

30/05/2024

## Introduction

This document has been written by myself (Thomas Hill MEnv (Hons)) and outlines my comments in response to the R6 Party Statement of Case. I am an ecologist with over five years' experience in the industry. The portfolio of projects I have contributed to vary in scale from small residential adjustments, all the way to national level infrastructure projects and large renewable energy schemes. My office experience consists of multi-disciplinary collaboration, data analysis, project management, and reporting writing numerous document types including Species Specific Reports, Preliminary Ecological Appraisal Reports, Ecological Impact Assessments, and Biodiversity Net Gain Assessments. Regarding fieldwork, I am skilled in a variety of survey methodologies including Phase 1, UK Habitat Classification, Habitat Condition Assessment, Great Crested Newt ("GCN") Habitat Suitability Index Assessment, Bat Emergence/Re-entry, Bat Transect, Otter and Water Vole, and Badger/Otter Pre-commencement alongside other Ecological Clerk of Works assignments. In addition, I have experience as an accredited agent for GCN, and other protected species licence surveying and mitigation work and have successfully inputted my expertise into relevant requests for further information and addressed comments as a part of the planning process.

The following paragraphs will respond to points relevant to ecology raised by the Statement of Case on Behalf of the Rule 6 Party (SoCR6P) beyond the previously discussed "reasons for dismissal".

*"The Appellant's ecology assessment describes solar development as being of a "benign nature...in ecology terms". (Para. 5.1). This statement is demonstrably incorrect (including by the Appellant's own assessment)" – Page 20 of the R6 party's statement of case*

This implies that the submitted Ecological Assessment states that the Proposed Development is inherently harmful to the local ecology, we refute this in the strongest terms. Furthermore, the Proposed Development provides opportunity to enhance the ecological value of the Application Site, which has been acted upon as an integral part of the site design.

*“The report found “Shading by solar panels, both from rain and sunlight, can create an environment that does not suit many grassland species, often resulting in bare ground that allows problem species, such as curled dock (Rumex crispus) and common nettle (Urtica dioica), to establish.”” – Page 21 of the R6 party’s statement of case*

The findings of the report are not contested by Neo Environmental; it highlights the requirement for appropriate management and maintenance, as proposed in the submitted Biodiversity Management Plan.

*“These indications are supported by the findings of the Gwent Wildlife Trust, which monitored a solar development on the Gwent levels (Appendix 2).” – Page 21 of the R6 party’s statement of case*

Whilst the findings of the report are not contested by Neo Environmental, their relevance to the Proposed Development is. The Gwent Levels are a Site of Special Scientific Interest located over 200 kilometres to the Southeast. Designated for its notable range of floristic communities with rich species diversities, alongside both aquatic and non-aquatic invertebrate species. These features in turn create ecological value for protected and notable species which may either utilise that habitat, or forage upon species of invertebrates. Given the demonstrable difference between the habitats and ecological features present in the Gwent Levels, and those noted at the Application Site, the findings of the report hold no relevance to the Proposed Development, regardless of validity.

Additionally, it should be noted that the report referenced by the R6 party was unsuccessful in its request to halt major development, which in itself implies that the findings may not have necessarily been found as valid by the Welsh Minister for Climate Change, to whom the letter was addressed.

*“The Appellant’s ecology report wrongly asserts that there is no hydrological connection between the site and the River Smite” – Page 21 of the R6 party’s statement of case*

This is inaccurate, both Table 6-1, and Paragraph 7.14 of the Ecological Assessment (Volume 3, Technical Appendix 2) identify hydrological connectivity between the Application Site and the River Smite. Furthermore, severity of potential impacts to this watercourse are assessed within the Ecological

Assessment, and consider integral best practice pollution prevention measures, scale of theoretical pollutants, and the dilution factor of said pollutants.

*“The Smite is a tributary of the River Devon. The Environment Agency’s Catchment Data Explorer records that both rivers are failing their Water Framework Directive targets, with particularly high phosphate levels, in part due to poor agricultural and rural land management.” – Page 22 of the R6 party’s statement of case*

Neo Environmental are in agreement with this statement, and by the implementation of the Proposed Development, the anthropogenic influence exerted upon the rivers will be reduced as a result of the change in land use and reduction in intensive agricultural management practices.

*“The evidence of the Gwent Levels research is that solar development presents a significant water pollution risk and the appeal proposals may consequently inhibit measures to restore the Smite and Devon to good ecological status.” – Page 22 of the R6 party’s statement of case*

For the reasons outlined above, we do not believe that this statement is a suitably relevant reference, nor is it a reasonably likely conclusion of the Proposed Development, as outlined by the submitted Ecological Assessment (Volume 3, Technical Appendix 2).

