

Gate Burton Energy Park EN010131

Statement of Common Ground between the Applicant and Natural England
Document Reference: EN010131/APP/4.3C

~~January-July~~ 2023

APFP Regulation 5(2)(q)
Planning Act 2008
Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Prepared for:

Gate Burton Energy Park Limited

Prepared by:

AECOM Limited

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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Gate Burton Energy Park Limited and (2) Natural England.

Lauren McGill, Project Manager on behalf of Gate Burton Energy Park Limited

Date:

Signed.....

Sandra Close (Planning Specialist) on behalf of Natural England

Date:.....

Signed.....

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1. Introduction

1.1 Introduction

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared to accompany an application made to the Secretary of State for the Department for Business, Energy & Industrial Strategy for a Development Consent Order (DCO) (the Application) under section 37 of the Planning Act 2008 (PA 2008) for the proposed Gate Burton Energy Park (the Scheme). The Application is submitted by Gate Burton Energy Park Ltd (the Applicant) which is a subsidiary of Low Carbon Ltd ('Low Carbon'). Low Carbon is a privately-owned UK investment and asset management company specialising in renewable energy. A detailed description of the Scheme is included in Chapter 2: The Scheme of the Environmental Statement **[EN010131/APP/3.1]**.
- 1.1.2 This SoCG has been prepared by (1) Gate Burton Energy Park Ltd as the Applicant and (2) Natural England (NE) (the parties).
- 1.1.3 NE is an executive non-departmental public body sponsored by the Department for Environment, Food and Rural Affairs (Defra). NE is the government's advisor to protect England's nature and landscape for people to enjoy and for the services they provide.
- 1.1.4 NE's role in relation to the Development Consent Order (DCO) process derives from the PA 2008 and secondary legislation made under PA 2008. The roles and responsibilities of NE under the PA 2008 fall into the following categories:
- As one of the prescribed consultees under section 42 of the PA 2008 that applicants are required to consult before submitting a Nationally Significant Infrastructure Projects (NSIP) application.
 - As one of the consultation bodies that the Planning Inspectorate must consult before a scoping opinion is adopted in relation to any Environmental Impact Assessment (EIA) and as a prescribed consultee for the environmental information submitted pursuant to the Infrastructure Planning (EIA) Regulations 2009.
 - As a statutory party in the examination of DCO applications.
 - As a statutory nature conservation body under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) in respect of the Habitats Regulations Assessment (HRA).
 - As a consenting and licensing body/authority in respect of protected species and operations likely to damage the protected features of Sites of Special Scientific Interest (SSSIs) pursuant to the Wildlife and Countryside Act 1981 (as amended) (WCA 1981) and in relation to European protected species under the Habitats Regulations.

- 1.1.5 Natural England has been consulted throughout development of the Scheme with the roles above in mind.
- 1.1.6 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to Natural England's representations and therefore have not been considered in this document.
- 1.1.7 ~~**A draft version of the SoCG was submitted with the Application in January 2023. Natural England provided further comment in July 2023 stating agreement to all matters, which is provided in this updated draft SoCG. Given all matters are now agreed, a signed version will be submitted at Deadline 2 on 8th August 2023. This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties, where agreement has not been reached (and that is the parties' final position) and where discussions are still ongoing. This version has been prepared for submission with the application, with the intention that it will be revised and updated as discussions progress during the Pre-Examination and Examination periods. A draft version for comment was issued to Natural England on 23 January 2023. No response has yet been received from Natural England so this version does not yet incorporate comments from Natural England.**~~

1.2 The Scheme

- 1.2.1 Gate Burton Energy Park is a proposed solar photovoltaic electricity generating facility. The Application is for development consent to construct, operate, maintain and decommission ground mounted solar photovoltaic (PV) panel arrays, on-site battery storage and associated infrastructure. Associated infrastructure includes, but is not limited to, access provision and an underground 400kV electrical connection of approximately 7.5km to the National Grid Substation at Cottam Power Station. A detailed description of the Scheme is included in Chapter 2: The Scheme of the Environmental Statement [EN010131/APP/3.1].
- 1.2.2 Following engagement with NE, the following changes have been made to the Scheme:
- Locally designated sites (such as Local Wildlife Sites (LWS's) are retained and appropriately buffered.
 - With respect to woodland classified on the Ancient Woodland Inventory, areas of ancient woodland have all been removed from the Order limits and are appropriately buffered.
 - Biodiversity Metric 3.1 has been used for the BNG assessment.

