

Date: 08 January 2024
Our ref: 461274
Your ref: EN010132



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

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

BY EMAIL ONLY



Dear Andrea Mageean

NSIP Reference: EN010132 – West Burton Solar Project
Consultation: Examining Authorities First Written Questions

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.

Please find Natural England's responses to the Examining Authorities first written questions at **Annex A** below.

For any further advice on this consultation please contact the case officer Robbie Clarey and copy to consultations@naturalengland.org.uk.

Yours sincerely

Robbie Clarey
Planning & Environment Lead Adviser

Annex A

Question Reference	Question	Natural England response
1.3.11	<p>Protected Species</p> <p>A number of protected species licences may be required where avoidance is not possible during construction. In its RR [RR-233] NE requested clarification of the need for protected species licences. It recognised that Protected Species Licences may be required in due course but had not been engaged in Letters of No Impediment or draft Protected Species Licences. This has subsequently progressed through engagement between NE and the Applicant</p> <p>NE’s WR [REP1A-007] notes that “given the absence of any identified need for a licence at this stage, Natural England consider the applicant has taken the necessary steps to reduce the likelihood of Protected Species Licencing becoming an impediment to the implementation of the DCO”. The ExA notes the progress, as reported in the Draft SOCG [REP1-067] and that sufficient precautionary methods and contingency measures are set out and will be secured by Requirement 8. At the time of submission, NE stated that the wording of section ECO-09 was not yet complete.</p> <p>Notwithstanding this common ground:</p> <p>a) Can the Applicant please identify the likely protected species that may be affected and detail how engagement with NE will be taken forward.</p> <p>b) Can both the Applicant and NE confirm the agreement of wording within the Draft SOCG?</p>	<p>The wording of the SoCG has now been completed and agreed with regard to protected species licencing. For ease, the wording is set out below:</p> <p>ECO-09:</p> <p><i>‘As a result of baseline surveys and sensitive development design, the potential for impacts on the listed protected species is low and no clear need for protected species licencing is identified. As such, it is considered common ground that 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.</i></p> <p><i>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), work programmes can be altered to proceed in a lawful manner and/or any necessary licences can be applied for, with a decision being made in the usual manner by NE.’</i></p>

<p>1.2.7</p>	<p>Soil Health</p> <p>Whilst the possible soil resource benefits from the scheme, especially to Soil Organic Matter is acknowledged, there remains uncertainty with regard to the impact solar panels may have on other soil properties. These include carbon storage, structure and biodiversity.</p> <p>a) Please can the Applicant, and optionally other Interested Parties, set out their views and evidence on the impact of a temporary solar development on soil health.</p> <p>The ExA notes NE's WR [REP1A-008] comments on progress through the SoCG, that the OSMP 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.</p> <p>b) Please can the Applicant provide an update on a specific requirement for the restoration of the order limits to the same ALC grade which NE consider is necessary in order to conclude that the project will not cause any permanent loss of Best and Most Versatile land.</p>	<p>A) NE concur with the Planning Inspectorate's statement that some uncertainty remains regarding the impact solar panels may have on soil properties other than SOM.</p> <p>Through NE's work with the applicant on the SoCG, it has been agreed that a programme of soil health monitoring will be undertaken throughout the operation of the proposed development to better understand the impact of solar development on soil health.</p> <p>The oSMP and oOEMP will be updated to confirm this.</p> <p>The SoCG will also be updated to note this commitment.</p> <p>B) Through our work with the applicant regarding the SoCG the commitment to restoration of agricultural land to the same ALC grade has been agreed.</p> <p>The oSMP will be updated to include this.</p> <p>The SoCG will also be updated to note this commitment.</p>
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