



<b>Transboundary screening undertaken by the Planning Inspectorate (the Inspectorate) on behalf of the Secretary of State (SoS)</b>	
<b>Project name:</b>	Cleve Hill Solar Park
<b>Address/Location:</b>	Land approximately 2km to the north-east of Faversham and 5km west of Whitstable, on the north Kent coast.
<b>Planning Inspectorate Ref:</b>	EN010085
<b>Date(s) screening undertaken:</b>	First screening –13 July 2018 following the Applicant's request for a Scoping Opinion and publication of the Preliminary Environmental Information Report
<b>European Economic Area (EEA) States identified for notification:</b>	First screening: none identified

<b>FIRST TRANSBOUNDARY SCREENING</b>	
<b>Document(s) used for transboundary Screening:</b>	Environmental Impact Assessment Scoping Report: Cleve Hill Solar Park ('the Scoping Report'), dated December 2017. Preliminary Environmental Information Report – Volume I ('the PEIR') and PEIR Figures - Volume IIA, dated May 2018
<b>Screening Criteria:</b>	<b>The Inspectorate's Comments:</b> The review and comments made below are based upon information provided by the Applicant in their Scoping Report and PEIR.
<b>Characteristics of the Development</b>	The Proposed Development comprises the construction, operation and decommissioning of a solar photovoltaic (PV) electricity generating and storage facility. Total generation capacity is described as exceeding 50 megawatts.  The Proposed Development is likely to include the following infrastructure:  <b>A solar PV generating station</b> <i>Solar PV Arrays:</i> <ul style="list-style-type: none"> <li>• Solar PV modules (solar panels);</li> <li>• PV module mounting structures;</li> <li>• String inverters;</li> <li>• Transformers;</li> <li>• Onsite cabling;</li> <li>• Fencing, security measures and lighting;</li> <li>• Internal access tracks;</li> </ul>

	<ul style="list-style-type: none"> <li>• Landscaping and habitat management;</li> <li>• Permissive access ways; and</li> <li>• A community orchard.</li> </ul> <p><b>Electrical Compound:</b></p> <ul style="list-style-type: none"> <li>• A flood protection bund;</li> <li>• The development substation; and</li> <li>• An energy storage facility (formed of batteries storing electrical energy).</li> </ul> <p><b>Associated Development:</b></p> <ul style="list-style-type: none"> <li>• Grid connection to National Grid Electricity Transmission infrastructure;</li> <li>• Site access;</li> <li>• Flood defences; and</li> <li>• Habitat Management Area.</li> </ul> <p>Construction of the Proposed Development is likely to be undertaken in at least two phases. Phase one is anticipated to last 12 to 18 months; phase two is anticipated to last 3 to 6 months. The indicative start date for construction is likely to be spring 2021.</p> <p>The duration of the operational phase has not been specified. It is explained that activities on site during operation would be minimal. Decommissioning of the Proposed Development is expected to take 6 to 12 months.</p> <p>The Scoping Report and PEIR explain that the exact quantities and types of waste likely to be generated by construction of the Proposed Development are currently unknown, but could include waste from welfare facilities, metals, chemicals, fuels, oils, water and packaging. The PEIR explains that waste generated during operation is expected to be substantially less than during the construction phase.</p> <p>The Scoping Report and PEIR identify the potential for the Proposed Development to produce pollution or nuisances from the following:</p> <ul style="list-style-type: none"> <li>• emissions to water;</li> <li>• dust and emissions to air from plant and machinery;</li> <li>• noise and vibration;</li> <li>• glint and glare; and</li> <li>• traffic.</li> </ul>
<p><b>Location of Development (including existing use) and Geographical area</b></p>	<p>The application site is located on the north Kent coast, within the administrative boundaries of Swale Borough Council, Canterbury City Council and Kent County Council. The tidal Faversham Creek forms the western site boundary and the Swale channel is located to the north (PEIR Chapter 5). The site location is illustrated on Figure 1.1 of the PEIR (Vol.IIA).</p> <p>The PEIR states that the application site is 492.3 hectares in size. The site is comprised of generally flat arable land, freshwater grazing marsh, existing coastal flood defences and</p>

