



Heath Road Solar Farm, Bagworth

Skylark Mitigation Strategy

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Partnership Ltd**

On behalf of:
**Renewable Connections
Developments Ltd**

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(edp7530_d015a 18 December 2024 GYo/FSq)

Section 1 Introduction

- 1.1 This Skylark Mitigation Strategy has been prepared by The Environmental Dimension Partnership Ltd (EDP) on behalf of Renewable Connections Developments Ltd (hereafter referred to as 'the Developer'). This report sets out a range of measures to be implemented prior to and during construction, in relation to the development of the proposed Heath Road Solar Farm, Bagworth (hereafter referred to as 'the Site').
- 1.2 Breeding bird surveys were originally undertaken at the Site in 2022 and confirmed the presence of two skylark (*Alauda arvensis*) territories, both within what is now the southern parcel of the Site.
- 1.3 Update breeding bird surveys in 2024 recorded a total of five skylark territories within the Site updated boundary (see **Plan EDP 1**); three in the southern parcel and two in the northern parcel. Surveys also noted the skylark territories within the surrounding arable fields outside the red line boundary. Winter bird surveys were undertaken during 2023 and 2024 also identified the presence of skylark utilising arable fields for foraging, indicating that the site is also used as a foraging resource outside the breeding period.

AIM OF THE STRATEGY

- 1.4 This strategy aims to detail the on-site measures to be delivered with respect to mitigating the impacts anticipated upon skylark confirmed to be breeding on-site, where territories (potential nesting locations) are to be lost.

LEGISLATION

- 1.5 All wild birds, their nests and eggs are protected under Section 1 of the *Wildlife and Countryside Act 1981* (as amended), This makes it an offence to:
 - Intentionally kill, injure or take any wild bird;
 - Take, damage or destroy the nest of any wild bird while it is in use or being built;
 - Take, damage or destroy the egg of any wild bird; or
 - To have in one's possession or control any wild bird (dead or alive), or egg or any part of a wild bird or egg.
- 1.6 Skylark are a Species of Principle Importance (SPI) under Section 41 (England) of the *Natural Environment and Rural Communities* (NERC) Act 2006, and are a Red listed species in decline. As such, consideration for the species and any impact proposed needs to be considered within any development. Skylark are not themselves a protected species and do not have a protection afforded to them above that of Section 1 of the *Wildlife and Countryside Act 1981* (as amended).

- 1.7 The Leicester City Council Core Strategy (adopted July 2014) includes one policy relevant to wildlife conservation and protection; Policy CS 17: Biodiversity¹. It states:

“...In considering the potential impact of development on wildlife, the Council will require ecological surveys and assessments of the site to be undertaken where appropriate to establish the presence or absence of protected species or habitats of particular value prior to any development taking place. Careful consideration will then be given to the potential to find an alternative location for the development, to avoid harm to wildlife and geological interests. If this is not possible the Council will require adequate mitigation measures to be put in place. Compensation measures to offset significant harm caused by the development may also be necessary e.g. through off -site contributions to sites with good ecological potential or by integrating biodiversity features within new development.”

¹ Leicester City Core Strategy - Adopted June 2014. CS Policy 17: Biodiversity

Section 2

Species Considerations and Proposed Mitigation

SKYLARK CONSIDERATIONS

- 2.1 Skylarks nest in open areas on the ground within areas of short vegetation, typically measuring 10–60cm high and further than 20m away from field boundaries or tall structures (including trees), with multiple breeding attempts required during the breeding season (April to July/August) to maintain populations. Skylarks prefer nesting within open arable and grassland fields, particularly where field sizes are large, devoid of vertical features, which would otherwise attract potential predators (such as posts, trees or woodland)², and where spring sown crops are cultivated, providing optimum vegetation heights during the breeding season (optimal height of 55cm during June/July³).
- 2.2 Intensification of agriculture is thought to be the primary cause in the decline of skylark populations, with the following alterations to farming practices considered to negate such impacts⁴:
1. Promotion of organic farming practices to maximise crop diversity and structural heterogeneity whilst minimising pesticide and fertilizer use;
 2. Increase crop diversity and maximise extent of spring-sown cereals;
 3. Maintain stubble cover over winter;
 4. Creation and long-term management of grassland habitats; and
 5. Provision of areas of set-aside land in blocks set away from field boundaries, tramlines, and vertical structures.
- 2.3 With respect to point 5 above, research evidence⁵ has shown that skylark densities can increase significantly through the provision of skylark ‘plots’ comprising undrilled patches within crop fields, boosting nesting, foraging and refuge opportunities^{6,7}.
- 2.4 Although the full impacts from a development of solar arrays in an arable setting on skylark are not fully known, it is generally assumed that due to presence of new structures within

² Oelke, H. (1968)., *Wo beginnt bzw. wo endet der Biotop der Feldlerche?* Journal für Ornithologie v.109 pp 25-29

