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Dear Inspector

NSIP Reference Name / Code: Light Valley Solar NSIP / EN0110012

Thank you for your consultation on the above.

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.

Written Representation

PART I: Introduction

PART 2: Conservation Interests

PART 3 : Natural England’s Concerns and Advice

Contents

Part 1 – Introduction.....Page 3

Part 2 – Conservation Interests.....Page 4

Part 3 – Natural England’s Concerns and Advice.....Page 5

Annex A.....Page 10

1. Introduction: Purpose and structure of these representations

- 1.1.** These Written Representations are submitted in pursuance of rule 10(1) of the Infrastructure Planning (Examination Procedure) Rules 2010 ('ExPR') in relation to an application under the Planning Act 2008 for a Development Consent Order ('DCO') for Light Valley Solar ('the Project') submitted by Light Valley Solar Limited ('the Applicant') to the Secretary of State.
- 1.2.** Natural England has already provided a summary of its principal concerns in its Relevant Representations, submitted to the Planning Inspectorate on 30.04.2026. This document comprises an updated detailed statement of Natural England's views, as they have developed in view of the common ground discussions that have taken place with the Applicant to date. These are structured as follows:
- a. Section 2 describes the conservation designations that may be affected by the Project and need to be considered.
 - b. Section 3 comprises Natural England's submissions in respect of the issues that concern it.
 - c. The Annex contain advice referred to in the main body of these Representations.
- 1.3.** A number of abbreviations and acronyms will be used in these Representations. These will be introduced where they first appear in the text.

2. CONSERVATION DESIGNATIONS, FEATURES AND INTERESTS THAT COULD BE AFFECTED BY THE PROPOSED PROJECT

2.1. The following is a brief summary of the relevant designated sites and other areas of concern in this matter. Natural England's further advice on these topics is provided in Table 1.

2.2. In our Relevant Representation Natural England previously advised that the potential for air quality impacts arising from this NSIP needs to be assessed. Natural England refers your authority to our standard advice on air quality impacts which can be found in **Annex 1**. This standard advice is Natural England's formal statutory advice. It provides decision makers with the information needed to fulfil their statutory duties when making decisions on proposals with potential air pollution impacts. An overall conclusion regarding impacts on statutory protected sites must take into account the standard advice for air pollution. We will not provide further advice on this impact pathway.

2.3. Natural England has provided further advice or updates to our position on the following designated areas or conservation issues:

International conservation designations

- Lower Derwent Valley Special Protection Area (SPA)
- Lower Derwent Valley Ramsar

National conservation designations

- Burr Closes, Selby Site of Special Scientific Interest (SSSI)

Best Most Versatile (BMV) land and soils

3. NATURAL ENGLAND'S CONCERNS AND ADVICE

3.1. The principal issues

3.1.1. Natural England identified the following main outstanding issues in its Relevant Representation:

International Designated Sites:

- a. Further information is required on the noise impacts to birds associated with the Lower Derwent Valley SPA and Ramsar.
- b. Additional information on how the mitigation for EMF impacts on lamprey is secured.

National Designated Sites:

- c. Burr Closes, Selby SSSI should be identified as an ecological receptor for dust in the Construction Environmental Management Plan.

Best Most Versatile Land and Soils:

- d. Revisions are required to the assessment of permanent loss of BMV.
- e. Further consideration is required for cumulative loss of BMV.
- f. Clarifications are required on matters secured in the soil management plan.

These issues are discussed in Table 1 below, along with any updates on the progress or resolution of issues. Topics which we considered resolved in our Relevant Representations, or for which we considered there would not be a material difference to the outcome of the project, have not been duplicated in this Written Representation.

Table 1. Natural England's Written Representation advice in respect of designated sites and other conservation issues.

Relevant Representation reference	Designated Sites/ ecological impact	Outstanding impact pathway	Summary of outstanding issues at Relevant Representations	Advice on the how this can be addressed
NE2	Lower Derwent Valley SPA and Ramsar and Humber Estuary SPA and Ramsar	Noise disturbance impacts to birds using functionally linked land (Construction phase)	Natural England advised that during the construction phase there was potential for disturbance to wintering and passage birds using the wetland bird mitigation area associated with Site 1, as well as adjacent functionally linked land outwith the development boundary.	Natural England and the Applicant are engaging on this topic outside of statutory consultation deadlines through Natural England's Discretionary Advice Service (DAS). As stated in The Applicant's Response to Relevant Representations, dated June 2026. It is considered that this outstanding issue can be addressed through provision of further information to demonstrate the characteristics of the noise generated during construction of Site 1. Information on the piling methods, can be provided to demonstrate that the birds will not be subjected to disturbing 'loud bangs' during construction, along with a noise assessment that does not include 'time corrections' to demonstrate the level of noise above the baseline at source. Due to the size and capacity of the mitigation provision, we consider it is likely this issue can be sufficiently addressed with these additional clarifications. We will review the revisions when

