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Our ref: 451348
Your ref: EN010133



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Dear Rory Cridland

NSIP Reference Code: EN010133

Natural England's comments in respect of Cottam Solar Project

Examining authority's submission deadline: 17 October 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 Andrew Stubbs and copy to consultations@naturalengland.org.uk.

Yours faithfully

Andrew Stubbs

Planning & Environment Senior Adviser

WRITTEN REPRESENTATIONS

PART I: Natural England's Updated advice on matters relevant to the natural environment (Starting at Page 2)

PART II: Natural England's detailed comments on the Development Consent Order (DCO) (starting on page 9)

PART III: A summary of Natural England's up to date advice on matters relevant to the Natural Environment (starting at page 11)

Natural England's Written Representations

Part I: Natural England's Updated advice on matters relevant to the natural Environment

Summary of Natural England's Advice

Natural England have been engaged by the applicant following the submission of our relevant representations; work is underway on a statement of common ground (SoCG) between Natural England and the Applicant. The statement is as yet unfinished; however, we do not anticipate any of the areas remaining under discussion to become fundamental areas of disagreement. Prior to submission of these representations Natural England received an updated version of the Statement of Common Ground, on 12th October 2023. As such, we have amended our comments within these representations to take account of this, however, due to the short timeframe, we have been unable to consult with relevant specialists on certain points; these points are noted in this response.

In summary, the main subject of ongoing discussion with the applicant is outstanding matters relating to soils & Best and Most Versatile land, namely the detail of the oSMP and restoration of the site following decommissioning.

Part I of these written representations provides details of Natural England's advice in relation to the DCO application. This advice identifies whether any progress in resolving issues has been made since submission of our relevant representations (RR-037). Our comments are set out against the following sub-headings which represent our key areas of remit as follows:

- International 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)

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)

Internationally Designated Sites - GREEN

Natural England's position regarding internationally designated sites has not changed since submission of our Relevant Representations (RR-037).

Our position regarding impacts to internationally designated sites is as set out in our Relevant Representation (RR-037). This is also summarised within our Written Representation Part III.

Nationally Designated Sites - GREEN

Natural England's position regarding nationally designated sites has not changed since submission of our Relevant Representations (RR-037).

Our position regarding impacts on nationally designated sites is as set out in our Relevant Representation (RR-037). This is also summarised within our Written Representation Part III.

Protected Species - GREEN

Natural England's position regarding European protected species has changed since submission of our Relevant Representations (RR-037).

Our updated advice, as set out below, is based on our engagement with the applicant regarding the Statement of Common Ground. The following is an extract from the SoCG section 'ECO-06':

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 licensing has been identified by the applicant at this stage. As such, it is considered common ground that it is not possible at this stage to prepare any draft licences to inform a Letter of No Impediment, given an absence of need.

It is considered common ground that the methods and contingency measures set out in C7.19 oEPMS [APP-356] are precautionary. Nonetheless, it is noted that in the unlikely event of a protected species being found in advance of or during construction works (e.g. by ECoWs), any necessary licences must be and will be applied for, with a decision being made in the usual manner by NE, and/or work programmes must be altered to proceed in a lawful way.

Given the above, and in 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. As such, we have re-categorised this subject to **GREEN**.

Biodiversity Net Gain Provision - GREEN

Natural England's position regarding provision of biodiversity net gain has not changed since submission of our Relevant Representations (RR-037).

Our position regarding biodiversity net gain provision is as set out in our Relevant Representation (RR-037). This is also summarised within our Written Representations Part III.

Whilst the Biodiversity Net Gain plans are welcomed, Natural England consider the Biodiversity Net Gain requirement (Requirement 9) could be strengthened to secure a minimum of 10% biodiversity net gain, in the event that post-consent design alterations impact the Biodiversity Metric calculations.

Nationally Designated Landscapes - GREEN

Natural England's position regarding nationally designated landscapes has not changed since submission of our Relevant Representations (RR-037).

Our position regarding nationally designated landscapes is as set out in our Relevant Representation (RR-037). This is also summarised within our Written Representation Part III.

Soils and Best and Most Versatile Agricultural Land – AMBER

Natural England's overall position regarding soils and the best and most versatile agricultural land has not changed since submission of our Relevant Representations (RR-037), although progress has been made with regard to the issues raised in those representations.

