Tillbridge Solar Project

EN010142

Volume 9
Statement of Common Ground with Natural England

Draft

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1. Introduction

1.1 Purpose of this Document

1.1.1 This Statement of Common Ground (SoCG) has been prepared to support the application (“the Application”) for the Tillbridge Solar Project (“the Scheme”) made by Tillbridge Solar Limited ("the Applicant"). The Application was submitted to the Secretary of State for Energy Security and Net Zero ("the Secretary of State") for a Development Consent Order (DCO) ("the Order") under section 37 of the Planning Act 2008 ("PA 2008") (Ref. 1) and accepted for examination on 8 May 2024.

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 on the Planning Inspectorate’s website at https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010142/documents.

1.1.3 SoCGs are an established means in the planning process of allowing all parties to identify and focus on specific issues that may need to be addressed during the examination. 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. The SoCG will be progressed during the pre-examination and examination periods to reach a final position between the Parties and to clarify if any issues remain unresolved. This SoCG will be revised and updated as appropriate and/or required by the ExA at relevant examination deadlines.

1.1.4 All comments received from Natural England following the issue of the EIA Scoping Report, Non-Statutory Consultation, Preliminary Environmental Information Report and Statutory Consultation have been addressed throughout the Application process and the Applicant’s responses are detailed in the corresponding technical documents submitted with the Application. This SoCG therefore includes comments received from Natural England within their Relevant Representation submission as these are deemed as the remaining matters for discussion.

1.1.5 Furthermore, Natural England provided comments in their Relevant Representation under the below categories:

a. Green: Comments which have been successfully resolved (subject to the appropriate requirements being adequately secured);

b. Yellow: Natural England does not agree with the Applicant’s position or approach. Natural England would ideally like this to be addressed but are satisfied that for this particular project it is unlikely to make a material difference to Natural England’s advice or the outcome of the decision-making process.

c. Amber: Comments 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.

d. Red: Comments where there are fundamental concerns which it may not be possible to overcome in their current form; and

e. Grey: Notes for Examiners or Competent Authority with no further comment.

1.1.6 Natural England have not identified any 'red' concerns based on the documents reviewed to date. This SoCG focusses on the comments categorised as 'Amber' as they are the remaining matters for discussion. Responses to all other comments raised within Natural England's relevant representation are provided within the **Applicant's Response to Relevant Representations [EN010142/APP/9.1]** submitted at Deadline 1.

1.2 Parties to this Statement of Common Ground

1.2.1 This SoCG has been prepared between (1) the Applicant and (2) Natural England (jointly referred to as the Parties).

1.2.2 The Applicant is a joint venture between Tribus Clean Energy Limited and Recurrent Energy, a subsidiary of Canadian Solar, who are both experienced developers of renewable energy projects.

1.2.3 Natural England (NE) is an executive non-departmental public body sponsored by the Department for Environment, Food and Rural Affairs (DEFRA). NE is the Government's advisor to protect England's nature and landscape for people to enjoy and for the services they provide.

1.2.4 NE's role in relation to the Development Consent Order (DCO) process derives from the PA 2008 and secondary legislation made under PA 2008. The roles and responsibilities of NE under the PA 2008 fall into the following categories:

a. As one of the prescribed consultees under section 42 of the PA 2008 that applicants are required to consult before submitting a Nationally Significant Infrastructure Projects (NSIP) application.

b. As one of the consultation bodies that the Planning Inspectorate must consult before a scoping opinion is adopted in relation to any Environmental Impact Assessment (EIA) and as a prescribed consultee for the environmental information submitted pursuant to the Infrastructure Planning (EIA) Regulations 2017 (Ref. 2).

c. As a statutory party in the examination of DCO applications.

d. As a statutory nature conservation body under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) (Ref. 3) in respect of the Habitats Regulations Assessment (HRA).

e. As a consenting and licensing body/authority in respect of protected species and operations likely to damage the protected features of Sites

of Special Scientific Interest (SSSIs) pursuant to the Wildlife and Countryside Act 1981 (as amended) (WCA 1981) (Ref. 4) and in relation to European protected species under the Habitats Regulations.

