

Planning Act 2008

**Application by Rosefield Energyfarm Limited for an order
granting development consent for the Rosefield Solar Farm**

(EN010158)

COMMENTS ON APPLICANT'S RESPONSE TO CSAG's

WRITTEN REPRESENTATIONS

on behalf of the

Claydons Solar Action Group (CSAG)

Claydons Solar Action Group

APPLICANT'S RESPONSE TO CSAG D/L2 SUBMISSIONS

1. CSAG has reviewed the Applicant's responses to our WR (REP2-086) but does not propose to answer every point because, on the majority of matters, the Applicant has stated that it disagrees with our case and referred the ExA back to the documents already critiqued in CSAG's WR.
2. CSAG stands by its WR and does not consider that its central concerns have been addressed. It is disappointing that the Applicant is not prepared to make any amendments to the scheme to address the issues raised by the Action Group.
3. CSAG provided a draft Statement of Common Ground setting out areas of agreement and disagreement and will work with the Applicant to narrow the areas of disagreement where possible. However, the Action Group has limited resources and cannot justify instructing experts to engage in protracted discussions that will not result in amendments to the scheme to address the significant adverse impacts identified by CSAG.
4. The section below provides comment on the Applicant's responses, where it appears to have misunderstood or misrepresented CSAG's case or where there is a point requiring a response/clarification.

SITE SELECTION/ASSESSMENT OF ALTERNATIVES

5. The Applicant has made a number of comments in response to CSAG's WR consideration of the approach to site selection and assessment of alternatives.
6. At 1.1.2, the Applicant says that it *"does not consider that the assessment of alternatives ought to carry weight in the overall planning balance....because, in accordance with Paragraph 4.3.24 of NPS EN-1 (2023), the SoS (SoS) "should not refuse an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site, and should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals"*. Furthermore

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paragraph 4.3.9 of NPS EN-1 recognises that a proposed project does not have to demonstrate that it is the best option but rather that it is acceptable under the provisions of the relevant policy. As in recent Examining Authority Reports of Findings and Conclusions and Recommendation to the SoS, the planning balance should be framed against the need of the Proposed Development, the effects (beneficial and adverse) concluded within the ES, any other material considerations and the relevant legislative test(s); such as compulsory acquisition.”

7. The Applicant appears to have misunderstood CSAG’s central point, which is that the Applicant’s failure to consider any other site means that the first stage of the mitigation hierarchy was bypassed. This is not simply a material consideration to which weight may be attached in the planning balance, but a clear conflict with the National Policy Statements for energy.

8. Paragraph 4.1.5 of EN-1 expressly requires:

“In considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account:

...

- its potential adverse impacts, including on the environment, and including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy”.*

9. Paragraph 4.2.10 says:

“Applicants for CNP infrastructure must continue to show how their application meets the requirements in this NPS and the relevant technology specific NPS, applying the mitigation hierarchy, as well as any other legal and regulatory requirements.”

10. Paragraph 4.2.11 says:

“Applicants must apply the mitigation hierarchy and demonstrate that it has been applied. They should also seek the advice of the appropriate SNCB or other relevant statutory body when undertaking this process. Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated.”

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11. EN-3 says at 2.1.8:

*“Early application of the mitigation hierarchy is strongly encouraged, as is engagement with key stakeholders including SNCBs, **both before and at the formal pre-application stage.**”* (Our emphasis)

12. The Applicant’s failure to consider alternative sites meant that it simply did not ask itself whether it could avoid impacts on the Bechstein bat population or the proposed SSSI by identifying a less sensitive site. Nor did the Applicant consider sites/land that would have avoided disruption to TCS Biosciences/Preston Farms. In each case, it jumped directly to the ensuing stages of the hierarchy – mitigation, reduction and compensation.

13. Having failed to follow the mitigation hierarchy the Appellant cannot claim that the adverse impacts of the proposed scheme are truly residual and cannot, therefore, draw upon the presumption in paragraph 4.2.15 that *“Where residual non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure.”*

14. Paragraph 4.3.24 of NPS EN-1 cited by the Applicant refers to *“suitable sites.”* It is CSAG’s view, as set out in the WR, that the Order Limits do not constitute a suitable site. The Applicant has not only failed to consider any other suitable site, it has not considered any other site at all.

15. The Applicant has also disregarded the requirements in **The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017** to consider alternatives.

16. Regulation 14 2 (d) requires:

“a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment;”

17. *Schedule 4 2. of the Regulations require:*

18. *“A description of the reasonable alternatives (for example in terms of development design, technology, **location, size and scale**) studied by the developer, which are*

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*relevant to the proposed project and its specific characteristics, and an indication of the **main reasons for selecting the chosen option, including a comparison of the environmental effects.***" (Our emphasis)

19. In CSAG's view, the Applicant's site selection approach and consideration of alternatives is not compliant with the requirements of the EIA Regulations.

TOPOGRAPHY

20. At 1.1.20 the Applicant has responded to CSAG's comments on the failure to consider the topography of the site in the selection process, as follows:

"Sloping land is useful for solar generation and there is flexibility within the fixed parameters to make adjustments at the detailed design stage to account for the topography e.g. the spacing between the rows of the solar PV panels to account for the angle of the sun and inter row shading."

21. CSAG's comment was made in the light of EN-3's guidance on site selection at 2.10.9, which says:

"Irradiance will be a key consideration for the applicant in identifying a potential site as the amount of electricity generated on site is directly affected by irradiance levels. Irradiance of a site will in turn be affected by surrounding topography, with an uncovered or exposed site of good elevation and favourable south-facing aspect more likely to increase year-round irradiance levels. This in turn affects the carbon emission savings and the commercial viability of the site."

22. The Applicant had cited irradiance, essentially resulting from the site's location in the south of the country, as a reason for site selection, but the remainder of the EN-3 paragraph was disregarded: the slopes of the areas proposed for solar pv arrays are largely north facing and many of the fields, in particular B6, B7, B8, B9 and B10 are surrounded by high overgrown hedges and trees, which will give rise to significant overshadowing.

23. The Applicant's response acknowledges that adjustments will be required to account for the topography of the site, including increasing the spacing between arrays,

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indicating that more land take is required than would be the case had the Applicant selected an exposed south-facing site in accordance with EN-3.

24. Having failed to consider topography at all in the site selection process, the Applicant is now proposing mitigation, which will be addressed only at the detailed design stage.
25. And having not considered any other site, the Applicant has not shown that there were no more suitable sites available, which better corresponded with the site selection guidance in EN-3.

CONNECTION AGREEMENT

26. At 1.1 22, the Applicant says it *“disagrees with the statement that it is wrong to suggest that a network connection is the starting point for the Site selection process.”*
27. This is a misinterpretation of CSAG’s WR. The Applicant asserted in the Site Selection Report (Appendix 1 to the Planning Statement (APP-037)) that *“NPS EN-3, paragraphs 2.10.23 – 2.10.25, establishes that the starting point for the site selection process can be determined by the availability of a nearby suitable connection to transmission network”*
28. CSAG pointed out that EN-3 does not say grid connection should be the starting point in site selection. The Applicant’s response does not now seek to assert that EN-3 says this, instead acknowledging that it was the Applicant’s decision to set the grid connection as the starting (and end) point for its selection process.

