

Date: 07 June 2023  
Our ref: 431220  
Your ref: EN010132



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**BY EMAIL ONLY**

Dear Sir/Madam

**NSIP Reference: EN010132**

## **Natural England's comments in respect of West Burton Solar Project**

**Examining authority's submission deadline: 8<sup>th</sup> June 2023**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

For any further advice on this consultation please contact the case officer Robbie Clarey ([Robert.clarey@naturalengland.org.uk](mailto:Robert.clarey@naturalengland.org.uk)) and copy to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully

Robbie Clarey

Lead Adviser - East Midlands Area Delivery

## Natural England's Relevant Representations

**PART I:** Natural England's Advice on matters relevant to the Natural Environment. (Page 2-11)

**PART II:** Natural England's detailed comments on the Development Consent Order (DCO) (Page 12-13).

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

#### 1. Summary of Natural England's Advice

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

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

- The omission of assessment of the loss of BMV land to each element of the proposal, including biodiversity opportunity areas
- The requirement for additional commitments for the content of the detailed Soil Management Plan
- The restoration of the site following decommissioning

The key concerns we have regarding Protected Species are:

- The possible need for protected species licences

Natural England's advice in these relevant representations is based on information submitted by West Burton Solar project Limited in support of its application for a Development Consent Order ('DCO') in relation to the development of a solar and energy storage project ('the project').

Part I of these representations details what Natural England considers the main issues<sup>1</sup> to be in relation to the DCO application, and indicates the principal submissions that it wishes to make at this point. It then sets out all the significant issues which remain outstanding, and which Natural England advises should be addressed by West Burton Solar Project Limited and the Examining Authority as part of the examination process to ensure that the project can properly be consented. These are primarily issues on which further information would be required in order to allow the Examining Authority to properly undertake its task or where further work is required to determine the effects of the project.

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

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

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

[https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11\\_AnnexC\\_20150928.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf)

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

Our comments are flagged as red, amber or green:

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

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

Natural England has been engaged by the applicant via our Discretionary Advice Service (DAS) for this project, in tandem with Cottam Solar Project. This advice has been provided by the Applicant at Appendix 9.1 (Items 5, 6 and 7). To summarise, we have provided comment on:

- Survey methodology for Great Crested Newts, Bats, Water Vole and Otter for both the PV areas and cable route.
- Sources of impact to designated sites and the above species, from both the PV areas and cable route.
- Outline approaches to mitigation for potential impacts to designated sites and the above species.
- Likelihood of impacts to designated sites (International and Nationally Designated sites only).

We have also provided comment at the statutory EIA Scoping and Section 42 consultation stages of the project.

We have not been engaged regarding the development of a Statement of Common Ground (SoCG) or any other supporting documentation, such as a Letter of No Impediment (LoNI). If the applicant wishes to develop any such documentation, further engagement should be sought in due course. In the absence of a SoCG, Natural England advises that the matters set out in these representations will require consideration by the Examining Authority as part of the examination process.

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

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

### **Internationally Designated Sites – GREEN**

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

It is noted that the information provided with regard to internationally designated sites for the West Burton Solar Project is largely similar to that provided within the Cottam Solar Project submission; as such, Natural England's comments are equally similar.

Impacts to internationally designated sites are discussed within ES Chapter 9 (Ecology and Biodiversity) and the 'Information to Support a Habitats Regulations Assessment' contains a more detailed assessment of potential impacts to these sites. Natural England have worked with the applicant through our Discretionary Advice Service, including providing advice regarding potential impacts to Internationally Designated Sites.

The 'Information to Support a Habitats Regulation Assessment' concludes that no significant effects are likely to occur. Natural England concur with this conclusion. Our further comments are set out below.

#### Information to Support a Habitats Regulations Assessment - Section 5.1 Humber Estuary SAC

Natural England note the hydrological connectivity between the development site and the Humber Estuary SAC, however, due to the low likelihood and small scale of potential pollution events from the development activities, and distance to the SAC, a conclusion of no Likely Significant Effects is suitable.

#### Information to Support a Habitats Regulations Assessment - Section 5.2 Thorne Moor SAC & Hatfield Moor SAC

Thorne Moor SAC and Hatfield Moor SAC are both physically and hydrologically separated from the development site. In addition, the notified features of these sites are immobile in nature; as such, a conclusion of no Likely Significant Effects is suitable.