1.2.5 Natural England has been consulted throughout development of the Scheme with the roles above in mind.

1.3 The Scheme

1.3.1 The Order, if granted, would authorise the construction, operation (including maintenance), and decommissioning of ground-mounted solar photovoltaic (PV) arrays. The Scheme will also include associated development to support the solar PV arrays.

1.3.2 The Scheme is made up of the Principal Site, the Cable Route Corridor and works to the existing National Grid Cottam Substation. The Principal Site comprises the solar PV arrays, electrical substations, grid balancing infrastructure, cabling and areas for landscaping and ecological enhancement.

1.3.3 The associated development element of the Scheme includes but is not limited to access provision; a Battery Energy Storage System (BESS), to support the operation of the ground mounted solar PV arrays; the development of on-site substations; underground cabling between the different areas of solar PV arrays; and areas of landscaping and biodiversity enhancement.

1.3.4 The Scheme also includes a 400kV underground Cable Route Corridor of approximately 18.5km in length connecting the Principal Site to the National Electricity Transmission System (NETS) at the existing National Grid Cottam Substation. The Scheme will export and import electricity to the NETS.

1.4 Terminology

1.4.1 Section 3 summarises the issues that are ‘agreed’, ‘not agreed’ or are ‘under discussion’.

1.4.2 These terms are used as follows:

a. “Agreed” indicates where the issue has been resolved;

b. “Under discussion” indicates where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties;

c. “Not Agreed” indicates a final position where the Parties have agreed to disagree.

2. Record of Engagement

2.1.1 A summary of all meetings and correspondence that has taken place between the Parties in relation to the Application is outlined in **Table 1**. This includes email correspondence between the Parties to discuss sharing of

information, arrangement of meetings and where appropriate to comment on draft documentation. **Table 1** reflects the key meetings and emails of note.

Table 1: Record of Engagement

Date	Form of Correspondence and attendees	Key topics discussed and key outcomes
13 July 2023	Teams Meeting Natural England: Planning and Environment Lead Advisor and Senior Specialist – Soils Applicant's consultancy team	Overview of Scheme provided and proposed methodology to assess ecology and soils. Confirmation of full Agricultural Land Classification (ALC) survey for the Principal Site, but not the Cable Route Corridor. Discussion of Natural England's statutory consultation comments. Agreement for no further Habitat Regulations Assessment due to distance of site from designated sites. Discussion of potential impacts to Ashton's Meadow Sites of Special Scientific Interest (SSSI) and confirmation of coverage in final ES. Discussion of embedded mitigation, including hedgerows. Discussion of Biodiversity Net Gain (BNG) measures to be connected with local biodiversity opportunity mapping.
12 October 2023	Teams meeting Natural England: Planning and Environment Lead Advisor and Senior Specialist – Soils Applicant's consultancy team	To address statutory consultation comments. Agreement that a full ALC survey was not required for the Cable Route Corridor. Confirmation of no permanent loss of Best and Most Versatile (BMV) agricultural land due to time limited consent. Agreement to Framework Soil Management Plan as part of submission.

Date	Form of Correspondence and attendees	Key topics discussed and key outcomes
		Confirmation that SoCG were normally done post submission.
15 December 2023	Teams meeting Natural England: Planning and Environment Lead Advisor Applicant's consultancy team	Overview of background surveys – Ecological Impact Assessment (EcIA), HRA Screening and ecological surveys and Scheme design of avoidance and mitigation where possible. Summarised outcomes of survey work, confirming no need for licences with species avoided or pre-commencement checks proposed. Discussion of Great Crested Newts with licensing possibly not needed due to the low-quality habitats. Discussion pre-commencement surveys to take a 50m buffer to support licence requirements.
14 August 2024	Teams meeting Natural England: Planning and Environment Lead Advisor and Sustainable Development Senior Advisor Applicant's consultancy team	To discuss NE's Relevant Representation comments in relation to Ecology and Nature Conservation.
28 August 2024	Teams meeting Natural England: Planning and Environment Lead Advisor and Senior Specialist – Soils Applicant's consultancy team	To discuss NE's Relevant Representation comments in relation to Soils and Agriculture.
18 October 2024	Teams meeting Natural England: Planning and Environment Lead Advisor and Senior Specialist – Soils Applicant's consultancy team	To discuss the draft SoCG.

