

7. Arboriculture

7.1. This section seeks to address the comments made by the Arboricultural Officer on 26 January 2024. A meeting was held with Officers on 14 February 2024 and the approach towards this response agreed.

Access to the Site

7.2. For the purpose of construction and minimising disruption on local highway, access will be taken from Gabriel Spring Road East and routed via the existing farm track through Horton Wood ASNW. As detailed within Arboricultural Method Statement (AMS) the existing farm track that passes through the Horton Wood ASNW has been used by farm traffic for many years. It consists of a well compacted earth and stone surface and passes through the woodland. Due to the nature of its current use, no crown raising or pruning of low branches to achieve the necessary ground clearance for site traffic is anticipated to be necessary. Furthermore, there are no proposals to widen the existing track through the Ancient Woodland.

7.3. The existing farm track has been in regular use by tractors, tractors towing trailers, excavators, combine harvesters and other farm plant/machinery with no discernible impact on the ancient woodland. As such, it is suitable for use by site vehicles that will utilise the track during the construction phase of the proposed development. To ensure the protection of Ancient Woodland, the proposed development includes the upgrading the track with circa 600m of cellular confinement system which will be laid on top of the existing track surface. Examples of this type of cellular confinement system is provided at the appendices of the AMS. This will be left in situ following the completion of the construction period as part of the long term enhancements delivered by the project. This methodology is accepted by the Tree Officer.

7.4. Following the completion of the construction phase, access for the operational phase of Chimmens Solar Farm will be obtained from Mussenden Lane.

Construction Traffic

7.5. It is acknowledged throughout the submission that there will be an increase in trip generation during the construction period. The anticipated trip generation is detailed within the submitted Construction Traffic Management Plan (CTMP). This equates to 30 total vehicle trips per day i.e. 10 deliveries by HGV and 5 staff vehicles (cars or vans). The proposed construction route is currently regularly used by agricultural vehicles. The current baseline trip generation associated with the site in its agricultural use are presented in Table 1 **Error! Reference source not found.** It is clear from these trip numbers, that there is an annual increase in agri-traffic movements associated with the harvest period which are greater than the vehicle movements anticipated during construction of the proposed development.

Table 1: Baseline Agri-traffic movements

Baseline Two Way Movements Per Day	
January	4
February	4
March	12
April	10

Baseline Two Way Movements Per Day	
May	8
June	6
July	42
August	42
September	10
October	8
November	4
December	4
Total	154
Average Daily Movements Per Month	13

7.6. It is accepted that on average there will be a temporary increase in use of the track during construction period. However, there will be significantly less movements during the operational lifetime of the proposed development due to the reduction in agri-traffic and the operational access for the solar farm will be via Mussenden Lane. With the installation of the cell-web confinement system prior to the construction of the scheme, it is considered that the impacts during construction will be negligible and long term impacts during operation will be positive due to the enhancement of the track.

7.7. As discussed in the submitted additional ecological work (Appendix 4), in the long term the reduction of intensive agricultural practices is likely to avoid any current indirect impacts on air quality, dust deposition, and surface water run-off on the ancient woodland. In this context, the change from intensive agricultural land use to solar arrays with grassland beneath is likely to have positive indirect impacts on the soils adjacent to the ancient woodland during the operation of the solar farm.

HDD Methodology

7.8. It was detailed in the original submission the installation of a grid connection cable will require the use of Horizontal Directional Drilling (HDD) beneath Horton Wood Ancient Woodland. Section 6.10 of the submitted Arboriculture Impact Assessment (AIA) provides the details of the methodology for the use of this for the use of the HDD which is a trenchless crossing engineering technique using a drill steered underground without the requirement for open trenches. This technique is often employed when crossing environmentally sensitive areas, major water courses and highways. This method is able to carry out the underground installation of pipes and cables with minimal surface disruption.

7.9. Progressing with the HDD method is considered to be the most appropriate approach for the proposed development as this minimises the impact on the trees and the soil associated with the Ancient Woodland. The alternative routing proposed via Mussenden Lane would impact the local public highway and require works within 15m of the ancient woodland including the use of open trench excavations which would have a high risk of impacting roots of trees. Whilst the alternative route along Mussenden Lane is feasible, there is a higher likelihood of impacts on the Ancient Woodland and local highway network if the cabling was to be routed along Mussenden Lane.

