OAKLANDS FARM SOLAR PARK

Applicant: Oaklands Farm Solar Ltd

Environmental Statement
Appendix 6.11 – Reptile Report
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Oaklands Farm Solar Park - Environmental Statement Volume 3

Appendix 6.11: Reptile Report

Final report
Prepared by LUC
January 2024

Oaklands Farm Solar Limited

Oaklands Farm Solar Park
Technical Appendix 6.11: Reptile Survey Report

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Chapter 1
Introduction

Terms of Reference

1.1 In April 2021, LUC was appointed by Oaklands Solar Farm Limited to provide ecological support to inform an application to construct and operate Oaklands Farm Solar Park, a proposed solar photovoltaic (PV) electricity generating facility, hereafter referred to as 'the Proposed Development'.

1.2 The Phase 1 Habitat Survey, which is reported separately (**Appendix 6.5: Phase 1 Habitat Survey Report** in Volume 3 of the ES) identified suitable habitat within the Site for reptiles.

1.3 This report presents the baseline survey findings, in respect of reptiles, and has been prepared to inform proposals, including avoidance of impacts, mitigation requirements, and provision of appropriate enhancements.

1.4 The report has informed an Ecological Impact Assessment (EcIA), which forms part of the Environmental Statement (ES), in support of a planning application for the site. Assessment of impacts, mitigation requirements and enhancement measures are provided as part of the ES Chapter and are not detailed within this report.

1.5 This report has been prepared for the exclusive use of Oaklands Solar Farm Limited. No part of this report should be considered as legal advice.

This report relates to Oaklands Farm and land within the grid cable route, including Park Farm, Fairfield Farm and Drakelow Power Station, hereafter referred to as 'the Site'.

The grid cable route was excluded from reptile surveys as the impacts associated with the cables construction and operation were considered unlikely to affect reptiles. However, habitats within the grid cable route were appraised to inform enhancement measures.

Site Description

1.6 The Site boundary is located to the south east of Walton-on-Trent in South Derbyshire (OS Central Grid Reference: SK 23456 17577). The Site boundary comprised of land within Oaklands Farm, Park Farm and Fairfield Farm land-holdings, which are currently used for arable cropping and grazing, and Drakelow National Grid Substation in the north.

1.7 The wider area is comprised of a mosaic of agricultural and pastoral land and woodland with Rosliston Forestry Centre located to the east and the River Trent located to the west of the Site boundary.

Proposed Development Description

1.8 The Proposed Development comprises a solar farm with an associated battery energy storage facility. The Proposed Development would have a generating capacity of over 50MW and would be situated on 191 hectares of land at Oaklands Farm to the south-east of Walton-on-Trent and to the west of Rosliston in south Derbyshire. The solar farm itself, comprising photovoltaic panel arrays, a central electricity substation and Battery Energy Storage System together with access, landscaping and other works would be located on 135 hectares of agricultural land currently in use for arable production and grazing. A high voltage underground electricity cable would then run through land at Fairfield Farm and Park Farm to the north to connect the solar farm to the national grid via an electricity substation located at the former Drakelow Power Station which sits south of Burton-upon-Trent. As the Proposed Development would be an onshore generating station with a generating capacity of over 50MW an application for a Development Consent Order is being made under the Planning Act 2008 to the Planning Inspectorate, for determination by the Secretary of State for Energy Security and Net Zero.

Policy and Legal Considerations

1.9 This baseline report has been prepared in cognisance with relevant legislation and policy. Further detail is provided in **Appendix A**; however, the following primary documents are of relevance:

- The Wildlife and Countryside Act of 1981[1].