#### Information to Support a Habitats Regulations Assessment - Section 5.3 Thorne & Hatfield Moors SPA

Thorne and Hatfield Moors SPA is notified for its Nightjar populations. Nightjar are a mobile species and thus can be impacted via losses of, or changes to, functionally linked land. 'Functionally-linked land' ('FLL') describes areas of land or sea occurring outside of a designated site which nonetheless are considered to be critical to or necessary for the ecological or behavioural functioning in a relevant season of a qualifying feature for which that site has been designated.

Site surveys show that within the order limits there are no heathland or woodland habitats likely to be of interest to Nightjar. Additionally, survey results showed no recordings of Nightjar and no potential for their presence within the order limits. As such, Natural England consider the order limits do not constitute functionally linked land for Nightjar and concur with the conclusion of no Likely Significant Effects.

## Information to Support a Habitats Regulations Assessment - Section 5.4 Birklands and Bilhaugh SAC

Birklands and Bilhaugh SAC is both physically and hydrologically separated from the development site. In addition, the notified features of the site are immobile in nature; as such, a conclusion of no Likely Significant Effects is suitable.

## Information to Support a Habitats Regulations Assessment - Section 5.5 Humber Estuary SPA

The Humber Estuary supports a variety of wintering, passage and breeding birds, including internationally important populations of a number of species. As such, loss of, or changes to, functionally linked land could have a significant impact on SPA birds. Site surveys have shown species for which the SPA is notified flying over, foraging or sheltering within the order limits. Natural England consider the numbers of, and frequency of, birds noted within site surveys, when compared to the SPA populations as a whole, not to be significant enough to render the order limits critical to or necessary for the ecological or behavioural functioning of the relevant qualifying feature and thus concur that the order limits are not functionally linked to the SPA. We concur with the conclusion of no Likely Significant Effects.

In combination effects on internationally designated sites have been considered within the Information to Support a Habitats Regulations Assessment. The possible effects the scheme may have in combination with: Cottam Solar project, Gate Burton Solar Project, Tillbridge Solar Project, and the 'Shared Cable Route Corridor' have been identified and justifications provided for their discounting for each of the relevant internationally designated sites. Natural England concur with the conclusions for each site that in combination effects are unlikely, however, as the Planning Inspectorate are the Competent Authority under the Habitats Regulations, the Planning Inspectorate should ensure they have assessed and reached their own conclusion.

## **Nationally Designated Sites - GREEN**

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

Section 9.7 of ES Chapter 9 is an assessment of effects to ecology and biodiversity, including on Nationally designated sites.

ES Chapter 9 Section 9.7.22 – 9.7.27: Ashton's Meadow SSSI, Lea Marsh SSSI, Clarborough Tunnel SSSI, Chesterfield Canal SSSI, Treswell Wood SSSI & Doddington Clay Woods SSSI.

Due to the physical and Hydrological separation of these SSSIs from the order limits, we consider impacts to be unlikely.

## **Protected Species - AMBER**

Natural England's position regarding European Protected Species is set out below.

Natural England have provided advice via our Discretionary Advice Service regarding Great Crested Newts, Bats, Water Voles and Otters. This advice has been provided within the application at Appendix 9.1.

As it stands, ES Chapter 9 indicates that no protected species licences are required from Natural England, although it is noted that a number of licences may be required where avoidance is not possible during construction.

- Section 6.3.2 of the oEPMS states that where a bat roost is discovered, a licence may be required from natural England.
- Section 6.6.4 of the oEPMS states that where impacts to holts, burrows or sheltering sites for Otter/Water Vole are unavoidable, a licence from Natural England may be required.
- Section 9.4.2 of the oEPMS states that where an active badger sett is to be unavoidably impacted by construction activities, a licence from Natural England may be required.

Natural England welcome the approach taken to avoid any impacts to protected species before resorting to the need for a licence to undertake potentially damaging works. This approach should be maintained within the detailed EPMS, which is a requirement within the draft DCO. Nonetheless, as there may be a requirement for protected species licences from Natural England, we would like to flag this within our representations, but acknowledge that there may be a circumstance where no licences are required; as such this would not pose a significant obstacle. At this stage, Natural England have not been engaged regarding the production of a Letter of No Impediment (LoNI) for protected Species Licences; should this be required, submission of draft protected species licence applications would be required for review. Information relating to wildlife licencing and NSIPs is provided within the Planning Inspectorate's [Advice Note 11, Annex C – Natural England and the Planning Inspectorate](#). Specifically, at the bottom of page 6 and within Appendix I.

