



Submission by Mallard Pass Action Group (MPAG)

– unique ID ref. 20036230

Deadline 8:

**Comments on Rule 17 letter
ExA request for further information - BMV**

& Appendix 1

Comments on Rule 17 letter from the Planning Inspectorate – Request for further information

Q2) Land Use & Soils

a) Can Natural England please provide comments on the conclusions of the report submitted by the Mallard Pass Action Group and confirm if it has any implications for their current position on soil surveys and sampling as set out in the Statement of Common Ground?

TIN049 provided by Natural England outlines the **policy** underpinning **protecting agricultural land**.

“Policy to protect agricultural land.

*Government policy for England is set out in the National Planning Policy Framework (NPPF) published in March 2012 (paragraph 112). Decisions rest with the relevant planning authorities who should **take into account the economic and other benefits of the best and most versatile agricultural land**. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. The Government has also re-affirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper The Natural Choice:securing the value of nature (June 2011), including the protection of best and most versatile agricultural land (paragraph 2.35).”*

MPAG has been concerned during the Examination about some comments the Applicant has made in the SoCG and that triggered MPAG to make a Freedom of Information (FOI) request to Natural England. MPAG apologises this information is presented later than intended, but Natural England took longer than the statutory timeline to return the information. Our findings are detailed in Appendix 1 (at the back of this document). MPAG would be happy to supply all the FOI pdf documents to the ExA should they wish to investigate further.

Over the course of the last 18 months MPAG are not sure whether Natural England were struggling with resource limitations but their lack of engagement in hearings and the correspondence with the Applicant and KCC suggest in some cases they didn't always respond and/or that their contribution to the pre-examination and examination was not as thorough as it could have been. This is evident when following the correspondence trail and their SoCG progression. They have not fully scrutinised the detail of the Applicant's ALC grading methodology, data and outcomes. In that respect their final conclusion is not wholly reliable or sufficiently informed.

MPAG would urge that all the points made through our Written Representation (REP2-090) through to the Landscape Land & Property soils report (REP7-060 & REP7-057) deserve more credence and weight when considering the question of BMV land for this application.

MPAG feel Natural England's remit could have been wider and shown deeper scrutiny i.e.

1. Ensure areas to be **permanently lost** are sampled at a detailed level.
 - Whilst the Applicant gives the ALC breakdown for the substation, what has not been picked up is that this area was never surveyed at a detailed level and the Applicant has downgraded the results between pre-application (PEIR) and the ES.
2. Ensure areas that are at **risk of not returning to their original grade** are clearly identified and graded e.g. tracks and cable routes.
 - There is no BMV information on this, just a top line number of hectares.

3. Ensure **all areas of BMV are correctly identified with detailed surveys** including land directly adjacent to that BMV land.

- That was not the case as **only 4 areas were re-surveyed** at a more detailed level, but not fully as demonstrated with field 2 in MPAG’s report. Natural England seem just to be focussing on land that could be lost permanently, as opposed to the equally important aspect of **BMV land being taken out of food production for up to 60 years** noting their statement above about ‘**protecting agricultural land**’. It may be the case that the Applicant has just focussed Natural England on **permanently lost land**.

4. Ensure the **detailed survey work and results are robust**.

- How does Natural England explain why so many areas have been downgraded without being subject to a detailed re-survey (as identified by Landscape Land & Property report).
- How can Natural England find acceptable there are only data recordings from 2 soil pits, one in an area of retained arable, especially given soil pits are so important for informing the auger boring results and the final ALC grading.

MPAG believe detailed scrutiny is important to ensure the developer is not just ‘marking their own homework’.

