

Date: 01 December 2023
Our ref: 458764
Your ref: EN020002/20041359

BramfordtoTwinstead@planninginspectorate.gov.uk

BY EMAIL ONLY

Dear Sir/Madam

**NSIP Reference Name / Code: National Grid: Bramford to Twinstead Reinforcement / EN020002
Registration Identification Number: 20041359**

**Title: Natural England's Comments on Information Provided at Deadlines 3
and 4 on Soils and Best and Most Versatile Agricultural Land.**

Examining Authority's submission deadline 5: 1 December 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 the case officer Emma Hurrell and copy to consultations@naturalengland.org.uk.

Yours faithfully

Emma Hurrell, Lead Adviser, Norfolk and Suffolk Area Team



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1) Purpose

- 1.1. This letter is to provide clarity on Natural England's outstanding matters relating to soils and best and most versatile (BMV) agricultural land. Natural England has previously made comment in our Relevant Representations (dated 18 July 2023, our ref: 437197), Written Representations (dated 11 October 2023, our ref: 450715) and detailed in our Statement of Common Ground (dated 30 October 2023).
- 1.2. The Applicant has provided a response to the issues raised in Natural England's Written Representations on soils and BMV agricultural land in document 8.5.2: Applicant's Comments on Written Representations. Natural England has reviewed this document alongside the following documents that have been referenced:
 - Document 6.2.3: Environmental Statement: Main report Chapter 3 – Alternatives Considered (April 2023)
 - Document 6.2.11: Environmental Statement: Main Report Chapter 11 – Agriculture and Soils (April 2023)
 - Document 6.3.11.1: ES Appendix 11.1 – Agricultural Land Classification Survey (April 2023)
 - Document 6.4.8: Environmental Statement Figures (Part 8) (April 2023)
 - Document 7.5 (B): construction Environmental Management Plan (October 2023) (further referred to as the 'CEMP')
 - Document 7.5.1 (B): CEMP Appendix A – Code of Construction Practice (October 2023) (further referred to as the 'CoCP').

Natural England provides the following comments:

2) Natural England's outstanding matters relating to soils and best and most versatile (BMV) agricultural land

- 2.1. The inclusion of the soil management measures as a soil management plan (SMP) in the CEMP is acceptable, as per our advice provided in our Written Representation (WR-NE31). However, the CEMP is not informed by site specific soil information, where such data is available.
- 2.2. It is acknowledged that soil surveys have not been completed for all land inside the draft order limits, and that soil surveys will be undertaken in '*areas of underground cable where soil stripping is proposed*' (CEMP, paragraph 11.3.6). However, identified soil types at the cable sealing end (CSE) compound and substation locations (which the Applicant confirms have been surveyed in their response on p.32 of Document 8.5.2) should provide an indication of soil resilience. This includes expected excavated topsoil and subsoil volumes and thus the required storage space, including any need to separate soils of differing type, which should be considered in the soil management measures.
- 2.3. Natural England notes in paragraph 11.1.2 of the CEMP that Good Practice Guide for Handling Soils (Ministry of Agriculture, Fisheries and Food, 2000) has been referenced. This guidance has now been superseded by guidance from the Institute of Quarrying (2021)¹ which Natural England advised in our Relevant Representations.
- 2.4. The CEMP, section 11.3, titled 'The Programming of Work' acknowledges the importance of identifying when soils are suitably dry to be handled. All soils should only be handled in a dry and friable condition. This approach is suggested in paragraph 11.3.2 of the CEMP, however it is also

¹ Good Practice Guide for Handline Soils in Mineral Workings (Institute of Quarrying, 2021). Available at https://www.quarrying.org/soils-guidance?hs_preview=TLRoGudX-47138641948

stated that it may be '*necessary to handle soils when they are saturated, for example due to programme, engineering or due to the specific nature of the soil, for example in wetland areas. In these cases, location-specific methods will be agreed with the soil scientist prior to work commencing.*' It is expected that soil handling would be confined to the drier summer period to minimise risk of soil damage (April through September). 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.

