

Natural England's full written representations have been emailed to the project email address. The Written Representations Document also includes Natural England's responses to the Examining Authority's Written Questions. We provide below a brief summary of our written representations.

Natural England has been engaged by the applicant following the submission of our relevant representations on 2nd March 2023. They have begun work on a Statement of Common Ground (SoCG), which is as yet not finalised, however, Natural England do not consider that any of the concerns under discussion within the SoCG are fundamental. In summary, Natural England is currently in discussion with the applicant regarding outstanding matters relating to Soils & Best and Most Versatile Land and draft protected species licences. In addition, following the Examining Authorities first written questions, Natural England also has concern regarding the level of detail provided in the sHRA in-combination assessment.

Date: 15 June 2023
Our ref: 435303
Your ref: EN010127



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Dear Sir/Madam

NSIP Reference Code: EN010127

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

Examining authority's submission deadline: 15 June 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 consultations@naturalengland.org.uk.

Yours faithfully

Robbie Clarey

Lead Adviser - East Midlands Area Delivery

WRITTEN REPRESENTATION

PART I: Natural England's Updated advice on matters relevant to the natural environment (Starting at Page 2)
PART II: Natural England's response to the Examining Authority's (ExA's) first written questions (starting on page 8)
PART III: Natural England's detailed comments on the Development Consent Order (DCO) (starting on page 11)
PART IV: A summary of Natural England's up to date advice on matters relevant to the Natural Environment (starting at page 13)

Natural England's Written Representations

Part I: Natural England's Updated advice on matters relevant to the natural Environment

Summary of Natural England's Advice

Natural England has been engaged by the applicant following the submission of our relevant representations on 2nd March 2023. They have begun work on a Statement of Common Ground (SoCG), which is as yet not finalised, however, Natural England do not consider that any of the concerns under discussion within the SoCG are fundamental.

In summary, Natural England is currently in discussion with the applicant regarding outstanding matters relating to Soils & Best and Most Versatile Land and draft protected species licences.

In addition, following the Examining Authorities first written questions, Natural England also has concern regarding the level of detail provided in the sHRA in-combination assessment.

Part I of these written representations provides details of Natural England's advice in relation to the DCO application. This advice identifies whether any progress in resolving issues has been made since submission of our relevant representations (RR-0823). Our comments are set out against the following sub-headings which represent our key areas of remit as follows:

- International 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)

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)

Internationally designated sites - AMBER

Natural England's position regarding internationally designated sites has changed since submission of our Relevant Representations (RR - 0823).

Our updated advice regarding impacts on internationally designated sites on the basis of the information currently submitted is set out below. This is also summarised within our Written Representation Part IV.

Following questions Q3.1.2 & Q3.1.2 in the Examining Authorities first written questions, Natural England would like to update our response to note that further information is required within the in-combination assessment provided in the applicant's Shadow Habitats Regulation Assessment (sHRA), and the discussion of hydrological connectivity to Baston Fen SAC within Chapter 11 of the ES. Our detailed comments on this are contained within Part II, Table 1, of these representations.

Nationally designated sites - GREEN

Natural England's position regarding nationally designated sites has not changed since submission of our Relevant Representations (RR - 0823).

Our position regarding impacts on nationally designated sites is as set out in our Relevant Representation (RR – 0823). This is also summarised within our Written Representation Part IV.

Protected Species - AMBER

Natural England's position regarding European protected species has not changed since submission of our Relevant Representations [RR-0823].

Our position regarding impacts on protected species is as set out in our Relevant Representation (RR – 0823). However, we have reached out to the applicant with regard to the issues raised and more detail relating to this is set out below. This is also summarised within our Written Representation Part IV.

Natural England note the comments made in '*Procedural Deadline A Submission - Other - 9.1 - Applicants Response to Relevant Representations*', stating:

'Licence applications have not yet been submitted as these require the final details of the layout to be confirmed. However, in respect of GCNs, the District Level Licensing option is also being explored. The works requiring licences will likely be very limited and will be supported by the necessary documentation.'

It is unclear from this statement whether or not the applicant intends to use Natural England's Pre-Submission Screening Service, or if they intend to proceed without a Letter of No Impediment (LONI).

Following receipt of the examining authorities first written questions, Natural England has reached out to the applicant, outlining the process and timescales involved with producing a LONI through our Pre-Submission Screening service. This process is summarised within The Planning Inspectorate's Advice note 11, Annex C¹.

