

Rosefield Solar Farm – Deadline 5

CSAG Expanded Response to Applicant's Position Paper on Ground Nesting Birds and Wintering Birds

This is an expanded version of the note submitted by CSAG at Deadline 5, adding in a response to the Applicant's comments on skylark so that CSAG's comprehensive response to the Position Paper [REP5-093](#) is in one place. Section A remains unchanged from the Deadline 5 submission. Section B (from Page 5) is newly added.

A) Golden Plover and Lapwing

1. Introduction

- 1.1 On 23rd July, CSAG received from the Applicant a Position Paper on Ground Nesting Birds and Wintering Birds¹ pursuant to the action point arising from Issue Specific Hearing 3.
- 1.2 That action point derives from CSAG's (and others') concerns that the applicant's approach to date in assessing the potential impacts on certain bird species (in particular lapwing, golden plover and skylark) has been deficient, and that the ES conclusions as regards such impacts are unsafe and potentially misleading to the determining authorities.
- 1.3 CSAG's response to the Position Paper is in two parts. This first part addresses the wintering birds component, which is focused on two declining farmland waders that use the site in winter – golden plover and lapwing. A response on skylark will be issued separately.
- 1.4 The action point was for the applicant to place the site's value for these species into a county and wider context. The Position Paper attempts to do this by reference to open access data. In it, the applicant concludes that the numbers of these species using the site are not significant, that by extension any net displacement impacts arising from the proposed development would also be non-significant, and that therefore the no significant effect conclusions presented in the submitted ES are robust.
- 1.5 The applicant goes so far as to say (at paras 2.4.2 and 2.4.4 of the Position Paper respectively) that *"even if all individual Golden Plover were displaced by the Proposed Development, it would not constitute a significant effect"* and similarly that *"even if all individual Lapwing were displaced by the Proposed Development, it would not constitute a significant effect"*.
- 1.6 Below, we set out why such conclusions are manifestly unsafe and should be rejected.

2. National (UK) context

- 2.1 The Position Paper sets out by providing figures showing that the Rosefield peak counts for these two species represent significantly less than 1% of the national wintering population and that the numbers using the site are therefore not of national significance. That the numbers are significantly short of national significance has never been a point of dispute, however it is worth noting that the % figures the applicant cites are subject to error and/or bias.

¹ Applicant ref EN010158/APP/8.36

2.2 The applicant's Position Paper uses the most recent official UK wintering population estimates from the BTO. These are based on 2006–07 data and indicate the national wintering population at that time was:

- Lapwing: approximately 635,000 individuals
- Golden Plover: approximately 410,000 individuals

2.3 Since these estimates were calculated, the BTO Wetland Bird Survey (WeBS) trend index shows further declines in UK wintering numbers, with lapwing down 41% (1998–2023) and golden plover down 26% (1998–2023). Applying this 1998–2023 trendline (smoothed) to the years since 2006/07 suggests that the national wintering population may now be in the region of 462000 lapwing and circa 339000 golden plover. The applicant disregards these long-term trends which has the effect of biasing its calculations.

2.4 Taking any form of account of this continuing decline since the 2006/07 population estimate renders the applicant's figures at 2.4.1 and 2.4.3 of its position paper incorrect. CSAG have calculated likely more accurate figures for the peak site count numbers as a percentage of national population as 0.00564% (the applicant's figure of 0.0157% is assumed to be a typo) for golden plover and 0.0181% (instead of the applicant's 0.0151%) for lapwing.

2.5 Whilst this exposes continuing errors in the applicant's approach, it does not change the conclusion (which has never been disputed) that the numbers of these species occurring on the site are well short of national significance. That is not (and has never been) the issue of concern to CSAG and others; the issue is whether the numbers of these declining waders that use the site and which are at risk of being displaced by the proposed development, are significant in a county (i.e. Bucks) context and (by extension) whether the applicant's submitted EIA adequately reflects the scope of impact here.

3 County (Buckinghamshire) context

3.1 In the short time available since receipt of the applicant's position paper, CSAG has not been able to source a county-wide population estimate for Buckinghamshire. It is noted that the sources quoted by the applicant derive from readily available open access sources and older county bird reports, however it is unclear whether the applicant has taken the next logical step and approached the Bucks Bird Club for expert opinion on county wintering populations and/or the significance of the Rosefield peak counts in that context. We note in passing that this would appear to be a missing piece of investigation from the action point the applicant undertook to pursue.

