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Our ref: 137835



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Dear Andrew

Application No: 1/D/12/001664

Proposal: Construction of circa 24MW solar park following demolition of 34 of 35 existing masts and towers; retain 1 tower at reduced height of approximately 50m; retention of existing building complex in existing employment use; retention and use of existing vehicle accesses; 16 Inverter cabins; associated infrastructure; retention, management and enhancement of existing grassland, hedges and trees via a long term Management Plan including keeping approximately 33ha (44%) of the site permanently open and free from any development; and new hedge and tree planting (revised plans and revised supporting information, including formal response under regulation 22 in respect of Environmental Statement)

Location: RAMPISHAM DOWN TRANSMITTING STATION, RAMPISHAM, DORCHESTER, DT2 0HS

Thank you for consulting Natural England on the above proposal. Your consultation on the further Regulation 22 submission was received on 20 November 2014. For clarity the following letter sets out our full final response to the application and replaces the comments raised in our previous responses (letters dated 31 January 2013, 1 May 2013 and 1 August 2014). Our amended comments on the submitted additional information relating to the applicant's shading analysis (received 20 November 2014) are set out in section 6 headed "Ecological Impacts of Shading and Changes to Microclimates".

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.

The application site is situated on the Rampisham Down Site of Special Scientific Interest (SSSI) and lies within the Dorset Area of Outstanding Natural Beauty (AONB).

1. Summary of Objections

In light of the further information received through the Regulation 22 submission Natural England maintains its **objection** to the revised application on the grounds that the application, as submitted, will;

- damage or destroy the nationally important designated lowland acid grassland and heathland communities for which Rampisham Down SSSI has been notified. The application conflicts with the legal protection afforded SSSIs by the Wildlife and Countryside Act 1982 (as amended). Development that causes damage to a SSSI, particularly where the development could be located elsewhere, is clearly contrary to the provision of paragraph 118 of the National Planning Policy Framework (NPPF).
- have unacceptable and avoidable major adverse impacts on the visual amenity and landscape character within the Dorset Area of Outstanding Natural Beauty (AONB) and potential harm to

the special qualities of the AONB. The application is considered clearly contrary to the highest status of protection afforded to the Dorset AONB, a designation of national importance with the in relation to landscape and scenic beauty, and conflicts with the provisions of paragraphs 115 and 116 of the NPPF and the Government's Planning Practice Guidance.

2. Objection Relating to Impacts on the Rampisham Down SSSI.

The following advice is provided under the provisions of the Wildlife and Countryside Act 1982 (as amended).

The revised application has removed solar panels from approximately the third of the site that was not damaged by the previous works. Natural England welcomes this important revision, however, the scheme will nevertheless result in direct and indirect damage and loss of approximately 40.5 ha of lowland acid grassland, equating to over half of the Rampisham Down SSSI.

3. Ecological Importance of the Rampisham Down Site of Special Scientific Interest (SSSI).

The Rampisham Down SSSI supports an exceptionally large area of lowland acid grassland, the largest in Dorset, dominated by examples of the National Vegetation Classification (NVC) type U4 sheep's-fescue *Festuca ovina* – heath bedstraw *Galium saxatile* grassland, occurring in a mosaic with small areas of lowland heathland of the NVC types H4 western gorse *Ulex gallii* – bristle bent *Agrostis curtisii* heath and H8 heather *Calluna vulgaris* – western gorse *Ulex gallii* heath. In places on the high plateau of Rampisham Down, the vegetation is indicative of a transitional grass/heath community of the U4 acid grassland and H8 heath. 'Lowland dry acid grassland' and 'lowland heathland' are included on the list of habitats and species which are of principal importance for the conservation of biodiversity in England, as required under Section 41 of the Natural Environment and Rural Communities Act 2006.

Lowland acid grassland habitat has undergone a significant declines over the last 60 years due primarily to agricultural intensification and to a lesser extent afforestation. These losses have led to severe declines in the characteristic plant species of lowland acid grasslands in recent decades. Natural England estimates that there is less than 5,000 ha of U4 grassland surviving in lowland England (Robertson & Jefferson 2000 and analysis of SSSI and Priority Habitat Inventory data 2013), with between 100 - 500 ha in Dorset (Sanderson 1998). More recent analysis submitted as Appendix 8.6 of the submitted ES (U4 grasslands in Dorset) estimates that only 200 - 250 ha of U4 grassland survive in the county (Edwards 2013). The latter figure is based on habitat mapping and is therefore likely to be the more accurate of the two, suggesting that Rampisham Down supports between a quarter and a third of Dorset's total remaining U4 acid grassland.

Analysis by the Dorset Environmental Records Centre (2013) shows that Rampisham Down is the largest area of U4 grassland in Dorset, where most other stands are small and fragmented with only four sites (other than Rampisham Down) supporting more than 10 ha. On a national level, analysis of Priority Habitat Inventory data (2013) shows that of the 438 sites / parcels of U4 grassland identified in the English lowlands, only 12 (2.7%) exceed 50 ha, which makes Rampisham Down a very large site in England.

Much of the U4 acid grassland in Rampisham Down SSSI is the U4a typical sub-community (19.73 ha), with the remainder being ascribed to the U4b Yorkshire-fog *Holcus lanatus* – white clover *Trifolium repens* sub-community (18.59 ha), or an intimate mosaic of the two (18.05 ha). Significant areas (around 14.74 ha) have suffered from considerable disturbance and are assigned to U4 acid grassland with small areas of damaged H4 heathland. Some stands within the wider area mapped as U4a and U4b grassland by the Landmark Practice (2013) show a more calcicolous element to the flora, including species such as dwarf thistle *Cirsium acaule*. These stands have been the subject of further sampling and analysis (Cooch & Biron 2013) which shows that they have affinities to the very rare U4c bitter vetch *Lathyrus montanus* – betony *Stachys betonica* sub-community, although the area covered by this type has not been mapped.

The total area of lowland acid grassland and heathland in Rampisham Down SSSI is 71.98 ha. In summary, the site is considered to be of national importance due to its;

- mosaic of U4 acid grasslands (including the U4a, U4b and U4c sub-communities), and H4 and H8 heaths, as well as communities transitional between U4 and H8.
- very large extent of U4 grassland in a national context; and
- large proportion of the remaining U4 grassland in the Yeovil Scarplands National Character Area (NCA) and Dorset Downs and Cranborne Chase NCA.