At the time of writing, we are still awaiting submission of draft protected species licence applications for review. The usual timeframe for a draft decision via our Pre-Submission Screening service is 30 working days; the Natural England Wildlife Licencing Service, who is responsible for assessing draft licence applications through the Pre-Submission Screening service (PSS), has been alerted of the potential draft licence submissions and is prepared to provide the PSS service in the usual manner.

Biodiversity Net Gain Provision - GREEN

Natural England's position regarding provision of biodiversity net gain has not changed since submission of our Relevant Representations [RR-0823].

Our position regarding biodiversity net gain provision is as set out in our Relevant Representation (RR – 0823). This is also summarised within our Written Representation Part IV.

Nationally Designated Landscapes - GREEN

Natural England's position regarding nationally designated landscapes has not changed since submission of our Relevant Representations [RR-0823].

Our position regarding nationally designated landscapes is as set out in our Relevant Representation (RR – 0823). This is also summarised within our Written Representation Part IV.

Soils and Best and Most Versatile Agricultural Land – AMBER

Natural England's overall position regarding soils and the best and most versatile agricultural land has not changed since submission of our Relevant Representations [RR-0823], although progress has been made with regard to the issues raised in those representations.

Our updated advice, as set out below, is based on the information provided in the '*Procedural Deadline A Submission - Other - 9.1 - Applicants Response to Relevant Representations*' (referred to as the 'Applicant's Response') and discussions held with the applicant regarding the Statement of Common Ground. This is also summarised within our Written Representation Part IV.

Where matters previously raised in Natural England's relevant representations are not further discussed here, it can be considered that Natural England have no further comments or concerns.

¹ Advice Note Eleven, Annex C – Natural England and the Planning Inspectorate | National Infrastructure Planning

The omission of assessment of the impact of all elements of the development on soils and Best & Most Versatile Land – GREEN

Natural England's concerns on this matter have been resolved by the following:

The table in Annex 1 of the Applicant's Response (discussed on pages 47-48 of the Applicant's Response) clearly shows 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.

The restoration of the site following decommissioning - AMBER

The applicant has provided clarification regarding the restoration of the site following decommissioning. However, Natural England consider further commitment to the site's restoration should be made within the ES. This is discussed below:

Natural England welcome the clarification provided at page 46 of the Applicant's Response that The ALC grade of the farmland within the Solar PV site will not be altered by the proposed scheme (with the possible exception of tracks and infrastructure areas) and that compliance with the SMP will be secured by DCO Requirement. Nonetheless, we advise that commitment should be made for the restoration, or retention, of the Solar PV site's current ALC grades (to restore the inherent potential of the land and ensure the impacts to BMV land are temporary as described).

Page 49 of the Applicant's Response also notes that the SMP will seek to ensure that restoration of tracks and infrastructure areas back to the current ALC grade is achievable. It is acknowledged that within the ES 14.4ha of agricultural land (tracks and infrastructure areas) is assessed as being permanently lost. However, Natural England consider that, as restoration of these areas back to their current ALC grades is achievable, a commitment to also restore these areas (and thus the whole order limits) to their current ALC grades would illustrate best practise and ensure any creation of possible problem areas are prevented.

It is acknowledged that the current 1988 ALC methodology may no longer be relevant when the site is restored. However, Natural England has concerns that no reference has been made to any land quality assessment methodology. If the 1988 ALC methodology is superseded, its replacement should be adopted to inform the restoration of land to its current ALC grade. As such, we consider that commitments to restore the current ALC grades (or equivalent) should be determined through the approved system for grading agricultural land quality at the time of the restoration; this should be referenced within the ES and oSMP.

Natural England concur with the applicant's statement that returning the land to its previous cropping regime may not be appropriate; as such we would not expect this to be made part of any of the commitments discussed above.