[1] The Wildlife and Countryside Act 1981. Available at: https://www.legislation.gov.uk/ukpga/1981/69. [Accessed 29/09/23]

- The Countryside and Rights of Way Act (CRoW Act), 2000[2].
- The Natural Environment and Rural Communities Act 2006 (NERC Act)[3].
- The Conservation of Habitats and Species Regulations 2017[4].
- The National Planning Policy Framework (2023)[5].
- South Derbyshire District Local Plan Part 1 (Adopted June 2016)[6].
- Department for Energy and Climate Change. 2011. Overarching National Policy Statement for Energy (EN-1)[7] and Draft NPS EN-1 for designation dated 2023[8].
- Department for Energy and Climate Change. 2011. National Policy Statement for Renewable Energy Infrastructure (EN-3)[9] and Draft NPS EN-3 for designation dated 2023[10].
- Department for Energy and Climate Change. 2011. National Policy Statement for Electricity Networks Infrastructure (EN-5)[11] and Draft NPS EN-5 for designation dated 2023[12]

[2] The Countryside and Rights of Way Act (CRoW Act), 2000. Available at: https://www.legislation.gov.uk/ukpga/2000/37/contents [Accessed 29/09/23]
[3] The Natural Environment and Rural Communities Act 2006. Available at: https://www.legislation.gov.uk/ukpga/2006/16/contents [Accessed 29/09/23]
[4] The Conservation of Habitats and Species Regulations 2017. Available at: https://www.legislation.gov.uk/uksi/2017/1012/contents/made [Accessed 29/09/23]
[5] Department for Levelling Up, Housing and Communities 2023) The National Planning Policy Framework. Available at: https://www.gov.uk/government/publications/national-planning-policy-framework—2 [Accessed 29/09/23]
[6] South Derbyshire District Council (2016) Local Plan Part 1 (Adopted June 2016). Available at: https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/local-plan/adopted-local-plan [Accessed 29/09/23]
[7] Department for Energy and Climate Change (2011) Overarching National Policy Statement for Energy.]
[8] Department for Energy Security and Net Zero (2023) Draft Overarching National Policy Statement for Energy (EN-1).
[9] Department for Energy and Climate Change (2011) National Policy Statement for Renewable Energy Infrastructure (EN-3).
[10] Department for Energy Security and Net Zero (2023) Draft National Policy Statement for Renewable Energy Infrastructure (EN-3).
[11] Department for Energy and Climate Change (2011) National Policy Statement for Electricity Networks Infrastructure (EN-5).
[12] Department for Energy Security and Net Zero (2023) Draft National Policy Statement for Electricity Networks Infrastructure (EN-5).

Chapter 2
Methods

Desk Study

2.1 A review of biological records within 2km of Park Farm was undertaken as part of the Extended Phase 1 Habitat Survey, which included a review of reptile records. This is reported separately in **Appendix 6.5: Phase 1 Habitat Survey Report** in Volume 3 of the ES.

2.2 A review of the Preliminary Ecological Appraisal (PEA) Report for Oaklands Farm [13] was also undertaken. This is reported separately in **Appendix 6.3: Preliminary Ecological Appraisal** in Volume 3 of the ES.

Reptile Survey

Habitat Appraisal

2.3 In general, habitats of increased suitability for supporting reptile populations are those which provide a range of opportunities, including shelter and protection from environmental conditions and disturbance; predation, opportunities for hunting; opportunities for basking; and a wider landscape network of suitable habitats to facilitate dispersal and seasonal behavioural changes. These can include a wide range of habitats but, in general, optimal habitat conditions include mosaics of the following habitat conditions connected as part of a wider habitat network:

- Short but structurally varied vegetation on sunny south facing slopes or embankments which support a mosaic of sheltered basking spots such as mossy patches or areas grazed by rabbits, where basking can be maximised.
- Complex habitat structures where suitable prey is abundant, such as heathland, marshy grasslands, tussocky grassland and interfaces between scrub and sward habitats.
- Open woodlands where sunny glades and rides enable ground cover such as bracken, grasslands, bramble scrub and heathland vegetation to establish.

[13] Arcus, (2020). *Preliminary Ecological Appraisal: Oaklands Solar Farm and Grid Connection Route prepared on behalf of BayWa r.e. UK Limited*

2.4 The above habitat types are further optimised by the presence of key features of benefit to reptiles including log and brash piles, wetlands (e.g. ponds), subterranean refuges (e.g. rock piles or rabbit burrows) and varied topography which allows a range of micro-climates to occur [14].