In addition to the designated acid grassland and heathland communities the proposal is also likely to support other undesignated, but potentially highly significant biodiversity interest features, most notably grassland fungi and invertebrates.

Whilst no formal grassland fungi survey has been undertaken a walkover survey in October 2013 found that Rampisham Down SSSI was of at least Regional significance for its grassland fungi (Survey by Cooch and Edwards). Given the current unmanaged condition of the site it is highly likely that with appropriate management Rampisham Down SSSI would also qualify as of national significance for its grassland fungi. Appendix 8.6 of the submitted Environment Statement (“U4 grasslands in Dorset” B. Edwards 2013) provides a valuable assessment of the potential importance of the site for grassland fungi. Given the clear ecological importance of the site’s acid grassland, Natural England is satisfied that further surveys for grassland fungi are not necessary for the determination of the application. Nevertheless the likely presence of a nationally important grassland fungi community and adverse impacts that would result from the development cannot be discounted.

The potential importance of the Rampisham Down SSSI to invertebrates is illustrated by the Butterfly Conservation SSSI notification letter of support, which states,

“Because of the areas past use we have no records for the species of Lepidoptera present, something it would be good to rectify in the future. However, the habitat is sufficiently important, particularly given its large size, for us to wholeheartedly support its designation. The area is likely to support significant numbers of the section 41 species the Grayling, *Hipparchia semele*, which has declined by 18% since the mid 1990s and disproportionately on its inland heathland and acid grassland habitats. Other significant species that are likely to be present include the Small Heath, Dark Green Fritillary and Small Copper. There is an outside chance that the Small Pearl-bordered Fritillary and Forester moths are present, two highly restricted, rapidly declining species also listed under section 41 of the NERC Act”.

The significance of the site is further enhanced by the fact it adjoins the Kingcombe Meadows Site of Nature Conservation Importance (SNCI). Together with the adjacent Kingcombe Coppice SNCI, this forms a connection to the Toller Porcorum SSSI which lies approximately 700 metres to the south-west of Rampisham Down. The SNCIs include habitats that are similar to some of those found in Toller Porcorum SSSI and Rampisham Down and collectively they will function as a local ecological network. Such a network may extend much further to the south through other SNCIs and on to the Powerstock Common and Wytherston Farm SSSI and the abutting Eggardon Hill and Luccas Farm SSSI, which in turn is less than 100 metres from the Haydon and Askerswell Downs SSSI. Together with the aforementioned sites Rampisham Down therefore makes an important contribution to a wider and coherent ecological network on a landscape scale for which the National Planning Policy Framework (NPPF) has specific policies for their establishment and protection (paragraphs 109, 113 and 118). This extensive network of agriculturally unimproved biodiverse habitats as illustrated in Figure 8.1 of the submitted ES is an important characteristic of this part of West Dorset.

In light of the exceptional importance of the acid grassland and associated habitats Natural England’s Executive Board unanimously approved notification of 71.98 ha as a SSSI on 22 August 2013. The Rampisham Down SSSI was subsequently confirmed on the 26 February 2014. As a SSSI the site has been demonstrated to be of **national importance for its lowland acid grassland and heathland interest**.

4. Current Site Condition.

Natural England has assessed Rampisham Down SSSI as being unfavourable declining. This assessment is based on the fact the site is currently ungrazed. The absence of appropriate grazing management results in the sward becoming more dominated by tall, sometimes vigorous grasses or bracken which, together with an associated build-up of dead plant matter, suppress less vigorous species and reduce the botanical richness of the site.

In addition, works associated with the removal of the site's aerial masts and installation of unconcentrated solar farm infrastructure has resulted in disturbance of at least 20% of the SSSI, with damage affecting the designated acid grassland and heathland communities.

Where disturbance was relatively light there are already signs of vegetation recovery of the characteristic plant species and U4 plant community, but in other areas affected by severe poaching and rutting of the soil recovery will be slower and dependent on long term grazing management. Despite some areas being severely damaged, overall a far greater proportion of the SSSI's grassland and heathland has remained undamaged and / or suffered only minor disturbance.

The majority of the damage that has occurred, occurred prior to the notification of the site as an SSSI. Natural England were fully aware of the condition of the grassland at notification, and are confident that even in severely damaged areas appropriate management will result in the full recovery of the notified SSSI interests. It is notable that despite the lack of grazing management that some of the severely disturbed areas are already showing considerable recovery, with the revised ES paragraph 8.7.7 concluding that, "In general the areas of disturbance recovered very well and natural restoration of the land was proceeding at a good rate". Natural England agrees with this assessment.

5. Rampisham Down SSSI Site Management Requirements.

Natural England provided on notification a document, 'Views about Management' (VAM), which sets out the management principles necessary to maintain the SSSI in a favourable condition. It is our view that the site can be maintained with low intensity extensive stock grazing. Ideally this will involve cattle grazing, supported by winter sheep grazing and a combination of cutting of bracken, gorse and other scrub.

Acknowledgement of the recommendations as outlined in the VAM has come from the submitted Ilex Ecology (2014) report, which states that to maintain the interest features of the SSSI cattle grazing should be introduced with bracken management and control and further targeted gorse / scrub management. Additionally, no further cutting of heathland stands is recommended. Mention is also made of the removal of metal objects, concrete and other debris left over from previous and more recent infrastructure. Natural England endorses these objectives.

Rampisham Down is currently within an Organic Entry Level Stewardship (OELS) agreement which started at the beginning of 2014. It was also within a previous OELS with sheep grazing for around 18 months prior to the 2014 agreement. Despite the OELS agreement for the period from January 2013 to the present no formal management (cutting or grazing) has been undertaken to maintain the grassland and heathland features. Natural England has maintained direct liaison with the owners of Rampisham Down and has also offered a Higher Level Stewardship (HLS) agreement to facilitate management of the SSSI.

It must be stressed that now the site is notified as an SSSI, it falls under the relevant provisions of the Wildlife and Countryside Act 1981 (as amended) and Countryside and Rights of Way Act (CROW) 2000 which provide a legal mechanism by which, if necessary, Natural England can compel an the owner(s) and/or occupier(s) of a statutory designated site to undertake the requisite ecological management.