Deficiencies within the Soil Management Plan - AMBER

The Applicant's Response, pages 52-55, addresses all the concerns raised by Natural England in our relevant representations. The only outstanding issues relating to the oSMP are discussed below:

- Section 4.7 of the updated oSMP has been updated to include the advanced sowing of grass, where appropriate. The measures set out in the SMP should include additional mitigation in the event that establishment of a grass sward is not appropriate or is unsuccessful. For example, the use of track matting to minimise compaction and the provision of an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be trafficked.
- The additional information added to the oSMP regarding restoration criteria is welcomed, however, as discussed above in the section '**The restoration of the site following decommissioning**', the restoration should be carried out to restore the land to its baseline ALC grade, or equivalent grade in the approved system for grading agricultural land quality in England and Wales at the time of the restoration.
- It is noted in the oLEMP that bi-annual visual inspections will be undertaken on the grazed land under the panels, and any areas of bare ground will be re-seeded. This on-going monitoring and management should be cross referenced in the SMP due to its relevance with regard to soil protection during the operational phase.

The remainder of the concerns raised in Natural England's relevant representations have been resolved by the following:

- Commitment has been added to the oSMP (para 1.4) submitted alongside the Response for the provision of an appropriately experienced soil specialist to advise on and supervise soil handling.
- Cross reference has now been added to the oSMP (para 1.7), referring to the oCEMP which notes that trafficking will be controlled in the retained arable fields within the mitigation and enhancement areas.
- Further reference to the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites has been added to the oSMP.
- Reference to the proposed control measures, relating to removal of vegetation prior to topsoil stripping, and the full depth of topsoil being stripped, have been added to the oSMP (para 5.4 & 6.4).
- The oSMP has been updated to include the requirement for stockpiled soils to be labelled to ensure protection from trafficking and damage (para 4.25).
- The oSMP has been updated to include use of signage to protect undisturbed soils from trafficking and construction activity (para 4.16).

Agricultural Land Classification (ALC) Survey - AMBER

The three matters regarding the ALC Survey raised in Natural England's relevant representations have been resolved by the following:

- The applicant has provided additional text within the oSMP that sets out discussion of the site-specific soils data derived from the detailed ALC Survey will be provided in the detailed SMP.
- An explanation of how laboratory assessment of particle size (PSD) has been used is provided within the Applicant's response; further detail is acknowledged within the ALC Survey Appendix (APP-091).

We would, however, like to note an additional matter that was not covered within our relevant representations, but which has arisen following further consideration of the ES and discussions with the applicant regarding the Statement of Common Ground: At the pre-application stage, Natural England advised that, following the semi detailed ALC survey carried out by the applicant, additional detailed survey would be required in all areas identified to be Best and Most Versatile land, as well as in adjacent non BMV areas to confirm its extent, substation sites and cable routes. The applicant has carried out additional detailed survey across the majority of the requested areas (as noted in section 2.5 of Appendix 12.4: Land Use and Soils – ALC Survey), however, the auger point plan in the appendix indicates there are some areas of BMV land that have not been subject to detailed survey. Natural England do not consider this to be a major concern, however, it is advised that justification should be provided within the ES for the divergence from the requested survey method.

Ancient woodland and ancient/veteran trees

Natural England's position regarding ancient woodland and ancient/veteran trees has not changed since submission of our Relevant Representations [RR-0823].

Our position regarding ancient woodland and ancient/veteran trees is as set out in our Relevant Representation (RR – 0823). This is also summarised within our Written Representation Part IV.

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

Natural England's position regarding access has not changed since submission of our Relevant Representations [RR-0823].

Our position regarding access is as set out in our Relevant Representation (RR – 0823). This is also summarised within our Written Representation Part IV.

Natural England's overall conclusions

The main issues which remain with the application relate to the HRA in combination assessment, Best and Most Versatile Land and Protected Species Licencing.

Further information is required to address Natural England's concerns regarding the level of detail provided in the sHRA's in combination assessment, the impact of the development on soils & Best and Most Versatile Land, and with regard to the production of a Letter of No Impediment for the identified protected species licences.

We are working with the applicant to overcome these issues. The applicant has also drafted a Statement of Common Ground which Natural England is contributing to, to record our agreement and disagreement regarding certain matters.

