

Date: 11 August 2026
Our ref: 554962
Your ref: ExQ2



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BY EMAIL ONLY

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Dear Examining Authority,

Lime Down Solar Park – ExQ1 NSIP Reference Name / Code:

Lime Down Solar Park / EN010168

User Code: [REDACTED]

Thank you for consulting Natural England on the Examining Authority's second written questions and apologies for the delay in our response.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Please see below Natural England's response to the questions posed to Natural England.

EB2.1 – Livestock and 400kV Cable Depth

The ExA asks that Natural England provide advice on the minimum depth a 400kV cable should be buried across farmland, whether used for livestock grazing or arable activities, to avoid adverse effects on agricultural practice.

This question does not fall within Natural England's remit.

EB2.4 – Great Crested Newts (GCN)

The ExA is in receipt of the District Level Licence Impact Assessment and Conservation Payment Certificate for the CRC [REP2-041]. However, the ExA are not clear on Natural England's position with respect to GCN in the solar PV sites despite the wording of the SoCG [REP4-063] 3.3.16 and that it is now 'Agreed'. The wording of this is unclear and both the applicant and Natural England are requested to provide a clear explanation of the current position.

As noted, the Impact Assessment and Conservation Payment Certificate (IACPC) relates to the Cable Route Corridor (CRC) and does not include the Solar PV Sites. Up to now, the District Level Licencing (DLL) team have only been involved in the enquiry assessment process and the issuing of the IACPC. It is noted that section 3.3.13 of the Statement of Common Ground records Natural England's concerns regarding potential impacts on GCN at the Solar PV Sites. Although this is showing as 'under discussion', the Applicant's position states that the only issue within Natural England's remit yet to be agreed is in relation to impacts on badgers. This may explain why section 3.3.17 is 'Agreed' as the Applicant has provided information detailing the proposed mitigation approach and it isn't in Natural England's remit to state whether a licence is needed. Natural England's DLL team can confirm that it is satisfied with the DLL approach for the CRC. Further

relevant information is provided below.

Please provide a response to the concerns raised by Wiltshire Council regarding GCN in their deadline 4 submission [REP4-091], reference EB1.7.

In response to Wiltshire Council's comments, the DLL team are aware that the IACPC only relates to the CRC. As stated above, it is understood that Natural England has previously sought further information on mitigation for impacts to GCN at the Solar PV Sites. In our view, further concerns raised by Wiltshire Council require the Applicant to clarify their mitigation strategy and whether they intend to apply for a licence for other areas of the site. Natural England's DLL team are unable to advise whether a licence is required for the Solar PV Sites, as this is a matter for the Applicant to determine. The DLL team can only advise on the extent of land included within a DLL enquiry. If other areas of habitat could be impacted, it is the Applicant's decision whether to rely on a DLL approach, an alternative licensing route or non-licensed approaches where these are lawful and appropriate. As set out above, Natural England has raised concerns regarding potential impacts to protected species, including great crested newts, at the Solar PV Sites and this matter remains under discussion. If the Applicant wishes to extend the DLL IACPC coverage to the Solar PV Sites or submit a new enquiry, discussions should be held with the DLL team.

EB2.8 – Barn Owls / Nesting Birds / Overwintering Birds

Please provide comment on the applicant's approach to avian species including barn owls, nesting birds and overwintering birds with respect to survey methodology and results, or lack thereof. Specifically, the ExA request that you consider the applicant's approach in the CRC of assuming the presence of species, as opposed to undertaking species surveys. You are also asked to consider the merits of the applicant's approach in the control documents relating to avian species. In providing your response you are invited to review the contents of the applicant's Statement of Common Ground (SoCG) with Wiltshire Council [REP4-063] sections 3.5.18 and 3.5.19.

Natural England has reviewed the Applicant's approach to barn owls, nesting birds and overwintering birds, including the use of precautionary assumptions within parts of the Cable Route Corridor.