Our updated advice, as set out below, is based on discussions held with the applicant regarding the Statement of Common Ground.

Where matters previously raised in Natural England's relevant representations are not further discussed here, it can be considered that Natural England have no further comments or concerns.

The omission of assessment of the impact of all elements of the development on soils and Best & Most Versatile land – AMBER

In the most recent version of the SoCG received by Natural England, the Applicant has provided further information regarding the amounts and proportions of agricultural land take, including BMV, across the full Order Limits. As this was received a short time prior to Deadline 1, we have been unable to discuss this information with our soil specialists and as such are unable to provide any substantive comments regarding the suitability of the information provided in ensuring the implications of the development for soils and BMV land in particular are represented appropriately. Natural England will continue to collaborate with the Applicant to progress this item.

Soil Management Plan - AMBER

Natural England made a number of comments regarding the oSMP in our relevant representations. Aside from the restoration of the site following decommissioning, all of these have been addressed by

the applicant through the statement of common ground. A summary of each matter raised in our relevant representations is set out below:

1- The proposed requirements in oSMP section 8 should refer to the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites - GREEN

The applicant has stated that the oSMP is to be updated to include reference to this guidance. In addition, the applicant will also use the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings (2021) sheets A-D in relation to the use of excavators and dump trucks for soil handling and storage bunds, which is welcomed. *The oSMP must be updated to reflect this.*

2- 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 - GREEN

The applicant has stated that soils stored in bunds will be labelled and recorded. Soil bunds retained through the operational phase of the development will be seeded. *The oSMP must be updated to include this.*

3- Restoration of the site following decommissioning (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) - AMBER

The applicant has provided clarification via the statement of common ground regarding the restoration of the site following decommissioning:

The oSMP will include 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, but will also ensure that a good standard of land management at the completion of the restoration works has been achieved. The oSMP will be updated to include this.

Due to the timescales, Natural England have been unable to discuss this update and our previous requirement for the restoration of the order limits to the same ALC grade in detail with our soil specialists. As such, our position is unchanged at present. We will continue to work with the applicant to progress this item; below is a summary of our current advice, however this is subject to change following input from our soil specialists:

Natural England welcome this clarification and the appointment of a soil scientist to identify any degradation of the baseline ALC grade and soil functionality. It is acknowledged that the oSMP will be updated to reflect this; this should include any reduction in ALC grade, soil functionality or compaction. Section 8.7.4 notes that where problematic areas are identified by a soil scientist, these will be remediated prior to their return to arable production. To ensure restoration has been effective, Natural England would also recommend that post-restoration sampling/soil pits are excavated to confirm success.

Whilst acknowledging the above clarification, it is considered that a requirement for the restoration of the order limits to the same ALC grade would not inhibit this and would ensure there is a measurable factor that can be used, and compared with the baseline ALC survey, to ensure the agricultural land is returned to its original quality.

It is acknowledged that the current 1988 ALC methodology may no longer be relevant when the site is restored. However, Natural England has concerns that no reference has been made to any land quality assessment methodology. If the 1988 ALC methodology is superseded, its replacement should be adopted to inform the restoration of land to its current ALC grade. As such, we consider that commitments to restore the current ALC grades (or equivalent) should be determined through the approved system for grading agricultural land quality at the time of the restoration; this should be referenced within the ES and oSMP.

- 4- 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 - GREEN**

It has been noted that the cable route will be subject to a detailed ALC Survey prior to construction; the SMP will ensure that the cable route laying works to not result in a reduction in the ALC grade of the land. Natural England welcome this clarification and advise that the restoration of the cable route to its current ALC grade should be made a commitment of the scheme, either via appropriate wording of the SMP DCO requirement, or amendment to the wording of the oSMP, which is already secured by the DCO.

- 5- Tall vegetation / crops should be cleared prior to topsoil stripping - GREEN**

Tall vegetation will be cleared prior to topsoil stripping.

- 6- 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 - GREEN**

The applicant has stated that the SMP will include measures to control traffic within the Sites, 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. *The oSMP must be updated to include this.*

- 7- 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 potential impact on the soil resource - GREEN

The applicant has also stated that the traffic control can 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. *The oSMP must be updated to include this.*

Further advice relating to soils and Best and Most Versatile land

In addition to that provided above, additional advice has been provided in relation to other large solar projects in the East Midlands. Natural England feel that it would be beneficial to share this with the applicant.

