

West Burton Solar Project

Draft Statement of Common Ground with Natural England

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Consultancy
November 2023

PINS reference: EN010132
Document reference: EX1/WB8.3.7

Planning Act 2008
Infrastructure Planning (Examination Procedure) Rules 2010



Contents

1	INTRODUCTION	3
1.1	PURPOSE OF THE DOCUMENT	3
1.2	PARTIES TO THIS STATEMENT OF COMMON GROUND	3
1.3	TERMINOLOGY	3
1.4	TOPIC REFERENCING FOR ALL MATTERS	4
2	RECORD OF ENGAGEMENT	5
2.1	SUMMARY OF CONSULTATION	5
3	MATTERS AGREED	9
3.1	MATTERS AGREED (ECOLOGY AND BIODIVERSITY)	9
3.2	MATTERS AGREED (LANDSCAPE AND VISUAL IMPACT)	16
3.3	MATTERS AGREED (SOILS AND AGRICULTURE)	25
4	MATTERS UNDER DISCUSSION	27
4.1	MATTERS UNDER DISCUSSION (ECOLOGY AND BIODIVERSITY)	27
4.2	MATTERS UNDER DISCUSSION (LANDSCAPE AND VISUAL IMPACT)	27
4.3	MATTERS UNDER DISCUSSION (SOILS AND AGRICULTURE)	30
5	MATTERS NOT AGREED	36
6	SIGNATORIES	37

Issue Sheet

Report Prepared for: West Burton Solar Project Ltd.
Pre-Examination

Statement of Common Ground Natural England

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1 Introduction

1.1 Purpose of the Document

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared as part of the proposed West Burton Solar Project Development Consent Order (the Application) made by West Burton Solar Project Ltd (the Applicant) to the Secretary of State for Energy Security & Net Zero (the Secretary of State) pursuant to the Planning Act 2008 (PA 2008).
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website.
- 1.1.3 This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties, and where agreement has not yet been reached. SoCGs are an established means in the DCO consenting process of allowing all parties to identify and focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) West Burton Solar Project Ltd. as the Applicant and (2) Natural England.
- 1.2.2 Collectively, West Burton Solar Project Ltd. and Natural England are referred to as 'the parties'.

1.3 Terminology

- 1.3.1 In the tables in **Sections 3 - 5** of this SoCG:
- "Agreed" indicates where the issue has been resolved.
 - "Not Agreed" indicates a final position, and
 - "Under discussion" indicates where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.

1.4 Topic Referencing for All Matters

1.4.1 All matters agreed, under discussion and not agreed have been given unique references which relate to the topic matter. The referencing system is defined as follows:

Table 1.1: Topic Referencing

Topic	Unique Identifying Code
Ecology and Biodiversity	ECO-xx
Landscape and Visual Impact	LAN-xx
Soils and Agriculture	SOI-xx

2 Record of Engagement

2.1 Summary of Consultation

2.1.1 The parties have been engaged in consultation via Natural England’s Discretionary Advice Service since December 2021, prior to the non-statutory consultation. A summary of the meetings and correspondence that has taken place between West Burton Solar Project and Natural England in relation to the Application is outlined in **Table 2.1**.

Table 2.1: Record of Engagement

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
Ecology and Biodiversity		
2022	Discretionary Advice Service (DAS) contract signed on 14/02/22. Kick off meeting took place 05/04/22 and advice requested. First written response received 06/05/22.	Applicant’s ecologist requested advice concerning various aspects including species survey scope, identification of sources of potential impact, identification of potential avoidance techniques and mitigation measures and impacts upon protected sites. Advice received confirmed general acceptability of approach to survey for several species (bats, great crested newt, otters and water voles) and lack of impacts on Humber Estuary and Scotton Common and Laughton Woods SSSI complex. Advice received is provided as Item 5 within 6.3.9.1 Environmental Statement - Appendix 9.1 Consultation Responses [APP-077] and confirms suitability of survey approach taken.
25/02/2022	EIA Scoping Response	NE advise that impacts upon four Sites of Special Scientific Interest (SSSIs) associated with Scotton Common and Laughton Woods should be considered (proximity to West Burton 4). This advice relates to SSSIs in proximity to West Burton 4, which has been removed from the Scheme and does not form part of the application.
	NE recommend that cumulative impacts from other solar projects including Cottam Solar Project, Gate Burton, Mallard	Cumulative effects arising from Cottam Solar Project, Gate Burton Energy Park, the Shared Cable Route Corridor and Tillbridge Solar are considered in Section 9.9 of the

