

Cathie Scotting
South Oxfordshire District Council
Abbey House
Abbey Close,
Abingdon
OX14 3JE

9th August 2024
Our Ref: 7886/CS/020824/PT

Dear Cathie

P24/S1336/FUL – Land North-West of Nuneham Courtney, Oxfordshire

I am writing with regards planning application P24/S1336/FUL in relation to the ecological comments provided by Edward Church, Senior Ecology Officer for South Oxfordshire and Vale of White Horse District Councils, on 10th June 2024. Further clarification has been provided on the various comments under the relevant subheadings here:

Habitats

Hedgerows

As noted in the ES there will be some relatively minor loss of hedgerow as a result of widening of existing access points. The one exception to this will be a circa 8m wide newly created access at the north western boundary through the hedgerow labelled B7 in the Ecological Baseline Report Appendix 7.1. At this location, the hedgerow comprises young hawthorn and dead or dying elm stems, labelled OOS6 within the supporting Arboricultural Impact Assessment (AIA). As the Officer has acknowledged, the loss of the total extent of hedgerow is likely to be acceptable especially when considering the extent of new hedgerow planting proposed for the scheme.

Ditches

With reference to the comments relating to Policy ENV4, an undeveloped buffer zone of 10m was not originally designed into the scheme primarily as all ditches were considered to regularly dry out, with none of the ditches on site holding water during initial habitat and bird surveys between May and July 2022, and consequently being unlikely to be of elevated importance for aquatic/marginal flora and fauna. The 10m buffer zone specified by the policy is primarily stipulated to protect the ecological importance of watercourses in the district and retain and enhance them for biodiversity.

When considering the existing site conditions, where the arable fields are cultivated up to the boundaries with small (typically <2m wide) margins between the cultivated fields and the top of existing ditch banks, the proposals are expected to result in an enhancement on the ditch network at the site. The cessation of arable farming and reversion of the land across the site to permanent (for the lifespan of the array) grassland would protect soil from surface run-off and erosion, which is likely to have existing detrimental impacts on the ditch network. This is particularly true during the winter when exposed bare soils are present and the ditches hold water more regularly. Water quality within the ditches (during periods of inundation) would also be likely to improve as a result of the cessation of application of fertilisers and pesticides at the proposed operational site. The grassland to be established on completion of the development, where currently the land is currently laid to arable (including within 10m of ditch banks), is expected to be of higher intrinsic biodiversity value and would be more attractive to a range of species associated with permanent and ephemeral watercourses than existing arable cropland.

No buildings associated with the proposals will be construction within at least 10m of the ditch banks, meaning permanent overshadowing of the water will not occur. Development occurring within 10m of ditch banks would be generally restricted to stock-proof fencing and pole-mounted CCTV cameras, as well as one new ditch crossing (discussed below) which would

not result in impediment of the buffer zones as wildlife corridors. This would also not result in additional overshadowing of the ditch network at the site. As the operational scheme will be anticipated to result in a betterment of the ditches for biodiversity, by reducing pollution and encouraging biodiversity along the bank tops through establishing habitats of enhanced suitability, the proposals can be considered in line with Policy ENV4.

Here I wish to clarify the Officer's comment on whether new watercourse crossings are proposed. The ES and supporting appendices made use of the definition of a ditch taken from the Natural England Statutory Biodiversity Metric User Guide¹ for recording habitats. In this guidance a ditch is defined as:

Artificially created linear water-conveyancing features which are:

- *Less than 5 metres wide: and*
- *Are likely to retain water for more than 4 months of the year.*

As stated above a new access track is proposed through the hedgerow at B7 in the north west of the site. This is noted within the ES, and a dry ditch is recorded as being present at the base of the hedgerow within the description in Appendix 7.1 of the ES. This ditch was dry throughout the survey period and even during the update survey conducted in January 2024, when water levels elsewhere were high following a period of heavy rain. As such the dry ditch was not recorded as a ditch/watercourse in its own right (as it did not meet the 2nd bullet point criteria in the above definition), but rather was considered to be part of the adjacent hedgerow.

It is acknowledged that this feature would be considered a ditch/watercourse using alternative definitions, and a watercourse crossing is identified here within the supporting Flood Risk Assessment & Surface Water Drainage Strategy. However, given this ditch appears to hold water very infrequently. any crossing installed here is highly unlikely to have any significant impacts on aquatic/marginal habitats or species not already considered and assessed within the ES.

