Yorkshire Wildlife Trust

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DATE: 17th June 2024

REF: East Yorkshire Solar Farm – YWT Response

Thank you for informing us that the East Yorkshire Solar Farm Project is at the Examination Stage.

Although Yorkshire Wildlife Trust does not currently have a formal policy on solar developments, it broadly supports measures to reduce consumption of non-renewable energy sources, including the use of sustainable technologies as well as through energy efficiency.

For each renewable source of energy, we acknowledge that there may be environmental impacts as well as benefits, depending on where a development is sited. Large-scale solar developments are a potential concern in sensitive locations, as they could cause reduce the suitability of habitats for key species. Operational impacts may also present issues, for example, cabling and other infrastructure could affect soils and species through pesticide use or shading. The Government's Solar PV Strategy (see here) notes "When well-managed, solar farms could be beneficial for wildlife. However, in certain locations they could be damaging for biodiversity and ecosystems (Part 2, paragraph 65)".

We have the following comments on this scheme:

1. Ecology Chapter

In our previous response of January 2024, we advised that we may wish to comment on the proposals, particularly in relation to the proximity to statutory and non-statutory designated sites, such as SAC's, SPA's, Ramsar (and any land functionally linked to these sites), SSSI's and Local Wildlife Sites (LWS). Along with potential impacts to ground nesting birds and proposed mitigation, and habitat creation proposals including the long-term management of these habitats.

We note that detailed methodology and survey results have been provided at this stage, and we have reviewed the Ecology Chapter of the Environmental Statement and have the following comments to make.

Two Local Wildlife Sites have been identified within the interconnecting cable corridors of the scheme: Tottering Lane, Gribthorpe LWS (between Solar PV Area 1a and Solar PV Areas 1b and 1e) and Wressle Verge LWS (between Solar PV Areas 3a and 3b). 11 other LWS' were identified within 2km of the scheme. Works are proposed within these two LWSs, with some proposals to minimise disturbance provided such as keeping the working area for the cable installation across the verges to a minimum of 5m width inside the LWSs, no storage of spoil, vehicles or materials within the LWSs

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and tunnelling under hedgerows. However, concerns remain as to whether this proposed mitigation would be sufficient to account for the potential loss of/damage to habitat within those LWSs. It is unclear what the justification or reasoning for the cable route having to run through the LWSs is in the documents we reviewed, and for this reason we would argue that it would be preferred the route avoids these two LWSs altogether. Full justification must be provided as part of the Ecological Impact Assessment (EcIA), with consideration of alternatives being a key part of the assessment.

LWS (formerly known as Sites of Importance for Nature Conservation) are of great significance as core wildlife-rich habitats of substantive nature conservation value and taken together with Sites of Special Scientific Interest (SSSIs), they represent a major national asset, essential to nature's recovery. LWS play a critical conservation role by providing wildlife refuges, acting as stepping stones, corridors and buffer zones to link and protect nationally and internationally designated sites – improving ecological coherence and connectivity and contributing to a climate resilient landscape. With no statutory status, their only form of protection is through good planning policy and decisions.

For a long time, it has been recognised that, whilst they are important, SSSIs are not sufficient to truly protect biodiversity in England. So, together with SSSIs, LWS support locally and nationally threatened species and habitats and they are the essential building blocks of ecological networks and the core from which we can achieve nature's recovery. Unlike Sites of Special Scientific Interest (SSSIs), which for some habitats are a representative sample of the sites that meet national standards, LWS systems are more comprehensive and select all sites that meet the criteria. As a result, many LWS are of SSSI quality and together with the statutorily protected sites, contain most of the country's remaining high quality natural habitat and threatened species.

Regardless of statutory status, it is absolutely paramount, that the countries core sites for biodiversity are protected from developmental loss and damage, if we are to avoid a net loss in biodiversity. The presence of a Local Wildlife Site, should always serve as a red flag that the application is highly likely to be damaging and alternative sites should be sought. The protection of LWS is therefore fundamental if we are to achieve the 25 Year Environment Plan goals. In circumstances where applications which impact upon LWS are approved because of 'over-riding need', then robust mitigation and compensation **must** be incorporated.

The report concludes that there will be a negligible effect on breeding birds as *"Habitats supporting the majority of the breeding bird assemblage, such as hedgerows and woodland areas will largely be retained."* However, there is acknowledgement that the loss of arable habitat will lead to the temporary displacement of ground-nesting birds reliant on this habitat. Skylark and curlew are identified as species using this habitat which will be impacted by the works. As mitigation, areas of

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undeveloped land are proposed to be retained within the development, totalling around 20.5 ha in size. These areas will provide grassland habitat which it is stated would serve as alternative habitat for ground nesting birds, such as skylark and curlew. However, there may be a short-term impact whilst habitats succeed.

Other measures are discussed through Chapter 8, including the use of the District Level Licensing Scheme, buffer zones being incorporated for works near hedges, trees and watercourses, along with reference to findings for the Habitats Regulation Assessment which was also undertaken as part of this application.