	Pass and Heckington Fen solar projects) should be factored in.	ES Chapter. It was determined that Heckington Solar and Mallard Pass were outside of the zone of influence.
	Further information on Biodiversity Net Gain (BNG) and connectivity with the Nature Recovery Network is recommended.	The BNG and ecological enhancements that form part of the Scheme are described within Section 9.10 of 6.2.9 Environmental Statement - Chapter 9 Ecology and Biodiversity [APP-047] , with a full assessment contained within 6.3.9.12 Environmental Statement - Appendix 9.12 Biodiversity Net Gain Report [APP-088] following Defra's current Biodiversity Metric 3.1 protocol. Enhancements are proposed in this document and in 7.3 Outline Landscape and Ecological Management Plan [APP-311] which contribute to the aims of the Nature Recovery Networks, including diverse grassland creation (and reversion from arable), hedgerow and tree planting and wetland creation.
	Information on decommissioning impacts and aftercare is also advised.	Potential effects from the decommissioning phase are discussed in Section 9.8 of 6.2.9 Environmental Statement - Chapter 9 Ecology and Biodiversity [APP-047] , 7.2 Outline Decommissioning Statement [APP-310] and Requirement 21 in Schedule 2 of 3.1 Draft Development Consent Order [APP-017] . 6.2.8 Environmental Statement - Chapter 8 Landscape and Visual Impact Assessment [APP-046] (the 'LVIA') takes appropriate aftercare measures into consideration for the planting of new trees and other vegetation as required under the NPPF and Local Plan policy (paras. 8.3.36 and 8.3.57). The LVIA also takes account of maintenance of planting during the mitigation stages (para. 8.6.4).
27/07/22	S42 consultation response	NE confirmed their opinion that residual effects on the Humber Estuary SPA are unlikely and there is little evidence to show that solar farms pose a risk to birds in terms of confusion with water of collision. NE are of the opinion that impacts upon Doddington Clay Woods SSSI, Clarborough Tunnel SSSI and Lea Marsh SSSI are unlikely as no Impact Risk Zones are triggered and the distances between the SSSIs and the development sites remove a likelihood of adverse effects.

		<p>General comments and suggestions are made in relation to the Outline LEMP draft provided with the PEIR.</p> <p>All suggestions have been noted by the Applicant and factored into the EIA, as well as in 7.3 Outline Landscape and Ecological Management Plan [APP-311], 7.17 Outline Ecological Protection and Mitigation Strategy [APP-326] and 6.3.9.12 Environmental Statement - Appendix 9.12 Biodiversity Net Gain Report [APP-088].</p>
07/06/23	Relevant Representation Reference: RR-233	<p>NE clarify their agreement and positive stance regarding the assessment of potential impacts on designated sites, BNG and Ancient Woodland. NE flag up the potential need for further advice concerning the potential for protected species licensing, and impacts on soils and best and most versatile agricultural land. NE has summarised its advice in the RR as follows:</p> <p><i>“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</i></p> <p><i>The key concerns we have regarding Soils and BMV agricultural land are:</i></p> <ul style="list-style-type: none"> • <i>The omission of assessment of the loss of BMV land to each element of the proposal, including biodiversity opportunity areas.</i> • <i>The requirement for additional commitments for the content of the detailed Soil Management Plan.</i> • <i>The restoration of the site following decommissioning.</i> <p><i>The key concerns we have regarding Protected Species are:</i></p> <ul style="list-style-type: none"> • <i>The possible need for protected species licences.”</i>

		All ecological aspects are considered to be common ground between NE and the Applicant. A rResponse is provided by the Applicant regarding soils and best and most versatile agricultural land below. A rResponse is provided in Table 3.2 below (ECO-05) regarding protected species licensing.
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- 2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) West Burton Solar Project Ltd. and (2) Natural England in relation to the issues addressed in this SoCG.

3 Matters Agreed

Tables 3.1 to 3.3 below detail by topic the matters agreed with Natural England.

3.1 Matters Agreed (Ecology and Biodiversity)

Table 3.1

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	Details of Matters Agreed
ECO-01 Ecology and Biodiversity	Methodology		The assessment methodologies and significance criteria which are detailed in Section 9.4 of 6.2.9 Environmental Statement - Chapter 9_Ecology and Biodiversity [APP-047] has been derived from the information obtained through consultation with stakeholders and by reviewing relevant guidance and studies and is considered acceptable. Matter Agreed.
ECO-02 Ecology and Biodiversity	Baseline Conditions		The baseline conditions which are detailed in Section 9.5 of 6.2.9 Environmental Statement - Chapter 9_Ecology and Biodiversity [APP-047] are representative of the baseline site conditions. Matter Agreed.
ECO-03 Ecology and Biodiversity	Proposed Mitigation		The proposed mitigation measures set out within Section 9.7 of 6.2.9 Environmental Statement - Chapter 9_Ecology and Biodiversity [APP-047] are acceptable and are secured through 3.1 Draft

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	Details of Matters Agreed
			Development Consent Order [APP-017]. Matter agreed.
ECO-04 Ecology and Biodiversity	Assessment of effects		The assessment of effects is set out within Section 9.7 of 6.2.9 Environmental Statement - Chapter 9_Ecology and Biodiversity [APP-047] based on baseline data and Scheme designs are considered acceptable. Matter agreed.
ECO-05 Ecology and Biodiversity	Decommissioning	<p>From Section 42 Consultation Response – 27/07/22</p> <p>The impacts of decommissioning are largely similar to those of construction; we welcome the intention to create a Decommissioning Environmental Management Plan (DEMP) to prevent adverse impacts. The appropriate wording of a DCO requirement to ensure the DEMP contains measures as set out in Decommissioning Statement Section 3, should render impacts to designated sites to be unlikely. The loss of created habitats in order to revert to agriculture after 40 years of operation will inevitably have a negative impact on biodiversity and the habitats, and species associated with these, which have established in the operational period. We acknowledge the difficulty in pre-planning for a scenario 40 years into the future, but welcome the intention to ensure new surveys</p>	<p>An Outline Decommissioning Statement has been prepared [APP-310] which sets out the need for a Decommissioning Environmental Management Plan and Decommissioning Traffic Management Plan to be produced prior to commencement of the decommissioning phase. This will be secured through DCO Requirement 21.</p> <p>No further action necessary – matter agreed.</p>