- The detailed ALC Survey data should be used wherever possible to inform restoration practises, i.e., to ensure the soil is restored to the same depth and profile described during the ALC survey.
- The proposals do not currently include any monitoring of soil health or land quality during the operational phase. Issues with soil protection may occur where, for example, vegetation cover fails to establish, or areas of bare ground appear during operation. Natural England would recommend ongoing monitoring to prevent any unexpected impacts to soil health and/or land quality. It is noted that vegetation management will be secured via the oLEMP, however this should be cross-referenced within the oSMP to ensure the role of this in protecting soil is apparent during the operational period.
- Although arable reversion to grassland has been shown to benefit soil quality (through increased Soil Organic Matter (SOM)), it is unclear what impact solar arrays will have on 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 currently unknown what the overall impact of a temporary Solar development will have on soil health. In the absence of this information, we suggest that the developer could commit to a programme of soil health monitoring for the lifetime of the project to support development of the evidence base around long-term impacts to soil health from solar.

Ancient woodland and ancient/veteran trees

Natural England's position regarding ancient woodland and ancient/veteran trees has not changed since submission of our Relevant Representations (RR-037).

Our position regarding ancient woodland and ancient/veteran trees is as set out in our Relevant Representation (RR-037). This is also summarised within our Written Representation Part III.

Connecting people with nature (National Trails, open access land and England Coast Path)

Natural England's position regarding access has not changed since submission of our Relevant Representations (RR-037).

Our position regarding access is as set out in our Relevant Representation (RR-037). This is also summarised within our Written Representation Part III.

Natural England's overall conclusions

Natural England's only remaining concerns are regarding soils and Best and Most Versatile land, of which we are in dialogue with the applicant to work to resolve. The remainder of the issues regarding the natural environment within our remit have been resolved through the Statement of Common Ground.

Natural England will continue to work with the applicant, including engaging our soil specialists to ensure the new information provided is considered appropriately, and any changes in our advice will be captured within the Statement of Common Ground.

Natural England's Written Representations

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

Part II of these representations provides Natural England's detailed comments on the Development Consent Order. This table supersedes Part III of our Relevant Representations (RR-037); however, its contents are largely the same due to the limited changes made in our advice.

Page			
44	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
44	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
44	Requirement 9 – Biodiversity Net Gain	Natural England welcome the inclusion of a requirement for a Biodiversity Net Gain strategy to be produced, however, would 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
45	Requirement 13 – Construction Environmental 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
45	Requirement 14 – Operational Environment Management Plan	Natural England welcome the inclusion of a requirement for the OEMP.	GREEN
46	Requirement 17 - Permissive Paths	Natural England welcome the specific requirement for the proposed permissive footpath; timing of it's opening.	GREEN

46	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
46	Requirement 19 - Soils Management	Natural England welcome the requirement for production of a detailed Soil Management Plan, which must be 'substantially in accordance' with the oSMP. However, there are outstanding concerns regarding the content of the oSMP which Natural England feel need to be addressed to ensure they are captured within the detailed SMP.	AMBER

Natural England's Written Representations

Part III: A summary of Natural England's advice

Part III of these representations summarises Natural England's position, and the reasons for this position, on all the areas which represent the key areas of Natural England's remit. This incorporates the advice provided within our relevant representations (RR-037) and our updated advice provided in Part I of these written representations.

Natural England will continue engaging with the applicant to seek to resolve the outstanding concerns throughout the examination. Natural England advises that the matters indicated as 'amber' will require consideration by the Examining Authority during the examination.

Natural England's Written Representations, Part III, Table 1

Table 3: A Summary of Natural England's advice				
NE Key Issue	Topic	Risk Rating	NE Summary	DCO Requirement?
International designated sites	HRA assessment of impacts alone	GREEN	<p>Natural England concur with the applicant's conclusion of no Likely Significant Effects.</p> <p>While a hydrological link exists between the order limits and the Humber Estuary SAC, Natural England considers the low likelihood and small scale of potential pollution events from the development activities, distance to the SAC and embedded mitigation (not included specifically to avoid impacts to the site), suitable to rule out an impact from the proposal on this SAC.</p> <p>The Order limits do not constitute Functionally Linked Land for the species associated with the Humber Estuary SPA, nor Thorne and Hatfield Moors SPA; thus effects on these two designations can be ruled out.</p> <p>The physical and hydrological separation of Birklands and Bilhaugh SAC means effects on this site can be ruled out.</p>	CEMP secured by requirement