3.2 The approach the applicant has taken in lieu of obtaining a county population estimate is to compare the peak counts from its own bird surveys of the Rosefield site to peak Bucks and Oxon counts published on the abovementioned open access websites and older county bird reports, in particular the monthly summaries published online by Bucks Bird Club and peak counts logged by the Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust (BBOWT) at sites such as Gallows Bridge Farm, near Bicester on the Bucks/Oxon border. A summary of the highest and lowest counts cited in the applicant's accumulated data sources is presented at **Table 1** below:

Table 1: Highest and lowest GP and L counts from data in Position Paper

Species	County	Highest count	Lowest count
Golden Plover	Buckinghamshire	2,000 (Gallows Bridge, Jan 2025 – Bucks Bird Club)	10 (Broughton Grounds, Jan 2018; Oakley airfield, Feb 2018 – source: Bucks Bird Report)
Golden Plover	Oxfordshire	6,230 (Otmoor, Dec 2019 – Oxon Bird Report)	475 (Balscote Quarry, Nov 2019)
Lapwing	Buckinghamshire	1,800 (Gallows Bridge, Dec 2018 – Bucks Bird Report)	56 (Willen, Nov 2018)
Lapwing	Oxfordshire	5,883 (Otmoor, Dec 2019 – Oxon Bird Report)	150 (Kirtlington, Jan 2019)

3.3 Table 1 shows that the Buckinghamshire peak counts of both species are generally lower than Oxfordshire, evidencing that both species can be regarded as scarcer in Bucks than in Oxfordshire. It also shows the importance of key nature reserve sites such as Otmoor and Gallows Bridge Farm. Finally, it is also notable that numbers in other locations as low as 10 golden plover and 56 lapwing are deemed worthy of comment in the Buckinghamshire Bird Report and/or Bucks Bird Club monthly summaries. This indicates that the Rosefield peak counts of 22 and 96 respectively would similarly be worthy of remark in a county context.

3.4 When considering the relevance of the peak counts to the question of wider county population, the ecology of these two species must be taken into account. Golden plover and lapwing are highly gregarious and mobile in winter, forming large, mixed-species flocks that move between fields and roost sites in response to weather, disturbance, and food availability. A single well-managed site with optimal habitat (such as Gallows Bridge Farm or Otmoor) will act as a magnet that draws in birds from a wide surrounding area. Such sites may hold a large share or even the clear majority, of the county's wintering total of these species at any given moment.

3.5 The data in the applicant's Position Paper illustrates this well. In the Oxfordshire 2019 report, Otmoor recorded 6,230 golden plover and 5,883 lapwing, dwarfing every other site in the county (the next-highest golden plover count was 1,050 at Cote, and for lapwing 3,075 at Cote). A single reserve like Otmoor can therefore hold a meaningful fraction of the entire county, or even sub-regional, wintering population on a given date. A count that is significant (e.g. >1%) of such a peak count therefore has a high probability of itself being significant in a county context. This reasoning is missing from the applicant's Position Paper.

3.6 Comparison of the Rosefield peak counts to the peak Buckinghamshire counts therefore gives a fair indication of whether the peak numbers using Rosefield are likely to be county significant. Rosefield's recorded winter peak counts — 96 Lapwing and 22 Golden Plover are compared with the Buckinghamshire peak counts in Table 2 below:

Table 2: Comparison of Rosefield peak counts to Bucks peak and lowest counts

Species	Rosefield peak count	% of Highest Buckinghamshire Count	% of Lowest Buckinghamshire Count
Golden Plover	22	1.1% (of 2000)	220% (of 10)
Lapwing	96	5.3% (of 1800)	171.42% (of 56)

3.7 **Table 1 shows that the peak counts for both species recorded at the Rosefield site are in excess of 1% of the highest Buckinghamshire counts (in the dataset assembled by the applicant), and around twice the lowest number deemed worthy of comment in annual or monthly bird reports for the county.** If one makes the realistic assumption that the highest counts attained (i.e. 2000 for golden plover, 1800 for lapwing), are likely to represent a significant proportion, and perhaps the majority, of the numbers of birds in the county at that point, then even allowing for a significant margin of error it remains a reasonable conclusion that the site's peak counts are of county importance for lapwing, even if not for golden plover.

