

Date: 10 December 2024  
Our ref: 483813  
Your ref: EN010135



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

T 0300 060 3900

[stonestreetgreensolar@planninginspectorate.gov.uk](mailto:stonestreetgreensolar@planninginspectorate.gov.uk)

**BY EMAIL ONLY**

The Planning Inspectorate  
Major Applications & Plans  
Temple Quay House  
Temple Quay Bristol  
BS1 6PN

Dear Examining Authority,

**NSIP Reference Name / Code: Stonestreet Green Solar / Code: EN010135**

**Natural England registration identification number: 20050374**

**Title: Natural England's comments in respect of Stonestreet Green Solar Project, promoted by EPL 001 Limited.**

**Examining Authority's submission deadline 1 with a date of 10 December 2024**

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 [REDACTED] [REDACTED]@naturalengland.org.uk and copy to [REDACTED]@naturalengland.org.uk and [REDACTED]@naturalengland.org.uk

Yours sincerely,

[REDACTED]  
Sussex and Kent Area Team

## Natural England's Written Representations

PART I: Summary and conclusions of Natural England's advice  
PART II: Natural England's detailed advice (starting on page 8)  
PART III: Natural England's comments on the Development Consent Order (DCO) (starting on page 20)  
PART IV: Apendicies: A and B (separate attachments)

### Part I: Summary and conclusions of Natural England's advice

#### Summary of Natural England's advice

##### Written Representation Summary

##### Internationally designated sites

**Folkestone to Etchinghill Escarpment Special Area of Conservation (SAC)** has been considered as part of the Information for the Habitats Regulations Assessment (IHRA) and concluded no impact pathways. Natural England agrees with this conclusion. [Green]

##### Nationally designated sites

**Folkestone to Etchinghill Escarpment Site of Special Scientific Interest (SSSI).** Natural England is satisfied the Project will not cause damage to the notified features of the SSSI. [Green]

**Hatch Park SSSI.** Natural England is satisfied the Project will not cause damage to the notified features of the SSSI. [Green]

**Nationally designated landscapes.** The Landscape Visual Impact Assessment (LVIA) and additional documents are sufficient to accurately explain the effects of the Project on the landscape, visual resources and special qualities of the Kent Downs National Landscape. [Green]

**Soils and best and most versatile (BMV) agricultural land.** Natural England consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land. [Green]

##### Previous Relevant Representation Summary [RR 12/09/2024]

##### Internationally designated sites

**Wye and Crundale Downs Special Area of Conservation (SAC)** has been considered as part of the IHRA and concluded no impact pathways. Natural England agrees with this conclusion. [Green]

**Stodmarsh Special Protection Area (SPA), SAC and Ramsar site** has been considered as part of the IHRA and concluded no impact pathways. Natural England agrees with this conclusion. [Green]

**Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site and Dungeness SAC - Functionally Link Land (FLL).** Natural England is satisfied with both the robustness of the survey work

and the conclusion drawn that the Site is not functionally linked to the Dungeness SPA and Ramsar site. [Green]

### **Nationally designated sites**

**Gibbin's Brook SSSI.** Natural England is satisfied that the site does not appear to be hydrologically linked to the SSSI so impacts to Gibbins Brook are unlikely to result from the proposal. [Green]

### **Protected species**

**Great Crested Newt (GCN), Badger and Dormouse.** Natural England sees no impediment to issuing a licence in future, based on information assessed. [Green]

Part I of these Written Representations provides a summary (above) and overall conclusions of Natural England's advice. This advice identifies whether any progress in resolving issues has been made since submission of our Relevant Representations (RR 12/09/2024). 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)
- 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)

### **Internationally designated sites**

Natural England's position regarding internationally designated sites has changed since submission of our Relevant Representations (RR 12/09/2024), also included for ease.