7.10. The proposed depth of the HDD at 7.5m is well beyond the expected rooting zone and the fungal mycelial for the woodland as detailed on the enclosed cross-sectional drawing (Figure

19 – Drawing Reference O5009-RES-CBL-DR-PT-002 Rev 1). No harm to soils or trees within Horton Wood Ancient Woodland will occur as a result of the HDD methodology.

7.11. The HDD methodology has been used successfully elsewhere in the UK to avoid impacts on ancient woodland. Examples of the methodology are presented in Table 2 below.

Table 2: Examples of HDD Methodology used at Ancient Woodland in UK

Project Name	Planning Status	Ancient Woodland Info	Cable Information and Mitigation	Comments from Statutory Consultees
Hellen Solar Farm	Approved May 2022	Berwick Wood ASNW	HDD Cable route circa 177m length at 2m depth using trenchless HDD launched from >15m away from edge of woodland.	South Gloucestershire Council Tree Officer: <i>There are no concerns regarding the protection of the existing trees within the site the main area of concern is where the Connections pass through W2 which is a woodland. In order to pass through the woodland without causing damage to the root protection areas of the trees it is proposed that a launch pit will be positioned on either side of the woodland outside of the 15m buffer for the root protection area of the trees. From launch pit to launch pit the Connections will be moled to a depth of two meters Thus avoiding the roots of the trees.</i>
Rampion 2 Offshore Wind Farm	Examination of the Rampion 2 Development Consent Order application commenced in February 2024.	Multiple ancient woodlands including Clapham Wood, Polling Copse, and Beech Copse	Where ancient woodland would be crossed using a trenchless crossing technique, a minimum drill depth of at least 6m would be maintained to ensure tree root systems would be avoided.	Not available at the time of writing this report.

Appendix 4

Our ref: P24-181 Chimmens Solar Farm Response to Planning Consultees

Your ref:

05 March 2024

Ashley Bidwell
 Case Officer
 Sevenoaks District Council

Dear Ashley

Re: Response to Consultee responses – Chimmens Solar Farm – Planning application ref: 23/03181/FUL

We have been commissioned by RES to provide a response to potential concerns raised by consultees with regard to the Planning Application for a ground mounted solar farm and associated infrastructure at the above site. We have provided clarification and additional information where appropriate.

Consultation responses that include matters relating to ecological features were received (in alphabetical order) from:

- Kent County Council (KCC) Helen Forster Ecology Officer (29 January 2024)
- Kent Wildlife Trust (KWT) (31 January 2024)

The sections in the tables below address each of the potential concerns raised, with reference to the consultee. Where consultees raise the same or a similar issue, then the response addresses that issue for the combined set of consultees.

It should also be noted that during a meeting held with RES and Helen Forster on 20 February 2024, several of the points below were discussed with reference to more detailed maps and several of the potential objections are understood to be resolved, subject to information being provided.

Topic		Directional drilling approach under ancient woodland
Issue		Potential impacts on subterranean features of the ancient woodland (i.e., soils, tree roots, fungi) and feasibility of this approach
Consultee comments	KCC	<i>“Due to the current layout there is a requirement for cabling to go under the area of Ancient Woodland and Local Wildlife Site. We advise that we are not experts in this type of engineering and we advise that SDC must be satisfied that this type of no dig approach is achievable within the site.”</i>