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	Details of Matters Agreed
		<p>are undertaken to identify any protected species present on the site to enable additional mitigation/compensatory measures to be implemented prior to any works occurring (PEIR paragraph 9.7.4). We would also encourage the retention of areas of particular biodiversity value, i.e. widened field boundaries/buffer areas, and/or compensatory habitat being provided off-site. It may be possible for areas of the site to be retained and managed under an Agri-Environment Agreement, or sold as Biodiversity Net Gain credits, however the status of such schemes in 40 years' time is clearly unknown; thus consideration of options closer to the decommissioning phase is recommended.</p>	
<p>ECO-06 Ecology and Biodiversity</p>	<p>Landscape and Ecological Management Plan</p>	<p>From Section 42 Consultation Response – 27/07/22</p> <p>We note the outline LEMP has been produced to summarise the principles which will be followed within the design of mitigation and enhancement for landscape and ecology and does not comprise a final management plan. Overall, we welcome the principles set out within the LEMP; the selection process being related to current conditions, nearby habitats and local priorities is welcomed by Natural England.</p>	<p>No further action necessary – matter agreed.</p> <p>It is noted that it may be useful to obtain further advice from NE via the DAS contract in due course to aid in the refinement of habitat management and enhancement proposals within the LEMP post consent.</p> <p>Requirement 7 of the DCO will ensure that the Outline Landscape and Ecological Management Plan [APP-311] will be finalised with all necessary details for the achievement of its objectives during operation of the Scheme.</p>

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	Details of Matters Agreed
ECO-07 Ecology and Biodiversity	Internationally Designated Sites	<p>From Relevant Representations – 07/06/23 [RR-233]:</p> <p>The 'Information to Support a Habitats Regulation Assessment' concludes that no significant effects are likely to occur. Natural England concur with this conclusion.</p> <p>“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.”</p> <p>“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.”</p> <p>“Thorne and Hatfield Moors SPA is notified for its Nightjar populations. 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</p>	No further action necessary – matter agreed.

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	Details of Matters Agreed
		<p>constitute functionally linked land for Nightjar and concur with the conclusion of no Likely Significant Effects."</p> <p>"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."</p> <p>"The Humber Estuary supports a variety of wintering, passage and breeding birds, including internationally important populations of a number of species. 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."</p>	
ECO-08 Ecology and Biodiversity	Nationally Designated Sites	<p>From Relevant Representations – 07/06/23 [RR-233]:</p> <p>Section 9.7 of ES Chapter 9 is an assessment of effects to ecology and biodiversity, including on</p>	It is agreed that no impacts on nationally designated sites are likely.

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	Details of Matters Agreed
		Nationally designated sites including: 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.	
ECO-09 Ecology and Biodiversity	Protected Species Licensing	<p>From Relevant Representations – 07/06/23 [RR-233]:</p> <p>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.</p> <p>At Section 6.3.2 of the Outline Ecological Protection and Mitigation Strategy (oEPMS) it states that where bat roosts are discovered a licence will be required from Natural England.</p> <p>Section 6.6.4 of the oEPMS notes that a licence from Natural England will be required where impacts to Otter and Water Vole Holts, Burrows and Sheltering Sites are unavoidable.</p> <p>Section 9.4.2 of the oEPMS also notes that in the event that an active sett is to be unavoidably impacted by construction activities, a licence from Natural England would likely be necessary.</p>	<p>It is considered common ground that, as a result of baseline surveys and sensitive development design, the potential for impacts on the listed protected species is low and that no clear need for protected species licensing is identified. As such, it is not possible and would not be proportionate at this stage to prepare any draft licences to inform a Letter of No Impediment given an absence of need.</p> <p>It is considered common ground that sufficient precautionary methods and contingency measures are set out in 7.17 Outline Ecological Protection and Mitigation Strategy [APP-326] (which will be secured by Requirement 8 of the DCO) to ensure that, in the unlikely event of protected species being found in advance of or during construction works (e.g. by ECoWs), any necessary licences can be applied for and/or work programmes altered to proceed in a lawful manner.</p>

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	Details of Matters Agreed
		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.	
ECO-010 Ecology and Biodiversity	Biodiversity Net Gain	<p>From Relevant Representations – 07/06/23 [RR-233]:</p> <p>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.</p> <p>Overall, Natural England welcome the biodiversity enhancement proposals, illustrated in the Landscape and Ecology Mitigation and Enhancement Plans (ES figures 8.18.1 to 8.18.10) which include a variety of habitats complimentary to the local environment.</p>	<p>The management measures designed to ensure the fulfilment of the BNG Assessment [APP-088] objectives are secured through Requirement 9 of the DCO. Similarly, the habitat creation, management, enhancement and monitoring measures of the Landscape and Ecological Management Plan (see OLEMP [APP-311]) will be secured through Requirement 7 of the DCO.</p> <p>No further action necessary – matter agreed.</p>

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	Details of Matters Agreed
		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.	
ECO-11 Ecology and Biodiversity	Ancient Woodland and Veteran Trees	From Relevant Representations – 07/06/23 [RR-233] : 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.	No further action necessary – matter agreed.