Natural England's Written Representations

PART II: Natural England's response to the Examining Authority's (ExA's) first written questions with a deadline of 15 June 2023

Table 1: Natural England response to Examiner's initial questions			
ExA question ref	Question addressed to	Question	Answer
Q1.0.19	Lincolnshire County Council, Rutland County Council, South Kesteven District Council, Environmental Agency, Natural England, Lincolnshire Wildlife Trust, and any other Interested Party.	<p>The Applicant has submitted the following outline management plans:</p> <ul style="list-style-type: none"> a) Outline Construction Environmental Management Plan [PDA-005] b) Outline Operational Environmental Management Plan [APP-208] c) Outline Decommissioning Environmental Management Plan [APP-209] d) Outline Landscape and Ecology Management Plan [APP-210] e) Outline Employment, Skills and Supply Chain Plan [APP211] f) Outline Construction Traffic Management Plan [APP-212] g) Outline Soil Management Plan [PDA-007] h) Outline Water Management Plan [APP-214] i) Outline Travel Plan [APP215] <p>Please comment as appropriate to your interests on any of these outline plans. This should include any potential amendment that may, in your view, be required in order to secure appropriate environmental outcomes and mitigation of effects.</p>	Natural England has no additional comments to make regarding the management plans listed. Where we have not made specific comment on the content of a management plan within our relevant representations (RR - 0823) or these written representations, it can be assumed that Natural England considers the plans contain sufficient information to secure the appropriate environmental outcomes relevant to Natural England's remit.
Q3.0.15	The Applicant and Natural England	Chapter 7 of the ES [APP-037] notes the requirement for works relating to badgers and Great Crested Newts. It is understood from the Relevant	As noted in Part I of these written representations, Natural England has reached out to the applicant with the aim of agreeing a suitable timeframe for the submission of draft

		<p>Representation submitted by Natural England that they are yet to receive draft protected species licence applications for review. Please can the Applicant and Natural England consider the scope to agree an appropriate timeframe for the submission of Protected Species Licences applications and look to record any outcome in a Statement of Common Ground?</p>	<p>Protected Species Licences and the subsequent consideration and possible issue of a Letter of No Impediment (LONI).</p> <p>Natural England is yet to receive a response but can confirm that the usual timeframe for a draft decision to be made, following submission of draft licence applications, is 30 working days.</p> <p>The Natural England Wildlife Licencing Service, who is responsible for assessing draft licence applications through Pre-Submission Screening service (PSS), has been alerted of the potential draft licence submissions and are prepared to provide the PSS service in the usual manner.</p>
Q3.1.2	The Applicant and Natural England	<p>Table 3 of the sHRA [APP-063] states that there is a potential impact pathway on Baston Fen SAC from siltation or pollution from the Proposed Development entering the waterway due to the hydrological connectivity between the Order limits and the SAC. It is stated in Table 3 that this impact pathway has been assessed within the ES. However, Table 11-5 (Statutorily Designated Sites within 5km of the Order limits) of ES Chapter 11 (Water Resources and Ground Conditions) [APP-041] states that the Order limits are not hydrologically connected to the (incorrectly named) Baston and Thurlby Fens SAC and therefore effects of the Proposed Development on designations are 'scoped out', as stated in paragraph 11.2.68 of [APP-041]. As such there are discrepancies between the two documents.</p> <p>a) Can the Applicant clarify whether the Order limits are hydrologically connected to this SAC and therefore whether there is a potential impact pathway which should be assessed within ES Chapter 11?</p>	<p>Natural England's internal mapping tool, WebMap2, indicates that part of the North-eastern extent of the order limits drain to Baston Fen SAC, thus deeming it hydrologically connected.</p> <p>It should be noted that the order limits do not trigger any Impact Risk Zones, which is an indication that pollution events are unlikely to cause an impact on the site. Due to the hydrological connectivity, this pathway should be addressed within the ES Chapter 11, as it has been within table 3 of the sHRA.</p> <p>Nonetheless, Natural England's relevant representations (RR – 0823), pages 4-5, considered that the site was hydrologically connected, and therefore our advice remains unchanged. This included the concurrence that when considering embedded mitigation measures, a likely significant effect on the SAC could be ruled out.</p>