3. Areas of Discussion between the Parties

3.1.1 **Table 2** below details the areas of discussion and matters that are agreed, under discussion and not agreed between the Parties.

Table 2 Areas of Discussion with Natural England

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
Habitats Regulations Assessment				
1.1	**Appendix 9-12: Habitat Regulations Assessment Report [EN010142/APP/6.2(Rev01)]**	**NE's Comment:** *NE1 - Humber Estuary Ramsar* *Screening of designated features of the Ramsar (C), (O), (D)* Appendix 9-12, section 4.2 - The Humber Estuary Ramsar is designated for bird species including passage and wintering Golden plover. Golden plover can travel 15-20km, using surrounding land for functional purposes such as foraging. The Scheme is just on the 20km limit from the Ramsar boundary. There is no assessment of the Humber Estuary Ramsar in the Habitats Regulations Assessment (HRA) for land used by Golden plover for functional purposes. There needs to be justification for screening out the internationally designated site from Appropriate Assessment. Further information required to assess impacts to designated features of the Ramsar site. Impacts should be considered alone and in-combination. **Applicant's Response** **Appendix 9-12: Habitats Regulations Assessment Report** of the ES **[EN010142/APP/6.2(Rev01)]** has been updated to address this comment and	Agreed – NE comment has been addressed	High

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		is submitted into the examination at Deadline 1. Further justification for screening out the Humber Estuary Ramsar from Appropriate Assessment has been provided.		
1.2	**Appendix 9-12: Habitat Regulations Assessment Report [EN010142/APP/3.1(Rev01)]**	**NE's Comment:** *NE2 - Humber Estuary SAC and Humber Estuary Ramsar* *Consideration of in-combination effects (C), (O), (D)* Appendix 9-12, Table 8 - The Scheme has outlined projects for consideration of in-combination effects as part of the HRA. Natural England suggest the inclusion of Great North Road Solar Park and One Earth Solar Farm within this assessment. This should include all identified impact pathways in the HRA and those discussed below. Include the aforementioned solar projects in the HRA in-combination analysis. **Applicant's Response** **Appendix 9-12: Habitats Regulations Assessment Report** of the ES **[EN010142/APP/6.2(Rev01)]** has been updated to address this comment and is submitted into examination at Deadline 1. Table 8 now includes consideration of in-combination effects with Great North Road Solar Park and One Earth Solar Farm.	Agreed – NE comment has been addressed	High
1.3	**Appendix 9-12: Habitat Regulations Assessment Report [EN010142/APP/3.1(Rev01)]**	**NE's Comment:** *NE3 - Humber Estuary SAC and Humber Estuary Ramsar* *Consideration of construction pollutant management impacts to migratory fish (C), (D)*	Agreed – NE comment has been addressed	High

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
	Framework CEMP [EN010142/APP/7.8 (Rev01)] **draft DCO [EN010142/APP/3.1(Rev03)]**	Appendix 9-12, section 5.2 - Construction pollutants, such as silt, are a key impact pathway that could cause direct harm to river and sea lamprey migrating along River Trent from the Humber Estuary SAC / Ramsar. For example, creating a barrier to migration and / or smothering gravel beds which may be used as breeding habitat. This impact pathway is not considered within the HRA, as such no screening for further assessment has been undertaken. 7.8 Framework Construction Environment Management Plan, Table 3-5 - Natural England are pleased to see that a Silt Management Plan will be included within the detailed Construction Environment Management Plan (CEMP) as a requirement of the DCO. Where this is relied upon to avoid impacts to Lamprey, this must be clearly set out within the HRA. Include the screening of impacts to river and sea lamprey from construction silt within the HRA. Consider impacts alone and in-combination. Include the Silt Management Plan within the detailed CEMP, as part of a requirement of the DCO. **Applicant's Response** **Appendix 9-12: Habitats Regulations Assessment Report** of the ES **[EN010142/APP/6.2(Rev01)]** has been updated to address this comment and is submitted into examination at Deadline 1. This includes consideration of impact pathways arising from construction pollutants, such as silt. A Silt Management Plan will be included within the detailed CEMP, as set out within the **Framework CEMP [EN010142/APP/7.8 (Rev01)]**. This is secured by Requirement 12 of Schedule 2 of the **draft DCO**		