2.5 The assessment of habitat suitability for reptiles was conducted on the following dates:

- 21st April 2021 – in conjunction with the Extended Phase 1 Habitat Survey at Park Farm. This was undertaken by Rebecca Turner BSc MSc ACIEEM and Tom Hicks BSc (Hons), a Qualifying Member of CIEEM. This included an area of this land holding, which is no longer within the site boundary.
- 26th April 2022 – the suitability of the habitat of at Fairfield Farm was assessed by Tom Hicks and Rosalind Warwick-Haller BSc (Hons) MSc, a Qualifying Member of CIEEM.
- 11th July 2022 – the suitability of the habitat of land at Drakelow National Grid Substation was assessed by Tom Hicks.

2.6 The suitability of the habitat at Oaklands Farm was informed by findings of a previous PEA[13].

Presence / Absence Survey

2.7 A reptile presence / absence survey was conducted at Oaklands Farm between August and September 2021 in accordance with best practice guidelines [15, 16]. On 29th July 2021, 165 artificial refugia (comprising 1 m x 0.5 m sections of roofing felt) were placed across the Site within areas of the deemed most suitable for reptiles, including rough grassland, tall ruderal, scrub, woodland edge, rubble piles, banks and field margins. Given the ongoing disturbance from livestock and farming equipment at the Site, refugia were positioned along boundary habitats in most areas, where the risk of disturbance was lowest. Refugia locations are shown in **Figure 6.11.1, Appendix B**.

2.8 Artificial refugia were left for in place for two weeks to allow reptiles to habituate to them, before being checked regularly in August and September. Seven checks of the refugia were

[14] English Nature (2004). *Reptiles: Guidelines for Developers.* Peterborough: English Nature.
[15] Herpetofauna Groups of Britain and Ireland (1998) Evaluating *Local Mitigation/Translocation Programmes: Maintaining Best Practice and Lawful Standards.* HGBI Advisory Notes for Amphibian and Reptile Groups.
[16] Froglife (1998) *The Planning System and Site Defence: how to Protect Reptile and Amphibian Habitats* Froglife Advice Sheet 9. Froglife, Halesworth.

undertaken during suitable weather conditions (typically with air temperature between 9°C and 18°C, and during periods of sunny spells particularly after rainfall, periods of intermittent sunshine and during warm overcast days) [21], [17].

2.9 Surveyors remained vigilant during surveys, considering reptiles that may be basking openly in sunny patches with suitable vegetation. Any incidental sightings were recorded by the surveyor, along with non-reptile species found under refugia.

2.10 The surveys were led by Tom Hicks with support from Rosalind Warwick-Haller and Jasmine Bernard BSc (Hons), a Qualifying Member of CIEEM.

Limitations

Drakelow National Grid Substation

2.11 No access was permitted in the north of Drakelow Power station within the operational substation compound. This area was appraised from land within the non-operational area of the power station and from aerial imagery. This was not considered a constraint to the survey findings given the nature of the habitats present, which predominantly comprised of hard standing and associated infrastructure.

Presence / Absence Survey

2.12 Oaklands Farm is an operational farm with a high density of livestock and frequent disturbance from agricultural machinery. Therefore, artificial refugia were only placed in areas where livestock were deemed absent (for animal welfare purposes) and damage from machinery was unlikely. Despite careful placement, several refugia were disturbed by cows or damaged by machinery. Given the relatively small proportion of refugia impacted, extent of overall survey effort, and that reptiles typically avoid frequently disturbed habitat, this was not considered a major limitation to the robustness of the overall survey.

General Limitations

2.13 It is important to note that ecological surveys provide information regarding the ecological baseline of a site for only a 'snapshot' of time. Therefore, if significant time lapses between the surveys and the further development or implementation of proposals, updated ecological

[17] Froglife (1999) *Reptile Survey: An Introduction to Planning, Conducting and Interpreting Surveys for Snake and Lizard Conservation. Froglife Advice Sheet 10.* Halesworth: Froglife.

surveys may be required to identify any change in the baseline, such as natural succession of habitats, or local extinction or colonisation of species. Therefore, if a year lapses between the progressions of development proposals, it is recommended that ecological advice is sought regarding the applicability of the survey findings, in cognisance with advice given by CIEEM on the lifespan of ecological reports and surveys [18].