1.3 Format of Document and Terminology

- 1.3.1 Section 2 summarises the issues that are 'agreed', 'not agreed' or are 'under discussion'. 'Not Agreed' indicates a final position where the parties have

agreed to disagree, 'Agreed' indicates where the issue has been resolved. The parties have also indicated the likelihood that agreement will be reached on the item

1.3.2 A full record of engagement between the parties is provided in Appendix A.

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2. Areas of Discussion between the Parties

Ref.	Document	Topic	Natural England Position	Applicant Position	Status
Ecology					
1.1	Stat. Con- Response: Relevant Representation [REP-193]	<u>Internationally</u> Designated Sites	<p><u>We agree that as set out in Section 8.7.2 Chapter 8: ‘Ecology and Nature Conservation’ of the Environmental Statement (ES) that there are no statutory sites of international importance within the Zone of Influence (ZoL) as set out in Section 8.5.5. 4.1.3 and concur with the conclusion in Document Reference: EN010131/APP/7.2 ‘Habitats Regulations Assessment’ that there will be No Significant Effects to European Sites either from the construction, operation and decommissioning of the Scheme or in combination with other plans and projects. Preliminary Environmental Information Report (PEIR) Ref: Table 8.2</u></p> <p>We agree that there are no Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC) or Special Protection Areas (SPA) within the Development Consent Order (DCO) site. The Environmental Statement (ES) should state if there are international</p>	<p>There are no international sites of relevance to the Scheme, therefore no further Habitats Regulations Assessment (HRA) stages are required beyond the initial pre-screening report provided at PEIR <u>and ES</u>. No impacts are predicted to nationally and internationally designated sites, as presented in Chapter 8: Ecology and Nature Conservation of the ES [EN010131/APP/3.1] and the Habitats Regulation Assessment [EN010131/APP/3.3].</p>	Agreed

Ref.	Document	Topic	Natural England Position	Applicant Position	Status
			<p>sites within a 10 km radius, and if present, Natural England would recommend that a Habitats Regulation screening assessment (HRA) is attached to the ES to confirm no likelihood of significant impact.</p> <p>There are two nationally designated sites within the Preliminary Environmental Information Report (PEIR) study area (2km):</p> <ul style="list-style-type: none"> • Ashton's Meadow SSSI located 1.5km to the west of the site; and • Lea Marsh SSSI located 1.7km to the northwest. <p>We agree with the PEIR report's finding that these SSSIs are not hydrologically or ecologically linked to the energy park site. We also agree that there will be no potential significant impacts, directly or indirectly to these nationally designated sites.</p> <p>We therefore consider that the project will not damage or destroy the interest features for which these sites have been notified. Further assessment would be needed once the cable route is finalised.</p>		
1.2	<u>Relevant Representation</u>	<u>Regionally and Locally Important</u>	<u>We agree that, where appropriate mitigation is secured during the</u>	Chapter 8: Ecology and Nature Conservation of the ES	<u>Under discussion Agreed</u>

Ref.	Document	Topic	Natural England Position	Applicant Position	Status
	[REP-193] Stat. Con. Response:	Sites and Habitats and Species of Principal Importance Nationally designated Sites	<p>construction phase, impacts to nationally designated sites are unlikely. Section 8.7.2 Chapter 8: 'Ecology and Nature Conservation' states that there are two sites statutorily designated for their biodiversity value within the Zol set out in Section 8.5.5. These sites are presented in Table 8-5. The locations of these statutory sites, relevant to the scheme, are presented in Figure 8-1. The sites are:</p> <ul style="list-style-type: none"> - Ashton's Meadow SSSI - Lea Marsh SSSI <p>The proposed development does not trigger the Natural England Impact Risk Zones of the identified designated sites and we agree that they are there are no connectivity or impact pathway concerns. We consider that, due to the nature of the development and measures to be implemented within the Construction Environmental Management Plan (CEMP), significant impacts to be unlikely.</p> <p>We note that the Lincolnshire Environmental Records Centre and Nottinghamshire Biological and Geological Records Centre were contacted to gain information on pre-existing ecological information (i.e. location and citations of Local Wildlife Sites (LWSs), records of protected, notable and invasive non-native species) within 2km of the proposed</p>	<p>[EN0101031/APP/3.1] assess the potential impacts of the Scheme on regional and local wildlife sites. Locally designated sites (such as Local Wildlife Sites (LWS's) are appropriately buffered, secured through the Framework Construction Environmental Management Plan (CEMP) [EN0101031/APP/7.3] and Outline Design Principles [EN0101031/APP/2.3] and will not be impacted by the Scheme. Habitat buffers, such as those around Ancient Woodland, and new ecological networks (such as hedgerow creation and woodland planting) created within the Order limits will be of benefit to locally designated sites that are adjacent to the Scheme.</p>	