TRANSPORT

29. Paragraph Refs. 11.1.3, 11.1.27, 11.1.42
30. The Applicant disagrees with CSAG’s comment in the WR that cumulative impacts on the transport network have not been adequately considered. CSAG remains of the view that they have not.
31. Table 17.2 (p13) of (REP2-037) states that projects generating >10% increases in traffic flows during construction or operation would be considered for intra-project impacts. However, the applicant has restricted this threshold to roads designated for

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construction traffic and residential receptors within 250m of the OL. In Table 17.6 the Applicant has failed to consider impacts on the wider road network, including Botolph and East Claydon and roads linking them.

32. For inter-project interactions (p99), the Applicant assumes minimal interaction with the National Grid substation project because it would use a different construction route. The Statera and Statkraft and BESS proposals do not feature in considerations of inter-project transport effects although the impacts on the wider network would be considerable. As noted in CSAG's WR (REP1-128), the communities of the area surrounding the Order Limits have already suffered years of disruption from HS2, EWR and before that construction of the Greatmoor Energy from Waste plant.
33. Only HS2 and the Grendon Prison are considered to have potential for cumulative effects (17.7.102).
34. At 11.1.26, the Applicant's response to CSAG's concerns about impacts on pedestrians, cyclists and equestrians using the construction route is that non-motorised users have been assessed in **APP-058**. However, there are only two general references to cyclists at 15.6.16 and Table 15.14 (p29).
35. CSAG has not seen any information from the Applicant about the numbers of pedestrians, cyclists and equestrians using the local roads.
36. The Applicant responded at 11.1.38 to CSAG's query as to whether Three Points Lane would be used for construction traffic, saying "*construction traffic only crosses Three Points Lane.*" However, there is no confirmation that traffic serving the project will not access the site from Calvert Road.

CSAG MAY 2026

BIOSCAN UK LIMITED FOR CSAG

DEADLINE 3 – COMMENTS ON APPLICANT’S RESPONSES TO CSAG WRITTEN REPRESENTATION (TABLE 2-1 OF [REP2-086](#))

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant’s response (REP2-086)	CSAG further response at D3
2.1.2 (pdf p38)	<p>Responding to CSAG WR page 63, Row 3 and Page 84, Para. 2.</p> <p>(Aggregation of wintering birds into a single receptor)</p>	<p>Aggregating bird species into broad receptor groups and relying on limited mitigation measures (such as field-margin seed mixes) means the Environmental Statement masks impacts on bird species and reaches an untenable conclusion of non-significant residual effects despite the Applicant’s own wintering bird survey findings.</p>	<p>The full detailed assessment of the potential impacts wintering and breeding birds is detailed in ES Volume 2, Chapter 7: Biodiversity [EN010158/APP/6.2.3].</p> <p>The Applicant has grouped certain species together such as wintering and breeding species as well as those protected under Schedule 1 of the Wildlife and Countryside Act to understand more fully the predicted impacts. Assessing each species individually would not provide additional clarity as the likely impacts would be similar nor would it change the mitigation proposals. A whole suite of mitigation measures has been proposed including retention of woodland and hedgerow</p>	<p>The Applicant’s ‘lumping’ approach <i>hinders</i> understanding of the impacts on certain wintering bird species of high conservation concern and the Applicant’s suggestion that assessing each such species individually “<i>would not provide additional clarity as the likely impacts would be similar nor would it change the mitigation proposals</i>” is simply misconceived.</p> <p>While grouping species with similar ecological requirements and tolerances (e.g. species that nest in hedgerows) together might be defensible, it is nonsensical to suggest that greater clarity as to type, level and significance of impact would not be achieved by considering key species independently. To suggest otherwise is tantamount to suggesting that Bechstein’s and</p>

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
			<p>habitat, provision of open ground for ground nesting species, winter seed provision and improving invertebrate biodiversity within fields containing panels. The full suite of mitigation is outlined and secured by the Outline LEMP [EN010158/APP/7.6.3] and Design Commitments [EN010158/APP/5.9.4].</p>	<p>barbastelle should be considered no different from noctule and pipistrelle when assessing the potential impacts of this project on bats.</p> <p>The proposed permanent grassland quantum is not sufficient to accommodate the likely displaced population of breeding skylark and other open country species such as wintering lapwing and golden plover, and in some cases (e.g. Field D27) has physical characteristics likely to preclude the latter. At ISH1 the Applicant accepted that there may be displacement of lapwing and golden plover but contended that surrounding farmland would accommodate such displacement – an unevidenced position and one that fails to take into account the cumulative effects of other local schemes.</p> <p>Note also that Parcel 3 has not been surveyed for wintering birds since 2021/22. It was recommended that this</p>

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
				be done in APP-097 (para 6.1.4) but it has not been.
2.1.3 (pdf p38)	Responding to CSAG WR Page 64, Row 2. (Arable plants)	Ongoing concern with the Applicant's survey coverage of arable plants: CSAG remains unconvinced that the baseline for this species group has been robustly documented, let alone sufficiently characterised to allow for the scoping out of effects on this receptor.	Survey for notable arable plants was undertaken at the appropriate time of year by an experienced botanist with Field Identification Skills Certificate (FISC) level 4, and the list of species recorded is a true reflection of what surveyors recorded on-site. Also, it was noted a lot of arable margins had been grassed down and that the interface between grass margins and arable crops was often 'clean'; indicating herbicide use, both actions reducing the potential for scarce arable weeds to be present. A lack of notable arable plants recorded does not mean that a thorough consideration was not given, rather that these species were not present.	CSAG remains unconvinced that sufficient coverage of this species group has been exercised in the EIA. On a very restricted walkover survey of parts of Parcels 2 and 3 using PRoW in April 2026, Bioscan noted arable plant species more worthy of mention than any of those cited in the Applicant's ES, including cut-leaved and henbit dead nettle. Neither species is any more than locally uncommon, but this is merely a snapshot from limited access. Surveys for this species group strongly appear to have been no more than targeted follow-ups from the results of the UKHab surveys, but as has been noted elsewhere and discussed in ISH1, the UKHab surveys have failed to map a significant proportion of field edge habitats and margins.
2.1.4 (p.38)	Responding to CSAG WR Page 65, Row 2.	A consistent pattern of approach by the applicant is again revealed in the comments in this row of Table	ES Volume 2, Chapter 7: Biodiversity [EN010158/APP/6.2.3] has fully acknowledged the importance of these	The Applicant's response is interesting in that it demonstrates that the Applicant <u>has</u> elected to disaggregate

Ref (Table 2-1 of REP2- 086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
	(barn owl, red kite, hobby)	7.3, which is to attempt to scope out or otherwise play down potential significant effects on relevant receptors on the basis of scant or inadequate information, unless and until challenged or directed otherwise by evidence from third parties or (in this case) by comments from the Planning Inspectorate. This is a non-precautionary approach to assessment and one that does not accord with best practice. The Examining Inspectors are asked to note what it says of the approach to EIA in this case.	Schedule 1 species, reflected by characterising them as a separate receptor in their own right from other birds, and has fully assessed all potential impacts that could occur to these species as a result of the Proposed Development for all three phases (construction, operation (including maintenance) and decommissioning). Appropriate embedded and additional mitigation to safeguard and protect these species is clearly detailed within and secured by the Outline CEMP [EN010158/APP/7.2.3], Outline OEMP [EN010158/APP/7.3.3] and Outline DEMP [EN010158/APP/7.4.3]. Therefore, the Applicant is confident that taking into account all of the above there will be no residual significant impacts to these species.	Schedule 1 species from the lumped breeding or wintering birds receptors, while at the same time arguing against doing so for other bird species of high conservation status and/or concern. This is inconsistent, ecologically nonsensical and results in the masking of displacement impacts on receptors of high conservation concern and Species of Principal Importance.
2.1.5 (p.38)	Responding to CSAG WR Page 65, Row 3 and Page 85, Para. 3	Fish and aquatic invertebrates ought to have been scoped into the assessment and the decision to scope these receptors out is non precautionary and flawed, particularly so with the	As detailed within ES Volume 2, Chapter 7: Biodiversity [EN010158/APP/6.2.3] Table 7.4, these receptors were not specifically included for consideration within ES Volume 4, Appendix 5.1: EIA Scoping	The statement that <i>"there will be a minimum 10m offset buffer from all ponds, ditches and watercourses"</i> is demonstrably incorrect as the Claydon Brook will be subject to crossings and the construction of discharge outfalls. These heighten the scope for impacts

