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Our ref: 555483
Your ref: EN0110012



BY EMAIL ONLY

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Dear Sir/Madam

NSIP Reference Name / Code: EN0110012 Light Valley Solar

Thank you for your consultation on the above. Please see Natural England's response to the Examining Authority's First Written Questions (ExQ1), and our comments on documents submitted since our last response, below.

ExQ1 Responses

Q1.7.6 *All parties are requested to confirm that the data corruption issue has been resolved satisfactorily, and set out what, if any, outstanding issues remain as a result.*

Natural England do not have advice to provide on the breeding bird survey results and therefore have not commented on this issue.

Q1.7.7 *NE should explain whether it:*

d) has any reason to consider there being any impediment, at this stage, to a protected species licence being issued at the appropriate time.

The Letter of No Impediment application for a Class Licence for water voles is still pending decision within Natural England. However this will be determined prior to Deadline 4, so an update can be provided at this time.

Q1.7.8 *NE should explain whether it:*

c) has any reason to consider there being any impediment, at this stage, to a protected species licence being issued at the appropriate time.

Natural England does not consider a likely impediment to a licence being issued at an appropriate time. If a District Level Licence is applied for, survey information would not necessarily be required for all waterbodies. If there are ponds on site or within 250m of the application boundary which are known, but which have not been surveyed, the license can apply the appropriate level of pond compensation.

Q1.7.9 *NYC and NE should*

i) comment on the long-term habitat connectivity and wildlife permeability, and what additional provisions, if any, may be required

j) explain whether the oCEMP [REP2-089] submitted at deadline 2 provides sufficient mammal movement opportunity

k) with reference to Work No.6 in table 2-5 of the DPC submitted at deadline 2 [REP2-021], explain if there is adequate allowance for small mammals. Are the provisions within the oCEMP [REP2-089]

and oOEMP [REP2-091] sufficient?

Natural England do not have comments to make on mammal movement matters where they are not associated with a designated site or a protected species licence.

Q1.7.10 *Item NE9 of NE's relevant representation, and its deadline 1 submission [REP1-025] explains that nationally designated site Burr Closes, Selby SSSI should be identified as an ecological receptor in the CEMP due to proximity to the proposed cable route. At page 15 of the applicant's Response to Relevant Representations [REP2-109], the applicant explains that specific ecological receptors would not be specified in the CEMP, but instead measures would be applied to the full Order limits. The applicant and NE should set out whether:*

- a) sensitive receptors and specific measures required to prevent impacts should be identified explicitly in the oCEMP*

Natural England would recommend that sensitive receptors such as nationally designated sites are identified in the oCEMP to enable explanation of specific measures taken to prevent impacts. However, following the Applicant's clarification in REP2-109 that the outlined measures will be applied for the full scheme limits we accept that there will not be a change in outcome if this is not actioned.

- b) the proposed measures that would be secured under requirement 12 of the draft DCO would be sufficient to mitigate impacts to Burr Closes, Selby SSSI?*

Natural England consider the proposed measures are sufficient to mitigate the impacts.

Q1.8.1 *NE should provide comments on concerns raised by NYC and YWT regarding the adequacy of the wintering bird survey data as follows:*

- a) does NE consider the wintering bird survey data to be sufficient to conclude no Adverse Effects on Integrity on the Lower Derwent Valley SPA and Ramsar and the Humber Estuary SPA and Ramsar?*

Natural England is satisfied that the bird survey data provided is sufficient for this application. We worked with the Applicant during the pre-application process and took a bespoke decision on the suitability of the survey approach. We have therefore provided further justification for why we came to this decision for this Application.

Initially, for the majority of the Application 'Sites' our request for surveys was for one year of passage and wintering for the land within the development boundary due to the significant distance between the application land and both the Lower Derwent Valley SPA and Humber Estuary SPA. It should be noted that these sections of the application are located over 15km from the designated sites, and developments at this distance are less likely to impact significantly on designated site populations. Therefore it was determined that survey information was required to identify use by these species, but a full two year period would not be proportionate. The exception to this was 'Site 1' due to the close proximity of this section to the Lower Derwent Valley SPA. For this section of the development we initially requested two years of wintering and passage surveys through early consultation.

Following completion of the first survey year the Applicant engaged Natural England through our Discretionary Advice Service on whether their mitigation design could be developed to sufficiently account for annual variation in bird use. The initial peak bird number results demonstrated that lapwing and golden plover were using 'Site 1' primarily. Significant numbers of greylag geese were identified using 'Site 4', however we did not have the expectation that this species would be a primary driver of mitigation delivery and welcomed that sufficient headroom was included in the mitigation design.