Ref.	Document	Topic	Natural England Position	Applicant Position	Status
			<p>DCO site. Such sites discovered have been addressed in the PEIR regarding impact and mitigation. We recommend consultation with the relevant site owners/managers, i.e. Wildlife Trusts, who have extensive local knowledge of these sites, although the exact route and construction methods to be used are yet to be defined. Once defined, measures to remove or reduce impacts on the LWS will be included within the Framework CEMP submitted with the ES as part of the DCO submission.</p> <p>We acknowledge that risk and potential impact from operation to commissioning has been examined. Once construction is defined, and the exact route of the cable known, and presented in the ES, we can comment further.</p>		
1.3	Relevant Representation [REP-193] Stat. Con. Response:	Ancient Woodland and ancient/veteran trees	<p>Five areas of ancient woodland were identified within 2km of the site. These are:</p> <ul style="list-style-type: none"> • Burton Wood —within the DCO site; • Stag Wood —approximately 190m to the north of the DCO site; • Thurby/Castors Wood – approximately 825m to the north of the DCO site; • An unnamed ancient woodland (includes replanted woodland) - approximately 1.9km to the north of the DCO site; and 	<p>Chapter 8: Ecology and Nature Conservation of the ES [EN01031/APP/3.1] assesses the potential impacts of the Scheme on ancient woodland.</p> <p>With respect to woodland classified on the Ancient Woodland Inventory:</p> <ul style="list-style-type: none"> - areas of ancient woodland have all been removed from the Order limits. - there will be no panels located in ancient woodland nor any other direct effects; 	Agreed

Ref.	Document	Topic	Natural England Position	Applicant Position	Status
			<p>• Lea Wood –approximately 1.9km to the north of the DCO site.</p> <p>Appendix 8 5.2.4 states that all ancient woodland will be retained with buffers of a minimum of 15m. Given this, Natural England concur with the conclusion that no woodland is likely to be directly affected by the proposal. Further, no indirect impacts are likely during construction or operation, with appropriate mitigation formalised in the CEMP. The DCO should stipulate these requirements and highlight that Burton Wood is located within the site boundary. Natural England and the Forestry Commission have produced standing advice in relation to ancient woodland and ancient and veteran trees. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances. However, we recognise the steps put forward (e.g. undeveloped buffers) to protect these sites.</p> <p>We agree that enforced buffer zones and implementation of standard environmental protection measures will reduce risk of impact to broad leaved woodland. These measures will be included within the Framework CEMP.</p>	<p>- indirect effects will be avoided with the creation of a buffer zone of at least 15 m around ancient woodland, this is secured in the Outline Design Principles [EN010131/APP/2.3] submitted with the Application;</p> <p>- the ancient woodland will benefit from the buffer zones through natural regeneration augmenting the overall ecology of the woodlands and in the long term enabling expansion; and</p> <p>- the Framework Construction Environmental Management Plan (CEMP) [EN01031/APP/7.3] includes measures to manage dust to avoid impacts on ancient woodland.</p>	

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1.4	<u>Relevant Representation [REP-193] Stat. Con. Response:</u>	Biodiversity Net Gain	<p>For air quality comments see page 8, below.</p> <p>We note that habitat data, required to calculate the Biodiversity Net Gain (BNG) or net loss has been collected in the Phase 1 Habitat survey. This will be updated, as necessary, through subsequent surveys (such as arable flora and hedgerow surveys) to ensure a comprehensive baseline of data for the BNG assessment. The BNG assessment will be submitted with the Environmental Statement.</p> <p>We welcome that the biodiversity enhancements which are proposed may give rise to significant biodiversity net gains on the site. We recommend use of the Biodiversity Metric 3.1, which can be found here, to quantify these gains and demonstrate that the development will benefit biodiversity overall. Although government intends to mandate measurable biodiversity net gain for all new development at present there is no mandatory requirement to do this. We do therefore advise that taking the net gain approach would make this development exemplary and would be illustrative of the intent to work to benefit the environment through development. Natural England would be pleased to advise on any plan of action regarding BNG.</p>	<p>A BNG assessment has been undertaken to quantify the potential for the Scheme to deliver BNG. Calculations consider the potential level of proposed habitat loss, retention, enhancement and/or creation which could be delivered by the Scheme and are measured using DEFRA's Biodiversity Metric 3.1. The BNG assessment is provided as part of the Application [EN010131/APP/7.9].</p> <p>Landscape Details of planting are included within the Outline Landscape and Ecology Management Plan (OLEMP) [EN010131/APP/7.10] which outlines the landscape and ecology impact avoidance measures that would be implemented prior to, and during, construction of the Scheme, as well as the habitat restoration, enhancement, management and monitoring measures to be implemented once the Scheme is operational.</p>	Under discussion <u>Agreed</u>

Ref.	Document	Topic	Natural England Position	Applicant Position	Status
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~~Please be advised that the DEFRA metric should not be used to assess impacts and calculate compensation for habitat damage or loss in designated sites or irreplaceable habitats. Any impacts on such habitats and sites should be assessed in accordance with planning policy and via the environmental assessment.~~

~~The CEMP and LEMP should explain how the site will continue to be managed and secured for the lifetime of the development. They should also provide details on the planned retention and enhancement of existing habitat features such as hedgerows, woodland and ponds. We would also particularly need details on proposed habitat connectivity to surrounding habitats which would contribute to the wider Nature Recovery Network and if included in an application there should be the presumption of retention at the design stage of the layout. Note that habitat enhanced or created for mandatory BNG must be secured, managed and maintained for at least 30 years and must achieve the distinctiveness and condition as intended.~~