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
		proximity of the BESS to the Claydon Brook and that otter and water vole have been scoped in.	Report [EN010158/APP/6.4] [APP-079], because no ponds, ditches or watercourses will be lost to the Proposed Development. There will be a minimum 10m offset buffer from all ponds, ditches and watercourses, as detailed and secured within the Design Commitments [EN010158/APP/5.9.4]. Mitigation measures to protect watercourses (e.g. from pollution) are detailed in and secured by the Outline CEMP [EN010158/APP/7.2.3], Outline OEMP [EN010158/APP/7.3.3] and Outline DEMP [EN010158/APP/7.4.3]. Aquatic invertebrate and fish species are therefore considered unlikely to be affected during construction, operation (including maintenance) or decommissioning and have been scoped out of the assessment.	on water quality, fish and aquatic invertebrates. This matter was touched upon at ISH1 and the Applicant was challenged on how it could determine the sensitivity of the Claydon Brook as a receptor without baseline information on any of these factors (and by extension how it could arrive at a robust impact assessment, noting that there was inconsistency in the applicant's position on impacts on water quality at the hearing in any event). At present, the decision to scope out fish and aquatic invertebrates remains a flaw of the ES. We await the Applicant's response on these matters at D3.
2.1.6 (p.38 & 39)	Responding to CSAG WR Page 65, Row 4 and Page 85, Para. 3	Comment noting that scoping brown hare out of the assessment is also unjustified and that the Applicant's assumption that suitable fencing will mitigate displacement effects on-site is not sufficient in the	Brown hare were scoped out of the ecological assessment within ES Volume 2, Chapter 7: Biodiversity [EN010158/APP/6.2.3] as no significant impact pathways were identified. Fencing would be on the inside of each field with sizeable buffers from hedgerows and	The assessment remains predicated on unsupported premises, conjecture and no substantive or peer reviewed evidence.

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
		absence of robust evidence.	woodland which would enable wildlife such as hares to move between fields across the wider landscape. In addition, fencing would not be buried so smaller mammals such as hares would be able to push underneath the fencing at low points to access fields to forage. The mitigation proposed within the Outline LEMP [EN010158/APP/7.6.3] including large areas of planting and grassland creation, to address the impacts of the Proposed Development on hares is robust and sufficient to address the issue of potential displacement and ensure connectivity, enabling species to move across the landscape. In addition, based on anecdotal experience of solar farms in the Bristol vale, it's apparent that hares, badgers and muntjac deer do push under the fence, often adjacent to carefully sited mammal gates.	
2.1.7 (pdf page 39)	Responding to CSAG WR Page 66, Row 2 and	CSAG noted that it is highly unlikely that the Applicant has not been able to identify any priority arable field margin habitats	There is a confusion between arable margins and margins supporting scarce arable weeds. The	There is no such confusion – it is the Applicant that appears confused as to what constitutes Priority arable field margins. The CSAG comment relates to

Ref (Table 2-1 of REP2- 086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
	Page 79, Row 2 and Page 85, Para. 2.	across the Order Limits, raising concern with the rigour of the baseline surveys and the ability to draw an accurate BNG calculation.	majority of the arable fields have sown grass margins supporting a moderately diverse assemblage of meadow plants such as common knapweed but no scarce arable weeds were identified as presented within ES Volume 4, Appendix 7.7: Preliminary Ecological Appraisal (2025) [EN010158/APP/6.4] [APP-093] Survey efforts for notable arable plants were undertaken at the appropriate time of year by an experienced botanist with Field Identification Skills Certificate (FISC) level 4, and the list of species recorded is a true reflection of what surveyors recorded on site. It was noted a lot of arable margins had been grassed down and that the interface between grass margins and arable crops was often clean indicating herbicide use, both actions reducing the potential for scarce arable weeds to be present. A lack of notable arable plants recorded does not mean that a thorough consideration was	the Priority Habitat type, as defined by the JNCC ¹ , and which specifically includes field margin habitats that are present within the proposed Order Limits including cultivated, low-input margins, wild bird seed margins, flowery/legume-rich margins and permanent tussocky grass strips. Bioscan have seen examples of all of these across the Order Limits and yet none are registered in the ES. Many are not mapped or acknowledged in the ES at all. Whether these do or do not harbour scarce arable weeds is irrelevant to their Priority status. Bioscan have also noted that many field margin habitats are not recognised or mapped in the Applicant's habitat surveys, despite being significantly in excess of the applicable 'minimum mapping unit' in UKHab methodology, and have thus been left out of account. This also undermines the applicant's BNG calculations.

¹ <https://data.jncc.gov.uk/data/529a621b-e1a6-4283-ba82-408744d079b4/UKBAP-BAPHabitats-02-ArableFieldMargins.pdf>

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
			not given, rather that these species weren't present and therefore could not be recorded.	
2.1.8 (pdf page 39)	Response to CSAG WR Page 67, Row 2	The Applicant's breeding bird surveys are regarded as significantly underestimating the number of territories across the Order Limits. CSAGs own walkover suggests a skylark breeding population that may double that of the Applicant's figures.	The Applicant does not agree that the survey results have underestimated the number of ground and other nesting birds. Instead, the Applicant has based the mitigation requirement on the number of birds observed. As presented in the Outline LEMP [EN010158/APP/7.6.3] paragraphs 5.5.22 to 4.5.25 it is estimated that there were 67 skylark territories (used as a proxy for all ground nesting species) across the area subject to breeding bird survey (473ha) but the actual area to be occupied by solar PV is only 279ha and it is estimated that this area supports 37 breeding pairs. Therefore, mitigation is based on the requirement to mitigate for 37 breeding pairs. It is considered that with appropriate management, the carrying capacity of the areas set aside for ground nesting bird mitigation (95ha) would support a greater carrying capacity of nesting pairs than the current arable	CSAG remains unconvinced (including on the experience from Bioscan walkovers) that the territory estimate for skylark advanced by the Applicant is representative of the population set to be displaced. By extension, this means that even taking an optimistic view of the success of the new grassland areas, there is insufficient mitigation (even disregarding the incongruity between the applicant's statements around grazing and default to mowing, and the delivery of optimum habitat, and its failure to account for existing carrying capacity). Bioscan further notes that the use of skylark territories as a 'proxy' for all ground nesters is a flawed approach, and that a robust ES would have estimated the number of other ground nesters (including other birds of conservation concern such as lapwing,

