

8 September 2015



Dear Alan Lynch,

Application No: P/2015/01032
Development: Siting of 5MW solar farm with ancillary buildings, security fencing, CCTV, access tracks and landscaping
Location: Land to East of Nabb Lane, Rocester, Staffordshire
Grid reference: SK088390
Area of site: 8.9 hectares

The Wolsley Centre
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Thank you for consulting Staffordshire Wildlife Trust on the above application, received on 7/8/2015 We have viewed the following documents:

- Preliminary Ecological Appraisal Survey Report v3 31 March 2015
- Breeding Bird Survey Report June 2015 Evolution Ecology
- Ecology Management Plan July 2015 Evolution Ecology
- Habitat Plan 00011-40-103 Rev 03 8 July 2015
- Planning Design and Access Statement July 2015 Ost Energy
- PV Layout Access 00011-40-101 A Rev 03 7 July 2015

HABITATS

Wider Ecological Network

Staffordshire Biodiversity Action Plan

The site is within the Species-rich Farmland Ecosystem Action Plan area. The scheme includes features that would benefit habitats and species in the plan, although potential impacts to some key species need to be addressed before the scheme could be considered to potentially result in a net gain.

Living Landscape Projects

The site is adjacent to the Staffordshire Rivers Living Landscape Project. Inclusion of swales and a pond is a positive element and will help reduce any run-off effects near to the Nabb Brook to the east. Swales are not indicated clearly on the Habitat Plan – this could be addressed through final details.

Chairman
Richard Higgs
Chief Executive
Julian Woolford

Registered Charity No. 259558
Limited Company No. 959609
Registered Office: The Wolsley Centre
Wolsley Bridge, Stafford, ST17 0WT



Working for a Living Landscape

Staffordshire Rivers –

<http://www.staffs-wildlife.org.uk/what-we-do/protecting-wildlife-and-wild-places/living-landscapes/staffordshire-rivers-living-landsca>

Nick Mott, Senior Wetlands Officer nmott@staffs-wildlife.org.uk

Agri-Environment Schemes

The site is not currently in any scheme, although most of the surrounding land is in entry, higher level or organic Environmental Stewardship, which may explain the level of bird interest found on the site.

Statutory and Non-Statutory Wildlife Sites

No impact predicted.

Habitat Survey

The survey area in the Preliminary Ecological Appraisal does not cover the entire access track down to the road. The Planning Design and Access Statement states that a permanent 4 m wide access track will be constructed within the site, of graded stone on top of a permeable membrane to a depth of 300 mm. This will, presumably, involve excavation and construction work to the entire access track. This could impact on habitats and species adjacent, particularly as there is a pond near the entrance, and so needs to be covered by the habitat map and ecological appraisal.

Habitats of Principal Importance for Conservation in England (Natural Environment and Rural Communities (NERC) Act 2006)

Hedgerows

The Habitat Plan states hedges will be restored with elder. This is of value but the full shrub mix advised in Table 3 of the Ecology Management Plan should be used to increase overall diversity. Oak and ash standards could also be added where these will not shade panels. We suggest planting a new hedge along the northern boundaries would provide additional habitat gain, and could be allowed to grow taller as it would not shade the panels.

Lowland meadows

Wildflower meadow creation is welcomed, however the seed mix specified in the Ecology Management Plan is a general mix and unlikely to be locally characteristic; commercial mixes are generally not considered to create UK BAP quality habitats, or to qualify for future Local Wildlife Site status. Ideally we promote use of hay or seed harvested from a nearby diverse grassland, which not only results in a higher quality habitat but also serves to conserve the original meadow. This can also be added over a basic seed mix if the timescale for creation does not match the local seed harvesting

window. Our Wildlife Sites team can advise further regarding methods and suitable sites/ landowners nearby – the nearest potentially suitable grasslands are at Smalley Farm LWS to the north and Croxden (south-east of) LWS to the west.

Management should follow that within the Ecology Management Plan, i.e. allowing vegetation to grow up during spring and summer, and then cutting (or grazing) after July. This will ensure plants can flower and be useful to invertebrates. If vegetation gets too long, a cut in March may help reduce this, also removal of cuttings in the first few years if possible would reduce fertility and therefore sward height.

Other grassland margins would ideally be left ungrazed to encourage small mammals and therefore benefit birds of prey.

SPECIES

European protected species (Habitats Regulations 2010)

If a European protected species will be affected and therefore a licence required for the development, the LPA must actively consider the 3 tests within the Habitat Regulations 2010, which is required for the LPA to have due regard to the Habitats Directive. Derivations from the regulations should only be permitted:

1. For the purpose of preserving public health or public safety, or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
2. Where there is no satisfactory alternative.
3. Where the proposed action is not be detrimental to the maintenance of the species concerned at a favourable conservation status in its natural range.

Therefore, actions to minimise impacts and avoid the need for a licence are preferable in the first instance. If impacts will occur, adequate information for the LPA to determine the above 3 points is required.

