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Our ref: 416936
Your ref: EN010127



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Dear Sir/Madam

NSIP Reference Name / Code: EN010127

Title: Natural England's comments in respect of Mallard Pass Solar Farm

Examining authority's submission deadline: 2nd March 2023

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.

For any further advice on this consultation please contact the case officer Robbie Clarey and copy to [REDACTED].

Yours faithfully

Robbie Clarey

Lead Adviser - East Midlands Area Delivery

Natural England's Relevant Representations

PART I: Natural England's Advice on matters relevant to the Natural Environment.

PART II: Natural England's detailed comments on the Development Consent Order (DCO) (starting on page 13).

Part I: Natural England's Advice on matters relevant to the Natural Environment

1. Summary of Natural England's Advice

Overall, Natural England are satisfied that the proposals address the majority of potential impacts to the natural environment. The only areas of concern we consider require further assessment and or information to enable the examining authority to make an informed decision are: Soils and Best an Most Versatile (BMV) Agricultural Land and Protected Species.

The key concerns we have regarding Soils and BMV agricultural land are:

- The omission of assessment of the loss fo BMV land to biodiversity enhancement areas
- Deficiencies within the Soil Management Plan
- The restoration of the site following decommissioning

The key concerns we have regarding Protected Species are:

- The omission of draft protected species licences

Natural England's advice in these relevant representations is based on information submitted by Mallard Pass Solar Farm Limited in support of its application for a Development Consent Order ('DCO') in relation to the development of a solar PV array and ancillary infrastucture ('the project').

Part I of these representations details what Natural England considers the main issues¹ to be in relation to the DCO application, and indicates the principal submissions that it wishes to make at this point. It then sets out all the significant issues which remain outstanding, and which Natural England advises should be addressed by Mallard Pass Solar Farm Limited and the Examining Authority as part of the examination process to ensure that the project can properly be consented. These are primarily issues on which further information would be required in order to allow the Examining Authority to properly undertake its task or where further work is required to determine the effects of the project.

¹ PINS NSIP Advice Note 11 Annex C sets out Natural England's role in infrastructure planning.

https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

Natural England will develop these points further as appropriate during the examination process. It may have further or additional points to make, particularly if further information about the project becomes available.

Our comments are set out against the following sub-headings which represent our key areas of remit:

- Internationally designated sites
- Nationally designated sites
- Protected species
- Biodiversity Net Gain
- Nationally designated landscapes
- Soils and best and most versatile agricultural land
- Ancient woodland and ancient/veteran trees
- Connecting people with nature (National Trails, open access land and England Coast Path)
- Other valuable and sensitive habitats and species, landscapes and access routes

Our comments are flagged as red, amber or green:

- **RED** are those where there are fundamental concerns which it may not be possible to overcome in their current form.
- **AMBER** are those where further information is required to determine the effects of the project and allow the Examining Authority to properly undertake its task and or advise that further information is required on mitigation/compensation proposals in order to provide a sufficient degree of confidence as to their efficacy.
- **GREEN** are those which have been successfully resolved (subject always to the appropriate requirements being adequately secured)

Part II of these representations contains our detailed comments on the draft Development Consent Order (DCO).

Natural England has not been engaged by the applicant via our Discretionary Advice Service (DAS). Therefore, we have only provided comment at the statutory EIA Scoping and Section 42 consultation stages of the project. We have not been engaged regarding the development of a Statement of Common Ground (SoCG) or any other supporting documentation, such as a Letter of No Impediment (LoNI). If the applicant wishes to develop any such documentation, further engagement should be sought in due course. In the absence of a SoCG, Natural England advises that the matters set out in these representations will require consideration by the Examining Authority as part of the examination process.

The Examining Authority may wish to ensure that the matters set out in these relevant representations are addressed as part of the Examining Authority's first set of questions to ensure the provision of information early in the examination process.

2. Detailed Advice on the natural features potentially affected by this application

Internationally Designated Sites - GREEN

Our position regarding impacts on internationally designated sites is set out below.

Section 8 of the shadow Habitat Regulations assessment (sHRA) (ES Appendix 7.5) concludes that there will be no likely significant effect arising from the Proposed Development on any European sites either alone or in combination with other plans or projects. Natural England concurs with this conclusion.

Section 7.3.3 of Chapter 7 (Ecology and Biodiversity) notes the presence of four Internationally designated sites within 10km of the order limits: Rutland Water Special Protection Area (SPA) & Ramsar, Baston Fen Special Area of Conservation (SAC), Grimsthorpe SAC and Barnack Hills and Holes SAC. Potential impacts to these sites are further explored within the sHRA (Appendix 7.5).