3.2 Matters Agreed (Landscape and Visual Impact)

Table 3.2

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	
LAN-01	Assessment Methodology		<u>The assessment methodologies and significance criteria set out within Section 8.4 of ES Chapter 8: Landscape and Visual Impact Assessment [APP-046] and ES Appendix 8.1 LVIA Methodology [APP-072], provides an appropriate approach to assessing the potential likely significant effects on receptors; and has</u>

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	
			<p><u>been undertaken with consideration of the appropriate and relevant guidance.</u></p> <p>No further action necessary – matter agreed.</p>
LAN-02	Baseline Conditions		<p>The description of the existing baseline landscape and visual conditions set out within Section 8.5 of ES Chapter 8: Landscape and Visual Impact Assessment [APP-046], Appendix 8.2 [APP-073] and Appendix 8.3 [APP-074], is representative of the baseline site conditions and therefore acceptable to inform the assessment.</p> <p>No further action necessary – matter agreed.</p>
LAN-03	Proposed Mitigation		<p>The approach and proposals for the proposed mitigation set out within Section 8.6 of ES Chapter 8: Landscape and Visual Impact Assessment [APP-046] and Appendix 8.2 [APP-073] and Appendix 8.3 [APP-074], of both the landscape and visual effects is considered acceptable.</p> <p>No further action necessary – matter agreed.</p>
LAN-04	Assessment of Effects		<p>The judgements on the assessment of effects on the landscape and visual receptors, as set out within the ES</p>

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	
			Chapter 8: Landscape and Visual Impact Assessment [APP-046], Appendix 8.2 [APP-073] and Appendix 8.3 [APP-074], are considered acceptable. No further action necessary – matter agreed.
LAN-05 Landscape and Visual Impact	Landscape Character	From Scoping Submission – 02/03/2022 <i>“The ES should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment 2013. LCA provides a sound basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing and regenerating character.”</i>	The published landscape character assessments that are relied upon at the national, regional and local level are set out within Section 8.5 of 6.2.8 Environmental Statement - Chapter 8_Landscape and Visual Impact Assessment [APP-046] , 6.3.8.2 Environmental Statement - Appendix 8.2 Assessment of Potential Landscape Effects [APP-073] and 6.3.8.3 Environmental Statement - Appendix 8.3 Assessment of Potential Visual Effects [APP-074] in the assessment baseline conditions. This includes an assessment of local landscape character through the consideration of relevant National Character Areas and any local landscape character assessments. In 6.2.8 Environmental Statement - Chapter 8_Landscape and Visual Impact Assessment [APP-046] , the assessment considers both the Trent Vale Landscape Conservation Management Plan (June 2013) and the Trent Vales Landscape Character Assessment at Section 8.5 and addresses the relevant priorities outlined within these reports, where applicable. The

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	
			<p>LVIA (paras. 8.7.13 and 8.10.59) includes a fine-grained assessment, which considers local landscape features and the local landscape character as set out within the East Midlands Regional Landscape Character Assessment (EMRLCA) April 2010 and the West Lindsey District Landscape Assessment (WLLCA). The LVIA also takes into account the information collated as part of The Historic Character of The County of Lincolnshire (September 2011) in Section 8.5.</p> <p>No further action necessary – matter agreed.</p>
LAN-06 Landscape and Visual Impact	Landscape and Visual Impact Assessment	<p>From Scoping Submission – 02/03/2022</p> <p><i>“A landscape and visual impact assessment should also be carried out for the proposed development and the surrounding area. Natural England recommends use of the methodology set out in Guidelines for Landscape and Visual Impact Assessment 2013 (3rd edition) produced by the Landscape Institute and Institute of Environmental Management.”</i></p>	<p>6.2.8 Environmental Statement - Chapter 8_Landscape and Visual Impact Assessment [APP-046] sets out the LVIA that has been undertaken, in accordance with the methodology set out in Guidelines for Landscape and Visual Impact Assessment 2013 (3rd edition) produced by the Landscape Institute and Institute of Environmental Management.</p> <p>No further action necessary – matter agreed.</p>