	KWT	<p><i>“There is the potential for an irreversible and devastating impact to the ancient woodland and the wildlife it contains in the event the drilling technique does not work, or is not carried out, as stated. It is therefore considered that the following details should be submitted as part of an outline CEMP prior to determination of the application:</i></p> <ul style="list-style-type: none"> - <i>Confirmation that the ground conditions and geology are suitable for drilling. There is a risk that the proposed drilling technique is not possible at the construction stage and that a trenched technique for the cable installation will be requested instead which would cause serious and irreparable damage.</i> - <i>Details of where drilling will start and end. It should be clearly established that the length of drilling will be long enough to completely avoid all biodiversity features. The work areas should also be clearly shown on the appropriate submitted drawings. These work areas must be outside of the ancient woodland buffer area to minimise noise and light impacts.</i> - <i>Details on how loud the drilling will be, what impact this will have on species within the woodland, and whether noise screening will be needed.”</i>
Applicant response by BSG Ecology		<p>Assurance should be sought from an engineering consultant and / or RES that this approach is feasible. RES to provide detailed drawings showing launch areas, target depths, and hole widths etc.</p> <p>Provided the parameters detailed in the ecological appraisal are met (i.e., target depth of 7.5 m, achieved within 10 horizontal meters of launch, launched at least 10 horizontal meters from the ancient woodland buffer) then as stated in the Ecological Appraisal there should be no significant impacts on the ecological features of the ancient woodland as there are no badger setts which would be impacted, there are unlikely to be impact to trees at that depth and the small gauge of the proposed drill is unlikely to affect the soils or fungal networks at that depth.</p> <p>The proposed trenchless technique is likely to be better than alternatives i.e., direct trench digging the cable into the ground which would be more likely to impact on ground flora and soils.</p>

Topic		Ancient woodland buffer zones
Issue		Buffer zones must be at least 15 m and appropriate management in place
Consultee comments	KCC	<p><i>“The landscaping plan does demonstrate that buffer areas will be created adjacent to the Ancient Woodland but there is a need for the LPA to be satisfied that the buffers are a minimum of 15m. The buffer area will be between the woodland and security fence so the habitat creation works must be designed to ensure that suitable machinery can access these areas to implement appropriate management.”</i></p>

	KWT	<p><i>“The submitted Ecological Appraisal Report and other supporting documents state that a 15-metre buffer will be provided. However, when measuring from the Landscape Masterplan (drawing no. P22-1221_EN_0012) the separation distance from the edge of the ancient woodland to, for example, the proposed security fencing will fall short of 15 metres. This matter needs to be addressed prior to the determination of the application. KWT supports guidance set out by The Woodland Trust which recommends a greater buffer to ancient woodland than the 15 metres advised by Natural England and the Forestry Commission.”</i></p> <p><i>“Buffer zones to ancient woodland act as a means of protection for tree roots and as a tool for enhancing the biodiversity of the woodland itself. A buffer zone should be provided which consists of suitable planting / natural habitat regeneration to enhance connectivity to neighbouring habitats and contribute to the wider ecological network. The buffer zone should be graduated from the trees with dense scrubby species which provide a solid barrier to the woodland. The submitted Landscape Masterplan indicates that this type of buffer would not be provided in this instance but without presenting any suitable justification or further information. It is advised that the type of buffer being proposed is amended and that details on its future management are submitted.”</i></p>
Applicant response by BSG Ecology		<p>Assurance is provided by RES that all Ancient Woodland buffers will be at least 15 m and this is accurately shown on the Landscape Masterplan.</p> <p>15 m buffers are considered to be sufficient to allow access for management of created habitats within the buffer zones. A Landscape Ecology Management Plan (LEMP) will be produced that details the appropriate management actions to be undertaken in these areas.</p> <p>The LEMP can include management measures along ancient woodland buffers to promote the establishment of graduated scrub, as suggested by KWT.</p>

Topic	Use of existing woodland track for access during construction	
Issue	Potential impacts on ancient woodland from use of the track for access during construction.	
Consultee comments	KCC	<p><i>“We note that the existing access track adjacent /within the AW will be used as part of this proposal during construction/operational phases. As there is an existing track we do not envisage that the construction or operational phase will have a significant impact on the woodland but we advise that SDC takes advice from their tree officer to ensure that they are satisfied that the use of the track will not negatively impact individual tree health”.</i></p>
	KWT	<p><i>“As set out above there is an existing farm track which runs through, and alongside, the ancient woodland which adjoins the red line boundary. It is proposed for this track to provide the primary route for construction vehicles as well as maintenance vehicles during the operational phase.</i></p>

