

# Memorandum



To: Grahame French  
From: Sophie Milburn  
Date: 09/05/2023

My ref: Proposed Solar Farm  
To The West Of, Berrington -  
22-04355-FUL 09.05.23 SM  
Your ref: 22/04355/FUL

**Consultation on planning application: Proposed Solar Farm To The West Of, Berrington, Shrewsbury, Shropshire – Erection of an up to 30 MW Solar PV Array, comprising ground mounted solar PV panels, vehicular access, internal access tracks, landscaping and associated infrastructure, including security fencing, CCTV, client storage containers and grid connection infrastructure, including substation buildings and off-site cabling**

## **Recommendation:**

Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

The management of the skylark compensation areas will be secured in a section 106 agreement.

I have read the following submitted documents:

- Great Crested Newt Survey (RSK ADAS Ltd, October 2021)
- Biodiversity Strategy (RSK ADAS Ltd, July 2022)
- File Note (RSK ADAS Ltd, November 2022)
- File Note (RSK ADAS Ltd, January 2023)
- Ecological Impact Assessment (RSK ADAS Ltd, January 2023)
- Biodiversity Net Gain Assessment (RSK ADAS Ltd, January 2023)
- File Note (RSK ADAS Ltd, February 2023)
- Skylark Mitigation and Management Plan (RSK ADAS Ltd, May 2023)

## **BIODIVERSITY NET GAIN**

An increase of 119.25 (132.84%) habitat units and 16.74 (76.47%) hedgerow units is proposed.

This will be achieved through:

- 'existing low distinctiveness cropland/modified grassland will be replaced with medium distinctiveness species-rich neutral grassland. The designated areas will be prepared and sown with a species-diverse native wildflower mix. For the large area within the fence line (approximately 32.95 ha), management of this meadow will include grazing, with a seed mix to include a sward that benefits from this type of management.'

- 'The area of species-rich meadow outside of the fence line (approximately 9.91 ha) will be managed in a more typical method used for meadow maintenance and will comprise a different seed mix to suit this method.'

A Biodiversity Net Gain condition and a landscaping plan condition will be recommended.

### **DESIGNATED SITES**

Berrington Pool (part of Midland Meres & Mosses - Phase 1 Ramsar and SSSI) lies approximately 400m to the north of the site. SC Ecology have not identified any potential impact pathways that could affect this European designated site.

The Big Bog Local Wildlife Site lies adjacent to the site. The proposed landscaping around this site will use 'appropriate species (willows, alder, birch etc)' and Emorsgate meadow mix for wetlands EM8 will be used.

Cound Brook Local Wildlife Site is located 20m from the site boundary at its nearest point. No impacts are anticipated on this site.

The Long Bog Local Wildlife Site lies approximately 150m to the north of the site and Top Pool Local Wildlife Site lies approximately 380m to the north. No impacts on these sites is anticipated.

### **SKYLARKS**

Breeding bird surveys in 2022 identified 11 skylark territories on the site:



Four parcels of land to the north of the development site, totalling approximately 25ha, are proposed as compensation for the loss of skylark habitat on the site. The areas are shown in pink below, with buffers in blue:



The future land use of these areas is uncertain at this stage, so the Skylark Mitigation and Management Plan sets out the management required should the land be used as pasture or arable.

The management of the skylark compensation areas will be secured in a section 106 agreement.

### **GREAT CRESTED NEWTS**

21 ponds were identified within 500m of the site boundary.

The site boundary of the planning application is a little different to the boundary shown in the GCN report. This has resulted in some different calculated distances between the ponds and the site between the report and myself. This table sets out the correct distances and the level of survey work the ponds were subject to:

<b>Pond no.</b>	<b>Distance from site</b>	<b>HSI result</b>	<b>eDNA result</b>	<b>Population survey results</b>	<b>Comments</b>
1	On-site	Poor			
2	On-site	Below Average	Negative		

