

Date: 08 August 2024
Our ref: 480308
Your ref: 23/01837/FULM



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BY EMAIL ONLY

Dear Amy

Planning consultation: Amendments SMP, ALC - Ground mt PV solar farm and BESS with associated equipment, grid connection & ancillary works.
Location: Land W Of Main Street Kelham.

Thank you for your consultation on the above dated 19 July 2024 which was received by Natural England on 19 July 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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on Soils and Best & Most Versatile (BMV) Agricultural Land issues are set out below.

Soils and Best and Most Versatile Agricultural Land

Natural England's response on 4th December 2023 (our ref. 455755) requested further information and clarification on impacts to soil function and BMV agricultural land with appropriate mitigation to manage any negative impacts from the development. We welcome the reports that have been submitted following our request. There are some outstanding issues, however it is the Local Planning Authority's discretion as to whether they need to be followed up on. We have made comment and advised below within our remit under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) where Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' 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. Following review of the amended information provided with this consultation, we have the following comments.

- Creation of a full Soil Management Plan (SMP)

Natural England welcome the inclusion of the SMP to both retain the long-term potential of the agricultural land and to safeguard all soil resources as part of the overall sustainability of the whole development. We note reference to the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, DEFRA (2009) as requested in our previous response. We also note that the SMP references the MAFF Good Practice Guide for Handling Soils. This has been succeeded by the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Working](#). This should be updated in the SMP and used to ensure up to date best practice is cited and followed. We also did not see reference to the British Society of Soil Science [Guidance Notes](#), in particular the note titled '[Benefitting from Soil Management in Development and Construction](#)'. This was requested in our earlier response.

We requested the following matters be included in the SMP:

- An assessment of agricultural land and soil resource at the site pre-construction. We note and welcome the inclusion of the Agricultural Impact Assessment (Jan 2024). It would be useful to see how the impact assessment informs the SMP to maintain agricultural production to the same standard after decommissioning.
- Reference to the Construction Code of Practice for the Sustainable use of Soils on Construction Sites. This has been included in the SMP.
- The methods by which the applicant intends to restore appropriate affected areas to agricultural use after works including excavations and restoration has finished. There is no restoration detail of ALC graded agricultural land included in the SMP. It is instead suggested this be reviewed within a decommissioning plan. Natural England would suggest an appropriate condition attached to any permission to ensure restoration to previous ALC grade is included within this.
- An aftercare programme which would enable a satisfactory standard of agricultural after-use to be reached. There is no aftercare programme included. There is some remediation outlined in the event of compaction (SMP, section 6) but there could be more detail outlining cultivating, reseeding, draining or irrigating, applying fertiliser, or cutting and grazing the site.

In addition, after review of the SMP, we would make the following comments:

- The discussion of soil management for cabling is limited. Further information on management of soil during underground cabling operations to ensure soil function and ALC grade is retained would be useful to see outlined.
Paragraph 5.12 of the SMP states Cables installed at depth would not interfere with farm operations and could be left in situ. The vast majority of cabling will be above ground (contained within the panel frame support racking).
- We welcome soil handling to be limited to dry conditions and for heavy wet soils between April and November, as compaction from working in wet conditions is the main impact to soil function from construction. The comment "where possible" (SMP, paragraph 4.5) needs clarification. If development is to occur in wet conditions or when soil is not in a dry and friable condition, clear mitigation should be outlined and followed to avoid compaction from construction.
Paragraph 4.10 of the SMP provides mitigation to ensure that suitable conditions exist and that damage to soils is minimised in relation to wet conditions.

- Clarification on the ALC survey

After review of the resubmitted documents, we could not see any reference to how the ALC survey has informed decision making for the development. For example, avoidance of BMV grade land in locating permanent infrastructure. There was also no further information submitted on the siting of the solar panels mounted on ballast blocks/geo-textile will be sited, so these cannot be assessed.

Whilst the quality of agricultural land is a factor in the decision making process, ultimately other environmental factors as well as the point of connection, have determined where proposed equipment on site is placed. Further details are outlined within the site justification assessment that was carried out and is presented in Section 5 of the Planning Statement (Report Ref. HC1002/PS, dated October 2023). In addition, proposed infrastructure will be operational for 40 years before being decommissioned and returned to agricultural use.

The siting of solar panels mounted on ballast blocks/geo-textile is confined to area G as shown on Drawing No. HC1002/05/28 r1 – Archaeological Mitigation Areas. This is a direct response to known archaeology identified through the evaluation trenching works. The other archaeological mitigation areas will not be deployed upon until a scheme of archaeological investigations have been agreed with the LPA.

- Clarification regarding the proposed connection to the electricity grid network.
Natural England note the plans for connection to the Grid. The construction phase of cabling should be included in the SMP to mitigate impacts to soil function and agricultural land from the construction phase of development.
Connection to the electricity grid network will consist of underground cables between the site's substations and the existing substation at Staythorpe. Most of this cable route will lie within the highway, but approximately 200m of cable will be underground along the southern boundary of the proposed deployment area. This will be installed at depth, and as mentioned in paragraph 5.12 of the SMP, it will not interfere with the land and farm operations and can be left in situ. The installation of the cable will follow the same general soil management principles as outlined within Section 4 of the SMP.
- Clarification regarding the total hectareage of permanent agricultural land loss.
After review of the resubmitted documents, we could not see any reference to the total hectareage of permanent agricultural land loss. As such these impacts cannot be assessed.
Potential loss of agricultural land will be from the BESS and substation area. This area measures 0.75ha. This will not be a wholesale loss of agricultural land as the area of land can be used as hard standing for the storage of agricultural machinery or materials.
- Clarification regarding the decommissioning of the proposed development.
Within the SMP it is noted that a decommissioning plan should be provided for review at a later date. This should be secured by an appropriate condition.
Agreed, a condition stating a Decommissioning Plan should be submitted and approved by the LPA before decommissioning of the site begins.
- Clarification regarding the consideration of the National Planning Policy Framework (NPPF).
After review of the documents, we could not see any updated reference to the NPPF regarding soils and agricultural land (NPPF paragraph 180 and footnote 62).
Additional information dated 20th June 24 submitted to the LPA provided a response to the updated NPPF paragraph and footnote 62. In summary, an environmental constraints mapping exercise has been undertaken within a 3km radius from the point of connection. The assessment confirmed that the application site is the most suitable within the catchment of the Staythorpe Substation. More details can be found at section 5 of the Planning Statement.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me on 07920 881 956.

Yours sincerely

Lucy Collins
Sustainable Development Higher Officer
East Midlands Area Team