



James Kirkham
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By email only

22 July 2022

Dear Mr. Kirkham

RE: 22/01682/F – Full Planning Application for the development of a ground mounted solar farm incorporating the installation of solar PV panels, associated infrastructure and access, as well as landscape planting and designated ecological enhancement areas. Land North of Manor Farm Noke.

Thank you for consulting us on this application. Following review of the supporting documentation, we have **NO OBJECTION** to the proposed development subject to the following conditions being applied to any planning permission for the Site.

Requirement for RSPB Condition approval

RSPB Otmoor is comprised of wet grassland, reedbed and blackthorn hedgerows all of which are critical for the conservation of wildlife within the reserve and within the adjacent Otmoor Site of Special Scientific Interest (SSSI). The wet grassland supports nationally significant lowland breeding waders with regularly over 100 pairs, including lapwing (*Vanellus vanellus*), common redshank (*Tringa tetanus*) and snipe (*Gallinago gallinago*). The wet grassland also supports large numbers of wintering wildfowl and waders. Over 4000 golden plover (*Pluvialis apricaria*), lapwing and wigeon (*Anas penelope*), along with pintail (*Anas acuta*), teal (*Anas crecca*), shoveler (*Anas clypeata*) and geese and swans are present on the reserve. In addition, for the first time in over 500 years in Oxfordshire, the common crane (*Grus grus*) bred in 2021 and has continued this trend into 2022. The RSPB also has significant ecological knowledge of the site and local environment and can effectively advise on the most appropriate habitat enhancement measures which would be suitable for the site and the adjacent reserve.

Where planning permission is granted, we request that the RSPB, in collaboration with the Local Planning Authorities (LPA) Ecologist, approves the detailed design of the site, specifically in relation to the ecological mitigation and enhancement measures proposed as part of the construction and operational phases of the development. We therefore request the following condition is added to any planning permission for the site:

Condition

No development shall be commenced, until a detailed Ecological Management Plan (EMP) and associated detailed design drawings, (to include the details of the proposed Ecological Enhancement Area), associated with the proposed development has been submitted to and approved in writing by the Local Planning Authority and the RSPB. The EMP will include measures implemented to avoid and reduce impacts to

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Patron: Her Majesty the Queen **Chairman of Council:** Kevin Cox **President:** Miranda Krestovnikoff
Chairman, Committee for England: Jennifer Ullman **Director, RSPB England:** Emma Marsh

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ecological receptors during the construction phase and should detail the ecological enhancement and habitat creation measures associated with operational phase of the site, including management regimes for these features for a period of no less than 10 years. The EMP must include, and should not be limited to, the following details:

- The location and extent of all new and enhanced habitats, and boundary treatments (buffers, hedgerows, tree and shrub planting etc.) including all works required for the habitat creation
- For the creation and enhancement of proposed habitats and ecological enhancement areas, these details shall identify:
 - the species proposed for planting
 - information regarding any ground preparation; cover material; soil profiles
 - sources of all tree and shrub stock (which should be of native and local provenance only and within seed zones 402 and 405)
 - seed mixes for grassland, (to be used in grassland establishment methods, which shall be of certified native origin and of local provenance)
 - Detailed design of habitat enhancements and wetland areas associated with the proposed ecological enhancement areas, including the proportions; size; spacing; positions; proposed plant species and densities; sowing rates; methods of establishment; and any fencing details associated with planted or wetland areas, if any.

The planting plan and species utilised will be agreed by the LPA and the RSPB.

- For the management of created and retained habitats, these details shall include the identification of management objectives and maintenance actions for at least 10 years. The following plants will be excluded from any planting plan for the site:
 - Scots Pine (*Pinus sylvestris*)
 - Tufted Hair-grass (w) (*Deschampsia cespitosa*)
 - Yew (*Taxus baccata*)
 - Snowberry (*symphoricarpos albus*)
 - Paleleaf Barberry(*Berberis candidula*)
- Measures to buffer and enhance retained habitats on-site including adjacent hedgerows and watercourses and any retained trees and scrub habitats
- The proposed development will demonstrate an improvement in retained habitat quality and will demonstrate a net gain in biodiversity as a result of the proposed development assessed against the current baseline habitat condition and the predicted net gain value, as stated in paragraph 4.10 of the supporting BSG Ecological Appraisal. This will take the form of an annual ecological report submitted to both the LPA and the RSPB Otmoor Office which clearly outlines survey findings and demonstrates a year-on-year biodiversity net gain. On site measures must be detailed and implemented within the EMP, to ensure the site reaches the predicted net gain value by the end of the 10-year EMP period.
- Ecological enhancements to include but not limited to permanent features, for birds and bats (such as bat boxes or over winter cover), installed at appropriate points within the site, which should offer immediate and longer-term enhancements where appropriate
- Details of a habitat management plan for existing and new habitats during the establishment phase including details/arrangements for on-going management and monitoring for not less than 10 years

- The appointment of an Ecological Clerk of Works, who will as a minimum:
 - obtain any necessary Natural England protected species licences to facilitate the temporary and permanent works
 - be responsible for the ecological management of habitats and species on site during the construction phase and
 - to ensure the implementation of the above measures
- Details of the solar panels to be used on site, including precise layout and spacing of PV modules. Installed panels should also be designed to significantly reduce the risk of polarised light pollution and potential collision risk for bird and bat species. The polarised light mitigation should either be as part of a bespoke design or retrofitted to the panels to ensure potential risks to fauna, which may mistake the panels for water, are reduced. Reference material is included in the footnote below which illustrates the types of mitigation which can be employed on the panels to reduce this risk.¹
- An implementation timetable for all elements of the EMP.

