



Dean Moor Solar Farm

PLANNING INSPECTORATE REFERENCE EN010155

Council Response to ISH Hearing Agenda Items (Annex A)

30 September 2025

Deadline 3

Contents

1. Introduction
2. Councils Input into the DCO
3. Landscape and Visual Impact
4. Cultural Heritage/Historic Environment
5. Biodiversity

Appendix 1 – Letter from Tetra Tech dated 15th September 2025

1. Introduction

The Councils Written Response to the Hearing Agenda Items (Annexe A) has been produced in response to the Rule 17 Letter issued by the Examining Authority (ExA) on 19th September 2025.

The Rule 17 letter under Annexe A sets out the agenda that was to be used for the Issue Specific Hearing. Following the cancellation of the Hearing the ExA has invited written submissions in response to each of the topics and points of clarification listed in the agenda.

The Councils response to the Rule 17 letter is limited to the specific areas listed under Annexe A where the Councils input was requested.

2. Council Input into DCO

The Council has been in discussion with the Applicant on matters relating to the DCO prior to the submission of the application and also since the submission of the application. These discussions have focussed mainly on Schedule 2 Requirements and the scope of the management plans and other control documents.

Through this process the Council has been able to set out its expectations for commitments which should be addressed either within the management plans or DCO Requirements. These have focussed on transport and highways matters, flood risk, statutory nuisance, landscape and visual impacts, landscaping, ecology/biodiversity, ground conditions, archaeology and heritage.

The Council note that the draft DCO Requirements require that future management plans, which are to be approved by the Council, are substantially in accordance with the application's outline versions submitted with the application.

The Council agrees in principle that these Requirements, management plans and other control documents appear to provide the necessary controls and mitigation to lessen the anticipated effects of the Proposed Development.

The Council reserves the right to comment on any modifications to the DCO through the examination process.

3. Landscape and Visual Impact

The Council commissioned Galpin Landscape Architecture (GLA) to undertake a review of the submitted Landscape and Visual Impact Assessment and chapter 7 of the ES to assist in its ability to assess the landscape and visual impact effects of the proposed development ([AS-005](#)).

It is agreed that the scope and methodology of the landscape assessment have

been undertaken in accordance with Guidelines for Landscape and Visual Impact Assessment (GLVIA), 3rd Edition (2013) and various technical guidance notes and was undertaken by a competent specialist.

It is agreed that an appropriate 2.5km study area has been used and that the appropriate receptors have been assessed, including the Lake District National Park (LDNP) World Heritage Site (WHS) given its high sensitivity and importance.

It is agreed that the assessment of landscape character areas is appropriate.

The GLA Review informed the Councils Local Impact Report ([REP2-058](#)) which was submitted at D2. Dialogue has continued with the Applicant since the submission of the LIR to allow a further consideration of the issues raised.

Visual Effects on Residential Receptors

In terms of the assessment of the visual effects on residential receptors a difference in the methodology used by the Applicant and the Council has resulted in a different assessment in terms of the magnitude of effects at the following properties: -

Wythemoor Sough - The Council concluded that a high magnitude of change accounting for a very noticeable visual change. The Applicant considers that there would be a moderate magnitude of effect representative of a clearly noticeable change.

Dean Cross Cottage – The Council consider a high magnitude of change accounting for a very noticeable visual change. The Applicant identifies a moderate magnitude of effect, representing a clearly noticeable change.

Jackie Hill - The Council consider a high magnitude of change accounting for a perceptible very noticeable visual change. The Applicant identifies a moderate magnitude of effect, representing a clearly noticeable change.

Collingate - The Council consider a low magnitude of change accounting for a perceptible visual change. The Applicant identifies a negligible magnitude of effect, representative of a barely perceptible change.

Whilst there may be differences in professional judgement over the level of effect, the Council agrees that the assessment of residual visual effects during the construction and decommissioning phases are accurate.