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	
LAN-07 Landscape and Visual Impact	Cumulative Effects	<p>From Scoping Submission – 02/03/2022</p> <p><i>“The assessment should also include the cumulative effects of the development and other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.”</i></p> <p>Applicant comment:</p> <p>No further action necessary – matter agreed.</p> <p>From PEIR Stage Submission – 27/07/2022</p> <p><i>“We would also like to stress the importance of cumulative landscape impacts from the development; welcome the assessment of the developments listed within PEIR Table 8.6.”</i></p>	<p>A cumulative assessment has been undertaken as part of the LVIA, and the findings are set out within the individual receptor sheets within 6.3.8.2 Environmental Statement - Appendix 8.2 Assessment of Potential Landscape Effects [APP-073] and 6.3.8.3 Environmental Statement - Appendix 8.3 Assessment of Potential Visual Effects [APP-074].</p> <p>The cumulative developments that have been assessed are shown in Cumulative Development Augmented ZTVs (Environmental Statement - Figures 8.17.1-8.17.3 [APP-277 to APP-279]). All sites and development included within the cumulative assessment have been discussed and agreed with Lincolnshire County Council and Nottinghamshire County Council. The judgements on the likely cumulative effects and conclusions for the landscape and visual receptors, as set out within Section 8.10 of 6.2.8 Environmental Statement - Chapter 8_Landscape and Visual Impact Assessment [APP-046], 6.3.8.2 Environmental Statement - Appendix 8.2 Assessment of Potential Landscape Effects [APP-073] and 6.3.8.3 Environmental Statement - Appendix 8.3 Assessment of Potential Visual Effects [APP-074].</p>

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	
			<p>This also includes the judgements on the likely in-combination effects and conclusions for the landscape receptors, as set out within Section 8.9 of 6.2.8 Environmental Statement - Chapter 8 Landscape and Visual Impact Assessment [APP-046], 6.3.8.2 Environmental Statement - Appendix 8.2 Assessment of Potential Landscape Effects [APP-073] and 6.3.8.3 Environmental Statement - Appendix 8.3 Assessment of Potential Visual Effects [APP-074]. The assessment therefore includes any likely in-combination/cumulative effects from other known developments in the area.</p> <p>No further action necessary – matter agreed.</p>
LAN-08 Landscape and Visual Impact	Assessment methodology	<p>From Scoping Submission – 02/03/2022</p> <p><i>“To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials.”</i></p> <p><i>“Account should be taken of local design policies, design codes and guides as well as guidance in the National Design Guide and National Design Code. The ES should set out the</i></p>	<p>The Scheme will deliver landscape and ecological improvements through mitigation areas and planting that reflect local character. This information is set out in the 7.3 Outline Landscape and Ecological Management Plan [APP-311] and Landscape and Ecology Mitigation and Enhancement Plans (Environmental Statement - Figures 8.18.1-8.18.3 [APP-281 to APP-283]).</p> <p>Measures set out in 7.3 Outline Landscape and Ecological Management Plan [APP-311] are secured through Requirement 7 in Schedule 2 of 3.1 Draft</p>

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	
		<i>measures to be taken to ensure the development will deliver high standards of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with justification of the selected options in terms of landscape impact and benefit."</i>	<p>Development Consent Order [APP-017] which will ensure that the mitigation is secured and that all identified impacts are minimised as far as possible on existing trees, hedgerows and other habitats.</p> <p>Local design policies, design codes, guides and green infrastructure have been taken into account as part of the LVIA and specific commentary is provided within 6.3.8.5 Environmental Statement - Appendix 8.5 Policy Commentary [APP-076]. The assessment and findings that accommodate these policies, guidance and codes are set out within the individual receptor sheets within 6.3.8.2 Environmental Statement - Appendix 8.2 Assessment of Potential Landscape Effects [APP-073] and 6.3.8.3 Environmental Statement - Appendix 8.3 Assessment of Potential Visual Effects [APP-074].</p> <p>No further action necessary – matter agreed.</p>
LAN-09	Local Distinctiveness	<p>From PEIR Stage Submission – 27/07/22</p> <p><i>"The proposed development is not located within, or within the setting of, any nationally</i></p>	No further action necessary – matter agreed.

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	
Landscape and Visual Impact		<i>designated landscapes. As a result, Natural England have no specific comments to make on the landscape implications. We welcome the reference made to Natural England's National Character Areas and advise that the development should complement and where possible enhance local distinctiveness"</i>	
LAN-10	Nationally Designated Landscapes	<p>From Relevant Representation [RR-037] - 30/03/23</p> <p><i>"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; note the significant number of other solar developments proposed in Lincolnshire, Nottinghamshire, and Rutland."</i></p>	<p>The Applicant recognises the Scheme is not located within, or within the setting of, any nationally designated landscapes.</p> <p>C6.2.8 ES Chapter 8_Landscape and Visual Impact Assessment [APP-046] (the 'LVIA') takes into consideration the landscape implications of the Scheme on the AGLV designation, in particular the Ridge AGLV (as identified in para. 8.4.11) when viewed across the low-lying Till Vale.</p> <p>The LVIA also considers the impacts of the Scheme alongside the proposed Cottam, Gate Burton and Tillbridge Solar proposals (see para. 8.10.8) which would not result in significant adverse effects on landscape character and visual amenity over an extensive area.</p>