Reason: To safeguard protected species and their habitats and to provide a biodiversity net gain and ecological enhancements in a timely manner in line with Policy ESD 10 of the Cherwell Local Plan and the advice contained in the NPPF to minimising impacts on and providing net gains for biodiversity. We request approval rights due to the proximity of the proposed development to the Otmoor Nature Reserve, Otmoor SSSI and the Conservation Target Area (CTA). In addition, we also have detailed ecological knowledge of the local environment as outlined above.

Further comments on the application are provided below

National Policy

Paragraph 151 of the National Planning Policy framework (NPPF) states the following in relation to solar farms and greenbelt land.

When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

The LPA should ensure the developers have adequately demonstrated very special circumstances for siting of this development on greenbelt land and in proximity to a site of significant value to biodiversity including the RSPB Otmoor nature reserve, the Otmoor SSSI and the CTA.

Comments on the Ecological Appraisal

Paragraph 4.2 states that *'In the north-eastern corner of the Site, a new grassland area will be created on arable land which regularly floods. This will be seeded to create a grassland habitat with a mix of grasses typical of regularly inundated conditions. Given the current use of the land, nutrient levels are likely to be high, therefore the establishment of a species-rich grassland is unlikely to be achievable.*

¹ Bruce-White and Shardlow (2011). A review of the Impact of Artificial Light on Invertebrates. Buglife. Available at [Impact of artificial light on invertebrates Final docx \(buglife.org.uk\)](#) (Accessed 19 July 2022)

Black and Robertson (2019) How to disguise evolutionary traps created by solar panels Journal of Insect Conservation. Available at [How to disguise evolutionary traps created by solar panels \(researchgate.net\)](#) (Accessed 19 July 2022).

Whilst we do not dispute that nutrient levels may be high in this area, there are case studies and guidance documents available on how to undertake arable reversion to restore species rich floodplain meadow in this situation. See link below:

<https://www.floodplainmeadows.org.uk/about-meadows/restoration/how-to-restore-meadows>. Advice on this can also be provided by the RSPB Otmoor Site Manager - David Wilding.

We would expect any EMP for the site to consider the feasibility of creating species rich floodplain meadow at this location and in areas subject to regular inundation within the Ecological Enhancement Area.

Comments on Site Design

We note the majority of the proposed site grassland located around the solar panels will be a fine grassland mixture, which will be grazed by sheep. Given the sensitive location of the site adjacent to the RSPB Otmoor Nature Reserve, the Otmoor SSSI and CTA, the development should look to maximise biodiversity potential on site, with the grassland around the solar panels managed as species rich grassland with conservation grazing included as part of the management plan. This can include cutting and removing vegetation and minimal conservation sheep grazing which is sympathetic to the management of a wildflower meadow habitat.

The route of the permissive path runs adjacent to the ecological enhancement area to the north and northeast. This location could contribute towards disturbance of any ground nesting birds. The design drawings and planting plan should therefore help to reduce this impact, through the planting of scrub and where needed fencing.

We appreciate the inclusion of the Turtle dove mix, as represented by a narrow linear strip on the design plan, however this form may make maintenance of the strip difficult to maintain. The foraging habitat should be provided in proximity to nesting habitats wherever possible and could be designed to cover the same area and be placed as several plots within the site.

The shrub mix shown in the design plans is excessively diverse. Areas planted in relation to turtle dove habitat will need to increase proportions of hawthorn, blackthorn and dog rose to generate suitable dense nesting habitat.

There doesn't appear to be any winter bird cover on the design plans. We would advise that some of the grassland creation is commuted to create this cover. Details on how to do this can be found here: <https://farmwildlife.info/how-to-do-it-5/seed-rich-habitats/wild-bird-seed-mix/>

In terms of grazing within the security fence, we would advise that stocking is limited, especially during the bird breeding season to prevent any trampling of nests, especially for species such as Skylark.

We would expect selected tree or shrub species, planted on the Otmoor side of the development to be under 5 metres to ensure there is no adverse impact to wading bird species using the reserve.

Biodiversity net gain

In terms of biodiversity net gain, we would like to understand if the calculation took into consideration the likely lack of vegetation which will be present beneath the solar panels over the 30-year lifespan of the proposed development. Strips of ground shaded by the panels, should not be considered as grassland within the calculation as the ground will be shaded from sunlight resulting in a lack of vegetation at these locations.

If required, we would be willing to discuss the above condition and comments with the LPA, the applicant and their ecologists.

Yours Sincerely



Daniel Widdowson
Senior Conservation Officer

CC. Martin Randall, David Wilding, Andrew Dodd, Nigel Symes, James Bray (RSPB)