

**Morris Fen photovoltaic proposal - assessment for the purposes of regulation 61 of the Conservation of Habitats and Species Regulations 2010**

**1) Description of development**

Installation of a solar farm with an installed power capacity of up to 26MW, comprising the installation of photovoltaic panels, associated boundary fencing, security and CCTV cameras, site access and associated electrical infrastructure including inverter units; transformer and temporary construction compounds, electricity substation and 2no. terminal towers.

**2) Which European site could potentially be affected**

The Nene Washes SSI, which is part of the Nene Washes Special Protection Area (SPA) and Special Area of Conservation (SAC) is within approximately 6km of the site. The Nene Washes SPA/SAC is designated for international significant numbers of breeding and wintering birds, including birds that use arable land for foraging such as Berwick's swan and lapwing. Possible impacts of the proposed solar farm, may include loss of foraging habitat, displacement and collision.

**3) The requirement in Regulation 61 of the 2010 Regulations**

A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—  
 (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and  
 (b) is not directly connected with or necessary to the management of that site,  
 must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The competent authority, the Local Planning Authority in this instance, must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body.

If the competent authority considers it appropriate, they should take the opinion of the general public, and if they do so, they must take such steps for that purpose as they consider appropriate.

In the light of the conclusions of the assessment, and subject to regulation 62 (considerations of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

**4) The Applicant's assessment of the potential impacts of the proposed development upon the SPA/SAC,**

The site's ecological value for wintering birds of the Nene Washes SPA (swans, waders and other waterfowl) is low. There were no records of Berwick's swan or Whooper swan on any of the wintering bird surveys. Only occasional records were made of small numbers of teal and wigeon. There was a one off presence of a large mixed flock of golden plover and lapwing, which suggests this, was a

roaming flock of feeding waders and that such events probably occur on an occasional and opportunistic basis.

There is no evidence from the data obtained during the surveys to suggest that the proposed development lies within a flyway or commuting route regularly used by these species, such as during regular movements between the Nene Washes and feeding areas on farmland surrounding the SPA. There is also no evidence to suggest that the proposed development site or its immediate surroundings provide an important or regularly used feeding resource for these species. The impact of habitat loss and displacement of foraging swans and ducks in winter is negligible in magnitude and neutral significance.

There is no evidence that the proposed development would displace waders from an important or regularly used feeding area, and neither do waders appear to visit or fly across the site regularly. Nevertheless the surveys demonstrate that flocks of waders do occasionally forage opportunistically within the environs of the proposed development. The risk of collisions with solar panels and displacement of waders from feeding areas is therefore judged to be Minor negative magnitude. The overall impact significance for these species is Slight Adverse. The impact of habitat loss and displacement of foraging waders in winter is therefore minor negative in magnitude and slight adverse significance.

An operational environmental management plan will be prepared for the development site, which will ensure that the habitats established will be managed to enhance biodiversity at the site and that management is continued throughout the life of the solar array development. This will include details regarding habitat and species monitoring. For birds the main aim of monitoring would be to assess if birds still use the site during winter and the breeding season, to assess the interaction of birds with the solar panels and to assess the success of the proposed enhancement measures.

Cumulative impacts are considered where the presence of other projects of a similar type and scale lie within the 5km Study Area or may have an impact on the ecology and nature conservation value of that area. Where information is available, proposed projects that fall within 10km of the Nene Washes SPA are also considered to assess the in-combination loss of arable land available to bird's associated with the SPA.

The application site is within the 7km distance band from the Nene Washes SPA and will result in 0.70% of land available to birds being lost. In combination with other developments a total of 5.34% of arable land within the 7 km distance band will no longer be available to birds which may be associated with the SPA. It is considered that this would not have a detrimental impact on birds associated with the Nene Washes SPA with significant areas of arable land still available to these birds.

Survey work has shown that Morris Fen is not an area used frequently or by large numbers of birds associated with the Nene Washes SPA. Morris Fen in isolation would result in a loss of 0.32% of arable land within the 10km distance band from the SPA and 0.70% within the 7km distance band. For both distance bands this is considered to be minimal land take. In combination with other developments and site allocations there could be a loss of 8.69% of arable land within the 10km distance zone which leaves 91.31% of arable land available to birds within the 10km distance zone. For the 7km distance zone there could be a loss of 15.19%

of arable land within the 7km distance zone which leaves 85% of land available to birds within the 7km zone. As Morris Fen has not been identified as a significant foraging area for birds associated with the SPA and with the amount of land still available to these species within the 7km zone it is considered that the in-combination effects of this project will not have a significant effect on the Nene Washes SPA.

(Ground Mounted Solar Proposal at Morris Fen, Thorney – Wintering Bird Survey Assessment Addendum 2)

## **5) Responses provided by Natural England /RSPB/Wildlife Officer/Wildlife Trust**

National England – The wintering bird surveys undertaken and the review of the RSPB swan count data, have identified the sites ecological value for wintering birds of the Nene Washes SPA (swans, waders and other waterfowl) is low hence the impacts of the proposal are not considered to be significant.

The mitigation measures to minimise collision risk e.g. no reflective panels, colour markings or white borders around the panels and hedging around and within the site should be implemented.

We are satisfied that since Morris Fen has not been identified as a significant foraging area for birds associated with the SPA and with the amount of land still available to these species within the 7km zone it is considered that the in-combination effects of this project, through arable land-take, will not have a significant effect on the Nene Washes SPA.

RSPB – Recognises that no Bewick's or whooper swans were recorded at the application site itself and the combination of this with other factors and existing best available data provides sufficient information to confirm that the application proposal will have a *de minimis* effect on the Nene Washes SPA.

Details of proposed mitigation measures to reduce collision risk and provide ecological enhancement should be secured by condition.

City Council Wildlife Officer – I note that ten ornithological surveys have now been completed (27<sup>th</sup> Sept 2012 to 21<sup>st</sup> February 2013). I am therefore satisfied that sufficient information has now been provided and accept that there is no indication from these surveys that the site is visited regularly by large numbers of SPA qualifying species.

I consider the Revised Ecological Impact Assessment Summary for Ornithology (Table 4) to be acceptable. Equally I consider the Cumulative Impacts (section 7) to have been adequately assessed and am satisfied, subject to Natural England's advice, with the conclusion that this project will not have a significant effect on the Nene Washes SPA.

Wildlife Trust – The additional information provided for the application has included a much more thorough assessment of cumulative impacts of renewable energy projects, urban extensions and minerals sites. These demonstrate that the proposed developments cumulatively will affect between 6-14% of the arable land within each zone of influence and the solar farms only a relatively small proportion of this (less than 1%). The assessment also points out that much of this loss of land is on the urban edge in areas that would not be favoured by

many of the key bird species associated with the Nene Washes, which is a fair assessment. The Wildlife Trust is now satisfied that a thorough assessment of potential cumulative impacts has been undertaken.

Strict conditions should be imposed to ensure environmental enhancements and sufficient ecological management plans are secured.

**6) Conclusion on the first test in regulation 61 (i.e. is a significant effect upon the European Site likely).**

Based on the information submitted and the comments received Officers have concluded that there is not likely to be a significant effect upon the Nene Washes European site, and as such an appropriate assessment is not required.