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		[EN010142/APP/3.1(Rev03)], which requires the detailed CEMP(s) to be in substantial accordance with the Framework CEMP.		
1.4	**Appendix 9-12: Habitat Regulations Assessment Report [EN010142/APP/3.1(Rev01)]** **Outline Design Principles Statement [AS-058]** **draft DCO [EN010142/APP/3.1(Rev03)]** **Framework CEMP [EN010142/APP/7.8 (Rev01)]**	**NE's Comment:** *NE4 - Humber Estuary SAC and Humber Estuary Ramsar* *Consideration of bentonite management impacts to migratory fish (C)* Appendix 9-12, section 5.2 – There is no consideration of potential impacts to river and sea lamprey from bentonite leakages, as used within Horizontal Directional Drilling (HDD) techniques. 7.8 Framework Construction Environment Management Plan, Table 3-5 - Natural England are pleased to see that any leakage of bentonite from HDD is considered for impacts to the environment. We would expect to see a Bentonite Management Plan included within the detailed CEMP. Include the screening of impacts to river and sea lamprey from bentonite used in HDD within the HRA. Consider impacts alone and in-combination. Include a Bentonite Management Plan within the detailed CEMP, as part of a requirement of the DCO. **Applicant's Response** **Appendix 9-12: Habitats Regulations Assessment Report** of the ES **[EN010142/APP/6.2(Rev01)]** has been updated to address this comment and is submitted into examination at Deadline 1. With the commitment to ensure HDD is a minimum depth of 5 m beneath the riverbed, it is considered that risks associated with bentonite leakage are minimal. The minimum depth of the HDD is set out within the **Outline Design Principles Statement [AS-058]**. Compliance with the Outline Design	Agreed – NE comment has been addressed	High

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		Principles Statement is secured through Requirement 5 of the **draft DCO [EN010142/APP/3.1(Rev03)]**. However, further assessment has been provided within **Appendix 9-12: Habitats Regulations Assessment Report** of the ES **[EN010142/APP/6.2(Rev01)]** of the potential effects on river and sea lamprey, and on other fish species. The **Framework CEMP [EN010142/APP/7.8 (Rev01)]** includes the requirement for a site specific fracture assessment to be prepared, which would define the management measures for bentonite based on local ground conditions. Further measures for pollution prevention and control of bentonite are also set out within the **Framework CEMP [EN010142/APP/7.8 (Rev01)]**. This is secured by Requirement 12 of Schedule 2 of the **draft DCO [EN010142/APP/3.1(Rev03)]**.		
Soils and Agriculture				
2.1	**Chapter 15: Soils and Agriculture [APP-046]** **Framework Soil Management Plan [EN010142/APP/7.12(Rev01)]** **draft DCO [EN010142/APP/3.1(Rev03)]** ,	**NE's Comment:** *NE13 - Soils and best and most versatile agricultural land* *Cable Corridor ALC Survey (C)* Chapter 15, paragraphs 15.3.1-4 and paragraph 15.6.7 – Natural England advised in our previous s42 response (dated 10 July 2023) with regards to the requirements for survey within the cable corridor. We maintain our advice and add that to meet the requirements of NPPF, this work should be carried out pre consent to enable full assessment the proposal will have on Agricultural soils. The Grid Connection route has not been considered as part of this assessment therefore the ALC data is incomplete.	Under discussion	High