				the updated Habitats Regulations Assessment is submitted to the Examination.
NE5	Humber Estuary SAC and Ramsar	River and Sea Lamprey (Operational phase)	Natural England advised that the documents did not secure the precautionary mitigation for impacts of Electromagnetic Fields (EMF) on migrating lamprey associated with designated sites.	Natural England and the Applicant are engaging on this topic outside of statutory consultation deadlines through Natural England's Discretionary Advice Service (DAS). As stated in The Applicant's Response to Relevant Representations, dated June 2026, it has been agreed that the requirement to include additional mitigation for lamprey will be secured in the outline Construction Environmental Management Plan (CEMP) rather than in the Project Design Requirements. Natural England will review the updated CEMP document when this is submitted to the Examination. Considering this amendment, discharge of the CEMP requirement should be undertaken in consultation with Natural England, and we request this is secured within the DCO wording for Requirement 12, Schedule 2.

NE9	Burr Closes, Selby SSSI	Impacts from construction dust (Construction phase)	Natural England advised that nationally designated site Burr Closes, Selby SSSI should be identified as an ecological receptor in the CEMP due to its proximity to the proposed cable route.	It is acknowledged that in in The Applicant's Response to Relevant Representations, dated June 2026, it is stated that specific ecological receptors will not be specified in the CEMP, but instead the stated measures will be applied to the full order limits. While we consider it is preferred practise to identify sensitive receptors in the CEMP and advise on specific measures that will be required to prevent impacts. However we considered the proposed measures to be sufficient to mitigate impacts to Burr Closes, Selby SSSI, and as they are to be applied to the full order limits we do not consider that additional changes will make a material difference to the outcome of the decision making process. We are broadly satisfied that these mitigation measures are secured in the requirements of the DCO under Requirement 12, Schedule 2.
NE13	BMV land and soils (Agricultural Land Classification survey)	N/A	Natural England provided advice on the Agricultural Land Classification (ALC) survey submitted to the examination (dated February 2026). Specific concerns related to the criteria that was used to distinguish temporary and permanent loss, and the cumulative loss of BMV soils	We note that The Applicant's Response to Relevant Representations provides clarification on the project's approach. Engagement between the Applicant and Natural England has also been undertaken for this topic though Natural England's DAS since the submission of the Relevant Representation. Following the clarifications Natural England do not have any further advice to give on the topic of BMV soil assessment, and advise that the loss of soils for this project alone and

				cumulatively should be considered by the Planning Inspectorate as part of the DCO decision making process.
NE14	BMV land and soils (outline Soil Management Plan)	N/A	Natural England provided advice on the outline Soil Management Plan (SMP) submitted to the examination (dated February 2026). Specific concerns were raised on the detail provided to ensure protection for soils during construction, and information on stockpiling (including stockpile locations). We also requested clarification on the statement that 'soils will be reinstated to their ecological baseline', and whether this applied to the full ecological baseline.	We acknowledge that in The Applicant's Response to Relevant Representations it is stated that additional information will be provided in the outline SMP on machinery selection principles, and to describe the broad principles of stockpile construction, management and siting. We also acknowledge the clarification that the Outline Decommissioning Environmental Management Plan (DEMP) includes a commitment to restoring all agricultural land within the Order Limits to pre-construction condition. We welcome that this is secured within the draft DCO in Requirement 19, Schedule 2 and that it is stated that the final DEMP should be in accordance with the outline DEMP. We will review the additions made to the outline SMP when this is submitted to the Examination. We welcome that Requirement 17, Schedule 2 of the draft DCO secures production of the final SMP, and states this must be in line with the submitted outline SMP.

Annex A

Standard Advice for Air Quality Impacts in National Significant Infrastructure Projects (NSIPs)

Natural England provides the following standard advice on air pollution. This advice relates to the protection of protected sites under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) and the Wildlife and Countryside Act 1981 and should be taken as Natural England's formal representation. This standard advice is applicable to all stages of the NSIP process and may be used by the applicant for NSIP pre application stages, by the Examining Authority (ExA) during the statutory stages of the NSIP and by the relevant Secretary of State as the competent authority.

