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Our ref: 502179
Your ref: **EN010147**



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BY EMAIL ONLY

Dear Sir/ Madam

NSIP Reference: EN010147

**The Examining Authority's first written questions and requests for information (ExQ1).
Examining Authority's submission deadline: 01 July 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.

Natural England is pleased to provide our answer to the Examining Authority's First Written Questions within the annex appended to this letter.

Natural England hopes our Deadline 2 answers are helpful and we will continue to work collaboratively with the Applicant to try and resolve the matters provided below.

For further advice on this consultation please contact the case officer [REDACTED]
[REDACTED] @naturalengland.org.uk and copy to consultations@naturalengland.org.uk.

Yours faithfully

[REDACTED]
Senior Officer
Thames Solent Area Team
Natural England

Annex 1: Natural England's response to the Examining Authority's (ExA's) first written questions reference ExQ1

ExQ1	Question to:	Question and Answer:
Q1.7 Draft Development Consent Order		
1.7.4	All local authorities Natural England Environment Agency Statutory Undertakers	<i>Disapplication of legislative provisions</i> <i>Article 6, together with Schedule 3, of the dDCO relate to the disapplication of legislative provisions. Set out whether there are any anomalies on the list, whether there is any disagreement in respect of any provision being disappplied and set out any reasons behind this disagreement (if any exist).</i>
		Natural England has no comment on the disapplication of any of these legislative provisions.
1.7.27	All local authorities Natural England Environment Agency Historic England Statutory Undertakers	<i>Management Plans</i> <i>A number of management plans are submitted with the application.</i> 1) <i>Review those management plans and set out clearly what changes, if any, you consider necessary. It may be better to put these in a tabular format. As long as the rationale behind the proposed amendments are explained.</i> 2) <i>Are there any management plans promised in the future (see Table 1.1 of the Outline Code of Construction Practice) that you consider are important or critical to be reviewed during the Examination, and thus the Applicant should submit now?</i>
		1) The key management plan for matters within Natural England's remit is the Outline Landscape and Ecology Management Plan (oLEMP) [APP-235]. We have provided detailed comments on the oLEMP in our Relevant Representations [RR-0761]. The substantive comments relate to impacts on bat populations.

ExQ1	Question to:	Question and Answer:
		<p>2) The development of a Soil Management Plan is required by Requirement 11 but not yet available for review or comment. We are satisfied that this can remain a requirement which can be examined later in the process or post-decision.</p> <p>While not a 'promised management plan', we would draw attention to the need for an appropriate monitoring strategy to assess potential impacts to bat populations. We believe that the review of such a monitoring plan at this stage in the examination would be beneficial. Currently, the oLEMP does not propose monitoring for bats post-development unless specifically required under licensing.</p> <p>We also note that while not a 'management plan', we are anticipating potential future changes to the Illustrative Masterplan [APP-062] based on the results of currently ongoing bat survey. We have not included specific field parcels which we advise should be removed from the development in our formal Representations. As a result, question 1.3.13 is not directed to Natural England. However, we have identified numerous locations which we think are <i>likely</i> to be used by bats. These areas would benefit from a reduction in solar array extent. The planting of hedgerows or the allowance of natural regeneration here would strengthen connectivity and habitat suitability. Once results of the bat surveys have been completed, we expect to consult with the applicant on potential changes to the Illustrative Masterplan.</p>

1.8 Ecological Interests		
Q 1.8.6	NE and the Applicant	<p>Skylarks</p> <p><i>Skylark plots are proposed within the proposed development.</i></p> <p><i>1) Is there any evidence to substantiate that the skylark plots proposed, in and amongst the solar panels, would actually be effective?</i></p> <p><i>2) With the presence of grazing sheep underneath the panels, would this not impact on the effectiveness of the skylark plots?</i></p>
		<p>1) Skylark plots are more commonly implemented in winter cereal crops of at least 5ha in size. There is evidence that boundary structures, tree lines, telegraph poles etc. present a predator</p>

		<p>risk to skylark and solar panels themselves may represent a predator risk. We are unaware of any evidence to substantiate the value of skylark plots within solar arrays.</p> <p>2) Skylarks can, and do, nest in grasslands. The recommended management prescription for skylark plots in grassland is to maintain a sward 20-50cm in height during the nesting season. This can be challenging in a grazed field. Over-grazing/too high a stocking density or grazing at the wrong time of year could impact on skylark breeding success. Further detail on the proposed grazing regime and the management of the skylark plots should be provided. The potential conflict between grazing and the skylark plots should be examined by the applicant.</p> <p>As far as we are aware, solar fields are more likely to be used by skylark for foraging and not breeding. We would welcome further evidence from the applicant on similar plots in solar installations.</p>
Q 1.8.7	Natural England Applicant	<p>Wintering bird assemblage</p> <p><i>In ES Chapter 9 paragraph 9.9.102 [APP-046], it states there would be a moderate adverse and significant impact on the wintering bird assemblage, mainly due to 'temporary displacement.' Table 9.16.1 then concludes that there would be no change for the wintering bird assemblage.</i></p> <p><i>Why is displacement considered temporary when, post-construction, the operation of the solar farm would be in place for 40 years?</i></p>
		<p>Natural England agree that for the purposes of impact assessment this should not be considered a temporary impact.</p>
Q 1.8.10	Applicant Natural England	<p>Monitoring</p> <p><i>Applicant: Monitoring commitments listed in Table 9.10.1 of ES Chapter 9 appear to be low in number. Is there a reason why monitoring is not considered to be an important or necessary part of the mitigation review?</i></p> <p><i>Natural England: Do you have any concerns about the scope of monitoring being proposed?</i></p>
		<p>The majority of the monitoring commitments relate to legal requirements associated with any protected species licenses. As above (1.7.27), we have encouraged the commitment to a wider monitoring programme for bats to ascertain the effectiveness of the proposed mitigation measures. Given the scale of this project, it has the potential to provide valuable research data.</p>