A precautionary assumption of species presence can be a legitimate assessment approach where sufficient information is available to identify suitable habitat and likely ecological constraints, and where this is supported by appropriately targeted avoidance and mitigation measures. However, for birds, the acceptability of such an approach is particularly dependent upon the quality of the underlying evidence base.

Therefore, assuming the presence of widespread species within the CRC and providing generic mitigation designed to avoid impacts (eg through timing of works) or mitigate (eg through provision of habitat enhancement measures such as the provision of skylark nesting plots during the nesting season) might be acceptable. However, an approach that assumes rarer species are not present based solely on their perceived rarity in the locality and without sufficient survey effort would not be considered precautionary.

Unlike other protected species, there is generally no licensing route available to authorise impacts to wild birds arising from development activities. As a result, the primary means of ensuring legal compliance and ecological impact avoidance is through the identification of potential risks in advance and the implementation of appropriate non-licensed avoidance and mitigation measures.

Natural England would therefore stress that the assessment of impacts to birds should be supported by survey effort proportionate to the habitats present, the potential for rare species and the nature of the predicted impacts. Survey information plays a key role in informing the design of mitigation, identifying sensitive locations and periods, and ensuring that avoidance measures are appropriately targeted.

For barn owls, nesting birds and overwintering birds, the principal consideration should be whether

sufficient information has been collected to inform the mitigation strategy and whether the proposed control documents provide a robust framework for avoiding adverse effects during construction and operation.

Generally, Natural England would caution against over-reliance on the assumption of species presence as a substitute for survey effort where survey information is necessary to understand likely impacts. Rather, assumption can be an appropriate precautionary tool where the level of ecological uncertainty is low and where avoidance and mitigation measures can be designed on a sufficiently precautionary basis.

The acceptability of the Applicant's approach will depend on their demonstrating that the available survey information is sufficient to inform the proposed mitigation and that the avoidance and mitigation measures secured through the control documents are capable of preventing adverse effects on bird populations. The proposals are not, however, something that Natural England's Wildlife Licensing Service can offer detailed commentary on, given the lack of a licensable route for addressing such impacts.

EB2.14 – Mitigation Hierarchy

Should the applicant agree to the above avoidance measure to protect ground nesting birds and other assumed presence of protected species do you consider that this would avoid any Likely Significant Effects (LSE) and meet with the terms of the mitigation hierarchy? If not, please provide details.

Natural England agree that the proposed avoidance measure for protected species whereby presence is assumed would meet the terms of the mitigation hierarchy. Natural England also support the approach to out of season works for assumed presence protected species.

As mentioned in the ExA question, with regards to dormice Natural England agree with the two-stage approach to hedgerow clearance during seasonal timings to avoid impacts on breeding dormice. Dormice surveys can be unreliable as they are very mobile species and their nests are temporary, therefore it is difficult to rely on surveys to avoid impacts during hedgerow removal. An agreed method statement for the removal of dormice habitat is more effective at avoiding impacts.

For protected species with permanent structures, such as badger setts and bat roosts, these should be checked and known setts or roosts avoided from the cable route. It is noted in the Outline Ecological Protection and Mitigation Strategy that some unavoidable tree losses may occur along the cable route corridor. Natural England advise that trees with known bat roosts are avoided from the cable route and their impacts minimised to ensure functionality of roosts is maintained. We note that any trees to be impacted by the works will be inspected for bat roosting by a qualified ecologist in advance. This approach is welcome however in order to meet the mitigation hierarchy, trees along the cable route corridor should be surveyed for their roosting potential and any trees with high roosting potential should not be impacted by the works.

HRA2.1 – Bath and Bradford on Avon Bats Special Area of Conservation (SAC)

Considering Wiltshire Council's ongoing concerns [REP4-061] that targeted bat activity surveys should have been undertaken within the CRC, can Natural England confirm:

That it is satisfied that the current survey information provides sufficient evidence to assess the effects of the CRC works on Annex II bat species associated with the Bath and Bradford-on-Avon Bats SAC?