Protected sites are 'sites of special scientific interest' (SSSIs) and 'habitats sites' (also called 'European sites'). For the purposes of this advice, Habitats Sites are Special Areas of Conservation (SACs), possible SACs, Special Protection Areas (SPAs), Potential SPAs, Ramsar sites, and sites identified, or required, as compensatory measures for adverse effects on Habitats Sites. Although their regulatory frameworks differ, the general principles and approach for air pollution assessment outlined for Habitats Sites are also relevant for SSSIs. Where the following advice applies to both, we use the term protected sites. Where the advice or approach differs, the individual terms are used.

This includes advice on information that is required to assess this and how to interpret the results of air quality modelling for the decision maker to conclude whether air quality impacts would have an adverse effect on the integrity of a Habitat site or a SSSI. You should also consider any relevant caselaw that could affect how you carry out any air quality assessments.

Air pollutants

This advice covers the following air pollutants from the construction, operation and decommissioning phases of a proposal

- ammonia (NH₃)
- nitrogen oxides (NO, NO₂ or NO_x)
- nitrogen deposition
- acid deposition
- sulphur dioxide (SO₂)

Standing advice on air pollution and development is also available here: <https://www.gov.uk/guidance/air-pollution-and-development-advice-for-local-authorities>.

Whilst the standing advice does not cover NSIPs, it does include additional technical advice which may prove useful. However, in summary, Table 1 provides the steps that we advise should be taken to assess air quality impacts on protected sites. The applicant should provide their own assessment containing the information and detailed modelling you need. You need to review this and make your own conclusion.

Table 1: Sequential approach to air quality assessments

Stage	Step	Supplemental evidence/ basis for judgment
Initial screening for credible risk of an effect	1 Check Distance criteria - could significant emissions reach a protected site? Yes = move to Step 2 No = no further HRA required	The Air Pollution Information System (APIS) includes an introduction to air pollution. APIS provides site specific information on the interest features of individual protected sites and the sensitivity to air quality impacts of those features. Please see Table 2 for industrial air pollution screening distances. For road traffic impacts, roads on the affected road network that lie within 200m of a designated site should be considered. Use Magic Map to check the location of designated sites. Search for the location then select the 'Designations' option.
	2 Check if the qualifying habitats or supporting habitat of qualifying species are sensitive to air quality impacts. Yes = move to Step 3 No = no further HRA required APIS Site relevant Critical Loads and Levels (based on literature and professional judgement) http://www.apis.ac.uk/srcl	The qualifying features of Habitats Sites can be identified in the relevant Site Conservation Objectives and Supplementary advice packages, which include a definitive list of legally qualifying features. These objectives are available here . Alternatively, a list of qualifying features can also be found by searching for the Habitats Site and SSSIs on Designated Sites View , alongside Conservation Objectives and Supplementary Advice for Habitats Sites.

		Some habitats may not have a critical load because there is not enough data. In these cases, you should find the critical load for a similar habitat type or feature.	The above links will also show whether any of the qualifying features for Habitats Sites have a Restore or Maintain Conservation Objective in relation to air quality thresholds (critical levels or loads). If the site is a SPA or an SAC/SSSI designated for an animal species (as opposed to a habitat), determine whether the predicted pollution effects on the supporting habitat will have a negative effect on the notified species.
Detailed AQ modelling	3	Undertake detailed modelling using a recognised dispersal model – i.e. Atmospheric Dispersion Modelling System (ADMS) Unless robust site-specific evidence is provided, we advise the lower range of the critical load should be used in modelling. If there are site specific reasons why it is more appropriate to use the higher end of the range, then this should be clearly evidenced.	Air Quality modelling should include relevant scenarios that are clearly identified. One such example of scenarios is a baseline plus future forecasts as follows: Baseline, a construction year, and future operational year(s), do nothing (without proposal), do something (with proposal); taking into account background trends for each pollutant). For proposals that will emit pollutants from a point source, it is helpful to provide isopleths of the dispersion modelling results, showing the predicted contours of pollutant concentration and deposition of the development. These may be assessed against the locations of protected sites and sensitive features within those sites. At least 3 years of meteorological data should be included within the AQ modelling for sources other than for road transport modelling The Institute of Air Quality Management (IAQM) has produced the following document to assist its members in the assessment of the air