Section 6.3 of the sHRA notes the impact pathways through which the development may impact internationally designated sites during construction and decommissioning:

- Loss of land used by species which form part of the designated ornithological interest of the Rutland Water SPA and Ramsar site at construction.
- Changes in hydrology or degradation (e.g., water levels, nutrient levels or pollutants) of the Baston Fen SAC (at construction and decommissioning).

Sections 6.4 and 6.5 of the sHRA rule out any impacts from other pathways during construction, and from all pathways during operation. Natural England concurs with this assessment and the reasoning provided.

Rutland Water

Due to the low numbers and few observations of birds associated with Rutland Water SPA/Ramsar being identified within the order limits (as discussed within Sections 7.3.53 to 7.3.61 of ES Chapter 7), Table 3 of the sHRA states that the order limits do not comprise Functionally Linked Land which supports species associated with Rutland Water SPA/Ramsar site.

Functionally linked land (FLL) is a term used to describe areas of land or sea occurring outside a designated site which are critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which a SAC/ SPA/ Ramsar site has been designated. These habitats are frequently used by SPA species and support the functionality and integrity of the designated sites for these features.²

Natural England concurs with the conclusion that the order limits do not comprise Functionally Linked Land. The minimal use of the order limits by species associated with Rutland Water indicate that the order limits are not critical to, or necessary for, the ecological or behavioural functions of any bird populations associated with Rutland Water.

Baston Fen

Table 3 of the sHRA discusses the potential for impacts to Baston Fen SAC from hydrological changes and contamination/pollution. The applicant acknowledges that there is a potential pathway for impacts due to connectivity between the order limits and Baston Fen SAC. However, the sHRA concludes that

² <http://publications.naturalengland.org.uk/publication/6303434392469504>

the development will not have a likely significant effect on the SAC when taking into account the embedded mitigation within the scheme design. This includes stand off from the West Glen River, vegetation cover, implementation of a Construction Environment Management Plan (CEMP), Water Management Plan (WMP) and the dilution of pollutants due to the distance between the order limits and the SAC.

The WMP includes measures to manage sediment and surface waters during construction (Section 2.3, and summarised in Table 1-1) which we consider to appropriately mitigate potential pollution events to the West Glen River, and thus Baston Fen SAC, during construction.

Mitigation specifically intended to avoid or reduce harmful effects should be assessed within the Appropriate Assessment stage of the HRA. Natural England considers that as the mitigation required to remove a likelihood of significant effects is embedded within the scheme design, and not included specifically to avoid impacts to the site, a conclusion of no Likely Significant Effects at the screening stage of the HRA is suitable. A requirement for the implementation of the CEMP and WMP is required to ensure the development is implemented as described.

Nationally Designated Sites - GREEN

Natural England's position regarding nationally designated sites is set out below.

Where appropriate mitigation is secured during the construction phase, impacts to nationally designated sites are unlikely.

Section 7.3.7 of ES Chapter 7 (Ecology and Biodiversity) notes the presence of eight Special Sites of Scientific Interest (SSSIs) within 2km of the order limits:

- Ryhall Pasture and Little Warren Verges SSSI
- Newell Wood SSSI
- Great Casterton Road Banks SSSI
- Tolethorpe Road Verges SSSI
- Tickencote Marsh SSSI
- Bloody Oaks SSSI
- East Wood, Great Casterton SSSI
- Clipsham Old Quarry and Pickworth Great Wood SSSI

Small sections of Ryhall Pasture and Little Warren Verges SSSI are located within the Order limits to the northwest. The outline Landscape Ecological Management Plan (oLEMP) notes the intention to manage the hedgerows along the road verges to prevent over shading of the calcareous grassland interest. Natural England welcomes this inclusion and considers impacts to the SSSI to be unlikely during operation. Where hedgerow management is undertaken effectively, we consider this could have a positive impact on the condition of the SSSI. It is important that the measures relating to the SSSI within the LEMP are implemented as described, and a requirement should be used to ensure this.

There is potential for impacts to Ryhall Pasture and Little Warren Verges SSSI during construction, via direct disturbance/habitat loss by construction vehicle movements, and by dust mobilisation and settlement on the grassland interest. Dust, or particles, falling onto plants can physically smother the leaves affecting photosynthesis, respiration, transpiration and leaf temperature.