	<p><i>The submitted construction traffic management plan states that a maximum of 30 two-way construction vehicle construction trips are anticipated per day, around 20 of which are expected to be HGV trips and 10 which will be associated with construction workers.</i></p> <p><i>It is noted that to limit soil compaction from vehicles on the access track, and in turn impacts to the roots of trees from within the ancient woodland, it is proposed to install a cellular confinement system. Due to the potential for the development to have a detrimental impact on the ancient woodland it is advised that further details on this system are submitted either prior to determination of the application or prior to the commencement of development. At this stage it is unclear as to whether the access track would need to be widened to enable the installation of the cellular confinement system and to accommodate HGVs and other construction vehicles.”</i></p> <p><i>“Kent Wildlife Trust (KWT) wish to raise concerns that the submission fails to address the potential impact to the ancient woodland from construction vehicles in other ways, such as the need to cut back branches so that they do not overhang or obstruct the track. In addition, the submission does not provide any detail on how traffic will be managed within the site given the number of trips the development will generate. The length of the track and its narrow width mean that there is a risk two vehicles may try to pass each other when travelling in opposite directions. This situation could result in vehicles partly leaving the track and moving along the woodland edge to pass each other which would impact on trees and their roots. It is considered that further details on this should be provided.”</i></p>
<p>Applicant response by BSG Ecology</p>	<p>The arboricultural impact assessment and method statement submitted as part of the planning application provide details on mitigation measures to ensure that the roots of the ancient woodland will be protected by a cellular confinement enhancement on the surface of the existing track. Further assurance from the arboricultural consultant will be provided as part of the wider consultation response.</p> <p>A topographic survey of the existing track confirms it is suitable for construction access. The existing track is wide enough for farm vehicles to pass unobstructed and is in current use, resulting in a baseline of compaction already. The existing track will not need to be widened for the construction of the proposed development.. Additionally, as the track is currently regularly used by farm vehicles, it will already be managed by the farmer to remove obstructions such as overhanging branches if and when they occur. Therefore, the need to cut back branches when necessary is not considered to be a change from the baseline situation along this track. Additionally, the cutting back of a few branches is unlikely to have any significant impact on the woodland as a whole given this impact is highly localised.</p> <p>RES to provide assurance that measures will be put in place to prevent the unlikely scenario of vehicles traveling the track in opposite directions and needing to leave the track in order to pass each other from occurring.</p>

Topic		Other impacts on ancient woodland
Issue		Potential impacts on ancient woodland from air quality, dust deposition, and surface water runoff
Consultee comments	KWT	<i>“Consideration should be given as to how the ancient woodland will be impacted by the development in terms of air quality, dust deposition, and surface water runoff. It is advised that an outline Construction Environment Management Plan (CEMP) is submitted and reviewed prior to determination with the full CEMP conditioned and reviewed at the discharging of conditions stage.”</i>
Applicant response by BSG Ecology		<p>The site surrounding the ancient woodland is currently an active farm, and therefore some impacts on the ancient woodland in terms of air quality, dust deposition, and surface water run-off, including potentially fertilisers, resulting from farming activities are part of the baseline situation at the site.</p> <p>While there may be a slight increase in traffic movements during construction, due to the short-lived nature of this increase it is considered unlikely to have any significant impacts on the ancient woodland.</p> <p>Finally, in the longer term the change from agricultural land use to solar arrays with grassland beneath is likely to reduce impacts from air quality, dust deposition, and surface water run-off on the ancient woodland. Currently the use of pesticides and fertilisers and ploughing of land adjacent to the woodland is likely to cause impacts from reduced air quality, increased dust deposition, and run-off of agricultural chemicals into the woodland – these impacts will all be reduced during operation of the solar farm.</p>

