

# **KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE**

## **DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended)**

### **DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

|                       |                                                                                                                                                                                                                                                                                                                                           |
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| Reference No:         | <b>2025/44/91183/E</b>                                                                                                                                                                                                                                                                                                                    |
| Site Address:         | Low Farm, Wakefield Road, Grange Moor,<br>Huddersfield, WF4 4BB                                                                                                                                                                                                                                                                           |
| Description:          | Discharge of details reserved by conditions 8 (Construction Environmental Management Plan) and 21 (Ecological Design Strategy) of previous permission 2021/93644 for erection and operation of grid-connected solar photovoltaic farm to supply up to 49.9MW, with ancillary infrastructure and landscaping and biodiversity enhancements |
| Recommending Officer: | Katie Chew                                                                                                                                                                                                                                                                                                                                |

#### **DECISION – Discharge of Condition – Approve**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Majors Team

***AUTHORISED OFFICER***

**Date: 12-May-2025**

**Application:** 2025/91183

**Application Site:** Low Farm, Wakefield Road, Grange Moor, Huddersfield, WF4 4BB

**Proposal:** Discharge of details reserved by conditions 8 (Construction Environmental Management Plan) and 21 (Ecological Design Strategy) of previous permission 2021/93644 for erection and operation of grid-connected solar photovoltaic farm to supply up to 49.9MW, with ancillary infrastructure and landscaping and biodiversity enhancements.

**Assessment:**

Condition 8: Construction Environmental Management Plan for Biodiversity

*8. Prior to development commencing (including demolition, ground works, vegetation clearance), a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) shall be 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: Biodiversity 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 and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to secure the appropriate measures prior to construction which could result in immediate harm.*

In support of Condition 8 the applicant has submitted:

- Construction Environmental Management Plan for Biodiversity, Ref: eg211271, Rev 02, dated 03/07/2023, authored by Environmental Gain Ltd, received 30/04/2025.

The component parts of the condition are reviewed individually, as follows:

*Risk assessment of potentially damaging construction activities*

Table 2 of the submitted CEMP provides an ecological risk assessment of potentially damaging construction activities, and includes details relating to vegetation clearance, dust, and storage of materials and control of waste.

The above risk assessment is considered to be acceptable.

*Identification of “biodiversity protection zones”*

Within Appendix 3 (Bat Method Statement), it states that to reduce the risk of adversely impacting bats within retained habitat, it will be necessary to use fencing to provide appropriate protection zones for retained habitats to avoid accidental damage/disturbance.

The above details are deemed to be acceptable.

*Practical measures to avoid or reduce impacts during construction*

Within Appendices 3, 4 and 5, method statements are provided in relation to bats, breeding birds and reptiles, with practical methods provided to be used during site clearance and construction works to reduce the risk of adversely impacting these species.

The method statements submitted are considered to be acceptable.

*The location and timing of sensitive works to avoid harm to biodiversity features*

Table 1 within the submitted CEMP provides timings of seasonal constraints. The green blocks within the table indicate the time period in which the works can be undertaken without an ECoW (Ecological Clerk of Work), with the white blocks representing when works may only be undertaken with further environmental control measures, such as a watching brief of an ECoW.

Species specific information is also provided within the Appendices of the report.

The above details are considered to be acceptable.

*The times during construction when specialist ecologists need to be present on site to oversee works*

Paragraphs 2.4-2.6 of the CEMP refer to the appointment of an Ecological Clerk of Works, the ECoW is to be familiar with the site and have relevant experience

with the species concerned, with experience of working on construction sites. Their primary role is to ensure that the CEMP is implemented and that the relevant method statements during the site work are adhered to. The ECoW will provide guidance to relevant construction staff prior to works and provide advice during and up to the completion of work. This will include advising on practical measures to avoid, reduce and mitigate adverse impacts. The ECoW will be the primary point of contact for the Principal Contractor on matters relating to ecology.

Within Table 2 of the CEMP, an ecological risk assessment has been undertaken. Within this table it states that during vegetation clearance there is a potential risk of killing/injuring animals, and that general good practice should be applied, in which an ecologist will be contacted at any point during these works if uncertainty or concern arises, or evidence of animal activity is identified.

In addition to the above, within Appendix 3 (Bat Method Statement), it is outlined that the section of hedgerow and tree to be removed from the site should be inspected for evidence of bats by a suitably qualified and licensed ecologist prior to their removal. Appendix 4 (Breeding Birds Method Statement) also states that any vegetation to be removed is to be checked by an experienced ecologist within 24 hours prior to works commencing.

The above details are considered to be acceptable.

#### Responsible persons and lines of communication

The submitted CEMP outlines at paragraph 2.1 that Boom Developments are responsible for ensuring that the CEMP is provided to the relevant parties and that they will take reasonable steps to ensure that the CEMP is implemented and that any non-conformances are addressed in a proportionate and timely manner.

The Principal Contractor (PC) is responsible for implementation of the CEMP on site. The PC will appoint a site manager who will ensure the CEMP is communicated to and understood by the relevant parties via suitable briefings/inductions, and by making the information available to site staff as appropriate.