Securing the future appropriate management and full restoration of the special interests of the Rampisham Down SSSI is therefore not dependent on the current application.

6. Ecological Impacts of Shading and Changes to Microclimates.

As part of the initial Regulation 22 submission the applicant has provided further information on the likely impacts of shading and changes to microclimates that will be experienced under the proposed panels. Submitted documents include;

- “Rampisham Down Light Levels Monitoring Initial Report” by Community Heat and Power Ltd. (CH&P).
- “Technical Assessment of the Effects of Solar Panels on Designated Grassland At Rampisham Down” by Wildlife Matters (Appendix 8.15).
- “Literature Review Scoping Impacts of Solar Farms on Grassland” by Ilex Ecology (June 2014), summarised in Table 8.3 of the revised ES.

Previous submissions include an analysis of the impact of shading a study based on Ellenberg indicators, entitled “Rampisham Down Grassland Communities: Review of Light and Moisture Requirements” by The Landmark Practice.

Subsequently the applicant has submitted the following additional papers (consultation received 20 November 2014):

- Rampisham shade analysis – preliminary note to client (10 November 2014).
- RAMPISHAM DOWN, DORSET - Shading Experiments. Layman’s summary of the latest scientific information by Dr John Feltwell of Wildlife Matters.
- Rampisham Down Light Levels Monitoring - Environmental Data Report: Autumn 2014 – CH&P Community Heat & Power.

The principal evidence relating to the impacts on shade submitted in support of the application is now based on 5 months of monitoring of light levels, wind speed, soil temperature and soil temperature under a test array erected on the site. In addition, vegetation under the panels was also assessed to look at changes to species composition, under and around the test panels.

6.1 Light levels and microclimatic variables

The initial studies of conditions under the test array of panels recorded the following changes in light levels and microclimatic variables:

- Light – (shading effects), under panels receive approximately **34%** of the Photosynthetic Active Radiation (PAR) compared to an unshaded spot in March, falling to **20%** of PAR in May / June (i.e. an 80% reduction in PAR).
- Wind speed – an average difference (reduction of wind speed) of **17%** between shaded (or sheltered) compared to open ground.
- Soil temperature - is **16%** lower under the panels.
- Soil moisture - under the panels is **47%** higher than in the open.

With only the exception of measured wind speed, the additional monitoring support these initial findings (submitted report entitled, “Rampisham Down Light Levels Monitoring - Environmental Data Report: Autumn 2014” (CH&P Community Heat & Power). That is, it has been demonstrated that the test array of solar panels would result in the following statistically significant changes:

6.1.2 Photosynthetically active radiation (PAR).

Figures 3 and 12 of the aforementioned light levels monitoring report show there was a measured decrease in mean incident PAR of up to approximately **80%** due to shading caused by the solar panels. This decrease appears to be statistically significant at the $p=0.05$ level of probability presented in the report. A visual indication of the levels of shading that will occur under the panels is provided in the photographs presented in Fig 2 of the "Rampisham Down Light Levels Monitoring - Environmental Data Report: Autumn 2014" (CH&P Community Heat & Power).

6.1.3 Soil moisture content

Figures 5 and 10 of the light levels monitoring report show there was a measured increase in soil moisture content of up to approximately **50%** due to shading caused by the solar panels. This increase appears to be statistically significant at the $p=0.05$ level of probability presented in the report.

6.1.4 Soil temperature

Figures 6 and 11 of the light levels monitoring report show there were measured **decreases** in both mean soil temperatures of up to approximately **4°C** and maximum soil temperatures of up to approximately **10°C** due to shading caused by the solar panels. These decreases appear to be statistically significant at the $p=0.05$ level of probability presented in the report.

The fact that the report's authors have chosen not to discuss any of these important findings in either their conclusions, or executive summary is disappointing. It is also misleading to then state in the "layman's" summary that there is "No change in environmental characteristics (affinity to light and moisture levels)" based solely on the recorded response of the vegetation communities.

From the initial results the previously submitted technical assessment by Wildlife Matters states that, "plants under the panels live in a moister, shadier, less windier environment" (para 8.3). The additional environment data provided now indicates that conditions under the panels are approximately 80% shadier, 50% moister and significantly cooler. In contrast reduction in wind speeds were less significant. Both sets of submitted evidence therefore demonstrate that there are statistically significant changes to the overall environmental conditions under the panels than in the natural open field conditions.

While the recorded changes in microclimate under a test array of only 3 rows of panels are statistically significant in their own right, the actual proposed solar farm would result in over 119 000+ panels extending over 40 ha of land. It is therefore highly probable that even greater changes in microclimate will occur under the panels within the centre of the solar farm than was recorded under the small scale test array where edge effects will be more significant. The anticipated changes in microclimate may be further exacerbated by factors relating to slope, aspect and micro-topographical variations. The additional submitted shading analysis has failed to address these limitations of the study and has made no attempt to extrapolate the small scale of the surveys and experiments undertaken to the much larger scale of the proposed solar farm.

6.2 Shading analysis and effects on vegetation.

The applicant has given great weight to the results of the 5 month study, implying the lack of observed changes to vegetation under the panels demonstrates that the solar farm will not harm the SSSI grassland over the 25 year period of the development. Natural England has reviewed the results of the vegetation studies provided and concludes they provide no basis for drawing this conclusion. The principal limitations of the submitted vegetation studies are set out below:

6.2.1 Duration of trial

Despite the longer monitoring period we would not expect to see statistically significant changes in grassland species richness as a direct result of the introduction of solar panels over the course of a five month survey. This is a result of the limited mechanisms and longer timescales through which plant communities react to incremental environmental changes. Furthermore, undisturbed ungrazed grasslands that occur under the test array are likely to be particularly slow to respond as shade tolerant species and weeds will be slow to colonise due to the closed nature of the sward suppressing the germination of seed.

