



SUNNICA ENERGY FARM

EN010106

8.92 Ecology Position Statement

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010



3 February 2023
Version number 00

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010**

Sunnica Energy Farm

8.92 Ecology Position Statement

Planning Inspectorate Scheme Reference	EN010106
Application Document Reference	EN010106/APP/8.92
Author	Sunnica Energy Farm Project Team

Version	Date	Status of Version
Rev 00	3 February 2023	Submitted at Deadline 6

Position Statement for Ecology

Subject	Position on Assessment and Survey Methodology	Position on Mitigation and Enhancement
<p>Habitats Regulations Assessment</p>	<p>It has been agreed with Natural England [REP6-041] that the Stage 1 Screening has identified all relevant sites designated for their biodiversity value, potential impact pathways and has taken into consideration all potential Likely Significant Effects.</p> <p>The removal of West Site B from the Scheme means that the nearest solar panel is just over 1 km from Chippenham Fen and Snailwell Poor's Fen SSSI (Fenland SAC) and Ramsar site boundary, removing any impact of piling on these sites or to aquatic invertebrates.</p> <p>It has been agreed with Natural England [REP6-041] that the Scheme will have no adverse effect on the integrity of Chippenham Fen Ramsar site and Fenland SAC including in relation to impacts from hydrology and air quality.</p> <p>Following the Applicant's Examination submissions and information shared with Natural England, Natural England is now satisfied that the Habitats Regulations Assessment – Report to Inform an Appropriate Assessment [REP5-045] considers all potential impact pathways to designated sites and the proposed mitigation and management of the offsetting land as set out in the Landscape and Ecology Management Plan of the Environmental Statement [REP5-011] and the Offsetting Habitat Provision for Stone-curlew Specification [REP5-046] [REP5-047] is sufficient.</p>	<p>With respect to sites designated internationally for their biodiversity value, (with the exception of Breckland SPA, which is discussed under Stone-curlew below) there is no need for any mitigation.</p>
<p>Arable Flora</p>	<p>Arable field margins were recorded in the Preliminary Ecological Appraisal report (Appendix 8B of the Environmental Statement [APP-078]) as biodiversity priority habitat. Table 4-8 provides a summary of notable habitats within the Order limits based on the results of the Phase 1 Habitat survey and arable field margins are within this table. Depending on the arable field margin, these are either mapped as grassland (where grassland is a more permanent feature) or as arable (where it is part of an existing crop and arable flora have been noted in the field margins). In</p>	<p>As shown in the updated Environmental Masterplans and detailed in the updated OLEMP submitted at Deadline 5, following discussions with stakeholders, the Applicant has significantly extended the areas for arable flora, including within W09 with a continuous undisturbed buffer around the entirety of the field. This amounts to an increase in 3 metre wide linear plots from a total length of approximately 150 m to at least 2,000 m across the Scheme. These continuous strips mirror the distribution of arable flora within the existing field margins. This retains the existing flora in its current location and secures the conditions for its presence for the lifespan of the project. As such, arable flora can be</p>