Ref.	Document	Topic	Natural England Position	Applicant Position	Status
			<p><u>Habitat data, required to calculate the biodiversity net gain or net loss, has been collected in the Phase 1 habitat survey and updated, as necessary, through subsequent surveys as well as condition assessments to ensure a comprehensive baseline of data for the BNG assessment.</u></p> <p><u>Natural England acknowledge the submission of the 'Biodiversity Net Gain Assessment' (EN010131/APP/7.9).</u></p> <p><u>Natural England has no statutory role in verifying this assessment. Natural England can make no specific comments at this stage of the actual enhancement proposals.</u></p> <p><u>Section 4.1.1 of the assessment report predicts that the project will result in a net gain of 70.95% for area-based habitats, 37.24% for hedgerows and a net gain of 14.22% for rivers. This is in exceedance of the intended 10% mandatory gain and is welcomed. The outputs of the metric will be dependent on all retained and enhanced habitats meeting the target conditions, subject to the criteria outlined within Natural England's Biodiversity Metric 3.1 'User Guide and Technical Note'. We are pleased to note that habitats will be monitored to ensure correct establishment and growth, and remedial action taken if this does not proceed as expected. Detailed of monitoring</u></p>		

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			<p><u>prescriptions and intervals, For the purposes of BNG Condition Assessments, post-construction surveys will also be undertaken in years 2, 5, 10, 15, 20, 25 and 30, are specified in section 4 of the outline Landscape and Ecology Management Plan (LEMP) and Natural England would expect expedient measures taken if targets are not met.</u></p>		
1.5	Stat. Con. Response: included within Consultation Report	Protected Species	<p>We note that a suite of ecological surveys is in process. Based on the information provided Natural England advises that the proposal has the potential to impact protected species. Natural England's Standing Advice provides guidance on how protected species should be dealt with in the planning system. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted. Please refer to 'The Planning Inspectorate Advice Note 11, Annex C' which details information regarding licensing of protected species for NSIP applications.</p>	<p>Chapter 8: Ecology and Nature Conservation, of the ES [EN01031/APP/3.1] assesses the impact of the Scheme on protected species and habitats. It concludes that no significant effects are likely on protected species. This was informed by detailed assessments of:</p> <ul style="list-style-type: none"> - flora (including hedgerows) (Appendix 8-C of the ES) [EN01031/APP/3.3] - terrestrial invertebrates (Appendix 8-D of the ES) [EN01031/APP/3.3]; aquatic habitats (Appendix 8-E of the ES) [EN01031/APP/3.3]; - Great Crested Newt (Appendix 8-F of the ES) [EN01031/APP/3.3]; - reptiles and other amphibians (Appendix 8-G of the ES) [EN01031/APP/3.3]; - breeding birds (Appendix 8-H of the ES) [EN01031/APP/3.3]; - wintering birds (Appendix 8-I of the ES) [EN01031/APP/3.3]; 	Agreed

Ref.	Document	Topic	Natural England Position	Applicant Position	Status
			<p>Natural England has previously advised of the possibility of applying for District Level Licensing (DLL) which may become available later in the year in Lincolnshire. If this option is available, the applicant would need to either:</p> <p>a) provisionally sign up to DLL before the scheme launch or</p> <p>b) if the scheme has launched, sign up when they need to commence works on the ground and need a licence.</p> <p><u>NE Response 14 July 2023</u> <u>Confirm that Natural England are in agreement with SoCG (dated January 2023) in relation to Protected Species. The full response from NE is provided in Appendix B of this SoCG.</u></p>	<p>- bats (Appendix 8-J of the ES) [EN01031/APP/3.3];</p> <p>- riparian mammals (Appendix 8-K of the ES) [EN01031/APP/3.3]; and</p> <p>- badger (Appendix 8-L of the ES) [EN01031/APP/3.3] (This document contains confidential information and is only available on request to those who have a legitimate need to view it).</p> <p>The requirement for protected species licencing has not been identified as part of the assessment.</p>	
Socio-Economics and Land-Use					
1.6	Stat. Con. Response.	Agricultural Land	<p>The PEIR reports that land in terms of Agricultural Land Classification (ALC) is predominantly Grade 3b (moderate quality agricultural land) with some 3a (good quality agricultural land). We note that, only the energy park has been surveyed and assessed at this point and not the grid connection route and that the route will be assessed as the ES progresses. A detailed ALC and soil resource survey will also be required for the final cable route.</p> <p><u>NE Response April 2023</u></p>	<p>As reported in ES Chapter 12: Socio-economics and Land Use [EN010131/APP/3.1] it is correct that land within the Solar and Energy Storage Park is predominantly ALC Grade 3b (moderate quality) with some Grade 3a (good quality).</p> <p>In terms of the Grid Connection Corridor, a desktop study has been undertaken rather than a detailed survey as it is considered that a desktop survey is sufficient to establish the ALC and soil resource within the</p>	<u>Under discussion</u> <u>Agreed</u>