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
			farmland. Finally, as indicated in the Outline LEMP [EN010158/APP/7.6.3] provision of ground nesting habitat is only one of a suite of measures designed to benefit nesting birds which include increasing the availability of insect prey during the summer months as well as provision of a source of winter seed.	meadow pipit, grey partridge) and made assessments based on their species-specific requirements rather than resorting to proxies.
2.1.9 (pdf p.39)	Response to CSAG WR Page 68, Row 2 and 3	The Applicant's inference that in-field habitats are of low value to bats is unsound, as in-field detectors inherently record less activity due to limited sampling coverage, making direct comparison with hedgerow detectors unreliable and biased. Further comment noting that higher recorded hedgerow activity risks misrepresenting bat usage of grazed fields.	In order to further the evidence base of how bats, particularly Bechstein's, use the woodland and arable land within and adjacent to the Proposed Development, the Applicant has already undertaken additional studies which were submitted at Deadline 1 (see Bat Technical Study [EN010158/APP/8.5] [REP1-105]). The limitations raised are noted.	CSAG/Bioscan's response to the Bat Technical Study is set out in REP2-102 page 8 <i>et seq.</i> In summary, the justifications presented in that report do not allay the concern and a precautionary approach remains justified, and is not what has been taken by the Applicant. It is noted that Natural England and Bucks Council share CSAGs concerns.
2.1.10 (pdf p.40)	Response to CSAG WR Page 69, Row 1 and Page 78, Row 2	Questioning the Applicant's conclusion that Barbastelle and Leisler's bats are of no more than district and local importance respectively.	The valuation of bats is in line with the Bat Mitigation Guidelines, and is based on multiple years of survey work carried out for HS2 as well as that carried out for the Proposed	Barbastelle and Leisler's are scarce or rare species in Buckinghamshire and the justifications provided by the Applicant do not align with that status. The Applicant appears to seek to rely

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
		Further comment raising concern with the lack of precaution taken by the Applicant and failure to adhere to mitigation hierarchy.	Development. Table 7.6 within ES Volume 2, Chapter 7: Biodiversity [EN010158/APP/6.2.3] sets out how the mitigation hierarchy has been applied primarily by avoiding key habitat such as woodland and the majority of hedgerows.	<p>upon unpublished surveys carried out for HS2 to justify its position – the failure to offer up any such evidence for scrutiny being a continuing theme (as was discussed at ISH1). However, and in any event, if those surveys show a significant population locus for these species in the Bernwood area, that still does not equate to a diminution from county-important status to only district and local importance. These evaluations remain unjustified and inherently challengeable.</p> <p>The comment about lack of precaution relates to the putative or emerging Bernwood SSSI, which was discussed at ISH1 and which the applicant appears to have made little effort to avoid or respect in its design decision-making.</p>
2.1.11 (pdf p.40)	Response to CSAG WR Page 69, Row 2 and Page 70, Row 2 and Page 74,	Comment noting that sparse paired-detector and static-detector coverage cannot support the Applicant's suggestion that in-field bat use is negligible. Further	In order to further the evidence base of how bats, particularly Bechstein's, use the woodland and arable land within and adjacent to the Proposed Development, the Applicant has already	CSAG/Bioscan's response to the Bat Technical Study is set out in REP2-102 page 8 <i>et seq</i> . In summary, the justifications presented there do not allay the concern and a precautionary approach remains justified, but is not

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
	Row 3 and Pages 75 and 76 and Page 80, Rows 1 and 2 and Page 81, Row 3 and Page 83, Para. 4.	comment that key questions about connectivity between important woodlands remain unanswered and that this reinforces concerns about the Applicant's non-precautionary approach to placing solar PV within Bechstein's and barbastele core sustenance zones and home ranges.	undertaken additional studies which were submitted at Deadline 1 (see Bat Technical Study [EN010158/APP/8.5] [REP1-105]). The Applicant disagrees that a non-precautionary approach has been undertaken, and panels have been removed to provide additional mitigation. The mitigation has been designed on a landscape-scale ensuring that commuting is protected and foraging is improved compared to the current situation.	what has been taken by the Applicant. It is noted that Natural England and Bucks Council share CSAGs concerns.
2.1.12 (pdf p.40)	Response to CSAG WR Page 77 and 78, Row 3	The Applicant's review of polarised light effects on invertebrate prey is shaped by 'could' 'might' and 'may' terminology which reflects the uncertainty of this impact. Further comment noting that such uncertainty should drive a greater precautionary approach. It is recognised that anti-reflective coatings on panels may act as a form of mitigation, but no	The Solar PV modules would be bifacial with an anti-reflective coating, to reduce light polarisation impacts and thereby reduce the impact on invertebrate species, detailed within and secured by the Design Commitments [EN010158/APP/5.9.4]. ES Volume 2, Chapter 7: Biodiversity [EN010158/APP/6.2.3] has not identified any significant effects on invertebrate	The commitment to anti-reflective coatings is welcomed. However, the uncertainties about the impact of polarised light on invertebrates remain and are of relevance here given that invertebrates are one of the interest features underpinning the proposed Bernwood SSSI designation.

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
		commitment is made to adopt such mitigation.	species, taking into account available literature. Please refer to Applicant's Response to Relevant Representations [EN010158/APP/8.3] [PDA-006] RR-026 page 33 for further detail on this point.	
2.1.13 (pdf p.40)	Response to CSAG WR Page 69, Row 2 and Page 70, Row 1 and Page 70, Row 2	Comment noting that survey coverage across individual parcels (and along cable corridors) would be considered inadequate if assessed as standalone sites, meaning that potentially significant bat and bird impacts have not been evaluated within the Environmental Statement.	As previously stated within ES Volume 2, Chapter 7: Biodiversity [EN010158/APP/6.2.3], the habitats present within the Cable Corridors are in no way any more remarkable than the habitats present within the Parcels where other infrastructure is proposed to be sited, therefore the Applicant is confident that potential impacts on bats and birds can be robustly determined based on the studies that have been carried out across the rest of the site. Construction works undertaken within the Cable Corridors will be short term and temporary, with mitigation detailed within Outline CEMP [EN010158/APP/7.2.3] considered more than sufficient to mitigate any	Even for temporary impacts, this sort of extrapolative assessment (using survey information gained on one parcel of land as a proxy for another) is far short of best practice, risks omitting significant receptors*, and indicates a lack of rigour in the assessment. (*for example, if a significant bat roost was present in a cable routing corridor and/or a scarce breeding bird, this would change the sensitivity and the type level and significance of potential impacts for that area of land. The temporary nature of the impacts is noted, but (for comparison) it would not be an acceptable approach to EIA to survey the first few fields of a pipeline installation project and surmise that the rest did not then need surveying).