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

## **Biodiversity Net Gain - GREEN**

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

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

Natural England acknowledge the production of Appendix 9.12 (Biodiversity Net Gain Report), which illustrates via use of the Biodiversity Metric 3.1 that the proposal will give rise to gains for biodiversity in the magnitude of 86.80% for habitat units, 54.71% for hedgerow units and 33.25% for river units. This is in exceedance of the intended 10% mandatory gain and is welcomed. It is noted that the trading rules have not been satisfied within the calculations, however, rationale for this is set out within sections 6.1.7 – 6.1.12. Natural England acknowledge this rationale, and concur that the proposed enhancements to the arable field margins are likely to enhance overall biodiversity.

### Biodiversity Enhancements

- Overall, Natural England welcome the biodiversity enhancement proposals, illustrated in the Landscape and Ecology Mitigation and Enhancement Plans (ES figures 8.18.1 to 8.18.3).

- The provisions of the oLEMP are also noted, which outline appropriate management measures to ensure the maximum benefit for biodiversity is realised during the operational phase of the scheme. We note section 4.11 of the oLEMP which sets out the outline monitoring methods for the site. Monitoring of the habitats created and enhanced through the scheme is essential to ensure their successful establishment and ongoing success. We would, however, encourage further detail to be provided within the detailed LEMP to cover specific management actions to be taken where a specific habitat fails to establish.

## Nationally Designated Landscapes - GREEN

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

The proposed development is not located within, or within the setting of, any nationally designated landscapes. As a result, Natural England has no specific comments to make on the landscape implications of this development. The examining authority should have regard for the landscape character of the area; we welcome the reference to Natural England's National Character Areas and other Local Landscape Character Assessments within ES Chapter 8 (Landscape and Visual Impact Assessment). We would also like to stress the importance of cumulative landscape impacts from the development.

## Soils and best and most versatile agricultural land - AMBER

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

### Overview

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

Based on the information provided within the Environmental Statement (ES) (Chapter 19: Soils and Agriculture and Appendix 19.1 Agricultural Land Quality, Soil Resources & Farming Circumstances), it appears that the proposed development will result in the temporary development of 886.4ha (19.3.5), of which 199.5ha is BMV agricultural land (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system), as determined from detailed ALC surveys. It is acknowledged that some of the order limits will remain in arable use (i.e. N24, N26, N28, N29, N30 & N31 as illustrated in figure 8.18.1).

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

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

## **Loss of Best and Most Versatile Agricultural Land**

It is considered that as the solar panels would be secured to the ground by steel piles with limited soil disturbance, they could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Consequently, Natural England would advise that any grant of planning permission should be made subject to requirements to safeguard soil resources and agricultural land.

It is assumed within the ES that the development will not lead to any permanent loss of agricultural land. The area proposed to be occupied by the Substation, Battery Storage (BESS) and access tracks will be lost for the lifetime of the development, however, 9.9.22 states that all hardstanding will be removed and restored to agricultural land. Natural England would like to note that this assessment of no permanent loss of agricultural land differs from the assessment provided in support of the Cottam Solar project, proposed by the same applicant and consultant. At the Cottam Solar Project, 29ha are proposed to be occupied by the substations and BESS (Cottam Solar Project ES 19.9.3); this area is considered to be permanently lost, despite the intention to restore it to agriculture. As a result, Natural England advise that for the West Burton Project, a commitment should be made to return the substation, BESS and access tracks to their original ALC grade following decommissioning, otherwise the land should be considered permanently lost, as they are within the Cottam Solar Project assessment.

Natural England welcome the summary provided within the oSMP 8.7.2 regarding the return of hardstanding areas to agriculture, but advise that a commitment should be made to including the full details of this process within the detailed SMP. This should include: soil handling methodology, soil moisture criteria, (top)soil storage (soil volume, location, etc), remediation methodology (i.e. decompaction), restoration (including restoration criteria) and aftercare.

The area proposed to be occupied by the Substations, Battery Storage (BESS) is noted to be 4.27ha at 19.3.5. However, at 19.9.2 the same is noted to be approximately 6ha (19.9.2). Clarity is required as to the amount of land this infrastructure will occupy. Additionally, ES section 19.9.12 states there will be no loss of agricultural land resource during operation, however, with the Substations, BESS and access tracks, we would query that this resource is lost during operation.