Two examples of the slow response times of semi-natural grassland vegetation to potentially harmful environmental changes come from two long-term fertiliser experiments. Research examining the impact of inorganic fertiliser on species-rich grassland on the Somerset Levels showed that it took 7 years before the application of 25 kg/Nitrogen/ha/year⁻¹ had a statistically significant effect on plant species richness. The equivalent timescale for 50 kg/ha was 3 years. In a separate long term experiment looking at the impact of farm yard manure (FYM) on species-rich neutral grassland, it took between c 4-6 years (site dependent) for a statistically significant effect on plant species richness to emerge at an application rate of 24t/ha/FYM/year⁻¹.

Given the slow response times of established undisturbed grassland communities it is highly likely that vegetation responses to changes in factors such as PAR, soil moisture and temperature and wind speed are only going to become apparent over much longer timescales. It is therefore perhaps not surprising that the Rampisham shade analysis report states that, “any trend [sic] seen at this stage may not be accurate indicators for long term impacts of the panels”.

6.2.2 Unsupported assumptions

The conclusions of the additional technical reports and the “layman’s summary report” and the underlying implication that the reports’ findings suggest that the solar farm will not harm the Rampisham Down SSSI is based on the following unsupported assumptions:

- That the vegetation communities would respond to changes in environmental conditions within the 5 month monitoring period.

For the reasons given above such changes to the grassland communities are unlikely to occur on undisturbed unmanaged grasslands in such a short monitoring period.

- That the environmental conditions under the small test array accurately models the conditions under a 40 ha solar farm.

The environmental conditions under a 40 ha solar farm are likely to be greater than the statistically significant changes that were recorded under the small test array.

- That the ungrazed rank acid grassland present under the test array will respond similarly to grazed short turf acid grassland communities that will be present once the site is properly managed.

In general grazed grassland communities will be more characteristic of exposed full sun conditions than rank ungrazed grasslands that will tend to favour more shade tolerant species. The grazed acid grassland communities necessary for the SSSI to achieve a favourable condition would therefore be expected to be more vulnerable to the effects of shading than ungrazed rank grasslands. Yet no attempt has been made to look at any variation in the response of grazed, cut, or unmanaged grasslands.

- That the undisturbed, or only marginally disturbed, grasslands under the test array will be affected in the same way as grasslands disturbed by construction activities.

Our own observations of the site show that where the grassland sward and soil have been broken up by the previous construction works there has been widespread colonisation of undesirable species such as spear thistle. It is fully anticipated that with appropriate grazing management these disturbed communities will recover over time, but they are highly unlikely to recover to the high quality acid grassland communities characteristic of grazed open sites under the shade and shelter of a solar farm.

6.2.3 Statistical robustness

The background section of the submitted “Rampisham shade analysis – preliminary note to client (10 November 2014)” states that the “initial analysis does not contain detailed statistical evaluation of the significance of the results”, but then proceeds to provide poor quality summary graphs and use a statistically based vegetation classification system. Where graphs are provided to illustrate survey results the shade report universally fails to indicate what the Y axes describe, and regularly omits confidence intervals for survey summary data points. As a result the reader has little indication of the variability of the data, and any perceived differences between survey events or quadrat groups are not statistically proven.

Natural England note that the author performs data transformations without providing any consideration why this was necessary, they do not provide confidence intervals for the resulting graph data points so it is not possible to determine how variable their data is, or whether their results are statistically significant, and they cannot statistically differentiate changes due to the various quadrat conditions from natural background variability.

From the information available it is reasonable to conclude that the author had little if any impression of the natural underlying variability in vegetation composition of the grassland habitat which would normally be needed to inform the design of their surveys and experiments to ensure any findings were statistically robust. The experimental design was therefore of insufficient power to reliably discriminate any significant differences as a result of the various experimental quadrat conditions.

At best the additional submitted shading and light reports have provided statistically unsupported and therefore unproven evidence to suggest that the rank ungrazed and relatively undisturbed acid grassland communities under a small test array have not noticeably changed over a 5 month period. The limitations of the results set out above are not discussed, while the findings are taken in the submitted layman’s summary as “empirical evidence” that “solar panels appear to be compatible with grassland conservation”. Although not specifically stated this presumably is intended to imply to that the shading and sheltering effects of a 40 ha solar farm will not harm the special interests of the Rampisham Down SSSI. Based on the evidence provided Natural England wholly rejects this misleading and unsubstantiated hypothesis.

6.3 Summary of likely ecological impacts of shading and changes to microclimates.

In light of the additional submitted reports it remains our view that the statistically significant microclimatic changes recorded under the test array are likely over time to result in an increase in competitive plant species tolerant of increased shading such as various grasses such as Yorkshire fog (*Holcus lanatus*), cocksfoot (*Dactylis glomerata*), rough-stalked meadow grass (*Poa trivialis*), tufted hair grass (*Deschampsia cespitosa*) false oat (*Arrhenatherum elatius*) and herbaceous species such as creeping buttercup (*Ranunculus repens*). In addition, it is possible that bracken (*Pteridium aquilinum*) and low shrubs such as bramble (*Rubus fruticosus* agg) will also be favoured, while invasion by other competitive species not currently recorded on the site such as hogweed (*Heracleum sphondylium*) cannot be ruled out. Such changes would accord with the changes in vegetation in enclosed meadows / pastures around the edges due in part to the effects of shading from hedgerows with an increase in coarser competitive species such as cocksfoot, false oat, cow parsley (*Anthriscus sylvestris*), hogweed, although caution is needed due to the different environments involved. In contrast, it is anticipated that less competitive species of open, somewhat ‘droughty’ acid grassland will decline. The impacts of shading and changes to microclimate are also likely to prevent the successful recovery of U4 acid grassland and associated heathland communities in the areas previously damaged and disturbed.

The previously submitted Ellenberg light categories analysis by Landmark provides additional evidence to support these conclusions. An indicator that shading and associated changes in microclimate will have a negative impact on the species composition of the existing acid grassland is the presence of plants in the current sward that fall into the two highest Ellenberg categories (value = 9: Plant in full light, found mostly in full sun) and (value = 8: (Light-loving plant rarely found where relative illumination in summer is less than 40%)). Some examples of the species in these two Ellenberg light categories recorded from the site are mouse-eared hawkweed (*Pilosella officinarum*), heath dog-violet (*Viola canina*), cat’s ear (*Hypochaeris radicata*), heath milkwort (*Polygala serpyllifolia*) and lousewort

(*Pedicularis sylvatica*). These species, key indicators of U4 acid grasslands and associated heathland stands, will therefore be particularly vulnerable to the increased levels of shading experienced under the panels.