Topic		Created broadleaved woodland
Issue		Can moderate condition be achieved in this area of created broadleaved woodland
Consultee comments	KWT	<i>“It is unclear how the proposed broadleaved woodland to three sides of the substation compound will achieve the proposed moderate condition given the constrains of the proposed location and the pressures the woodland will face from activity within the site and on the adjoining land. Taking into account the requirements within the condition assessments for other woodland; broadleaved to achieve moderate condition it is considered unlikely that a moderate condition will be met.”</i>
Applicant response by BSG Ecology		<p>We consider that achieving moderate condition for this area of created woodland is achievable.</p> <p>The methods for doing so (creation and management) will be set in the LEMP.</p> <p>The LEMP will stipulate that monitoring will be carried out of the proposed habitat creation and management against the proposed target habitats and</p>

	conditions set out in the BNG assessment and corrective actions may arise from this monitoring as needed to ensure these targets are met.
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Topic		Hedgerow buffer zones
Issue		Must be to security fence not panels, and wide enough to allow access for management
Consultee comments	KCC	<i>“The submitted information has detailed that the majority of hedgerows will be retained and there will be at least a 5m buffer between the hedgerows and any solar farm infrastructure. We advise that it is our view that solar farm infrastructure must be the fence and not the solar panels. We advise that the 5m buffer must be large enough to ensure that appropriate management can be carried out to ensure that the anticipated BNG of 39% can be achieved within the site.”</i>
Applicant response by BSG Ecology		<p>The Landscape Masterplan shows that the 5 m buffer around retained hedgerows is between the hedgerow and the security fence (not the solar arrays). RES to provide additional cross sectional drawings as part of the response illustrating this more clearly.</p> <p>5 m buffers are considered to be sufficient to allow access for management of created habitats within the buffer zones. A Landscape Ecology Management Plan (LEMP) will be produced that details the appropriate management actions to be undertaken in these areas, and will take into account what is feasible within the buffer zone.</p>

Topic		Other neutral grassland creation
Issue		Feasibility of created other neutral grassland achieving moderate condition; details and location of created other neutral grassland not shown
Consultee comments	KCC	<p><i>“The majority of the site is arable fields or modified grassland but the proposal will result in the loss or degradation of two fields which have been recorded as other neutral grassland. The BNG assessment details that there will be no loss of other neutral grassland due to the proposed habitat enhancement of the retained other neutral grassland and the intention to create other neutral grassland within the areas adjacent to the hedgerows. The BNG metric details that the other neutral grassland will achieve a moderate condition and we do question if this is achievable as they are long thin strips and if appropriate management is not implemented the proposed BNG may be less than anticipated.”</i></p> <p><i>“We question why there is a need to include these fields within the Solar Farm proposal and they could be used for habitat enhancement and support mitigation of protected/notable species found within the site.”</i></p>

	<p>KWT</p> <p><i>“The Ecological Appraisal Report does not provide detailed information on the mitigation and compensation measures proposed and instead states that further detail will be provided within a LEMP at the condition stage. The proposal will result in the loss of field F6C which contains other neutral grassland and supports pyramidal orchids. It is proposed to offset the loss of this grassland by creating other neutral grassland within the application site boundary. No further details on the proposed location or method of creating this has been provided and the proposed location to compensate for the loss of this grassland is not indicated on the supporting maps.”</i></p>
<p>Applicant response by BSG Ecology</p>	<p>The aims of the habitat creation were set to be realistic in the context of an agricultural site. Other Neutral grassland in Moderate condition is not a high diversity habitat when compared to chalk grassland, and is achievable in this context.</p> <p>Below are summarised the relevant criteria for other neutral grassland from the condition assessment sheets:</p> <ul style="list-style-type: none"> - The parcel represents a good example of its habitat type, with a consistently high proportion of characteristic indicator species (essential for Moderate and Good) - Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20% is more than 7 cm) - Cover of bare ground is between 1% and 5%, including localised areas, for example, rabbit warrens. - Cover of bracken <i>Pteridium aquilinum</i> is less than 20% and cover of scrub (including bramble) is less than 5%. - Combined cover of species indicative of suboptimal condition and physical damage accounts for less than 5% of total area. - There are 10 or more vascular plant species per m² present, including forbs that are characteristic of the habitat type (essential criteria for Good condition) <p>To achieve Moderate condition, between three and five criteria are required. The first five criteria listed above are likely to be easily achieved with appropriate management to be detailed within a LEMP.</p> <p>The LEMP will stipulate that monitoring will be carried out of the proposed habitat creation and management against the proposed target habitats and conditions set out in the BNG assessment and corrective actions may arise from this monitoring as needed to ensure these targets are met.</p> <p>The proposed location and extent of other neutral grassland creation on Site is clearly shown on the accompanying maps within the Ecological Appraisal report, in particular ‘Figure 3 Proposed Habitats Post-Development’ where other neutral grassland is clearly shown in the habitat key. Details of the habitat creation and management will be included in a LEMP.</p>