The Landscape and Visual Impact Assessment – Level of Agreement/Disagreement on Methodology and Outputs

As part of the review of the LVIA the Councils consultant GLA also raised some issues with regards to the following matters: -

- The provision of additional ZTVs would be beneficial to show the visibility of Areas A, B, and C to demonstrate the worst-case scenario of the theoretical visibility of the Proposed Development.
- The selection of VL2b and VL3c are not representative of the worst-case views.
- The photography from some of the VLs is unclear.
- Additional planting of woodland and/or hedgerow trees along the west of Branthwaite Edge Road would be beneficial to provide adequate mitigation.

These matters are currently subject to ongoing discussions with the Applicant. However, the Council accepts that these issues do not represent fundamental differences of opinion in terms of the outcomes or the approach taken to the assessment. They reflect reasonable differences in professional judgement between independent landscape experts and do not represent a more fundamental conflict.

There is no major disagreement between the parties as to outcomes which undermine the overall conclusions of the application in visual and landscape terms. Any outstanding matters are minor, and the effects can be mitigated by the inclusion of appropriate landscaping as set out in the OLEMP. These details will be a Requirement of the DCO.

The Council agrees that the OLEMP provides an appropriate framework for the provision of the required details in the final LEP and LEMP,

4. Cultural Heritage/Historic Environment

Matters agreed/disagreed between applicant and Historic England, LDNP and Cumberland Council

The Council has been involved in positive engagement with the Applicant in relation to archaeology.

The scope of the Archaeological Management Strategy (AMS) and production has been undertaken in collaboration with the Councils Historic Environment Officer. The Council is satisfied that it accords with best practice and includes the relevant commitments to recording and reporting which can be secured by a DCO Requirement.

The AMS sets out how any further mitigation will be secured and also agrees to the inclusion of a Watching Brief that is to be implemented during the construction phase.

The Applicant has agreed to incorporate mitigation options that will include archaeological, strip, map and sample at the request of the Historic Environment Officer. These were included in the revision to the ES Chapter 6 at Deadline 2.

It is agreed that no significant effects are anticipated for the construction, operation, or decommissioning of the Proposed Development on potential below ground remains. The Council consider that the surveys (desk-based assessment, walkover survey & geophysical survey) undertaken to date are sufficient in their scope to indicate that it is very unlikely the scheme will have significant effects on non-designated archaeological assets.

With regards to the built environment. The Council provided comments on this in its Local Impact Report. These comments were made by the Council as the Local Planning Authority.

The Council acknowledges that the Applicant has had detailed discussions with both Historic England and the Lake District National Park Authority (LDNPA). The matters considered are reflected in the draft Statements of Common Ground that were submitted at deadline 2 ([REP2-015](#)) ([REP2-016](#)).

The Council concur with the approach taken by Historic England and the LDNPA in terms of the Assessment of potential effects on designated heritage assets and the English Lake District World Heritage Site (WHS).

Overall, the Council is prepared to accept the position set out by the LDNPA in relation to the WHS and that of Historic England relating to the impacts on designated heritage assets.

The shared position with regards to Cultural Heritage and the Historic Environment will be set out in an updated draft Statement of Common ground between the Applicant and the Council.

5. Biodiversity

The Council has commissioned Tetra Tech to undertake an assessment of Biodiversity/Ecology and BNG,

The initial comments raised by Tetra Tech were set out in the Councils Local Impact Report ([REP2-058](#)) which was submitted at D2. These comments raised three main themes relating to

- the shadow Habitat Regulations Assessment (sHRA),
- Biodiversity Net Gain (BNG) and.
- the protected species survey reports included in the ES Biodiversity Chapter 8.

The Applicant provided a detailed response to the issues raised. Tetra Tech have subsequently reviewed this information, and further discussions were undertaken with the Applicant to seek clarity on several points. Following this dialogue Tetra

Tech set out their detailed response in a letter dated 15th September 2025. A copy of this letter is attached as Appendix 1 to this statement.

Based on this response from Tetra Tech the Council is satisfied that all matters raised relating to biodiversity in the LIR have been agreed. An update to the dSoCG will set out the shared position of the Applicant and the Council with regards to Biodiversity/Ecology and BNG.