Table 3-2 of the oCEMP notes that ‘toolbox talks’ will be undertaken to ensure all contractors are aware of features of interest. We recommend this highlights the specific locations of the SSSIs, particularly the areas within the Order Limits. Table 3-6 of the oCEMP notes the measures to be implemented to prevent impacts from air quality, including via dust mobilisation. We consider that where the CEMP is implemented, significant impacts to this SSSI can be avoided.

Figure 6.11 (Green Infrastructure Strategy Plan) provides an illustrative overview of the Green Infrastructure and enhancements that will come forward as part of the development. This includes a large enhancement area in the northwest of the site, and its management as calcareous grassland. This will complement the adjacent Ryhall Pastures and little Warren Verges SSSI, as well as increasing ecological connectivity between this SSSI and woodland to the north-west (including Newell Wood SSSI).

Due to the separation from the order limits of the remaining seven SSSIs, and the non-mobile nature of their interest features, we consider significant impacts to be unlikely.

We would also note Baston and Thurlby Fens SSSI lies approximately 5km east of the order limits downstream along the West Glen River and is therefore hydrologically connected. However, due to the separation of this SSSI from the order limits, the nature of the development and measures to be implemented within the CEMP and WMP, we consider significant impacts to be unlikely.

Protected species - AMBER

Natural England’s position regarding European protected species is set out below.

It is noted within ES Chapter 7 (Ecology and Biodiversity) that licences will be required for works relating to Badgers (section 7.5.29), Great Crested Newt (Section 7.6.5). Natural England has not received submission of draft protected species licence applications for review. Without draft licence applications we are unable to issue Letters of No Impediment (LoNI).

We would be happy to work with the applicant and the examining authority to ensure the required Protected Species Licences are sought.

Aside from these comments, our advice at this stage is limited to our [Standing Advice](#).

Biodiversity Net Gain - GREEN

Natural England’s position regarding provision of Biodiversity Net Gain is set out below.

Biodiversity Net Gain is a demonstrable gain in biodiversity assets as a result of a development project that may or may not cause biodiversity loss, but where the final output is an overall net gain. The Environment Act has set out that Biodiversity Net Gain will be mandatory for the majority of new development from November 2023 and mandatory for NSIPs in 2025. Whilst Biodiversity Net Gain is not yet mandatory, it is considered best practise to deliver a measurable net gain through any new development.

The application documents include a Biodiversity Net Gain Metric (Appendix 7.6), which utilises the Biodiversity Metric 3.1 and indicates the development will give rise to a 72.19% gain in habitats units and a 40.83% gain in hedgerow units. Natural England welcomes the inclusion of these calculations and is generally supportive of the enhancements proposed through the development. We note that the proposed gains are significantly above the intended 10% mandatory gain.

Nonetheless, the change in river units is 0%. When Biodiversity Net Gain becomes mandatory, it will be necessary to deliver a 10% net gain in each of the three areas (habitat, hedgerow and river). The rationale for a 'no net loss' approach to river units on this project is set out in sections 2.1.3 to 2.1.6 of Appendix 7.6. Natural England acknowledges the design principles of avoiding development within the river corridor and providing habitat enhancements alongside the river. The enhancements set out in section 2.1.5 of Appendix 7.6, and detailed within the oLEMP, are welcomed and are likely to indirectly have a positive effect on the river. The discussion also notes that Anglian Water is planning works to improve the West Glen River through their Catchment Based Approach (CaBA). Natural England acknowledges the benefit of ensuring the river corridor is left undeveloped to allow these improvements, however, they should not be assessed as a benefit coming directly from the development, as the works of Anglian Water would be going ahead anyway.

Biodiversity Enhancements

Figure 6.11 (Green Infrastructure Strategy Plan) provides an illustrative overview of the Green Infrastructure and enhancements that will come forward as part of the development. Natural England is generally supportive of the enhancements proposed and welcomes the management objectives set out within section 3 of the oLEMP.

Nationally designated landscapes - GREEN

Natural England's position regarding nationally designated landscapes is set out below.

The proposed development is not located within, or within the setting of, any nationally designated landscapes. As a result, Natural England has no specific comments to make on the landscape implications of this development. The examining authority should have regard for the landscape character of the area; we welcome the reference and discussion made regarding Natural England's National Character Areas and other Local Landscape Character Assessments within ES Chapter 6 (Landscape and Visual). We would also like to stress the importance of cumulative landscape impacts from the development; note the significant number of other solar developments proposed in Lincolnshire, Nottinghamshire and Rutland.