The submitted Landmark paper goes on to make the following key observations:

- Shading from insolation will cause a shift of species towards more shade tolerant plants in the localised areas beneath the solar panels. While the majority of species occupy niches which make them tolerant to a small degree of shading, many of the species in the light demanding groups (which include species which are components of U4 grassland) are likely to be disadvantaged.
- There may be an increase in cover of common bent and other broad-leaved grasses at the expense of more delicate finer-leaved herbs, grasses and sedges. This increase is likely to lead to loss of diversity within the developed site, and possibly an eventual loss of U4 grassland in shaded areas as it converts into a more common type of mesotrophic grassland.
- The increase of shade and moisture will lead to the development of a taller and denser swards which will be much more likely to become species poor.
- Several species may benefit from increase in localised shelter from direct sunlight and moisture. Potential beneficiaries include some heathland and acid grassland species present in the lower Ellenberg bands, and the majority of bryophytes.
- There may be an increase in assemblage heterogeneity across the developed site as the grassland communities adapt to the varied levels of shading and moisture.

Landmark therefore also predict an increase in broad-leaved grasses and a shift towards less species-rich, mesotrophic and ranker swards in the areas shaded by the panels, but predict a more diverse bryophyte flora due to increases in soil moisture. Points 4 and 5 above are presented as a positive result, but this misses the point that it is not about increasing biodiversity / species-richness per se that is important but rather conservation of a particular nationally important acid grassland plant community in favourable condition with its particular species composition.

The Landmark report and revised ES states throughout that the vegetation changes outlined above are capable of mitigation by appropriate management, namely grazing and cutting. Natural England does not accept this unsupported argument. In our view grazing and cutting of partially shaded grassland communities are highly unlikely to maintain communities characteristic of full sun open conditions.

Although useful the analysis of the Ellenberg light values of the component plant species has severe limitations as the response of the component species in situ will be influenced by interactions with other species in the plant community. That is, crucially the adverse impacts that will occur as more shade tolerant species out compete less tolerant species. As pointed out by Landmark, there may also be other factors that will influence the performance of species even if they are able to tolerate increased shading such as a negative impact on pollinating species, or adverse impacts on symbiotic mycorrhizal fungi (See Revised ES Table 8.3 "Summary of literature review sources").

Another factor that that is likely to harm the designated vegetation communities under the panels is the inevitable disruption of rain fall patterns, with run off and drip lines creating areas with unnaturally wet conditions that will tend to favour less specialist competitive species at the expense of the dry acid grassland communities.

In addition to the adverse impacts on the site's designated acid grassland and heathland communities, the changes of microclimate under the panels is also likely to have significant adverse impacts on the site's other undesignated biodiversity interest features, most notably invertebrate communities and grassland fungi. Adverse ecological impacts on these features are likely to result from changes in

exposure, moisture regimes, altered temperature cycling of the surface and below-ground habitats and resulting changes in vegetation communities.

In our view the probable damage caused to the site by shading and associated changes in microclimate over such a significant period of time must be considered as permanent. Indeed it is reasonable to conclude that after such a significant period of time (at least 25 years) the grassland is likely to have permanently lost much of its present, designated, ecological interest and therefore any restoration would require compensatory habitat creation, rather than restoration. The best that can be said therefore is that on the removal of the panels the soils are likely to be intact and so grassland creation is more likely to be successful. While newly created grasslands are of value, they can in no way compensate for the damage and loss of such a significant extent of SSSI unimproved grassland that would result from the current application and potential future restoration cannot be used as a justification for permitting damage to occur.

To conclude, if permitted, the scheme would result in the installation of solar panels and associated infrastructure across 40.5 ha of the Rampisham Down SSSI, resulting in shading of the grassland and heathland interests and associated changes of local micro climates. The ES estimates that even in the best case scenario with grassland communities maintained between the panels this would result in around 23% of the developed area being directly and adversely affected by shading, equating to a direct loss and damage of the notified interest feature of U4 grassland of around 14 -16 hectares. In addition, Natural England considers it likely that the shelter created within the solar farm will also have adverse impacts on the acid grassland communities across the remainder of the 40 ha development.

Table 8.4 of the revised ES further concludes that the operational phase of the development will result in a "Significant negative impact at NATIONAL level probable". Natural England agrees with this assessment. Furthermore, no evidence has been provided to support the contention set out in the ES and supporting documents that the adverse impacts identified can be fully mitigated through grazing and cutting management. This point is perhaps reflected in the "Low" confidence given in Table 8.4 to the assessment of operational impacts that "significant residual impacts are unlikely". Natural England strongly disagrees with this unsupported assessment.

The latest further additional information provided has clearly failed to demonstrate that significant negative impacts will not occur. Indeed, the additional information, including the monitoring of shading and associated microclimatic conditions under a test array, has provided further evidence to suggest that long term adverse changes to the grassland communities are likely. Based on the information provided Natural England can therefore see no justification for amending the original submitted ES conclusion that in light of the uncertainties a precautionary assumption should be made "that the ...grassland interest beneath the solar panels will be irreversibly lost" (8.7.36).

In our view a solar farm on a large area of unimproved acid grassland will not be compatible with maintenance of its wildlife interest and overall condition / integrity. We also conclude that whatever mitigation measures are put in place, including grazing management and the amendments to panel design, the scheme will inevitably result in a decline in the extent, quality and condition of the site's interest features. **Natural England must therefore advise that the revised scheme will result in a significant and unacceptable risk of serious deterioration and loss of the grassland interests on the Rampisham Down SSSI.**

7. Ecological Impacts Relating to the Ongoing Management of the Site.

The ongoing management of the Rampisham SSSI will require a combination of cattle and sheep grazing. Whilst we cannot be certain of grazing or animal behavioural aspects under the solar panels no account has been taken of any likely adverse impacts within the ES. In our view it is likely that the presence of solar panels on over 40 ha of the SSSI will adversely impact the pattern, intensity and distribution of livestock grazing across the site and as a consequence have a further adverse impact on the designated acid grassland and heathland communities. Adverse impacts are likely to occur through the following mechanisms:

- Livestock are unlikely to be able to graze freely and evenly under the entirety of the 40 ha panel

array with animal movements restricted by the parallel avenues of panels.

