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17th June 2026

Mr Andy Baker

Baeur Media

andy.baker.contractor@bauermedia.co.uk

Re: Biodiversity Net Gain — response to the Ecology consultation response dated 12th May 2026 (Application PL/2025/09332).

Dear Andy,

I'm writing following my site visit at the above site on 11th June 2026. This was in response to the Ecology consultation response prepared by Jessica Cracknell (Wiltshire Council) dated 12th May 2026, which maintains a holding objection on the grounds that the installation of solar panels at the site "does not meet the requirements for a de-minimis exemption" from mandatory Biodiversity Net Gain (BNG).

I have carried out a site visit to map the habitats present across the application site (see Appendix 1) and have cross referenced this with the design specification provided by you in an email of 18th May 2026. Having done so, it remains my considered professional opinion that the development qualifies for the statutory "below threshold" (de minimis) exemption. This letter sets out the basis for that conclusion and responds directly to the specific point raised in the consultation response. I trust it provides the reasoned statement and supporting evidence anticipated by the guidance where an applicant considers a development is not subject to the biodiversity gain condition.

1. The exemption and the point in dispute

I agree with the statement of the law in the consultation response. Under the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and the Government's published guidance, the de minimis exemption applies to a development that:

- does not impact an on-site priority habitat (a habitat on the list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- impacts less than 25 square metres of on-site habitat that has a biodiversity value greater than zero, and less than 5 metres in length of on-site linear habitat.

A development "impacts" a habitat where it causes the loss, damage or degradation of that habitat such that its biodiversity value, as calculated using the statutory biodiversity metric, is decreased.

The single point in dispute is the consultation response's conclusion that:

"The proposed panels will indirectly impact the habitat underneath over time, preventing any sunlight from reaching the land beneath. The total area of this solar array exceeds 25sqm according to the block plan, so the de-minimis exemption does not apply."

With respect, this conclusion rests on two assumptions that are not supported by the current evidence and guidance: first, that the panels will eliminate the habitat beneath them; and second, that the full plan area of the array (rather than the area of habitat whose biodiversity value is actually decreased) is the relevant figure for the 25 m² test. I have addressed each below.

2. The habitat beneath the panels is retained, not lost

The premise that the panels will prevent sunlight reaching the land beneath and thereby cause the loss of that habitat is not consistent with the established position on how habitats beneath solar panels behave and how they are treated in the statutory biodiversity metric.

Natural England's metric team has provided express clarification on this question. As reported in the BSG Ecology technical note "How Should Habitats Below Solar Panels Be Classified Within The Statutory Biodiversity Metric?" (27 November 2025), Natural England advised (by email, 21 November 2025):

"UKHab solar panel habitat type does not apply to the metric, instead users should record the habitat found beneath the solar panels (e.g. modified grassland in poor condition) within the metric."

In other words, the land beneath panels is not treated as lost or as "developed land; sealed surface" — it is recorded as the (vegetated) habitat that is actually present beneath the panels. The technical note explains that classifying habitat below panels as sealed surface is "inaccurate," because "there is plenty of evidence that vegetation will grow beneath solar panels."

This is consistent with the Solar Energy UK Natural Capital Best Practice Guidance (produced with input from Natural England's BNG team), which the note quotes as confirming that:

"in most cases, habitats within solar farms can be classified as other neutral grassland of moderate condition within the metric ... The habitat directly under the panels is more variable, but in most cases, a similar habitat can be achieved."

The technical note concludes that, when describing habitats beneath solar arrays, the habitat recorded "should accurately reflect what will be there (e.g. grassland)."

Applied to this application, the two PV rows are proposed over an area of other neutral grassland (UKHab g3c) adjacent to the telecommunications mast (see the habitat plan, version dated 16th June 2026, and the Block Plan, Bespoke Architects, drawing 25.347 P02A). That grassland will remain grassland beneath and between the panels. It is not sealed, not built upon, and not removed. On the evidence above, the panels do not cause the loss of that habitat and there is no decrease in its biodiversity value (poor condition) as recorded in the metric. The grassland therefore is not "impacted" in the sense required by the exemption test.

3. The area of actual habitat loss is below 25 m²

The only part of the proposal that physically removes or seals habitat is the ground contact of the mounting and the cable duct. We have recalculated this footprint (full working at Appendix A):

Ballast blocks: 12 blocks, each 2.8 m × 0.4 m (1.12 m² per block) = 13.44 m²

Cable protection: SWA cable within a 100 mm protective duct, maximum run ~20 m (20 m × 0.1 m) = 2.0 m²

Total ground footprint = approximately 15.44 m²

This is the area of on-site habitat whose biodiversity value is decreased by the development. It is below the 25 m² threshold. The full plan extent of the array is not the correct measure, because as outlined in Section 2 the grassland beneath the panels is retained and is not impacted within the meaning of the metric.

4. No priority habitat and no linear habitat is impacted

The habitat survey records the following habitats within the red line boundary: other neutral grassland (g3c), tall forbs (g16), bramble scrub (h3d) and mixed scrub (h3h), a hedgerow (h2) along the southern boundary, and developed land/sealed surface (u1b).

Priority habitat: none of the habitats affected by the installation is a priority habitat listed under section 41 of the NERC Act 2006. In particular, "other neutral grassland" (g3c) is not a priority habitat. The first limb of the test is therefore satisfied.