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		Applicant's Response The Applicant is committed to undertaking a specific soil sampling of the Cable Route Corridor's eventual working area once detailed design has been undertaken. This commitment is detailed within the **Framework Soil Management Plan [EN010142/APP/7.12(Rev01)]** and secured by Requirement 18 of Schedule 2 of the **draft DCO [EN010142/APP/3.1(Rev03)]**, which provides that the detailed Soil Management Plan (SMP) must be substantially in accordance with the Framework SMP. The reason for this specific soil sampling instead of a detailed ALC survey of the entire Cable Route Corridor is because the eventual working corridor for the cable trench, within the current Cable Route Corridor area, will be significantly narrower than the current extent of the Order limits. A detailed ALC survey of the whole Cable Route Corridor, undertaken in accordance with standard industry practice (as detailed in Natural England's Technical Guidance Note 049 - Agricultural Land Classification: protecting the best and most versatile agricultural land (Ref. 5)), would place sample points at 100m intervals and so could not be relied upon to provide good coverage of an eventual area of cable trenching works that is considerably narrower than 100m. Once the path of the cable trench is established during detailed design, soils data can be collected along this specific path giving superior soil data to inform the detailed Soil Management Plan (SMP). Additionally, the Scheme is not proposing to use ALC grade to direct the path of the cable and trench. There is no loss or degradation of land resource as a result of the Cable Route Corridor construction, with the implementation of the measures set out within the **Framework SMP [EN010142/APP/7.12(Rev01)]**. The works comprise short-term temporary disturbance, following which the areas can continue to be in agricultural use with no likely effect on the use of		

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		BMV land. Additionally, this could lengthen the cable route. If the Scheme was to go around an area of BMV, this would result in increased area and therefore increased disturbance to soil volume and all other sensitive receptors. This approach was also adopted and agreed between Natural England for the recently consented Gate Burton Energy Park [EN010131] (Ref. 6).		
2.2	**Chapter 15: Soils and Agriculture [APP-046]**	**NE's Comment:** *NE14 - Soils and best and most versatile agricultural land* *Categorising of significance of BMV (C), (O), (D)* Chapter 15, paragraph 15.4.21- Natural England note development that has or could potentially lead to the permanent loss of more than 20ha of Best and Most Versatile Agricultural land is 'significant'. Ensure permanent losses of >20ha BMV are considered as significant. **Applicant's Response** As set out within Section 15.8 of **Chapter 15: Soils and Agriculture** of the ES **[APP-046]**, the Scheme will not result in the permanent loss of an area of greater than or equal to 20ha BMV land. The Applicant submitted a Change Request application on 27 September 2024, which reduced the overall area of the Principal Site by approximately 5ha. The areas excluded from the Order limits mostly included non-agricultural and Grade 3b land.	Under discussion	High

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution

Tables I and II below provide a simple summary of the ALC grade breakdown at the Principal Site within the format requested by Natural England.

Table I: Updated ALC Grade Distribution within the Principal Site

ALC Grade	Total Area (ha)
Grade 2	9.2
Grade 3a	51.1
Grade 3b	1151.1
Non-Agricultural	133.4
Total	1,344.8

Table II: Updated ALC Grade of the Principal Site Components

Principal Site Component	Temporary/ Permanent	Grade 2	Grade 3a	Grade 3b	Total
		Area (ha)	Area (ha)	Area (ha)	Area (ha)
Solar Panels	Temporary	-	24.0	686.0	**710**
Solar Stations and BESS	Temporary	-	0.2	23.1	**23.2**
Temporary Construction Compounds	Temporary	-	-	2.0	**2**
Solar Farm Control Centre and Storage	Temporary	-	-	0.2	**0.2**
On-site Substations	Permanent	-	-	2.5	**2.5**

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution

Access Roads	Temporary	-	>0.1	0.4	**0.5**
Access Tracks	Temporary	>0.1	0.2	9.5	**9.7**
Permissive Path	Temporary	-	-	8.6	**8.6**
Biodiversity Zone	Temporary	8.1	12.6	191.3	**212.0**
Sensitive Archaeological Site	Temporary	1.1	9.7	61.1	**71.9**
Proposed Woodland	Permanent	-	0.9	32.7	**33.7**
Total**		**9.2**	**47.5**	**1017.5**	**1074.2**

**Figures quoted are rounded to 0.1ha, as such some totals do not add up due to rounding.*
***These totals do not directly align with Table 1 as Non-Agricultural land and retained habitats are excluded.*

The Applicant acknowledges Natural England's queries regarding the split of permanent and temporary land-use. As set out within Table II, for a worst-case agriculture and soils assessment within the ES, the proposed woodland and substations have been assumed to be permanent. Albeit it is anticipated that in practice, the future of the substations would be agreed with Local Planning Authority prior to the commencement of the decommissioning phase and the substation structures can be removed entirely with stored topsoil replaced and the land returned to its current agricultural management options. In addition, the proposed woodland areas would be handed back to the previous landowners and the actual management of the land will then be the decision of the landowner.