Subject	Position on Assessment and Survey Methodology	Position on Mitigation and Enhancement
	<p>the latter case, these are identified further in Appendix 8C: Terrestrial Habitats and Flora Report [APP-079].</p> <p>Arable flora surveys were undertaken on 5, 6 and 29 May and 6 June 2019; from AF16 (Sunnica East Site B) onwards on the 14, 27 and 28 May 2020 and from AF28 onwards along the Grid Connections Areas on 20 May and 1 June 2021. Refer to Appendix 8C: Terrestrial Habitats and Flora Report [APP-079] Figure 2: Flora surveys 2019 to 2021.</p> <p>The Applicant maintains that the surveys undertaken and presented in the ES are suitably robust and that there are no significant gaps in the baseline used to undertake the impact assessment. Where appropriate, the Applicant has re-visited mapping and made minor amendments which have been identified during the examination. This has not impacted the integrity of the baseline data nor the impact assessment presented in the ES.</p>	<p>retained alongside the use of fields for solar arrays and without the need for off-site mitigation. This does not change the assessment presented in the ES, but rather takes on board comments from stakeholders and considers the practicalities of creating and maintaining continuous strips, rather than individual plots, during operation.</p> <p>The location and extent of areas for arable flora are shown on the Environmental Masterplans and details on management are secured in the OLEMP. In order to sustain this arable flora, these areas will experience an arable field margin-like management.</p> <p>The primary objective is to create these areas in those locations where notable species have been recorded, thus retaining communities <i>in situ</i>.</p>
Stone-curlew	<p>To determine the presence, or absence, of breeding and post-breeding Stone-curlew within the Order limits, all suitable habitats within the Order limits, were surveyed following best practice methods as used by the RSPB every two weeks between April and September 2019. Further to this, all suitable habitat (such as beet fields or short grassland), within 500m of the Order limits and accessible or visible from public rights of way, was surveyed for breeding Stone-curlew. Additionally, nocturnal surveys (using taping/sound recording methods, under a licence issued by Natural England), were also undertaken around the Order limits and within 500 m. The Stone-curlew survey method was based on the RSPB Stone-curlew monitoring protocol. In summary, this involved a walkover, where access allowed, following pre-determined survey routes (see Figure 3 of Appendix 8I of the Environmental Statement [EN010106/APP/6.2]) and regular stopping points to locate Stone-curlew. The findings of the extensive surveys undertaken in 2019, along with the surveyor's visual assessments of suitable nesting habitat within the wider 500 m, provided the focus for the extent of surveys undertaken in 2020 and 2021, <i>i.e.</i>,</p>	<p>It is first important to note that Natural England [REP6-041] has confirmed that it is "<i>satisfied that all relevant impact pathways have been considered and suitably mitigated</i>".</p> <p>Mitigation is planned for five pairs of Stone-curlew using ten plots (at 2 plots per pair) which would provide sufficient nesting (one plot) and foraging habitat (a second plot) for each pair, although there is the potential that further pairs will occupy plots and that, in some years, the population will be greater. These plots will provide permanent and largely undisturbed habitat for the species that will sustain the population in the local area. Whilst high quality grassland will take a number of years to establish, the principal habitat provision is the creation of disturbed ground nesting plots. These have been shown to be the most important habitat feature for Stone-curlew providing both preferred nesting and foraging habitat, <i>i.e.</i>, areas of short sward or bare ground. These will be delivered prior to the loss of any arable farmland recently used for nesting.</p> <p>The areas to provide offsetting habitat for Stone-curlew are described in the updated Stone-curlew habitat provision specification document</p>

Subject	Position on Assessment and Survey Methodology	Position on Mitigation and Enhancement
	<p>predominantly within the Order limits and any adjacent areas that could be viewed from the Order limits. These data were collated with previous records of Stone-curlew from within the area of the proposed Scheme.</p> <p>The Applicant has followed the mitigation hierarchy in relation to Stone-curlew, but for a species, that in this landscape, relies upon sympathetic farmland management, even regular occurrence (within a cropping rotation) in any part of the Scheme does not demonstrate that this is the long-term distribution for the species. It is, therefore, not simply the case of saying a particular field or part of the site that has been regularly used over the past couple of years, should be excluded from the Scheme, simply because it has supported nesting Stone-curlew, even if regularly in the recent past, e.g, E12. The Applicant acknowledges that a small Stone-curlew population of 2-5 pairs is present within and around the Order limits and has therefore, embedded sufficient land for the long term (40 years minimum) permanent presence of Stone-curlew habitat. This will secure the population of Stone-curlew within the Order limits, reducing the uncertainties that come with the management of farmland for the next four decades and sufficient to allow an expansion in the population.</p> <p>Natural England is now satisfied that the identified number of Stone Curlew for the site is accurate [REP6-041].</p>	<p>submitted at Deadline 5. In summary, this includes the following provisions:</p> <ul style="list-style-type: none"> • ECO1 - 6 ha of disturbed and bare ground/short sward (i.e., nesting plots) and 34.1 ha of grassland (sward height <5 cm). Total = 40.1 ha. • ECO2 - 6 ha of disturbed and bare ground/short sward (i.e., nesting plots) and 28.2 ha of grassland (sward height <5 cm). Total = 34.2 ha • ECO3 (Core Stone-curlew area) - 8 ha of disturbed and bare ground/short sward (i.e., nesting plots) and 24.7 ha of grassland (sward height <5 cm). Total = 32.71 ha. • Remainder of ECO3 – 18.7 ha <p>Monitoring of Stone Curlew prior to and during operation of the Scheme will establish whether the species is nesting within 500 m of the Order limits. As outlined in the Framework OEMP [REP5-010, ES - Appendix 16F], should this be the case, then the same requirements, with regard to briefing staff and controlling works, will be applied to any locations where there is potential for disturbance within the Stone-curlew breeding season (March to September inclusive) within the 500 m zone, that are already included in the Framework OEMP for the offsetting areas. Given, the low likelihood that Stone-curlew will nest in the 500 m zone due to the low quality of habitat, seasonal restrictions with regards operational maintenance are not required throughout the Scheme. Operational monitoring of Stone-curlew plots, secured through the OEMP, will help to establish the location of nesting locations within the Order limits and for the surrounding 500 m zone.</p> <p>Operational monitoring of Stone-curlew plots, secured through the OEMP, will establish the location of nesting locations. This will inform the process for the application of any herbicides to Stone-curlew plots to control rank weed growth. The management of Stone-curlew plots will be within the remit of the Ecology Advisory Group, which will ensure that management techniques are compatible with protection of the species' nests and chicks.</p>