Soils and best and most versatile agricultural land - AMBER

Natural England's position regarding soils and the best and most versatile agricultural land is set out below.

Overarching Response

Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20 ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.

Based on the information provided within the Environmental Statement (ES) (Chapter 12: Land Use and Soils and Appendices 12.2 and 12.4), it appears that the proposed development will result in the temporary development of 852 ha, of which 360 ha is BMV agricultural land (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system), including the Mitigation and Enhancement area, as determined from a semi-detailed ALC survey. It is acknowledged that some of the Mitigation and Enhancement area comprises retained arable fields. Within the Order Limits, 14.4 ha are proposed to be permanently lost, of which 4.2 ha is BMV.

An assessment of potential impacts of the Mitigation and Enhancement area on agricultural land and soils has not been undertaken by the Applicant. The ES (Chapter 12) should include either an additional table or an expanded table 12.1 to clearly show the amounts and proportions of agricultural land, including BMV across the full Order Limits, impacted by each element of the Proposed Development, including permanent infrastructure, temporary solar PV arrays; retained arable fields and other mitigation and enhancement options.

A time limit is not being proposed for the consent, and therefore all areas of hardstanding (e.g., access tracks, converter station) are considered in Chapter 12 as though they are permanently sealed. This would be limited to small areas of which <5 ha is BMV agricultural land.

During the life of the proposed development, it is likely that there will be a reduction in agricultural production over the whole development area. Furthermore, if not time limited as described, the proposed development has the potential to lead to the permanent reduction in agricultural production. This should be considered whether this is an effective use of land in line with the National Policy Statement for Energy (EN-1) and Renewable Energy Infrastructure (EN-3), which encourages the Applicant to seek to '*minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations*'.

We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2015) (in particular paragraph 013) and advise you to fully consider BMV land issues in accordance with that guidance.

It is considered that as the solar panels would be secured to the ground by steel piles with limited soil disturbance, they could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. However, the potential impact on agricultural land and BMV land could be lessened if the Proposed Development was time limited.

Consequently, Natural England would advise that any grant of planning permission should be made subject to requirements to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade).

General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g., in relation to handling or trafficking on soils in wet weather.

We also suggest a requirement should be imposed to ensure that at the end of the operational phase, following decommissioning, the arable land occupied by the Solar PV site is reverted to its current ALC grade and cropping regime where appropriate.

The British Society of Soil Science has published the [Guidance Note](#) Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.

Detailed Comments on ES Chapter 12: Land Use and Soils

It is acknowledged that the semi-detailed ALC survey has been used to influence the Proposed Development lay out, with the panels placed away from the highest quality agricultural land. The access track length has been minimised as much as possible and avoiding BMV as far as is practicable.

Chapter 12 states that 239 ha of the Mitigation and Enhancement Areas will remain in agricultural use and are not affected by any works. The remaining Mitigation and Enhancement areas will be split into a range of habitats, including proposed tussock grassland, proposed calcareous grassland and retained arable fields. The ES should include either an additional table or an expanded table 12.1 to clearly show the amounts and proportions of agricultural land, including BMV, impacted by each element of the proposed mitigation and enhancement alongside the amounts and proportions of agricultural land impacted by the permanent infrastructure and temporary solar PV arrays, so that it is clear what ALC grades are potentially affected across the full Proposed Development.

The baseline ALC Grade is important to inform appropriate restoration/aftercare criteria, so that the ALC following decommissioning is the same as the baseline. In the absence of appropriate, soil-specific mitigation, there is a risk of soil loss and damage, which could impact the restoration (Paragraph 12.4.14).

Whilst we broadly agree with the EIA assessment methodology presented in Appendix 12.2, the significance of assessment should take account of the pattern of grades on a site so that the highest significance value for the agricultural land receptor is that which is then applied to the site as a whole. As such, the potential land take of 14.4 ha (access tracks and substation considered together) would have a moderate magnitude of change, and due to the presence of Grade 2 land, the sensitivity would be very high sensitivity, resulting in a large or very large adverse significance. This should be reflected in tables 12-8 and 12-14.

An unambitious approach to the assessment has been taken assuming the restoration would not return the soil to a comparable quality following decommissioning. This misses the opportunity of implementing good practice to assure restoration of the land to the baseline ALC grade, minimising the potential loss of soil functions (Paragraph 12.4.20).