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
			<p>potential impacts that may occur during this short duration of works. The Cable Corridor areas will be returned to current use following completion of works and therefore the areas of land will be once again able to be used by these species as is currently used.</p>	
2.1.14 (pdf p.40-41)	Response to CSAG WR Page 71, Row 1 and Page 84, Para. 2	<p>Comment noting that the Applicant overlooks clear evidence that skylark, lapwing, golden plover and other open-country birds are displaced by solar PV and still downplays impacts on these species. Further comment noting that this has resulted in an inadequate assessment and a failure to apply the mitigation hierarchy to the benefit of these receptors.</p>	<p>The Applicant in no way has downplayed the potential displacement of open country birds by Solar PV modules. It should be noted that golden plover and lapwing were recorded during the winter months only, when the UK receives a large number of wintering species from the continent. During the winter these two species are wide ranging and often use fields for a limited number of days only. Given the extent of grassland, winter stubble and ploughed fields available across the UK during the winter months, displacement of these species from the local vicinity due to the placement of solar panels would not result in a significant effect nor would it be</p>	<p>The Applicant's response is helpful insofar as it confirms that no specific mitigation provision for displaced lapwing and golden plover is included within the scheme and the impact of displacement is simply assumed to be accommodated elsewhere (which itself neglects to consider the cumulative impacts of other local projects).</p> <p>The applicant's fall-back suggestion that grassland fields intended as mitigation for skylark and other ground nesters will provide habitat for these species disregards topographical and other factors which render such provision largely unsuitable.</p>

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
			likely to limit or reduce the number of these species that overwinter in the UK. Breeding skylark will certainly be displaced and the Outline LEMP [EN010158/APP/7.6.3] has identified a suite of mitigation measures to address this. In addition to the above the 95ha set aside for skylark and other ground nesting birds will also provide additional habitat for wintering lapwing and golden plover.	As discussed at ISH1 the numbers of lapwing and golden plover recorded in the Applicant's surveys achieve county significant levels and therefore there is the risk of a county-significant impact here that has gone unassessed in the applicant's EIA.
2.1.15 (pdf p.41)	Response to CSAG WR Page 73, Row 2 and Page 79, Row 4 and Page 84, Para. 2	The Applicant aggregates displaced wintering species under a generic 'wintering birds' receptor group and then relies on compensatory habitat creation that will only favour some species. Further comment noting that this leaves important receptors outside of the ES and leads to inadequate compensation measures for wintering lapwing, golden plover and associated raptors and owls.	The full detailed assessment of the potential impacts wintering and breeding birds ES Volume 2, Chapter 7: Biodiversity [EN010158/APP/6.2.3]. The Applicant has grouped certain species together such as wintering and breeding species as well as those protected under Schedule 1 of the Wildlife and Countryside Act to understand more fully the predicted impacts. Assessing each species individually would not provide additional clarity as the likely impacts would be similar. As outlined above, wintering species are highly	The Applicant's response provides no answer to the concern. The effect on EIA robustness of aggregating species with very different ecological requirements into 'lumped' receptors is self-evidently to mask or lose clarity and understanding, not to enhance it. The comments made about woodland and hedgerow retention and provision of winter seed sources self-evidently relate to woodland and hedgerow birds and seed-eaters. Not species of wide open and uncluttered spaces that feed on soil invertebrates such as lapwing and golden plover.

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
			mobile, moving regularly in search of food. Retention of all woodland habitat and the majority of the hedgerow network and associated buffers maintain the food resource that many wintering birds rely on whilst the provision of open ground habitat as discussed in the row above together with additional provision of a source of winter seed will maintain conditions for wintering birds. The full suite of mitigation is outlined and secured by the Outline LEMP EN010158/APP/7.6.3].	
2.1.16 (pdf p.41)	Response to CSAG WR Page 74, Row 2	Comment noting that while the Applicant's assessment emphasises barbastelle bat hedgerow use, it fails to explain why they commute into the Order Limits along hedgerows. Further comment noting such bats are likely to forage in woodlands, hedgerows and also in field margins and grazed pasture.	Barbastelle use linear features such as hedgerows for commuting and foraging but will also be using a variety of resources within their large Core Sustainance Zone as the seasons change and different resources are available in different places. They can use open areas for foraging, but the value of arable crops tends to be limited due to their management and (usually) use of pesticides. The mitigation for the Proposed Development has been	The Applicant's positive assessments as regards impact on bats species (including barbastelle) are predicated on an assumption that grazing will be delivered to a level at least comparable to current levels, however (as was heard at ISH1), the applicant is not prepared to commit to this, and reserves the right to default to mowing management which it acknowledges is less optimal. This raises concerns about the premises that the ES has been

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
			<p>designed on a landscape-scale ensuring that commuting is protected and foraging is improved compared to the current situation. Therefore, as outlined within Outline LEMP [EN010158/APP/7.6.3] the retention of all woodland habitat, the majority of hedgerows and the provision of wide buffers along these features together with sensitive long term management will actively protect and safeguard those features that foraging bats use and result in an overall betterment.</p>	<p>based on (which appear optimistic, rather than precautionary/worst case) and also casts the comments made here around barbastelle into the same light.</p>
2.1.17 (pdf p.41)	Response to CSAG WR Page 74, Row 4	Comment noting it is not clear why the Applicant's scopes out operation (including maintenance) phase effects on wintering birds.	<p>The Applicant has provided an assessment for potential impacts to wintering birds during the operation (including maintenance) phase of the development within ES Volume 2, Chapter 7: Biodiversity [EN010158/APP/6.2.3] at paragraphs 7.8.103-7.8.106 and 7.10.127-7.10.130. It should be recognised that during the operation (including maintenance) phase, solar development</p>	<p>CSAG notes that there appears to be a typo in the ES Chapter 7 and that the first few words of para 7.8.103 were evidently intended to be a sub-heading, not part of the text of that paragraph. Matter clarified.</p>

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
			<p>is relatively passive with maintenance activities being limited and with the retention of habitat features such as woodland and hedgerow and other measures outlined in the Outline LEMP</p> <p>[EN010158/APP/7.6.3] no significant impacts on wintering birds are anticipated.</p>	
2.1.18 (pdf p.41-42)	Response to CSAG WR Page 77, Row 2	<p>Comment noting that evidence referenced by the Applicant in the Biodiversity Chapter provides an assumption that over 25% of Bechstein's bat foraging activities take place in non-woodland habitats which, when taken together with the Applicant's surveys, gives limited confidence that open fields within the Order Limits are unimportant to this species.</p>	<p>The Applicant is in agreement that open non-woodland habitats are clearly important for Bechstein's bats. Hence, as outlined within the Outline LEMP [EN010158/APP/7.6.3] the Applicant has identified areas for the creation of grassland without Solar PV modules linked by commuting corridors comprising wide buffers around hedgerows and woodland to enable bats to move around the landscape and find open areas to forage. The mitigation has been designed on a landscape-scale ensuring that commuting is protected and foraging is improved compared to the current situation. It should also be noted that large parts of the Order Limits, such as the Cable</p>	<p>CSAG welcome the Applicant's clarification that it recognises that open non-woodland habitats are clearly important for Bechstein's bats.</p> <p>CSAG continues to query why the Applicant is determined to place PV arrays in fields that a precautionary approach would dictate ought to be retained as grazing (e.g. B6, B7, B8) and enhanced (per the requests of Natural England and Bucks Council, as well as CSAG) and notes that the Applicant has still provided no project justification for that position.</p>

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
			Corridors will be returned to arable farmland following short term temporary impacts (with mitigation measures provided within the Outline CEMP [EN010158/APP/7.2.3] to offset these temporary impacts) and will also be available for bats to use for foraging as they do currently.	CSAG further queries whether the Applicant's assessment that bat foraging will be improved is predicated on future grazing of the totality of grasslands? Or if only some then what proportion? Or whether it is contending that a net or wholesale loss of grazing across the Order Limits would still deliver a net positive result for Bechstein's and other bat species?
2.1.19 (pdf page 42)	Response to CSAG WR Page 77, Row 2.	Comment noting that there can be no confidence in the Applicant's cumulative assessment statement with regard for the unmitigated impacts of the Proposed Development in combination with those other local projects within the core sustenance zone of Bechstein's and/or barbastelle bats.	The Applicant does not agree with the statement that the Proposed Development is unmitigated. The Proposed Development has been thoroughly designed to include sufficient mitigation for bats and ground-nesting birds, retaining key habitat features and mitigation enabling continued use of the landscape as presented in the Outline LEMP [EN010158/APP/7.6.3]. A detailed cumulative assessment has been undertaken for biodiversity and is detailed in ES Volume 2, Chapter 17: Cumulative Effects [EN010158/APP/6.2.3].	The applicant has accepted residual net displacement effects on lapwing and golden plover that will or may not be mitigated by the provision being made for ground nesting birds. There is thus a residual unmitigated impact on these receptors which could act in combination with any similar displacement from farmland arising from other local projects. This has not been assessed. As above, CSAG also requests clarification as to whether the Applicant's assessment that all impacts on bats will be mitigated is predicated