ALC Results for the Order Limits and Solar PV Site Area

ALC#	Order Limits		Solar PV Site and field margins		Area for biodiversity and arable	Area affected by substation and fixed equipment
	Area (ha)	Area (% of total Site)	Area (ha)	Area (% of Solar PV Site)	Ha	Ha
Grade 1	0	0%	0	0%	0	0
Grade 2	100	11.7%	35	6.6%	65	0.5
Grade 3a	260	30.5%	181	34.1%	79	3.7
Grade 3b	439	51.5%	297	55.9%	142	9.9
Grade 4	18	2.1%	18	3.4%	0	0.3
Grade 5	0	0%	0	0%	0	0
Non-agricultural	0	0%	0	0%	0	0
Urban	3	0.4%	0	0%	-	3
Not surveyed (roads, railways, verges etc)	32	3.8%	0	0%	-	0
Total	852	100%	531	100%	286	17.4

The ALC identifies the areas in hectares and the proportions of land in each grade. All figures are rounded to the nearest hectare.

Note:

1. The area for biodiversity and arable should be split into its constituent parts, as the ‘biodiversity only’ area will be taken out of food production, therefore lost on a temporary basis for 60 years.

Table 12-6: Areas Affected

ALC Grade	Area in Ha	
	Tracks and Solar Stations	Onsite Substation
2	0.5	0
3a	2.5	1.2
3b	4.7	5.2
4	0.3	0
Total	8.0	6.4

Note:

1. If the solar PV area has not been designed yet, how are KCC able to give a breakdown of ALC grades for tracks and solar stations, what was their methodology?
2. Field 19 housing the substation was not subject to a detailed survey and was downgraded, therefore the level of BMV above is not robust.

b) Do Lincolnshire County Council, Rutland County Council or South Kesteven District Council have any comments on the report submitted by the Mallard Pass Action Group and related implications for the consideration of the Proposed Development?

MPAG wanted to outline and re-iterate the purpose of the Landscape Land & Property (LL&P) report is to identify the weaknesses and inconsistencies of the ALC grading as presented in the ES Land & Soils chapter. The amount and % of BMV needs to be accurately presented and accounted for across all the different areas of the site. Using field 2 (and 3) does not provide all the answers for MPAG concerning BMV levels, but taken in conjunction with the review of all the survey data available in the PEIR and ES, it does raise many questions and arrives at a different conclusion to the Applicant. Landscape Land & Property, experts in the field, strongly assert there is in excess of 50% grade 3a and a small single figure amount of grade 2.

APPENDIX 1

Extracts from Freedom of Information (FOI) request to Natural England.

10th March 2022: letter from Natural England to Mallard Pass

NE clearly identify in point 3 the expectation on soil sampling ie. a detailed soil survey should be carried out, 1 auger boring per hectare supported by soil pits.

Note: only semi-detailed survey had been conducted at this stage. Only data for 2 soil pits was recorded and provided in the ES.

Date: 10 March 2022
Our ref: 383394
Your ref: 21/01473/PREAPP



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The Planning Inspectorate
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BY EMAIL ONLY

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Dear ██████████

Environmental Impact Assessment Scoping Consultation (Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11): Mallard Solar Project

Thank you for seeking our advice on the scope of the Environmental Statement in the consultation dated 7 February 2022.

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.

A robust assessment of environmental impacts and opportunities based on relevant and up to date environmental information should be undertaken prior to a decision on whether to grant a Development Consent Order. Annex A provides Natural England's general advice on the scope of Environmental Impact Assessments (EIA).

We understand that the EIA will be carried out on the basis that the development is permanent, to ensure a worst-case assessment of likely significant effects and that for the purposes of the environmental impact assessment the decommissioning assessment will be based on a 40-year operational life span for the solar infrastructure.

We would bring your attention to Natural England Technical Information Note 101 (TIN101) '*Solar Parks: maximising environmental benefits*' (2011) which provides guidance relating to solar parks, their siting, their potential impacts and mitigation requirements for the safeguarding of the natural environment.

For this specific proposed development the Environmental Statement (ES) should particularly consider the following:

1. Impact of the proposed development on the following designated sites:

- Tolethorpe Road Verges Site of Special Scientific Interest
- Ryhall Pasture and Little Warren Verges Site of Special Scientific Interest

Accidental damage and other direct or indirect effects may occur to these Sites of Special Scientific Interest, their being adjacent to the site. The ES would need to show any potential effects on these designations, including impacts on foraging habitat, noise, water quality, air quality or other disturbance which may damage or destroy the interest features for which these SSSIs have been notified. Impacts would need to be considered at all stages of the proposed development i.e. construction, operation and de-commissioning. It should also detail the mitigation required to avoid any identified impacts on designated sites.