- 2.5. It is sensible to consider the requirement for the separate handling and storage methodology of soils which may be plastic. The methodology and the reconditioning methodology should be set out. Although, every effort should be made to avoid this scenario.
- 2.6. Paragraph 11.3.4 of the CEMP states, "*In the case of frozen ground, excavation works may proceed given effective excavation techniques and implementation of safety measures to prevent excavation collapse during thawing, however backfilling of frozen soils will not be possible as required compaction levels will be unachievable. Subsequently the soils will be allowed to fully thaw before commencing backfilling activities.*" It is Natural England's advice that soil should not be handled or trafficked over/driven on when the ground is frozen or covered by snow.
- 2.7. As detailed in paragraph 11.3.7 of the CEMP, Natural England welcomes the requirement for a Soil Scientist with specified competencies to advise on, and supervise, soil handling activities.
- 2.8. Paragraphs 11.3.12 - 11.3.13 of the CEMP detail that the topsoil stripping methodology is stated to follow the Defra 2009 Construction Code², however the subsequent paragraph states stripping will include excavators and bulldozers. The Defra 2009 Construction Code states that stripping should be undertaken by an excavator. Any alternative stripping methods proposed need to demonstrate that they can afford the same degree of soil protection as the excavator method.
- 2.9. Paragraph 11.3.16 of the CEMP states, "*where the working area allows*". Natural England advise that the soil volume to be excavated should already have been determined and inform the required working area for soil stripping and storage.
- 2.10. Paragraph 11.3.24 provides some detail of soil stockpile management. Natural England advise that it this should also include seeding of soil stockpiles in place for longer than 6 months.
- 2.11. Natural England advise that further detail should be added to paragraph 11.3.26 of the CEMP and advise soil stockpiles should be correctly labelled with the footprint, location, volume and type clearly recorded.
- 2.12. Paragraph 11.3.27 of the CEMP provides some detail of how soils will be stored. Natural England advise soils should be stored 'like on like' with topsoil stored on topsoil, and subsoil on subsoil.
- 2.13. As detailed in paragraph 11.3.28 of the CEMP, Natural England support the use of the loose tipping method (as described in the Defra 2009 Construction Code). This method is appropriate only when the soils are in a dry and friable condition.
- 2.14. Natural England welcome that the land undergoing temporary disturbance will be restored to its baseline agricultural land classification (ALC) grade. This will be informed by the site-specific soil and ALC surveys.

² Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (Defra, 2009) –

<https://www.gov.uk/government/publications/code-of-practice-for-the-sustainable-use-of-soils-on-construction-sites>

2.15. Natural England advise the soil handling criteria should include the stop conditions for adverse weather.

2.16. Reference AS01 of the CoCP states that the CEMP includes *'how the different topsoil and subsoil resources present will be stripped and stockpiled.'* However, only one methodology is presented for stripping; stockpiling and reinstatement.

As detailed in paragraphs 2.4 to 2.16 of this letter, good practice measures should also include:

- Soil should not be handled or trafficked over/driven on when the ground is frozen or covered by snow.
- Soil stockpiles in place for longer than 6 months should be seeded.
- No trafficking/driving of vehicles/plant or materials storage to occur outside designated areas, nor on reinstated soil (topsoil or subsoil).
- Only direct movement of soil from donor to receptor areas (no triple handling and/or ad hoc storage).
- No soil handling to be carried out when the soil moisture content is above the lower plastic limit (the soil is plastic).
- Soils should only be moved under the driest practicable conditions and this must take account of prevailing weather conditions. (rainfall "stop" criteria should be included).
- No mixing of topsoil with subsoil, or of soil with other materials.
- Soil only to be stored in designated soil storage areas.
- Daily records of operations undertaken, and site and soil conditions should be maintained.

2.17. As requested in Natural England's Written Representations, the detailed ALC surveys should be undertaken to inform the impact assessment, the soil handling methodologies and the reinstatement criteria. Having reviewed the document 8.5.2, this remains outstanding with no subsequent justification as to why these have not been undertaken.

2.18. In the absence of a detailed, site-specific soil and ALC survey in the Environmental Statement (ES) and assuming that all mapped ALC Grade 3 land is BMV (i.e. Subgrade 3a), it is not possible to provide an accurate baseline and demonstrate the likely potential impacts. So, whilst this may make the mitigation precautionary, it means that the project is unable to show how it avoids impacts to BMV soils nor the design of potential mitigation to safeguard the soil resources.

2.19. Natural England welcomes the commitment to undertake soil surveys (detailed on p.31 of document 8.5.2). These should be undertaken at a detailed level to inform the ALC grade and soil properties to support the development of detailed soil management measures including handing, movement and reinstatement of soil during construction and decommissioning.

2.20. In the Applicant's response to the issue raised in Natural England's Written Representations regarding permanent loss of soil and how ALC grades have been considered, reference is made to Document 6.2.3, which provides information of the different factors that were considered in the routing of the project. Whilst Natural England acknowledges *'the difficulty in avoiding BMV land within the study area, when almost all land is identified as BMV land,'* (Document 8.5.2, p.32), review of Document 6.2.3 shows no areas of ALC land were provided for the options, so it is not possible to compare between options.

3) Summary

3.1. Natural England still considers that the soil mitigation measures lack the expected level of detail required, particularly given soil survey data is available for the areas of permanent land take.

- 3.2. In Natural England's Written Representations, it was requested that detailed ALC surveys are undertaken to inform the impact assessment, the soil handling methodologies and the reinstatement criteria. This remains outstanding with no subsequent justification as to why these have not been undertaken.