4 Comparison of above analysis to the applicant's EIA

- 4.1 The above analysis vindicates CSAG's concern over the approach the applicant has taken to the assessment of impacts on these species in its EIA. Sections 7.8 and 7.10 of the ES ([REP4-042](#)) assess effects on wintering birds only at the assemblage level, essentially lumping likely significant adverse impacts on lapwing and golden plover into an aggregated assessment which includes species that may benefit from the scheme. This approach has been one of CSAG's concerns from the outset – it means that negative impacts on county important wintering bird receptors are masked or lost in a broad scale assemblage level assessment in the applicant's EIA. This has the potential to mislead decision makers.
- 4.2 The analysis and figures above now show that the applicant's conclusions at paras 7.8.45–47 and 7.10.44–47 of the ES – namely that construction phase impacts, including displacement of numbers of wintering golden plover and lapwing from the site that are at least county significant in respect of the latter species, will be adverse but temporary, short-term and not significant - are at best an oversimplification and at worst wholly misleading. The summary effects table (ES Table 7.14) states for "Wintering birds" that the residual effect for both construction/decommissioning and operation is "Not significant," with no monitoring requirement. While the Position Paper seeks to hold the line on this assessment, the data obtained by the applicant, when analysed fairly and properly shows that it is untenable. **The above figures and analysis show that it is patently not the case that there will be no significant effects on lapwing and golden plover, rather that these species are likely to be subject to displacement impacts that resonate at the county level of significance in respect of lapwing, and arguably at or just below county significance for golden plover.**
- 4.3 If the ExA accepts CSAG's submission that the ES is deficient on this point, and that the approach to assessment taken by the applicant masks potential county significant negative impacts on declining farmland bird species of conservation concern, the question then turns to the efficacy of the applicant's proposed mitigation and/or compensation for these specific species.
- 4.4 The ExA will have heard the applicant's contentions on this matter - i.e. that land allocated for grassland creation (e.g. Field D27) might incidentally provide somewhere for displaced golden plover and lapwing to move to. That is little more than conjecture and wishful thinking. The applicant has provided no reasoned analysis as to why these species would use fields that are suboptimal by virtue of being closely proximal to woodland and with a suboptimal topography that restricts the longer sight-lines they favour. Perhaps in recognition of these drawbacks, the applicant has at various points, including in oral hearings, suggested that displaced golden plover and lapwing would simply be able to use other arable fields in the locality. However there has been no assessment of the suitability and availability of such alternative arable land, not least in the context of the cumulative effects of other developments in the area.

- 4.5 Ultimately, the Position Paper shows that the applicant's EIA and its mitigation/compensation proposals have simply not engaged with these two species to the extent necessary for the assessment conclusions in relation to impact upon them to be given any veracity. Nor can any confidence be had in the capability of the mitigation and compensation proposals for other species and habitats to also have an incidental compensatory function for lapwing and golden plover.
- 4.6 The applicant's impact assessment as regards these two species therefore remains deficient and its conclusions that neither will be subject to significant impact are wholly unreliable and almost certainly incorrect. If the scheme were to proceed notwithstanding such significant impacts, at the very least the applicant should be required to monitor the impact of the development on these two species and to sign up to a reactive mitigation and compensation commitment in the highly likely event that the proposed development displaces them from the order limits entirely.

B) Skylark

- 4.7 Responses to the Applicant's assertions in Section 3 of the Position Paper [REP5-093](#) are set out in the table below:

Paragraph	Point made by Applicant	CSAG response
3.1.3 & 3.1.4	<i>"Survey work established that, in 2024, there were 67 Skylark territories across the survey area of 473ha, this equates to 0.14 Skylark territories per ha (67 territories divided by 473 ha)"</i>	Using the Applicant's own cited reference (Donald, P. F. (2004) – cited at footnote 6 of the Position Paper and quoted in the following para 3.1.4) this equates to a territory density <i>half</i> of what would be expected for arable farmland. CSAG contends that this supports its position (drawing from Mr Woodfield's empirical experience) that the skylark breeding density and population on the site has been under-estimated. The Applicant provides no evidence or reasoning as to why the arable land that dominates the Order Limits should be so much worse for this species than the national average.
3.1.4	<i>"It is assumed that, with the package of measures outlined in the Outline LEMP [EN010158/APP/7.6.6], a density of at least 0.5 territories per ha would be achievable, as the species-rich grassland created would be similar to organic set-aside"</i>	The Applicant provides no consistent or robust reasoning in support of this statement. Given that the Applicant accepts that some created grassland quality will be suppressed by latent soil fertility and that it anticipates in its BNG calculation that significant quantities of poor quality Modified Grassland or poor condition Other Neutral Grassland will be delivered, it does not explain why the 0.02 territories/ha for intensive grazed pasture that it cites in para 3.1.4 is not the more appropriate figure for such habitats.
3.1.5	<i>"to quantify the amount of mitigation required, the number of territories within the area under Solar PV modules (39 territories) was</i>	Taking the Donald (2004) average territory density for arable land (0.28ha/territory) and multiplying this by the 473ha survey area (per the approach the Applicant originally takes and follows here) results in a figure of 132.44ha being needed to accommodate the displaced skylark territories. This