Natural England can confirm that it is satisfied that the approach to bat surveys within the Cable Route Corridor is reasonable given the temporary nature of impacts on habitats and the reinstatement of habitats post-construction. It is our view that a maximum 10m temporary hedgerow gap would be unlikely to have an adverse effect on the commuting behaviour of bat species, including Annex II species. We note Wiltshire Council's comments regarding hedgerow removal in

their SoCG with the applicant and agree that all hedgerow removal areas should be clearly marked in the relevant submitted documentation.

Whether targeted bat activity surveys within the CRC would be likely to have materially influenced the conclusions of the HRA?

Given the agreed avoidance and mitigation measures, Natural England does not consider that targeted bat activity surveys within the CRC would have a material influence on the conclusions of the HRA.

LV2.1 – Time Limited Enhancements

The applicant's stated in its response to ExQ1 LSF1.1 [REP3-128] that there are no significant permanent effects on agricultural land, as all land will be returned to its original use and condition as far as practicable following decommissioning. The creation of wildflower meadows within fields A1, C1, C6, C8, C9 and B12 and the creation of wildflower meadow verges in A11, A12 and C10 are relied on by the applicant as beneficial effects to further the purposes of the Cotswolds National Landscape (CNL). The ExA understands that these enhancement measures are therefore time limited and removed at decommissioning.

The parties are asked to comment on whether a time limited enhancement can be relied on to seek to further the purpose of conserving and enhancing the natural beauty of the national landscape under section (s) 85 of the Countryside and Rights of Way Act 2000 (as amended) (CRoW Act)?

Natural England advises that the habitat creation measures proposed as part of the scheme are in themselves highly significant. Although the proposed wildflower meadows and verges lie outside the Cotswolds National Landscape (CNL), they would strengthen ecological connectivity between habitats within the CNL and those within its setting. The substantial increase in species-rich grassland in close proximity to the CNL would also enhance the resilience of grassland habitats and their associated species assemblages within the CNL over time as they mature. However, newly created species-rich grasslands such as those proposed can take many decades to achieve their full ecological potential, potentially exceeding the operational lifetime of the solar farm. This is reflected in the CNL Management Plan, which identifies lowland calcareous grassland as an irreplaceable habitat. Natural England is therefore satisfied that the creation of permanent species rich grassland habitats at scale close to the CNL would make an important contribution to meeting the legal duty to seek to further the purpose of conserving and enhancing the natural beauty of the CNL.

However, if the ExA's understanding is that these wildflower meadows are to be removed on decommissioning, then the ecological benefits arising from their creation would be lost and therefore the contribution they would make to fulfilling the 'seek to further' duty would only be temporary and much reduced in scope. Further, although substantive temporary ecological benefits would still result, ultimately it would fail to further the purpose of conserving and enhancing the natural beauty in so far as at the end of the scheme the CNL would be no better off when compared to the pre-development baseline. It is therefore difficult to justify how the creation of species rich grasslands on a temporary basis can be regarded as fully meeting the duty to further the purpose of conserving and enhancing the natural beauty of the CNL.

Natural England also questions whether it is appropriate for a solar farm consent to predetermine how habitats created through the scheme should be treated at the end of the operational period.

Permanent species-rich grasslands are a rare and valuable habitat resource. Should the proposed habitat creation measures be successfully implemented, the resulting grasslands may achieve a condition and ecological significance sufficient to qualify as Priority Habitat (Habitat of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act 2006). Further, under the current legislative framework, proposals to convert more than 2 hectares of permanent grassland that has been in place for over 15 years back to an arable use would require assessment under the Environmental Impact Assessment (Agriculture) (England) (No. 2)

Regulations 2006. The loss of such a substantial area of permanent grassland such as that envisaged under the proposals would presently be regarded as a highly significant adverse effect on biodiversity interests.