		b) Do Natural England have any comments on the above?	
Q3.1.3	The Applicant and Natural England	<p>Paragraph 7.1 of the sHRA [APP-063] rules out in-combination effects on European sites on the basis that no effects would occur on European sites alone and so the Proposed Development cannot add to any effects resulting from any other development. No methodology has been provided to support this statement and it is unclear what other plans and projects have been considered within the assessment of in-combination effects. Furthermore, although significant effects are screened out, potential effect pathways are noted in Table 3 of the sHRA. The Habitats Regulations require assessment of the potential for effects, which alone may be insignificant, to combine with any other plan or project that affects the same European site(s) and qualifying feature(s).</p> <p>a) Can the Applicant provide the methodology and evidence used for reaching the conclusion of no likely significant in-combination effects, including the list of other plans and projects considered?</p> <p>b) Do Natural England have any comments on the above?</p>	<p>Natural England note the rationale that as the development is unlikely to have an impact alone it cannot work in combination to have an impact. However, in this case, impact pathways have been identified, and thus alone it can only be concluded that the project is unlikely to cause a <i>significant</i> effect on European sites. As such, the possibility still exists for the project to act in combination with other projects to cause a significant effect. E.g., a cumulation of insignificant impacts may accumulate to create a significant impact.</p> <p>Natural England notes that the likelihood of an in-combination effect may be low. However, the applicant has not provided sufficient rationale to support why this is the case. As a result, we advise that the applicant should update section 7 of the sHRA to include discussion of possible impacts from other projects via the pathways identified in section 6 of the sHRA², and provide an evidenced rationale for the conclusion of no likely significant effect, in-combination.</p>

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Impact pathways identified within section 6 of the sHRA:

‘- 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).’

Natural England's Written Representations

PART III: Natural England's detailed comments on the Development Consent Order (DCO)

Part III of these representations provides Natural England's detailed comments on the Development Consent Order. This table supersedes Part III of our Relevant Representations (RR – 0823). There have been no changes to the comments labelled as **GREEN** in our Relevant Representations.

Table 2: Natural England's detailed comments on the Development Consent Order (DCO)			
Page	DCO/DML 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 considers 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	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.	GREEN

	Management Plan	Natural England consider the wording of the DCO requirement to be suitable.	
N/A	Omission 1	Natural England's comments regarding the non-time limited nature of this consent remain unchanged. Although we acknowledge the content of the draft NPS EN-3, we maintain that the implementation of a time limit for the DCO would reduce the potential long-term impact on agricultural & BMV land.	AMBER

Natural England's Written Representations

Part IV: A summary of Natural England's advice

Part IV of these representations summarises Natural England's position, and the reasons for this position, on all the areas which represent the key areas of Natural England's remit. This incorporates the advice provided within our relevant representations and our updated advice provided in Part I of these written representations.

Natural England will continue engaging with the applicant to seek to resolve the outstanding concerns throughout the examination. Natural England advises that the matters indicated as 'amber' will require consideration by the Examining Authority during the examination.

Natural England's Written Representations, Part IV, Table 1

Table 3: A Summary of Natural England's advice				
NE Key Issue	Topic	Risk Rating	NE Summary	DCO Requirement?
International designated sites	HRA assessment of impacts alone	GREEN	As evidenced by ornithological surveys carried out on the Order Limits, Natural England do not consider the Order Limits to comprise functionally linked land for the qualifying features of Rutland Water SPA/Ramsar; consider a likely significant effect on this site can be ruled out. Despite the hydrological connectivity of part of the Order Limits with Baston Fen SAC, Natural England considers the embedded mitigation, not included specifically to avoid impacts to the site, sufficient to be able to rule out a likely significant effect on this site.	CEMP & WMP to be secured via DCO requirement.
	HRA In combination assessment	AMBER	Further information is required within the in-combination assessment provided in the applicant's Shadow Habitats Regulation Assessment (sHRA). The sHRA should be updated to provide discussion of possible impacts from other projects via the pathways identified in section 6 of the	N/A

			sHRA and provide an evidenced rationale for the conclusion of no likely significant effect, in-combination.	
	Hydrological Connectivity with Baston Fen SAC/SSSI	AMBER	There is a discrepancy between the sHRA and ES Chapter 11 regarding the hydrological connectivity of the Order Limits to Baston Fen SAC. Natural England considers that the Order Limits are hydrologically connected to Baston Fen SAC; as such, this pathway should be discussed within ES Chapter 11.	N/A
Nationally designated Sites	Impacts to Ryhall Pasture and Little Warren Verges SSSI	GREEN	There is a possibility for impacts to this SSSI during construction and decommissioning via direct disturbance/habitat loss by construction vehicle movements, and by dust mobilisation and settlement on the grassland interest. However, this has been recognised within the ES and the oCEMP contains measures that Natural England considers to be appropriate to avoid significant impacts to the notified features of the SSSI. The GI strategy also includes habitat enhancement designed to be complimentary to the SSSI.	CEMP and LEMP to be secured via DCO Requirement.
	Impacts to Other SSSIs	GREEN	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.	N/A
Protected Species	Requirement for Licences for GCN and Badger	AMBER	Licences are required for works which may impact GCN and Badger. Natural England has not received draft protected species licences for these species, but have engaged with the applicant to explain the process for obtaining a Letter of No Impediment, and the Natural England Wildlife Licencing Service is aware of the potential request, which would be responded to within the usual 30 working day time frame.	N/A
Biodiversity Net Gain	Delivery of Biodiversity Net Gain	GREEN	The Biodiversity Net Gain Metric provided indicates the development will give rise to a 72.19% gain in habitat units and a 40.83% gain in hedgerow units, with all trading rules satisfied.	LEMP to be secured by DCO requirement.