	HRA In combination assessment	GREEN	The information to support a HRA includes consideration of other nearby projects (West Burton Solar Project, Gate Burton Solar project, the 'Shared Cable Corridor' and Tillbridge Solar Project) including rationale for the absence of in-combination effects from these projects together. Natural England concur with the conclusion that the Cottam Solar project will not act in combination with these projects to cause a significant effect on internationally designated sites.	
Nationally designated Sites	Impacts to Laughton Common SSSI	GREEN	Discussions with the applicant have shown that the order limits are likely to lie outside the catchment of this SSSI; thus the possible impact pathway does not exist. Regardless of this, Natural England consider the CEMP and EPMS contain measures to prevent pollution. We consider that where the order limits and the SSSI were linked, these measures would nonetheless prevent any significant impacts to the notified features of the SSSI.	CEMP and EPMS secured by DCO requirement.
	Impacts to Other SSSIs	GREEN	Due to the separation from the order limits of the remaining SSSIs, it is considered that significant impacts are unlikely.	N/A
Protected Species	Requirement for Licences for Bats, Badgers and Otter/Water vole	GREEN	Based on the survey work to date, the applicant has not identified any need for protected species licences. As a result, the submission of draft protected species licences is not possible and the production of a LoNI is not considered necessary. It must be note that where post consent surveys indicate the ned for a licence, this must be applied for, and determined, in the usual manner.	N/A
Biodiversity Net Gain	Delivery of Biodiversity Net Gain	GREEN	The Biodiversity Net Gain Metric provided indicates the development will give rise to a 96.09% gain for habitat units, 70.22% for hedgerow units and 10.69% for river units. The DCO requirement for Biodiversity Net Gain could be strengthened by including reference to a minimum BNG provision (i.e. 10%), however this is not a requirement as BNG is not yet a mandatory requirement.	LEMP to be secured by DCO requirement.

Nationally Designated Landscapes	Impacts to Nationally Designated Landscapes	GREEN	The proposed development is not located within, or within the setting of, any nationally designated landscapes, so Natural England considers impacts of the scheme on nationally designated landscapes to be unlikely.	N/A
Soils and Best and Most Versatile Agricultural Land	The omission of assessment of the impact of all elements of the development on soils and Best & Most Versatile Land	AMBER	The applicant has provided further information regarding the amounts and proportions of agricultural land, including BMV across the full Order Limits, impacted by each element of the Proposed Development. However, our soil specialists have not been able to review this prior to these representations, so we are unable to comments on the suitability of the information provided.	N/A
	Soil Management Plan	AMBER	<p>The majority of matters raised regarding the applicant's oSMP have been resolved as a result of further information being provided via the statement of common ground being written between the applicant and Natural England.</p> <p>The remaining concern relates to the restoration of the site following decommissioning. The applicant has provided clarity regarding the restoration of the site following decommissioning, however, Natural England have concerns regarding the lack of commitment to restore the order limits to its current ALC grades. Natural England consider a commitment should be made for the order limits to be restored to their current ALC grades, which should be determined through the approved system for grading agricultural land quality at the time of the restoration.</p>	SMP to be secured by a DCO requirement
	Agricultural Land Classification (ALC) Survey	GREEN	Natural England are satisfied that the detailed ALC survey undertaken across the order limits is appropriate. We are also content with the requirement for further survey along the cable route post-consent.	Further survey along the cable route secured in the oSMP,

				which is secured by DCO requirement
Ancient woodland and ancient/veteran trees	Damage to nearby Ancient Woodland	GREEN	There is no Ancient Woodland or ancient/veteran trees within the order limits or in close proximity; Natural England consider impacts to these features to be unlikely.	N/A
Connecting people with nature (National Trails, open access land and England Coast Path)	National Trails, Open Access Land or Coast paths	GREEN	There are no National Trails, Open Access Land or Coast paths within the order limits; as such, no impacts to these features are likely.	N/A
	Public Rights of Way	GREEN	All Public Rights of Way will be retained, and the intention is to keep all routes open through all phases on the development, which is welcomed. Provision of an additional permissive footpath is also welcomed.	Public Rights of Way management plan secured by DCO requirements