Species

Badgers

The locations of Target Notes were erroneously not included within the Ecological Baseline Report. A version of the Baseline Habitats map with Target Notes included is provided in Figure 1 below, with corresponding descriptions in Table 1. In addition, a map of badger setts recorded at the site, together with suitable protective buffer zones described within the ES, are provided in Figure 2. At present the setts can be retained and buffer zones accommodated under current plans, with no requirement to temporarily or permanently exclude setts under licence.

Although badger gates are shown on the indicative deer fencing elevation drawing, it is not proposed to provide them as standard as part of site perimeter fencing. Clarkson and Woods have monitored several hundred operational solar farms to date, and where mammal gates have been installed they are routinely ignored, with badgers almost always favouring digging under fencing and exploiting natural undulations in the ground where available.

However, the final site perimeter fencing design and installation will ensure the site is permeable for badgers and other small mammals, enabling them to freely access the operational site. Consideration will be given to ensuring fencing does not lie tightly flush with the ground, for instance by cutting out the bottom layer of stock-proof fencing at key areas, such as close to setts and well-used pathways through vegetation. As a last resort, mammal gates will be installed where no natural gaps are present or where the bottom layer of fencing cannot be removed for any reason. The suitable provision of gaps in fencing for small mammals can be prescribed as part of a Biodiversity Protection Plan (BPP) prepared for the construction phase of the development, which has been stipulated as a requirement within the ES.

Skylarks

Between 4 and 5 skylark territories were recorded across the circa 57.5ha of the site during breeding bird surveys undertaken during 2022. As outlined in the ES, this represents approximately 0.07 to 0.087 territories per hectares, which

¹ The Statutory Biodiversity Metric – User Guide (February 2024) Natural England

is relatively low when compared to the average territory density reported in available literature (e.g. Poulsen et al (1998)² and Donald et al (2001)³) for arable farmland at 0.5 territories per hectare. This indicates the site is not of elevated value for skylarks as outlined within the ES. I would also reiterate the observation made within the ES that the operational site is likely to offer an improved and permanent (at least for the lifespan of the array) year-round foraging resource (as opposed to seasonal opportunities offered by arable cropland). Although survey evidence is lacking from the adjacent land as the Officer states, this impact is nevertheless likely to benefit the breeding and overwintering survival of skylarks in the surrounding area regardless of current numbers or population status.

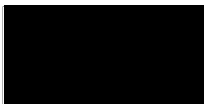
Whilst the ES concludes that the onsite mitigation measures would mitigate adverse effects on skylarks (and thus could be considered in line with Policy ENV2 of the South Oxfordshire Local Plan) consideration has been given to providing additional compensation off-site in light of the Officer's comments. Following discussion with the client, an area measuring approximately 8.85 hectares adjacent to the north of the site is potentially available for skylark compensation habitat. This area is shown in Figure 3 below. This land lies within the control of the application and falls within the blue line boundary as shown on the submission plan 'Figure 1 – Site Location Plan (Drawing Number 04531-RES-LAY-DR-PT-001)'. This is an area of arable land that was subject to breeding bird surveys during 2022 at the same time as the application site, and between 1 and 2 skylark territories were recorded here at a density of between 0.11 and 0.23 per hectare as shown in Appendix 7.1 of the ES.

This area can be enhanced for skylarks by through adopting sympathetic management which would provide optimal vegetation height and structure for skylarks to nest in. This can be in the form of several of habitat types, such as diverse grassland which is subject to infrequent and sensitively timed cutting, or through the land being laid to set-aside. Under such as regime, it is likely that the land could support a density of territories at the upper range of densities found on lowland farmland (0.5 pairs per hectare), or 4 to 5 pairs. It is considered that provision of such compensatory habitat, in combination with the previously discussed increase in foraging opportunities, would certainly adequately compensate for impacts on skylarks ensure Policy ENV2 is satisfied.

Although for South Oxfordshire District Council to ultimately decide, it is recommended that an appropriate Skylark Mitigation Strategy is prepared and agreed by way of a pre-commencement planning condition. Clarkson and Woods are happy to provide examples of where the provision of Skylark Mitigation Strategies have been the subject of a suitably worded planning condition on other solar array sites.

I trust the above satisfactorily addresses the comments received, but should you require anything further, please let me know.

