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The Planning Inspectorate
National Infrastructure Directorate
Temple Quay House
Temple Quay
Bristol BS1 6PN

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

T 0300 060 3900

BY EMAIL ONLY

Dear David Cliff

Consultation: Request for Further Information & Report on the Implications for European Sites

Thank you for your consultations on the above dated 18th & 6th October, respectively.

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.

Request for further information:

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?

Mallard Pass Action Group (MPAG) undertook a review of the Agricultural Land Classification (ALC) survey and report, prepared by Kernon Countryside Consultants (KCC) and submitted by the applicant (EN010127/APP/6.2), as well as undertaking a limited ALC verification survey across a small area of the Site (Field 2 and Field 3 which correspond to Areas A and B).

The verification ALC survey has not been undertaken at a detailed scale, providing soil information for 7 points across 'Field 2' (a 30ha field) ; and 3 points across 'Field 3' (area of field not presented), with the sample points not evenly distributed across the two fields.

MPAG have presented an updated ALC map of the 2 re-surveyed fields. For the Field 2, it is unclear as to how the ALC Grade boundaries have been identified and mapped given the limited soil points. As such the verification survey density is insufficient to support the mapping presented in 'The ALC Grades of land from survey findings (Field 2)'.

Both MPAG and the Applicant's ALC survey identify a high degree of soil type heterogeneity across Field 2/Area A. Given the soil heterogeneity, it would be expected that any verification survey would

be undertaken at a detailed density of no less than 1 point per hectare, to accurately determine the ALC Grade boundaries.

In the absence of further verification surveying across the full application site, it is inappropriate to draw the conclusion presented in paragraph 7.3 of the MPAG report *'In our opinion the land remains mostly BMV quality, with around 50% of the site Grade 3a and a small quantity of Grade 2'*. Particularly as the MPAG report states that, for Field 3, *'The limited nature of the survey means that we could not extrapolate these findings further.'*

The MPAG report concluded in Paragraph 1.3: *'Our findings across the site broadly indicate that the KCC ALC report is correct in that it presents the ALC Grades in accordance with the guidelines'*.

The MPAG report notes the lack of discussion around the interpretation of the soil pits and archaeological trenches used to inform the KCC ALC survey. Natural England raise no issue with the practise of using existing trenches to inform the survey, however, we have raised with the applicant that the data derived from all soil pits and archaeological trenches should be presented, and that further clarification should be provided regarding how the information gained from the soil pits and trenches has been used to inform the ALC survey results.

The MPAG report also notes that some areas of land classified within the semi-detailed survey have been downgraded without any additional survey. Whilst further site information obtained post survey, i.e. from aerial photographs and walkover survey, may have influenced the location of grade boundaries and thus final ALC grading attributed within the semi-detailed survey, no explanation has been provided as to why this is the case. These anomalies were raised with the applicant and KCC; Natural England have asked that the explanation for this is provided to clarify these changes.

Taking into consideration all of the above, Natural England's overall position on the ALC surveys, as set out in the Statement of Common Ground, remains unchanged. With appropriate long term soil management, as set out in the Outline SMP (with additional details to be provided in the detailed SMP), and informed through the site-specific soil survey, it is considered that the soils within the site and the BMV agricultural land will be safeguarded throughout the operation and subsequent decommissioning of the site.

Additional Information:

Following further review of the KCC ALC survey Auger Point Plan, it was established that the location of the substation has not been subject to detailed ALC survey. Natural England had noted in our SoCG (REP7-028) that the deviation from our pre-application advice regarding the ALC survey was accepted in this circumstance due to the fact that the areas of permanent infrastructure had been subject to detailed survey. As this is not the case, and in fact the location of the substation may be subject to change, Natural England has advised the applicant that an amendment is required to the oSMP to require further auger samples in the final location of the Substation post-consent (but pre- construction). This is to inform the detailed SMP and site restoration. This requirement will be detailed within our final SoCG.

Report on the Implications for European Sites:

Can NE explain the reasoning for agreement with the Applicant's conclusion that in-combination effects are unlikely to occur at D5 considering NE's response at D2 indicated that further information was required to understand the in-combination assessment?

Natural England's D2 comments were in relation to the fact that insignificant impacts can accumulate to cause a significant impact. Following these comments, discussions with the Applicant centred around Water Quality impacts to Baston Fen SAC and led to agreement that any changes to the water quality at Baston Fen SAC were likely to be negligible and not measurable as a result of the development design and embedded construction best practise measures. It was considered that the likely impact of the development on Baston Fen is so small that it can reasonably be assumed that it will not add to the impact of any other project. This is sometimes referred to as a 'De Minimis' effect. Useful information regarding De Minimis is contained in the [JNCC's Guidance on decision making thresholds for Air Pollution](#):

'De Minimis is a concept which refers to an overall quantum of change (however it arises) that is of no consequence, irrespective of other considerations. A de minimis effect can properly be described as 'inconsequential', 'nugatory' or 'trivial'. All such terms are synonymous and are used to describe contributions which can properly be ignored, irrespective of other considerations. De minimis cannot helpfully be defined in a quantitative manner, for purposes of decision-making, as it is a concept based on professional judgment and common sense in light of the specific circumstances which apply in any given scenario.'

In addition, the Order Limits are not considered to be functionally linked to Rutland Water due to a lack of suitable habitat, very low frequency of SPA bird observations, and in very low numbers. Thus, the project is not considered to have a measurable effect on the species associated with the SPA/Ramsar site; similarly to the above, cannot add to the impact of another development.

Finally, Natural England can confirm that the ExA's understanding of screening and adverse effects conclusions at point of RIES publication (Table (A.1) in Annex 1) is correct.

For any queries regarding this letter, please don't hesitate to get in contact via consultations@naturalengland.org.uk.

Yours sincerely

Robbie Clarey
Planning & Environment Lead Adviser – East Midlands