Ref.	Document	Topic	Natural England Position	Applicant Position	Status
			<p><u>The desktop study should inform the ALC survey approach for the Grid Connection Corridor. 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. The results of the desktop study included within Chapter 12: Socio-economics and Land Use [EN010131/APP/3.1] does indicate some likely higher quality land within the Grid Connection Corridor, so a detailed survey is recommended in these areas. In areas identified as lower quality the survey density could be reduced. This allows the planning authority to make informed decisions.</u></p>	<p>area given that the land would return to agricultural use during operation.</p> <p>The desktop study has been undertaken using available published information (BGS mapping, published Soil Maps and MAGIC DEFRA site). The results of the desktop study are included within Chapter 12: Socio-economics and Land Use within the Environmental Statement [EN010131/APP/3.1].</p> <p>The Applicant sent a response to Natural England in August 2022 confirming that the proposed approach would be not to complete full ALC surveys over the Grid Connection Corridor due to the lack of impacts on agricultural use after construction. No response had been received when this SoCG was drafted in January 2023.</p> <p><u>Applicant Response to NE Comment April 2023</u> <u>Noted. See response to 1.11.</u></p>	
1.7	Stat. Con. Response.	Agricultural Land	Natural England had advised the applicant on 14 July 2022 that further survey work was needed,	It is noted that Natural England is content that the ALC survey has been	Under discussion <u>Agreed</u>

Ref.	Document	Topic	Natural England Position	Applicant Position	Status
			<p>namely: 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.</p> <p>-NE Response April 2023 From the ALC survey data, 11.8 % of the agricultural land within the site has been identified as BMV (Subgrade 3a). The Indicative Site Layout Plan (Figure 2.4) suggests the Substation and BESS are located on land identified through the ALC survey as Subgrade 3a and 3b (Figure 3, ES Appendix 12C</p>	<p>carried out in accordance with ALC published guidelines.</p> <p>Due to the nature of the development, there will be minimal areas within the Order Limits that will be permanently affected by the proposed development.</p> <p>Areas to be permanently affected include the Battery Energy Storage System (BESS) and areas of permanent planting (predominantly new hedgerows). The BESS has been sited to avoid BMV land where practicable, whilst balancing surface water, flood risk and visual considerations.</p> <p>It is therefore considered that further detailed surveys are not required within areas permanently affected by the development, or within the Grid Connection Corridor (refer also to Ref. 1.11 below regarding the Grid Connection Corridor).</p> <p>It is noted that due to the size of the site a free survey may be advised rather than a grid-based survey.</p> <p>As stated within Appendix 12C: Agricultural Land Classification Report [EN01031/APP/3.3] the ALC survey within Solar and Energy Storage Park</p>	

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			<p><u>ALC Report), thus the permanent infrastructure siting will result in the permanent loss of BMV.</u></p> <p><u>It is acknowledged that the survey density as shown in ‘Survey Observations’ ES Appendix 12C ALC Report) for the Solar and Energy Storage Park, demonstrates an increased survey density within some areas of Subgrade 3a to improve the accuracy of mapping the boundaries between Subgrade 3a and 3b and thus the extent of BMV agricultural land. The applicant provides justification as to their survey density approach for the Solar and Energy Storage Park, taking into consideration the soil properties and soil uniformity.</u></p>	<p>was carried out at alternate intersects of a 100 m grid giving a density of one observation per two hectares. Where observation points varied (different soil type/higher land quality grade), additional auger points were carried out to confirm the coverage of the higher quality land in order to accurately draw boundaries between BMV and lower quality land. Boundaries of the BMV land have detailed coverage. Where lower quality land was found, the density of the augers at one observation per two hectares is deemed appropriate – this land showed no variation on the augers and there is no variation in the geology/soil types mapped in published data.</p> <p>In terms of published data which shows an area of alluvium in the south. These deposits can comprise clay, silt, sand and gravel. At least six observations (observations 271, 272,281, 290, 291, 300) were carried out in this area and showed the deposit comprises clay giving poor quality land. It is not considered that any further detail is needed in this area.</p> <p><u>Applicant Response to NE Comment April 2023</u> <u>No further comments.</u></p>	

Ref.	Document	Topic	Natural England Position	Applicant Position	Status
1.8	Stat. Con. Response.	Agricultural Land	<p>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.</p> <p><u>NE Response April 2023</u> <u>See comment to Ref. 1.7</u></p>	<p>The results of the soil resource and ALC survey have informed the design development i.e. permanent aspects of the development such as the BESS have been sited to minimise BMV <u>land</u> whilst balancing surface water, flood risk and visual considerations.</p> <p><u>Applicant Response to NE Comment April 2023</u> <u>No further comments.</u></p>	<u>Agreed</u>
1.9	Stat. Con. Response.	Agricultural Land	<p>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.</p> <p><u>NE Response April 2023</u> <u>This comment pertains to the Grid Connection Corridor also, see response to Ref 1.11</u></p>	<p>The results of the soil resource and ALC survey of the Solar and Energy Storage Park have been used to produce reliable maps of land quality and soil resources which will feed into the Outline Soil Management Plan [EN010131-APP-7.12] which will be developed into a details Soil Management Plan post-consent and prior to the start of construction.</p> <p><u>Applicant Response to NE Comment April 2023</u> <u>No further comments.</u></p>	Under discussion <u>Agreed</u>
1.10	Stat. Con. Response.	Agricultural Land	<p>Regarding the submitted draft ALC report, the ALC map should be labelled that it is a semi-detailed survey.</p> <p><u>NE Response April 2023</u> <u>No further comment</u></p>	<p>Comment noted. It is stated within Appendix 12-C ALC Report [EN010131-APP-3.1] that a semi-detailed survey has been undertaken.</p>	Under discussion <u>Agreed</u>