[18] CIEEM (2019). *Advice Note: On the Lifespan of Ecological Reports and Surveys.* Winchester: Chartered Institute for Ecology and Environmental Management.

Chapter 3
Results

Desk Study

3.1 Full details of the review of biological records are provided in Oaklands Farm Solar Park, Environmental Statement, **Appendix 6.5: Phase 1 Habitat Survey Report** in Volume 3 of the ES. A summary of the desk study records is provided within **Table 3.1**.

Table 3.1: Summary of Biological Records

Species	Nearest Record and Date
Common lizard *Zootoca vivipara*	c. 0.9km east of Oaklands Farm in 2002
Adder *Vipera berus*	c. 0.9km east of Oaklands Farm in 2002
Grass snake *Natrix helvetica*	c. 1.0km northeast of Oaklands Farm in 2009

Field Survey

Habitat Appraisal

Park Farm / Fairfield Farm

3.2 The majority of Park Farm and Fairfield Farm were considered highly unlikely to support reptiles within areas affected by the proposals. All grassland was uniformly short due to intensive grazing with opportunities located in the periphery habitats, as follows:

- A riparian river corridor comprising bordering the unnamed waterbody, which comprised of a scrub with scattered trees provided some sheltering and foraging opportunities.
- Woodland edge habitats suitable for foraging, basking, sheltering and hibernating reptiles.
- Log/rubble piles, scrub and hedgerow bases suitable for sheltering and hibernating reptiles. It should be noted that hedgerow bases were heavily poached and grazed by livestock in some locations within the Site.
- Wet ditches suitable for dispersing and foraging grass snake.

3.3 As detailed above, impacts associated with the cables construction and operation were considered unlikely to affect reptiles and therefore impacts to this species are considered unlikely. No reptile surveys were undertaken at Park Farm and Fairfield Farm.

Drakelow Power Station

3.4 This area of the Site supported suitable habitat to support reptiles, including a mosaic of woodland, scrub and rough grassland habitat. This was considered to be optimal habitat for reptiles to forage, bask, shelter and hibernate. As detailed above, impacts associated with the cables construction and operation were considered unlikely to affect reptiles and therefore impacts to this species are considered unlikely. No reptile surveys were undertaken at Drakelow Power Station.

Oaklands Farm

3.5 The suitability for Oaklands Farm to support reptiles was informed by survey work completed by Arcus[20] and confirmed during a site walkover completed by LUC.

3.6 The vast majority of Oaklands Farm was considered unlikely to support reptiles with nearly all of the grassland uniformly short due to intensive grazing. However, opportunities for reptiles were recorded at periphery habitats as follows:

- Woodland edge habitats suitable for foraging, basking, sheltering and hibernating reptiles.
- Rough grassland and areas of tall ruderal suitable for foraging and basking reptiles.
- Log/rubble piles, scrub and hedgerow bases suitable for sheltering and hibernating reptiles.
- Wet ditches suitable for dispersing and foraging grass snake.

3.7 The wider landscape including optimum habitat for reptiles including rough grassland, woodland and scrub adjacent to the Site.

Reptile Survey

3.8 No reptiles were recorded during the surveys. Full survey results, including timings, dates and environmental conditions are provided in **Table C.1**, **Appendix C**.