- The avenues between the panels will restrict livestock movement resulting in greater levels of trampling, poaching and soil compaction than would normally be the case in an open field.
- Grazing animals may preferentially shelter under the panels causing further damage through excessive poaching and dunging.
- Cattle are unlikely to be able to graze efficiently under the lower sections of the shelving panels.
- Cattle are likely to rub against panels risking damage to the structures. Such damage is likely to result in a future restriction of cattle grazing on the site.

In addition, vehicle movements associated with routine maintenance operations associated with running the solar farm may overtime cause further harm on the corridors between the panels through the effects of soil compaction and rutting.

In combination the above factors are considered likely to have a further detrimental effect on the long term management and quality of the SSSI affected by the proposals.

8. Ecological Impacts Relating to Construction and Decommissioning

The potential for construction activities to damage the grassland interests of the SSSI is clear from the extensive damage that has already occurred . Figure 1 - “Areas of grassland subject to restoration” of the submitted Site Restoration Plan (Landmark 2013) illustrates the areas disturbed by these previous works.

The revised scheme has now recognised these impacts and has sought to address them through the preparation of a revised Construction Environmental Management Plan (CEMP). However, even with the CEMP in place the ES concludes that ongoing demolition and construction works, “will inevitably cause damage to the grassland through vehicular movements and operation of plant to dig trenches or haul routes” (paragraph 8.8.4). Given the scale of the previous damage further impacts to the retained and recovering areas of acid grassland could therefore be considerable. In order to avoid the further damage to the SSSI safeguards would need to be secured to ensure the provision for oversight of all construction and demolition works by your authority. Where operations are seen to be damaging the site’s grassland then works should be stopped until such time as ground conditions improve, and or vehicles with low ground pressures designed to operate in sensitive habitats employed.

Provided the necessary safeguards are in place Natural England accepts that the construction, or demolition and decommissioning works could be completed in such a way as to minimise damage to the SSSI grassland. Furthermore, we are satisfied that with appropriate restoration combined with long term grazing management the site’s acid grassland and associated heathland communities will recover from any incidental damage that may occur. Natural England would therefore have no objection to the principle of removing the remaining masts, along with the unconsented solar park infrastructure previously installed, provided the works were completed under an agreed method statement and in close supervision / control of works.

9. Issues Relating to Mitigation and Compensation

The applicant suggests that any harm caused to the 40 hectares of designated site affected by the proposals will be “balanced out by improvements and ongoing management across the whole site” (revised ES paragraph 8.7.36). This assertion assumes that without the benefit of the current proposals the site as a whole will remain unmanaged. However, as noted previously, this would not be the case. Natural England has the necessary powers to enforce appropriate habitat management of the SSSI and through the offering of an Higher Level Stewardship / Countryside Stewardship scheme for the site has taken the initial steps in this process. Natural England is fully committed to ensuring this important site achieves favourable condition and will continue to work with the owners of the site to ensure it does so. Natural England will also be seeking any necessary enforcement action to ensure the removal

of all unconsented solar farm infrastructure previously installed on the site. While the removal of the remaining masts from the site could not be enforced their removal is not necessary for the management and restoration of the SSSI. The proposals therefore provide no additional benefits for the long term management of the SSSI than would be expected to be achieved through normal SSSI management and enforcement procedures and for the reasons stated previously would result in significant harm.

Natural England notes that the revised submission has now removed the previous offer of compensation from the scheme. If the current application received planning permission against our advice then in line with the provision of NPPF paragraph 118 compensation for the significant harm that would be caused to the SSSI would be required. It is worth noting that even with an agreed level of compensation payment the loss and damage of over 40 ha of SSSI acid grassland would represent an unprecedented loss of SSSI priority habitat that even with an appropriate level of compensation funding available would be irreplaceable in its entirety outside the current Rampisham Down site.

10. Considerations of Biodiversity Interests under the National Planning Policy Framework (NPPF)

A principal justification for developing the Rampisham Down SSSI as set out in the submitted ES, is that the site is a “brown field site”. However, the NPPF Paragraph 111 is explicit that planning decisions should only encourage the use of brown field land provided “it is not of high environmental value”. The current application site is an exceptionally large unimproved grassland notified as an SSSI in a sensitive rural location within the Dorset AONB and is therefore considered in its own right as of very high environmental value. On this basis its previous use cannot be used to justify the significant harm that will result from the current proposals.

Based on the available information set out in the ES and outlined above, Natural England advises that the revised application would result in direct and indirect loss and damage of up to 40.5 ha of unimproved acid grassland, notified as a SSSI. A site that is considered by Natural England’s national grassland specialist as a site of, “very high significance in the national context”.

NPPF Paragraph 118 states that ‘when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.’

In relation to SSSI’s NPPF paragraph 118 states, “proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest.

For the reasons set out previously, Natural England advises that the revised application will still result in significant harm to the interest features of the Rampisham Down SSSI that cannot be avoided through mitigation. Furthermore, the nature of the development does not preclude it from a wide range of alternative sites (NB please see comments below on consideration of alternatives). Therefore, Natural England must recommend that in line with the NPPF for the protection of SSSI’s the current application **be refused**.

11. Issues Relating to Other Biodiversity Interests – Protected Species and Nesting birds

Natural England notes and accepts the finding and recommendations of the submitted “Breeding Bird, Reptile and Great Crested Newt Survey Report” and has no further comment on this aspect of the application.

The submitted ES notes the presence of between 15 – 20 pairs of nesting skylark. Due to recent and

dramatic population declines skylark are a UK Red List Species and as such recognised as a species of highest conservation priority. Natural England is therefore concerned that no provision is made for compensating for the loss of skylark nesting habitat, as required by NPPF paragraph 118.

In order to address this issue Natural England recommends that the scheme should be required to provide and maintain an equivalent number of skylark plots as territories that will be lost in a suitable offsite location in the vicinity of the development. Alternatively, the applicant should be required to provide the cost of creating and maintaining the equivalent number of skylark plots for the duration of the development calculated on the basis of the published Higher Level Stewardship Scheme annual payment rates. The funding secured should be made available for the Dorset Biodiversity Partnership for the purposes of promoting farmland bird conservation within the Dorset AONB.