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		Professional judgement must also be used when determining the appropriate use of a 20ha BMV trigger on a NSIP solar site as opposed to smaller planning applications. In this case, where the proposed planning consent is temporary and agricultural land use can continue, it would not be appropriate to apply a fixed area threshold in the same manner as for a permanent consent for built development with no realistic prospect of return of agricultural land, such as residential development.		
2.3	**Chapter 15: Soils and Agriculture [APP-046]**	**NE's Comment:** *NE17 - Soils and best and most versatile agricultural land* *Commitment to removal and retention of proposal components (D)* Chapter 15, paragraph 15.8.7 – Based on the information provided in support of the planning application, we note that the proposed principal site would extend to approximately 1350ha, including some 61.79ha of BMV agricultural land; namely Grades 2 and 3a land in the ALC system. Of this 61.79ha it is noted (ES document ref EN010142/APP/6.2) 33.66ha will be permanently lost. Chapter 15, paragraph 15.8.4 – The applicant should firmly commit to either removal or retention of proposal components. Natural England do not agree with the phrasing 'potential to be permanent' used in the assessment of likely effects. Natural England also seek clarification on whether the applicant considers woodland, and the on-site substations are permanent or temporary. Therefore, the Scheme should provide simple breakdowns of the areas of temporary development and permanent habitat creation / development and associated ALC Grade in the summary.	Under discussion	High

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		The Scheme should provide a breakdown of elements to be permanently retained and their situation in regard to BMV. **Applicant's Response** The Applicant submitted a Change Request on 27 September 2024, which reduced the overall area of the Principal Site by 5ha. The Change Request was accepted by the Examining Authority in the Rule 8 Letter on 24 October 2024. The areas excluded from the Order limits mostly included non-agricultural and Grade 3b land (noting the primary purpose of the Change Request was not to remove BMV land from the Order limits). Tables I and II in the response above provide a simple summary of the ALC grade breakdown at the Principal Site within the format requested by Natural England. The Applicant acknowledges Natural England's queries regarding the split of permanent and temporary land-use. As set out within Table II, for a worst-case agriculture and soils assessment within the ES, the proposed woodland and substations have been assumed to be permanent. Albeit it is anticipated that in practice, the future of the substations would be agreed with Local Planning Authority prior to the commencement of the decommissioning phase and the substation structures can be removed entirely with stored topsoil replaced and the land returned to its current agricultural management options. In addition, the proposed woodland areas would be handed back to the previous landowners and the actual management of the land will then be the decision of the landowner.		

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		Paragraph 15.4.22 of **Chapter 15: Agriculture and Soils** of the ES **[APP-046]** states: *"The IEMA guidance on assessing land and soil in EIA clarifies that the guidance on assessing magnitude of impact applies to 'hard development' which includes permanent sealing or sterilisation of agricultural land. The change of agricultural land to woodland does not fall under these definitions and is therefore not subject to this assessment criteria. This aligns with current Government initiatives to encourage farmers to convert arable land to woodland in England and Wales."* As such, the areas of proposed woodland are not considered to result in a significant effect. The only remaining permanent loss of agricultural land relates to the loss of 2.5ha of Grade 3b land to the onsite substations. In accordance with the significance criteria set out within **Chapter 15: Agriculture and Soils** of the ES **[APP-046]**, this comprises a minor impact on a medium sensitivity receptor, which results in a negligible (not significant) effect. As the Grade 3b land that could be lost to the substations is not BMV land, there is no permanent loss of BMV land to 'hard development' as a result of the Scheme.		
2.4	**Chapter 15: Soils and Agriculture [APP-046]** **draft DCO [EN010142/APP/3.1(Rev03)]**	**NE's Comment:** *NE21 - Soils and best and most versatile agricultural land* *SMP - Soil handling (C)*	Under discussion	High