The proposed development is not within any Impact Risk Zones for European Designated sites; thus we would not anticipate any adverse impacts to European designated sites, or the need for a Habitats Regulations Assessment.

Mitigation should be secured through a Construction Environmental Management Plan which will set out the locations of these features and the measures proposed for their protection.

2. In-Combination/Cumulative impacts

The Environmental Statement should include in-combination/cumulative assessment. We are aware of several other solar Nationally Significant Infrastructure Projects in Lincolnshire/ Nottinghamshire, including Heckington Fen, West Burton, Cottam, Gate Burton and Little Crow. Due to the size of each of these individual projects, we would like to see these projects also included within the cumulative assessment, where appropriate.

3. Loss of Agricultural Land (BMV)

It is recognised that due to the nature of the solar panels a good proportion of the agricultural land affected by the development will not be permanently lost. In order to both retain the long-term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible.

The following issues should be considered and included as part of the Environmental Statement (ES):

- The degree to which soils would be disturbed or damaged as part of the development
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any Best and Most Versatile (BMV) agricultural land would be impacted.
- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should also set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable

use and management of the available soil to achieve successful after-uses and minimise offsite impacts.

The Agricultural Land Classification (ALC) mapping published by Natural England indicates that the site comprises of predominantly Grade 3 agricultural land, with an area of Grade 2 agricultural land located in the southern extent of the site. The ALC maps do not differentiate Grade 3 into subgrades 3a and 3b. We acknowledge the intention, that to fully assess the impacts to BMV land, a detailed ALC survey will be carried out. This should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) 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.

Further information is available in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#) and [The British Society of Soil Science Guidance Note Benefiting from Soil Management in Development and Construction](#). Further guidance is also set out in the Natural England [Guide to assessing development proposals on agricultural land](#)

4. Regionally and Locally

The ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. It is reported in the scoping document that a total of 98 non-statutory Local Wildlife Sites (LWS) are present within 2km of the site. Two LWS (the Carlby/Essendine Verge LWS and Essendine Dismantled Railway Embankment LWS) are located onsite, with an additional 25 sites directly adjacent to the site boundary or within 10m. The ES should set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for enhancement and improved connectivity with wider ecological networks. As stated, consultation should therefore take place with the Ecology Officers for Leicestershire, Rutland and Lincolnshire County Councils. Non-statutory consultees such as the Wildlife Trusts should also be approached.

5. Protected Species

The ES should assess the impact of all phases of the proposal on protected species. It should also provide details of any proposed mitigation measures required to protect these species. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area. It is noted that ground nesting birds may specifically be at risk due to the large land-take involved with the development. We note that a suite of detailed surveys has already been undertaken including an extended Phase 1 habitat survey, water vole and otter surveys, badger survey, breeding bird survey, wintering bird surveys and great crested newt surveys. Mitigation has been proposed including: the lighting scheme to be designed to avoid artificial lighting on linear features (including hedgerows and water courses), woodland and other retained or created habitats; onsite operational traffic to be minimal and limited to maintenance vehicle movements at very low intensity to avoid risk of accidentally injuring or killing any protected or notable species and no regular presence or work is envisaged onsite leading to disturbance of retained or created habitats.

6. Ancient Woodland

Ancient woodland is present immediately adjacent to the site boundary to the north-east of the site. The ES should assess the impacts of the proposal on any ancient woodland,

31st August 2022: Natural England letter to the Applicant

In response to Natural England being consulted by the Applicant, Natural England belatedly drew the following conclusions 3 months after they received correspondence from the Applicant dated 26th May 2022.

The key points from this letter relate to Natural England realising a semi-detailed survey has been conducted arriving at 52% BMV (should be 53%) for the solar area. In preparation for the ES the expectation was:

- that a detailed survey is required of all BMV areas - this did not take place for all BMV areas.
- some supplementary sampling in the adjacent non BMV - this did not take place fully.
- Also a detailed survey of the substation and cable routes - there was no detailed re-survey of this area or of any cable routes.
- Reference is made to NPPF policy and PPG guidance in respect of using poorer quality land where a significant development of agricultural land is required. Despite at PEIR stage this seems to have been ignored and the Applicant has not sought further land outside of the Order Limits.

