Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Max Hemmings
Date:	12/10/2023
Application number:	PL/2023/06905
Proposal:	Solar farm, access track, cabling, landscaping improvements and associated infrastructure works
Site address:	Land adjacent to the Sewage Works, Petersfinger Farm, Southampton Road, Salisbury
Case officer:	Georgina Wright

Recommendations:

	No Comment
	Support
	No objection
	Condition (no objection subject to conditions)
X	Objection - further information required
	Objection in principle
	HRA completed

Further Information Required:

	Issue	Policy/Legislative Compliance	Date information requested & Further information required	Satisfactorily addressed (Document & Date)
1	Ecological Impact Assessment (EcIA)	CP50, NPPF, WCA, NERC, Hab Regs	**12/10/2023** An Ecological Assessment has been submitted in support of this application however this contains insufficient information to determine potential impacts on the following habitats and protected/ notable species: - Reptiles - Amphibians - Breeding Birds - Wintering birds - Bats - Otter - Water vole - Other mammals - Invertebrates - Habitat	**NO**
2	Biodiversity Net Gain (BNG)	CP50, NPPF	**12/10/2023** Clarification on the legalities with the shared mitigation area shown in application 20/01200/FUL	**NO**

			Submission of the unlocked version of the metric in excel form. Revision of the metric to amend the existing baseline and proposed habitat beneath and immediately around the solar panels. A clear map that algins with the proposed plans to show what habitat will be removed, retained, enhanced and created.	
3	Landscape and Ecological Management Plan (LEMP) and Construction Environment Management Plan (CEMP)	CP50, NPPF, WCA, NERC, Hab Regs	**12/10/2023** These documents will need to be revised to align with the amended BNG and EcIA.	**NO**
4	Ecology Mitigation and Enhancement Plan (EMEP) with an updated Monitoring Plan	CP50, NPPF, WCA, NERC, Hab Regs	**12/10/2023** The submission of an EMEP or the inclusion of the relevant information in the LEMP.	**NO**
5	Habitat Regulations Assessment (HRA) – River Avon SAC	Hab Regs	**12/10/2023** Clarification if habitat to support Desmoulin's whorl snail is within the Zone of Influence of the proposed works. Confirmation on the methods used to clean the solar panels array and associated infrastructure. The decommissioning process for the solar array.	**NO**

The outstanding document(s) listed above are needed to enable the council's ecology team to consider all the relevant impacts and benefits of the proposed scheme. The council's ecologists will provide a further response once <u>all</u> the above information has been submitted via the case officer.
Please Note: When resubmitting a revised document, ALL changes must be highlighted to enable review.

The submission of the following documents is welcomed and have been used to inform this consultation response:

- Ecological Impact Assessment, Land at Petersfinger Farm, Date: 04.11.22 by Darwin Ecology Ltd.
- Planning, Design and Access Statement. August 2023 by Atlas Planning Group.
- Biodiversity Net Gain Assessment, Solar Project, Date: May 2023 by Darwin Ecology Ltd.
- Construction Environmental Management Plan
- Landscape and Ecological Management Plan, Solar Project, Date: June 2023 by Darwin Ecology Ltd.
- Information to Support a Habitat Regulations Assessment, Solar Project, Date: June 2023 by Darwin Ecology Ltd.

Although seemingly inert, solar farms can have significant impacts on the functionality of an area for biodiversity. The site is located on and immediately adjacent to designated sites for biodiversity.

In reference to Natural England's evidence review[1]: "*protected areas should be avoided when considering site selection of solar PV developments, with some sources suggesting that locations close to protected areas should be avoided also."*

Natural England's response to the EIA Screening (PL/2022/06368) advises that "*sufficient information on the potential impacts of this proposal upon these designated sites/areas is submitted with any subsequent planning application*"

And

"*The developer must provide sufficient information for your authority to assess whether protected species are likely to be affected and, if so, whether appropriate avoidance, mitigation or compensation measures can be put in place."*

There are significant concerns with the siting of the development, the survey effort and the proposed mitigation which are detailed further below. This response will potentially need to be reviewed to align with any forthcoming consultation response from Natural England.

We advise the applicant reviews and incorporates the recommendations outlined in Wiltshire's Solar PV Farm Ecology Advice Note within their submitted documentation.

Based on the information currently submitted we advise the propsoed development should be refused.

1. Ecological Impact Assessment (EcIA)

An overarching concern with the ecology assessment is the absence of survey effort to confirm the ecological baseline of the access track (from A36 to the solar farm) and its immediate surroundings. The CEMP confirms the existing farm track will require development to support the construction activities and operational stage of the proposed solar PV array. The requirement for an ecological assessment of the proposed access track is particularly pertinent since it is within the boundary of County Wildlife Site (CWS): Petersfinger Farm Meadows. Clarification is also required if surrounding vegetation will need to be trimmed and/or removed to facilitate the intensification of the access track.