The Council is aware of and accepts the advice and guidance offered by Natural England in relation to the methodology and conclusions of the sHRA. This is summarised in the dSoCG between the Applicant and Natural England ([REP2-108](#)).

The Council has agreed that there will be no Likely Significant Effects (LSE) on the River Derwent and Bassenthwaite Lake Special Area of Conservation (SAC) and Solway Firth Special Protection Area (SPA). The Council agrees with the Applicant's conclusions on all matters relating to the sHRA and this will be set out in a forthcoming update to the dSoCG.

Appendix 1

Letter from Tetra Tech dated 15th September 2025.

Our Ref: 784-B072252

Your Ref: DCO/2025/0001

FAO: [REDACTED]

[REDACTED]@Cumberland.gov.uk

15 September 2025

Dear [REDACTED],

784-B072252 DEAN MOOR SOLAR FARM, CUMBRIA DCO/2025/0001

The project is located at the land between the villages of Gilgarran and Branthwaite in West Cumbria. The Proposed Development comprises the proposed construction, operation and maintenance, and decommissioning of a renewable energy generating project on 279.5 ha of land between the villages of Gilgarran and Branthwaite in West Cumbria. The planning application reference is DCO/2025/0001.

The applicant initially provided the following ecological documents:

- Stantec UK Ltd. – Dean Moor, Solar Farm: Preliminary Ecological Appraisal (PEA) and Great Crested Newt (GCN) Report (March 2025);
- Stantec UK Ltd. – Dean Moor, Solar Farm: Bat Survey Report (March 2025);
- Stantec UK Ltd. – Dean Moor, Solar Farm: Environmental statement Chapter 8 biodiversity (March 2025);
- Stantec UK Ltd. – Dean Moor, Solar Farm: Environmental statement: Appendix 5.1 – Outline Construction Environmental Management Plan (March 2025);
- Stantec UK Ltd. – Dean Moor, Solar Farm: Environmental statement: Appendix 7.7 – Outline Landscape and Ecology Management Plan (March 2025);
- Stantec UK Ltd. Dean Moor, Solar Farm: Environmental Statement: Appendix 8.2 – National Vegetation Classification (NVC) Survey Report (March 2025);

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- Stantec UK Ltd. Dean Moor, Solar Farm: Environmental Statement: Appendix 8.5 – Breeding Bird Survey Report (March 2025);
- Stantec UK Ltd. Dean Moor, Solar Farm: Environmental Statement: Appendix 8.6 – Wintering Bird and Hen Harrier Survey Report (March 2025);
- Stantec UK Ltd. Dean Moor, Solar Farm: Environmental Statement: Appendix 8.7- Shadow Habitats Regulations Assessment (March 2025); and
- Stantec UK Ltd. – Dean Moor, Solar Farm: Environmental statement: Appendix 8.8 - Biodiversity Net Gain (BNG) Report (March 2025).

Each of the above reports and supporting documents was reviewed and detailed feedback was provided in the Cumberland Council Local Impact Report (LIR). The further detail and clarifications that were requested are detailed in Table 1.

The following documents were provided on 05/09/2025:

- EN010155-000032 Natural England’s Relevant Representations in Respect of Dean Moor Solar Farm (Redacted); and
- EN10155-000208 Cumberland Council Draft Statement of Common Ground; and
- EN10155-000214 Natural England Draft Statement of Common Ground.

These were reviewed ahead of a consultation meeting that was held on 10/09/2025 with the client representatives, Stantec, Cumberland Planning Officer and Tetra Tech Ecologists.

Following the meeting, additional documents and emails were provided on 10/09/2025 which addressed all of the points raised in the LIR, including:

- Dean Moor Applicant Response to council’s LIR (biodiversity extract);
- Dean Moor Table of Experience 1-2; and
- EN10155-000209-D2.9 Cumbria Wildlife Trust Draft Statement of Common Ground.

The additional documentation has been reviewed against the LIR points and final comments are added to the column in Table 1 below for ease.