Natural England is satisfied that 'green' issues are unlikely to result in adverse effects on the integrity of the following internationally designated sites, subject always to the appropriate mitigation/compensation as outlined in the application documents being adequately secured.

**Folkestone to Etchinghill Escarpment Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).** The transport generated air quality impacts have now been considered in combination with Otterpool Park. Natural England is satisfied that a likely significant effect alone or in combination can be avoided. For completeness documents: APP-164 - 7.19 Information for Habitats

Regulations Assessment and APP-091 - 5.4 Environmental Statement Volume 4: Appendices Chapter 9: Biodiversity Appendix 9.6: Biodiversity Air Quality Screening Report, should be updated to reflect this information. [Green]

**Wye and Crundale Downs Special Area of Conservation (SAC)** has been considered as part of the IHRA and concluded no impact pathways. Natural England agrees with this conclusion. [Green RR 12/09/2024]

**Stodmarsh Special Protection Area (SPA), SAC and Ramsar site** has been considered as part of the IHRA and concluded no impact pathways. Natural England agrees with this conclusion. [Green RR 12/09/2024]

**Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site and Dungeness SAC** - Functionally Link Land (FLL). Natural England is satisfied with both the robustness of the survey work and the conclusion drawn that the Site is not functionally linked to the Dungeness SPA and Ramsar site. [Green RR 12/09/2024]

## **Nationally designated sites**

Natural England's position regarding nationally designated sites has changed since submission of our Relevant Representations (RR 12/09/2024), also included for ease.

Our updated advice regarding impacts on nationally designated sites on the basis of information submitted is set out below. Further detail on our reasoning for this is given against each impact pathway within Part II.

**Hatch Park SSSI.** The transport generated air quality impacts have now been considered cumulatively with Otterpool Park. Natural England is satisfied the Project will not cause damage to the notified features of the SSSI. For completeness document: APP-091 - 5.4 Environmental Statement Volume 4: Appendices Chapter 9: Biodiversity Appendix 9.6: Biodiversity Air Quality Screening Report should be updated to reflect this information. [Green]

**Gibbin's Brook SSSI.** Based upon the information provided by the Applicant, Natural England is satisfied that the site does not appear to be hydrologically linked to the SSSI so impacts to Gibbins Brook are unlikely to result from the proposal. [Green RR 12/09/2024]

## **Protected species**

Natural England's position regarding European protected species has not changed since submission of our Relevant Representations (RR 12/09/2024) and for ease is included below.

Our position regarding impacts on protected species is as set out in our Relevant Representations (RR 12/09/2024) and in summary below. Further detail on our reasoning for this is given for each species within our Written Representations Part II.

Natural England has received submission of draft protected species licence applications for review.

**Great Crested Newt (GCN).** Natural England confirmed on the 23 July 2024, that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals. [12/09/2024 Green RR 12/09/2024]

**Badger.** Natural England sees no impediment to a licence being issued, should the DCO be granted. Letter of confirmation sent on the 15 May 2024.[Green RR 12/09/2024]

**Dormouse.** Natural England sees no impediment to a licence being issued, should the DCO be granted, subject to revisions. Letter of confirmation sent on the 3 July 2024.[Green RR 12/09/2024]

## **Biodiversity Net Gain Provision**

Natural England's position regarding provision of biodiversity net gain has not changed since submission of our Relevant Representations (RR 12/09/2024) and for ease is included below.

Our position regarding biodiversity net gain provision is as set out in our Relevant Representations (RR 12/09/2024). Further detail on our reasoning to support our Relevant Representations is set out in our Written Representations Part II.

Natural England has not reviewed the calculations for biodiversity net gain but welcome the Applicant's commitment to deliver a minimum of, *'100% for habitat units, 10% for hedgerow units 10% for river units during the operational phase of the authorised development.'* [APP – 146 (p3) s1.1.10]

## **Nationally designated landscapes**

Natural England's position regarding nationally designated landscapes has changed since submission of our Relevant Representations (RR 12/09/2024).