[1] Evidence review of the impact of solar farms on birds, bats and general ecology 2016 - NEER012 (naturalengland.org.uk)

It also remains unclear where the cabling associated with the PV array will be sited and the associated potential impacts caused form the installation of this infrastructure.

Clarification is required on the anticipated noise levels emitted from the inverter-transformer during the operational phase and its potential impacts on protected species.

The confirmation of the absence of any artificial light in the operational phase as stated in the Planning, Design and Access Statement is welcomed.

Reptiles

The inclusion of reptile surveys as part of the assessment is welcome since the site has suitable habitat to host these species and the assessment confirms biological records for reptiles in the area.

The surveys did not confirm the presence of reptiles on the site however this assessment is based on sub-optimal survey effort. Although seven visits were completed which align with the best practice guidelines three of the visits are in June which is sub-optimal for this survey methodology. Out of the remaining four surveys in April and May the 23/05 visit is outside of the optimal time and temperature range and the 10/05 visit suggests sub-optimal ground conditions which leaves two surveys within optimal survey conditions for these species.

The likely absence of reptiles from the site cannot be confidently determined due to the limitations in the survey effort.

In the absence of a robust survey effort the precautionary principle should be applied, and reptiles need to be scoped into the assessment.

Although the distinctiveness and condition of the grassland under the proposed panels will be impacted a large section will be retained which will still offer some foraging potential for these species. Confirmation is required if the proposed perimeter fence is suitable to permit the movement of reptiles on and off the site.

The inclusion of construction phase mitigation for reptiles in the CEMP and LEMP is welcome. The receptor site for any reptiles found in the site during the construction phase needs to be detailed and approved prior to determination.

The reports recommend enhancements such as an unmanaged buffer and habitat piles/hibernacula. It is not possible to secure the mitigation based on recommendations and wording such as “it is recommended” and “can be”. These mitigation measures need to be suitably detailed in the reports to confirm what will be implemented. The detail should include the location, specification and management of these features. This also applies to the other proposed protected species and habitat creation enhancement measures.

Amphibians

The report outlines the likely absence of great crested newts from the site. The absence of recent records of other amphibians does not remove the site’s potential to host amphibians. The site hosts drainage ditches and the surrounding habitat has high potential to support other amphibians.

Unless sufficient justification is provided, mitigation measures are required to ensure this area remains functional for these species.

Breeding Birds

Solar PV arrays have the potential to impact the site's potential for ground nesting birds since they obscure the line of sight for species such as but not limited to skylarks.

The site has the potential to support ground nesting birds and the wintering bird survey confirmed the presence of skylarks in the area.

Clarification supported by evidence is required to confirm the site's importance for breeding birds. This information is required to determine the suitable mitigation measures.

Wintering Birds

Solar PV arrays also have the potential to impact the site's potential for wintering birds since they obscure the line of sight for species and alter the foraging potential of the site.

There are contradictions in the stated methodology start time for this survey type.

Natural England' comment to the EIA screening (PL/2022/06368) advises the proposed development has the potential for adverse effects on the following designated sites which have features of internet for wintering birds:

• Avon Valley Special Protection Area (SPA)
• The New Forest Special Protection Area (SPA)
• Avon Valley Ramsar Site
• The New Forest Ramsar Site

Further justification supported by evidence is required on why the survey effort was reduced to two visits when the reference guidelines advise one count per month between September – March.

Bats

The survey effort to determine the ecological baseline of the proposed solar panels is considered to be sufficient. However, further information is required to determine the potential impacts from the proposed access track and associated infrastructure such as cabling.

The mitigation proposal duplicated the mitigation for planning application 20/01200/FUL which is discussed later in this response.

Otter

Confirmation is required if the proposed perimeter fence is suitable to permit the movement of otters across the site and if additional mitigation measures will be required.

Confirmation is also required on the habitat within the Zone of Influence of the works has the potential to support otter holts.

Water Vole

Clarification supported by evidence is required of the site's importance for water vole and if they have the potential to be impacted by the proposed works.

Other mammals

Biological records of hedgehog and historic records water shrew have been returned in this area. Clarification supported by evidence is required of the site's importance for other mammals and if they have the potential to be impacted by the proposed works.

Invertebrates

The site is functionally linked to the River Avon Special Area of Conservation (SAC) which Desmoulin's whorl snail is a qualifying feature. Clarification supported by evidence is required if habitat to support this species is within the Zone of Influence of the proposed works.

Habitat

The site hosts the following designated sites and features:

- Wiltshire and Swindon Biological Records Centre (WSBRC) Priority Habitat: Running Water
- Habitat of Principal Importance (HPI): Coastal and Floodplain Grazing Marsh
- The eastern section of County Wildlife Site (CWS): Petersfinger Farm Meadows
- Tree Protection Order (TPO) adjacent to the access route

Appendix 4 of the ecology report includes the Phase II botanical survey confirms the site "*comprises high quality wet meadows, which would be classed as Section 41: Habitats of Principal Importance in England under the Natural Environment and Rural Communities (NERC) Act 2006 under Coastal and Floodplain Grazing Marsh*."

