Date: 03 March 2023
Our ref: 421514
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**BY EMAIL ONLY**

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Dear Mr Kean

**NSIP Reference Name / Code: Sunnica Energy Farm, EN010106**
**Natural England's comments in respect of Sunnica Energy Farm Project, promoted by Sunnica Ltd**

**Examining authority's submission deadline 7, 03 March 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.

The following constitutes Natural England's formal statutory response for Examination Deadline 7.

## 1. Outstanding issues regarding soils surveys

1.1. Natural England has reviewed the evidence submitted to the examination regarding the ALC classification of the land and is satisfied that the methodology and results of the ALC survey carried out by the applicant are reliable. However, there remain some points where Natural England requires clarification. These are outlined below.

1.2. As discussed in our submissions at deadline 5 [REP5-096], Natural England would welcome the provision of the Moisture Balance calculations for each point to accompany the written explanation provided within Appendix A to Written Summary of Applicant's Oral Submissions at the ISH3: Tehcnical Note: Clarification requested by Natural England on ALC [REP4-032].

1.3. It is understood that the applicant intends to provide clarification on the above within their submissions at deadline 7 or 8.

## 2. Outstanding issues regarding soils restoration

2.1. It is noted that the applicant has responded to our concerns about the Framework DEMP on page 10 of their response to other parties Deadline 2, 3 and 3A submisions. However, Natural England would like to reiterate our concerns regarding the wording related to the restoration of the soil. The applicant states "*The Framework DEMP, also requires the land to be returned to*

*the land owner in a condition where the previous farming activities, those undertaken prior to construction, could be undertaken. The Applicant considers these measures suitable to ensure the land is restored to its previous condition and ALC grade*".

The Agricultural Land Classification (ALC) system classifies agricultural land according to the extent to which its inherent physical and chemical characteristics impose long-term limitations on agricultural use. The ALC system uses one of six numbered grades, according to the 1988 MAFF 'Revised guidelines and criteria for grading the quality of agricultural land'. The 1988 MAFF guidelines are the only approved system for grading agricultural land quality in England and Wales. In planning, ALC Grade 1, Grade 2 and Subgrade 3a land is termed 'Best and Most Versatile' (BMV). The combination of climate, site (topography) and soil characteristics and their unique interaction determines the limitation and grade of the land. These affect the:

- range of crops that can be grown
- yield of crop
- consistency of yield
- cost of producing the crop

The ALC grade reflects the lands long-term capability to support agricultural production and not the current (or most recent) land use or land management. Therefore, the current (or most recent) cropping system does not influence, nor necessarily reflect the ALC of the site. Subsequently, to demonstrate the development has had no degradation of agricultural land or loss of BMV land, the land needs to be returned to the baseline ALC grade.

2.2. It is understood that the applicant intends to provide clarification on the above points within their submissions at deadline 7 or 8.

2.3. The applicant maintains, with reference to Defra R&D SP08016, that there will be a 'moderate beneficial impact on the soil resource during operation'. Natural England acknowledges the evidence provided by the report but maintains the view that due to a lack of evidence from solar farms within the UK, it is not possible to state for certain what impact the proposed development will have on soil organic matter.

## 3. Outstanding issues regarding soils handling

3.1. Natural England welcomes the updates provided within the updated Constructed Environmental Management Plan (CEMP) at deadline 5 [REP5-045] and has the following comments:

3.2. The implementation measures to address impacts on land use, as set out on page 16C - 40, should include the appointment of an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site.

All soils should only be handled in a dry and friable condition, and it is expected that soil handling will be confined to the drier summer period to minimise risk of soil damage. Soil handling methods should normally be as specified in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks).

3.3. The seed mix referenced on page 16C - 40 should also factor in the soil properties (pH, texture and nutrient status) to optimise successful establishment

3.4. Regarding the general principles outlined in Table 3-7, Natural England advises that soil handling should normally be avoided during November to March inclusive, irrespective of soil moisture conditions, because it will generally not be possible to establish vegetative cover over winter to help dry out soils and protect them from erosion.

3.5. Bullet 5 of the general principles dicusses testing the soils plastic level prior to handling. Natural England advises that the presence of light soils across the site should be acknowledged and the mitigation in place for these soils specifically discussed in the Soil Management Plan (SMP).

3.6. On page 16C - 42 it is stated *"Furthermore, the permanent green cover will enable a greater exploitation of the soil profile by plant roots that can occur with annual arable crops, improving structural development and permeability in the subsoil".* As discussed above, Natural England advises that the improvement can only be potential, as it depends on the baseline conditions and soil management.

3.7. Natural England advises that topsoil stripping depths should be informed through the soil survey results

3.8. It is stated that "*For the access tracks the topsoil is to be thinly spread to the side of the track from where it would be recovered when the track is decommissioned"* and this is repeated for cable trenches and fence posts. Natural England advises that the creation of low bunds adjacent to the access tracks, rather than spreading the excavated topsoil thinly, would make reinstatement more achievable.

## 4. Answers to the Examining Authorities Written Questions ExQ2

### 4.1. Q3.2.7 Natural England is invited to supply the evidence referred to in paragraph 3.2 of [REP5-096] to confirm conclusions of no functional link between stone curlew within the order limits and stone curlew at Breckland SPA.