Chapter 4
Discussion

4.1 Relevant legislation relating to reptiles are summarised in **Appendix A.**

4.2 The majority of Park Farm and Fairfield Farm did not support habitats suitable to support reptiles. However, periphery habitats, including riparian habitat corridor, hedgerows, rough grassland in the field margins and wet ditches, as well as ponds and woodland edges adjacent to the Site, provide suitable habitat opportunities for reptile species to forage, back, shelter and hibernate. In addition, Drakelow Power Station provides optimal habitat for reptiles, including a mosaic of woodland, scrub and rough grassland. Proposed development, including installation of the solar arrays, cable route corridor and access track, will largely be focussed in areas of negligible or low suitability for reptiles. Where there is potential for suitable habitat impacts will be temporary and localised, for example though loss of small sections of hedgerow and riparian habitat corridor to allow for the installation of the cable route using trenching and directional drilling, which is considered to have limited impacts on reptile species.

4.3 Oaklands Farm similarly also largely supports habitat, which is not considered suitable for reptiles with suitable habitats located in the periphery of the fields, including woodland edge, rough grassland, tall ruderal, log/rubble piles, wet ditches, scrub, and hedgerow bases, which provide opportunities for reptile species to forage, back, shelter and hibernate. No reptiles were identified during the surveys. The findings of the surveys indicate that reptiles are likely absent from the Oaklands Farm and therefore impacts from the proposed development in this area of the site is considered unlikely.

Mitigation

4.4 Given that no evidence of reptiles was recorded Oaklands Farm, and due to the nature of the proposed cable route and access tracks focussed in areas with limited suitability for reptiles and the small scale impacts of the construction activities, impacts are considered extremely unlikely and such there are no requirements for mitigation in relation to these species.

Enhancements

4.5 Enhancement opportunities for reptiles could include:

- Relaxation of grassland management across the Site to allow a varied sward to develop. This would benefit reptiles by increasing foraging and commuting opportunities.
- Creation of log piles and hibernaculum across the Site. This would provide hibernating and sheltering opportunities for reptiles.
- Given the cessation of intensive grazing across the Site, poaching and disturbance by livestock is expected to be reduced. This will allow hedgerows and woodland edge to become more favourable for reptiles, improving dispersal, foraging, basking, sheltering and hibernating opportunities.
- Rotational management of the scrub, tall ruderal and rough grassland mosaic east of Park Farm.

Appendix A
Policy and Legislation

A.1 Statutory nature conservation sites and protected species are a 'material consideration' in the UK planning process (DCLG 2019). Where planning permission is not required, for example on proposals for external repair to structures, consideration of protected species remains necessary given their protection under UK and EU law.

A.2 Natural England Standing Advice aims to support Local Planning Authorities decision making in respect of protected species (Natural England 2017). Standing advice is a material consideration in determining the outcome of applications, in the same way as any individual response received from Natural England following consultation.

A.3 The Conservation of Habitats and Species Regulations 2017 (SI 2017/1012), as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI 2019/579) transpose the requirements of the European Habitats Directive (Council Directive 92/43/EEC) and Birds Directive (Council Directive 2009/147/EC) into UK law, enabling the designation of protected sites and species at a European level.

A.4 The Wildlife and Countryside Act 1981 (as amended) forms the key piece of UK legislation relating to the protection of habitats and species.

A.5 The Countryside Rights of Way Act 2000 provides additional support to the Wildlife and Countryside Act 1981; for example, increasing the level of protection for certain species of reptiles.

A.6 The Wild Mammals (Protection) Act 1996 sets out the welfare framework in respect to wild mammals, prohibiting a range of activities that may cause unnecessary suffering.

A.7 The Natural Environment and Rural Communities Act (NERC Act) 2006 created Natural England and the Commission for Rural Communities and extended the biodiversity duty set out in the Countryside and Rights of Way Act (CROW Act) to public bodies and statuary undertakers to ensure due regard to the conservation of biodiversity.

A.8 The Protections of Badgers Act 1992 sets out the legislation relating to badgers.

A.9 The Hedgerows Regulations 1997 makes provision for the protection of important hedgerows in England and Wales.

A.10 Species and Habitats of Principal Importance for Conservation in England and Wales and priority habitats and species listed on the Lowland Derbyshire Biodiversity Action Plans (LBAP) are species which are targeted for conservation. The government has a duty to ensure that involved parties take reasonable practice steps to further the conservation of such species under Section 41 of the Natural Environment and Rural Communities Bill 2006. In addition, the Act places a biodiversity duty on public authorities who 'must, in exercising their functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity' (Section 40 [1]). Criteria for selection of national priority habitats and species in the UK include international threat and marked national decline.