³ Donald, P.F, Evans, A.D, Buckingham, D.L, Muirhead, L.B and Wilson, J.D., (2001)., *Factors affecting the territory distribution of skylarks Alauda arvensis breeding on lowland farms.*, Bird Study 48:3 pp271-278

⁴ <http://ec.europa.eu/environment/nature/natura2000/management/docs/Alauda%20arvensis%20factsheet%20-%20SWIFI.pdf>

⁵ <https://www.conservationevidence.com/actions/540>

⁶ Schmidt, J-U, Eilers, A., Schimkat, M., Krause-Heiber, J., Timm, A., Nachtigall, W., and Kleber, A., *Effect of Sky Lark plots and additional tramlines on territory densities of the Sky Lark Alauda arvensis in an intensively managed agricultural landscape.*, Bird Study 64:1, pp.1-11. Available online: <https://www.tandfonline.com/doi/epdf/10.1080/00063657.2016.1271394?needAccess=true> [accessed 20.06.2024].

⁷ <https://www.conservationevidence.com/actions/214>

areas that may have previously been suitable for breeding would displace nesting sites and make the field on the whole less suitable for breeding skylark.

- 2.5 The future conversion of the Site from arable to grassland under solar arrays will result in the partial loss of open agricultural land previously confirmed to be utilised for breeding and foraging by skylark, with some birds likely displaced towards more suitable habitat immediately adjacent to the site boundaries.
- 2.6 The Site currently supports a total of up to five skylark territories. Without appropriate mitigation, there is the potential for the proposals to adversely impact skylark at a local level.

PROPOSED MITIGATION

- 2.7 As above, the Site has been recorded to support up to five skylark territories. In the local context, these numbers are deemed to be very low, and given the extent of suitable arable habitats in the local area, it is considered likely that the surrounding landscape has sufficient capacity to absorb any displaced breeding birds. Regardless, specific mitigation measures are proposed to ensure continued opportunities for breeding skylark on-site, plus enhancements for the local skylark population and farmland specialist birds more generally.

Retention of Arable Land/Spring Cereals

- 2.8 The proposals will retain 3.5 hectares (ha) of arable land within the northern part of the Site (as shown at **Plan EDP 1**). This area will be continued to be sown with spring cereals long-term, which will provide continued opportunities for nesting skylark. Notably, two skylark territories were recorded within the northernmost field during the latest round of breeding bird surveys.

Habitat Creation

- 2.9 Species-rich grassland creation beneath the solar arrays will provide a highly suitable foraging habitat for skylark and provide valuable food sources throughout the year for the local population.

Skylark Plots

- 2.10 In addition, new foraging resources will be provided in the form of skylark plots - bare patches in winter cereal fields designed to help skylarks to forage. These plots are proven to help improve productivity for skylarks and are a simple and highly effective measure⁸.

Wild Bird Seed Mix

- 2.11 As an additional measure, an area 1.5ha in size within the south of the Site will be annually sown with a suitable wild bird seed mix (see **Plan EDP 1**). This will provide a long-term foraging resource for skylark but also a range of other farmland specialists.

⁸ <https://farmwildlife.info/>

Section 3

Mitigation

PRE-CONSTRUCTION PHASE

- 3.1 Any pre-construction/site-enabling works during the breeding season is at risk of disturbing or destroying potential nests.
- 3.2 All pre-construction works should therefore be timed to occur during the months of September to February inclusive. However, should work occur outside of these timeframes, the following measures should be taken to avoid disturbance to nesting birds, including skylark, potentially present:
- To discourage the uptake of nesting sites during the breeding season, bird scaring kites should be deployed at a density of one per 5ha within January of that year within the area of the site to be affected;
 - Immediately prior to the works starting, a walkover of the area to be impacted should be undertaken by a suitably qualified ecologist to ensure that no ground nesting birds are present. Should a nest be found, the nest must be left undisturbed and a 10m buffer be established around the nest. No further works may take place within this buffer until the nest has been deemed to be inactive and all chicks fledged, to be confirmed in writing by an ecologist;
 - Thereafter, all vegetation should be cut to ground level and subsequently maintained at 20mm or as bare ground to discourage the establishment of nests during the interim period; and
 - All arisings should be removed from the construction footprint no later than the day after clearance.

CONSTRUCTION PHASE

- 3.3 All vegetation present within the construction footprint should be maintained at 20mm or as bare ground throughout the breeding season of March to August inclusive.
- 3.4 All arisings should be removed from the construction site no later than the day after clearance.
- 3.5 If new nests are discovered despite discouragement measures, a 10m buffer must be enforced around the nest, with no further works occurring within this buffer until the nest has been deemed to be inactive and all chicks fledged, to be confirmed in writing by the suitably qualified ecologist.