No breakdown of agricultural land quality has been provided for each element of the development. The discussion within chapter 19 is limited to the ALC grade of the whole site, and the area to be impacted by the substations and BESS. The ES should include additional information to clearly show the amounts and proportions of agricultural land, including the amount of BMV land, impacted by each element of the Proposed Development, including all infrastructure, solar PV arrays; retained arable fields and other mitigation and enhancement options (i.e. Biodiversity Opportunity Areas) to properly inform an assessment of impacts.

It is acknowledged that the detailed ALC survey has been used to influence the Proposed Development lay out, with the panels placed away from the highest quality agricultural land. Whilst there continue to be areas of BMV land within the order limits, large areas of high quality land have been excluded from the order limits altogether.

## **Soil Benefits**

ES section 19.9.13 sets out the possible soil resource benefits from the scheme. We acknowledge the supporting evidence for these benefits, especially to Soil Organic Matter, however, there remain uncertainties with regard to the impact solar panels may have on other soil properties such as carbon storage, structure and biodiversity. For example, as a result of changes in shading; temperature changes; preferential flow pathways; micro-climate; and vegetation growth caused by the panels.



Therefore, it is unknown what the *overall* impact of a temporary solar development will have on soil health.

## **Cable Route**

ES Section 19.3.7 states that no soil survey has been undertaken along the cable route corridor. Section 4.1.1 of the oSMP states that a detailed survey of the cable route corridor will be made a condition of the DCO. Natural England recognise that a deviation from the standard soil survey methodology will be required due to the linear nature of the cable trench. Natural England advise that this further survey work should be made a requirement of the DCO, to ensure the appropriate soil management can be implemented along the cable corridor. Restoration of the cable trenches to their current ALC grade should also be secured to ensure the impacts along the cable route are only temporary as described.

ES section 4.5.53 to 4.3.56 discusses the construction of the 'Shared Cable Route Corridor' which is proposed to be shared with Gate Burton Energy Park and Cottam Solar Project. Two scenarios are presented, one whereby the cables are laid at the same time (scenario 1), and another where the cables are laid separately (scenario 2). The possible impacts of this element of the proposal on soils have not been assessed within chapter 9. Natural England advise that an assessment of potential cumulative impacts of works at the shared cable route should be included within chapter 9. We note the potential for significant soil damage where three sequential cable laying events occur in the same area (scenario 2).

## **Outline Soil Management Plan**

Natural England welcomes the preparation of an Outline Soil Management Plan (oSMP) which has been prepared and submitted with the application. We note the outline nature of the plan; understand that the detailed SMP will include the full suite of information outlined in the oSMP. We have set out our advice on the oSMP below:

- The proposed requirements in oSMP section 8 should make reference to the [Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#). The British Society of Soil Science has published the XXXXXXXXXX *Benefitting from Soil Management in Development and Construction* which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.
- oSMP section 4.1.1 sets out the requirement for soil sampling along the cable route. As discussed previously, soil sampling along the cable route should be made a requirement of the DCO, to ensure operations and restoration are correctly informed and the cable route is restored to its current ALC grade.
- oSMP section 7.1.2 states 'A map of topsoil units will be prepared as a requirement of the SMP and retained to ensure topsoil units are restored to their original location', which is welcomed. The stockpiled soils should be labelled and protected from trafficking and damage. Any soil stockpiles in place for more than 6 months need to be seeded.
- The restoration criteria need to be set out in the detailed SMP, including the restored ALC grade for all land within the Order Limits. This could be set out similarly to the proposals for mapping stored soils in section 7.1.2.
- Section 8.7 of the oSMP sets out the details of the decommissioning requirements, however, Natural England consider that specific requirement for restoration of arable land *to its former ALC grade*, should be secured through the SMP. This would comprise an example of implementing good practice to assure restoration of the land to the baseline ALC grade, minimising the potential loss of soil functions.

- Areas of the site which are not to be stripped or used for stockpiling, haul routes or compounds must be clearly marked by signs and barrier tape and protected from trafficking and construction.
- The Scope of the oSMP should also be expanded to include the soil management of the soil which has remained in situ. Although there is no soil movement proposed in these areas, soil trafficking will occur during decommissioning and therefore mitigation measures need to be in place to minimise the potential impact on the soil resource, most notably soil compaction, which can have a major detrimental impact on the soil structure. This needs to be checked and monitored via aftercare.