			quality impacts of development on designated nature conservation sites: air-quality-impacts-on-nature-sites-2020.pdf
Applying screening thresholds	4a	Apply Screening Threshold Alone If below threshold alone, move to step 4b. If above = move straight to step 5	Ascertain the Process Contribution (PC) from the plan or project (emissions and predicted deposition). Apply Screening threshold (1% of critical level or load) alone using the <u>annual averages</u>. If the process contribution is less than 1% of the relevant long-term benchmark (Environmental Assessment Level, Critical Level or Critical Load), the emission is not likely to have a significant effect <u>alone</u> irrespective of the background levels.
	4b	Apply Screening Threshold In-combination. If below threshold in-combination = no LSE/significant risk of damage etc and no further assessment required. If above = move straight to step 5 Applicants might use the Joint Nature Conservation Committee (JNCC) 'decision-making thresholds' as a reason for not completing an in-combination assessment. If so, you should check they have correctly followed the JNCC guidance on decision-making thresholds. If this guidance shows they do not need to complete an in-combination assessment, continue to step 5. If applicants have not used the decision-making thresholds, or have not followed	Use information from competent authorities (Planning Portal, PINS NSIP register or Environmental Permitting register) to determine if there are plans or projects in the pipeline (not included in the current baseline) that should be considered in-combination If the combined process contribution is less than 1% of the relevant long-term benchmark (Environmental Assessment Level, Critical Level or Critical Load), the emission is not likely to have a significant effect <u>in-combination</u> irrespective of background levels.

		them correctly, they will need to provide an in-combination assessment.	
Detailed Assessment of ecological impacts	5	This step is to consider the ecological impacts of AQ on the interest features of the designated site and is not based only on numerical figures. If it is not certain whether sensitive features are located within the areas to be impacted, a site visit may be helpful to determine this. For SSSIs, this step should provide all the information necessary, including any required mitigation, for the decision maker to determine if there would be an adverse effect on a SSSI. If Habitats Sites are impacted by the proposals, move to Step 6.	The following information is likely to be helpful for the decision maker: Is the sensitive feature(s) located within the pollution footprint? Should it be there for the site to meet its Conservation Objectives or is there some other, natural reason (e.g. hydrology), why the sensitive feature(s) would not be expected to occur there? Check APIS Trends Tab for reasonable expectation on whether background pollution may be decreasing or not. Habitats that have already been subject to high background nitrogen deposition can develop tolerance to further deposition. This cannot be used to justify further exceedance as it would undermine conservation objectives to reverse decline. You should consider predicted effects on the species richness of a habitat against the site's conservation objectives.
Appropriate Assessment (AA) for habitats sites	6	The competent authority to undertake their AA to conclude whether or not there will be an adverse effect on integrity (AEOI) of habitats sites. Any mitigation proposed should also be assessed at this point. Should the AA conclude that the proposal would have an AEOI that cannot be excluded with mitigation measures, consider the derogation route of the HRA process.	Where mitigation is required to enable a conclusion of no adverse effect on integrity to be reached the AA must be able to show that mitigation measures can be relied upon to avoid adverse effects over the full lifetime of the project (ie construction, operation and decommissioning where relevant). To be viable, such measures should be effective, reliable, timely, guaranteed and of sufficient duration. The assessment of such measures should be supported by evidence. When deciding on whether the proposals set out in the NSIP will have an adverse effect on Integrity

	Should compensation measures be required under derogation, please contact Natural England for specific advice. Note: If an AA has been undertaken of the proposals <u>alone</u> and concluded that there will not be an adverse effect on integrity, if there are residual impacts that are not fully mitigated, these will need to be considered in combination with other plans or projects	on a Habitats Site, the Conservation Objectives and any supplementary advice should be taken into account. Including whether the site is already exceeding the environmental thresholds for ammonia, nitrogen oxides and nitrogen deposition and has a restore conservation objective.
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Mitigation measures

If you cannot conclude there is no adverse effect, the applicant will need to apply mitigation measures. Measures will only be appropriate if you can quantify their effectiveness in reducing emissions on the protected site. You should check that mitigation measures are in place to avoid adverse effects on site integrity over the lifetime of the project.

Mitigation may include measures that:

- the applicant volunteers
- you impose through formal conditions or restrictions in any permission or authorisation – these may be different or stricter measures than ones proposed by the applicant

Examples could include:

- relocation or redesign of developments to avoid impacts on protected sites
- control of other emissions of the same pollutants with an overlapping effect
- a change in stack height for industrial processes
- Euro 6 standards for construction machinery
- adding wooded shelterbelts, trees, green walls and hedges to limit dispersal of emissions, as long as these measures in themselves would not negatively impact the protected site

- **Table 2: Industrial air pollution screening distances**

Emission source	Distance for SSSIs	Distance for habitats sites
Industrial developments	2km	5km
General combustion processes (under 20MW energy input)	500m	500m
General combustion processes (20MW to 50MW energy input)	2km	2km
General combustion processes (over 50MW energy input)	2km	10km
Mechanical and biological waste treatment	500m	500m
Landfill waste	2km	2km
Compost (under 500 tonnes maximum annual operational throughput)	500m	500m
Compost (500 to 75,000 tonnes maximum annual operational throughput)	1km	1km
Compost (over 75,000 tonnes maximum annual operational throughput)	2km	2km
Airports, helipads and other aviation proposals	5km	5km
Oil and gas exploration and extraction	500m	500m
Quarries	200m	200m
Other industrial developments causing air pollution	500m	500m

Additional advice

Common Standards Monitoring¹ is used to define the ecological condition of a protected site. It is undertaken on a broader level and does not currently consider air quality impacts. The relevant benchmark for assessing impacts is the critical thresholds. Therefore, the existing status of a designated site should not be the sole reason for judgement on potential impact.