Yours sincerely,



Peter Timms BSc MSc MCIEEM

Principal Ecologist

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² Poulsen J.G., Sotherton N.W. & Aebischer N.J. (1998) Comparative nesting and feeding ecology of skylarks *Alauda arvensis* on arable farmland in southern England with special reference to set-aside. *Journal of Applied Ecology*, 35, 131-147

³ P.F. Donald, A.D. Evans, D.L. Buckingham, L.B. Muirhead & J.D. Wilson (2001) Factors affecting the territory distribution of Skylarks *Alauda arvensis* breeding on lowland farmland, *Bird Study*, 48:3, 271-278,

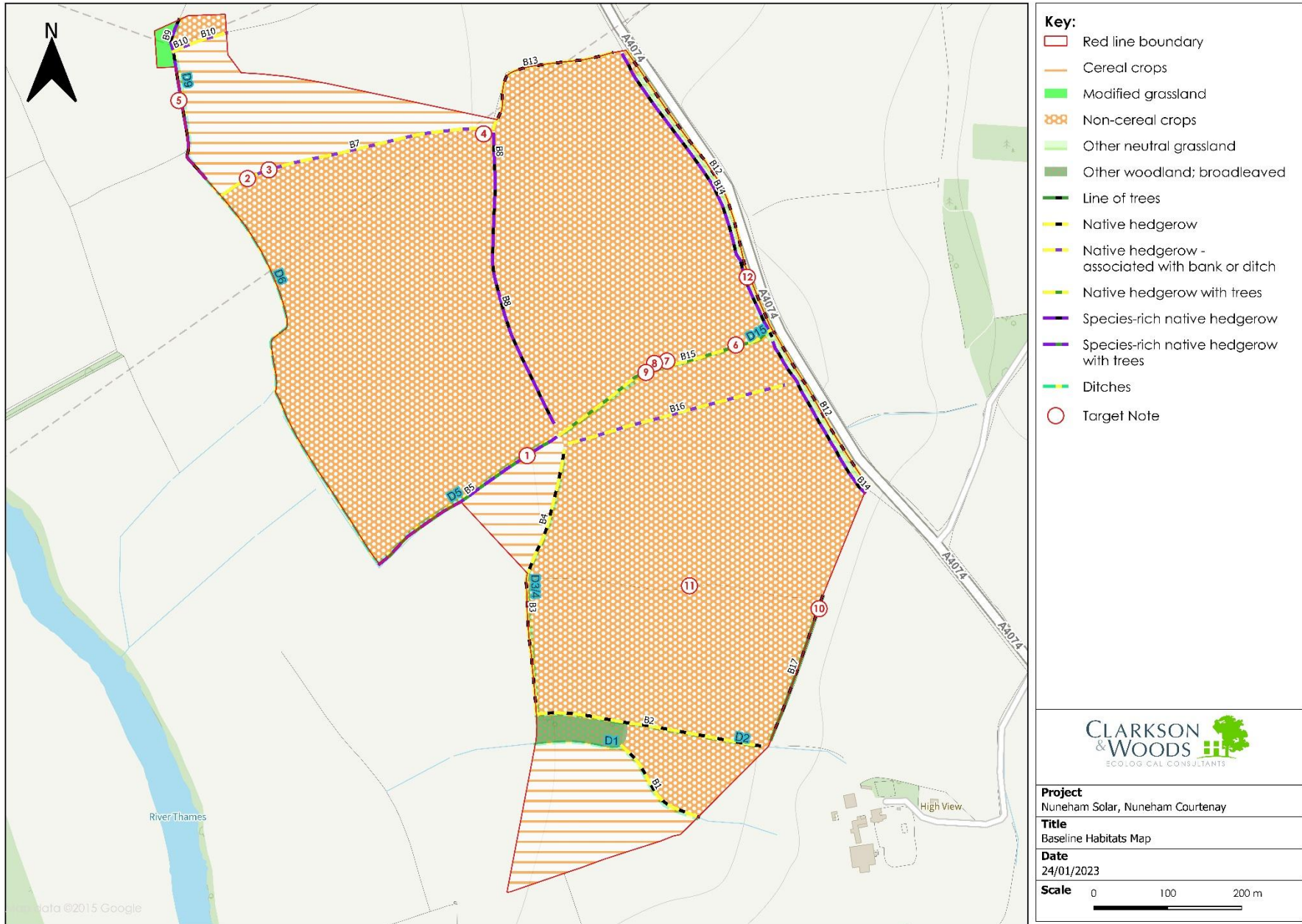


Figure 1: Baseline Habitats Maps with Target Notes

Table 1: Target Notes for Figure 1:

No.	Description
1	Mature oak tree – no potential roosting features (PRFs) seen from the ground, but the tree was of an age and status which often leads to PRFs forming.
2	Single entrance Outlying badger sett. No sign of current occupation, with entrance covered by leaves and ruderals.
3	Single entrance Outlying badger sett. Entrance clear of debris and likely to be in current active use.
4	Relatively small (0.005ha) area of unmanaged field maple and elm scrub.
5	Oak tree with PRF at woodpecker hole in east side of trunk, circa 5m high.
6	Mature ash tree covered in ivy, potentially obscuring PRFs.
7	A dead and hollow oak tree, supporting several crevices forming PRFs (see Photograph 3, Appendix B).
8	Single entrance annexe sett associated with the sett at Target Note 9. Leaves covering the entrance.
9	Main badger sett. 15 entrances, of which 4 were well-used and 11 partially-used.
10	Mature oak with PRF at split limb 7m high on eastern aspect..
11	Dry ditch – did not hold water during January 2024 visit following period of high rainfall, indicating it is dry for most of the year, However, marginal aquatic vegetation was present, indicating periodic inundation.
12	Species-rich grassland with line of newly-planted trees, alongside A4074 road corridor.

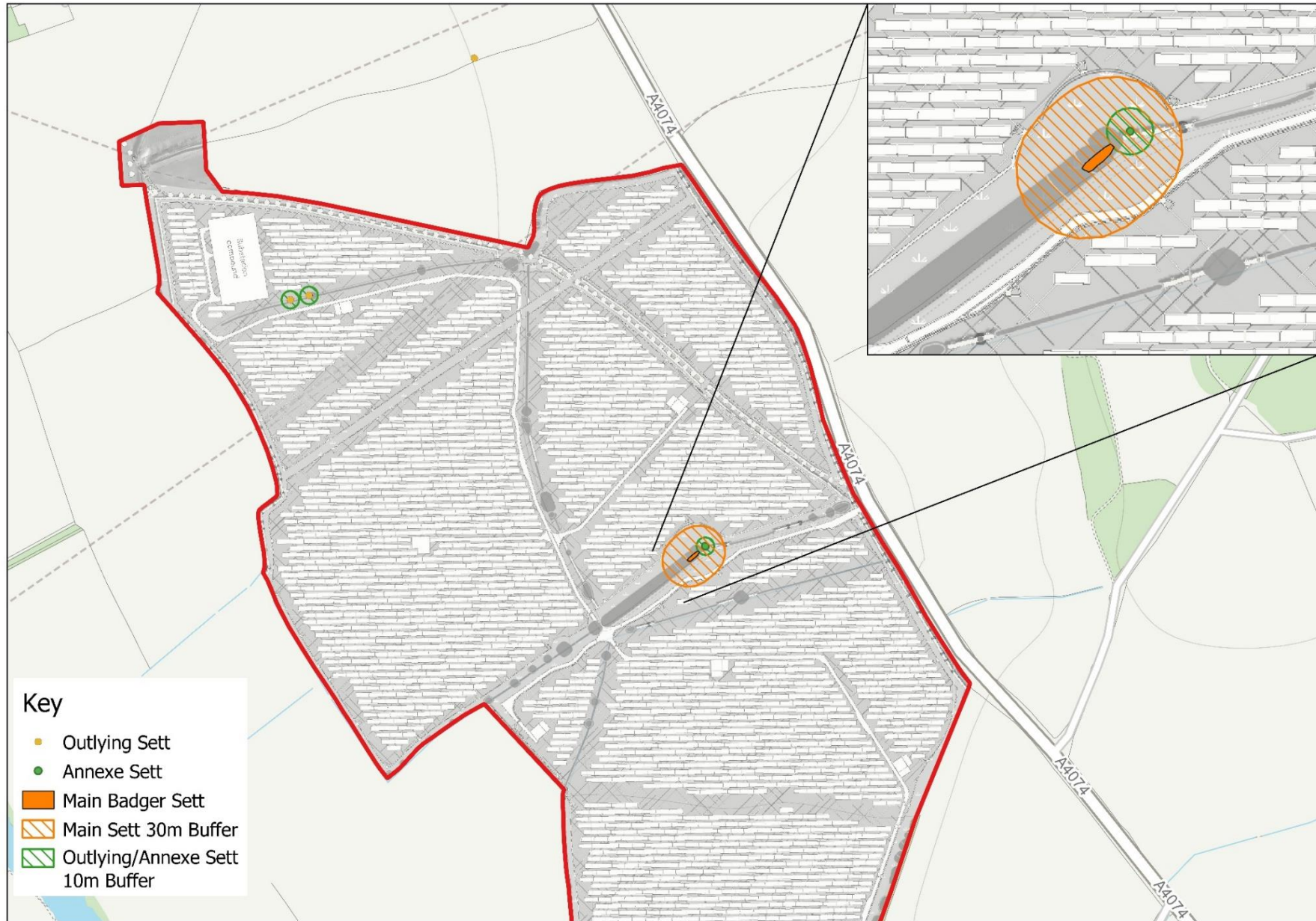


Figure 2: Map of Badger Setts and Respective Buffer Zones.