Based on the results demonstrating significant use in 'Site 1', we also considered that the designated site that was primarily impacted was the Lower Derwent Valley SPA, rather than the

Humber Estuary SPA. Therefore, in order to determine whether the mitigation proposed could be considered 'precautionary', we asked the Applicant to consider factors which may influence variation in bird use for this site, and demonstrate whether their mitigation land proposal would enable support of satisfactory bird peak numbers to account for this variation. Appendix 'A.6. One Year baseline approach' of the Shadow Habitats Regulations Assessment (September 2026) includes Natural England's advice on the factors to consider, along with the Applicant's submitted evidence.

We considered that the multiplier justification provided by the Applicant demonstrated the habitat delivery would be sufficient to account for this potential variation, and we welcomed that mitigation for greylag geese was included within the design. We did not agree with the justification in size being entirely based on Bird Days calculations and advised this should be used as supporting information. We also did not agree with the calculation of lapwing and golden plover combined "plover days" as use of this was accepted under specific circumstances for a previous solar farm NSIP. However, considering the additional capacity in wet grassland habitat type beyond the arable used in this calculation, the incorporation of scrapes, and the openness of the design, it was considered there would be additional provision accounted for beyond the calculated bird use.

Therefore, for this application, we were minded to accept the approach and the proposed mitigation based on the evidence provided.

Q1.8.3 *In light of the information presented in the updated sHRA [REP2-023] NE should:*

b) confirm whether it is satisfied that the applicant's assessment and proposed approach adequately address potential noise impacts on birds using functionally linked land and explain why.

Natural England is now satisfied that the assessment adequately addresses potential noise impacts on birds using functionally linked land.

Q1.8.4 *With reference to the updated sHRA, NE should:*

c) confirm whether or not it is satisfied that this matter is now resolved and advise on any further comments.

Natural England is now satisfied this matter is resolved. Following discussions with the Applicant it was agreed that the matter could be controlled via the CEMP, to be discharged prior to the commencement of the construction period. There will be an assumption of 5m depth secured via this document, unless otherwise agreed during discharge of requirement. As this matter is required as mitigation and will require further advice at a later stage, Natural England request to be secured as a statutory consultee in the wording of the DCO Requirement 12.

Q1.8.6 *NYC and NE should also:*

g) provide comments on whether the BMA has been appropriately distinguished from mitigation and compensation proposed for wider farmland bird assemblages and whether sufficient certainty exists regarding its long-term delivery and effectiveness.

Natural England's advice is on birds which are likely to be associated with the Lower Derwent Valley SPA and Ramsar, and which also have potential association with the Humber Estuary SPA and Ramsar. The mitigation we have required is for the wintering and passage birds which utilise functionally linked land only. It is not within our remit to determine whether there is sufficient mitigation provided for wider farmland bird assemblages, or breeding habitat outside of designated sites.

Q1.8.7 *NE should set out, at this point, its views on the overall proposed mitigation and effects on integrity of designated sites. NE should explain:*

a) whether or not the applicant has proposed and secured sufficient mitigation to rule out adverse effects on integrity for the Lower Derwent Valley SPA and Ramsar and the Humber Estuary SPA and Ramsar

b) if not, what further mitigation would NE consider necessary?

Following the updates to the shadow Habitats Regulations Assessment (deadline 2, 4 September

2026) and the associated documents which secure the agreed mitigation, Natural England considers that adverse effect on integrity can be ruled out for the Lower Derwent Valley SPA and Ramsar and the Humber Estuary SPA and Ramsar.

Q1.10.1 *In response, NE and NYC should:*

- a) *set out whether they believe these proposed changes would be sufficient to rule out Adverse Effects on Integrity to the Lower Derwent Valley SPA and Ramsar site and the Humber Estuary SPA and Ramsar site from noise disturbance impacts to birds using functionally linked land.*

Natural England is now satisfied that the assessment adequately addresses potential noise impacts on birds using functionally linked land and advises no AEOI can be determined for this impact pathway.

Q1.16.47 *Parties are to provide a view whether NE should be a consultee to an application for approval of a submitted soil management plan and/ or decommissioning environmental management plan.*

Natural England request to be a consultee on the approval of the final Soil Management Plan. We do not propose to be a consultee on the final Decommissioning Environmental Management Plan.

Other Topics for the Examiner's Consideration

Deadline 2 Submission Comments

Natural England note the submission of 'The Applicant's Response to Submissions Received at Deadline 1 - Statutory Bodies' to examination deadline 2. It is stated in response WR-NE-002 that Requirement 12 would not need to be changed to include consultation on the CEMP with Natural England. However it is Natural England's view that we should included as a statutory consultee due to the potential for changes to the lamprey mitigation if sufficient evidence is provided to demonstrate the 5m depth is not required following implementation of new technology. Therefore we would request to be consulted on the final CEMP submitted for discharge of requirement.

Yours faithfully


Yorkshire and Northern Lincolnshire Area Team
Natural England

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