3	100m north	Average	Positive	None recorded	Positive eDNA result is assumed to be a false positive as the pond 'is not within close proximity to a pond where GCN presence has been confirmed'.
4	190m north	Poor			There are historic (2005 and 2006) records of GCN in Pond 4. The pond was scoped out from further survey work due to the Poor HSI.
5	180m north	Good	Negative		
6	420m north	Below Average			
7	410m north	Below Average			
8	480m north-east	<i>Access not granted</i>			
9	250m north-east	Poor			
10	330m north-east	<i>Pond was dry</i>			There is a 2013 record of GCN in Pond 10, although the pond was dry in 2021.
11	250m east	Good			Pond not subject to survey as difference in site boundary meant RSK ADAS's calculated distance was over 250m. There is a 2013 record of GCN in Pond 11. The decision was taken not to resurvey as GCN had already been recorded in ponds closer to the site and the existing record would not alter the risk assessment or conclusions.
12	340m east	<i>Access not granted</i>			
13	140m east	Below Average	Positive	Small population	Small population
14	250m east	<i>Access not granted</i>			
15	50m east	<i>Access not granted</i>	Positive	None recorded	'It is assumed that the presence of GCN DNA in Pond 15 but absence of newts recorded during the population estimate surveys is due to the presence of newts in Pond 13 utilising Pond 15 but in such small numbers, they could not be recorded using traditional presence/likely absence methods'.
16	470m east	<i>Access not granted</i>			
17	200m south	<i>Separated from the site by the dispersal barrier of the brook</i>			
18	340m south	<i>Separated from the site by the dispersal barrier of the brook</i>			
19	230m west	<i>Separated from the site by the dispersal barrier of the brook</i>			

20	500m west	<i>Separated from the site by the dispersal barrier of the brook</i>			
21	320m north-west	<i>Separated from the site by the dispersal barrier of the brook</i>			

Following discussion with the ecologist, SC Ecology have agreed that a Reasonable Avoidance Measures Method Statement approach is appropriate for the proposed works. This will be conditioned and will include Ecological Clerk of Works supervision for certain activities and timing of works.

### **BADGERS**

‘Signs of Badgers were present on the site, including footprints, located at the south-eastern corner of the site adjacent to the small narrow stream. Alongside these prints were the prints from other mammal species.’

‘This site was well connected to adjacent woodlands, the hedgerows and scrub provided a variety of suitable foraging and commuting habitat. Though no setts were observed during the site visit the hedgerows and woodland edge provide suitable habitat for sett building.’

‘Badgers are also a highly mobile species and will readily create new setts in suitable habitat. There is therefore the potential for construction of the proposed development to result in the disturbance of any new Badger setts’.

A pre-commencement badger survey will be carried out to ascertain whether any badger setts have been created. If so, a mitigation plan will be required. The survey will be conditioned.

A lighting plan condition will be recommended.

Working methods are recommended in an informative.

### **BATS**

‘There were five trees with cavities that had the potential to support roosting bats. ‘Around Pond 2 there were two mature Pedunculate Oak trees that had features suitable for bats. There was also one large mature Pedunculate Oak with suitable features was present in the open part of the western field and a fourth mature Pedunculate Oak with features was present in the hedgerow. In the eastern field there was a fifth mature Pedunculate Oak that also had suitable features for roosting bats.’

‘[T]he current works intend to leave these suitable trees in-situ with an appropriate buffer so these potential roost features will be unaffected by the works.’

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works.

A lighting plan condition will be recommended.

## **OTTERS AND WHITE-CLAWED CRAYFISH**

Cound Brook is located 20m from the site boundary at its nearest point. 'In addition, a shallow moving stream was located 2 m outside the site on the eastern boundary which had the potential to act as a commuting route for otter to Pond 1 which is likely to support fish and possibly crayfish.'

'The offsite and encroaching woodland to the south of both the eastern and western fields backs onto the edge of Cound Brook and offers potential opportunities for holt creation. There were no signs of Otters using the site at the time of the PEA survey (including footprints or spraints) however, the biological records indicate that there are Otters in the local area.'

Cound Brook 'was fast moving, of considerable depth and the shallow running ditch directly adjacent to the eastern boundary of the site. American Mink footprints were recorded within the site, and it is therefore unlikely that the site would be able to sustain a population of Water Vole as the only water bodies on site are the ponds.'

'Construction works will not impact the banks of the brook ... However, security lighting and construction noise has the potential to cause disturbance to commuting and foraging Otters. There is also potential for Otter to forage on site at pond 1. Therefore, the construction works have the potential to have a minor, temporary, negative impact at a local level.'

'While attending site it was mentioned by the landowner that the lagoon (Pond 1) is known to have crayfish, although the species was not specified. The data search did not identify a population of White-clawed Crayfish in the nearby area but did identify a population of Signal Crayfish in the local area. It is therefore assumed that the species present on site is the invasive Signal Crayfish.'

'Although no formal assessment of the lagoon was carried out, [Pond 1] lacked features that would support White-clawed Crayfish including appropriate substrate, good water quality and refuges from predators. The waterbody was also isolated from potential surrounding source populations of crayfish, being both not connected to surrounding watercourses and surrounded by a 2.5 m high embankment. Given this and the fact the lagoon will not be affected by the proposed development, and will be set back from the working area, no further assessment/survey of the waterbody relating to White-clawed Crayfish was deemed necessary.'