An Ecological Clerk of Works will be responsible for providing advice to the applicant/operator and to the Principal Contractor.

The above details are considered to be acceptable.

#### Use of protective fences, exclusion barriers and warning signs

In advance of construction works, protective fencing is to be erected in accordance with the standards set out in BS5837:2012, and as set out in the project's Arboricultural Impact Assessment, to create a suitable buffer zone around hedgerows and trees.

The proposed security fence around the edges of the site will also act as an effective protection fencing for the trees and hedgerows if erected prior to the commencement of construction works. Trees and hedgerows within the interior of the security fencing will be protected independently with HERAS fencing around their root protection areas.

The above is considered to be sufficient.

### Summary

The submitted details have been reviewed by KC Ecology who have provided the following response in their consultation dated 07/05/2025:

*'A CEMP Biodiversity document has been provided by the applicant. This is reasonable and acceptable and fulfils the requirements of a typical CEMP for Biodiversity and the Condition. Condition 8 is met'.*

Officers consider that the above information sufficiently shows how biodiversity at the site will be protected during the construction period, and it is therefore recommended that Condition 8 can be discharged. However, be aware that the condition has the below ongoing requirement, which must be adhered to throughout the construction period:

*The approved CEMP: Biodiversity 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.*

### Condition 21: Ecological Design Strategy

*21. Prior to development 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 provide a minimum increase of 97.5% in habitat units on site and 21.5% in hedgerow units in accordance with the details outlined within 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 ensure and detail how the proposal will secure, and then deliver the proposed ecological net gain which adds weight in favour of the proposal when considering Very Special Circumstances within the Green Belt; to ensure compliance with Policies LP26 and LP30 of the Kirklees Local Plan, and the requirements of Chapters 13, 14, and 15 of the National Planning Policy Framework.*

In support of Condition 21 the applicant has submitted:

- Ecological Design Strategy, Ref: eg211271, Rev 01, dated 03/07/2023, authored by Environmental Gain Ltd, received 30/04/2025.

The component parts of the condition are reviewed individually, as follows:

*Purpose and conservation objectives for the proposed works*

Paragraphs 3.1 & 3.2 of the submitted Ecological Design Strategy (EDS) outlines the conservation-based management objectives for the site which are to manage the site to:

- Maximise wildlife benefit by protecting, enhancing, and creating features of significant ecological value; and to
- Implement an on-going management regime capable of delivering this over the operational life of the development (40 years).

The purpose of the above objectives is to deliver a measurable net gain in habitats that will provide benefits for a wide range of wildlife including birds, reptiles, and pollinators, and retain and improve ecological connectivity across the site.

The above information is considered to be acceptable.

*Review of site potential and constraints*

In terms of the site's potential, the submitted EDS notes that the existing habitats on-site comprise common and widespread habitats of low ecological value, with the most ecologically valuable habitats being the broadleaved woodland, hedgerows and trees. The EDS outlines that there is an opportunity

to significantly increase the ecological value of the site by replacing the farmland with ecologically valuable habitats and increasing habitat connectivity.

Paragraphs 3.5-3.7 of the submitted EDS set out the constraints of the site. These include hedgerows and trees which provide suitable habitat for nesting birds, boundary habitats and woodland which provide suitable habitat for reptiles, and Japanese Knotweed which is located within some of the hedgerows and boundary habitats on site.

A breeding bird method statement, reptile method statement, Japanese Knotweed management plan and CEMP (submitted under this application) seek to ensure their protection during the construction stages of the development.

The above details are considered to be acceptable.

Detailed design(s) and/or working method(s) to achieve stated objectives

Paragraphs 3.33- 3.39 provide details on the developers commitment to achieving ecological enhancement and environmental management of the site and that performance during construction and after handover will be monitored to adhere to the format as outlined previously within Table 1 (Timetable of Works). Furthermore, to assess compliance the construction Biodiversity Champion will monitor the performance during the construction works period, and the SQE will carry out site visits at key stages of the development process. Corrective action is also to be undertaken should compliance not have been achieved.

The Biodiversity Champion will document all records of monitoring that do occur, and these are to be stored safely and made available for review as necessary. Furthermore, to ensure consistent and acceptable environmental performance during implementation of the EDS, the developer is to ensure that all staff and sub-contractors are aware of good practice protocols through their Principal Contractor and the chosen Biodiversity Champion. Relevant information on ecological management is to be passed to the work force in briefings or by other suitable means.

The above details are considered to be acceptable.

Extent and location/area of proposed works on appropriate scale maps and plans

Figure 1 of the submitted EDS shows the proposed habitats and their locations. Badger holes are also to be installed within each parcel's perimeter fencing to allow badgers through the site.

The above details are considered to be acceptable.

