



29th January 2023

Bron Curtis
Babergh District Council
Endeavour House
8 Russell Road
Ipswich, IP1 2BX

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 Babergh 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.

Application: DC/23/05656
Location: Land At Grove Farm And Land East Of The Railway Line, Bentley
Proposal: Full Planning Application - Construction of a solar farm (up to 40MW export capacity) with ancillary infrastructure and cabling, DNO substation, customer substation and construction of new and altered vehicular accesses.

Dear Bron,

Thank you for consulting Place Services on the above application.

No objection subject to securing ecological mitigation and enhancement measures

Summary

We have reviewed the submitted documents for this application, including the Ecological Assessment Report (Avian Ecology Ltd, September 2023), the Breeding Bird Survey Report (Avian Ecology Ltd, September 2023), the Wintering Bird Survey Report (Avian Ecology Ltd, September 2023), relating to the likely impacts of development on designated sites, protected and Priority species / habitats and the identification of proportionate mitigation.

Furthermore, we have assessed the biodiversity metrics 4.0 – calculation tool, relating to whether measurable biodiversity net gains can be achieved for the proposed solar farm.

We are still satisfied that sufficient ecological information is available for determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.



The mitigation measures identified in the submitted documents for this application, including the Ecological Assessment Report (Avian Ecology Ltd, September 2023) should be secured by a condition of any consent and implemented in full. As a result, we recommend that the finalised proposals for biodiversity during the construction phase should be outlined within a Construction Environmental Management Plan (CEMP: Biodiversity) to be secured as a pre-commencement condition of any consent. This will need to set out any Reasonable Avoidance Measures (RAMs) for Hazel Dormouse, reptiles and amphibians. This should also set out the requirement for any pre-commencement surveys for mobile species (i.e. Badger), even though no evidence of the species was identified within the site.

In regard to the Breeding Bird Survey Report (Avian Ecology Ltd, September 2023), we note that two ground-nesting Notable Species (skylark and yellow wagtail) were recorded breeding within the Survey Area. There is a peak of three territories for Skylark identified in June, as recorded within Table 3.1 of the report, even though one estimated breeding territory is identified in total. Nevertheless, we are satisfied the proposed 'species diverse grassland' will be sufficient to offset impacts upon both ground-nesting Notable Species, via nesting options and increased foraging provision. Precautionary measures should be secured within the CEMP, to ensure that impacts upon ground nesting are avoided during the construction phase.

In regard to the Wintering Bird Survey Report (Avian Ecology Ltd, September 2023), it is indicated that we support the conclusion that the site is not functionally linked to the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site. This is because the site recorded relatively low numbers of birds associated with the waterbird assemblage, based on the up-to-date WeBS report (2021/2022). Therefore, the total waterbird assemblage both within the Site and within the Wider survey area did not meet the 1% threshold for the combined Stour and Orwell Estuaries. As a result, no further measures are required.

We also support the biodiversity metrics 4.0 – calculation tool submitted with the application. This has been completed appropriately with realistic and deliver habitats for the post-implementation habitat creation / enhancement. The proposals will deliver a net biodiversity gain of 97.51 habitats units (106.5%) and 32.91 hedgerows units (102.65%). We still recommend that a Biodiversity Net Gain Plan is secured as a pre-commencement condition for this scheme to account for any amendments in the finalised planting scheme, as well as to secure the management and monitoring strategy in line with the aims and objectives of the Biodiversity Metric – Calculation Tool 4.0 (PACE Ltd, September 2022).

The biodiversity metrics 4.0 – calculation tool has also been completed in line with the landscape Proposals (Axis Ltd, July 2023). We welcome the design of the landscape proposals, which creates a number of new hedgerows and 'other neutral grassland' throughout the site, thus creating a more historic farming landscape that will benefit Hazel Dormouse, birds, invertebrates and other wildlife. As a result, we are satisfied the proposals will deliver measurable biodiversity net gains, in line with paragraph 180d and 186d of the NPPF 2023 and LP16 of the B&MS JLP.

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

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.



We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended Conditions

1. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the Ecological Assessment Report (Avian Ecology Ltd, September 2023), the Breeding Bird Survey Report (Avian Ecology Ltd, September 2023), the Wintering Bird Survey Report (Avian Ecology Ltd, September 2023).

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO COMMENCEMENT: BIODIVERSITY NET GAIN PLAN

No development shall commence unless a biodiversity net gain plan, to ensure that there is a measurable net gain in biodiversity within a 30-year period, has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the biodiversity metric as applied in the area in which the site is situated at the relevant time.

The content of the biodiversity net gain plan should include the following:

- a) Proposals for the on-site biodiversity net gain;*
- b) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology*



to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;

The development shall be implemented in full accordance with the requirements of the approved biodiversity net gain plan.

Reason: To allow the development to demonstrate measurable biodiversity net gains and allow LPA to discharge its duties under the LP16 of the JLP 2023, the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

3. PRIOR TO BENEFICIAL USE: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for bespoke biodiversity enhancements, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs or product descriptions to achieve stated objectives;*
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);*
- d) persons responsible for implementing the enhancement measures; and*
- e) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the LP16 of the JLP 2023, the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

Please contact us with any queries.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)
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Place Services provide ecological advice on behalf of Babergh 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.