### **Ancient woodland and ancient/veteran trees - GREEN**

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

Natural England advise that impacts on ancient woodland and ancient and veteran trees should be considered in line with paragraph 180 of the NPPF. Natural England and the Forestry Commission have also produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. We note that there is no Ancient Woodland or ancient/veteran trees within the order limits or within close proximity; as such, have no detailed comments to make.

### **Connecting people with nature - GREEN**

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

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

Public Rights of Way are discussed in depth within ES Chapter 8. We welcome the retention of all PRow within the order limits and the intention to keep them open throughout all phases of the development. The poor existing provision of access routes around the sites is acknowledged, and thus we also welcome provision of an additional permissive footpath looping through West Burton 2. Nonetheless, we note that further provision for access across the site could be achieved through the development; in particular, additional access around areas proposed for Biodiversity Enhancement could provide and promote access to nature. ES section 8.9.44 notes the benefit the scheme will have to the existing PRow on the site due to the addition of vegetation and boundary features. However it also notes the possible detrimental impact associated with the presence of the panels and infrastructure. The addition of interpretation boards and/or other features to improve public interpretation of the scheme and the biodiversity it supports would help to improve the overall effect on the PRow network.

We also note the commitment to provide a Public Rights of Way Management Plan where any temporary closure is required during construction.

## **3. Natural England's overall conclusions**

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

We consider further work is required to fully assess the extent of impacts to Best and Most Versatile Agricultural Land, including from Biodiversity Opportunity Areas. We consider that further information should be included within the Soil Management Plan to ensure soil resources are managed and

maintained appropriately during construction and for the lifetime of the development. Lastly, we advise that further commitments should be made to the restoration of the site following decommissioning.

As there may be a requirement for protected species licences from Natural England, we would like to flag this within our representations, but acknowledge that there may be a circumstance where no licences are required; as such this would not pose a significant obstacle. At this stage, we cannot comment as to whether any future licences would be granted.

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

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

## Natural England's Relevant Representations

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

Page	DCO or omission ref	Natural England's comments	Risk (Red/Amber/Green)
43	Requirement 7 – Landscape and Ecological Management Plan	Natural England welcomes the inclusion of a requirement for the LEMP; consider the measures as set out in the oLEMP to be satisfactory in protecting the elements of the natural environment which represent the key areas of our remit.	GREEN
43	Requirement 8 – Ecological Protection and Mitigation Strategy	Natural England welcomes the inclusion of a requirement for the EPMS; consider the measures as set out in the oEPMS to be satisfactory in protecting the elements of the natural environment which represent the key areas of our remit.	GREEN
43	Requirement 9 – Biodiversity Net Gain	Natural England welcome the inclusion of a requirement for a Biodiversity Net Gain strategy to be produced. Although we note the significant calculated gains for biodiversity within the Biodiversity Net Gain Report, we recommend that this requirement makes it a necessity for a minimum of 10% Net Gains in habitat, hedgerow and river units to be delivered.	AMBER
44	Requirement 13 – Construction Environment Management Plan	Natural England welcomes the inclusion of a requirement for the CEMP; consider the measures as set out in the oCEMP to be satisfactory in protecting the elements of the natural environment which represent the key areas of our remit.	GREEN
44	Requirement 14 – Operational Environment Management Plan	Natural England welcome the inclusion of a requirement for the OEMP.	GREEN
45	Requirement 17 - Permissive Paths	Natural England welcome the specific requirement for the proposed permissive footpath; timing of it's opening.	GREEN

45	Requirement 18 – Public Rights of Way	Natural England welcome the requirement for a Public Rights of Way Management plan to retain access throughout all development phases.	GREEN
45	Requirement 19 - Soils Management	Natural England welcome the requirement for production of a detailed soil management plan, however, we consider additional information must be included in the plan that is not currently outlined in the oSMP. Our specific comments on the contents of the SMP can be found in the section of this letter entitled 'Soils and best and most versatile agricultural land' (pages 7- 10).	AMBER
47	Requirement 21 - Decommissioning and Restoration	<p>Natural England welcome the requirement for a decommissioning plan.</p> <p>As noted within our above comments on Soils and best and most versatile agricultural land, we consider the implementation of a time limit within the DCO would reduce the potential long-term impact on agricultural land and BMV land.</p>	AMBER