Our updated advice regarding impacts on nationally designated landscapes on the basis of further information submitted is set out in the paragraphs below. Further detail on our reasoning is given in Part II.

Natural England has reviewed the Applicants draft Kent Downs National Landscape Special Qualities Assessment, dated October 2024 (further details provided in Appendix A and B) and confirms the relevant key characteristics and special qualities of the Kent Downs National Landscape have been assessed adequately.

Natural England is satisfied that both potential visibility and key characteristics have been adequately assessed and the landscape receptors have been considered as a single entity.

Natural England consider the findings on cumulative effects of this Project in relation to the Kent Downs National Landscape are appropriate.

In summary, the Landscape Visual Impact assessment (LVIA), specifically the field surveys and photomontage and additional response document (Appendix A) are sufficient to accurately explain the effects of the Project on the landscape, visual resources and special qualities of the Kent Downs National Landscape. Natural England is satisfied the Project will have limited effect on the special qualities of the Kent Downs National landscape.[Green]

## **Soils and best and most versatile agricultural land**

Natural England's position regarding soils and the best and most versatile agricultural land has changed since submission of our Relevant Representations (RR 12/09/2024), also included for ease.

Our updated advice regarding impacts on soils and the best and most versatile agricultural land on the basis of information submitted is set out in the paragraphs below. Further detail on our reasoning is given in Part II.

Natural England welcomes the clarification provided within the Report [APP-122] in Table 5.2 (p 27) identifying the site as: Grade 2 (very good) 1.95 ha (1.02%), Subgrade 3a (good) 36.69 ha (19.16%), Subgrade 3b (moderate) 143.47 ha (74.90 %) and Non-agricultural 9.43 ha (4.92%). With no more than 129 ha (67%) of the site covered by the solar array. The solar array is piled fixed directly into the ground, without prior soil removal.

Natural England confirms, based on a total percentage of 1% of infrastructure works sited on best and most versatile (BMV) agricultural land that the overall impacts from the Project to BMV agricultural land is limited. [Green]

### **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 12/09/2024), also included for ease.

Our position regarding ancient woodland and ancient/veteran trees is as set out in our Relevant Representations (RR 12/09/2024). Further detail on our reasoning to support our Relevant Representations is set out in our Written Representations Part II.

Natural England advice, due to the close proximity of areas of ancient woodland to the site, potential impacts need to be considered in line with sections 5.4.32 and 5.4.54 of the Overarching National Policy Statement for Energy (EN-1).

Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances. [Green RR 12/09/2024]

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

Natural England's position regarding Public Rights of Way has not changed since submission of our Relevant Representations (RR 12/09/2024), also included for ease.

Our position regarding Public Rights of Way is as set out in our Relevant Representations (RR 12/09/2024). Further detail on our reasoning to support our Relevant Representations is set out in our Written Representations Part II.

Natural England welcomes the requirement in the draft DCO for a Rights of Way and Access Strategy (RoWAS) and the Applicants mitigation strategy, including viewing seating. [Green RR 12/09/2024]

### **Other valuable and sensitive habitats and species, landscapes and access routes**

Natural England's position regarding has not changed since submission of our Relevant Representations RR 12/09/2024, also included for ease.

Natural England does not provide bespoke advice on impacts to habitats or species where they do not form part of a designated site or require a license from Natural England. Please see: [Protected species and development: advice for local planning authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/protected-species-and-development-advice-for-local-planning-authorities)

## **Natural England's overall conclusion**

Natural England confirms all outstanding matters have been satisfactory addressed by EPL 001 Limited, subject to the appropriate mitigation as outlined in the application documents being adequately secured, as summarised in Section 2 above and outlined in further detail in Part II and Part III below. [Green]

## Natural England’s Written Representations

### Part II: Natural England’s detailed advice

Part II of these Representations updates and where necessary augments Part II of the Relevant Representations. It expands upon the detail of all the significant issues (‘red’ and ‘amber’ issues) which, in our view remain outstanding and includes our advice on pathways to their resolution where possible. Part II also shows ‘green’ issues which have been agreed since our Relevant Representations (RR 12/09/2024) and subject always to the appropriate requirements being secured adequately.