Great crested newt (GCN) (Also UK protected, NERC S41, Staffs BAP)

The OS map shows 3 ponds within 250m of the site boundary, while an additional pond-like feature is visible on aerial photos within the new woodland planting to the north. One pond near the site entrance is within about 6 m of the access track, which will be subject to construction work. There will also be access track construction into each field. Although the habitat within the fields themselves is not ideal, GCN can use hedgerows and may shelter in material piles etc. Reasonable Avoidance Measures should be put in place as a precaution. The pond adjacent the access track needs to be assessed for GCN suitability and potential risk to any GCN from the work; further survey or mitigation measures should be proposed as appropriate. This information is required before determination.

UK protected species (Wildlife and Countryside Act 1981 as amended, Protection of Badgers Act 1992)

All wild nesting birds

All wild native birds are protected from killing, injuring, damage/ destruction of active nests and eggs. Measures to avoid legal issues with nesting birds are proposed and should be secured appropriately.

Badger

Badgers are not discussed in the Preliminary Ecological Appraisal, as presumably no signs were found – however they have been recorded in the surrounding area and so a pre-commencement check should be made in case any setts are dug in the interim, so as to ensure works do not disturb badgers.

Priority Species - Species of Principal Importance for Conservation in England (NERC Act 2006 Section 41) and Staffordshire Biodiversity Action Plan Species

Local authorities have a duty to consider species listed on the NERC S41 list, Staffordshire BAP and any local BAP, and they can be a material consideration.

Priority Birds

The Breeding Bird survey recorded a relatively high number of species using the site, including several priority species – these have not been labelled as per the lists above, but include all Red listed birds and some Amber. Long-term impacts to birds would be primarily to those species using the open fields to breed or forage, as these would be likely to be displaced by the presence of panels. Although meadow creation would be positive in terms of habitat diversity, it is currently not known (although subject to ongoing research nationally) whether these bird species will use fields once panels are in place. This has not been addressed within the assessments. Priority birds recorded using the open fields were Lapwing, Yellow Wagtail and Skylark (possible breeders) and Curlew (foraging). Their nesting and foraging behaviour relies on an open line of sight to detect predators, they avoid features that can act as predator perches and normally abandon land once scrub encroaches to a significant degree. Therefore it should be assumed that panels would make the fields unusable to them. We therefore request that an area of land outside of the proposal site is enhanced and managed to provide compensatory capacity for these species, using recognised methods such as stewardship options for farmland birds and RSPB guidance. Fortunately, as the survey report suggests, the current management of the fields is not conducive to bird breeding due to the silage cuts- therefore it should be relatively easy to alter this in an adjoining field to produce a balancing effect. The fields to the east may be suitable as they have been covered by the bird survey giving a baseline, and have some usage by these birds species but not confirmed breeding, therefore have probable scope for enhancement. The annual ecological survey of the site and margins proposed in section 8.2.3 of the Planning Design and Access Statement should include bird monitoring of the panel fields and compensation area –we recommend repeating the breeding bird survey for 3 years post-construction. Depending on the results, compensation actions could be reduced if birds do successfully use the panel fields, or otherwise amended to ensure

usage is maintained. A detailed bird compensation and monitoring programme should be conditioned.

Other priority birds in the area that use hedgerows and field margins i.e. Dunnock, House sparrow, Song thrush, Yellowhammer and potentially Barn Owl, would likely benefit from the proposed habitat improvements. However it is important that developments as far as possible provide like-for-like compensation as in the long term, certain species will tend to lose-out more often than others.

SUMMARY

Staffordshire Wildlife Trust feels the proposal has the potential to achieve a net gain for biodiversity and includes many positive features for wildlife, however there are some outstanding issues regarding species information and mitigation. We therefore submit a holding objection at this time, but subject to issues being resolved we would look to revise our comments. We advise the following are sought:

Before determination –

- A. The rest of the access track and 30m each side to be covered by an updated habitat plan and appraisal of any potential ecology impacts, including to great crested newt regarding the pond near to the site entrance.
- B. Confirmation that a compensation area for priority open farmland birds can be provided.

Secured through conditions should permission be given in future –

- C. Ecological Management Plan to include measures to protect, enhance, manage and monitor important habitats and species. To include method statements to avoid/ reduce impacts to relevant protected and priority species. To include:
 - Detailed seeding and planting scheme with hedge planting mix as per Table 3 of the Ecology Management Plan, and wildflower meadow mix from, or closely resembling, local diverse meadows.
 - Measures to protect/ avoid nesting birds as recommended in the Breeding Bird survey report.
 - Pre-commencement check for any badger activity
 - Priority open farmland bird (Skylark, Lapwing, Yellow wagtail, Curlew) compensation and monitoring (repeat breeding bird surveys for minimum 3 years).

Staffordshire Wildlife Trust would like to be kept informed of progress with this application, and receive details of the final permission/ refusal. The Trust would be pleased to assist in formulating any conditions or biodiversity advice on site. Please contact me if you have any queries regarding this response.

Regards,

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Planning and Conservation Officer

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