Table 1. Conclusion

Document	Element		Action(s) required	Comment following the review of additional information
sHRA	12.8 Zone of Influence		Potential effects beyond 10km should be considered: <ul style="list-style-type: none"> - The sHRA should include Morecambe Bay and Duddon Estuary SPA as potential functionally linked land for Herring gull. - The ZoI should include designated sites indirectly connected downstream of the site. 	It's noted in the NE dSoCG agreement with the overall scope of the sHRA and the Habitat Sites taken forward to AA. The applicant response provides robust justification for the zone of influence, demonstrating that potential effects beyond 10km have been considered. It was concluded that the flocks recorded on the site were not functionally linked to Morecambe Bay and Duddon Estuary SPA, due to the significant distance (23km) between sites; the behaviour; frequency and distribution of the flocks as well as abundance of alternative habitat. Therefore, it is agreed the 10km zone of influence is appropriate.
	Potential threats and pressures (Table 3.3)	12.9 Various	More evidence is needed to screen out the LSE on Lake District High Fells SAC and North Pennine Dales Meadows SAC, including distance from the site and potential hydrological connections for the following potential threats and pressures: <ul style="list-style-type: none"> - INNS, - Pollution of groundwater - Siltation - Changes to species distribution 	Applicant response clarifies that there is no hydrological link between the site and Lake District High Fells SAC or North Pennine Dales Meadows SAC as all waterbodies on the site flow north to the River Derwent, therefore it is agreed there is no scope for pollution of groundwater, siltation or changes to species distribution. No impact pathway is agreed for INNS due to the significant distance between the sites (over 8km) and the proposals (solar farm).
		12.10 Pollution to groundwater	Needs rewritten to clearly state whether LSE are expected on the River Derwent and Bassenthwaite SAC and River Ehen SAC.	It is understood that NE are in agreement with the overall scope of the sHRA and that the Solway Firth SPA and River Derwent and Lake

Document	Element	Action(s) required	Comment following the review of additional information
	12.11 Human induced changes in hydraulic conditions	Clarification is required regarding why there will be no direct change and which Habitat Sites this assessment applies to.	Bassenthwaite SAC have been taken forward to Appropriate Assessment.
	12.13 Changes in species distribution	<ul style="list-style-type: none"> - Further detail is required on how the construction phase of the project could affect distribution of qualifying features (fish species and otter are named) of the River Derwent and Bassenthwaite Lake SAC, with detail on their presence and distribution on site. - Impacts on habitat sites downstream (outside of the 10km ZOI), should be considered. 	<p>Further detail provided by the applicant and Appendix C of the Screening Matrix demonstrates how pollution arising from construction phase of the project can affect species distributions. It is agreed, as noted in the NE dSoCG, that overall conclusions are sound and that relevant control measures within the final control documents will require additional consideration and review by NE as part of the process to discharge the relevant DCO Requirements.</p> <p>The applicant's response demonstrates that due consideration has been given for impacts on habitat sites outside of 10km when determining the zone of influence (see 12.8). This has been agreed in the NE dSoCG.</p>
	12.14 Water pollution	Pollution to surface waters should be considered in relation to River Derwent & Bassenthwaite Lake SAC.	<p>The applicant response clarifies that surface water pollution is not a threat for the River Derwent & Bassenthwaite Lake SAC. Marine water pollution has been considered and ruled out due to considerable distances to dilute any pollution events (16.05km).</p> <p>It is understood that NE are in agreement with the overall scope of the sHRA and that the Solway Firth SPA and River Derwent and Lake Bassenthwaite SAC have been taken forward to Appropriate Assessment.</p>
	12.15 Marine water pollution	The potential for LSE to impact on the Solway Firth SPA via the River Derwent Catchment should be considered.	
	12.16 -17 Various	<p>Clarity is needed on why the following pathways/likely impacts don't apply to this project:</p> <ul style="list-style-type: none"> - Problematic native species - Modification of cultivation practices, Mowing / cutting of grassland, Fertilisation. 	<p>The applicant response has clarified the justification to rule out these threats, due to considerable distance between the application site and Habitat Site as well as the nature of the proposed works as a solar farm. Modification of cultivation practices, Mowing / cutting of grassland, Fertilisation is a threat associated with North Pennine and Dales Meadows SAC, and this Habitat Site has been screened out of the assessment.</p>