Natural England will continue engaging with the applicant to seek to resolve these concerns throughout the examination. Natural England advises that the matters indicated as ‘red’ and ‘amber’ will require consideration by the Examining Authority during the examination.

**Natural Englands Written Representations, Part II, Table 1**

<b>Table 1: Natural England’s detailed advice</b>						
<b>NE key issue ref</b>	<b>Topic</b>	<b>Issue summary (C) – construction phase (O) – operational phase</b>	<b>NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required</b>	<b>NE comment on mechanism for securing resolution, e.g. mitigation/compensation</b>	<b>Matters that must be secured in the DCO</b>	<b>Risk Red / Amber / Green</b>
<b>International designated sites</b>						
NE1	<b>Folkestone to Etchinghill Escarpment SAC and SSSI</b>	(C) and (O)	After reviewing the updated information, which now considers the transport generated air quality impacts in-combination with Otterpool Park, Natural England is satisfied that a likely significant effect	For completeness documents: APP-164 - 7.19 Information for Habitats Regulations Assessment and APP-091 - 5.4 Environmental Statement Volume 4: Appendices Chapter 9: Biodiversity Appendix 9.6: Biodiversity Air Quality		Green



<b>Table 1: Natural England's detailed advice</b>						
<b>NE key issue ref</b>	<b>Topic</b>	<b>Issue summary (C) – construction phase (O) – operational phase</b>	<b>NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required</b>	<b>NE comment on mechanism for securing resolution, e.g. mitigation/compensation</b>	<b>Matters that must be secured in the DCO</b>	<b>Risk Red / Amber / Green</b>
			alone or in-combination can be avoided.	Screening Report, should be updated to reflect this information.		
NE1	<b>Wye and Crundale Downs SAC</b>	(C) and (O)	[APP-033] (p62) s9.5.10 confirms Wye and Crundale Downs SAC as approximately 5.2km to the north of the Site, at its closest point. [APP-164] (p30) Table 4.1 confirms no roads within 200m of the SAC will be used by construction and decommissioning traffic.	Wye and Crundale Downs SAC has been considered as part of the (Information to inform the Habitat Regulations Assessment (IHRA) and given the lack of impact pathways, Natural England advise that a likely significant effect can be screened out.		Green
NE1	<b>Stodmarsh Special Protection Area (SPA), SAC and Ramsar site</b>	(C) and (O)	Natural England welcome the precautionary approach used in the IHRA [APP-164 (p12)] for all foul water generated at all	Natural England agrees this commitment needs to be secured through the Outline Construction Environmental Management Plan ('CEMP') [APP-153], Outline Operational Management Plan	All foul water generated at all stages of the Project will be transported, treated and released outside of the Stour catchment. To be secured through the CEMP, OMP and DEMP.	Green

<b>Table 1: Natural England's detailed advice</b>						
<b>NE key issue ref</b>	<b>Topic</b>	<b>Issue summary (C) – construction phase (O) – operational phase</b>	<b>NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required</b>	<b>NE comment on mechanism for securing resolution, e.g. mitigation/compensation</b>	<b>Matters that must be secured in the DCO</b>	<b>Risk Red / Amber / Green</b>
			stages of the Project will be transported, treated and released outside of the Stour catchment. Natural England therefore agree with the screening conclusion of no LSE.	('OMP') [APP-156], and Outline Decommissioning Environmental Management Plan ('DEMP') [APP-157].		
NE1	<b>Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site and Dungeness SAC.</b>	(C) and (O)	Natural England's previous advice (NE Ref: 437662, dated 17/07/2023) confirmed we are satisfied with both the robustness of the survey work and the conclusion drawn that the Site is not functionally linked to the Dungeness SPA and Ramsar site. [APP-164 (p15)] and [APP-089]			Green
<b>National designated sites (biodiversity and geodiversity)</b>						
NE2	<b>Hatch Park SSSI</b>	(C) and (O)	Based on the updated information shared with Natural England, which	For completeness document: APP-091 - 5.4 Environmental Statement Volume 4: Appendices Chapter 9:		Green