Date: 31 August 2022
Our ref: 394925



Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

[REDACTED]
Planning Lead
Mallard Pass Solar Farm Ltd

info@MallardPassSolar.co.uk

BY EMAIL ONLY

Dear [REDACTED]

Planning consultation: Section 42 Statutory Consultation – Mallard Pass Solar Farm

Thank you for your consultation on the above dated 26 May 2022 which was received by Natural England on 26 May 2022

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.

We understand that you are consulting us in line with paragraph 67 of the Planning Act 2008 "Guidance on pre-application consultation", and that further consultation may be required in line with paragraph 85, particularly if/when the draft Environmental Statement has been prepared. We also appreciate that this consultation under S42 of the Planning Act 2008 also encompasses consultation on the preliminary environmental information, and that some overlap exists between these various requirements.

Please find below our advice on 'Chapter 13: Agricultural Land Use' of the Preliminary Environmental Information Report (PEIR). We apologise for the delay in forwarding this.

If you have any queries relating to the advice in this letter, please contact me at [REDACTED] [@naturalengland.org.uk](mailto:[REDACTED]@naturalengland.org.uk) or on [REDACTED]

Yours sincerely

[REDACTED]
[REDACTED]
East Midlands Team

Annex 2 Preliminary Environmental Information Report

Chapter 13: Agricultural Land Use

Natural England has reviewed the soils information currently available in the Preliminary Environmental Information Report (PEIR).

We note that the report indicates that the environmental impacts on soils have been considered and the outcomes are in keeping with solar developments, minimal impacts on soil and land quality. We would expect this to be fully addressed in the Environmental Statement (ES).

We welcome the consideration of soils and land quality in the PEIR. We note that a semi detailed Agricultural Land Classification (ALC) survey has been carried out. This has shown that 48% of the application site is Best and Most Versatile Land (BMV) and 52% of the solar PV area is BMV. As this is a significant area of high quality land likely to be affected by the development, even if deemed temporary, a detailed ALC survey is required so that the planning authority can make an informed decision.

In preparation of the ES we request that you revisit the site to carry out a detailed survey of all the BMV areas and some supplementary sampling in the adjacent non BMV to confirm its extent. We also require detailed ALC data for the substation sites etc. and the cabling route. We welcome the proposals to use Soil Management Plans (SMP) at both construction and decommissioning stages. The ALC survey will inform the SMPs for any areas to be disturbed (temporary and permanent) to ensure correct handling and restoration of soils, and onsite reuse of any surplus soils stripped from areas of permanent development.

During the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area. We would point out that the local planning authority will need to consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land. Paragraph 174b and footnote 53 of the [National Planning Policy Framework](#) (NPPF) states that:

- *'Planning policies and decisions should contribute to and enhance the natural and local environment by':*
- *'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'*

Footnote 53: Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

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 best and most versatile land issues in accordance with that guidance.

Further General Advice

Should you have any questions about ALC or the reliability of information submitted with regard to BMV land please refer to Natural England's '[Guide to assessing Development proposals on Agricultural Land](#)'. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required.

[Code of Practice for the Sustainable Use of Soils on Construction Sites](#).

Natural England would advise that any grant of planning permission should be made subject to conditions 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.

The British Society of Soil Science has published the [Guidance Note](#) 'Benefiting 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.

14th July 2022 Natural England email to KCC

KCC had sent some emails back in April 2022 asking for a response concerning survey work. Natural England replied but with an email intended for Heckington Fen solar farm. Upon further chasing KCC effectively received the same generic email just without the specifics relating to Heckington Fen solar farm. This email below seems a bit contradictory (and generic), however the final paragraph bullet point does re-iterate the advice Natural England gave in earlier correspondence.

From: [REDACTED]@naturalengland.org.uk>

Sent: 14 July 2022 11:23

To: Kernon Countryside Consultants [REDACTED]

Subject: RE: Mallard Pass Solar

Dear [REDACTED]

Apologies for the delay in replying. Thank you for your e mail.