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
	Framework Soil Management Plan [EN010142/APP/7.12(Rev01)]	EN010142/APP/7.12, paragraph 4.2.2 (e) – It is welcomed that all soils will only be handled in a dry and friable condition, and it is expected that soil handling will be confined to the drier summer period (April through September) to minimise risk of soil damage. This would minimise the need to recondition soils, which requires additional space and time. This is particularly important for land to be restored to agricultural use. Soil handling methods should normally be as specified as in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites The expected construction period and timing of soil handling should be noted within the fSMP 4.2.2, to ensure this is accounted for within the detailed SMP post-consent. This as a key avoidance measure for soil damage. Ensure SMP is secured by a requirement of the DCO. **Applicant's Response** The Applicant would advise that closed periods for soil handling should be based upon soil consistence following rainfall and not calendar dates. This is as heavy rain in a drier summer period can wet soil sufficiently to make it plastic and vulnerable to degradation when handled. Work should be able to progress with friable soils in a dry winter and should pause for plastic soil conditions in a wet summer. This follows the Institute of Quarrying (IoQ) Good Practice Guide for Handling Soils in Mineral Workings (Ref. 7), which provides guidance on soil wetness and consistence in Supplementary Note 4. The preparation of a detailed SMP is secured by Requirement 18 of Schedule 2 of the **draft DCO [EN010142/APP/3.1(Rev03)]**, which provides that an SMP must be submitted to and approved by the relevant planning authority		

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		(/authorities) and must be substantially in accordance with the **Framework Soil Management Plan [EN010142/APP/7.12(Rev01)]**.		
2.5	**Framework Soil Management Plan [EN010142/APP/7.12(Rev01)]** **draft DCO [EN010142/APP/3.1(Rev03)]** **Framework Soil Management Plan [EN010142/APP/7.12(Rev01)]**	**NE's Comment:** *NE22 - Soils and best and most versatile agricultural land* *SMP - Soil bunds (C)* EN010142/APP/7.12, paragraphs 4.3.5 & 5.3.1 - Bunds for the storage of agricultural soils shall conform to the following criteria: • Topsoils, subsoils and subsoil substitutes shall be stored separately. • Where continuous bunds are used dissimilar soils shall be separated by a third material. • Topsoil bunds shall not exceed 3 m in height (5.3.1 notes topsoil may be stored in bunds up to 4m high) and subsoil (or subsoil substitute) bunds shall not exceed 5 m in height. • Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds. Update to the fSMP to confirm these criteria are to be met. Ensure SMP is secured by a requirement of the DCO. **Applicant's Response** The **Framework Soil Management Plan [EN010142/APP/7.12(Rev01)]** has been updated to address this comment and is submitted into examination at Deadline 1. Continuous bunds of dissimilar soils are not envisaged for this site. Use of such bunds is a space saving measure applicable to open cast workings and	Under discussion	High

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		very large volumes of soil material. The **Framework Soil Management Plan [EN010142/APP/7.12(Rev01)]** has been updated to confirm criteria for storage bund dimensions and the separation of stored dissimilar soil material are met and is submitted into examination at Deadline 1. The preparation of a detailed SMP is secured by Requirement 18 of Schedule 2 of the **draft DCO [EN010142/APP/3.1(Rev03)]**, which provides that an SMP must be submitted to and approved by the relevant planning authority (/authorities) and must be substantially in accordance with the **Framework Soil Management Plan [EN010142/APP/7.12(Rev01)]**.		
2.6	**Framework Soil Management Plan [EN010142/APP/7.12(Rev01)]** **draft DCO [EN010142/APP/3.1(Rev03)]**	**NE's Comment:** *NE23 - Soils and best and most versatile agricultural land* *SMP – soil compaction (C)* EN010142/APP/7.12, paragraph 5.7.2 - The depth of decompaction should reflect the depth of compaction. Additionally, where compaction is likely to take place further consideration should be given to providing a decompaction strategy to maximise the effectiveness of decompaction methods. Further guidance may be found here; IQ Soil Guidance Sheet O.pdf Update to the fSMP to confirm these criteria are to be met. Ensure SMP is secured by a requirement of the DCO. **Applicant's Response** The **Framework Soil Management Plan [EN010142/APP/7.12(Rev01)]** has been updated to address this comment and is submitted into examination at Deadline 1. 'Stiff' lower subsoils of heavy clay loam or clay material may already have a high packing density that has not been recorded by an ALC survey where the	Under discussion	High