Whilst the method proposed for the installation of the solar PV arrays does not involve any digging or soil mixing, there is the risk of soil damage due to trafficking, especially when the soils are wet. The physical loosening of compacted soils may only provide temporary alleviation, while actively damaging the soil's biological capability to recover and maintain its structure in the long-term, with frequent cultivation often a factor associated with poorly structured soils. Therefore, compaction should be avoided as far as possible in the first instance. Any decompaction or remediation activities should be done when the soils are in a suitably dry condition.

A key mitigation measure to minimise the potential detrimental impact of construction activities on the soil resource is to ensure that the grass sward is fully established (i.e., no bare ground), prior to the installation of the panels and associated infrastructure. This should be specified in the Outline Soil Management Plan.

Concern regarding the Applicant's consideration that the amount of smearing and soil damage presented in Insert 12.9 is acceptable (also repeated in the oSMP). This type of soil damage can impact soil function as well as secondary detrimental impacts, such as increased overland flow and erosion.

Furthermore, these photos (including Insert 12.9) indicates that trafficking occurred when the soils were not sufficiently dry, which goes against the Applicant's commentary regarding the appropriate timing of works (in the oSMP). Long term damage of the soil can occur as a result of this type of activity, including subsoil compaction. This damage can only be deemed to be restored following the excavation of soil pits following restoration to confirm there is no residual subsoil compaction.

The onsite substation will involve the loss of 6.4 ha of agricultural land. The whole field has been considered as lost, although the footprint will be substantially smaller. Whilst this presents a worst-case assessment, it misses the opportunity for the project to show how it avoids/minimises impacts to BMV land through micro siting of the substation away from BMV agricultural land. Furthermore, the assessment should consider the total land take across all elements (as presented in tables 12-6 and 12-7), rather than each individual element to more accurately reflect the potential impact of the development on agricultural land and soils.

Paragraphs 12.4.67 and 12.4.100 (bullet ii). It should be noted that whilst arable reversion to grassland has been shown to benefit Soil Organic Matter (SOM), this benefit will only extend to the duration of the reversion, i.e., during the operational phase and restricted to those areas of land currently under cultivation. However, there could be a disbenefit to the soil resource due to unknowns as a result of the solar development infrastructure. It is currently unclear as to what impact the solar panels may have on the soil properties such as carbon storage, structure and biodiversity. For example, as a result of changes in shading; temperature changes; preferential flow pathways; micro-climate; and vegetation growth caused by the panels. Therefore, it is unknown what the overall impact of a temporary solar development will have on soil health.

Natural England welcomes the preparation of an Outline Soil Management Plan (oSMP) which has been prepared and submitted with the application. However, several deficiencies have been identified.

- Soil handling, movement and trafficking should be undertaken under the supervision of an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled. Suitable criteria for assessing when the soil is in this state should be provided. Reference could usefully be made to the field tests for suitably dry soils provided in Table 4.2 In the [REDACTED]
- The Scope of the oSMP should be expanded to include the soil management of the land under the proposed ecological and mitigation areas, and aftercare. Although there is no soil movement proposed in these areas, soil trafficking will occur and therefore mitigation measures need to be in place to minimise the potential impact on the soil resource.
- The sensitivity of the soil is derived from the ICE EIA Handbook as presented in the IEMA Guidelines, in which the MCL, HCL, C and SCL are of medium resilience. Only coarse textures soils can be of high resilience.
- There is risk of compaction of the top- and subsoil layers by repeated trafficking and trafficking in unsuitable conditions.
- The proposed construction methodology in Section 5 should refer to the [Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#).
- Tall vegetation / crops should be cleared prior to topsoil stripping. The full depth of topsoil should be stripped (Sections 5 & 6).
- The proposed stockpile locations, volumes and soil type(s) should be presented in a figure in the SMP. The stockpiled soils should be labelled and protected from trafficking and damage. Any soil stockpiles in place for more than 6 months need to be seeded.

- Areas of the site which are not to be stripped or used for stockpiling, haul routes or compounds must be clearly marked by signs and barrier tape and protected from trafficking and construction.
- To minimise the potential detrimental impact of construction activities on the soil resource it should be ensured that the grass sward is fully established (i.e., no bare ground), prior to the installation of the panels and associated infrastructure
- The restoration criteria need to be set out in the detailed SMP, including the restored ALC grade for all land within the Order Limits.

Detailed Comments on ES Appendix 12.4: ALC Survey

A semi-detailed ALC survey has been undertaken across the Order Limits.