Ref.	Document	Topic	Natural England Position	Applicant Position	Status
				<u>Applicant Response to NE Comment April 2023</u> <u>No further comments.</u>	
1.11	Stat. Con. Response.	Agricultural Land	<p>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.</p> <p>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.</p> <p>We will provide further comment when this is available.</p> <p><u>NE Response April 2023</u> <u>We require that land quality and soil resources information is gathered for any land that is disturbed by the development, so the cabling route should be surveyed. This will inform the current ALC baseline which will subsequently inform the restoration criteria and enable the restoration to be</u></p>	<p>Low Carbon agree that within the Grid Connection Corridor soil survey will be undertaken for the purposes of condition survey prior to construction. This is a different purpose to ALC survey. It is considered that ALC survey in the Grid Connection Corridor is not required because all of the land will be reinstated following construction and will be available for agricultural use.</p> <p>Comment noted. Please see response in row 1.7 which outlines the approach to the survey density within the Solar and Energy Storage Park, and also explains why it is considered that supplementary sampling of BMV land is not required.</p> <p>Please see response in row 1.6 which explains the approach to determining the ALC of land within the grid connection corridor i.e. the results of a desktop survey are reported in the ES. The results of the soils and ALC survey of the main site will be fed into a site-specific Soil Management Plan to ensure correct handling and restoration of soils, and onsite reuse of any</p>	Under discussion <u>Agreed</u>

Ref.	Document	Topic	Natural England Position	Applicant Position	Status
			<p><u>verified. This information allows the Decision Maker to make informed decisions.</u></p> <p><u>It is recommended in this instance, that an ALC survey is undertaken within the cable route, with flexibilities around density depending on land quality identified in the desktop study. A semi detailed survey is acceptable where the site is clearly expected to be non-BMV with uniform soils (1 auger per 2 ha plus representative pits), but where BMV has been identified, a detailed ALC survey would be expected (1 auger per ha plus representative pits).</u></p> <p><u>This type of survey requires an experienced ALC surveyor, in order to make the correct professional judgements, where to introduce flexibility.</u></p> <p><u>As a result, we request that a detailed ALC survey of the predicted BMV areas and a semi-detailed survey in the areas identified to be non-BMV to confirm its extent to be undertaken in the grid connection corridor. The ALC survey will also enable a soil management plan to be prepared for any areas to be disturbed to ensure correct handling and restoration of soils.</u></p>	<p>surplus soils stripped from areas of permanent development (where possible). An Outline Soil Management Plan is included within the application [EN010131/APP/7.12].</p> <p><u>Applicant Response to NE Comment April 2023</u> <u>An ALC survey within the Grid Connection Corridor will be undertaken pre-consent.</u></p>	

Ref.	Document	Topic	Natural England Position	Applicant Position	Status
1.12	Stat. Con. Response.	Agricultural Land	<p>As the given life span of the project is 60 years, with a possible extension, the agricultural land will be taken out of production in the long term. However, it will be possible to restore the land to agricultural use with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Some components of the development, such as construction of a sub-station, may permanently affect agricultural land but this would be limited to small areas.</p> <p><u>NE Response April 2023</u> <u>What are the proposals for the surplus soils excavated at the Substation and BESS site? These should be re-used sustainably on site where possible.</u></p>	<p>Comment noted. It is agreed that agricultural land will be taken out of production temporarily for 60 years (with a possible extension). Land affected permanently by the development (such as construction of the BESS) will be limited to small areas. Impacts to BMV have been avoided by siting permanent infrastructure outside of areas of good quality agricultural land where practicable, whilst balancing surface water, flood risk and visual considerations.</p> <p><u>Applicant Response to NE Comment April 2023</u> <u>Any excavated material will involve small quantities and will be reused on site where possible as stated within the waste section of Chapter 15: Other Environmental Topics [EN010131-APP-3.1].</u></p>	<u>Under discussion</u> <u>Agreed</u>
1.13	Stat. Con. Response.	Agricultural Land	<p>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 retain as many of its important functions and services (ecosystem services) as possible. This can be achieved through</p>	<p>Comment noted. An Outline Soil Management Plan [EN010131-APP-7.12]. is provided within the application and includes the following:</p> <ul style="list-style-type: none"> o Land access (determine safe work period for machinery land access by using information from mapping soil types according to clay content and 	<u>Under discussion</u> <u>Agreed</u>