Subject	Position on Assessment and Survey Methodology	Position on Mitigation and Enhancement
Bats	<p>Chapter 8: Ecology and Nature Conservation [APP-040] and Appendix 8J – Report on Surveys for Bats [APP-087] set out the potential for bat roosts to be present within the Order limits.</p> <p>A Preliminary Roost Appraisal for bats has been undertaken on all woodlands and trees. This provides information on the likely risk associated with works to any particular tree and has been used to inform the Arboricultural Impact Assessment (AIA).</p> <p>The information contained within Appendix 8J – Report on Surveys for Bats [APP-087] provides sufficient information to support the assessment of impacts on bats presented in Chapter 8: Ecology and Nature Conservation [APP-040], <i>i.e.</i>, the location and importance of features, such as trees and woodland, within the Scheme for bats. At present, no trees (or buildings) with bat roost potential will be impacted by the Scheme.</p>	<p>The Arboricultural Impact Assessment (AIA) Report submitted at Deadline 5 provides updated information on potential woodland and tree loss across the Scheme with relevance to protected species, including bats. This states that a worst case scenario of woodland/tree loss has been assessed (not an actual loss) and it is likely that in practice tree loss and impacts will be significantly reduced through avoidance (e.g. through cable installation via horizontal directional drilling (HDD) and micro-siting of cable and access routes to avoid trees). The AIA identifies that no veteran or ancient trees are to be removed, which often have features for roosting bats. The details of the final tree loss will be provided in an Arboricultural Report which will be provided as part of the Framework CEMP following consent. Due to the lack of detail on tree loss at this stage, it is currently unknown which woodland/trees will be impacted and therefore it is not feasible to survey all potentially impacted woodlands and trees in detail at this stage.</p> <p>Following the provision of the detailed Arboricultural Method Statement and prior to the commencement of any tree works, where necessary, further inspections for bats will be undertaken. This would include updated roost assessment, presence or likely absence survey (e.g. tree climbing and/or dusk emergence) and if necessary, the obtaining of a mitigation licence for the proposed works where impacts to roosts are identified.</p> <p>Table 3-3 of the Framework CEMP includes the following commitment, <i>'Updated species surveys, including bats, great crested newt, breeding birds, otter, water vole and badger, will be completed as appropriate to re-confirm the status of protected species identified, to inform mitigation requirements and support protected species licence applications, if required by Natural England.'</i></p>
Badger	<p>Chapter 8: Ecology and Nature Conservation [APP-040], Appendix 8K – Annex 8A – Results and Evaluation for the Badger Survey Report – CONFIDENTIAL [APP-089] and Appendix 8K – Annex 8B – Badger Mitigation Strategy – CONFIDENTIAL [APP-090] determined that no impacts to Badger setts are predicted as they are within buffered areas of the Scheme (<i>i.e.</i> hedgerows and woodlands). A re-survey will be undertaken prior to construction in case Badger setts are found</p>	<p>The removal of Options 1 and 2 of Burwell National Grid Substation Extension [REP3A-037] results in there being no need to close a main Badger sett affected by Option 1. Whilst underground cabling may still be required through this location, the Badger sett will be avoided which will be secured through the Construction Environmental Management Plan which will be prepared during detailed design, should the Scheme gain consent.</p>

Subject	Position on Assessment and Survey Methodology	Position on Mitigation and Enhancement
	<p>within or close to the works areas and sett disturbance cannot be avoided.</p>	<p>Each of the retained setts within the Scheme will have an appropriate exclusion zone of 30 m around the sett to prevent disturbance and accidental damage.</p> <p>Pre-commencement surveys for Badgers will confirm whether or not the baseline assessment remains accurate. If required, a license would be applied for from Natural England. This secured in Table 3-3 Biodiversity of the Framework CEMP which states on page 16C-13 under 'Monitoring Requirements':</p> <p><i>'A pre-construction site walkover will be undertaken in advance of mobilisation/any potential advance works to re-confirm the ecological baseline conditions and to identify any new ecological risks.</i></p> <p><i>Updated species surveys, including bats, great crested newt, breeding birds, otter, water vole and badger, will be completed as appropriate to re-confirm the status of protected species identified, to inform mitigation requirements and support protected species licence applications, if required by Natural England. the Council(s) and ECoW team. This is proposed to be secured by a Requirement of the draft DCO.</i></p> <p><i>Such surveys will be undertaken sufficiently far in advance of construction works to account for seasonality constraints and to allow time for the implementation of any necessary mitigation, prior to construction. Additional surveys may be required during the advance works, site clearance and construction phase as advised by the ECoW team, based on the findings of the updated walkover and protected species surveys, or otherwise as identified as appropriate by the Applicant or their appointed contractor.'</i></p>
Biodiversity Net Gain	<p>An updated Biodiversity Net Gain report has been submitted at Deadline 5 using the Defra 3.1 metric.</p>	<p>The outcome of the assessment of biodiversity change is a net gain of 41.85% for Habitats (excluding the Stone-curlew plots and other mitigation habitat), 11% for Rivers and 28.26% for Hedgerows.</p>
Ecological Advisory Group (EAG)		<p>As set out in the OLEMP, the Applicant has committed to the establishment of an Ecology Advisory Group. This will be a long-term partnership providing an interactive and sustainable vehicle for dealing</p>