			<p>Due to a possible Anglian Water project to improve the West Glen River which runs through the site, delivery of river units through BNG has not been provided as part of the Mallard Pass proposal. The applicant has, however, worked with Anglian Water to ensure the proposed development does not compromise any potential restoration works, and has proposed habitat enhancements alongside the river corridor that are likely to provide benefit in themselves to the biodiversity value of the river.</p> <p>The delivery of a net gain in river units (along with Habitat and Hedgerow) will become a mandatory requirement for NSIPs from 2025; due to the circumstances outlined by the applicant, Natural England raise no further concern with delivery of biodiversity net gain at this stage.</p>	
Nationally Designated Landscapes	Impacts to Nationally Designated Landscapes	GREEN	The proposed development is not located within, or within the setting of, any nationally designated landscapes, so Natural England considers impacts of the scheme on nationally designated landscapes to be unlikely.	N/A
Soils and Best and Most Versatile Agricultural Land	The omission of assessment of the impact of all elements of the development on soils and Best & Most Versatile Land	GREEN	The applicant has provided further information 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.	N/A
	The restoration of the site following decommissioning	AMBER	The applicant has provided clarity regarding the restoration of the site following decommissioning, however, Natural England have concerns regarding the lack of commitment to restore the order limits to its current ALC grades. Natural England consider a commitment should be made for the order limits to be restored to their current ALC grades, which should be	SMP to be secured by a DCO requirement

			determined through the approved system for grading agricultural land quality at the time of the restoration.	
	Deficiencies within the Soil Management Plan	AMBER	<p>The majority of matters raised regarding the applicant's oSMP have been resolved as a result of further information being included in the updated oSMP provided by the applicant.</p> <p>There continue to be three matters Natural England consider should be addressed within the oSMP:</p> <ul style="list-style-type: none"> - The inclusion of mitigation measures to protect soil in the absence of a pre-established grass sward. - Restoration of the order limits to their current ALC grades. - Reference to ongoing monitoring & management of the site. 	SMP to be secured by a DCO requirement
	Agricultural Land Classification (ALC) Survey	AMBER	<p>The three matters raised within Natural England's relevant representations relating to the ALC Survey and its interpretation have been resolved by the further information provided by the applicant within their '<i>Procedural Deadline A Submission - Other - 9.1 - Applicants Response to Relevant Representations</i>'.</p> <p>However, one further issue is raised by Natural England relating to the scope of the detailed ALC survey undertaken within the order limits. The ALC survey methodology largely follow the advice provided within pre-application consultations, however, some areas of the site were not subject to detailed survey. Justification for this should be provided within the ES and/or appendices/</p>	N/A
Ancient woodland and	Damage to nearby Ancient Woodland	GREEN	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 to be secured as a DCO requirement

ancient/veteran trees			CEMP is implemented as described, impacts to these woodlands are unlikely.	
Connecting people with nature (National Trails, open access land and England Coast Path)	National Trails, Open Access Land or Coast paths	GREEN	There are no National Trails, Open Access Land or Coast paths within the order limits; as such, no impacts to these features are likely.	N/A
	Public Rights of Way	GREEN	The temporary diversion of one Public Right of Way may be required during the construction phase. The CEMP states a commitment to ensure any diversions required will be in place prior to the commencement of the relevant construction activities. Natural England welcomes this commitment, and also welcomes the additional access provisions made through the inclusion of permissive footpaths and buffers to these.	CEMP to be secured by DCO requirement