The revised application also identifies the presence of nesting peregrine falcon on one of the remaining pylons. Provided works on the site are restricted to outside the bird nesting season and suitable alternative peregrine nesting opportunities are provided (as illustrated in Appendix 8.10 of the revised ES) then Natural England would have no objection to this aspect of the proposals.

11.1 Issues Relating to Protected Species - Badgers

Natural England can confirm that the provision of scrapes under the security fence as described in the revised ES would be a satisfactory alternative to the use of badger gates. Natural England has no further comment on this aspect of the proposals.

12. Objection Relating to Impacts on the Dorset Area of Outstanding Natural Beauty (AONB)

Natural England **objects** to the proposed development on grounds of landscape and visual impacts within the protected landscape (and potential harm to the special qualities of the AONB).

The development site lies within the Dorset Area of Outstanding Natural Beauty (AONB), a designation of national importance with the highest status of protection in relation to landscape and scenic beauty. In exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty (AONB), all public bodies, local planning authorities and Natural England, have a duty to have regard to the statutory purpose of AONBs, which is the purpose of conserving and enhancing the natural beauty of the area (Section 85 Countryside and Rights of Way Act, 2000). Local planning authorities are required to take such action as appears to them to be expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty and amenity of an AONB to the extent that it lies within their area (Section 84(4) Countryside and Rights of Way Act, 2000). It is against this duty, and with regard to national and local planning policy, that this proposal must be measured.

The revised scheme includes the removal of 9 of the 10 remaining transmitter towers, with 1 tower retained at half its existing height and the erection of solar panels on metal frames (max height: 3.2m), with 16 inverter/transformer cabins (3.75m high), on 40.5 ha of existing grassland.

The local landscape in is part of the Dorset AONB characterised by expansive chalk uplands with ridge and valley topography within a north-west-south east grain. The ridges have steeply sloping sides with a scarp-like appearance and a medium to large-scale, straight-sided, field pattern with hedgerows and scattered blocks of woodland. The lower slopes and valleys have a more secluded character with a small-scale pattern of fields and copses.

There is a high degree of inter-visibility between the ridges which are also linked by a network of footpaths, bridleways and narrow lanes. Until recently, the 35 BBC transmitters at Rampisham Down were very conspicuous features within, and associated with, this landscape; the remaining 10 towers are also conspicuous features, standing within an existing grassland area.

The proposed development is situated on the edge of an elevated ridge, where the land is level at 221m AOD the north eastern side of the site adjacent to the A356 and then dips down slope to approximately 190m AOD towards the south west, overlooking the Hooke Valley and with open views

extending further west and south west towards the prominent Eggardon Hill and hillfort (approximately 4 miles away). It is noted that as part of mitigation measures solar panels would not be situated below 207 AOD.

The Landscape and Visual Impact Assessment (LVIA) has been submitted within the Environmental Statement. The LVIA has been revised to take account of an adjusted baseline following removal of 24 transmitter towers and to update the viewpoints and photomontages following advice given by the WDDC Landscape Architect. Natural England welcomes the provision of photo montages from Eggardon hill a key receptor within the Dorset AONB. Natural England is satisfied that the revised LVIA methodology follows the Guidance on Landscape and Visual Impact Assessment (LI, IEMA, 2002¹). The method requires the systematic and transparent use of stated criteria to inform professional judgements about the significance of landscape impacts and visual impacts associated with the proposed development.

Natural England considers that the revised scheme's reduction in extent of solar panels and the removal of the additional aerial masts is an improvement on the previous scheme. However, the scheme will nevertheless still result in a very large scale solar farm within a rural locality within the Dorset AONB. In our view the analysis of impacts associated with the solar park within the revised LVIA is eschewed and rendered less meaningful by the constant offsetting against removal of all but one of the towers; this significantly underplays the long term impacts of the proposed solar park development.

Natural England cannot agree with the conclusion of the revised Environmental Statement, that the site is very well suited to conversion to a solar park in terms of landscape and visual impact (para 7.12.1). The site is not located within a level plateau landscape, surrounded by hedges and woodland, where a solar park might be visually contained. The site is located on the cusp of a prominent ridge, with a solid array of panels presented to the wider landscape, and the grassland obscured from view. A location such as this is likely to be visually sensitive in any landscape and the fact that Rampisham Down occupies prominent location within the Dorset AONB, and is visible from such key view points as Eggardon Hill, a publicly accessible site of historic and cultural interest within the AONB, heightens the sensitivity of this location.

Natural England also disagrees with the LVIA assessment of the value of the SSSI grassland to the character of the Dorset AONB, which is based solely on the visual appearance of the unimproved grassland and lack of public access (revised LVIA paragraph 7.6.22). In our view the Rampisham Down SSSI is part of the mosaic of continuous biodiverse habitats that includes the internationally important woodlands (West Dorset Alder Woods SAC) and nationally important grasslands (Toller Porcorum SSSI) that together contribute significantly to the special qualities and character of the Dorset AONB. The perception of the characteristics of the locality are well illustrated by the adjoining Kingcombe Centre's website which describes the centre as, "set amidst winding country lanes, delightful rivers and superb, unspoilt countryside". That "unspoilt" countryside includes the unimproved acid and neutral grasslands that are noted in the Dorset AONB Landscape Character Assessment. The distant views of these grasslands may not be immediately appreciated by all, but the subtle tones of the seasonal colours of unimproved grasslands contrasts markedly with the uniform bright green of modern improved pastures. They also support a wealth of wildlife that contribute to the character of the area and its perception without necessitating direct public access. Examples include the song flight of skylarks, hunting birds of prey, etc.

Natural England therefore considers that the proposed solar farm would in itself have a major adverse landscape and visual impact on the of the Dorset AONB.

The revised LVIA justified this adverse impact by offsetting it against the benefits of removing 9 of the remaining masts. Natural England considers the removal of the masts as essential for ensuring there are no additional cumulative landscape impacts in association with the existing infrastructure on the

¹ Natural England accepts the use of the 2002 guidance, and to note that the Guidance on Landscape and Visual Impact Assessment has been updated in a third edition published by the Landscape Institute in April 2013

Rampisham Down site. Clearly, however, there are also benefits to the landscape character and visual amenity of this landscape, afforded by the proposed removal of all but one of the remaining masts.

