



2nd September 2022

Laurence Ackrill
Uttlesford District Council
London Road
Saffron Walden
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By email only

Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Uttlesford District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Uttlesford Application Reference: UTT/22/2046/PINS

PINS Application Reference: S62A/22/0006

Location: Land At Berden Hall Farm Dewes Green Road Berden

Proposal: Consultation on S62A/22/0006 – Development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping

Dear Laurence,

Thank you for consulting Place Services on the above application.

Holding objection due to insufficient ecological information on Priority species (farmland birds)

Summary

We have reviewed the documents supplied by the applicant including the Ecological Appraisal (Cherryfield Ecology, February 2022), Biodiversity Net Gain Assessment (RPS Group, June 2022), Landscape and Ecological Management Plan (Sightline Landscape, February 2022) and Planting Plan drawing no. 375_PP_04 (Sightline Landscape, May 2022) relating to the likely impacts of development on designated sites, protected & Priority habitats and species and identification of proportionate mitigation.

There is insufficient information available to identify the likely impacts upon Priority farmland bird species, particularly Skylark *Alauda arvensis* which nest in arable fields. Although mitigation during construction and new foraging opportunities have been recommended in the Ecological Appraisal (Cherryfield Ecology, February 2022) there is no provision of open habitats to replace the Skylark nesting habitat that will be lost.

Although Skylark may forage between solar panels and due to potential nest-site loyalty post-development, nest between them, there is minimal evidence to suggest that Skylark will regularly nest between solar panels. In addition research has concluded that ground-nesting birds often require an



unbroken line of sight and therefore Skylark may actively avoid nesting at solar farms in most circumstances¹. The RSPB research² does provide evidence that Skylark use the solar farms for foraging purposes but does not provide evidence that nesting territories will not be displaced. Therefore, as the proposed solar farm will contain panels which are closely spaced, it is presumed that the development will result in a permanent loss of nesting habitat for this Priority species, where solar panels are proposed on suitable nesting habitat.

The proposed Skylark mitigation suggested in the Ecological Appraisal (Cherryfield Ecology, February 2022) looks at providing 10 Skylark Plots within the fields of the proposed solar panels. This is not considered suitable replacement nesting habitat as Skylark will actively avoid nesting in a field within 50m of a predator perch i.e. hedgerows, trees, pylons and the solar panels themselves. The total area of arable farmland lost to the development is approximately 70ha. Although Skylark were recorded calling on site, the number of territories has not been identified.

As a result, we recommend that further information should be provided to identify the number of territories of breeding Skylark present within the site, which could be informed by a Breeding Bird Survey in line with BTO Common Bird Census methodology. If adverse impacts are likely to be caused to this Priority Species as a result of the proposed development, then a bespoke Farmland Bird Mitigation Strategy will be required to ensure that impacts upon nesting Skylark are mitigated and compensated for. We suggest this comprises compensation measures to be provided offsite in nearby agricultural land. The amount of compensation needed is dependent on the number of breeding Skylark currently at the site. The Farmland Mitigation Strategy should be secured as a condition of any consent if suitable land can be delivered in the applicant's control. However, if suitable land is not available in the applicant's control, then the compensation measures will be required to be secured via a legal agreement.

Before we can lift our holding objection, an outline of the proposed Skylark mitigation, including compensation measures to be provided offsite in nearby agricultural land, must be submitted and agreed in principle with the LPA.

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*

This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

¹ Montag H, Parker G & Clarkson T. (2016). The effects of solar farms on local biodiversity. A comparative study. Clarkson and Woods & Wychwood Biodiversity.

² [REDACTED]



The Ecological Appraisal (Cherryfield Ecology, February 2022) has not considered Priority habitats. Although none are located within the site, Priority habitat Lowland Mixed Deciduous Woodland is present at the southern boundary of the site. This Priority habitat is also part of the Local Wildlife Site (LoWS) Park Green. Pelham Centre Meadow LoWS is also located within 50m of the site. Although the proposed works are unlikely to cause direct impacts to these sites and habitats within them, it is recommended that a Construction and Environmental Management Plan for Biodiversity (CEMP: Biodiversity) is produced to outline how they will be protected from indirect impacts such as dust during the construction phase.

This CEMP: Biodiversity should also include precautionary construction methods for Badger and a vegetation clearance method statement that considers protected species including nesting birds, reptiles, Hedgehog and Common Toad. The method statement for vegetation clearance is considered necessary as areas of dense scrub and tall ruderal habitats are to be removed, as shown in the Biodiversity Net Gain Assessment (RPS Group, June 2022).

Subject to the above required surveys, we support the proposed biodiversity enhancements including the planting of new hedges, trees, woodland and wildflower meadows, as well as the provision of log piles and bird boxes which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d and 180d of the National Planning Policy Framework 2021. These enhancement measures should be secured by a condition of any consent. The Biodiversity Net Gain Assessment (RPS Group, June 2022) showed an increase in habitat and hedgerow units at the site. The assessment was based on the assumption that all existing habitats were of moderate condition as the Ecological Appraisal (Cherryfield Ecology, February 2022) did not provide enough details to determine this. A finalised Biodiversity Net Gain Assessment, based on accurate condition assessments, should be secured as a condition of any consent.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Please contact me with any queries.

Yours sincerely

Ella Gibbs ACIEEM BSc (Hons)

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Place Services provide ecological advice on behalf of Uttlesford District Council

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.