Paragraph	Point made by Applicant	CSAG response
	<i>divided by the estimated carrying capacity identified (0.5 territories per ha), resulting in a requirement for 78ha of mitigation, at a minimum.</i> <i>Approximately 95ha of species-rich grassland is proposed, exceeding the identified mitigation requirements."</i>	is significant over the 95ha provision, and in any event takes no account of the number of skylark territories likely to be already using that existing provision (see under 3.3.1-3.3.2 below). This approach strongly suggests the Applicant's compensation commitments for this species will result in net loss of site and local population, and a net adverse impact.
3.2.1	Alternative approach "counting the actual number of territories across the fields in which Solar PV modules are proposed... results in a total of 47 Skylark territories (out of the 67 territories recorded across the wider survey area). Dividing this by the estimated carrying capacity which the Applicant believes is achievable, based on the habitats to be created and appropriate management (i.e. 0.5 territories/ha), results in a requirement of 94 hectares (i.e. 47/0.5). Given that approximately 95ha of species-rich grassland is proposed, the mitigation proposed still satisfies this requirement."	This figure relies upon the baseline population assessment being correct (i.e. that skylark territory density on the arable land on this site is around half the national average) and a total disregard of the prospect of their being existing territories in the proposed c.95ha of new grassland creation. Given that the calculation via this method suggests only 1ha of error margin, it is inevitable that any correction to account for those factors will leave the compensatory provision in a state of deficit, as regards this species.
3.3.2	"A total of 10 baseline Skylark territories were recorded within the 95 hectares allocated for mitigation, or c. 0.10 territories/ha. This was determined by counting the actual territories recorded during baseline	This suggests, by comparison with expected territory densities that these areas are of low suitability for skylark in their present state and are thus highly unlikely to be able to accommodate the optimistic 0.5 territories/ha assumed for them by the Applicant. Factoring in this existing population figure also renders the c.95ha inadequate using either of the applicant's approaches to calculating adequacy (see rows above)

Paragraph	Point made by Applicant	CSAG response
	<i>ornithological surveys</i> ".	
3.4.1-3.4.6	Applicant's justification for its approach.	These paragraphs read as a rather selective suite of reasons why skylark breeding success is considered (by the Applicant) to be poor on the site (seemingly an attempt to counter the inadequate compensatory provision arrived at by a more thorough analysis of relevant multipliers) and a set of generic statements around conversion of land from arable to grassland more generally. Ultimately, the Applicant resorts to the position it has taken with other net negatively affected bird receptors in seeking to 'lose' a bad news story for skylark in a wider statement about breeding birds (para 3.4.5 and 3.4.6).

4.8 The Applicant's conclusions presented in the Position Paper are ultimately evasive – both paras 3.4.5 and 3.4.6 seek to lose what any critical analysis of the relevant data can only conclude is likely to be a net negative impact on skylark amongst a more mixed picture across the breeding bird assemblage generally, even going so far as to seemingly imply (at para 3.4.6.) that skylarks are a less relevant species than others for assessment purposes. CSAG maintains its position that this is not a transparent or robust approach to the assessment of significant impacts from this scheme.

5 Overall conclusions on impacts on these species

5.1 For the species addressed in the Position Paper: lapwing, golden plover and skylark, CSAG suggests it is clear that there is likely to be a net displacement effect from the scheme, significant at up to county level. The Applicant's proposed compensation measures are, on any reasoned analysis, insufficient to offset this impact. The scheme therefore does not comply with Natural England's Standing Advice for planning decisions affecting wild birds², which states *"There should be a suitable amount of replacement habitat to compensate for the displacement. For example, there should be: no net loss of habitat, like-for-like replacement near to the original nest to provide a long-term home, alternative habitat that is better in quality or area than the lost habitat, maintained habitat connection to allow normal bird movement. The development proposal should make sure compensation sites are established for wild birds to use before work starts."* Few or none of these requirements are met by the proposed compensation.

Bioscan UK Limited
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² <https://www.gov.uk/guidance/wild-birds-advice-for-making-planning-decisions>