<p>Topic</p>	<p>Arable field margins</p>
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Issue	Loss of arable margins, trading rules not satisfied	
Consultee comments	KCC	<i>“The site currently supports Arable field margins and these habitats will be lost as part of the proposed development. The location and amount of arable field margins within a time will fluctuate over time as they can be moved every 3 years. As part of the skylark mitigation it is proposed to create a skylark mitigation area to the north of the site (outside the redline boundary) and we question if it is possible for arable field margins/strips to be created within that field as part of the mitigation associated with the development.”</i>
	KWT	<i>“The submitted Ecological Appraisal Report states that the trading rules for the Biodiversity Net Gain (BNG) metric have not been satisfied due to the proposed development not replacing the arable field margins, which are a medium distinctiveness habitat, with a habitat that is the same or of a higher distinctiveness. The report states that it is not possible to re-provide the arable field margins because they must be bordered by arable crops. The restriction on re-providing arable field margins as part of the proposal is noted. However, the report fails to state why a different habitat of higher distinctiveness cannot be provided instead to ensure the trading rules are satisfied, as allowed for under the metric. It is recommended that this matter is addressed by the Applicant.”</i>
Applicant response by BSG Ecology	<p>As discussed at the meeting with KCC on 20 February 2024, creating / continuing arable field margins on land outside of the solar PV areas is likely to be acceptable to the landowner. This agreement should take the form of a written commitment to create / continue arable margins as these will need to be moved around the site every few years, so it is not possible to specify particular areas.</p> <p>As stated within the Ecological Appraisal report, proposals for the site include extensive other neutral grassland creation. This habitat is ecologically similar to arable field margins, which typically comprise a mixture of wildflowers, ruderals, and grasses, and is therefore considered to provide adequate compensation for the loss of arable margins.</p> <p>Additionally, many of the arable margins will essentially be retained within the proposed development as they will be absorbed into the areas of other neutral grassland creation (i.e., they will be oversown with a wildflower grassland mixture and the management will change, but otherwise they will be retained). However, due to the definitions within the UK Habitat Classification system requiring that arable margins are adjacent to a field in arable production, these must technically be considered lost and re-created within the calculator.</p> <p>While it would be theoretically possible to create a high distinctiveness habitat on Site to compensate for the loss of arable margins, creating higher distinctiveness habitats is much more difficult and less likely to be successful. Therefore, it is considered that the proposed strategy involving the creation of other neutral grassland is more realistic and achievable on Site, and more likely to be successful.</p>	

Topic		Retained other neutral grassland
Issue		Feasibility of other neutral grassland beneath solar arrays being retained
Consultee comments	KWT	<i>“The submission also states that grassland within field F9 will be retained however, there will be three solar PV areas within this field and so the grassland under those areas will be impacted. No details have been provided to demonstrate how the condition of the grassland in this field, which has been identified as other neutral grassland in moderate condition, will be maintained. It is considered that further information on these matters is provided prior to determination of the application rather than in a LEMP at the condition stage.”</i>
Applicant response by BSG Ecology		<p>This matter is addressed within the Ecological Appraisal, which states:</p> <p><i>“The grassland within Field F9 will be retained within the proposed development as this will include three small Solar PV Areas only and these will not be grazed. However, there is potential for impacts on this field during construction of the proposed development as this will require existing vegetation to be cut back and likely the presence of heavy machinery and vehicles in the area to install solar arrays. However, grasslands are generally resilient to temporary disturbance (in some cases this can actually be beneficial) and with appropriate management it is likely that the diversity and ecological value of this area can be retained during the long-term operation of the proposed development.</i></p> <p><i>It is recommended that a phased cut of the vegetation in field F9 is carried out in late autumn such that it takes place outside of the nesting bird season and outside of the hibernation seasons for small mammals and reptiles. Cutting the vegetation in phases allows any animals present to move out of the area, thereby minimising the risk of unintended killing or injury. Field margins (i.e., along woodland edges) should be retained (as required by the buffers detailed in the sections above) and will provide refuge habitat for species to move into. These measures to reduce the impacts of works here will be set out in the CEMP.</i></p> <p><i>During the operational phase F9 will be managed to promote floral and structural diversity. This could take the form of yearly rotational cutting with arising removed and used to create habitats piles adjacent to hedgerows.”</i></p>