		<p>From Natural England's point of view these monitoring requirements (aside from bats) do meet the applicant's legislative requirements. The 'requirement to monitor the habitats in habitat creation and enhancement areas identified with respect to BNG' is a large undertaking and should be an all-encompassing monitoring strategy which will cover a vast array of ecological metrics.</p> <p>We note that there is no proposed monitoring of the river Evenlode. Changes to the river are outside of our remit and we would defer to the Environment Agency for detailed comments, but monitoring of the water quality in the river may show the benefits of the proposed restoration scheme.</p> <p>The oLEMP (Section 12) contains information on the monitoring procedure for a number of other features, it would be helpful if these were included in the ES.</p>
1.8.11	Applicant Natural England	<p><i>Piling in the Environmental Statement</i></p> <p><i>Applicant: ES Chapter 9 [APP-046] identifies that impact piling to 3 metres throughout the entire Project site represents the maximum design scenario, which could lead to continuous disturbance of species through noise and vibration impacts. A large number of piles are predicted to install the solar panels.</i></p> <p><i>However, the ES only mentions piling a few times, largely in the context of decommissioning (for example, paragraph 9.9.336) with little detail in relation to construction works.</i></p> <p><i>Explain why the construction has not been explicitly or separately assessed the disturbance impacts arising from piling on any species in ES Chapter 9.</i></p> <p><i>Natural England: Provide any comments you wish on this situation.</i></p>
		<p>Assuming that the considerations of noise impacts within Chapter 9 of the ES are inclusive of the noise impacts from installing the piling, Natural England has no further comments to make.</p>
1.8.12	Applicant Natural England	<p><i>Noise impacts to wildlife</i></p> <p><i>ES Chapter 13 [APP-050], Table 13.25, sets out that there would be high noise impacts where a receptor is less than 1,344m from piling activities. Many ecological receptors are well within that distance. In the case of SSSIs that support overwintering birds and ancient woodlands that are home to a variety of wildlife, this noise could be highly disruptive. Set out why this level of noise is not recognised or identified as requiring mitigation.</i></p>

		<p>Natural England advise that there are no SSSI interest features which are likely to be damaged or destroyed by noise impacts from the development proposal. While there could be noise impacts on the overwintering bird populations at Blenheim Park SSSI, we generally agree with the conclusion of paragraph 9.9.229 of the ES which states that noise impacts are short term and unlikely to damage the interest features.</p> <p>Impacts on bats, badgers, dormice and GCN will be assessed through the licensing process. For bat licensing, the proximity of roosts to works will be considered. We anticipate that impacts will be designed out of the project due to the implementation of buffers, a lighting strategy and no nighttime working.</p> <p>Potential impacts to other wildlife using ancient woodland would fall outside of our remit.</p>
1.8.14	Environment Agency Natural England Beds Bucks Oxon Wildlife Trust	<p>Lack of survey data</p> <p><i>Within ES Chapter 9 [APP-046], table 9.3.1 reports, in response to the Environment Agency, that no surveys are being carried out for water voles. Paragraph 9.6.77 states no surveys have been carried out for fish. Paragraph 9.9.694 states no surveys have been done for otters. Given the Proposed Development is in close proximity to watercourses, proposes HDD underneath major watercourses (with the potential for bentonite breakout to be managed) and involves transformative proposals along waterways (e.g. River Evenlode), should surveys be undertaken?</i></p> <p>We understand that the proposed works will not result in habitat loss for water voles or otters and that horizontal direct drilling is a method which minimises any impacts on such habitats.</p> <p>Natural England are not aware of any impact pathways from the proposed development on these species.</p>
1.8.15	Natural England	<p>Outline Landscape and Ecology Management Plan (OLEMP)</p> <p><i>There is no specific reference to good practice measures being undertaken within the OLEMP to manage, for example, hedgehogs. What measures would you expect/ request the Applicant to adopt and why?</i></p> <p>Natural England has no specific comments to make on measures to manage hedgehogs or other species in the oLEMP.</p>