In this context, it would be unsafe to assume, at the point of consent, that the habitats created by the scheme should be reverted to an arable use after the operation phase of the development. Such a decision would be taken without full information on the quality of the habitats involved or their relative importance at the time of decommissioning. The future conversion or management of such habitats should instead be determined in accordance with the policy and legislative framework in place at that time, having regard to their ecological condition and conservation significance of the habitats that have developed over the lifetime of the scheme.

If enhancements are removed at decommissioning, would that then be considered a harm to the purposes of the Cotswolds National Landscape at decommissioning?

The answer to the question is entirely dependent on which baseline the removal of the wildflower meadows is compared to. If the current baseline is used for comparison, the removal of the wildflower meadows (and returning the land to a more explicitly agricultural use) would be equivalent to the current baseline. In this context, the removal of the wildflower meadows would not be considered as a harm, although by the same measure the temporary habitats would do little to further the purpose of conserving and enhancing the natural beauty of the CNL.

However, when compared to the baseline just prior to decommissioning, the removal of such a large extent of well-established wildflower meadows would be a highly significant loss to biodiversity interests in its own right and such a large scale loss within the setting of the CNL would be considered as harmful to the purposes of conserving and enhancing the natural beauty of the CNL, due to the adverse effect on the ecological connectivity and habitat resilience within and adjacent to the CNL.

LV2.2 – Furthering the Purposes of the Cotswolds National Landscape

The ExA notes that the SoCG between the applicant and Natural England [REP4-063] states Natural England's position that the enhancement measures detailed in the applicant's Assessment of Effects on the CNL and its Special Qualities [APP-197] aid in demonstrating that the scheme will further the purposes of the National Landscape.

Further to question LV2.1 above regarding the consideration of time limited enhancements, do Natural England consider that the proposed development demonstrates that enough has been done to fulfil the duty to seek to further the purpose of conserving and enhancing the natural beauty of the national landscape under s85 of the CRow Act?

Natural England is satisfied that, provided the ecological enhancements delivered by the scheme within the setting of the CNL are retained following decommissioning, the agreed measures would help meet the statutory duty under Section 85 of the CRow Act to further the purposes of conserving and enhancing the natural beauty of the national landscape during the operational phase of the development and beyond.

Natural England is however aware that the Cotswolds National Landscape Board (CNLB) has raised concerns about the increase in traffic movements on roads within – and /or along the boundary of – the CNL that would result from the construction and decommissioning phases of the development. Natural England agrees with the CNLB that increases in traffic movements, particularly HGVs, is likely to have an adverse effect on the relative tranquillity of the CNL, which is one of the area's special qualities, albeit for a temporary period. This issue would be particularly significant if (i) traffic movements and / or (ii) HGV movements were to increase by 10% or more. This 10% threshold is derived from the Institution of Environmental Management and Assessment's Guidelines on Environmental Assessment of Traffic and Movement and is referred to in the CNLB Tranquillity Position Statement.

Natural England advises the applicant should therefore provide a robust justification for routing traffic through the CNL with alternatives used wherever possible. The justification should set out why the proposed route through the CNL is the most appropriate option in light of the likely impacts on the special qualities of the CNL. Consideration should be given to whether the applicant has taken all reasonably practicable steps to (i) avoid and (ii) mitigate these impacts. If temporary impacts on the tranquillity of the CNL cannot be avoided by rerouting or in other ways reducing traffic volume then further consideration should be given to what additional measures might be employed to ensure the scheme meets its duty to further the purposes of the National Landscape with respect to tranquillity during the construction and decommissioning period.

LV2.5 – Setting of the Cotswolds National Landscape

Natural England is asked if it agrees with the applicant's response to ExQ1 LV1.9 [REP3-128] (Annex E) where it defined the setting of the Cotswolds National Landscape in spatial terms? If not, Natural England is asked to define in spatial terms the extent of the area outside of the boundary of the National Landscape that it considers forms its setting?

Natural England does not agree with the applicant's definition of the setting of the Cotswolds National Landscape in spatial terms.

