

Date: 04 December 2023  
Our ref: 455755  
Your ref: 23/01837/FULM



FAO Amy Davies,  
Newark and Sherwood District Council

**BY EMAIL ONLY**

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Dear Amy,

**Planning consultation:** 23/01837/FULM - Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work.

**Location:** Land to the West of Main Street, Kelham.

Thank you for your consultation on the above dated 24 October 2023 which was received by Natural England on 24 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.

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

##### **FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON THE LOSS OF BEST AND MOST VERSATILE AGRICULTURAL LAND**

As submitted, the application could have potential significant effects on the loss of best and most versatile (BMV) agricultural land. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further information is required regarding the impact of the development on BMV land.

Please re-consult Natural England once this information has been obtained.

Natural England's advice on other natural environment issues is set out below.

Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system), where this is not in accordance with an approved plan.

From the description of the development this application is likely to affect 60.3Ha of BMV agricultural land (based on information obtained from the submitted planning application documents to date).

## **Additional Information required:**

- **Creation of a full Soil Management Plan (SMP)**

It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.

Natural England would like to encourage the applicant to create a SMP with reference to the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#) and Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Working](#), being included.

In addition, Natural England would like to encourage the applicant to consider information included within the British Society of Soil Science [Guidance Notes](#) in particular the note titled 'Benefitting from Soil Management in Development and Construction', as this sets out measures for the protection of soils within the planning system and the development of individual sites.

Lastly, Natural England would like to see the following matters included within the SMP:

- An assessment of agricultural land and soil resource of the site to be undertaken prior to the commencement of site works (subject to the application being granted). This assessment should be conducted in line with Natural England's Guide to assessing development proposals on agricultural land as this is considered to represent UK good practice.
- Mitigation should include reference to the Defra Construction Code (as referred to above).
- The methods by which the applicant intends to restore appropriate affected areas to agricultural use after works including excavations and restoration has finished.
- An aftercare programme which would enable a satisfactory standard of agricultural after-use to be reached, with regards to cultivating, reseeding, draining or irrigating, applying fertiliser, or cutting and grazing the site.

- **Clarification on the ALC Survey**

Natural England would like to encourage the applicant to provide further clarification which illustrates how survey outcomes have been used in the decision making process for the siting of proposed permanent infrastructure, including the battery energy storage system (BESS) with associated equipment and the geo-grid system/ballast blocks. Natural England would like to understand the reasoning behind the siting of the permanent infrastructure as from the plans submitted to date, it illustrates that the BESS and associated equipment will be sited on Grade 2 agricultural land, which is considered to be highly graded BMV land. There is currently no information as to where the solar panels mounted on ballast blocks/geo-textile will be sited so these cannot be assessed.

In addition, a detail understanding of the soil character for pit 87 should be included within chapter 2 of the agricultural and land survey.

- **Clarification regarding the proposed connection to the electricity grid network.**

Natural England consider that minimal information has been provided in relation to the siting of the cabling corridor for the proposed development to connect with the wider electricity grid network. We acknowledge that the proposed development intends to connect to the substation at Staythorpe, however the exact cabling route, within the proposed development area, is unknown. As a result, understanding potential impacts that may be caused within the site boundary, by the location of the cables, cannot be identified and assessed effectively. This should be accompanied by an ALC survey to inform both mitigation of impacts to any identified BMV agricultural land and also the SMP.

- **Clarification regarding the total hectareage of permanent agricultural land loss.**

From reviewing the submitted planning application documents, it is evident that an understanding of

the total area of BMV land to be lost, due to the placement of permanent features, is not provided by the applicant.

As a result, Natural England requires further information to be provided, which sets out the hectareage of all land to be covered by permanent structures, such as the proposed panels sited on geo-grid system/ballast blocks and the BESS with it's ancillary equipment. Until this information is known, Natural England cannot undertake a full assessment of the likely impacts on BMV land as a result of the proposed development.

- **Clarification regarding the decommissioning of the proposed development.**

Natural England would like the applicant to provide further certainty that areas of BMV land will be reinstated to the same ALC grade as it current status upon project decommissioning. Inclusion of such information, could be included within the after-care programme which is to be included within the SMP, as outlined above.

- **Clarification regarding the consideration of the National Planning Policy Framework.**

Natural England note that the applicant has not referenced paragraphs 174(a) and 175, with particular reference to footnote 58, of the National Planning Policy Framework (NPPF) within their submitted planning application documents. Thus, Natural England would welcome the applicant to illustrate that consideration of the NPPF has been undertaken.

### **Other advice**

In addition, Natural England would advise on the following issues.

### **Biodiversity Net Gain**

Biodiversity net gain is a demonstrable gain in biodiversity assets as a result of a development project that may or may not cause biodiversity loss, but where the final output is an overall net gain. Net gain outcomes can be achieved both on and/or off the development site and should be embedded into the development process at the earliest stages.

Delivering a 10% Biodiversity Net Gain will be a mandatory requirement for most new developments in England from January 2024.

Natural England note and welcomes that within chapter 3.5 of the submitted planning statement, the applicant has indicated measures that will be implemented to provide biodiversity enhancement through the site, such as retaining and providing buffers around surrounding trees and hedgerows, planting semi-native low scrub, planting low maintenance tussock grassland mix beneath the array of panel and planting a general purpose meadow mix along the site boundary. The applicant also states in paragraph 4.2.4 that a "biodiversity net gain assessment has been undertaken which concludes a potential net gain of 61% to be secured through the proposed Landscape Masterplan (Drawing HC1002/05/16)".

Despite the above, it appears that no biodiversity metric calculations have been submitted to certify the applicants claim. Natural England suggests that your authority may want to advise the applicant to utilise the new and improved Biodiversity Metric 4.0 and submit their calculations as this would support their claims and provided further certainty that net gains gain be achieved. The latest metric calculator can be accessed [here](#). This link includes user guides and technical supplements.

The advantage of using a recognised metric to deliver net gain is that it provides a clear, transparent and evidence-based approach to assessing a project's biodiversity impacts that can assist with "de-risking" a development through the planning process and contribute to wider place-making. There is also an opportunity for this proposal to become an exemplar for future proposals delivering positive biodiversity net gains.

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Further general advice on the protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me on 07469408283.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above, has been provided.

Yours sincerely,

Charlotte Griffiths  
**Planning and Environment Lead Adviser**  
**East Midlands Area Team Delivery**