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	
			No further action necessary – matter agreed.
LAN-11	Connecting People with Nature	<p>From Relevant Representation [RR-037] - 30/03/23</p> <p><i>"There are no National Trails, Open Access Land or Coast paths within the order limits; as such, no impacts to these features are likely.</i></p> <p><i>We welcome the retention of all PRow within the order limits and the intention to keep them open throughout all phases of the development. We also note the provision of an additional permissive footpath connecting Stow to the development site and to existing PRow through and near to the site. Nonetheless, we note that further provision for access across the site could be achieved through the development; would provide additional benefit to local residents and users of the PRow network. Access around areas proposed for Biodiversity Enhancement could provide and promote access to nature."</i></p> <p>.</p>	<p>The Scheme is also looking to provide extensive areas of mitigation along the existing sections of footpaths and bridleways to enhance their amenity value and benefit the public as a whole as demonstrated in C6.2.8 ES Chapter 8 Landscape and Visual Impact Assessment [APP-046] (the 'LVIA').</p> <p>For example, the LVIA mitigation has had the need to consider the landscape character and visual amenity for the users of PRow. This is set out in 6.3.8.3 Environmental Statement - Appendix 8.3 Assessment of Potential Visual Effects [APP-074]. Public Rights of Way Receptor PR048 (Bram/956/1 – Tork/957/1), PR049 (Tork/779/1) and PR050 (Tork/96/1 – Tork/96/2) are located to the southwest of Brampton outside the DCO limits with WB3 being located to the northeast of the settlement. Native hedgerows within and on the boundaries of the WB3 Site would be retained and reinforced with new native trees. Hedgerows would also be maintained at a taller height (c5m). The landscape proposals also include for a new native woodland shelterbelt along the western boundary of the Site. Once established, these measures, combined with the additional tree planting, would help break up the of the Array, substation and</p>

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	
			<p>associated infrastructure. During the spring and summer, when the vegetation is out in leaf, the hedgerows and trees would soften and filter views. Available views would be limited to transient views through gate entrances and over low hedgerows.</p> <p>No further action necessary – matter agreed.</p>

3.3 Matters Agreed (Soils and Agriculture)

Table 3.3

Main Topic	Sub-topic	Details of Matters Agreed	
SOI-01 Soils and Agriculture	Soils and Best and Most Versatile Agricultural Land	<p>From Section 42 Consultation Response – 27/07/22:</p> <p><i>“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.</i></p> <p><i>The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in</i></p>	<p>The Applicant has prepared 7.16 Outline Soil Management Plan [APP-325]. The final SMP (which must be substantially in accordance with the outline SMP) will be approved by the relevant planning authority post consent as part of the eventual CEMP, OEMP and DEMP (please see outline CEMP [APP-309], OEMP [APP-323] and DEMP [APP-310]) with the aims of conserving the soil resource and maintaining the current ALC Baseline. We note the Defra ‘Construction Code of Practice for the Sustainable Use of Soils on</p>

Main Topic	Sub-topic	Details of Matters Agreed	
		<p><i>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. "</i></p>	<p>Construction Sites' (https://www.gov.uk/government/publications/code-of-practice-for-the-sustainable-use-of-soils-on-construction-sites) and 'BSSS Benefitting from Soil Management in Development and Construction' (https://soils.org.uk/education/guidance-and-science-notes/) documents both give advice pertinent to achieving these aims. The Applicant also adds that the Institute of Quarrying document 'Good Practice Guide for Handling Soils in Mineral Workings' (https://www.quarrying.org/soils-guidance) provides more detailed advice on plant selection and soil conditions appropriate to the soil stripping, storage and reinstatement that will take over a limited extent within the Sites (temporary tracks, cable laying and switchgear housing locations).</p>

4 Matters Under Discussion

Tables 4.1 to 4.3 below detail by topic the matters under discussion with Natural England.

4.1 Matters Under Discussion (Ecology and Biodiversity)

Table 4.1

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	Details of Matters Under Discussion
ECO-08 Ecology and Biodiversity	Landscape and Ecological Management Plan – Cable Route	From Section 42 Consultation Response – 27/07/22 Natural England note that the LEMP makes no reference to enhancements to be made along the cable route. We assume this is due to the cable route surveys etc. being at a less advanced stage, along with the land above the cables largely being put back to its previous use following construction. Nonetheless, we would like to see the final LEMP include maintenance of any enhancement measures made along the cable route; the linear nature of the cable route may provide opportunities to create new Green Infrastructure corridors, however we appreciate land ownership may pose issues with regards to this.	. Within the 7.17 Outline Ecological Protection and Mitigation Strategy [APP-326] there are commitments to enhance the habitats that are affected during the cable route installation. In instances where grassland is affected and where the original turf cannot be reinstated, an appropriate seed mix will be used which will be in keeping with, or of greater diversity than, the habitat type and species assemblage as recorded during baseline habitat surveys. For hedgerows where translocation is not possible, hedgerows will be replanted using whips of the same species as was removed, with the addition of a proportion of other locally appropriate species to increase diversity

