



28/1/24

By email

To Whom It Concerns

FLEET SOLAR FARM, LONG SUTTON, HAMPSHIRE

DOCUMENT REF: E23115501/DOC 01 – OCTOBER 2023

23_02591_FUL-21161_PRELIMINARY_ECOLOGICAL_APPRAISAL_COMPRESSED-1783463

23_02591_FUL-21161_BARN_OWL_AND_GCN_EDNA_NOTE-1783439

23_02591_FUL-21161_BNG_-_UKHAB_BASELINE_REV_B-1783440

23_02591_FUL-21161_BNG_-_UKHAB_POST_DEV_REV_A-1783467

I have responded to the ecological information in the above documents.

Summary

The proposals are required to deliver net gain for biodiversity to comply with national guidance, although, until February 12, 2024, there is no specific requirement for a particular percentage gain value. However, the Ecological Assessment commits to achieving biodiversity net gain.

We believe that the scheme as it stands should be refused on the following (or similar) grounds:

- 1) The scheme fails to provide details on how to avoid net loss of biodiversity and thereby does not comply with national planning policy on biodiversity as set out in NPPF paras 180 (d) and 186 (a). By extension, it does not, therefore, represent a sustainable form of development by reference to the objectives of national policy as set out in NPPF para 8(c).
- 2) That it fails to provide sufficient information to assess the potential for impacts on European Protected Species due to falling short of the requirements of both planning practice guidance (Circular 06/2005, paras 98 and 99) and applicable industry



standards regarding the triggers for baseline survey for these species generally, with consequential implications for the decision-makers ability to deliver a determination that can be confident will comply with the legal provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

- 3) It fails to provide relevant or sufficient information for decision-makers to adequately engage with and discharge their obligations as public authorities bound by the biodiversity duty levied by the Natural Environment and Rural Communities Act 2006 section 40 (as amended by section 102 of the Environment Act 2021).

In accordance with the principle that planning decisions should be made based on the relevant statute and policy applicable at the time of the decision, not application, we believe that a 10% net gain target is appropriate for this site. This is not just because of the imminent adoption of this figure into statute (by means of secondary legislation pursuant to the Environment Act 2021), but also because of the unknowns around the site's importance for bats, dormouse, great crested newts, schedule 1 bird species, ancient woodland and invertebrates – unknowns that have arisen due to deficiencies in the ecological surveys and suitable enhancement and creation plans.

Preliminary Ecological Appraisal, barn owl and great crested newts

The proposed solar farm is on 96 hectares of land.

The extended phase I habitat survey was undertaken in March 2023. Habitats recorded were arable fields, poor semi-improved grassland, semi-natural and plantation woodland and hedgerows – arable field margins, hedgerows and lowland mixed deciduous woodland are listed as Priority Habitats. Locally designated sites within and surrounding the site.

Protected species recorded include badgers and barn owls. Potential species include dormouse, reptiles, great crested newts, foraging/commuting and roosting bats, and



skylarks. Later surveys indicate that great crested newts were absent, but barn owls are present.

The proposed layout indicates that all locally and nationally important habitats will be retained. It provides enhancements such as retained habitats, new grassland, and native hedgerows.

The roadside verges could be lost - designated for Striped Lychnis moth *Shargacucullia lychnitis*, a Section 41 priority listed moth species in the UK.

3 ponds within a 250-metre radius were recorded – two on private land.

Barbastelle (*Barbastella barbastelle*) was 2 km from the site from the data search. Other bats were also returned on the data search.

Brown hare and hedgehog recorded were returned—no other priority species. Several bird species listed in Section 41 of the NERC Act were returned to the data search. 50no. records of priority listed butterfly and moth species records located within 2km.

Badgers – Natural England licence will be required.

Potential bat roost features – although none will be removed. However, it included low, moderate and high potential to support roosting bats. Hedges and wood are retained. Surveying and mitigation were provided.

Barn owls – Mitigation strategy recommended.

Birds – mitigation provided.

Skylarks – potentially breeding. Compensation provided.

Dormouse – low potential but offered to survey further. Hedgerows are being improved.

Reptiles – low potential. Arable margins are reasonably good for reptiles. Mitigation proposed.



Invertebrates - the Striped Lychnis moth, a nationally scarce species listed under Section 41 of the NERC Act. The species' larval foodplant, Dark Mullein *Verbascum nigrum*, was not recorded during the current survey. However, the species is in flower between June – and September.

Brown hare – recorded on the site. Mitigation provided.

Great crested newts – three ponds, only one surveyed. HIS indicates an average suitability. No breeding great crested newts in the pond on site. Maybe foraging. Avoidance and mitigation measures are recommended.

Priority habitat, ancient woodland and SINC – retained and any loss minimised! Any loss is appropriately compensated for providing a net gain. All SINCS ancient woodland. Any loss of ancient woodland is unacceptable. However, the developer can provide bespoke compensation that has to be agreed upon by the local authority. No enhancement plans were submitted.

Enhancement measures – a net biodiversity gain to include positive management of retained habitats. New grassland. What area is covered by the solar panels? No plans to enhance or create the habitats are proposed. We are unable to determine whether a net gain could be achieved.

To fully assess the proposal's impacts, the LPA need ecological information for the site, particularly for European Protected Species and reptiles, which are protected species. These surveys are required prior to determination because Government Standing Advice indicates that you should “Survey for great crested newts if there’s a pond within 500 metres of the development, even if it only holds water some of the year”, “Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby” and “Survey for reptiles if the proposal is likely to lead to harm to individual reptiles or their habitats”.



The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. Otherwise, all relevant material considerations may not have been addressed in making the decision." This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006.

Yours faithfully,

Andrew May

Managing Director

Qualifications and Competence of the Ecologist

The ecologist has over 25 years of conservation experience. He is the founder of a new conservation charity and previously worked as Head of Conservation for a Wildlife Trust, Director of Studies for the Field Studies Council, and Course Director and Lecturer for the University of Essex and Cambridge.

Respected organisations have nationally recognised the ecologist and have awarded various fellowships for his '*outstanding or significant contribution*' towards these disciplines,



including conservation and biodiversity for the delivery of landscape-scale conservation projects. Fellow of the Chartered Institute of Ecology and Environment Management, Fellow of the Royal Entomological Society, Fellow of the Royal Society of Biology, Fellow of the Linnean Society, and Executive Fellow of the School of Biological Science – University of Essex.

Currently on the external advisory board for the University of Essex and representing the Chartered Institute of Ecology and Environmental Management at the University of Southampton, judging national ecological projects and an ecological expert for the Southwood Foundation.