<b>Table 1: Natural England's detailed advice</b>						
<b>NE key issue ref</b>	<b>Topic</b>	<b>Issue summary (C) – construction phase (O) – operational phase</b>	<b>NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required</b>	<b>NE comment on mechanism for securing resolution, e.g. mitigation/compensation</b>	<b>Matters that must be secured in the DCO</b>	<b>Risk Red / Amber / Green</b>
			now considers the transport generated air quality impacts in-combination with Otterpool Park, Natural England are satisfied the Project will not cause damage to the notified features of the SSSI.	Biodiversity Appendix 9.6: Biodiversity Air Quality Screening Report should be updated to reflect this information.		
NE2	<b>Gibbin's Brook SSSI and Hatch Park SSSI</b>	(C) and (O)	Natural England agrees with the conclusion both Gibbois Brook and Hatch Park SSSI can be screened out for hydrologically connected to the Site. [APP-092 (p8)] and [APP-033 (p11)].			Green
<b>Protected species</b>						
NE3	<b>Great Crested Newt (GCN)</b>	(C)	Natural England confirmed on the 23/07/2024, that the	Should the DCO be granted then the mitigation licence application must be formally submitted to		Green

<b>Table 1: Natural England's detailed advice</b>						
<b>NE key issue ref</b>	<b>Topic</b>	<b>Issue summary (C) – construction phase (O) – operational phase</b>	<b>NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required</b>	<b>NE comment on mechanism for securing resolution, e.g. mitigation/compensation</b>	<b>Matters that must be secured in the DCO</b>	<b>Risk Red / Amber / Green</b>
			competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.	Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted.		
NE3	<b>Badger</b>	(C)	Natural England sees no impediment to a licence being issued, should the DCO be granted. Letter of confirmation sent on the 15/05/2024.	Should the DCO be granted that an updated survey will be required prior to the submission of the final application which Natural England will assess accordingly.		Green
NE3	<b>Dormouse</b>	(C)	Natural England sees no impediment to a licence being issued, should the DCO be granted, subject to	Should the DCO be granted several issues have been identified within the current draft of the method statement that will need to be addressed before the licence		Green

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO	Risk Red / Amber / Green
			revisions. Letter of confirmation sent on the 03/07/2024.	application is formally submitted. The Applicant was made aware of these issues in NE ref: 2024-68013-EPS-AD1, dated 03/07/2024.		
Biodiversity net gain						
NE4	Biodiversity net gain (BNG)	(C)	<b>BNG.</b> The Applicant has confirmed [APP-146] a BNG of a minimum 100% for habitat units, 10% for hedgerow units 10% for river units during the operational phase of the authorised development. Nature England advise the Applicant to ensure the report provides a clear mitigation hierarchy, prior to BNG	Natural England is not able to assess biodiversity net gain calculations [APP-146] and defers to the relevant authorities.		N/A