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
				on future grazing of the totality of grasslands, if only some then what proportion, or whether it is contending that a net or wholesale loss of grazing across the Order Limits would still deliver a neutral or net positive result for bat species, including Bechstein's.
2.1.20 (pdf p. 42)	Response to CSAG Appendix (Pages 67 - 74)	Appendix 'Natural England's Technical Information Note TIN066' was included within the CSAG WR raising issues of the practicality of delivering species rich grassland on ex-intensive arable land.	The Applicant acknowledges the Technical Information Note submitted as an Appendix to CSAGs WR and confirms that ES Volume 2, Chapter 7: Biodiversity [EN010158/APP/6.2.3] has given regard to this. The Outline LEMP [EN010158/APP/7.6.3] has taken account of the potential challenges with creating grassland on former arable, for example high nutrient status and the habitat creation proposals and management prescriptions advocated are considered pragmatic and deliverable.	CSAG requests clarification as to whether the Applicant's assertion that the habitat creation proposals and management prescriptions advocated for grassland are considered pragmatic and deliverable is predicated on future grazing of the totality of grasslands, if only some then what proportion, or whether it is contending that a net or wholesale loss of grazing across the Order Limits would still deliver the same results.
2.1.22 &	Response to CSAG WR page 61, row 3 (and	Concern about measuring hedgerow buffers from centreline	Measurements for hedgerow buffer are taken from hedgerow centrelines with the measurement being offset either side	The Applicant's justifications for this approach in its responses to CSAG, NE and BBOWT are not logical or tenable.

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
2.1.26 & 2.1.30	Natural England WR page 8 and BBOWT WR p.1)	and about width/adequacy of buffers generally	<p>from centre line of hedgerows within the Order Limits. This is the most consistent and accurate way to measure buffers from a fixed point (as well as being realistic/achievable on-site), which maintains the intended ecological buffer. The request for 'an extra two metres' does not take into account the distance between the security fence and first row of panels and is not evidence-based. In addition, measuring a buffer from the outer edge of a hedge provides a disincentive to relax future management and allow hedges to grow outwards and mature (as the Applicant has advocated) as it could be argued that this reduces the width of the buffer which would require constant adjustment during the operation (including maintenance) phase and is therefore untenable.</p> <p>In response to BBOWT, the Applicant states that "in addition to the 10m offsets from the majority of hedgerows (the offset is greater in some locations below) there is also a 5m buffer from the edge of</p>	<p>As discussed at ISH1 the effect of the Applicant's approach is to disregard existing buffers and to double-count future ones, and to reduce the amount of real-world off-set between development footprint and key features to be retained. As submitted by CSAG at ISH1, measuring from the parcel boundary rather than the woodland edge this could result in woodland buffers purported to be 30m actually being close to half that in terms of standoff from canopy edge. The same diminution factor applies to hedgerows. The 'intended' ecological buffer should be the buffer measured from the existing feature, and the existing land-use within that buffer should be accurately described and not disregarded.</p> <p>In the reply to BBOWT, the Applicant clearly disregards the extent of the 10m buffer that is already hedgerow/tree canopy vegetation or field margin, (or canopy oversail and field margin with</p>

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
			the panels to the security fence giving a total buffer width of 15m either side of hedgerows in addition to 30m buffers from Sites of Special Scientific Interest (SSSIs) and Ancient woodland.	regard to woodland buffer) and seeks to bring into account a further 5m strip which will be within the development footprint and which it is unclear will have any protective provisions (e.g. to prevent it being turned into hardcore perimeter access track). If the Applicant is prepared to commit this additional 5m to buffer/habitat, then there should be binding requirements or commitments to do so written in to the DCO.
2.1.29 (pdf p.45)	Response to CSAG (Page 61, Row 1)	<p>Comment noting that uncertainty around whether livestock grazing will continue across the Site creates gaps in assessing the Proposed Development's impacts on bats, invertebrates and birds, given the evidenced importance of cattle grazing to the local Bechstein's bat population.</p> <p>Further comment that the Outline LEMP's default to</p>	The Applicant intends to use grazing as a management tool but mowing is a backup option. As outlined in the Outline LEMP [EN010158/APP/7.6.3] it is proposed that mitigation areas be cattle grazed to ensure no net loss of cattle grazed grassland habitat. The design of the Proposed Development takes into account the foraging behaviour of Bechstein's bats and therefore the importance of open foraging habitat for Bechstein's bats has been fully recognised.	CSAG remains very concerned about the nebulous commitments to grazing and the likelihood that the default/fall-back option of mowing is what will actually materialise in reality. CSAG also remains concerned that the Applicant has predicated its impact assessments on a future scenario that includes grazing, and that in the absence of a binding and enforceable commitment to that end, that is not a precautionary or robust approach to assessment nor compliant with EIA good practice.

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
		mowing does not replicate the ecological value of grazing and that replicating current grazing conditions should be secured if consent is to be granted.		
2.1.31 (pdf p.45-46)	Response to CSAG (Page 63, Row 1)	Concern around lack of Applicant's commitment to reactive design changes if bat monitoring shows significant effects on bats.	The Applicant is not proposing to commit to removal of Solar PV modules in the unlikely event that monitoring indicates a negative effect. The structure of the bat monitoring strategy will follow that outlined in Ch9 of the Bat Mitigation Guidelines; this requires meaningful objective, specific tests of those objectives and remedial actions to be specified. Should negative impacts be identified remedial actions will depend on which tests are not being met; the reasons why those test(s) are not met; and whether or not those reasons are within the applicants control. This could include measures such as refining habitat management to deliver more invertebrate biomass to increase prey availability. Such measures would be agreed in consultation with Natural England and the relevant planning	The Applicant's response presupposes and prejudices the outcome (and purpose) of post construction monitoring by assuming there can be no prospect whatsoever of a negative effect requiring of retrospective design changes. The cited BCT guidance does not preclude reactive design changes and nor would any meaningful approach to uncertainty take anything off the table as a response, provided it was justified and proportionate to the unforeseen impact. If the applicant is confident in the robustness of its assessments, it should have no concerns about committing to a scenario which its own assessment concludes is unlikely to occur.

