

Date: 21 May 2025

Our ref: 502179

Your ref: EN010147



The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Sir/Madam

NSIP Reference: EN010147

Natural England's Written Representations in respect of Botley West Solar Farm

Examining authority's submission deadline: 4th June 2025

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 Jonathan Shavelar
[REDACTED]@naturalengland.org.uk) and copy to consultations@naturalengland.org.uk.

Yours faithfully

Jonathan Shavelar
Senior Officer
Thames Solent Area Team

WRITTEN REPRESENTATION CONTENTS

PART I: Summary and Conclusions of Natural England's advice (starting at page 3)

PART II: Natural England's detailed advice (starting at page 6)

Natural England's Written Representations

Part I: Summary and Conclusions of Natural England's advice

Summary of Natural England's Advice

While Natural England advise that the proposal is not likely to impact statutory designated sites, we are concerned about the potential landscape-scale impacts to internationally rare bat populations.

The key concerns we have regarding impacts to bats are:

- That potentially insufficient survey effort, methodology and interpretation have been used, and so the the most important areas for bats have not been identified
- That there is insufficient detail on avoidance and mitigation measures
- That there is a lack of detail on post-consent management and monitoring

Natural England's Overall Conclusions

Our position on these matters has not advanced significantly since we published our relevant representations [RR-0761]. We have raised our concerns regarding the applicant's bat survey timetable and the examination timetable in our Rule 6 response [PDA-009]. We have since met with the applicant's team and understand that additional survey will begin this May and June.

We expect that a bat report with complete data on previous and this years survey efforts and results will be published during the examination. This will be key to providing the necessary data to inform the design of secure robust landscape-scale mitigation for this scheme. We look forward to receiving the additional data and continue to work closely with the applicant's consultants to resolve outstanding matters of concern.

We have no further comments to make on the Draft DCO at this time.

We expect the applicant to submit our agreed statement of common ground at Deadline 1.

Natural England's advice in these written representations is based on information submitted by Photovolt Development Partners, acting on behalf of SolarFive Ltd. (The Applicant) in support of its application for a Development Consent Order ('DCO') in relation to the development of a solar and energy storage project ('the Project').

Part I of these written representations provides a summary (above) and overall conclusions of Natural England's advice. This advice identifies whether any progress in resolving issues has been made since submission of our relevant representations [RR-0761].

Natural England will develop these points further as appropriate during the examination process. We may have further or additional points to make, particularly if further information about the project becomes available.

Our comments are set out against the following sub-headings which represent our key areas of remit as follows:

- International designated sites

- Nationally designated sites
- Protected species
- Biodiversity net gain
- Nationally designated landscapes
- Soils and best and most versatile agricultural land
- Ancient woodland and ancient/veteran trees
- Connecting people with nature (National Trails, open access land and England Coast Path)
- Other valuable and sensitive habitats and species, landscapes and access routes

Our comments are flagged as red, amber or green:

- **RED** are those where there are fundamental concerns which it may not be possible to overcome in their current form.
- **AMBER** are those 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.
- **GREEN** are those which have been successfully resolved (subject always to the appropriate requirements being adequately secured)

International designated sites – GREEN

Natural England's position regarding internationally designated sites has **not** changed since submission of our relevant representations [RR-0761].

Nationally designated sites – GREEN

Natural England's position regarding nationally designated sites has **not** changed since submission of our relevant representations [RR-0761].

Protected species - AMBER

While Natural England's material position regarding protected species has **not** changed since the submission of our relevant representations [RR-0761] we do provide further advice on this matter in Part II of this letter.

Biodiversity net gain – GREEN

Natural England's position regarding biodiversity net gain has **not** changed since submission of our relevant representations [RR-0761]. We are not expecting to provide detailed advice on BNG.

Nationally designated landscapes – GREEN

Natural England's position regarding nationally designated landscapes has **not** changed since submission of our relevant representations [RR-0761].

Soils and best and most versatile agricultural land - GREEN

Natural England did not provide detailed advice on Soils and best and most versatile agricultural land (BMV) in our relevant representations [RR-0761]. We are pleased to update that we consider this matter

to be **GREEN**. Natural England's position regarding soils and the best and most versatile agricultural land is set out in part II of this letter.

Ancient woodland and ancient/veteran trees – GREEN

Natural England's position regarding ancient woodland and ancient/veteran trees has **not** changed since submission of our relevant representations [RR-0761].

Connecting people with nature (National Trails, open access land and England Coast Path) – GREEN

Natural England's position on connecting people with nature has **not** changed since submission of our relevant representations [RR-0761].

Other valuable and sensitive habitats and species, landscapes and access routes – GREEN

Natural England's position on other valuable and sensitive habitats and species, landscapes and access routes has **not** changed since submission of our relevant representations [RR-0761].