<b>Table 1: Natural England's detailed advice</b>						
<b>NE key issue ref</b>	<b>Topic</b>	<b>Issue summary (C) – construction phase (O) – operational phase</b>	<b>NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required</b>	<b>NE comment on mechanism for securing resolution, e.g. mitigation/compensation</b>	<b>Matters that must be secured in the DCO</b>	<b>Risk Red / Amber / Green</b>
			compensation measures.			
<b>National designated landscapes</b>						
NE5	Kent Downs National Landscape	(C) and (O)	Natural England has reviewed of the Applicant's updated information including the Kent Downs National Landscape Qualities Assessment and confirms overall agreement with the assessments approach and findings. Natural England confirms the eight special qualities of the Kent Downs National Landscape were correctly identified and the special qualities	Natural England advise a precautionary approach is applied and therefore advise the Kent Downs National Landscape team's advice for additional vegetation planting on the south of the Parcel E is followed and added to the, <i>'proposed hard and soft landscape and biodiversity enhancement works'</i> within: APP-033 5.2 Environmental Statement Volume 2: Main Text Chapter 9: Biodiversity, S9.6.10 [p90] and these details are also updated in the Landscape and Ecological Management Plan (LEMP) which	Additional mitigation planting on the south Parcel E and the use of standard trees in the overall planting mitigation strategy. The mitigation strategy to be updated within the Landscape and Ecological Management Plan (LEMP) which will be secured via the draft Development Consent Order.	Green

<b>Table 1: Natural England's detailed advice</b>						
<b>NE key issue ref</b>	<b>Topic</b>	<b>Issue summary (C) – construction phase (O) – operational phase</b>	<b>NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required</b>	<b>NE comment on mechanism for securing resolution, e.g. mitigation/compensation</b>	<b>Matters that must be secured in the DCO</b>	<b>Risk Red / Amber / Green</b>
			assessed against the Projects potential impact(s) was appropriate and proportionate. Further response details are provided in Appendix B.	will be secured via the draft Development Consent Order.		
<b>Soils and best and most versatile (BMV) agricultural land</b>						
NE6	Siting of infrastructure on BMV agricultural land	(C)	Natural England advise, based on a total percentage of 1% of infrastructure works sited on best and most versatile (BMV) agricultural land that the overall impacts from the	Natural England advise: APP-122 5.4 Environmental Statement Volume 4: Appendices Chapter 16: Other Topics Appendix 16.1: Soils and Agricultural Land Report, is updated to include the micrositing mitigation methodology used to restrict the sites infrastructure to 1% of BMV agricultural land.		Green

**Table 1: Natural England’s detailed advice**

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO	Risk Red / Amber / Green
			Project to BMV agricultural land is limited.			
NE6	BMV agricultural land	(C)	Natural England welcomes the clarification provided within the Report [APP-122] in Table 5.2 (p 27) identifying the site as: Grade 2 (very good) 1.95 ha (1.02%), Subgrade 3a (good) 36.69 ha (19.16%), Subgrade 3b (moderate) 143.47 ha (74.90 %) and Non-agricultural 9.43 ha (4.92%). With no more than 129 ha (67%) of the site covered by the solar array. The solar array is piled fixed	Natural England welcomes the site will apply good practice soil management measures inline with, Defra’s Code of Practice for the Sustainable Use of Soils on Construction Sites, and the commitment to deliver this approach through the Outline Construction Environmental Management Plan (CEMP).  Natural England welcomes the CEMP (APP-153 7.8 Outline Construction Environmental Management Plan) will include (p37) s6.1.1 an Outline Soil Management Plan (SMP) prepared in line with:	Natural England welcomes the draft DCO [APP-005 (p42)] Part 1. 6-(1): <i>‘No phase of the authorised development may commence until a CEMP for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council.’</i>	Green