I must apologise for sending you the comments that relate to Heckington solar park and not Mallard Pass. This was an error of mine.

Our advice for Mallard Pass is as follows:

- We are content that the ALC survey and grading has been carried out according to the published ALC Guidelines. We would expect a detailed soil survey for the areas permanently affected by the development, and detailed ALC to identify the extent of BMV. For a site of this size we may advise on a free survey rather than grid based survey with flexibilities around density depending on land quality due to the size of the site. Published data for this area does indicate some likely higher quality land in the south, so a detailed survey is recommended. In areas identified as lower quality the survey density could be reduced, but in high quality areas the density needs to be detailed. This allows the planning authority to make informed decisions.
- The ALC survey can then inform the layout of the development, i.e. avoid BMV for permanent development. A semi detailed survey may not identify all of the BMV land.
- Detailed ALC surveys will provide the information required for a good soil management plan for the whole site, on which we will be happy to provide comment. on.
- Regarding the submitted draft ALC report, the ALC map should be

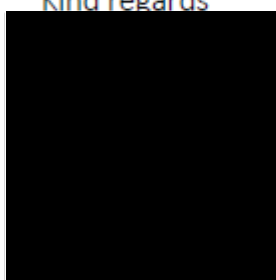
labelled that it is a semi-detailed survey.

- We request that you revisit the site to carry out a detailed survey of all the BMV areas and some supplementary sampling in the adjacent non BMV to confirm its extent. We also require detailed ALC data for the substation sites etc and the cabling route. The ALC survey will enable a soil management plan to be generated for any areas to be disturbed (temporary and permanent) to ensure correct handling and restoration of soils, and onsite reuse of any surplus soils stripped from areas of permanent development.

I will forward your attached plan to [REDACTED] that shows three areas outlined in red for proposed additional sampling.

Please contact me if you wish to arrange a meeting to discuss.

Kind regards



email: [REDACTED]@naturalengland.org.uk

From: Kernon Countryside Consultants [REDACTED]

Sent: 07 June 2022 10:36

To: [REDACTED]@naturalengland.org.uk>

Cc: [REDACTED]@naturalengland.org.uk>

Subject: Mallard Pass Solar

KCC3051

Dear [REDACTED]

Thank you for your email of 17th May forwarding [REDACTED] your Soils Advisor's, comments about the draft semi-detailed ALC.

Those comments I have taken as generic comments because the references to the provisional ALC showing Grades 1 and 2 relate to [REDACTED] comments about Heckington Fen Solar. The Mallard Pass Solar proposal is shown as undifferentiated Grade 3 on the "provisional" maps and as a low likelihood of BMV on the Predictive BMV maps (2017).

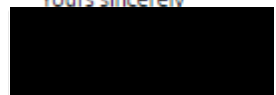
However the principle of the comments can still apply to Mallard Pass.

I attach a plan that shows three areas outlined in red for proposed additional sampling, being three areas of predominantly BMV. I would be grateful if you and [REDACTED] could confirm that these areas will be adequate for further survey to a detailed level, to identify whether or not a more complex pattern of ALC is identified from the greater frequency of sampling.

I look forward to hearing from you.

With kind regards.

Yours sincerely



Kernon Countryside Consultants

5th August 2022 KCC email reply to NE

After this email there is no further correspondence available through the FOI until the application has been submitted and until the Statement of Common Ground (SoCG) process starts. This suggests that the Applicant never received sign-off from Natural England on their 2nd stage sampling. MPAG believe this to be the case as one of their deadline responses suggested they had received no objections about the re-sampling methodology, but the underlying reason was because they never received a response from Natural England in the first place. Based on no response KCC proceeded with survey work which then was challenged at the next stage in Natural England's Relevant Representation.