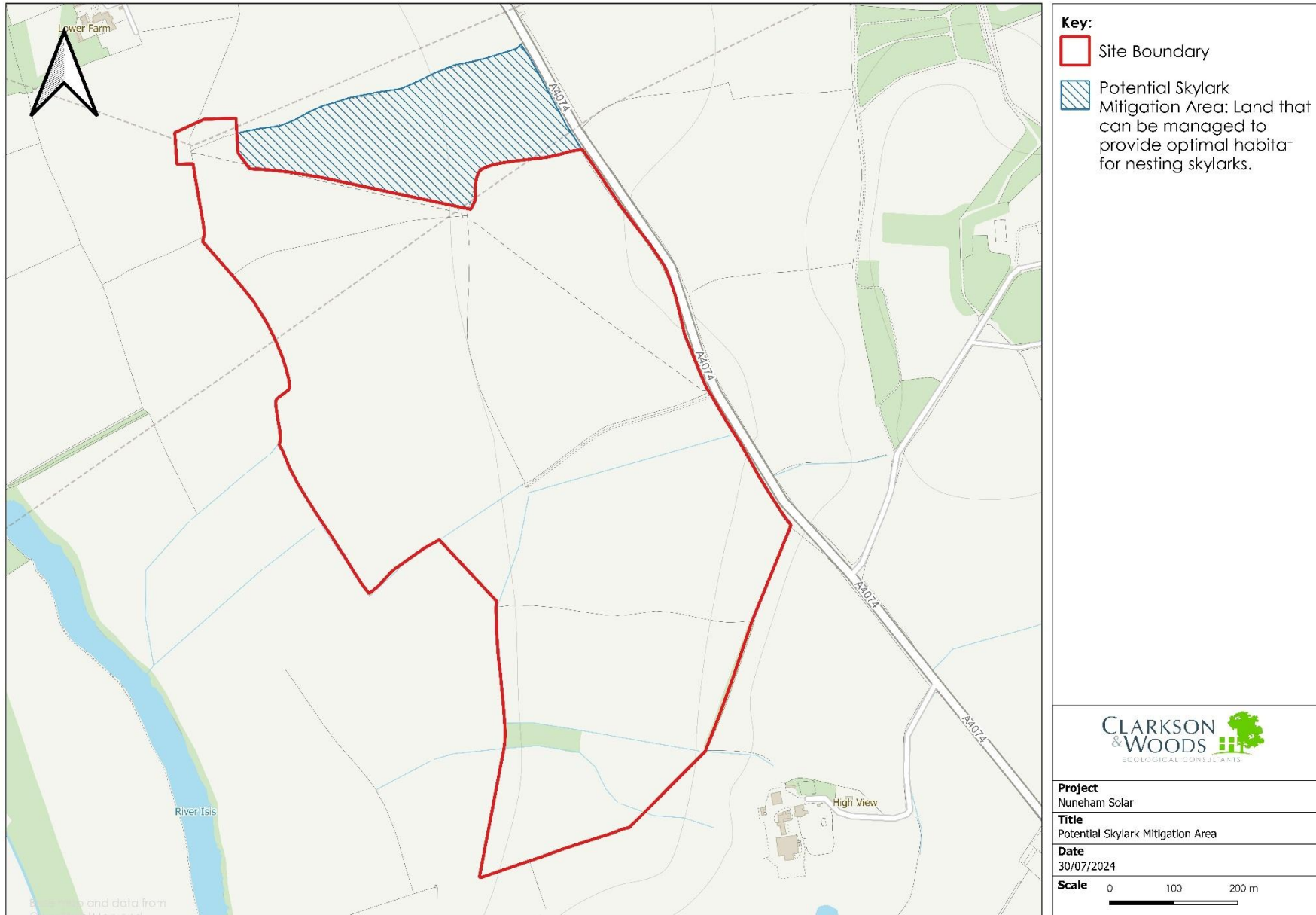


Figure 3: Proposed Skylark Mitigation Area