Natural England's Written Representations

Part II: Natural England's Detailed Advice

Part II of these representations updates and, where necessary, augments the relevant representations. It expands upon the the significant issues which, in our view remain outstanding and includes our advice on pathways to their resolution where possible.

Natural England will continue engaging with the applicant to seek to resolve these concerns throughout the examination. Natural England advises that the matters indicated as 'amber' will require consideration by the Examining Authority during the examination.

Protected Species

Bat Species Assemblage

Evidence shows that the environment of the proposal includes a complex of interconnected habitats which are of notable importance for bats. Bat surveys undertaken to inform the Botley West Solar Farm NSIP DCO application have identified that an assemblage of bats of at least national importance is present within the zone of influence of the development. This includes the presence of two Annex II species, barbastelle and Bechstein's bat, including the first record for the county for breeding Bechstein's bat. Species listed under Annex II of the Habitats Directive, are 'species of community interest'. These species have been selected for inclusion in Annex II because their conservation requires additional specific protection measures, i.e. the designation of SACs, because they are particularly rare and/or vulnerable.

Consideration of protected species and the avoidance of adverse impacts upon them is an essential part of the planning process. As set out in Government Circular ODPM 06/2005 (as referenced within NPPF and paragraph 5.4.3 of National Policy Statement (NPS) EN1), protected species are a material consideration in planning and it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

Section 5.4 of NPS EN1 states in paragraph 5.4.48 *'In taking decisions, the Secretary of State should ensure that appropriate weight is attached to....protected species...'* and in paragraph 5.4.55 that *'The Secretary of State should refuse consent where harm to a protected species and relevant habitat would result, unless there is an overriding public interest and the other relevant legal tests are met. In this context the Secretary of State should give substantial weight to any such harm to the detriment of biodiversity features of national or regional importance....which they consider may result from a proposed development.'* NPS EN1 also states in paragraph 5.4.39 *'... The Secretary of State should have regard to the aims and goals of the government's Environmental Improvement Plan 2023... and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere.'*

One such target of the EIP 2023 is to 'Halt the decline in species abundance by 2030, and then increase abundance by at least 10% to exceed 2022 levels by 2042'. Ensuring that development does not adversely affect protected and other notable species will be an important factor in delivering this target. This is especially true of rare and vulnerable species such as Annex II listed and species assemblages of national importance such as those present within the site.

Published literature suggests that bats may avoid areas of solar panels (Tinsley *et al* 2023¹, Szabadi *et al* 2023²), and that altering the landscape with the addition of man-made structures and urbanisation can affect habitat usage and behaviour of bats (Barré *et al* 2024³, Hale *et al.* 2012⁴, Jung and Threlfall 2016⁵, Suominen *et al* 2023⁶). Given the presence onsite of a bat assemblage of at least national importance including rare and vulnerable species, the close proximity of multiple maternity roosts to the site, alongside the scale of the development, potential for adverse impacts on the ability of bats to forage and traverse the landscape cannot be dismissed. Avoiding such impacts should be an essential aspect of the development design.

We continue to advise that the avoidance of fragmentation of this area is required in order for the scheme to demonstrate that the functionality of this exceptional environment will be maintained for bats. One way to reduce the risk of such impacts is to provide adequate areas of non-developed or ecologically enhanced land containing linear habitats and buffers, to retain and provide key linkages through the landscape. These need to be provided on an appropriate scale, location, orientation and number to mitigate for potential avoidance and habitat fragmentation effects. These areas can, if designed and managed appropriately, also provide foraging opportunities in themselves, adding to the value as well as permeability of the altered landscape. We advise that these should be included in an appropriate Masterplan and secured via appropriate control documents (for example LEMP) and we welcome the continued discussion with the applicant's ecologists on this matter.

We have provided detailed advice and recommendations for how the Applicant should address concerns regarding impacts to the bat assemblage in our relevant representations [RR-0761]. This advice is still relevant and should be read alongside our Written representations.

We met with the Applicant on the 19th March 2025 and the 28th April 2025 and discussed our advice on impacts to the bat species assemblage. During these meetings the Applicant informed us that a significant amount of bat survey effort (winter 2024) had been conducted but was not included in the Environmental Statement [APP-036 to APP-224] due to time constraints. Natural England expect to update our position when the updated information is made available to us.

¹ Tinsley, E., Froidevaux, J. S. P., Zsebok, S., Szabadi, K. L. & Jones, G. (2023) Renewable energies and biodiversity: impact of ground-mounted solar photovoltaic sites on bat activity. *Journal of Applied Ecology* 60: 1752-1762.