<b>Table 1: Natural England's detailed advice</b>						
<b>NE key issue ref</b>	<b>Topic</b>	<b>Issue summary (C) – construction phase (O) – operational phase</b>	<b>NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required</b>	<b>NE comment on mechanism for securing resolution, e.g. mitigation/compensation</b>	<b>Matters that must be secured in the DCO</b>	<b>Risk Red / Amber / Green</b>
			directly into the ground, without prior soil removal.	Construction Code of Practice for the Sustainable Use of Soils on Construction Sites <sup>28</sup> (Defra, 2009);  British Standard: Specification for Topsoil (BS 3882:2015);  British Standard: Specification for subsoil and requirements for use (BS 8601:2013) and  Good Practice Guide for Handling Soils (MAFF, 2000)		
<b>Ancient woodland and ancient/veteran trees</b>						
NE7	<b>Ancient woodland and ancient/veteran trees</b>		Natural England advises any impacts on ancient woodland and ancient and veteran trees in line sections: 5.4.14, 5.4.14, 5.4.32 and 5.4.54 of the Overarching National Policy Statement for	Nature England welcomes the mitigation measures required and secured in the outline CEMP [APP-153] and within the Arboricultural Impact Assessment [APP-087] specifically for (p10) root protection, and (p43) a buffer zone 15 times their stem diameter or 5	Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.	Green

**Table 1: Natural England's detailed advice**

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO	Risk Red / Amber / Green
			<p>Energy (EN-1). Natural England maintains the Ancient Woodland <a href="#">Inventory</a> which can help identify ancient woodland. Natural England and the Forestry Commission have produced <a href="#">standing advice</a> for planning authorities in relation to ancient woodland and ancient and veteran trees.</p> <p>[APP-033 (p19)] Identifies, <i>'there are no areas of ancient woodland within the Site. The Backhouse Wood LWS ancient woodland is located immediately adjacent to the Site boundary</i></p>	metres beyond their crown spread, whichever is greater.		

<b>Table 1: Natural England's detailed advice</b>						
<b>NE key issue ref</b>	<b>Topic</b>	<b>Issue summary (C) – construction phase (O) – operational phase</b>	<b>NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required</b>	<b>NE comment on mechanism for securing resolution, e.g. mitigation/compensation</b>	<b>Matters that must be secured in the DCO</b>	<b>Risk Red / Amber / Green</b>
			<i>(Northern Area) but is located over 200m from the nearest Project infrastructure.'</i>			
<b>Connecting people with nature (National Trails, open access land and England Coast Path)</b>						
NE8	Public rights of way (PRoW)	(C) and (O)	[APP-023 (p17)] Natural England welcomes the Project has been designed to minimise the impacts on the PRoW network, by minimising the number and length of PRoW diversions and the Project will deliver improvements to the existing PRoW network with new routes, as detailed in [APP-160 (p9) s3.1].	Natural England welcomes the requirement in the draft DCO [APP-004] for a Rights of Way and Access Strategy (RoWAS) and the Applicants mitigation strategy, including viewing seating.	Rights of Way and Access Strategy (RoWAS)	Green

## Natural England's Written Representations

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

Part IV of these Representations provides Natural England's detailed comments on the **Development Consent Order**.

Page	DCO	Natural England confirms the required mitigation has been secured through the following:	Risk (Red/Amber/Green)
41	SCHEDULE 2 PART 1 REQUIREMENTS 6	<p><b>Expiry of development consent</b></p> <p>2.—(1) The authorised development must cease generating electricity on a commercial basis no later than the 40th anniversary of the first export date.</p>	Green
42	SCHEDULE 2 PART 1 REQUIREMENTS 6	<p><b>Construction environmental management plan</b></p> <p><b>Natural England welcome the following requirements:</b></p> <p>6.—(1) No phase of the authorised development may commence until a CEMP for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council.</p> <p>(2) The CEMP for each phase of the authorised development must be in accordance with the outline CEMP.</p> <p>(3) All construction works associated with the authorised development in each phase must be carried out in accordance with the approved CEMP for that phase.</p>	Green
42	SCHEDULE 2 PART 1 REQUIREMENTS 7	<p><b>Construction traffic management plan</b></p> <p><b>Natural England welcome the following requirements:</b></p>	Green