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
			<p>authority. As stated within Applicant's Response to Relevant Representations [EN010158/APP/8.3] [PDA-006], the Applicant has committed within the Outline LEMP [EN010158/APP/7.6.3] to a detailed post construction monitoring programme In addition, engagement is ongoing with regards to supporting further research opportunities to expand the evidence base with regards to bats and solar farms.</p>	
2.1.32 (pdf p.46)	Response to CSAG WR Page 63, Row 3	Comment noting that around half of the Order Limits' area would become unsuitable for ground-nesting birds and that this would lead to a significant displacement of the local population. Further comment that the provision of circa. 95ha of grassland does not realistically offset this displacement effect.	As presented in the Outline LEMP [EN010158/APP/7.6.3] paragraphs 5.5.22 to 4.5.25, it is estimated that there were 67 skylark territories (used as a proxy for all ground nesting species) across the area subject to breeding bird survey (473 ha) but the actual area where ground nesting birds will be displaced by Solar PV modules is only 279ha and it is estimated that this area supports 37 breeding pairs. Therefore, mitigation is based on the requirement to mitigate for 37 breeding pairs. It is considered that with appropriate management the carrying capacity of the areas set aside for ground	See comments made above about appropriateness of 'proxy' approach, lumping receptors, the suppressed skylark territory number estimates relied upon by the Applicant and the likely effectiveness (or otherwise) of the proposed compensation (not mitigation). CSAG maintains the position that the compensation is inadequate to prevent a significant net loss of skylark population at local and potentially wider level.

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
			<p>nesting bird mitigation (95ha) would support a greater carrying capacity of nesting pairs than the current arable farmland. Finally, as indicated in the Outline LEMP [EN010158/APP/7.6.3], provision of ground nesting habitat is only one of a suite of measures designed to benefit nesting birds which include increasing the availability of insect prey during the summer months as well as provision of a source of winter seed.</p>	
2.1.33 (pdf p.46)	Response to CSAG WR Page 68, Row 4 and Page 85, Para. 5	Comment noting that the home range information for Bechstein's bat should have been used to determine that solar PV would not be placed in home range areas (Parcels 1, 1a and 2). Further comment raising concern with the impact of this overlap being, at best, uncertain.	It is acknowledged that Parcel 1, 1a and 2 are within the Core Sustainance Zone defined by Natural England for Bechstein's bats. Parcel 1a is completely dedicated to biodiversity mitigation with no infrastructure proposed within this parcel. Within Parcel 1, habitat immediately north, east and west of both Decoypond Wood and Sheephouse Wood SSSI has been identified within the Natural England NECR558 report as one of 'the most frequently used nonwoodland core foraging	CSAG continue to await an explanation from the Applicant as to why the placement of solar arrays in fields B6, B7 and B8 is so crucial to the scheme that it must remain part of the project despite the vocal concerns of Natural England, Bucks Council and CSAG, despite the clear evidence of their strategic position and import within the Bechstein's CSZ and Home Range and despite the Applicant being unable or unwilling to fully commit to compensatory grazing as part of its mitigation and compensation strategy.

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
			areas'; however, this description was also given to habitat immediately north, south and west of Finemere Wood SSSI, which includes areas targeted for habitat enhancements. Mitigation is being provided at a landscape-scale within the Core Sustainance Zone of Bechstein's bat as detailed within ES Volume 2, Chapter 7: Biodiversity [EN010158/APP/6.2.3] and secured by the Outline LEMP [EN010158/APP/7.6.3].	CSAG also note the term 'mitigation' continues to be incorrectly used in place of 'compensation' in the comments from the Applicant and that this skews its portrayal of the extent to which it has (or has not) adhered to the mitigation hierarchy.
2.1.34 (pdf p.46-47)	Response to CSAG WR Page 72, Row 3 and Page 74, Row 3 and Page 79, Row 3	Comment noting the Applicant's embedded mitigation for ground nesting birds but that such creation would represent a 76% decrease in available habitat for species such as breeding skylark, and wintering lapwing and golden plover. Further comment that the Applicant's mitigation is instead compensation for the displacement of ground nesting birds and that such compensation falls short of the Proposed	For wintering lapwing and golden plover see comments in rows above. With regards skylark as presented in the Outline LEMP [EN010158/APP/7.6.3] paragraphs 5.5.22 to 4.5.25, it is estimated that there were 67 skylark territories (used as a proxy for all ground nesting species) across the area subject to breeding bird survey (473ha) but the actual area where ground nesting birds will be displaced by Solar PV development is only 279ha and it is estimated that this area supports 37 breeding pairs. Therefore, mitigation is	See above rows for comments on lapwing and golden plover, for the appropriateness or otherwise of the use of skylark territory estimates as a proxy for ground nesting species generally, and for concerns over the accuracy of the Applicant's territory estimate for skylark generally, and the numbers of territories that will be displaced specifically. CSAG notes the Applicant's reliance on 'appropriate management' to enhance carrying capacity and overcome issues to do with the size, suitability and

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
		<p>Development's displacement effects.</p> <p>Further comment that the assessment fails to consider whether the compensation areas already support ground nesting birds and, therefore, whether such areas have capacity for additional territories. Further comment that the displacement effect on ground nesting birds has not been fully or suitably assessed in the Environmental Statement.</p>	<p>based on the requirement to mitigate for 37 breeding pairs. It is considered that with appropriate management, the carrying capacity of the areas set aside for ground nesting bird mitigation (95ha) would support a greater carrying capacity of nesting pairs than the current arable farmland as well as providing habitat for wintering species. Finally, as indicated in the Outline LEMP [EN010158/APP/7.6.3], provision of ground nesting habitat is only one of a suite of measures designed to benefit nesting birds which include increasing the availability of insect prey during the summer months as well as provision of a source of winter seed. Outline LEMP [EN010158/APP/7.6.3] indicates that with appropriate management solar farms can continue to support a diverse range of breeding bird species. It is likely that habitats set aside for mitigation will already support some ground nesting species but that with</p>	<p>existing population of skylark on the proposed compensation grasslands. CSAG repeats its concern that the Applicant's assessments are based on an optimistic scenario where sheep grazing is delivered in PV fields and cattle grazing on the compensation grasslands, but in reality the Applicant refuses to commit to this and defaults to a fall back of mowing these future grasslands. Clarity is sought as to whether the EIA takes a suitably precautionary approach in this context as the Applicant's positive assessments, such as the one here, seem to be predicated on grazing being delivered.</p> <p>CSAG notes that no answer is provided to its comment that the term 'mitigation' is being used incorrectly to describe 'compensation'.</p>

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
			<p>appropriate management, the carrying capacity could be increased. In addition, the full suite of mitigation measures indicated in the Outline LEMP [EN010158/APP/7.6.3] including increasing the botanical diversity and hence invertebrate diversity under panels during the breeding season as well as the provision of a source of winter seed will add to this. Recent work by the RSPB has shown that solar schemes designed with biodiversity in mind can support a greater diversity of breeding birds than a typical arable and modified grassland landscape which is what we are starting with here.</p>	
2.1.35 (pdf page 47)	Response to CSAG WR Page 80, Row 3	Comment noting that the Environmental Statement fails to quantify cumulative displacement of farmland birds across the relevant cumulative projects and instead relies on unevidenced assumptions that each will provide adequate	The Applicant has fully assessed cumulative impacts. ES Volume 2, Chapter 17: Cumulative Effects [EN010158/APP/6.2.3] makes it clear where other developments have identified farmland	CSAG maintain concerns that the Applicant's EIA is predicated on an optimistic assessment of the efficacy of mitigation and compensation reliant on the delivery of grazing which it now will not commit to. If such concerns hang over the Applicant's EIA then there can be little faith that other schemes have