- There is a lack of discussion of the site-specific soils data derived from the detailed ALC Survey at the Access tracks / Substation site, with regards to soil volumes, stockpile locations, handling requirements and re-use which would be expected to be included in the Outline Soil Management Plan (oSMP).
- Data on the laboratory assessment of particle size (PSD) is provided; however, information is also needed about how this limited point information has been used in informing soil texture for the wider site.
- Data is provided for two soil pits only. Discussion is needed about how this information has been used to inform the soil properties for the wider site.

Ancient woodland and ancient/veteran trees - GREEN

Natural England's position regarding ancient woodland and ancient/veteran trees is set out below.

There is no Ancient Woodland or ancient/veteran trees within the order limits. However, there are blocks of ancient woodland near the site boundary on the northeast and northwest. We consider that where the CEMP is implemented as described, impacts to these woodlands are unlikely.

Connecting people with nature (National Trails, open access land and England Coast Path) - GREEN

Natural England's position regarding access is set out below.

There are no National Trails, Open Access Land or Coast paths within the order limits; as such, no impacts to these features are likely.

It is noted the temporary diversion of a Public Right of Way (PRoW) may be required during construction. We recommend this diversion should be in place before any construction works take place within the vicinity, to ensure the route remains accessible at all times. We welcome the retention of all PRoW within the order limits, and the inclusion of additional permissive footpaths through the development. In particular, we welcome the consideration given for access to the 'Nature Area' along the West Glen River corridor via a new permissive footpath.

3. Natural England's overall conclusions

The main issues raised by this application relate to Best and Most Versatile Agricultural Land and Protected Species.

We consider further work is required to fully assess the extent of impacts to Best and Most Versatile Agricultural Land, including from Biodiversity Enhancement Areas. In addition, we consider there to be deficiencies in the Soil Management Plan, which must be addressed to ensure soil resources are managed and maintained appropriately during construction and for the lifetime of the development.

Further information is also required regarding potential protected species licences required from Natural England. Until this further information is received, we cannot comment as to whether a licence would be granted.

Natural England's concerns regarding impacts to other elements of the natural environment have been addressed within the ES submission and, subject to the appropriate use of DCO requirements, we consider impacts to these elements can be ruled out.

Natural England does not intend to make oral representations regarding this examination but is happy to work with the applicant and examining authority to ensure the development will not have adverse impacts on the natural environment.

Natural England's Relevant Representations

PART II: Natural England's detailed comments on the Development Consent Order (DCO) and associated documents

Page	DCO or omission ref	Natural England's comments	Risk (Red/Amber/Green)
39	Requirement 7 – Landscape and Ecology Management Plan	Natural England welcomes the inclusion of a requirement for the LEMP; consider the measures as set out in the oLEMP to be satisfactory in protecting the elements of the natural environment which represent the key areas of our remit. We also welcome the wording to include a requirement for a minimum of 10% Biodiversity Net Gain.	GREEN
40	Requirement 9 – Surface and Foul Water Drainage	Natural England welcomes the inclusion of a requirement for the WMP. The WMP is important to prevent pollution incidents to the West Glen River, which flows to Baston Fen SAC and Baston and Thurlby Fens SSSI. Natural England consider the measures as set out in the oWMP are satisfactory to prevent an adverse effect on nationally and internationally designated sites.	GREEN
41	Requirement 11 – Construction Environment Management Plan	Natural England welcomes the inclusion of a requirement for the CEMP. The measures set out within the oCEMP include those we consider necessary to prevent impacts to nationally and internationally designated sites.	GREEN
41	Requirement 12 – Operational Environment Management Plan	Natural England welcomes the inclusion of a requirement for the OEMP.	GREEN
42	Requirement 18 – Decommissioning and Restoration	Natural England welcomes the inclusion of a requirement for the DEMP; for its production within 12 months of the decision to decommission the development. The measures set out within the oDEMP include those we consider necessary to prevent impacts to nationally and internationally designated sites.	GREEN
41	Requirement 14 – Soil Management Plan	Natural England welcomes the inclusion of a requirement for the SMP. The inclusion of a requirement for an Outline Excavated Materials management Plan is also welcomed. However, we consider there to be important elements missing which are required to protect the soil resource within the order limits. Natural England has no specific comment on the wording of the DCO requirement; it is the content of the SMP we consider requires amendments.	AMBER

N/A	Ommision 1	As noted within our above comments on Chapter 12 (Land Use and Soils), we consider the implementation of a time limit for the DCO would reduce the potential long-term impact on agricultural land and BMV land.	AMBER
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