Linear habitat: the only linear habitat on site is the hedgerow (h2) along the southern boundary. The PV rows, ballast and duct are located beside the mast and run to the transmitter container to the east, well away from this hedgerow. No part of the hedgerow is removed, cut through or otherwise impacted, so the length of linear habitat impacted is nil — comfortably below the 5 m limb of the test.

5. Conclusion on exemption

Each limb of the de minimis test is met:

- the development does not impact any priority habitat;
- the area of on-site habitat whose biodiversity value is decreased (the 15.44 m² ground footprint) is less than 25 m², the grassland beneath the panels being retained in line with Natural England's position; and
- no on-site linear habitat (the southern hedgerow) is impacted.

On that basis, it is my professional opinion that the proposed installation is exempt from the mandatory BNG requirement under the developments-below-threshold exemption, and that the biodiversity gain condition should not be applied.

Should the Council's ecologist take a different view on the treatment of the habitat beneath the panels, we would be content, in the alternative, to submit a completed statutory biodiversity metric calculation with the baseline habitats, condition assessments and baseline habitat plan, demonstrating no net loss. I consider this should not be necessary given the exemption, but we raise it to assist the Council in moving the application forward.

I trust this addresses the matters raised in the Ecology consultation response and provides the reasoned statement and evidence required to confirm that mandatory BNG does not apply to this development.

Please do not hesitate to contact us should you require any further information.

Yours sincerely,

Kind regards,

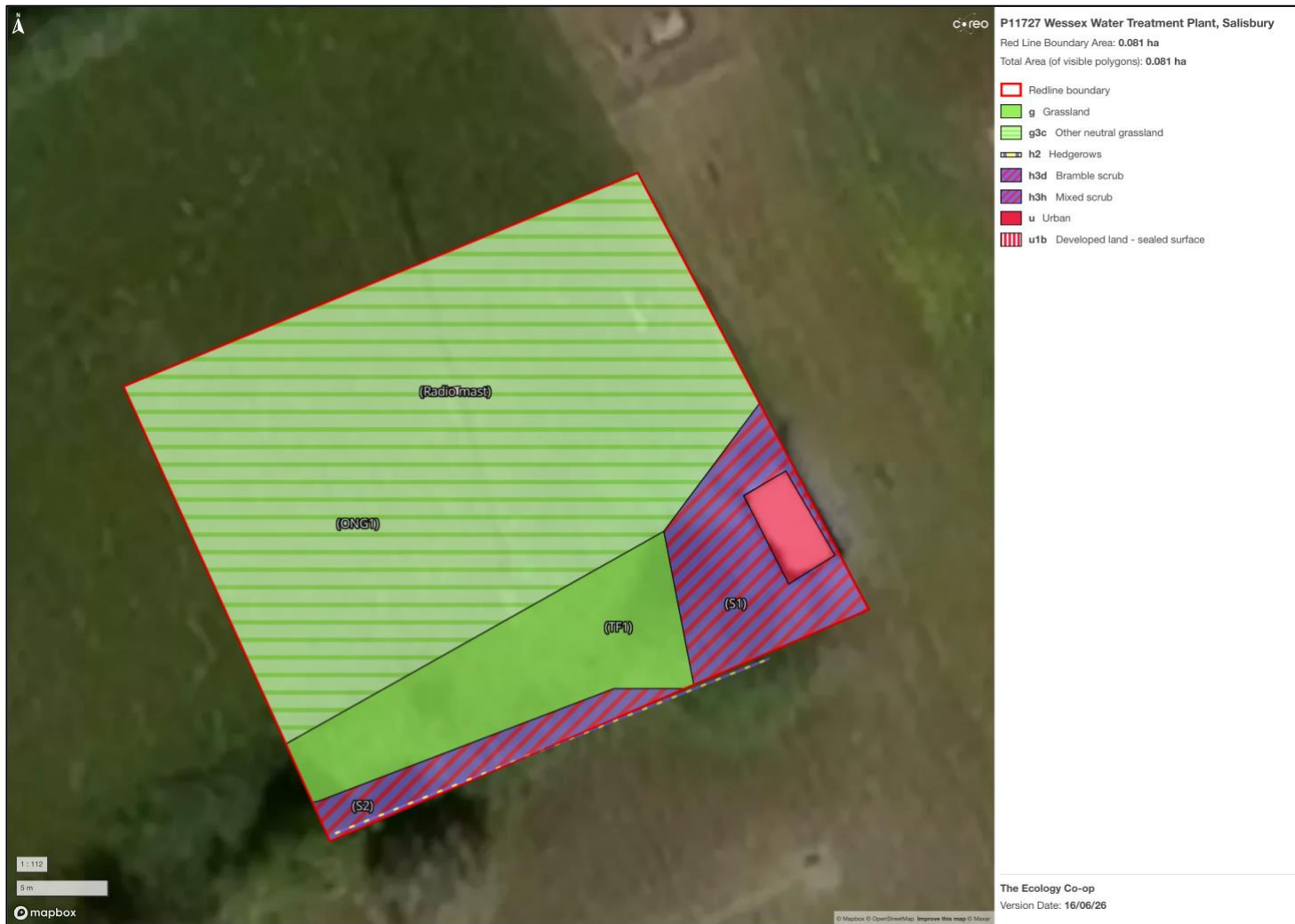
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APPENDIX 1 – Existing UKHab Map



Appendix 2 – Site Photograph



Photograph 1. A view of the application site, taken from the north-west corner, looking south-east across the site's other neutral grassland.