Document	Element	Action(s) required	Comment following the review of additional information
	12.18 Screening assessment overview	This should be reviewed and amended after other changes have been made.	The applicant response and NE dSoCG provided are considered sufficient justification to address the points raised.
	12.19 Summary HRA screening Matrix for River Derwent & Bassenthwaite Lake SAC (Table 4.2)	<p>Further clarity is needed on the following:</p> <ul style="list-style-type: none"> - There is no pathway shown for the first rows of this table and it is not clear how the differences between construction and operational phase have been assessed. - The matrix assesses the project in-combination but further detail is required on what projects or plans have been scoped in. - Regarding ALSE of the project alone and in-combination with other plans and projects. 	Further detail provided by the applicant and Appendix C of the Screening Matrix is considered robust and sufficient clarification.
	12.20 Data inconsistencies	Data inconsistencies in relation to bird data are identified should be corrected throughout the report.	The applicant response provides justification on the assessment of importance for wintering bird assemblages.
	12.25 Wintering bird data	The applicant should consider validity of wintering bird data prior to submitting this application to the secretary of state and ensure that the sHRA assessment reflects the most up to date data set.	The applicant response provides robust justification on the assessment of importance for wintering bird assemblages. Survey effort for wintering birds and Hen Harrier is considered appropriate and sufficient to determine the level of importance assigned.
	Section 8.5.10	The significance of effects on all internationally designated sites is required for all sites scoped into this assessment.	Further detail provided by the applicant and Paragraphs 8.5.30 and 8.5.32 of Chapter 8 are considered sufficient justification for the significance levels assigned.
	Temporary effects due to construction works	Needs significance level assigned that is consistent with the conservation value as per CIEEM guidelines. Significant effects upon an ecological receptor of local value would result in a significant effect at the local level.	It is understood that NE are in agreement with the overall scope of the sHRA and that the Solway Firth SPA and River Derwent and Lake Bassenthwaite SAC have been taken forward to Appropriate Assessment.

Document	Element	Action(s) required	Comment following the review of additional information
12.26 BNG	EclA, Section 8.3.13	Justification should be given for why older guidance was used for the habitat assessment.	Best practice guidance must be used for the updated habitat assessment as part of the PEA update, as detailed in the CEMP. The final CEMP will be subject to consultation with NE prior to submission to the LPA for approval and secured by DCO Requirement .
	Qualifications	Surveyors experience/qualifications should be provided to evidence that the UK Hab assessment, BNG condition assessments and BNG reporting/metric was completed by a competent person.	Surveyor details provided, with two surveyors FISC Level 4 and one surveyor accredited to carry out river condition assessments - satisfied surveyors are sufficiently competent.
	12.29 Quadrat data	Quadrat and woodland plot data should be supplied to support the BNG condition assessments.	Quadrat and woodland plot data is to be included when the BNG is updated, as part of the LEMP, which will be secured by DCO Requirement .
	12.30 Inconsistencies in habitat mapping between BNG and NVC reports	Any inconsistencies in mapping should be rectified, with new maps provided as required. The habitats as reported in the BNG should correspond with habitats in the NVC report, or appropriate justification should be given.	The applicant response provides appropriate justification for these inconsistencies. Habitat mapping for the BNG update should correspond with the NVC report or appropriate justification provided.
	12.31 BNG metric	The front cover of the metric needs completed.	It is agreed that the points raised are updated, as appropriate, in the final BNG metric as part of the LEMP, which will be secured by DCO Requirement.
	Justification for broad habitat type changes, Section 4.1.13	Justification is required for the ecological benefits of felling an area of existing mixed woodland to replace with mixed scrub and acid grassland.	Any habitat classifications based on interpretation of data and professional judgement, should be supported with justification/explanation.
	12.32 Evidence to support habitat classification	Lowland fen recorded should either be re-classified to an alternative habitat type or further evidence provided to support this classification.	
	12.33 Hedgerow labelling	Hedgerows should be labelled in the metric and Table 3.1 to allow for cross-referencing with condition assessment sheets.	