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
		compensation or that displaced birds can be accommodated elsewhere locally. Comment noting that, given the Proposed Development's likely significant displacement of ground-nesting and wintering birds, there is a risk of substantial cumulative impact which the Environmental Statement does not demonstrate or address.	birds as a receptor and describes the nature of the mitigation proposed. Finally, the Applicant is confident that it can mitigate for its own impacts and as such the potential for residual impacts is further reduced.	been assessed critically by the Applicant in arriving at its assessment of cumulative effects and impacts.
2.1.36 (pdf page 47)	Response to CSAG WR Page 82, Row 2	Comment that no non-significant cumulative effects conclusions can be reached for ground nesting and wintering birds across the construction and operation (including maintenance) phase due to the Applicant's flawed approach to assessment.	The Applicant has undertaken its assessment in accordance with good practice and guidance as outlined in the ES Volume 2, Chapter 7: Biodiversity [EN010158/APP/6.2.3] and as outlined above is confident that the Proposed Developments residual impacts have been minimised.	See row above. Little confidence can be had in the robustness of the Applicant's EIA given its predication on land management commitments that the Applicant is not prepared to make, and by extension nor can there be confidence in its approach to independently assessing the efficacy of the mitigation and compensation measures for other local projects.
2.1.37 (pdf page 47-48)	Response to CSAG WR Page 115, Para. 5.6.17	Comment noting that the Landscape and Visual Chapter's assumption that native wildflower meadows will establish is unrealistic	The Applicant has been pragmatic about the diversity of grassland that could be established and	Comment does not address or correct the misleading inconsistency between the phraseology used in the L&VI chapter and the realities of future

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
		<p>because the Order Limits' nutrient-rich clay soils are unsuitable for low-fertility hay meadows. Further comment that topsoils would need stripping to create appropriate conditions and that hay-meadow flowers do not do well in shade and thus will struggle under panels.</p>	<p>been modest in the assumptions regards what final habitat condition would be achieved and is suggesting other neutral grassland with a moderate diversity of species and not lowland meadow.</p> <p>Many of the margins have already been grassed down and support a moderate diversity of wild plant species including bird's foot trefoil and knapweed and what the Applicant is proposing to create is broadly similar, giving confidence in what can be created, whilst also being pragmatic about what can be created. Detailed soil nutrient levels will be carried out construction and Outline LEMP [EN010158/APP/7.6.3] makes provision for nutrient reduction should this be required that does not involve topsoil striping. The detailed Landscape and Ecological Management Plan will provide further information regarding the establishment on long-term management prescriptions taking into account the soil conditions.</p>	<p>grassland condition and quality, (the latter which do seem to be acknowledged).</p>

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
2.1.47 (pdf page 51-52)	Response to CSAG WR Page 60, Row 1 and Page 78, Row 3 and Page 84, Para. 1	<p>Comment noting that the Applicant's assessment approach downplays and fails to assess the significance of the emerging Bernwood SSSI designation, despite its active progression by Natural England. Further comment noting that the Applicant has not adopted an avoidance first approach consistent with the mitigation hierarchy and has removed some but not all panels in an area Natural England consider sensitive.</p> <p>Further comment requesting that Natural England ought to clarify which land is under consideration and whether designation remains intended.</p>	<p>The Applicant has engaged pro-actively with Natural England throughout the consultation periods of the Proposed Development regarding the proposed Bernwood SSSI designation. Limited information on the proposed Bernwood SSSI designation is publicly available and the date for designation is not yet known. Natural England has confirmed that regarding the proposed Bernwood SSSI, the information that is publicly available is the only information it is able to share with the Applicant, therefore the Applicant does not know specifically which areas of land are proposed for inclusion within the designation or when or whether the designation will be implemented.</p> <p>The detailed assessment in ES Volume 2, Chapter 7: Biodiversity [EN010158/APP/6.2.3] fully</p>	<p>The Applicant is understood to be confirming at Deadline 3 what information about the proposed SSSI it was sighted upon. CSAG understand that affected landowners (including the Claydon Estate) were provided with draft notification mapping. CSAG will respond to the Applicant's clarifications and their implications for whether it took an appropriately precautionary approach to the SSSI in due course.</p> <p>The Applicant notes the tension between the statement from Natural England's WR that is quoted and the position of Natural England up to and including ISH1 where NE are advising that further amendments to the scheme to protect the Bechstein's bats should be made.</p>

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
			<p>acknowledges the importance of the bat assemblage, woodlands and black hairstreak butterfly and has fully considered the proposals to create a larger Bernwood SSSI and assessed all of the potential cited interest features of the proposed SSSI in their own right.</p> <p>In its Relevant Representation [RR-203] Natural England confirmed that: <i>"The Environmental Statement has fully considered impacts to the existing SSSIs as well as the proposed Bernwood SSSI as best it can, given the status of the proposed designation, which we welcome. The importance of the Bechstein's bat population, their sensitivity, and the potential impacts from the project have been appropriately characterized."</i></p>	
2.1.48 (pdf page 52)	Response to CSAG (Page 64, Row 3, Page 78, Row 3)	Comment noting that the Applicant's decision to disregard land clearly identifiable as likely to fall within the proposed Bernwood SSSI has resulted in an unjustifiably reduced	As outlined above Natural England has confirmed that regarding the proposed Bernwood SSSI, the information that is publicly available is the only information it is able to share with the	<p>CSAG response in row above applies similarly to this response from the Applicant.</p> <p>The Applicant cites "balancing the need to maximise the grid capacity whilst</p>

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
		<p>weighting being applied to habitats that Natural England are actively considering for national-level designation. They consider that this creates a fundamental flaw in the Environmental Statement. Further comment noting that the Applicant's reliance on Bechstein's bats as a proxy for the proposed SSSI's importance is inadequate given the incomplete survey data and the fact that other qualifying interests for the emerging designation are not accounted for (e.g., SSSI landtake carries distinct policy weight too).</p>	<p>Applicant, therefore the Applicant does not know specifically which areas of land are proposed for inclusion within the designation or when or whether the designation will be implemented.</p> <p>The detailed assessment in ES Volume 2, Chapter 7: Biodiversity [EN010158/APP/6.2.3] fully acknowledges the importance of the bat assemblage, woodlands and black hairstreak butterfly and has fully considered the proposals to create a larger Bernwood SSSI and assessed all of the potential cited interest features of the proposed SSSI in their own right.</p> <p>In its Relevant Representation [RR-203] Natural England confirmed that: <i>"The Environmental Statement has fully considered impacts to the existing SSSIs as well as the proposed Bernwood SSSI as best it can, given the status of the proposed designation, which we</i></p>	<p>also making the most efficient use of the land" as important considerations for why it is placing panels in areas of known or expected sensitivity for Bechstein's bats. The Applicant has, to date, singularly failed to provide further evidence as to why Fields B6, B7 and B8 and Fields D28 and D29 are so crucial to the scheme as to override the significant environmental risks and uncertainties attendant with their use for solar arrays (and also for work compounds in the case of B6 and B7)</p>

Ref (Table 2-1 of REP2-086):	Quoted paras from CSAG WR (REP1-127)	Issue	Applicant's response (REP2-086)	CSAG further response at D3
			<p><i>welcome. The importance of the Bechstein's bat population, their sensitivity, and the potential impacts from the project have been appropriately characterized."</i></p> <p>The size and location of the Proposed Development have been carefully considered, balancing the need to maximise the grid capacity whilst also making the most efficient use of the land and avoiding unacceptable impacts. The Planning Statement [EN010158/APP/5.7.3] [REP1-016] sets out the reasoning for the Proposed Development, including its size and location.</p>	