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BY EMAIL ONLY

Dear Naoual Margoum

Natural England Issue Specific Hearing 3 and 4 - Heckington Fen Solar Park

Natural England would like to note that the applicant has engaged fully with Natural England throughout their application.

BIO.1.6

Natural England's (NE) RR [RR-019] refers to further information being required regarding potential protected species licences and the Applicant's response [REP1-022] and section 7 of the draft Statement of Common Ground (SoCG) [REP1-016] indicates that they are working with NE to obtain a Letter of No Impediment. Could the Applicant and NE provide an update with timescales for submission and any further comments that they wish to make on this matter.

Natural England are working with the applicant to produce a Letter of No Impediment and a DAS agreement has been signed. We are unable to provide an update on the timescales at present.

BIO.1.7

An update to the shadow Habitats Regulations Assessment [PS-041] was provided to reflect the Change Application. NE is asked to confirm if they agree with the Applicants' conclusions regarding the effects of the Change Application on European sites from all phases of the development, including in combination effects.

Natural England agree with the conclusions of the Shadow HRA to inform Appropriate Assessment (Document 5.2 7th November 2023). It is unlikely that the proposed development will have an adverse effect on the integrity of the Wash SAC, SPA and Ramsar alone or in combination.

LUS.1.2

NE's RR [RR-019] refers to further work being required to fully assess the extent of impacts to Best and Most Versatile (BMV) agricultural land. The Applicant's response [REP1-022] indicates that they are content to

undertake further Agricultural Land Classification studies on the cable route prior to construction, with the methodology to be agreed with NE. The draft SoCG [REP1-016] (yet to include input from NE) indicates that due to land access not being granted for intrusive soil sampling, that this be completed post-consent and at the detailed design stage. It states that a methodology to address this has been submitted to NE for their review. The Applicant also highlights that the latest draft of NPS EN-3 does not include reference to surveys of underground cabling and access routes. The cabling trenching is expected to be less than 1m across the majority of the route.

Could the Applicant provide: i) An update on when any further studies of the cable route may take place and confirm why they are unable to carry out such studies during the Examination period. ii) A copy of the methodology for intrusive soil sampling which has been submitted to NE for review.

Could NE: i) Provide a response to the Applicants comments as summarised above. ii) Confirm whether they are satisfied with the methodology for intrusive soil sampling.

Natural England have provided comments to the applicant on proposed changes to the outline Soil Management Plan. Natural England advise that 1m across the cabling route is acceptable given the methodology set out in the outline Soil Management Plan is adhered to.

LUS.1.3

NE's RR [RR-019] notes that deficiencies in the outline Soil Management Plan (SMP) must be addressed to ensure soil resources are managed and maintained appropriately during construction and for the lifetime of the development. The Applicant's response [REP1-022] indicates that further detail from NE has been sought as part of the SoCG [REP1-016]. i) Could NE provide details on the further information that they require at this stage, bearing in mind that the Applicant has confirmed that a detailed SMP would be secured by a standalone Requirement in the next version of the dDCO to be submitted at D2 (rather than as part of the Construction Environmental Management Plan (CEMP) secured by R13 of the current version [PS-024]). ii) Could the Applicant provide an update on the matter.

Comments on Revised Outline Soil Management Plan (offsite grid route corridor)

3.15 A detailed ALC and soil survey of the agricultural land should be undertaken across the full Study Area to inform the EIA. This should normally be at a detailed level, e.g. one auger boring per hectare, 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. Soil data collected as part of an ALC survey can also be used to inform the soil resource and management plan as set out in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#).

The ALC survey should follow the [Guide to assessing development proposals on agricultural land - GOV.UK \(www.gov.uk\)](#). All land which may experience temporary or permanent disturbance should be subject to a detailed ALC survey, to inform suitable handling and restoration.

3.17 The survey data is needed to:

- Inform the EIA
- Allow the implementation of the mitigation hierarchy (including micro siting)
- Identify soil types and extent, including peat(y) soils,
- Inform appropriate soil handling (which can be quite different for peat(y) soils)
- Inform suitable soil re-use, e.g. the type of habitat for BNG the soils can support

3.18 Natural England welcome the provision of a SMP informed by site-specific soil information to inform suitable soil handling. The SMP will also set out the target specification for the proposed end uses. The target specification for the restored soils should be based on pre-construction ALC grade.

The SMP should include the following:

1. An assessment of agricultural land and soil resource of the site will be undertaken before work commences (as per Natural England's Guide to assessing development proposals on agricultural land) which is considered to represent UK good practice.
2. Soil handling methodology, tailored to the soil type
3. Mitigation should include reference to the Defra Construction Code
4. The type and volume of each soil type to be stripped and stockpiled. For areas of temporary development (i.e. the working width of the cable trench), the ALC grade determined from the soil survey should be used to inform the restoration criteria
5. The methods by which the applicant intends to restore appropriate affected areas to agricultural use after works including excavations and restoration has finished.
6. An aftercare programme which would enable a satisfactory standard of agricultural after-use to be reached, with regards to cultivating, reseeding, draining or irrigating, applying fertiliser, or cutting and grazing the site.

Where topsoil is proposed to be stripped, typically for construction compounds; access tracks and laying cabling, the soil handling methodology (movement, storage & replacement) and soil protection proposals are reviewed to ensure that appropriate mitigation is in place to allow for the restoration of the land to the baseline ALC Grade.

