our assets.

(In terms of High Pressure gas pipelines, the routes of our MAHP's have already been lodged with members of the local Council's Planning Department)

Kind regards,

Administration Assistant Before You Dig Northern Gas Networks 1st Floor, 1 Emperor Way Doxford Park Sunderland SR3 3XR

Before You Dig: 0800 040 7766 (option 3)

www.northerngasnetworks.co.uk
facebook.com/northerngasnetworks
twitter.com/ngngas

From: Development <Development@yorkshirehumberdrainage.gov.uk>

Sent: 16 January 2025 11:58 **To:** Mylen Leah Solar Farm

Subject: RE: EN0110002 – Mylen Leah Solar Farm – EIA Scoping and Consultation and

Regulation 11 Notification

You don't often get email from development@yorkshirehumberdrainage.gov.uk. Learn why this is important

Good morning,

Thank you for consulting Yorkshire and Humber Drainage Boards on the proposed Mylen Leah Solar Farm.

I am responding on behalf on Ouse and Humber Drainage Board, an Internal Drainage Board in our consortium, within which the whole proposed development is situated. As the Environmental Statement is likely to be directly influenced by the Board's requirements, we would like to draw attention to various issues.

The points we would like to raise at this stage are as follows:

- The development site surrounds or is adjacent to several arterial land drainage watercourses that are maintained by the Board. In accordance with Land Drainage Byelaws, no construction, including fencing and planting, is permitted within 9 metres of a watercourse in the Board's district. We are aware that the Byelaws are likely to be set aside as part of the DCO, but the Board will require the DCO to retain this provision. We would encourage ongoing consultation with the Board as designs progress to identify any access issues at an early stage.
- The Board's maintained network can be seen on our website (yorkshirehumberdrainage.gov.uk) and can be provided as a shape file if needed.
- In addition to access along watercourses, the Board will require that access routes remain available allowing Board machinery to run along the length of Board-maintained watercourses without interruption. It would be helpful if a site plan could be provided, at an appropriate stage, showing watercourses, maintenance strips and access points.
- Where watercourses interact with, or are adjacent to, ecological mitigation / BNG areas, any planting adjacent to the watercourse will need to be compatible with Board maintenance activities, eg. to allow for the operation of large machinery and spreading of arisings from the watercourse. The Board would encourage discussions at an early stage with the developer regarding the suitability of planting adjacent to watercourses. Again, the Board will require these rights to be protected under any DCO.
- Where cables are to cross Board-maintained watercourses, this will need to be achieved by directional drilling. Ordinary watercourses, not on the Board's maintenance map, can be crossed by open-cut methods if appropriate. Ordinarily each crossing would be subject to Land Drainage Consent, but again we expect this to form part of the protective provisions in the DCO.
- The Board acknowledges that surface water runoff is not generally increased through the installation of solar panels. However, where infrastructure and non-permeable surfaces are required, surface water should be attenuated to discharge at greenfield runoff rates, with attenuation to cater for the 1 in 100-year rainfall event +40% climate change.

If you require anything further from the Board at this stage please let me know.

Kind regards,

Senior Development Control Officer

| From: | Town Clerk <townclerk@pocklington.gov.uk></townclerk@pocklington.gov.uk> |
|---|--|
| Sent: | 31 January 2025 11:23 |
| To: | Mylen Leah Solar Farm |
| Subject: | RE: EN0110002 – Mylen Leah Solar Farm – EIA Scoping and Consultation and |
| | Regulation 11 Notification |
| Attachments: | 250131 Mylen Leah Solar Farm.pdf |
| Please find attached the | response from Pocklington Town Council. |
| | fund for this application, please can consideration be given to the area of benefit. Many of nediate villages to the application rely on services provided in community buildings in |
| Regards, | |
| | |
| | |
| Town Clerk | |
| Pocklington Town Counc | zil |
| | |
| Email: townclerk@pock | <u>lington.gov.uk</u> |
| ***** | ******* |
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Pocklington Town Council

Telephone; 01759 304851

Email: townclerk@pocklington.gov.uk
Website: www.pocklington.gov.uk



The Old Courthouse 37 George Street Pocklington, York YO42 2DH

Planning Inspectorate Environmental Services Operations Group 3 Temple Quay House 2 The Square Bristol BS1 6PN

Friday 31st January 2025

Consultation Response to the Environmental Impact Assessment for the Mylen Leah Solar Farm Application.

Pocklington Town Council's Planning Committee met on Wednesday 29th January 2025 to discuss a response to the application. The response is below.

The environmental impact assessment is a good document and providing the mitigation for the development is implemented it will be an appropriate development for the area.

Gordon Scaife Town Clerk





Environmental Hazards and Emergencies Department Seaton House, City Link London Road Nottingham, NG2 4LA nsipconsultations@ukhsa.gov.uk www.gov.uk/ukhsa

Your Ref: EN0110002 Our Ref: CIRIS 91720

Molly Harvey
Senior EIA Advisor
Operation Group 3
Temple Quay House
2 The Square
Bristol BS1 6PN

6th February 2025

Dear Ms Harvey

Nationally Significant Infrastructure Project Mylen Leah Solar Farm, PINS Reference EN0110002 Scoping Consultation Stage

Thank you for including the UK Health Security Agency (UKHSA) in the scoping consultation phase of the above application. *Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided below is sent on behalf of both UKHSA and OHID.* The response is impartial and independent.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

In terms of the level of detail to be included in an Environmental Statement, we recognise that the differing nature of projects is such that their impacts will vary. UKHSA and OHID's predecessor organisation Public Health England produced an advice document *Advice on the content of Environmental Statements accompanying an application under the NSIP*

Regime', setting out aspects to be addressed within the Environmental Statement¹. This advice document and its recommendations are still valid and should be considered when preparing an ES. Please note that where impacts relating to health and/or further assessments are scoped out, promoters should fully explain and justify this within the submitted documentation.

Yours sincerely,

On behalf of UK Health Security Agency

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

1

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