

**Consultation Response from KC,
Ecology Unit**

2021/93644 Low Farm, Wakefield Road, Flockton, Huddersfield, WF4 4BB

Erection and operation of grid-connected solar photovoltaic farm to supply up to 49.9MW, with ancillary infrastructure and landscaping and biodiversity enhancements

Date Responded: 14/06/2022

Responding Officer: Gareth Hey

Responding Ref:

Assessment

An Ecological Impact Assessment (EclA) has been submitted with the application, which is welcomed. The EclA comprises information collated from a preliminary ecological assessment and Great Crested Newt surveys of all suitable waterbodies within 500m of the site, all of which were undertaken in 2021. In addition to the above, two individual trees and a small group of trees to be removed as part of the proposed development were assessed in 2022.

The EclA provides a robust assessment of the ecological receptors of the site and the potential impacts brought about by the proposed development. It is considered that as detailed within the report, there will be unavoidable short-term impacts brought about by the proposed development, however, due to the intense agricultural management of the site, it is determined that overall the site is of minimal value of biodiversity.

A Landscape and Ecology Enhancement Plan and DEFRA Metric v3.1 have been submitted with the application. These documents detail that the proposed development can bring about an overall enhancement on the current on-site situation. The submitted metric details there will be an increase of 97.57% in habitats on site (uplift of 175.48 habitat units) and increase of 21.66% in hedgerows (7.68 units). This ensures that the scheme will provide an enhancement in biodiversity over the current baseline situation allowing the scheme to comply with policy LP30 of the Kirklees Local Plan.

Given the above, it is considered that the development will provide a significant increase in the biodiversity value of the site whilst ensuring that connectivity for faunal species is maintained throughout the proposed development. Given the site is subject to intensive agricultural management with the proposed development focussed on targeted areas of ecological enhancement, it is considered that this scheme will provide a significant increase in the current biodiversity of the site and the local area.

I have no objection to the scheme, subject to the following conditions, as detailed within the EclA.

Suggested Conditions

1. No vegetation removal (including ground vegetation clearance) shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: to prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with policy LP 30 (as modified) and the requirements of section 15 of the National Planning Policy Framework.

2. Prior to above-ground building works commencing, an Ecological Design Strategy (EDS) to ensure that a biodiversity net gain is achieved post-development shall be submitted to, and agreed in writing by, the Local Planning Authority. The EDS shall agreed in principle with the Local Planning Authority prior to determination and shall provide an increase of 97.57% in habitats on site (uplift of 175.48 habitat units) and 21.66% in hedgerows (7.68 units) in accordance with the Biodiversity Metric 3.0 dated 13/06/2022. The EDS shall include the following.
 - a) Purpose and conservation objectives for the proposed works;
 - b) Review of site potential and constraints;
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) Extent and location/area of proposed works on appropriate scale maps and plans;

- e) Details on the establishment of the habitats on the site;
- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- h) Persons responsible for implementing the works;
- i) Details of initial aftercare and long-term maintenance;
- j) Details for monitoring and (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers a measurable biodiversity net gain; and
- k) Details for disposal of any wastes arising from works. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter

Reason: to provide a scheme design capable of providing a biodiversity net gain in accordance with policy PLP 30.

3. No development shall take place until details of a scheme to eradicate invasive non-native species within the site has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the development first being occupied.

Reason: To ensure these invasive species are appropriately dealt with, in the interests of the biodiversity of the site and in accordance with the NPPF Chapter 15 and Circular 06/2005 – Biodiversity and Geological Conservation. This is a pre-commencement condition to secure the appropriate measures to eradicate invasive plant species, prior to construction.

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities that refers to the most up-to-date site specific survey information and specifically to nesting birds, badgers, invasive plant species and reptiles.
 - b) Identification of “biodiversity protection zones”, where appropriate.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate.
 - f) Responsible persons and lines of communication.
 - g) Use of protective fences, exclusion barriers and warning signs, where appropriate. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason. To protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Policy LP30 of the Kirklees Local Plan.