When considering this question, it is important to clarify that the setting of the Cotswolds National Landscape (CNL) is not one, fixed spatial area. What constitutes the setting will vary from one development to another. However, Natural England acknowledges that there is potentially scope to define the setting of the CNL, in spatial terms, in relation to a particular development. Natural England's response is provided in this context.

The Applicant's Response to the Examining Authority's First Written Questions addresses the issue of the setting of the Cotswolds National Landscape in response to question LV1.9, on pages 389-390 of their response, and in Annex E, on pages 603-606 of their response.

Their response to question LV1.9 quotes a couple of sections of the Cotswolds National Landscape Board's (CNLB) Position Statement on Development in the Setting of the Cotswolds AONB,¹ including the Position Statement's definition of 'setting'. It then states:

- *In consideration of the above and with reference Volume 3, Appendix 8.6: Assessment of Effects on the Cotswolds National Landscape and its Special Qualities Appendix 8-6² [APP-197] the applicant has prepared a plan showing the Spatial Extent of Setting of the CNL which is attached.*

However, the applicant does not specify the methodology that was used for identifying the spatial extent of the setting of the CNL. As such, it is not possible for Natural England to state that it agrees with the applicant's definition of the setting of the CNL.

Setting relating to visual impacts

One of the quotes that the applicant has used from the CNLB's Position Statement focuses on visual impacts. As such, the area which the applicant has identified as being within the setting of the CNL, presumably, relates primarily to those sections of the proposed development (including associated infrastructure) that would be visible from the CNL. Clarification is required as to whether this assumption is correct and, if not, what other factors have been taken into consideration. All parts of the development that would be visible from the CNL should be included in the setting.

Most of the area's that the applicant has identified as being within the setting of the CNL are contiguous with the CNL. However, there is one section (B12), as shown on page 605 of the

¹ Cotswolds National Landscape Board (2016) *Development in the Setting of the Cotswolds AONB* ([link](#)).

² Lime Down Solar Park (2025) *Environmental Statement Volume 3, Appendix 8.6: Assessment of the Effects on the Cotswolds National Landscape and its Special Qualities*. Planning Inspector Reference: EN101168. Document Reference: APP 6.3 ([link](#)).

applicant's response, where this is not the case. In this instance, there is a gap between the CNL and the area that the applicant considers to be within the setting of the CNL. Where there is a gap between the CNL and parts of the development that would be visible from the CNL, the intervening land should also be included in the setting (i.e. the setting should not just be treated as the land within the order limits).

Even where the proposed development is contiguous with the CNL, there may be locations further afield within the CNL from where the development would be visible. Again, any intervening land, outside of the CNL, between these viewpoints and the development (i.e. the order limits) should be included in the setting.

Consideration should also be given to locations where the proposed development (including associated infrastructure) would impact on views looking towards the CNL from viewpoints outside the CNL. It is not clear whether this has been done in the applicant's mapping of the CNL setting.

Setting relating to landscape character

Visual impacts are a key consideration when seeking to define the setting of the CNL, in spatial terms, in relation to a particular development. However, as outlined in the CNLB Position Statement on Development in the Setting of the Cotswolds AONB, it also relates to impacts on topics such as landscape.

The Government's 'Natural Environment' planning practice guidance states:

- *Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case ... where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.*³ (N.B. Underlining added for emphasis).

In this instance, the landscape character within the CNL and adjoining the CNL *is* complementary and the currently undeveloped nature of the land outside the CNL, in this location also makes an important contribution to the natural beauty of the CNL.

For example, in this location, the land within and adjoining the CNL, including all of the Lime Down site, forms part of Landscape Character Type 16 (Limestone Lowland), in the Wiltshire Landscape Character Assessment⁴.

The land within and adjoining the CNL (including most of the Lime Down site), in this location, also forms part of National Character Area 107 (Cotswolds).