² Szabadi, K. L., Kurali, A., Rahman, N. A. A., Froidevaux, J. S. P., Tinsley, E., Jones, G., Gorfal, T., Estok, P. & Zsebok, S. (2023) The use by solar farms in mosaic landscapes: implications for conservation. *Global Ecology and Conservation* e02481

³ Barré, K., Baudouin, A., Froidevaux, J. S. P., Chartendrault, V., & Kerbiriou, C. (2024). Insectivorous bats alter their flight and feeding behaviour at ground-mounted solar farms. *Journal of Applied Ecology*, 61, 328–339.

⁴ Hale JD, Fairbrass AJ, Matthews TJ, & Sadler JP (2012) Habitat Composition and Connectivity Predicts Bat Presence and Activity at Foraging Sites in a Large UK Conurbation. *PLoS ONE* 7(3): e33300. doi:10.1371/journal.pone.0033300

⁵ Jung, K., Threlfall, C.G. (2016). Urbanisation and Its Effects on Bats—A Global Meta-Analysis. In: Voigt, C., Kingston, T. (eds) *Bats in the Anthropocene: Conservation of Bats in a Changing World*. Springer, Cham.

⁶ Suominen K.M, Vesterinen, E.J, Kivisto I, Reiman M, Virtanen T, Meierhofer M. B, Vasko V, Sironen T, Lilley T. M. (2023). Environmental features around roost sites drive species-specific roost preferences for boreal bats. *Global Ecology and Conservation* 46.

Soils and best and most versatile agricultural land

Overview

Based on the information provided within the Environmental Statement (ES) (Chapter 17: Agricultural Land Use and Public Rights of Way), it appears that the proposed development will result in the temporary development of 839ha. It is not clear exactly how much of this is BMV agricultural land (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system), as determined from detailed ALC surveys. Table 17.17 of Chapter 17 of the ES shows that 36.4% of the land surveyed is BMV, but the survey area is more extensive than the 839ha.

During the life of the proposed development, it is likely that there will be a reduction in agricultural production over the whole development area. Furthermore, if not time limited as described, the proposed development has the potential to lead to the permanent reduction in agricultural production. This should be considered whether this is an effective use of land in line with the National Policy Statement for Energy (EN-1) and Renewable Energy Infrastructure (EN-3), which encourages the Applicant to seek to *'minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations'*.

We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2015) (in particular paragraph 013) and advise you to fully consider BMV land issues in accordance with that guidance.

Loss of Best and Most Versatile Agricultural Land

It is considered that as the solar panels would be secured to the ground by steel piles with limited soil disturbance, they could be removed in the future with no permanent loss of agricultural land quality, provided the appropriate soil management is employed and the development is undertaken to high standards. Consequently, Natural England advise that any grant of consent should be made subject to requirements to safeguard soil resources and agricultural land. We note that the draft DCO includes requirement 11 which incorporates the need for a soil management plan.

It is assumed within the ES that the majority of the development will not lead to any permanent loss of agricultural land. The area proposed to be occupied by the substations, and totaling 5.5ha of BMV land will be permanently lost. [some kind of conclusion statement agreeing this is not significant?]

We note that the outline Soil Resource Management Plan (Annex C of the Outline Code of Construction Practice (oCoCP)) does not include measures to return hardstanding to agriculture.

Cable Route

ES Table 17.5 acknowledges that no soil survey has been undertaken along the cable route corridor. Paragraph 9.3.4 of the oCoCP highlights that the cable route corridor has not yet been surveyed. We would recommend that this survey need is written into the oSMP. Natural England recognise that a deviation from the standard soil survey methodology will be required due to the linear nature of the cable trench. Natural England advise that this further survey work should be made a requirement of the DCO, to ensure the appropriate soil management can be implemented along the cable corridor. Restoration of

the cable trenches to their current ALC grade should also be secured to ensure the impacts along the cable route are only temporary as described.

Outline Soil Management Plan

Natural England welcomes the preparation of an Outline Soil Management Plan (oSMP) which has been prepared and submitted with the application. We note the outline nature of the plan and understand that the detailed SMP will include the full suite of information outlined in the oSMP. We have set out our advice on the oSMP below:

- We welcome that the oSMP is based on the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. The British Society of Soil Science has published the Guidance Note 'Benefitting from Soil Management in Development and Construction' which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.
- The oSMP does not make reference to soil sampling along the cable route. As discussed previously, soil sampling along the cable route should be made a requirement of the DCO, to ensure operations and restoration are correctly informed and the cable route is restored to its current ALC grade. Given that Requirement 11 links to the oSMP, an update to the oSMP would mean our guidance is incorporated.
- The stockpiled soils should be labelled and protected from trafficking and damage. Any soil stockpiles in place for more than 6 months need to be seeded.
- Areas of the site which are not to be stripped or used for stockpiling, haul routes or compounds must be clearly marked by signs and barrier tape and protected from trafficking and construction.