4.2 Matters Under Discussion (Landscape and Visual Impact)

Table 4.2

Main Topic	Sub-topic	Details of Matters Under discussion	
LAN-07 Landscape and Visual Impact	Public rights of way and access	<p>From PEIR Stage Submission – 27/07/22</p> <p><i>“Natural England note the intention to minimise impacts on, and enhance, the footpath network associated with the site, noted in paragraphs 8.9.90-110 of the PEIR. Where footpaths directly cross the site, as at West Burton 3 and 4, we welcome the intention to ensure panels are set back by at least 15m, and welcome the suit of primary, secondary and tertiary mitigation measures proposed to retain the value of these PRow. Where PRow enhancements are proposed, or other permissive routes are proposed, we would recommend that ecological enhancements in these areas could form the backbone of a network of green infrastructure throughout the sites. We particularly welcome the intention to create a new permissive path at West Burton 2 from Sykes Lane to Codder Lane Belt onwards to create a new circular route.”</i></p>	<p>The LVIA has carried forward the landscape mitigation from the PEIR, to 6.2.8 Environmental Statement - Chapter 8_Landscape and Visual Impact Assessment [APP-046], including the intention to enhance the footpath network associated with the Sites, where appropriate, noted as ‘secondary mitigation’ that includes the planting of new hedgerows and trees and the management of existing hedgerows. There are also ‘tertiary mitigation’ measures that recommend increasing accessibility and connectivity of PRow, but also measures to increase understanding of the local landscapes and the Scheme. Exact details of what these measures will be are still being considered by the Applicant. The LVIA also draws out ecological enhancement measures to underpin a wider public understanding of the Scheme and ensure that all identified impacts are minimised as far as possible on existing trees, hedgerows and other habitats. These measures are set out in 7.3 Outline Landscape and Ecological Management Plan [APP-311] and will be secured through Requirement 7 in Schedule 2 of 3.1 Draft Development Consent Order [APP-017]. These measures also include the permissive path secured through Requirement 17 of the Order.</p>

			<p>Scheme Evolution: The Strategic Landscape Mitigation Measures have evolved since the PEIR submission, and more detail is now provided in the Landscape and Ecology Mitigation and Enhancement Plans (Environmental Statement - Figures 8.18.1 to 8.18.3 [APP-281 to APP-283]). These drawings take account of the offsets and buffers from the PRoW and ecological features.</p>
LAN-08 Landscape and Visual Impact	Connecting people with nature	<p>From PEIR Stage Submission – 27/07/22</p> <p><i>“Providing interpretation through signage or public consultation is noted within PRoW ‘Tertiary Mitigation’ for West Burton 1-4 (PEIR paragraphs 8.9.90-110). However little detail is provided. We would encourage the implementation of such measures, for example along circular routes which are anticipated to be used more frequently. The ecological enhancement measures which are being undertaken as part of the project could be summarised on information boards to provide public understanding of the project and encourage access to nature.”</i></p> <p>.</p>	<p>The LVIA has carried forward the landscape mitigation from the PEIR, to 6.2.8 Environmental Statement - Chapter 8_Landscape and Visual Impact Assessment [APP-046], including the intention to enhance the footpath network associated with the Sites, where appropriate, noted as ‘secondary mitigation’ that includes the planting of new hedgerows and trees and the management of existing hedgerows. There are also ‘tertiary mitigation’ measures that recommend increasing accessibility and connectivity of PRoW, but also measures to increase understanding of the local landscapes and the Scheme. Exact details of what these measures will be are still being considered by the Applicant. The LVIA also draws out ecological enhancement measures to underpin a wider public understanding of the Scheme and ensure that all identified impacts are minimised as far as possible on existing trees, hedgerows and other habitats. These measures are set out in 7.3 Outline Landscape and Ecological Management Plan [APP-311] and will be</p>

			secured through Requirement 7 in Schedule 2 of 3.1 Draft Development Consent Order [APP-017]. These measures also include the permissive path secured through Requirement 17 in Schedule 2 of the Order.
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4.3 Matters Under Discussion (Soils and Agriculture)

Table 4.3

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	Details of Matters Under Discussion
SOI-02 Soils and Agriculture	Soils and Best and Most Versatile Agricultural Land	From Relevant Representations – 07/06/23 – RR-233: 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 permanently lost to the substation and power storage infrastructure. The ES (Chapter 19) should include additional information to clearly show the amounts and proportions of agricultural land, including BMV across the full Order Limits, impacted by each element of the Proposed Development, including	The Applicant’s position is that the effect of the Scheme on agricultural land resource across each of the components referred to by NE is the same. There will be no permanent loss or sterilisation of agricultural land to substation and BESS structures, as noted in paragraph 19.9.3 of the ES [APP-057]. All elements of the development, including tracks, substation and BESS, will be decommissioned with the land restored to its current extent and ALC grade using soil material stored within the Site. Defra R&D project LE0206, Evaluation of Mineral Sites Restored to Agriculture (https://sciencesearch.defra.gov.uk/ProjectDetails?ProjectId=3621) demonstrates that the more challenging restoration of landfill sites is routinely achieved without loss of ALC grade.