The recent unfavourable intensive sheep grazing is a significant limitation and does not provide sufficient reasoning for lowering the baseline habitat distinctiveness and condition to justify the permanent impact on this habitat and the proposed development's biodiversity net gain.

The information used to determine the BNG is discussed further in section 2, however, at this time Wiltshire Council considers land under solar arrays to be recorded as 'modified grassland' of low distinctiveness due to potential issues with changes/environmental conditions/shading and management. This is in line with advice Wiltshire Council has received from Natural England. We recognise that it may be possible to create habitat of greater biodiversity value beneath panels, however as this is still a relatively young industry supporting evidence is not yet available.

The type of the proposed development and siting of the works cannot avoid impacting WSBRC Priority Habitat, HPI and a County Wildlife Site. Reasoning is required on why the development is proposed in these designated sites and suitable mitigation /compensation will be required to justify the removal of this objection.

Confirmation is required if the construction or operation phases will impact TPO 2020/00015/IND.

2. Biodiversity Net Gain (BNG)

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and for major applications the expectation is that development will deliver a net gain. The NPPF also encourages applications to deliver measurable net gains (para 174 d) and the government has signalled its intention to bring forward legislation to require development

to deliver 10% net biodiversity gain. Natural England has now prepared version 4.0 of the Biodiversity Metric that includes a small site metric Beta version. At the current time therefore, the Council expects all applications to demonstrate no net loss of biodiversity and where appropriate to deliver a net gain.

The unlocked Biodiversity Metric calculation spreadsheet should be supported by the condition assessment sheets and clear maps showing the specific areas of land identified in each row of the calculation tool for the baseline and operational phase of development.

The map will need to be updated to align with the below amendments and other information requests. Further clarity is required on where the hedgerow and line of trees are located.

The calculations should also include the access track and proposed cable route along with any other habitat impacted by the installation of the infrastructure to support the PV array.

As mentioned, the botanical survey confirmed this area to be HPI Coastal and Floodplain Grazing Marsh which should be included in the baseline of the Metric for the entire site. In addition, the proposed habitat post-development under and immediately surrounding the solar panels should be assigned a distinctiveness no higher than modified grassland.

The proposed mitigation for this application overlaps with the mitigation proposed for application 20/01200/FUL. The duplication of mitigation for separate planning applications is not permitted. Therefore, we require clarification on the where the mitigation will be provided for this application.

Sufficient evidence of net gain in biodiversity has not been submitted and measures to deliver net gain not proposed. The issue of no net loss must be addressed prior to determination of this application.

3. **Landscape and Ecological Management Plan (LEMP) and Construction Environment Management Plan (CEMP)**

To avoid abortive work, it is advised the information requests for Sections 1 and 2 in this response are satisfactorily addressed before these documents are amended.

These documents should include all the information outline in Wiltshire's Solar PV Farm Ecology Advice Note.

The LEMP includes information which is more appropriate to include the CEMP and it refers to the area covered by the mitigation plan for 20/01200/FUL. The duplication of mitigation for separate planning applications is not permitted.

If livestock grazing is proposed as apart of a management plan the existing and recent historic levels of livestock using the area need to be provided for context.

Confirmation on the methods and materials used to clean the solar panels array and associated infrastructure during the operational phase is required.

CEMP

Justification is required on why the timing of the piling will not be limited to avoid ecologically sensitive seasons.

4. **Ecology Mitigation and Enhancement Plan (EMEP) with an updated Monitoring Plan**

The submission of an EMEP is required to align with Wiltshire's Solar PV Farm Ecology Advice Note. Alternately, the amended LEMP could include the information required for an EMEP.

It is advised the information requests for Sections 1 and 2 in this response are satisfactorily addressed before this document/information is created.

5. **Habitat Regulations Assessment (HRA) – Hampshire River Avon SAC and catchment**

The site is within a high risk zone area for small phosphorous discharges associated with the Hampshire River Avon Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) catchment. In addition, the drainage ditches on site are directly linked to the River Avon SAC/SSSI.

The application site is located within an area that is functionally linked to the River Avon Special Area of Conservation (SAC) and therefore has potential to result in significant adverse impact on the special features of that site. Appropriate Assessment (AA) under Section 63 of the Habitats Regulations must be carried out by the relevant Competent Authority (the LPA) to determine the potential significant effects and the suitability of any measures proposed to avoid or mitigate those effects.

Insufficient information has so far been submitted to enable the AA to be undertaken, which must be completed and the conclusion agreed with Natural England prior to the application being determined.

The information requests outlined in Sections 1 – 4 of this response need to be provided before AA can be undertaken.

In carrying out its statutory function, the LPA must be reasonably sure that the proposal will not result in significant adverse effects on protected habitats or species. The information outlined above must therefore be submitted and reviewed by the LPA's ecology team prior to determination of the application.

CONDITIONS: to be finalised when all information detailed above has been submitted and approved.

Final sign off – all matters addressed:

Ecologist	Date