From: [REDACTED]
To: [Kernon Countryside Consultants](mailto:kernon@naturalengland.org.uk)
Subject: RE: Mallard Pass Solar
Date: 05 August 2022 11:27:00
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

Dear [REDACTED]

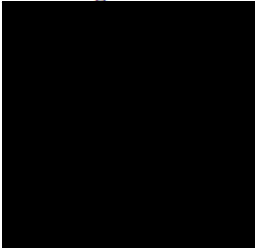
Thank you for your e mail.

I've talked to [REDACTED] and she has reaffirmed her advice I forwarded to you on 14 July, in particular:

- We request that you revisit the site to carry out a detailed survey of all the BMV areas and some supplementary sampling in the adjacent non BMV to confirm its extent. We also require detailed ALC data for the substation sites etc and the cabling route. The ALC survey will enable a soil management plan to be generated for any areas to be disturbed (temporary and permanent) to ensure correct handling and restoration of soils, and onsite reuse of any surplus soils stripped from areas of permanent development.

I must apologise as I did follow up your request for comment on the map proposals on 14 July, I had asked [REDACTED] if she wanted to comment further on the map but [REDACTED] had replied that her advice was contained in the comments I had already forwarded to you, and I failed to pass this on.

Kind regards



email: [REDACTED]@naturalengland.org.uk
Follow the East Midlands on Twitter - @NEEastMidlands

From: Kernon Countryside Consultants [REDACTED]
Sent: 03 August 2022 12:12
To: [REDACTED]@naturalengland.org.uk
Subject: RE: Mallard Pass Solar
KCC3051

Dear [REDACTED]

Further to your letter of 14th July (below), I write to enquire whether you have received a response from [REDACTED] yet?

We obviously need to take a decision fairly soon regarding survey areas, so I would appreciate it if you could forward [REDACTED] response. If [REDACTED] has not responded, then we will proceed as per my suggestion.

With kind regards.

Yours sincerely



Kernon Countryside Consultants
Ltd
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Firm Registration No: 023680
Tel: [REDACTED]
Email: [REDACTED]
www.kernon.co.uk



Procedural Deadline A: Applicant's responses to Relevant Representations

Interestingly Natural England challenged the Applicant's methodology with respect to 'significance' of assessment. Whilst it was expected the Applicant would respond/rebuff, this was still a valid point for Natural England to raise.

Land use and Soils	BMV Agricultural Land – Methodology	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	The ES methodology is based on the IEMA methodology, and the suggested approach would not accord with this and would lead to an inaccurate assessment. The Proposed Development will affect 0.5 ha of Grade 2 and 3.7 ha of Subgrade 3a. Each grade
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		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.	must be separately assessed through the EIA tables (Appendix 12.2) and the greatest impact then determines the overall impact. To illustrate why this is the correct approach, consider a theoretical scheme involving 1 ha of Subgrade 3a land (which would be a high sensitivity resource, minor magnitude impact, and consequently a slight or moderate significance impact). If the application site was 11ha in total but with only 1 ha Subgrade 3a and 10 ha of Grade 4 and the sensitivity was applied to the whole 11 ha, the impact would be greater (high sensitivity, moderate magnitude, moderate or large significance impact). If the application site was 21ha but still with only 1 ha Subgrade 3a but with the rest being 20 ha Grade 4, and the significance was applied to the whole, the impact would increase to large or very large (high sensitivity, major magnitude, large or very large significance). Given that in all cases only 1ha of Grade 3a is involved, the impact should remain constant. The suggested amended methodology would result in an unrealistic assessment.
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MPAG are a great believer it is sometimes what you don't see that is most informative. What we mean by that is the comments Natural England provided in the tracked version of this SoCG are clear about what they expect. MPAG having experienced the SoCG process and read all the consultee SoCGs as they have progressed, is concerned about the Natural England SoCG. At V2 their comments in the tracking seem quite clear, yet by V3 (REP7-028) submitted at D7 with revised wording on the stakeholder comment, the Applicant seems to have arrived at a **green status**. In respect of sampling this is not consistent with all their other communications and it also shows they have not checked carefully the data.

The stakeholder comment is always written in the first instance by the Applicant and is the status the Applicant wants to arrive at, and they will find a way of doing that by reconstructing the text in such a way to their advantage (an uncomfortable experience for MPAG). Additionally a point can have a status of green but the point is not necessarily agreeing with the Applicant, which gives a false impression if just checking the headline traffic light system.