In this regard, it could be argued that the whole of the Lime Down site (i.e. the whole of the order limits)⁵, together with the land between the CNL and the Lime Down site, is within the setting of the CNL as it forms part of the same landscape character type (i.e. LCT 16 (Limestone Lowlands). At the very least, the setting should be considered to include those parts of LCT 16 (Limestone Lowlands), outside the CNL, that lie between the CNL boundary and the Lime Down site, as well as those parts of LCT 16 within the site that are visible from the CNL.

Field patterns are an important part of landscape character. Therefore, if only part of the development within a field would be visible from the CNL, the whole of the field should be considered to be within the setting of the CNL (i.e. the spatially mapped setting should not end in the middle of a field).

³ Ministry for Housing, Communities and Local Government (2016) *Natural Environment* ([link](#)). Landscape. Paragraph 042.

⁴ <https://www.wiltshire.gov.uk/planning-landscape-conservation>. Wiltshire Landscape Character Assessment Final Report.

⁵ Or at least the section that is covered by National Character Area 107.

Other factors that relate to the setting of the CNL

Other relevant factors include:

- The relative tranquillity of the CNL, which is one of the CNL's special qualities.
- The dark skies of the CNL, which is one of the CNL's special qualities.
- Ecological connectivity.

With regards to tranquillity, the spatially mapped setting should include the area where increased noise levels, resulting from the proposed development (including the construction phase), would be experienced. This should include the area between the noise source and the CNL boundary.

With regards to dark skies, the proposed development (particularly the construction phase) could result in some degree of sky glow or could introduce lit elements into what would otherwise be a relatively dark night-time landscape, as perceived from viewpoints within the CNL or along its boundary. This should be factored in when spatially mapping the setting of the CNL.

With regards to ecological connectivity, the spatial mapping of the setting should include any ecological connectivity between the CNL and the Lime Down site (including areas within the site that form part of this connectivity). This should include the entirety of the fields in which wildflower meadows and wildflower margins are proposed.

Setting – construction phase / operational phase

The proposed development is likely to have different impacts during the construction phase compared to the operational phase. For example, there are likely to be more vehicle movements, more noise, more lighting and, potentially, large machinery (which could be more visible than the solar panels themselves), such as cranes, during the construction phase. As such, the setting of the CNL, in relation to this particular development, could potentially be larger during the construction phase than during the operational phase.

On this basis, it may be appropriate to define the setting of the CNL separately, in spatial terms, for the construction phase and operational phase. If just one spatial definition of the setting is used, this should address both the construction phase and the operations phase, not just the operational phase.

LV2.6 – Effects to the Cotswolds National Landscape and its Special Qualities

The ExA notes that the SoCG between the applicant and Natural England [REP4-063] states Natural England's position that the proposed development is unlikely to result in significant adverse impacts to the CNL when considered alone. Natural England's attention is drawn to the submissions from the CNLB at D3 [REP3-153 and REP3-154] in which the CNLB concludes that the proposed development would have a net adverse effect on the special qualities of the National Landscape.

Natural England is asked to comment on whether it agrees with the CNLB's position or the applicant's position on the special qualities of the CNL?

Natural England understands that the special quality of most concern for the CNLB in relation to the proposed solar scheme is that of tranquillity. It is understood that the effects of construction traffic through the CNL during construction and decommissioning are likely to have the most significant impact on tranquillity. Please refer to our comments in response to LV2.2 on this matter.

We also understand that a further assessment of the impacts on tranquillity is to be provided by the applicant. Natural England request access to this report to assess whether the conclusions are reasonable.

Based on the applicant's assessment of the potential effects of the proposed development on the special qualities of the National Landscape and the CNLB comments from ExA Second Written Questions, Natural England consider that the scheme is unlikely to result in significant adverse

impacts on the remaining special qualities.

Natural England is also asked to confirm if it considers that the applicant has demonstrated that there would not be cumulative effects on the National Landscape that would increase effects identified when considering the project alone?

Natural England understands that the applicant hasn't identified any development sites which will have a cumulative effect on the CNL or its setting in its cumulative assessment. Therefore, no further information is requested on this matter.

Yours faithfully,



Sustainable Development Senior Officer
Wessex Area Team