For many protected sites, the current background pollution may already be exceeding the relevant critical load/level from a different source type to the project being assessed (e.g. where the main source of background exceedance is due to agriculture, but the proposal is an industrial project). Proposals must consider their own impacts against the relevant environmental thresholds. There are many reasons why background levels are high, but the conservation objective is to 'maintain or restore' air pollutants to within these benchmarks. The objective would be undermined by proposals that add further emissions, including if it compromises any strategic initiatives to reduce air pollution levels.

You must determine if there is evidence that the increased emissions represent a measurable risk and could compromise the strategic initiatives. You would need to consider information on:

- the extent to which any declining national trends in air pollution, or strategic initiatives to tackle emissions affecting the site more locally, might otherwise lead to improvements
- the rate at which such improvements are anticipated
- the extent of the impacts of a plan or project, and whether those impacts can properly be considered temporary and reversible

If the affected area is small, consider the risk to site integrity proportionally. For example, how important is the area in terms of rarity, location, distribution, vulnerability to change and ecological structure. If it is a supporting habitat, consider its importance to the designated species on the site. Consider any site survey information that may provide evidence of existing impacts.

Emissions from road transport (if applicable):

Emissions from road transport may be an operational impact or be limited to the construction phase of proposals. Roads on the affected road network that lie within 200m of a designated site should be considered. If all affected roads are further than 200m from a protected site, then there is no likely significant effect (habitats sites) or no impact (SSSIs) on protected sites from air pollution.

Improvements in vehicle technology and a move to further electrification of the vehicle fleet will, over time, result in lower background levels of nitrogen deposition and nitrogen oxide pollution near to roads. As most sites are currently over the relevant thresholds and have a "restore" objective, this should be noted as a "retardation" of the restore objective and expressed in months and years. Retardation of less than one year is acceptable as air quality is considered against an annual average. Please note that ammonia impacts cannot be assessed in this manner as there is no certainty of a declining trend.

Defra Emissions Factor Toolkit

The Defra Emission Factor Toolkit (EFT) allows for gradual introduction of electric vehicles into the fleet (cars and LGVs) up to 2050. These are the emission factors we advise that NSIPs should be using (which we advise should also consider ammonia emissions as well as NO_x – using one of three sets of emission factors available). However, the User Guide to the EFT highlights that calculation tools only support assessment years 2018 up to 2030, reflecting that predictions and assumptions beyond then become less certain. Where EFT calculated emissions are to be used after 2030 to inform air quality assessments, the EFT indicates that appropriate caveats around the limitations of the analysis must be included to accompany the assessment. We therefore advise that emission factors no later than 2030 are used for HRAs – which would mean percentages of EVs are at predicted 2030 levels. A key concern is that, although EVs themselves have no tailpipe emissions, and the percentage of them will increase, the remaining combustion engine vehicles on the road may become more polluting as they age as selective catalytic reduction technology may create ‘ammonia slip’ over time. Ammonia slip is the unreacted ammonia (NH₃) that escapes from a selective catalytic reduction (SCR) or selective non-catalytic reduction (SNCR) system used to reduce NO_x in exhaust gases.

Motorways within the affected road network

There is potentially an added complexity to the need for in-combination assessments when considering traffic on motorways, as including these roads can mean that the assessment takes account of traffic growth related to strategic factors or long range (external) trips that are independent of the specific plan or project and neighbouring plans or projects. These roads are strategically important and tend to have high volumes of traffic as well as being well represented in traffic models. The air quality assessment should therefore include traffic flows on these roads, but the external trips can be excluded from the initial screening assessment. A justification and explanation of which journeys are included and excluded in the traffic model should be provided. The conclusions reached on the air pollution impacts of the HRA must be incorporated into the wider HRA conclusions for other impact pathways identified for the proposals.

How to Use this Advice in Decision Making

Provided you have followed the above advice and have been able to conclude there would be no adverse effects on any protected sites we would be able to agree with your decision to authorise the project.