Document	Element	Action(s) required	Comment following the review of additional information
	12.34 Trees	Trees in the baseline should be included in the Metric calculation.	The response clarifies that individual trees were not included as no trees will be felled. It is acceptable that an updated tree survey will be included in the CEMP which will highlight any changes affecting the BNG.
	12.35 Strategic significance	Any areas that fall within the boundary of Dean Moor CWS should have a strategic significance of 'formally identified in local strategy'. Areas that are adjacent or connected to the CWS should have a strategic significance of 'location ecologically desirable but not in local strategy'.	The applicant response clarifies that the habitat condition has changed since it was designated as CWS as its currently intensively grazed grassland. It is agreed that the identification of strategic importance, if applicable, is included in the final BNG metric as part of the LEMP, which will be secured by DCO Requirement.
NVC	12.38 NVC survey results plan	Figure 1 must be revisited, and the area labels reviewed. The photos and habitat descriptions should be updated to correspond with the mapped area labels.	The applicant response provides clarification for the mapping points that were raised and this is considered acceptable.
		Map the full extents of each assessed NVC community.	
	12.39 Survey methodology	An explanation should be included in Section 2.1 as to why and how survey areas 1, 2 and 3 were selected, and as such why were notable habitats such as lowland fen, acid grassland and species-rich neutral grassland were omitted from the assessment.	Sufficient justification has been provided for the selection of survey areas (hydrological dependant and therefore sensitive to impacts). If the NVC survey is repeated as part of the LEMP, the selection of areas for survey should be reassessed using the updated PEA information. Any notable/priority habitats should be surveyed or appropriate justification given.
	12.40 Inconsistencies between BNG and NVC reports	The habitats as reported in the BNG should correspond with habitats in the NVC report, or appropriate justification should be given.	The applicant response provides appropriate justification for these inconsistencies. Any habitat classifications based on interpretation of data and professional judgement, should be supported with justification/explanation. Conversions between classification systems should be clearly presented with references stated.
	12.41 Discussion	A discussion section should be added to provide details of the ecological value of the identified habitats and botanical species.	It is accepted that the NVC was a technical report, with discussion detailed within the ES-Chapter 8 Biodiversity.

Document	Element	Action(s) required	Comment following the review of additional information
12.36 OLEMP	Habitat and protected species surveys	Habitat and protected species surveys should be updated 12-18 months before construction commences to inform appropriate mitigation and the LEMP.	It is noted in the NE dSoCG agreement that the relevant assessments will be updated to ensure a current ecological baseline in advance of works. It is agreed that the PEA will be updated to inform the need for species-specific updates. These updated assessments are to inform the CEMP and the LEMP. The final LEMP will be subject to consultation with NE prior to submission to the LPA for approval and secured by DCO Requirement.
	Planning	The LEMP should be conditioned and approved by the LPA before the proposed development commences. It should also include provisions for monitoring and review of the document at the end of each 5-year period, for the 40 year lifespan of the project.	As agreed in the NE & CWT dSoCGs the final LEMP will be secured by DCO Requirement and considered a live document that will be updated every 5 years. Prior approval from the LPA will be required to amend existing management measures and mitigation in the LEMP.
	Habitat protection measures	<ul style="list-style-type: none"> - Buffers between infrastructure development and sensitive habitats should be defined in the OLEMP. - The OLEMP should include provision for any habitat within the buffers to be enhanced if the habitat is degraded. 	Species Protection Plans (SPP) and Risk Avoidance Method Statements (RAMS) will be included in the CEMP, defining appropriate buffers for sensitive habitat. The LEMP is to take into consideration the enhancement of habitat within buffers, if habitat is degraded.
Protected species surveys			
Bats	12.28 Qualifications	Surveyors experience/qualifications should be provided to evidence that the surveyor holds a Natural England bat survey license.	Surveyor details provided, with nine surveyors holding bat licences (Nature Scot Roost and Class 2) - satisfied surveyors are sufficiently competent. It is accepted that the ecologists working on the project have been overseen by an appropriately qualified and experienced ecologist based on the detail provided in The Statement of Expertise.
	12.42 Methodology and limitations	Clarification whether all trees could be fully visualised from the ground given in April they would be expected to be coming into leaf;	The applicant's response confirms that whilst some trees would have been in leaf, there were no significant limitations associated with dense canopies.