Details on the establishment of the habitats on the site

Paragraphs 2.3-2.16 of the submitted EDS provide details on the existing habitats on site, as determined by Western Ecology's Phase 1 Habitat Survey. These include:

- Arable
- Bare ground
- Ephemeral/short perennial
- Fencing
- Improved grassland
- Native hedgerow
- Scattered trees
- Semi-natural broadleaved woodland
- Stone wall
- Tall ruderal
- Designated sites

The above details are considered to be acceptable.

*Type and source of materials to be used where appropriate, e.g., native species of local provenance*

In terms of the type and source of materials to be used, seed and stock are to be procured from suppliers that can offer regionally sourced materials where available. The contractor is to identify sources of wildflower seed mix from local conservation schemes and suppliers where these are available. Where this is not possible national suppliers that provide locally appropriate seed mixes will be used.

The above details are considered acceptable.

*Timetable for implementation demonstrating that works are aligned with the proposed phasing of development*

Table 1 of the EDS provides a timetable of works. The timetable provides the objective, action proposed, what month/season works will be undertaken, what year, and who is responsible for this. The table provides information in regard to the below components:

- Hedgerow
- Native scrub
- Tussocky wildflower grassland
- Wildflower grassland under solar panels

The above details are deemed to be acceptable.

*Persons responsible for implementing the work*

The EDS outlines that the developer has overall responsibility for any environmental management, ecological enhancement or implementation works included within the EDS. That is for both during the construction works and post-construction period.

Paragraph 3.29 of the EDS states that the developer will appoint an individual to act as a Biodiversity Champion (or equivalent) who will oversee the development, implementation, delivery and review of works included in this EDS, which are scheduled during the construction works period. The Biodiversity Champion will have the authority to influence site activities and ensure that detrimental impacts on site biodiversity and environmental features are minimised. The Biodiversity Champion will also have responsibility for managing the construction of the landscape and planting proposals within any environmental constraints in conjunction with all the necessary management processes.

The EDS goes on to say that during the construction stage the developer and/or the Principal Contractor will continue to provide the Biodiversity Champion with updated versions of the construction programme (should updates occur) to ensure that changes that may affect ecology are not overlooked. The Principal Contractor will ensure all additional contractor(s) have been adequately trained and are aware of their responsibilities (where appropriate) for implementation of this management plan, during construction. A Suitably Qualified Ecologist (SQE) will be retained for technical advice during the construction stage.

The above details are considered to be acceptable.

*Details of initial aftercare, long-term maintenance and monitoring and how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers a measurable biodiversity net gain*

In regard to aftercare and monitoring, the submitted EDS states that the Suitably Qualified Ecologist (SQE) is to conduct a pre-commencement inspection for protected species immediately prior to the onset of construction works, to ensure that the ecological features previously recorded have not changed. Once construction works are ongoing the SQE will undertake site visits, where required and confirm that advised measures to have been taken to protect biodiversity at the site. A letter report will be prepared to demonstrate compliance.

The site will be monitored annually for five years, with the frequency of monitoring after that to be reviewed against the sites condition. Compliance with the EDS will be assessed during each visit. Monitoring will be carried out in June or July of each year, during the peak growing season. The SQE will provide a compliance report, confirming and demonstrating implementation of the EDS management plan, and this will be submitted to the LPA. Corrective action is also to be undertaken should compliance not have been achieved.

The above details are considered to be acceptable.

Details for disposal of any wastes arising from works

3.45 of the submitted EDS states that within the first five years arisings from habitat management will be disposed of sensitively to remove nutrients from the habitat and to allow for species rich grassland to grow. This may be done by piling on-site in designated areas to reduce the release of nutrients back into the soils whilst creating habitat including for detritivores.

The above is deemed to be acceptable.

Summary

The submitted details have been reviewed by KC Ecology who have provided the following response in their consultation dated 07/05/2025:

*'An Ecological Design Strategy document has been provided by the document. This is reasonable and acceptable and fulfils the requirements of a typical EDS for Biodiversity and the Condition. Condition 21 is met'.*

Officers consider that the above information is sufficient to ensure that a biodiversity net gain is achieved post-development, and it is therefore recommended that Condition 21 can be discharged.

However, be aware that the condition has the below ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

*The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.*

**Recommendation:** Approve details.

**Report Dated:** 07/05/2025

**Decision Notice Text**

Condition 8: Construction Environmental Management Plan for Biodiversity

Pursuant to Condition 8, you have submitted:

- Construction Environmental Management Plan for Biodiversity, Ref: eg211271, Rev 02, dated 03/07/2023, authored by Environmental Gain Ltd, received 30/04/2025.

The submitted information is deemed to be acceptable for the initial requirements of Condition 8 and is hereby approved. However, Condition 8 does have the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

*The approved CEMP: Biodiversity 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.*

Condition 21: Ecological Design Strategy

Pursuant to Condition 21, you have submitted:

- Ecological Design Strategy, Ref: eg211271, Rev 01, dated 03/07/2023, authored by Environmental Gain Ltd, received 30/04/2025.

The submitted information is deemed to be acceptable for the initial requirements of Condition 21 and is hereby approved. However, Condition 21 does have the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

*The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.*