'By designing the security lighting to avoid illuminating the brook, keeping noise during the night to a minimum and implementing precautionary working methods, Otters will be able to continue using Cound Brook for commuting and foraging purposes throughout the construction works and will remain unaffected by construction works. With works only taking place during daylight hours and tools and the site made safe for commuting mammals, this will prevent and negative impact on Otter within the area.'

A lighting plan condition will be recommended.

Working methods are recommended in an informative.

## **OTHER BIRDS**

Mistle thrush, greenfinch, linnets and yellowhammer (red listed birds of conservation concern) and mallard, stock dove, woodpigeon, wren, dunnock, common whitethroat and reed bunting (amber listed birds) were recorded on the site.

‘Clearance of suitable nesting bird habitat will be undertaken outside of the nesting bird season. If this is not possible, vegetation to be cleared during the nesting season will be checked by a suitably experienced ecologist for bird nests no more than 24 hrs prior to clearance. If a nest (or nest in construction) is found, a suitable stand-off area will be maintained until the young have fledged.’

‘New nesting bird habitat will be included within the site in the form of eight bird boxes (mix of 1SP Schwegler Sparrow Terrace and Schwegler 1B nest boxes), new trees and hedgerow.’

## **OTHER SPECIES**

Working methods are recommended in an informative to protect common species that may be present on the site during the works.

‘Any logs/deadwood taken from felled trees on site or cut vegetation should be used to create hibernaculum at the site boundary. A minimum of six hibernaculum should be created around the boundary.’ This should be included in the landscaping plan.

## **CONDITIONS AND INFORMATIVES:**

The following conditions and informatives are recommended for inclusion on the decision notice:

### **BIODIVERSITY NET GAIN – ON-SITE PROVISION CONDITION**

Before any construction works hereby approved are commenced, a Construction Environmental Management Plan (CEMP) and Habitat Management Plan (HMP) expanding upon the information provided within the [Biodiversity Net Gain Assessment (RSK ADAS Ltd, January 2023) detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat, to secure a habitat compensation value of no less than 119.25 habitat units and 16.74 hedgerow units, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided:

- i) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur);
- ii) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
- iii) Details of species composition and abundance (%age within seed mix etc.) where planting is to occur;
- iv) Proposed management prescriptions for all habitats for a period of no less than 25 years;
- v) Assurances of achievability;
- vi) Timetable of delivery for all habitats; and
- vii) A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.

The development shall thereafter be undertaken in accordance with the approved CEMP/HMP.  
Reason: To secure enhancement for biodiversity in accordance with MD12, CS17 and section 180 of the NPPF.

### **LANDSCAPING PLAN CONDITION**

No development shall take place (including ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements, including creation of hibernacula;
- b) Written specifications for establishment of planting and habitat creation;
- c) Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

### **WORKING IN ACCORDANCE WITH SKYLARK MITIGATION AND MANAGEMENT PLAN**

All site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance with the Skylark Mitigation and Management Plan (RSK ADAS Ltd, May 2023).

Reason: To ensure the protection of and enhancements for skylarks, which are Red listed Birds of Conservation Concern.

### **GREAT CRESTED NEWT RAMMS**

Prior to commencement of development:

- a) A great crested newt Reasonable Avoidance Measures Method Statement (RAMMS) shall be submitted to and approved in writing by the Local Planning Authority. The RAMMS shall expand upon the information in section 6.1 of the Great Crested Newt Survey (RSK ADAS Ltd, October 2021).
- b) An appropriately qualified and experienced Ecological Clerk of Works (ECW) shall be appointed to ensure that the RAMMS is adhered to.

Reason: To ensure the protection of great crested newts, which are European protected species.

### **BAT AND BIRD BOXES CONDITION**

Prior to first use of the site, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 8 artificial nests suitable for sparrows (32mm hole, terrace design) and small birds (mix of hole sizes, standard design) shall be erected on the site. The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

### **LIGHTING PLAN CONDITION**

No development shall take place (including ground works and vegetation clearance) until a lighting plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall:

- a) identify those areas/features on site that are particularly sensitive for wildlife, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
- b) show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.



The submitted scheme shall be designed to take into account the advice set out in the Institution of Lighting Professionals and Bat Conservation Trust's Guidance Note 08/18 *Bats and artificial lighting in the UK* (available at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>).

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To minimise disturbance to nocturnal species, including bats, badgers and otters.

## **NESTING BIRDS INFORMATIVE**

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

## **BATS AND TREES INFORMATIVE**

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's *Bat Survey: Good Practice Guidelines* (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

## **GENERAL SITE INFORMATIVE FOR WILDLIFE PROTECTION**

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Please contact me, or one of the other Ecology team members, if you have any queries on the above.

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