05/08/2022	Natural England contacted the Applicant.	The final paragraph of advice regarding the general location of additional ALC survey sampling that is recommended. Outcome: Actioned in the September ALC survey	Commented: Auger Point Plan in ES Appendix 12.4 shows not all areas requested were subject to detailed survey. This needs to be captured in SoCG.
16/08/2022	Letter via Email	Natural England submits feedback to the Stage Two Statutory Consultation.	

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
NE012	Land Use under PV Arrays	Natural England considers that the information provided by the Applicant is acceptable.	The Applicant has discussed the use of land under the proposed PV Arrays, and this is further outlined in the outline Landscape and Ecology Management Plan (oLEMP), [EN010127/APP/7.9].	Agreed

Commented: Unsure what is being agreed here & whether it falls within NE's remit.

Ref.	Description of Matter	Stakeholder Comment	Applicant's Response	Status
NE012	Land Use under PV Arrays	Natural England considers that the information provided by the Applicant is acceptable.	The Applicant has discussed the use of land under the proposed PV Arrays, and this is further outlined in the outline Landscape and Ecology Management Plan (oLEMP), [EN010127/APP/7.9].	Agreed

Commented: Unsure what is being agreed here & whether it falls within NE's remit.

NE017	Detailed BMV survey and sampling	Natural England considers the Applicant's BMV surveys and sampling to be acceptable.	BMV surveys and sampling have been undertaken, this is further addressed within the Environmental Statement Chapter 12 [EN010127/APP/6.1] and associated appendices.	Agreed	Commented: NE017 & NE016 appear repeated. These could be merged in to one? ALC survey and BMV survey are the same.
NE018	Land Use – ALC Survey	Natural England is content with the Applicant's Order Limits of the Site, and the land parcels (including land classification) for the proposed development.	As outlined in the DAS (Design and Access Statement), [EN010127/APP/7.3] not all areas of the Site would contain solar development and 234ha of agricultural farmland would continue to be managed under an agricultural regime. Wherever possible, the Applicant preferred poorer quality land to those of a higher quality.	Agreed	Commented: This description may be misleading as ALC survey has been covered in previous points.
NE019	Soil resource safeguarding with restoration plans	Natural England considers that the Applicant's restoration plans and decommissioning environmental management plans are acceptable.	An outline Decommissioning Environmental Management Plan (oDEMP) has been prepared to support the DCO application. The decommissioning phase would include the removal of any permissive paths and the	Under Discussion	

			potential reversion of grassland underneath the Solar PV Arrays. In addition, an outline Soil Management Plan (including outline Excavation Material Management Plan) (bSMP) has been prepared to support the DCO application. This notes the restoration plans for the surrounding area, with a focus on soil resource safeguarding.	
NE020	BMV grades within the environmental mitigation	Comment from RR	Feedback from Applicant – Future meetings	Under discussion

Commented [redacted]: RR made comments on deficiencies in SMP:

- 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 IQ Soil Guidance full document including all practitioner advice updated May 2022.pdf (hubsputusercontent-na1.net)
- 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 an

Commented [redacted]: Assessment of impact to soils from enhancement areas also required, including area of land take for enhancements and the BMV grades of this.

RR's state:

- 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.

At this stage Natural England has now identified that the Applicant has not followed their guidance which they consistently stated in earlier correspondence. It is also not clear what the Applicant's justification was despite this being requested by Natural England.

Given the soil sampling by Landscape Land & Property (REP7-060), predominantly testing field 2 (which was 1 of the 4 areas that the Applicant retested), it is clear now KCC's sampling was not sufficiently robust to pick up the full extent of the BMV. 20% of the field 2 was not retested where there was an overlap of grade 2 and 3a, LC&C's results showed a higher proportion of BMV. If that was the case in one field, what does that mean for other areas of the site both retested (phase 2) and not retested (phase 1), noting not all BMV areas were retested. Just one example which is pertinent is the substation as KCC changed the grading without retesting, as shown in LC&C's report.

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.