However, the current proposals will in effect replace one unacceptable adverse impact on the landscape character, quality and visual amenity of the AONB with another, albeit of a different character. Furthermore, Natural England notes the LVIA gives weight to the temporary duration of the permission. Yet it must be borne in mind that a twenty-five year operational life equates to a human 'generation' arguably resulting in a permanent effect on a single receptor group.

Natural England also considers that it remains uncertain that the existing aerial masts would not be removed irrespective of the current application. Although the removal of the remaining masts will remove an existing negative impact on the special qualities of the Dorset AONB, this benefit should only be considered as part of the planning application if it would not be likely to occur anyway. Natural England notes the estimated cost of removal submitted by Alder King of remaining masts using the methodology adopted for the previous removal and taking account of scrap value is £62,000. The method statement for the removal of the masts will need to be agreed, however, besides ensuring the remaining masts are removed in summer during dry ground conditions no additional safeguards are considered necessary. There is therefore absolutely no basis for the applicant to suggest that the methodology that would be required by NE would cost £1.3 million. In our view the £62 000 costs of mast removal is therefore unlikely to be dependent on securing a large scale development, indeed it seems likely that this level of funding could if necessary be found through grant aid. However, while we consider that the masts would be likely to be taken down at some point, the proposal would mean they would be dismantled sooner than otherwise and the benefits from this is a legitimate factor to take account of in the overall landscape impact in the area as a whole. Furthermore, we would accept that this benefit would avoid any cumulative impacts and offset some adverse impacts of a development, but only provided that development proposed was suitably sited in the landscape and of an appropriate scale. In our view this does not apply to the current proposals.

13. Considerations of Landscape Interests under the National Planning Policy Framework (NPPF)

In determining the application Natural England recommends that your authority is mindful of the provisions of the NPPF in relation to major developments within an AONB. In particular, Paragraph 115 which states that, "**Great weight** should be given to conserving landscape and scenic beauty in National Parks, the Broads **and Areas of Outstanding Natural Beauty**, which have the highest status of protection in relation to landscape and scenic beauty. The **conservation of wildlife** and cultural heritage **are important considerations in all these areas**, and should be given great weight in National Parks and the Broads." Paragraph 116 further states that planning permission should be refused for **major** developments in these designated areas **except in exceptional circumstances** and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- **the cost of, and scope for, developing elsewhere** outside the designated area, or meeting the need for it in some other way; and
- **any detrimental effect on the environment**, the landscape and recreational opportunities, and **the extent to which that could be moderated**.

The Government's Planning Practice Guidance relating to landscape provides the following additional guidance:

"Planning permission should be refused for major development in a National Park, the Broads or an Area of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated to be in the public interest. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework

applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The Framework is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable”.

In light of this advice and given that the current proposals are for solar farm development extending over 40 hectares of SSSI grassland within a rural area of the Dorset AONB Natural England advises that the scheme should be treated as a “major” development in the context of the NPPF.

14. Consideration of Alternative Sites

While the application site provides benefits to the applicant, the nature of the development does not preclude it from alternative sites. Indeed, a number of solar farms have already been approved in the county and given the right economic climate no doubt more will follow. Natural England is concerned therefore that the current proposals have been put forward without full consideration of alternative sites both outside the AONB, and within.

In relation to solar farms the Government’s Planning Practice Guidance states that local planning authorities should be, “encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value”. This advice has been cited in the recent decision letter of a planning inspector refusing permission for a 38 ha solar farm on agricultural land in Tattingstone, Suffolk (Appeal Ref: APP/D3505/A/13/2204846). The Inspector also criticised the applicant’s attempts at finding alternative non-agricultural land for the development. The current application would also appear to have made no serious attempt to locate a site outside the protected landscape of the Dorset AONB, nor has there been adequate consideration of alternative local sites that would allow the use of the existing infrastructure on Rampisham Down.

With reference to the availability of alternative sites your authority should be aware that the applicant, through our Discretionary Advice Service (DAS) , has commissioned Natural England to provide pre application advice on the landscape and ecological aspects of a possible alternative site for a large scale solar farm on land across the A356, directly opposite the current application site. Having considered this alternative site Natural England is satisfied that a solar farm on the opposite side of the road would have significantly less adverse landscape impacts on the Dorset AONB than would inevitably result from the current proposals. On this basis, provided cumulative impacts were avoided through the removal of the remaining masts on the Rampisham Down site, it would represent a potential alternative scheme that would avoid many of the unacceptable elements of the current proposals.

Our DAS advice provided to the applicant concludes that,

“Provided the suggested onsite mitigation measures are adequately taken into account and the essential offsite landscape mitigation measures are completed in full, then Natural England is satisfied that the residual adverse impacts of the alternative Rampisham Estate proposal, on the protected landscape of the Dorset AONB, are likely to be reduced to an acceptable level. On this basis provided any forthcoming planning application adequately addressed the issues set out in this advice then Natural England would have no objection to the landscape aspects of the proposals.”

Notwithstanding the need for adequate consideration of alternative sites outside the Dorset AONB, Natural England is therefore satisfied that a significantly less harmful site in terms of both landscape and biodiversity interests is available within the locality.

15. Summary

Given the large scale of the proposals in a sensitive rural location within the Dorset AONB, the significant and in themselves unacceptable adverse impacts on the nationally important Rampisham Down SSSI, and the scope for siting solar farm developments on alternative less harmful sites, Natural England **maintains its objection** to the application. In our view the application is clearly contrary to the legal protection afforded to this landscape through the CRoW Act 2000 and contrary to the provisions

of paragraphs 115 and 116 of the NPPF and should be **refused**.

If your Authority is minded to grant consent for this application contrary to the advice relating to the Rampisham Down SSSI contained in this letter, we refer you to Section 28I (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- **Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and**
- **Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.**

Government Circular 06/2005 (paragraph 66) provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service. If the form is not attached, it can also be accessed on our website.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter please contact John Stobart on 07825 844475. For any new consultations or issues, please contact consultations@naturalengland.org.uk.

Yours sincerely

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