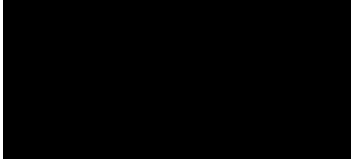
Document	Element	Action(s) required	Comment following the review of additional information
		Clarification of equipment used, was a high-powered torch and/or endoscope used for the building and tree roost assessments; and	From discussion with applicant's ecologist, they have clarified that surveys were undertaken prior to the 2023 BCT Guidance and therefore were in line with the 2016 guidance and surveys undertaken by competent bat licence holders.
		Weather conditions during the period of static detector data analysed to show whether weather conditions were suitable for assessment of bat activity levels;	The applicant's response clarifies that there were no significant limitations associated with weather conditions, and microphone placement. Although noted that precise location of the microphone was not provided, it is agreed that the majority of the habitat is extensively grazed grassland, clutter or refraction associated with foliage is unlikely to be a significant limitation.
		Orientation of the microphone on the static detectors placed, especially those at low height, to show these would adequately detect passing bats.	
		12.44 Further justification is required on the assessment of habitat value for bats based on the presence of a range of habitats which are valuable to foraging and commuting bats.	The applicant has provided robust justification of the habitat value assessment. It was clarified that woodland on site is managed as forestry plantations, and the site is predominantly intensively grazed grassland. Adjacent woodland is young or early mature and watercourses are poached and lacking diverse habitat structure. It is accepted that in the wider context and based on habitat descriptions, the value assigned is appropriate.
		12.45;47 Further justification is required for the use of a non-standard approach for the activity surveys and the reduced survey effort.	From discussion with applicant's ecologist, they have clarified that surveys were undertaken prior to the 2023 BCT Guidance and therefore were in line with the 2016 guidance and surveys were undertaken by competent bat licence holders.
		12.46 Further justification is required for why static monitoring was not completed in April, June and October.	

Document	Element	Action(s) required	Comment following the review of additional information
	Mitigation	12.48 Recommendations to mitigate impacts for such as habitat loss, indirect impacts on retained trees with bat roost suitability such as buffer zones.	It's noted in the NE RR, that NE has no significant concerns in respect to the approach to bats and it is agreed that on the whole, the scale of impact on bats is relatively low with significant enhancement opportunities. The management and habitat creation detail in the final LEMP must mitigate for any impacts to bats, including habitat loss considering the likelihood that foraging bats will use grassland beneath solar panels. The CEMP must include suitable buffer zones to protect retained trees which are suitable for use by roosting bats.
	Enhancement	Recommendations for habitat enhancements of areas surrounding the solar farm footprint.	The significant habitat enhancements set out in the LEMP (particularly the wetland areas) are welcome and will improve the site for foraging and commuting bats.
Birds	12.50 Wintering birds	The value of the site for wintering birds needs to be re-visited and considered if the site is of international value (using a precautionary approach) to wintering birds. Alternatively, robust justification for the current value assigned to this receptor must be provided.	The applicant response provides robust justification on the assessment of importance for wintering bird assemblages. Survey effort for wintering birds and Hen Harrier is considered appropriate and sufficient to determine the level of importance assigned. It's agreed that if following the updated PEA, impacts to barn owl are anticipated, appropriate pre-commencement barn owl surveys will be detailed in the CEMP and undertaken prior to works. Appropriate compensation will be included in the LEMP.
	12.58 OCEMP	The guidance in the OCEMP should follow the mitigation hierarchy and include further detail on reasonable avoidance measures.	
	12.59 Barn owl	If significant disturbance of barns is likely, then pre-commencement checks for barn owl are required as part of the CEMP or other suitable mitigation such as timing the works to avoid the barn owl breeding season (March – August inclusive).	