2. Habitats Regulations Assessment

We note that the scheme (connection) crosses the River Derwent SAC and that the Lower Derwent Valley lies approximately 1.3km to the south-east of the proposed development site. The Humber Estuary European Site is about 3.5km south of the site. We note that due to the potential impacts to land functionally-lined to the protected sites, pink-footed goose and golden plover mitigation zones (totalling 30 ha as agreed with Natural England) are proposed as part of the scheme to north-east of the application area.

We note previous concerns of the RSPB submitted as part of the statutory consultation in June 2023 with regard to the survey methodology (requiring a combination of methods) to accurately assess the usage of the area by the wintering SPA bird assemblage and would like to ensure these concerns were taken on board and are reflected in the information provided in the HRA.

We note that there is the potential for additional mitigation if monitoring identifies need – it is essential that this monitoring protocol is secured by the permission. Also, as has been detailed elsewhere in this response with regard to habitat creation, we would strongly advocate that this should be secured in perpetuity, rather than for the c40 year lifespan of the project.

3. Biodiversity Net Gain

We are pleased to see that the current BNG calculations have been modelled on the worse case scenario in order to apply a precautionary approach. We understand that this will be refined and recalculated at detailed design stage.

Section 2.6.1 of the BNG Assessment Report states that '*Guidance published by BRE17 recognises that on average 95% of a site used for solar farm development is still accessible for plant growth and potentially for wildlife enhancements and complementary agricultural activities such as conservation*

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grazing". As such, 95% of the solar array footprint have been categorised as the UK Hab habitat 'Grassland – Modified grassland' in 'moderate' condition, with the remaining 5% allocated within the metric as 'Urban – Developed land; sealed surface' to take into account array infrastructure. This approach is understood to be supported by the RSPB18.'

We would advise that any habitat creation/enhancement proposals, particularly beneath solar arrays are thoroughly researched and evidence based. We note '*Areas of Grassland – modified grassland proposed to be created in the solar array site have been assigned a target condition of 'moderate' to acknowledge the prolonged levels of shading these areas will receive over the lifetime of the Scheme, therefore likely achieving the condition criteria required to meet 'moderate' condition'*.

Monitoring undertaken by Suffolk Wildlife Trust found that shade tolerant grasses such as rough meadow grass, Yorkshire fog, common couch and creeping bent dominated beneath solar panels and species previously present such as meadow vetchling, common knapweed, creping cinquefoil and meadow buttercup were lost. Overall, there was reduction in sward height, the amount of bare ground increased, and the amount of leaf litter increased. For the purposes of Biodiversity Net Gain assessment, target habitats and conditions must be realistic. Soil testing is likely to be a useful exercise in developing a realistic post-development habitat plan.

We note that the habitat field date has been converted from Phase 1 (in which it was collected) to UK Hab which can lead to errors so a ground truthing exercise is recommended. It should be reported who completed the surveys, particularly the watercourse surveys, as the Modular River Physical (MoRPh) survey should be completed by certified surveyors. It would also be helpful if the BNG metric can be provided in excel format for full scrutiny.

We note that under the current plans, the project would meet 10% BNG in area-based units (+80.42%) and watercourse units (+10.09%) but not in hedgerow units (+3.99%). Also that the current plans don't yet meet trading rules for area-based habitats. We are supportive of the plan to seek to do so through detailed design stages. We would like to see this extended to meeting the 10% target and trading rules for hedgerows.

Due to the fact that solar farms are treated as temporary developments, at the end of the operational (c.40 years), it is usual for the land to return to the landowner's control, possibly for agricultural use, potentially with very little regulatory control and any contribution to nature recovery could be lost. We therefore have concerns about the longevity of the habitat creation and enhancement proposed to be delivered as part of the scheme, which we believe should be permanent.

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The expectation within the Biodiversity Net Gain Good Practice Principles is that compensation sites will be secured for at least the lifetime of the development '*with the objective of Net Gain management continuing in the future'*. To align with this principle it is essential that benefits delivered by Biodiversity Net Gain are secured for the longest possible timeframe. Areas of habitat creation/enhancement should be secured for nature in perpetuity through legal agreements.

In addition, it is essential that decommissioning surveys are conditioned to ensure any ecological impacts at this stage are identified and avoided/mitigated/compensated in line with the mitigation hierarchy. A Framework DEMP is proposed to be submitted as part of the DCO application which we think is necessary document.

Any biodiversity units above those needed to achieve the minimum required level of BNG should not be sold as off-site gains for other developments. Selling excess biodiversity units generated in this manner would undermine the potential of biodiversity net gain to genuinely contribute to Nature's Recovery in Yorkshire.

We trust these comments are helpful. Please contact us if you require any further information or clarification.

Kind regards,

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The Planning Team
Yorkshire Wildlife Trust

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