

Land South of Cellarhead Substation and West of Rownall Road SWT Comments

Application Reference: SMD/2024/0055

Application Description: Erection of a Flexible Energy Facility, associated works, landscaping and habitat creation

Location: Land South of Cellarhead Substation and West of Rownall Road, Wetley Rocks, Staffordshire

We previously provided a response on 1 October 2024 and 14th November with a holding objection pending receipt of further information. Additional information has now been provided which we have reviewed as follows:

- Letter response summarising the additional ecology information (Weddles dated 26/11/24)
- EclA rev 1 parts 1 - 3
- BIA rev 2
- Supplied BNG statutory metric calculation tool in Excel format

SUMMARY – Having reviewed the further information, whilst we welcome the further details relating to breeding birds, Water Voles and BNG provided, we maintain a **holding objection** – further information required:

1. Clarification on protected species mitigation – can count towards no net loss but not net gain. May need revision of metric or BIA.
2. Stronger requirement for a minimum of 5m undisturbed buffer zone.
3. Strategic significance of habitats updated in the BNG metric.
4. Ecology enhancements map updated

Further detail is provided below.

Species Mitigation and BNG

5.1.6.2 details mitigation measures for bats, 5.1.7.3 for birds. This includes woodland creation, provision of wetland areas, species-rich native grassland meadows, provision of Skylark and Curlew territories and hedgerow enhancement and creation. BNG is additional to existing habitat and species protections. It should be noted that mitigation for protected species can count towards no net loss but not towards net gain. Clarification needs to be provided to determine which areas of woodland / hedgerow / wetland / wildflower meadow creation / enhancement are provided as mitigation for protected species - and therefore should not count towards net gain, and areas that are providing BNG. The metric and BNG report may need amending.

Breeding Birds / Cumulative Assessment

We are satisfied with the revised enhancement plans. However, we have concerns about the survey coverage and also securing management through the LEMP

3.2.3 Breeding bird surveys states '*Three site visits (1st visit - Reconnaissance visit to set up and check transect route and early season count, 2nd visit – Mid season count (early April – mid May), 3rd visit – Late season count (mid-May – late June)) were undertaken on 7 th April 2024, 5 the May 2024 and 2nd June 2024.*' 3.3 states '*...However, the six visit Breeding Bird Surveys were considered ample and captured an adequate....*'. Given that results from 3 breeding bird surveys are presented, it is assumed that 3.3 is a typo and 3 visits were made. If this is incorrect it needs to be amended.

There appears to be a typo as 3 breeding bird visits are detailed not 6. If this is a typo, this should be corrected. This is a minor point.

Water Voles

The EclA section 5.8.1 has been amended to '*Works within 5m of the ditches should not be carried out during the inactive season for March–April and September-October, when water voles are less likely to have dependent young or will be moving due to seasonal breeding variations and less sensitive to disturbance from noise or vibration. Any work within 5m of the ditches will be under the supervision of an ECoW (as above).*'. This now suggests that work will be carried out within 5m of the ditches in seasons when the water voles have dependant young or are moving. It also implies that there will still be works within 5m of ditches with the presence / potential presence of Water Voles. Our comments have not been resolved, we still wish to see a stronger requirement for a minimum 5m undisturbed buffer zone to be retained adjacent to ditches with presence/potential presence of Water Voles (currently the Weddles EclA implies there will be works within 5m). The requirement for a minimum undisturbed 5m buffer should be secured via condition.

Biodiversity Net Gain (BNG) Assessment

The figures in the BNG BIA Rev 2 and BNG metric calculation tool now match up and changed wording is acceptable.

Metric – Strategic Significance

In the BNG report, baseline woodland and hedgerows classed as ecologically desirable but not in a local strategy – it is unclear where this category of significance came from. The BNG report / metric have used the Staffordshire BAP for strategic significance of created other neutral grassland, this is based on the species rich farmland ecosystem action plan within the Staffordshire BAP. The baseline grassland habitats (modified grassland) have not been given strategic significance. The Ecologist have given sensible thought to the significance of habitats, unfortunately this is not the same as the system currently being used to assess planning applications.

The map being used to determine strategic significance can be found here - <https://netgainstaffs.com/map/>. Looking at the map, there are small areas of significance within the site; woodland in the north, wetlands around the edges and pastures in the south.

Woodland or hedge habitats that fall within areas identified in the north of the site as strategic or semi-strategic areas in the net gain in Staffordshire map or immediately

adjacent to these should be classified as either strategically significant or location ecologically desirable but not in local strategy. Areas of these habitats that are not identified as strategic on the map should be classed as not strategic in the metric. This is for both baseline and created habitats. The same method should be used for grassland; only a small area in the south of the site is a strategically significant area for pasture, therefore the created other neutral grassland is not in a local strategy. The metric should be changed accordingly.

Ecology Enhancements

We note that the enhancements listed are now included in the EclA Oct 2024 Rev 1 part 3. The map has been cropped so that not all of the text is included. As far as we can see, the date to confirm when features will be installed e.g. prior to during or after construction has not been added. In addition, some of the symbols are on top of each other on the map, so some are difficult to see and may be missed. Map symbols should be altered to avoid this and ensure all symbols are visible and not obscured, please check that the correct number of symbols are included once this has been done – there appear to be Vivara pro Seville 28mm Woodstone Nest Boxes missing – there should be 10. We would advise using a different colour symbol for the Oak Kent Bat Boxes to avoid any confusion with the water tanks.

Measures to be Secured by Condition

Measures to be secured by condition should permission be granted are the same as in our previous comments, these are listed below:

- District Level Licence to be secured in relation to great crested newts;
- Provision of CEMP including measures to safeguard retained habitats and protected species, namely great crested newts, breeding and wintering birds, water vole, bats, badgers (including a pre-commencement survey), brown hare and common toad. CEMP to also include/methods for the control and eradication of Himalayan balsam;
- A minimum 5m undisturbed buffer adjacent to ditches with presence/potential presence of water voles;
- Ecologically sensitive lighting plan;
- LEMP to detail habitat creation and enhancement measures including soil preparation, planting schedules and seed mixes, establishment and long-term management. LEMP to include a drawing to show the specific parcels where mitigation will be delivered for curlew and skylark including the location and number of plots and detail securing long-term management for curlew, skylark, reed bunting and linnet;
- Ecology Enhancement Plan to detail proposed enhancement features, namely bat and bird box locations, numbers, specification and date(s) for installation; and
- Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP) to demonstrate how the stated BNG will be achieved.