Topic		Breeding and wintering birds
Issue		Loss of skylark breeding territories as a result of the proposed development
Consultee comments	KCC	<i>“The proposal will result in a loss of habitat where ground nesting birds were recorded and 14 pairs of breeding skylarks were recorded. It is also likely that overwintering birds (not associated with the designated sites) were recorded within the arable section of the site but no detailed plans</i>

	<p><i>have been provided demonstrating where the birds were recorded during the wintering bird surveys.”</i></p> <p><i>“Breeding birds – impacts likely to be higher than stated. Mitigation proposals needed.”</i></p>
<p>KWT</p>	<p><i>“The Ecological Appraisal Report states that skylark, a priority and red list species, were commonly recorded across much of the site with a peak count of 46. Other ground nesting birds were also recorded including corn bunting which is also a priority and red list species.</i></p> <p><i>Skylark have been steadily declining in numbers since the mid-1970s and KWT are concerned about the continued loss of habitat for this and other ground nesting bird species. The application site hosts 24 skylark territories across the areas surveyed of which 14 are within the red line boundary. The Ecological Appraisal Report proposes to provide two areas within the site and one area off site which will be managed to provide skylark habitat. Notwithstanding these measures the development will lead to the loss of between seven and nine skylark territories which will also impact on other ground nesting bird species. Given the continued decline of skylark numbers it is not considered acceptable to simply state that the loss of these territories would likely constitute an adverse effect on skylark of significance at a local level only and not provide any suitable compensation measures for the loss. It is therefore recommended that further measures are proposed as part of the submission.”</i></p>
<p>Applicant response by BSG Ecology</p>	<p>There is no local policy stating no net loss of skylark is required for planning permission to be granted. As an SPI the NERC Act 2006 states they must be given ‘due consideration’. It is considered that this requirement has been met by the existing mitigation strategy which sought to reduce the losses by providing some habitats managed for the species. This strategy can be set out in more detail in the LEMP.</p> <p>Following meeting with Helen Forster (KCC) on the 20 February 2024, having discussed in more detail the sizes of Areas 1A, 1B and 2, it was agreed that the proposed mitigation strategy is likely to deliver the outcomes stated in the Ecological Appraisal Report. Helen proposed that monitoring of said mitigation could be proposed. BSG and RES confirmed that monitoring of the proposed habitat creation and management would be monitored against the proposed target habitats and conditions set out in the BNG assessment. The habitat monitoring will ensure that the proposed mitigation put forward for skylark is carried out as stated.</p> <p>Additionally RES are happy to agree to include wider biodiversity monitoring including for skylark with the purpose of recording changes in the skylark population on Site for informational purposes.</p> <p>The baseline number of skylark on site is likely to fluctuate year to year in any case due to changing agricultural land use as fields on site are rotated between cereal crops and hay lays. As stated in the Ecological Appraisal, although there will be a loss of some skylark territories as a result of the proposed development, this is considered of be of significant at the local level only. This loss must also be weighed against the need to deliver</p>

	<p>renewable energy to mitigate climate change; if climate change is not sufficiently mitigated then this will likely result in severe impacts on biodiversity globally, including on skylark.</p> <p>As discussed at the meeting with KCC on 20 February 2024, data on wintering birds was submitted in summary within the Ecological Appraisal report, rather than detailed mapping, due to the highly mobile nature of flocks of winter birds.</p>
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I trust the above sets out clearly how the concerns raised will be addressed.

Yours Sincerely

Kai Hayes

Ecologist

For and on behalf of BSG Ecology