4.2. The full document is still in draft and not ready for external publication. We are, therefore, unable to share it in its entirety at this time. However, we can provide the below summary:

4.2.1. Functionally linked land (FLL), or functional habitat, is the term given to an undesignated area of land or sea lying beyond the boundary of a protected site which is, nevertheless, used for some function (e.g. foraging, roosting, bathing etc.), by individuals belonging to populations of one or more species for which the site is designated. In some circumstances, the use of functionally linked land may be essential in meeting a species' needs and, consequently, meeting a site's conservation objectives. Therefore, damage, deterioration or loss of access to this habitat could impact upon the designated population and thus the conservation objectives of the site.

4.2.2. In a recent study, stone curlew travelled up to 4 km whilst foraging from active nest sites and roamed up to 13 km to forage post-breeding (Hawkes et al. 2021[1]). Therefore, theoretically, a pair of birds nesting within the SPA might forage up to 4km beyond a site boundary whilst nesting, and up to 13km from a roost location post-breeding. It should be noted, however, that, firstly, the majority of optimal stone curlew habitat within the region is contained within the SPA boundary and, secondly, these distances represent the maximum

[1] *Effects of experimental land management on habitat use by Eurasian Stone-curlews*, Hawkes R.W. Green, H. Jones and P.m. Dolman, Animal Conservation, Vol 25 Iss 5, 2021

recorded. It would seem unlikely for these distances to be associated with birds nesting / roosting immediately on the periphery of the SPA.

4.2.3. Stone curlew pairs will often nest close to the location of a previous year's nest. On semi-natural habitat with consistent management, nesting locations will not change. On arable farmland, however, the location of fields with suitable nesting conditions will be affected by routine inter-annual change in agricultural practice. When multiple years' survey data are mapped, a single breeding pair can produce a cluster of nest records. Where such clusters span an SPA boundary, it can legitimately be argued that the same pair of birds that nest in fields within the SPA the majority of years must, logically, still be considered SPA birds when the arable rotation and availability of suitable nesting habitat dictates they nest in a field outside the SPA boundary in the minority of years. It is anticipated that such non-SPA nesting locations used by SPA birds would typically be located no further from the SPA than the field immediately adjacent to the site boundary.

4.2.4. It is, therefore, Natural England's advice that birds nesting at a distance greater than one field away from the boundary of the SPA are not considered to be SPA birds.

4.3. In 2008 a secondary buffer was introduced, which was a 1.5km buffer around 1km grid squares that showed records of 5 or more nests. In some cases, this acted to effectively double the buffer to 3km in some cases. However, this secondary buffer was never intended to imply that stone curlews nesting 3km from the boundary of the SPA were linked to SPA populations.

4.4. The stone curlew nests found during the surveys carried out by the applicant are all over 4km away from Breckland Farmland SSSI, the component part of Breckland SPA designated for stone curlew. Natural England, therefore, does not consider these birds to be part of the SPA population.

**4.5. Q3.2.8 Is Natural England satisfied with the conservation objectives provided by the Applicant in its HRA report?**

4.6. Natural England is satisfied with the conservation objectives as set out by the applicant in Table 3-2 of their Habitats Regulations Assessment: Report to inform an Appropriate Assessment, most recently submitted at deadline 5 [REP5-045]. These align with Natural England's published conservation objectives for the relevant sites[2].

**4.7. Q3.2.9 SNTS raised in [REP3A-041] and at Deadline 6 [REP6-074] the proximity of Eversden and Wimpole Woods SAC to the proposed Development. Natural England is invited to comment on the identification of this site and whether further consideration is required in terms of the implication of the proposed development for this site**

4.8. Natural England is not concerned about potential impacts from the proposed development on Eversden and Wimpole Woods SAC. This is due to the distance of the site from the development and the presence of the city of Cambridge and major roads in the intervening distance. Therefore, Natural England remains satisfied that the HRA provided by the applicant [REP5-045] has considered all relevant sites and impact pathways.

[2] [redacted]

**4.9. Q3.2.10 Does Natural England consider that noise and light spill contour maps and modelling data are still required to validate the conclusion of no LSE for Chippenham Fen Ramsar site from non-phyical disturbance pathways?**

**4.10.** Natural England is satisfied, based on the information already provided by the applicant, that there will be no likely significant effect on Chippenham Fen Ramsar site from non-physical disturbance pathways.

**4.11. Q3.2.11 At [REP2-009] Natural England commented on the potential for in-combination effects of air quality sensitive features at Breckland SPA. Natural England is invited to confirm whether it considered this pathway still remains and, if so, the qualifying features where there is potential for Likely Significant Effects (LSE).**

4.12. Although Breckland SPA was mentioned as being vulnerable to air quality in our response at Deadline 2 [REP2-009], this was an error. None of the interest features of Breckland SPA are sensitive to air pollution. Natural England is therefore satisfied that the in-combination assessment provided by the applicant in [REP5-045] considers all relevant designated sites and interest features.

This concludes Natural England's advice at this time, which we hope you will find helpful.

Yours sincerely

Joanna Parfitt
Norfolk and Suffolk Area Team