5.1 The temporary displacement of soil as a result of the underground cable installation and temporary haul roads/construction compounds can result in permanent land quality change and soil damage if undertaken inappropriately, therefore, Natural England advise this should be considered in the SMP. This is required for consultees and decision makers to understand the extent (ha) and likely long-term impacts on agricultural land quality (ALC grade).

5.3 The ALC survey will inform restoration profiles. Natural England advise the applicant to provide a commitment to restore Best and Most Versatile agricultural land to its former grade.

5.12 All soils should only be handled in a dry and friable condition, and it is expected that soil handling will be confined to the drier summer period (April through September) to minimise risk of soil damage. This would minimise the need to recondition soils, which requires additional space and time. This is particularly important for land to be restored to agricultural use. Soil handling methods should normally be as specified as in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks).

The SMP should include the reconditioning methodology and the separate handling and storage methodology of soils which may be plastic, however, every effort should be made to avoid this scenario.

A field test which should be used for identifying when soils are 'dry and friable' is included in Annex 1 below.

5.17 All storage bunds intended to remain in situ for more than 6 months or over the winter period should be grassed over and weed control and other necessary maintenance carried out.

5.18 see comment 5.12 for advice on handling soils

6.1-6.2 Whilst the commitment to handle soils ‘so far as possible between March and November’ is welcomed, it is important to stop handling soils during the wetter winter months from October to March (inclusive), when soil conditions are unlikely to be suitable and it would be damaging to leave soils bare without crop cover.

6.4-6.5 Bunds for the storage of agricultural soils shall conform to the following criteria:

- a) Topsoils, subsoils and subsoil substitutes shall be stored separately.
- b) Where continuous bunds are used dissimilar soils shall be separated by a third material, previously agreed in writing with Natural England.
- c) Topsoil bunds shall not exceed 3 m in height and subsoil (or subsoil substitute) bunds shall not exceed 5 m in height.
- d) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.

6.6-6.7 Target soil profiles for the extension area are not given. A minimum settled soil depth of 120cm is required, typically 30cm topsoil over 90cm of subsoil. The available volumes and deployment of the differing soil types by phase within the extension area is not stated. The reinstated soil profile needs to be capable of achieving best and most versatile quality. These points should be addressed, for example in the SMP.

6.8 Restoration of BMV agricultural land: We advise that where land is being returned to an agricultural use that the land is restored to a high standard and to its original capability (Agricultural Land Classification (ALC) grade) as far as is practicable.

This requires the retention and replacement of suitable topsoil and subsoil materials as well as the adoption of best practice techniques in soil handling. Where any BMV agricultural land is restored to a non-agricultural use (e.g. habitat, amenity use), it should be restored to its original physical capability

ANNEX1

Closed season and definition of ‘dry and friable’

A ‘closed season’ for handling soil shall be applied between the months of November and March inclusive. At all other times soils shall only be stripped and handled when they are in a ‘dry and friable’ condition. Broadly speaking, a soil is ‘dry and friable’ when it breaks and shatters when disturbed rather than smears and deforms. The following tests describe methods to objectively differentiate between these two conditions.

Soil Tests.

Soil tests are to be undertaken in the field. Samples shall be taken from at least five locations in the soil handling area. The tests shall include visual examination of the soil and physical assessment of soil consistency.

Examination Test:

- If the soil is wet, films of water are visible on the surface of soil particles or aggregates (e.g. clods or peds) and/or when a clod or ped is squeezed in the hand it readily deforms into a cohesive ‘ball’ – NO HANDLING should take place
- If the sample is moist (i.e. there is a slight dampness when squeezed in the hand) but it does not significantly change colour (darken) on further wetting, and clods break up/crumble readily when squeezed in the hand rather than forming into a ball – HANDLING OK.
- If the sample is dry, it looks dry and changes colour (darkens) if water is added, and it is brittle – HANDLING OK.

Consistency Test

First Test – Attempt to mould soil sample into a ball by hand:

- Impossible because soil is too dry and hard – HANDLING OK
- Impossible because the soil is too loose and dry – HANDLING OK
- Impossible because the soil is too loose and wet – NO HANDLING

- Possible – GO TO NEXT TEST

Second Test – Attempt to roll ball into a 3mm diameter thread by hand:

- Impossible because soil crumbles or collapses – HANDLING OK
- Possible – NO HANDLING

NB: It is impossible to roll most coarse loamy and sandy soils into a thread even when they are wet. For these soils, the result of the Examination test alone must be adhered to.

Weather and ground conditions

Soil handling shall cease during rain, sleet or snow. The following criteria shall be applied:

- In light drizzle soil handling may continue for up to 4 hours unless the soils are already too moist
- In light rain soil handling must cease after 15 minutes
- In heavy rain and intense showers, handling shall cease immediately
- After rain has ceased, soil tests shall be applied to determine when handling may restart, provided that the ground is free from puddles.

Natural England note there is no commitment for a programme of supervision, monitoring and reporting as proposed, given the very high quality of the land. This should include supervision of soil handling by a competent soil specialist.

Natural England note there is no assessment of the decommission process on soils (including BMV land) for the cable route corridor. Natural England advise that within the ES, there is a commitment to decommissioning and an outline decommissioning plan.