Document	Element	Action(s) required	Comment following the review of additional information
GCN	12.60 Methodology	Justification is needed as to why ponds within 500m of the site's red line boundary were not assessed as per the best practice guidelines,	Due to the absence of GCN records within 250m; the update assessment of GCN to be secured via the CEMP; and ECoW supervision of works, it considered the risk of GCN presence to be low and any subsequent impacts to be sufficiently controlled through measures in the CEMP. Retention of ponds and enhancement of ponds in area D is welcomed.
		Start and end survey times and weather for each egg searching, bottle trapping and torching survey.	Updated assessment of GCN is to include detailed methodology such as start and end times and weather condition, as appropriate.
	Qualifications	Confirmation of Natural England GCN class 1 license number of survey personnel.	Surveyor details provided, with five surveyors holding GCN survey licences - satisfied surveyors are sufficiently competent. It is accepted that the ecologists working on the project have been overseen by an appropriately qualified and experienced ecologist based on the detail provided in The Statement of Expertise.
	12.62 Validity of survey data	Surveys were carried out in 2023 and are now out of date in line with best practice. Update eDNA surveys are required to rule out GCN presence on site or clarification that the ponds condition hasn't changed and that the suitability for GCN is the same as in 2022.	It is noted in the NE dSoCG agreement that the relevant assessments will be updated to ensure a current ecological baseline in advance of works. It is agreed that the PEA will be updated to inform the need for species-specific updates. These updated assessments are to inform the CEMP and the Species Protection Plans (SPP) and Risk Avoidance Method Statements (RAMS). The final CEMP will be subject to consultation with NE prior to submission to the LPA for approval and secured by DCO Requirement.
Otter and water vole	12.64 Validity of survey data	Update surveys are required to inform the Ecological Impact Assessment for this project. These surveys must ensure that survey effort is fully compliant with guidance provided within the water vole mitigation handbook (Dean et al 2016) or sufficient justification is provided for non-compliance.	It is noted in the NE dSoCG agreement that pre-construction surveys for otter will be carried out by the ECoW, to identify any change in Site use, including the potential for otter holts to have been created. Pre-construction surveys, SPP and RAMs will be detailed in the CEMP. The final CEMP will be subject to consultation with NE prior to submission to the LPA for approval and secured by DCO Requirement.

Document	Element	Action(s) required	Comment following the review of additional information
	12.65 Habitat suitability	An assessment of habitat suitability for otter or water vole should be included in any updated reports.	The updated assessment for otter and water vole is to include a detailed assessment of habitat suitability.
Badger	12.66 Badger survey	A dedicated badger survey should be undertaken before determination due to the extent of adjacent woodland, which includes ancient woodland in order to inform the impact assessment.	It is noted in the NE dSoCG agreement that the relevant assessments will be updated to ensure a current ecological baseline in advance of works. It is agreed that the PEA will be updated to inform the need for species-specific updates, and it is considered that a dedicated badger survey is undertaken as part of the baseline update. The final CEMP will be subject to consultation with NE prior to submission to the LPA for approval and secured by DCO Requirement.
Hedgehog	12.69 Method statement	A method statement detailing control measures is required to protect hedgehog.	Due to the presence of suitable hedgehog habitat on site (scrub) and adjacent to the site (woodland), it is agreed that measures to protect hedgehog including ECoW supervision included in the draft CEMP are sufficient.
Dormouse, red squirrel and brown hare	Reasonable avoidance measures	The updated CEMP must include appropriate avoidance measures set out in RAMS specifically for dormice, red squirrel and brown hare.	As these species are considered absent from the site, the measures detailed in the CEMP are considered sufficient.

Yours sincerely




 CEcol MCIEEM

Associate

For and on behalf of Tetra Tech Limited



 CEcol CEnv MCIEEM

Director

For and on behalf of Tetra Tech Limited