*“The Ecology report considers that there would be a beneficial impact on bird populations, while recognising that “the loss of cereal cropland and modified grassland habitat may have an adverse impact on some specialist farmland birds i.e. skylark and yellowhammer however, in the local context this loss is extremely limited and therefore effects are considered to be negligible.” In the absence of surveys, there is no evidence for this conclusion.” – Page 22 of the R6 party’s statement of case*

The evidence for the conclusion is based upon the readily apparent suitability of surrounding habitat within the local area, and the absence of any cumulative effects of the Proposed Development in combination with other developments in the local area which may impact specialist farmland birds in a regional context. Furthermore, the statement above is quoted only in the context of assessing potential impacts and does not include the subsequently described benefit of ecological enhancement measures

and new habitat creation that not only negates any losses but will provide an overall net gain in the biodiversity value of the Application Site resulting from the Proposed Development.

*The claim that bird populations would be enhanced is contradicted by the measures in the Bird Hazard Management Plan. – Page 22 of the R6 party’s statement of case*

Whilst it is acknowledged that the measures outlined within the Bird Hazard Management Plan (BHMP) prevent optimisation of the Application Site when considering birds, when compared to the baseline value, the Proposed Development represents a net enhancement in habitats supporting a wide range of local birds species.

*The plan proposes the use of “bird deterrents,” including “netting, stringing, anti-bird spikes and floating balls to deter unwanted birds from using features such as the swales and ditches.” Such measures would drive “wanted” and priority species birds from the site as well as “unwanted” birds. – Page 22 of the R6 party’s statement of case*

This statement based on Paragraph 1.44 of the Bird Hazard Management Plan (Volume 3, Technical Appendix 2, Appendix 2.3) and removes the measures from the wider context of use. The BHMP states that these measures are only to be used “where necessary” (Paragraph 1.44) by a “Bird Control Specialist” (Paragraph 1.43) and that the “decision made must take account of the legal protections afforded to birds by the Wildlife and Countryside Act 1981 (as amended), especially if species with special protection are present.” (Paragraph 1.46). The measures are suggested to avoid ‘pest issues’ from occurring with dominating gregarious species such as gulls, that could predate and displace wanted and other priority species. Therefore, any effect upon wanted and priority species from the site will be suitably considered when appraising the use of measures, which includes consultation with ecologists.

*“The proposals suggest that 10cm holes would be left in the fencing, but this is unlikely to meet security requirements and would anyway accommodate only the smallest mammals.” – Page 23 of the R6 party’s statement of case*

This design of fencing is commonly utilised on solar sites throughout the UK and provides opportunities for mammal scrapes (passages) to allow the traversal of the Application Site by mammals larger than rodents, such as mustelids, without loss of integrity for security.

*“The Appeal proposals pose significant threats to wildlife and would be in breach of Policy 17 of LPP1 (...) Policy 38 of LPP2” – Page 23 of the R6 party’s statement of case*

For the reasons outlined above, this statement is refuted, as the Proposed Development does not pose significant threats to wildlife, and therefore is not in breach of the policies. In fact, it will help deliver/fulfil them.

*“The Solar UK report demonstrates that the type of management practices proposed in the BMP, Landscape and Ecology Management Plan etc, are rarely delivered in practice.” – Page 24 of the R6 party’s statement of case*

The ‘rarity’ of adherence to the management practices post-consent as recommended by the submitted ecology documentation is not a matter of relevance to the consenting of the Proposed Development in relation to this appeal process. Rather, it is a matter to ensure adherence following consent, and as standard is likely to be implemented with a suitably worded planning condition. The ecologists can help supervise the discharge of conditions.

*“The Ecology Report also suggests that all of the hedgerows around the site would be enhanced, although the hedgerows around the site are already well managed and healthy.” – Page 25 of the R6 party’s statement of case*

The proposed enhancement method is that of infilling where required to ensure continuous hedgerow, as stated in Paragraph 1.82 of the Biodiversity Management Plan (Volume 3, Technical Appendix 2, Appendix 2.1) this will strengthen habitat connectivity and commuting corridors for species of fauna. Additionally, the change in land use will reduce anthropogenic influence on the existing hedgerow and the adopted design principle of a 5m buffer from hedgerow (stated in Paragraph 2.3 of the Ecological

Assessment Volume 3, Technical Appendix 2) will provide a greater margin of undisturbed ground for growth of perennial vegetation (identified as beneficial attribute contributing to hedgerow habitat condition quality within the Statutory Biodiversity Metric) at a large proportion of the Application Site's existing hedgerows as well as providing an additional habitat resource for important pollinator species.

*“There is a risk that if the hedges are left uncut to screen the proposed development, they would become leggy and sparse.” – Page 25 of the R6 party's statement of case*

From year 2 onwards hedgerows (or year 5 in the case of proposed new hedgerow) will be managed in a cycle with no more than ½ of the hedgerow cut in any one year as stated in Paragraph 1.89 of the Biodiversity Management Plan (Volume 3, Technical Appendix 2, Appendix 2.1), therefore they will not be left uncut.

## Conclusion

Overall, the points set forth within the Statement of Case document do not constitute an accurate representation of either the baseline value of the Application Site ecologically, or the potential impacts of the Proposed Development.

Please do not hesitate to contact myself or colleagues if you require any further information.

KIND REGARDS,

THOMAS HILL

MENV (HONS)

SENIOR ECOLOGIST

E: [Thomas@neo-environmental.co.uk](mailto:Thomas@neo-environmental.co.uk)