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	Details of Matters Under Discussion
		<p>permanent infrastructure, temporary solar PV arrays; retained arable fields/set aside land and other mitigation and enhancement options (i.e. Biodiversity Opportunity Areas) to properly inform an assessment of impacts.</p>	<p>Biodiversity opportunity areas will not entail any loss of, or degradation to, the agricultural land resource, best and most versatile land or otherwise. As noted in Paragraph 19.6.5 of the ES [APP-057] ALC assessment is deliberately limited to features of the land and soil that are beyond the practical influence of land management.</p>
<p>SOI-03 Soils and Agriculture</p>	<p>Soils and Best and Most Versatile Agricultural Land</p>	<p>From Relevant Representations – 07/06/23 – RR-233:</p> <p>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</p>	<p>The Sites are approximately 73.5% ALC Grade 3b land and the Applicant has therefore complied with EN-1 and Draft EN-3 by minimising impacts on BMV land.</p> <p>The ALC baseline survey work presented in ES Appendix 19.1 [APP-137] covers an area greater than that of the Sites. This includes the area titled West Burton 4. Detailed ALC Survey of this area found agricultural land that was entirely best and most versatile. The Applicant subsequently excluded West Burton 4 from the Sites in order to minimise the extent of BMV land.</p> <p>National Policy statements do seek to minimise impacts on BMV land. However, BMV land that is retained but not in intensive agricultural production is not lost or adversely affected. The ALC grading system is in no way dependant on the type or intensity of agricultural land use. Therefore, if there is a reduction in agricultural production from the Sites for the operational life of the Scheme, this will have no relevance to ALC grade or policy seeking to conserve the BMV land resource.</p>

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	Details of Matters Under Discussion
		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’.	Furthermore, the Applicant’s position is that this land resource is not permanently lost (as the Scheme will be decommissioned) and can remain in agricultural production for the duration of the operational phase of the Scheme.
SOI-04 Soils and Agriculture	Soils and Best and Most Versatile Agricultural Land	<p>From Relevant Representations – 07/06/23 – RR-233:</p> <p>Natural England welcomes the preparation of an outline Soil Management Plan (oSMP) which has been prepared and submitted with the application. We have made some specific comments on the oSMP below:</p> <ul style="list-style-type: none"> • 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. • 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 	<p>The Outline Soil Management Plan [APP-138 / APP-325] will be updated to reference the Defra CoP for the sustainable use of soils on construction sites. The Applicant also proposes that the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings 2021</p> <p>Soils stored in bunds will be labelled and recorded. Soil bunds retained through the operational phase of the development will be seeded. 7.16 Outline Soil Management Plan [APP-138 / APP-325] will be updated to include this for Deadline 1.</p> <p>The oSMP [APP-138 / APP-325] will include the requirement for the appointment of a suitably qualified soil scientist who will assess disturbed and undisturbed land within the Sites for any degradation of the baseline ALC Grade and soil functionality. It should be noted that ALC assessment assumes a good standard of land management even if this is not apparent at a site. Remediation of any soil degradation will not be limited to only that needed to maintain the ALC Grade baseline. The oSMP will be updated to include this for Deadline 1.</p> <p>The Cable Route Corridor will be subject to a detailed soil assessment to inform the SMP as set out in the oSMP [APP-138 /</p>

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	Details of Matters Under Discussion
		<p>should be labelled and protected from trafficking and damage. Any soil stockpiles in place for more than 6 months need to be seeded.</p> <ul style="list-style-type: none"> 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 occupied by the Solar PV site to its former ALC grade where appropriate, 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. 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. 	<p>APP-325]. This will be undertaken following the grant of development consent .</p> <p>All agricultural land within the Sites will be sown with a green cover prior to commencement of construction work as set out in the oSMP [APP-138 / APP-325] and detailed in the SMP. This may be sown direct into stubble from the previous crop.</p> <p>The SMP will include measures to control traffic within the Sites (to be carried through into the CEMP and CTMP), avoiding any unnecessary movements off the temporary track network and further restricting any vehicle access off the tracks until the soil has dried to below the plastic limit. This traffic control does include identification of Biodiversity opportunity areas, avoiding any vehicle traffic over such areas that is not directly related to the establishment and maintenance of these areas.</p>

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	Details of Matters Under Discussion
		<ul style="list-style-type: none"> • Specific 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. • Tall vegetation / crops should be cleared prior to topsoil stripping. • 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 be expanded to include the soil management of the land under any proposed Biodiversity Opportunity Areas, and aftercare. Although there is no soil movement proposed in these areas, soil trafficking may occur and therefore mitigation measures need to be in place to minimise the 	

Main Topic	Sub-topic	Stakeholder Comment (where relevant)	Details of Matters Under Discussion
		potential impact on the soil resource.	

5 Matters Not Agreed

5.1.1 There are no matters “not agreed” with Natural England.

6 Signatories

6.1.1 The above SoCG is agreed between West Burton Solar Project Ltd. (the Applicant) and Natural England as specified below.

Duly authorised for and on behalf of **West Burton Solar Project Ltd.**

Name:	
Job Title:	
Date:	
Signature:	

Duly authorised for and on behalf of **Natural England.**

Name:	
Job Title:	
Date:	
Signature:	