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		overlaying upper subsoil and topsoil characteristics dictated ALC Grade. Furthermore, as solar farm construction, operation and decommissioning is unlikely to cause any perceptible increase in lower subsoil packing density, a decompaction strategy should be cautious in the extent and depth of decompaction required. The preparation of a detailed SMP is secured by Requirement 18 of Schedule 2 of the **draft DCO [EN010142/APP/3.1(Rev03)]**, which provides that an SMP must be submitted to and approved by the relevant planning authority (/authorities) and must be substantially in accordance with the **Framework Soil Management Plan [EN010142/APP/7.12(Rev01)]**.		
DCO Requirements				
3.1	**draft DCO [EN010142/APP/3.1(Rev03)]** – Schedule 12 **Framework CEMP [EN010142/APP/7.8 (Rev01)]**	**NE's Comment:** *Requirement 12* *Construction Environment Management Plan – Bentonite Management Plan* Natural England note in the fCEMP, there is no outline or reference to a Bentonite Management Plan. As a potential pollutant from trenchless drilling methods such as HDD, a Bentonite Management Plan should be included in the detailed CEMP to mitigate for any pollution incidents where bentonite can enter the environment. This may be essential to mitigate potential impacts to river and sea lamprey using the River Trent and associated waterways from the Humber Estuary SAC / Ramsar during trenchless construction (NE4). **Applicant's Response** The **Framework CEMP [EN010142/APP/7.8 (Rev01)]** includes the requirement for a site-specific fracture assessment to be prepared, which	Agreed – NE comment has been addressed	High

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		would define the management measures for bentonite based on local ground conditions. Further measures for pollution prevention and control of bentonite are also set out within the **Framework CEMP [EN010142/APP/7.8 (Rev01)]**. Inclusion of these measures in the detailed CEMP(s) is secured by Requirement 12 of Schedule 2 of the **draft DCO [EN010142/APP/3.1(Rev03)]**, which requires that the detailed CEMP(s) must be in substantial accordance with the Framework CEMP.		

4. References

Ref. 1 His Majesty's Stationary Office (HMSO) (2008). Planning Act 2008. Available at: https://www.legislation.gov.uk/ukpga/2008/29/contents [Accessed 09/09/2024]

Ref. 2 His Majesty's Stationary Office (HMSO) (2009). Infrastructure Planning (EIA) Regulations 2009. Available at: https://www.legislation.gov.uk/uksi/2009/2263/made [Accessed 07/10/2024]

Ref. 3 His Majesty's Stationary Office (HMSO) (2017). The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations). Available at: https://www.legislation.gov.uk/uksi/2017/1012/contents [Accessed 07/10/2024]

Ref. 4 His Majesty's Stationary Office (HMSO) (1984). Wildlife and Countryside Act 1981 (as amended). Available at: https://www.legislation.gov.uk/ukpga/1981/69 [Accessed 07/10/2024]

Ref. 5 Natural England (NE) (2012). Agricultural Land Classification: protecting the best and most versatile agricultural land (TIN049). Available at: https://publications.naturalengland.org.uk/publication/35012 [Accessed 07/10/2024]

Ref. 6 Gate Burton Energy Park Limited (2024). Statement of Common Ground between the Applicant and Natural England. Available at: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010131/EN010131-001569-4.3c%20Final%20SoCG%20with%20Natural%20England.pdf [Accessed 07/10/2024]

Ref. 7 Institute of Quarrying (IoQ) (2021) Good Practice Guide for Handling Soils in Mineral Workings. Supplementary Note 4. Available at: https://www.quarrying.org/soils-guidance [Accessed 07/10/2024]