HABTAT AND SKYLARK PLOT CREATION

Wildflower Grassland

- 3.6 Sensitive management of the species-rich grassland habitat will be undertaken in accordance with measures detailed within a Landscape and Ecological Management Plan (LEMP). Key details are presented below:
- Grassland will be sown under and around the solar panels using a suitable seed mix (for example Emorsgate EM2 Standard General Purpose Meadow Mixture). This will provide suitable foraging opportunities for skylark;
 - No herbicides or pesticides should be used in this area, except on the direction of an ecologist;
 - The grassland will be subject to minimal management during the main breeding months of March to the end of August to maintain sward heights at no less than c.500mm by end of July, so as to provide ample cover for breeding birds. The grassland sward will be managed through undertaking a hay cut or sheep grazing no earlier than late August, with a follow up cut or grazing during mid-February;
 - In any one year, 25% of the extent of this area should be left uncut/un-grazed. The uncut/un grazed portion should be rotated on a four year cycle, so as to ensure that each section will be subject to cutting for no more than three years before being left uncut for one year. This will result in mosaic of rough grassland achieving differing sward heights and structures, thereby providing a variety of niches for prey items whilst providing cover and foraging opportunities for bird species including skylark; and
 - The creation, maintenance and management of the areas of grassland will remain the responsibility of the Private Management Company appointed by the Developer.
- 3.7 In addition, the species-rich grassland will be monitored every five years, which will be prescribed within the LEMP. A habitat survey will be completed during each monitoring year to document the current status of the species-rich grassland habitats so as to determine any material change and remedial action required.
- 3.8 A monitoring report detailing all survey findings will be submitted to the Local Planning Authority (LPA) following completion of each monitoring year.

Skylark Plots

- 3.9 Skylark plots will be created, managed and maintained for a period of 40 years (i.e. the life-span of the development). Three skylark plots within an area of 3.5ha will be created, in accordance with the following principles:
- Plots will be located a minimum of 50m away from boundaries – this will necessitate all plots to be centrally positioned within the 3.5ha mitigation area;
 - Should avoid tramlines and telegraph poles;

- In accordance with guidance provided by the RSPB, plots will measure 16m² and at be at least 4m in width;
- Plots should ideally be created by the end of December of any one year and comprise bare ground. If plots are created prior to this however, then herbicide will be applied to ensure plots comprise bare ground from December onwards. Plots will be in place in advance of the breeding season (considered to be between March and August inclusive);
- Following creation, plots can receive the same fertiliser and herbicide application as the rest of the field. Spraying will, however, be reduced as far as possible across the plots to maintain an open, low vegetation structure during the spring and summer months (March to August); and
- No mechanical disturbance of plots (harrowing/cutting etc.) will be permitted between March and August inclusive.

3.10 The creation, maintenance and management of such plots over the 40-year period will remain the responsibility of the Developer.

3.11 Monitoring will be undertaken in the first five years post-development. One breeding bird survey per monitoring year will be completed with reference to standard breeding bird survey methodologies by a suitably qualified ecologist during the main bird breeding season. The results of the surveys will be reported to the LPA at the end of each monitoring year. If declines in skylark populations are recorded, remedial action may be required. This may include investigation into crop and plot conditions.

Wild Bird Seed Mix

3.12 A wild bird seed mix which favours seeds such as linseed, millet, kale, and cereals will be sown within the 1.5ha area of land within the south of the Site.

3.13 The seedbed should be prepared and the crop drilled as for a commercial arable crop. Sowing should be undertaken in line with suppliers' recommendations, noting different mixes may necessitate different management approached. Wild bird seed mixtures should however be established in spring to ensure a yield the following winter.

Section 4

Conclusion

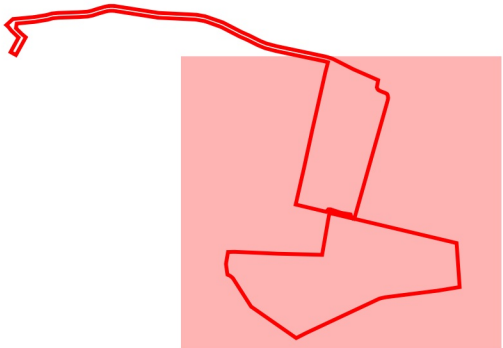
- 4.1 Overall, considering the mitigation and enhancements outlined above, including the proposed spring sown cereal crops and skylark plots, as well as on-site species-rich grassland creation suitable for foraging skylark, the impacts from the development on the skylark population are considered to be negligible. In addition, the enhancements for skylark will also have significant ecological benefits to a range of protected and notable species within and around the Site.

Plans

Plan EDP 1: Indicative Site Layout Plan and Skylark Mitigation Site
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-  Site Boundary
-  Skylark Plot - c.3.5ha
-  Enhancement Area with Planted Seed Mix for Farmland Birds - c.1.5ha



client			
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project title			
Heath Road Solar Farm, Bagworth			
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