Ref.	Document	Topic	Natural England Position	Applicant Position	Status
			<p>careful soil management and appropriate, beneficial soil re-use, with consideration of how adverse impacts on soils and their functions can be avoided or minimised.</p> <p><u>NE Response April 2023</u> <u>No further comment</u></p>	<p>drainage; produce maps of sections with specific access periods)</p> <ul style="list-style-type: none"> o Soil handling (advice on appropriate handling according to site specific soil type (clay content), weather conditions) o Prevention of erosion (undertake erosion risk assessment of the site, map soils low to very high risk advise management accordingly) o Remediation (advice for remediation works that may be required if management plan is not adhered to/should agricultural land problems be identified by landowners/operations the season following cable installation) <p><u>Applicant Response to NE Comment April 2023</u> <u>No further comment.</u></p>	
1.14	Stat. Con. Response.	Agricultural Land	<p>The ES should include a detailed breakdown of the land take into permanent and temporary losses for the different types of land use within the proposed development (including the cable route), broken down by ALC by area (ha) and percentage.</p> <p><u>NE Response April 2023</u> <u>Noted, no further comment</u></p>	<p>Comment noted. Chapter 12: Socio-economics and Land Use [EN010131-APP-3.1] will include a breakdown of permanent and temporary losses for the different types of land use within the proposed development (including the grid connection corridor), broken down by ALC area (ha) and percentage.</p> <p><u>Applicant Response to NE Comment April 2023</u></p>	<p>Under discussion <u>Agreed</u></p>

Ref.	Document	Topic	Natural England Position	Applicant Position	Status
				<u>No further comment.</u>	

Appendix A: Record of Engagement

Date	Correspondence	Topics discussed and outcomes
13 Oct 2021	Letter/e-mail	Correspondence from Applicant to NE introducing the Scheme as part of non-statutory consultation including details and dates of the proposed non-statutory consultation process in Jan-Feb 2022.
14 Dec 2021	EIA Scoping request and response	Information was provided by e-mail from Natural England, with advice provided on EIA Scoping Requirements, including ecological aspects of an Environmental Statement, advice on internationally and nationally designated sites, regionally and Locally important sites, protected species (including links to standing advice on survey and mitigation), habitats and species of principal importance and contacts for local records. Further advice was provided on designated landscapes and landscape character, access and recreation, soil and agricultural land quality, air quality, climate change adaptation, cumulative and in-combination effects and ancient woodland.
11 Jan 2022	Letter/e-mail	Correspondence from Applicant to NE issued on the non-statutory consultation process.
16 June 2022	Letter/e-mail	Correspondence from Applicant to NE issued on the statutory consultation process, including consultation booklet and feedback form.
9 August 2022	On-line meeting with Sandra Close and Andy Stubbs	Natural England confirmed this was a helpful workshop to inform on their statutory consultation response.
9 August 2022	E-mail from Sandra Close (NE Case Officer) to Alan Bull (AECOM)	E-mail confirmation that there is no record of Park Wood East / West SSSI within the vicinity of Gate Burton [Park Wood East / West SSSI was indicated by the Environment Agency (EA) in their statutory consultation].
16 August 2022	Statutory Consultation	NE response at statutory consultation. Impacts on designated sites, regionally and locally important sites and habitats and species of principal importance, ancient woodland, biodiversity net gain, LEMP, cumulative effects and interactions and protected species.
August 2022	Email	The Applicant issued a response to Natural England's comments from Statutory Consultation regarding agricultural land use and survey methods. No response was received from Natural England.
23 January 2023	Email	A draft version of this SoCG was issued to Natural England for comment. A response has not yet been received.
17 July 2023	Email	Natural England comments on second draft of SoCG received by the Applicant.

Appendix B: Response on Protected Species

Hi Alan,

Please find below a summary, taken from the Gate Burton ES, of our position on protected species and why licences for the following are not required. This is in response to the applicant, as to whether Protected Species Licences are required.

Great Crested Newt: Construction of the Grid Connection Corridor, within 250 m of a pond supporting Great Crested Newt will predominantly be constructed in low value habitats (arable farmland) for this species and will avoid all habitat within 100 m of this pond. However, semi-improved grassland and scrub habitat (between 100 m and 250 m from the pond) is of potentially greater value to transient (dispersing / commuting) Great Crested Newt and an approximate area of 0.3 ha of this habitat will be impacted upon during construction of the Grid Connection Corridor. Given the proximity of this habitat to a pond supporting Great Crested Newt (between 100m and 250m from the pond), Natural England's Rapid Risk Assessment tool was used to assess the potential for impacts to occur to Great Crested Newt. The results of this rapid risk assessment indicated that an offence was likely ('Amber: Offence Likely') and Natural England's approach is to consider options for re-designing the development (location, layout, methods, duration or timing) so that the effects are minimised. It also recommends that the exact location of development in relation to resting places, dispersal areas and barriers to movement is critically examined prior to determining whether a derogation licence under the Habitats Regulations is required.