1.12 Habitats Regulations Assessment		
1.12.1	Applicant Natural England	<p><i>Piling in the HRA</i></p> <p><i>The project is anticipated to require 1.6 million piled foundations to install the solar arrays. However, the impact of such piles on identified European sites in the HRA (either via noise, disturbance or potential effects to water quality) do not feature in the HRA.</i></p> <p><i>Explain why piling is not considered as a potential pathway and has not been screened into the appropriate assessment.</i></p>
		<p>Oxford Meadows Special Area of Conservation (SAC)</p> <p>Hydrological impacts to Oxford Meadows are screened into the development proposal. We agree that the potential impacts arising from the piled foundations specifically are not considered. We would advise that per <i>Boggis v Natural England</i> [2009] EWHC 2954, the HRA process should be based on realistic and credible risks to a designated site. Natural England are not aware of any evidence which highlights potential harm caused by piling on water quality. It is assumed that piling is a standard construction process for solar installations. We would be grateful if the Planning Inspectorate could share any evidence or information they have in relation to this risk.</p> <p>Disturbance impacts (noise) are considered in paragraph 4.7.1 of the HRA [APP-163]. Oxford Meadows SAC is the closest National Site Network site to the development at approximately 1km away. As mentioned in our response to Q1.8.12, this does fall within the noise contours of the development, however the qualifying feature of Oxford Meadows SAC is lowland hay meadow, which is not sensitive to noise.</p> <p>Cothill Fen SAC</p> <p>Paragraph 4.5.2 of the HRA states that Cothill Fen SAC is not hydrologically connected to land within the development area.</p> <p>As it is 3.65km away from the development, there is no impact pathway for noise or disturbance.</p>
1.12.2	Applicant	<i>Thresholds for assessment</i>

	Natural England	<p><i>In paragraph 4.4.10 of the HRA, the heavy goods vehicle (HGV) Average Annual Daily Traffic (AADT) threshold of 200 vehicles is said not to be breached in either project alone (125) or in-combination (192) scenarios.</i></p> <ol style="list-style-type: none"> 1) <i>For clarity, can it be set out why vehicle numbers and not vehicle movements are the relied measurement here?</i> 2) <i>Assuming two-way movements, would 125 vehicles equate to 250 movements, thus exceeding the AADT threshold?</i> 3) <i>Should the Applicant, Natural England and the ExA take a precautionary assessment approach regarding the in-combination assessment given that the AADT of 192 is very close to the 200-vehicle threshold, and it would not take much change in future vehicle trips for that threshold to be exceeded?</i> <p>Questions 1 & 2 are left for applicant to answer.</p> <p>Natural England agree that the in-combination scenario is very close to the screening threshold. We also agree that a more precautionary approach may be appropriate for this proposal. There is increasing evidence of the potential impacts from ammonia emissions from road traffic which were not considered when Natural England developed our NEA001 guidance. Natural England are aware that several local plans in Oxfordshire are under review, and we have been engaged with these authorities discussing potential air quality impacts to Oxford Meadows SAC.</p>
Q 1.12.3	Natural England	<p><i>Site Improvement Plans</i></p> <p><i>In the opinion of Natural England, would the project (alone or in-combination) lead to any impediment to the delivery of the Site Improvement Plans cited in the HRA and, if so, how?</i></p> <p>We do not believe (subject to further information on air quality) that the project would lead to the impediment of the Site Improvement Plans of Cothill Fen or Oxford Meadows SACs.</p>
Q 1.12.4	Applicant Natural England	<p><i>Unforeseen consequences</i></p> <p><i>In ES Chapter 9, the Applicant proposes the creation of circa 100 ha of new floodplain meadow as part of the River Evenlode enhancement corridor. Although deemed by the Applicant to be beneficial, would this have any consequence on the hydrological environment for either the Oxford Meadows or</i></p>

		<p><i>Cothill Fen Special Areas of Conservation (SAC) by, for example, causing those sites to become drier through an earlier uptake of water?</i></p> <p>Natural England would welcome further information about the proposed creation of the new floodplain meadows along the river Evenlode corridor. As per our comments in [RR-0761]:</p> <p>“Should creation of floodplain meadow along the length of the River Evenlode be possible, as suggested by the oLEMP, it will be essential to understand whether and how the river has become disconnected from its floodplain and rectify any drying of the land adjacent to allow this habitat to develop as proposed. A change in management is unlikely to have the desired effect if the land no longer floods and the arable habitats or improved grasslands have become disconnected from the river via land drains, level changes or any other previous change to the hydrological functionality of the area.”</p> <p>However, the creation of such a habitat is unlikely to significantly alter the hydrology of the Oxford Meadows SAC.</p>
1.12.5	Applicant Natural England	<p>Construction Noise</p> <p><i>In ES Chapter 13, the impact of pile driving is set out in table 13.25. In that table, it predicts a high impact for receptors less than 1,344 metres away from the source. However, in the HRA, it is stated there would not be any discernible impact on designated wildlife sites from construction noise in general because such sites are over 0.97km from the Order limits. The two do not seem to tally. Explain the situation and whether the action of percussive piling would have any effect on wildlife interests in the study area.</i></p> <p>Please see our response to Question 1.12.1.</p>