A.11 The National Planning Policy Framework (2023) states (Section 15) that the planning system should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks; promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

A.12 It also states that local planning authorities should refuse planning on the following principles:

- If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for.
- If development is on land within or outside a site of Special Scientific Interest (SSSI), and is likely to have an adverse effect on it (the exception being where the benefits of the development in the location proposed clearly outweigh its likely impact).
- If development results in the loss or deterioration of irreplaceable habitats, such as ancient woodland and ancient or veteran trees (unless there are wholly exceptional reasons and a suitable compensation strategy exists).

A.13 Additionally, the NPPF states that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Reptiles

A.14 The Wildlife and Countryside Act 1981 makes it an offence to intentionally kill or injure any of our native snakes and lizards. The sand lizard *Lacerta agilis*, and smooth snake *Coronella austriaca,* receive additional protection' for these species is it unlawful to capture or possess them, or to damage / obstruct access to places they use for shelter or protection, or to disturbed them whilst in such a place for these species, therefore, a license is required for surveys which will involve, for example, using refuges. Observation without handling or disturbance is not licensable.

Appendix B
Figures

B.1 Figure 6.11.1: Reptile Refugia Locations on Oaklands Farm

Oaklands Farm Solar Park
for Oaklands Farm Solar Ltd

Figure 6.11.1: Reptile Refugia Locations on Oaklands Farm

Site boundary
Reptile refugia (artificial)

0 250 500 m

Map scale 1:7,500 @ A3

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Appendix C

Reptile Survey Data

Table C.1: Reptile Presence / Absence Survey Results

Survey Visit	Date	Surveyor	Timing		Temperature		Wind [19]		Cloud Cover [20]		Precipitation	Species Recorded				Comments
			Start	End	Start	End	Start	End	Start	End		Grass snake	Adder	Slow worm	Common lizard	
1	25/08/21	Jasmine Bernard and Rory Glackin	10:20	12:30	16°C	21°C	2	2	8	8	Dry	-	-	-	-	Small amount of refugia shredded by farm machinery.
2	26/08/21	Jasmine Bernard and Rosalind Warwick-Haller	08:30	11:00	16°C	20°C	3	3	4	4	Dry	-	-	-	-	n/a
3	02/09/21	Jasmine Bernard	08:45	11:30	13°C	19°C	2	2	8	8	Dry	-	-	-	-	Southern field margins had been cut shredding two mats.
4	08/09/21	Tom Hicks and Rosalind Warwick-Haller	08:00	09:45	17°C	19°C	1	2	1	2	Dry	-	-	-	-	n/a
5	09/09/21	Tom Hicks and Rosalind	08:00	10:00	17°C	19°C	2	2	6	8	Dry	-	-	-	-	Light rain showers overnight and

[19] Beaufort scale where 0 = calm, 2 = light breeze, 4 = moderate breeze, 6 = strong breeze, 7 = high wind, 9 = strong gale, 12 = hurricane
[20] Oktas scale where 0 = sky completely clear, 4 = sky half cloudy, 8 = sky completely cloudy

Survey Visit	Date	Surveyor	Timing		Temperature		Wind [19]		Cloud Cover [20]		Precipitation	Species Recorded				Comments
			Start	End	Start	End	Start	End	Start	End		Grass snake	Adder	Slow worm	Common lizard	
		Warwick-Haller														hazy sunshine creating optimum conditions.
6	21/09/21	Tom Hicks and Jasmine Bernard	09:15	11:00	14°C	17°C	2	2	6	8	Dry	-	-	-	-	Sunny spells creating optimum conditions
7	28/09/21	Jasmine Bernard and Kaja Redler	12:00	17:15	16°C	13°C	3	4	7	8	Light intermittent showers.	-	-	-	-	n/a