Subject	Position on Assessment and Survey Methodology	Position on Mitigation and Enhancement
		<p>with biodiversity matters to meet the ambition for the Scheme. The Group will advise on:</p> <ul style="list-style-type: none"> a. the achievement of biodiversity enhancement as laid out in the Development Consent Order b. communication regarding biodiversity matters between the Scheme and relevant stakeholders; c. the need to respond within these terms of reference of the Group to the changes that will occur over its lifetime, e.g. in policy and legislation; and d. the co-ordination of any research projects planned around the Scheme and dissemination of the outcomes providing both feedback within the Scheme and externally. <p>This will cover the pre-construction phase, post-construction phase and decommissioning.</p> <p>The Ecology Advisory Group comprises Scheme representative(s), Natural England, local host authorities, wildlife trusts, other relevant stakeholders and, if relevant, research group representative(s).</p> <p>Further details of the Ecology Advisory Group, including terms of reference, are currently being discussed and agreed with relevant parties, including Terms of Reference.</p>
Decommissioning	<p>The Applicant has set out its position regarding the management and maintenance of landscape and ecological measures, including Stone-curlew offsetting areas, post the decommissioning works at Deadline 5 [REP5-057].</p> <p>In respect of contingencies, were habitat provision or other measures to be needed, this would be recommended by the Ecology Advisory Group (EAG) and given that the EAG is built into the OLEMP, and then onto the LEMP, compliance would be required by the DCO. No separate provision is therefore required for a contingency fund.</p> <p>It is also noted that Requirements 8 and 10 of the DCO require the scheme landscaping and ecological provision and the Stone-</p>	<p>Table 3-3 of the Framework DEMP provides sufficient outline commitments, which will be refined and detailed in the final DEMP, produced prior to decommissioning, to avoid or minimise impacts on protected/notable species and existing habitats during the decommissioning works.</p> <p>It states that: <i>'A site walkover will be undertaken in advance of mobilisation/any potential advance works to re-confirm the ecological baseline conditions and to identify any new ecological risks. Updated species surveys, including bats, great crested newt, breeding birds, otter, water vole and badger, will be completed as appropriate to re-confirm the status of protected species identified, to inform mitigation requirements and support protected species licence applications, if required by Natural England. the Council(s) and ECoW. Such surveys</i></p>

Subject	Position on Assessment and Survey Methodology	Position on Mitigation and Enhancement
	<p>curlew habitat provision to be maintained throughout the lifetime of the development (which would include during the decommissioning phase) in accordance with the detailed LEMP and offsetting habitat specification that is approved. If it is no longer possible to do that, then the detailed LEMP specification would need to be updated and approved (pursuant to Requirement 5), meaning that the LPAs will be able to ensure that habitat provision is continuing to be provided.</p> <p>The Applicant notes that it has recently received a proposal from the LPAs in respect of potential section 106 provisions in relation to contingency funding and the role of the EAG. It is considering this and will be able to report on these considerations at the hearings.</p>	<p><i>will be undertaken sufficiently far in advance of decommissioning works to account for seasonality constraints and to allow time for the implementation of any necessary mitigation, prior to decommissioning.</i></p> <p>This provides sufficient protection for biodiversity at decommissioning stage.</p> <p>In addition, there is a commitment to fully reinstate, on a like-for-like basis at the same location on completion of the works, any habitats temporarily lost or damaged during decommissioning. The specific provisions for this will be provided in the final DEMP. The focus of the DEMP is to mitigate the impacts of decommissioning <u>works</u>. As there is a commitment to maintain the LEMP measures, they will be left <i>in situ</i>, the DEMP will ensure appropriate mitigations are in place during that short works period to ensure that that commitment which is secured through the DCO is met. Beyond that, as the Applicant has stated in other submissions, the LEMP measures will be in the control of the landowners.</p> <p>The Applicant has set out in its Deadline 4 and Deadline 5 submissions why management will not be undertaken in perpetuity by the Applicant.</p>