Page	DCO	Natural England confirms the required mitigation has been secured through the following:	Risk (Red/Amber/Green)
		<p>7.—(1) No phase of the authorised development may commence until a CTMP for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with the relevant highway authority.</p> <p>(2) The CTMP for each phase of the authorised development must be in accordance with the outline CTMP.</p> <p>(3) All construction works associated with the authorised development in each phase must be carried out in accordance with the approved CTMP for that phase.</p>	
42	<p>SCHEDULE 2 PART 1 REQUIREMENTS 8</p>	<p><b>Landscape and biodiversity</b></p> <p><b>Natural England welcome the following requirements:</b></p> <p>8.—(1) The authorised development must not commence until a biodiversity design strategy has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council and the relevant statutory nature conservation body.</p> <p>(2) No phase of the authorised development may commence until a LEMP covering that phase has been submitted to and approved by the local planning authority.</p> <p>(3) The LEMP for each phase of the authorised development must—</p> <p>(a) be in accordance with the outline LEMP, the biodiversity design strategy approved pursuant to sub-paragraph (1) and the design principles;</p> <p>(b) provide details of the proposed hard and soft landscape and biodiversity enhancement works including (in so far as is relevant)—</p> <p>(i) surveys, assessments and method statements;</p>	Green

Page	DCO	Natural England confirms the required mitigation has been secured through the following:	Risk (Red/Amber/Green)
		<p>(ii) location, number, species, size, plant protection measures and planting density of any proposed planting and the location of areas to be seeded;</p> <p>(iii) cultivation, importing of materials and other operations to ensure plant establishment; and</p> <p>(iv) implementation timetables for all landscape and biodiversity enhancement works; and (c) provide details of how the landscape and biodiversity enhancement measures will be managed and maintained during the operation of the authorised development.</p> <p>(4) All landscape and biodiversity enhancement works associated with the authorised development in each phase must be carried out in accordance with the approved LEMP for that phase.</p>	
43	SCHEDULE 2 PART 1 REQUIREMENTS 10	<p><b>Public rights of way</b></p> <p><b>Natural England welcome the following requirements:</b></p> <p>10.—(1) No phase of the authorised development incorporating any part of a public right of way which is to be temporarily closed or permanently stopped up pursuant to article 18 (public rights of way – stopping up and vehicular use on public rights of way) may commence until a RoWAS for the phase has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council.</p> <p>(2) The RoWAS submitted pursuant to sub-paragraph (1) must—</p> <p>(a) include details of measures to minimise the distance of any sections of the public right of way to be temporarily closed or permanently stopped up;</p> <p>(b) include details of advance publicity and signage in respect of any sections of public rights of way to be temporarily closed or permanently stopped up; and</p> <p>(c) be generally in accordance with the outline RoWAS.</p>	Green

Page	DCO	Natural England confirms the required mitigation has been secured through the following:	Risk (Red/Amber/Green)
		(3) The RoWAS for each phase of the authorised development must be implemented as approved for that phase.	
44	SCHEDULE 2 PART 1 REQUIREMENTS 14	<p><b>Decommissioning and site restoration</b></p> <p><b>Natural England welcome the following requirements:</b></p> <p>14.—(1) Decommissioning works must commence no later than the 40th anniversary of the first export date.</p> <p>(2) Prior to commencement of any decommissioning works for any part of the authorised development—</p> <p>(a) a DEMP for that part must be submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council; and</p> <p>(b) a DTMP for that part must be submitted to and approved by the local planning authority, such approval to be in consultation with the relevant highway authority.</p> <p>(3) The DEMP must be in accordance with the outline DEMP and the DTMP must be in accordance with the outline DTMP.</p> <p>(4) The DEMP and DTMP must be implemented as approved for the relevant part of the authorised development.</p>	Green

## **Part IV: Natural England's Written Representations**

### **Appendices**

Appendix A - Stonestreet - 41017\_DRAFT\_Kent Downs NL –  
Special\_Qualities\_Assessment\_issues.docx. October 2024

Appendix B - DAS\_Natural England\_KDNL\_SoCG\_response letter