On evaluation, the habitats of potential value to Great Crested Newt within the Grid Connection Corridor (such as semi-improved grassland and scrub) are separated from the pond through an existing access track (tarmac), agricultural buildings / a residential property and are beyond 100 m from the pond. There are no hibernacula present within the semi-improved grassland and refugia surveys (for reptiles), undertaken there in September to October 2022, did not record any Great Crested Newt. Therefore, whilst there is a small risk of encountering Great Crested Newts during construction of the Grid Connection Corridor, this can be managed through mitigation measures to reduce or eliminate this risk and ensure that UK and European legislation relating to this species is adhered to. Therefore, works will be undertaken under Reasonable Avoidance Measures (RAMs) and these measures will be formalised into the Framework CEMP, secured through the DCO. As such, it has been concluded that given, the limited and temporary nature of laying cables along the grid connection route and the low likelihood of GCN being present in working areas, that a EPSML is not required for GCN. Furthermore, within the Solar and Energy Storage Park, the majority of habitats of value to Great Crested Newt using the Order limits (including ponds, woodland, hedgerows, scrub, ditches and arable margins) will be retained and buffered during construction.

Natural England notes the GCN proposed works are planned to proceed using Reasonable Avoidance Measures (RAMs). The use of RAMs is not licensed by Natural England nor is it Natural England's remit to make a determination as to the appropriateness on their use. It is for those undertaking the works on the advice of a consultant ecologist to make this decision in consideration of the risks to, and impacts on GCN, and how they may be reduced and mitigated for through modified work practices. While well considered RAMs enable works to proceed without an EPS licence, Natural England reminds the applicant the discovery of GCN during RAMs works could lead to project delays. If such an approach is employed and GCN were to be found within the work areas under the RAMs methodology, works within those areas would need to cease immediately, an ecological assessment undertaken, and if appropriate a licence sought.

Documents EN010131/APP/7.3 Appendix A. A1, and EN010131/APP/7.5 Appendix A. B1 state fingertip searches to be undertaken in areas of suitable GCN habitat within 250m of a pond supporting this species. Natural England advises such search methods are only appropriate for distinct habitat types (i.e. rubble or log/brush piles, narrow tracts of land for fence lines etc.). Should larger extents of potential habitat require searching, in the absence of a traditional capture and exclusion approach, additional supporting methods may be required such as GCN detection dogs. Document EN010131/APP/7.10 4.1.3 Post construction monitoring states the type of monitoring and the years in which it will occur but there is no indication which waterbodies will be monitored.

Badger: The Works Plans allow the Scheme to be designed to avoid the loss of Badger setts, therefore the construction of the Scheme will retain and avoid the current locations of Badger setts recorded within the Order limits, with appropriate buffers. These measures are included within the Framework CEMP, secured through the DCO. Pre-construction Badger surveys will be undertaken to determine baseline conditions remain the same as currently recorded and, where Badger setts are identified as being lost, or if any changes to Badger distribution are identified then a Natural England licence will be required and mitigation measures updated accordingly **noted and agreed**.

Measures to safeguard Badger welfare during the construction phase e.g. providing a means of escape from open trenches should be considered, even if a licence is not applied for.

Bats: The construction of the Scheme will avoid features used by roosting bats, such as woodland and hedgerows and any trees identified as being of potential to support roosting bats. There will be no loss of important [roost] habitats used by bats anywhere within the Order limits. **NE broadly support the principle of preserving existing roosts and monitoring the site for changes.**

Water Vole: The construction of the Scheme will avoid ditches and watercourses where Water Vole were recorded, and these will be retained and suitably buffered. There will be no loss of habitat used by Water Vole anywhere within the Order limits. The construction of the Scheme will be offset (>10 m) from any peripheral watercourses, used by Water Vole, as detailed in the embedded design mitigation. These offsets will prevent disturbance to riparian habitats and any Water Vole using them.

The construction of the Grid Connection Corridor and any internal access across the Order limits, where this crosses watercourses used by Water Vole, will utilise non-intrusive methods to avoid physical disturbance to the watercourse therefore avoiding disturbance to species, habitat loss and direct mortality for Water Vole.

Any clear-span bridges constructed over waterways should follow best practice e.g. height above predicted flood levels. Bankside environmental impacts should be considered if HDD/mole-drilling for connection cables is to be used below watercourses.

Otter: The construction of the Scheme will avoid ditches and watercourses where Otter were recorded (the River Trent) and these will be retained and suitably buffered. There will be no loss of habitat used by Otter anywhere within the Order limits. [Note, Otter was only recorded within the River Trent (footprints) and no Otter holts, couches or resting sites were recorded within the Order Limits].

Bankside environmental impacts on otters should be considered if the connection cables to Cottam substation are to be HDD/mole-drilled under the river Trent.

I can confirm that Natural England are in agreement with SoCG (dated January 2023) in relation to Protected Species.