	<p>the existing Cleve Hill substation (PEIR Chapter 5).</p> <p>The PEIR identifies France as the EEA State in closest proximity to the application site.</p>
<p><b>Environmental importance</b></p>	<p>The Scoping Report (Table 6.1) and PEIR (Table 8.4) identify the following European sites as being located within 5km of the Proposed Development:</p> <ul style="list-style-type: none"> <li>• The Swale Special Protection Area (SPA);</li> <li>• The Swale Ramsar site; and</li> <li>• Blean Complex Special Area of Conservation (SAC).</li> </ul> <p>The Swale SPA and Ramsar site (which include marine areas) surround the application site to the north, east and west. As illustrated on Figure 9.2 of the PEIR (Vol. IIA) the application site extends into these areas. The Scoping Report and PEIR explain that the application site contains land which is used by avian qualifying features of the Swale SPA/Ramsar and is functionally-linked to these European sites.</p> <p>Blean Complex SAC, designated for its woodland habitat, is located 3.6km to the east of the site (as illustrated on Figure 8.3 of the PEIR (Vol. IIA)).</p>
<p><b>Potential impacts and Carrier</b></p>	<p>The Scoping Report and PEIR identify UK European sites in proximity to the Proposed Development and explain that the Proposed Development could potentially have adverse impacts on the avian qualifying features of these sites.</p> <p>The PEIR describes the potential impacts to avian qualifying features as short term disturbance during construction and long-term displacement from foraging/resting areas in functionally linked land during operation. Potential for avian mortality as a result of collision with the solar panels is also acknowledged.</p> <p>The PEIR explains that the qualifying features of the Swale SPA/Ramsar include a number of migratory bird species, as listed in paragraph 358 of the PEIR. It is acknowledged that these migratory species <i>“will occur as qualifying interests in their own right, or as important assemblage features, in numerous Natura 2000 sites in other EEA States”</i> (paragraph 359 of the PEIR).</p>
<p><b>Extent</b></p>	<p>The PEIR states that the closest European site outside of the UK that includes some of the same avian features that might be affected by the Proposed Development is located approximately 50 km away, in coastal France (Cap Gris-Nez). Other information is not provided on the origin or destination of the migratory qualifying features of the Swale SPA/Ramsar in terms of specific EEA States.</p> <p>The Applicant states that the extent to which qualifying features would be impacted by the Proposed Development (e.g. disturbance, loss of foraging or resting opportunities) would be</p>

	unlikely to result in significant effects on European sites under the jurisdiction of other EEA States (paragraph 360 of the PEIR).
<b>Magnitude</b>	The magnitude of impacts to birds is reported in Table 9.11 of the PEIR as ranging from no change to medium, depending on the receptor in question.
<b>Probability</b>	<p>The PEIR acknowledges the potential for impacts on birds, including disturbance, displacement and collision with solar panels. Mitigation measures are proposed including a Breeding Bird Protection Plan.</p> <p>The PEIR reports that an initial screening has concluded the Proposed Development would result in a likely significant effect on the Swale SPA/Ramsar site. However the Applicant states that the likely impacts are directly associated with UK sites and it is not considered feasible that migratory birds directly associated with European sites in other EEA States would be impacted in such a way that would result in likely significant effects on the environment in another EEA State (paragraph 360 of the PEIR).</p> <p>The Applicant will prepare a HRA report which will accompany the DCO application (paragraph 365 of the PEIR).</p>
<b>Duration</b>	The PEIR describes the potential impacts to avian qualifying features as short term disturbance (during construction) and long-term displacement from foraging/resting areas in functionally linked land (during operation). Potential for avian mortality as a result of collision with the solar panels is also acknowledged (paragraph 360 of the PEIR).
<b>Frequency</b>	Potential impacts to birds would be intermittent during construction and decommissioning; and continuous during operation of the Proposed Development.
<b>Reversibility</b>	The approach to assessing the reversibility of impacts to birds is detailed in Table 9.3 of the PEIR. Impacts of medium magnitude are described as 'potentially reversible', impacts of low magnitude and below are described as often being reversible.
<b>Cumulative impacts</b>	<p>Table 2.2 of the PEIR presents a list of developments within 10km of the application site which have the potential to result in cumulative effects together with the Proposed Development. The locations of these developments are illustrated on Figure 2.1 of the PEIR (Vol.IIA).</p> <p>The assessment of cumulative impacts to ornithological receptors will be presented in the ES.</p>
<p><b><u>Transboundary screening undertaken by the Inspectorate on behalf of the SoS</u></b></p> <p>Under Regulation 32 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 2017 EIA Regulations) and on the basis of the current information</p>	

available from the Applicant, the Inspectorate is of the view that the Proposed Development **is not likely** to have a significant effect on the environment in another EEA State.

In reaching this view the Inspectorate has applied the precautionary approach (as explained in its Advice Note Twelve: Transboundary Impacts), and taken into account the information currently supplied by the Applicant.

**Action:** No further action required at this stage.

**Date:** 13 July 2018

**Note:** The SoS' duty under Regulation 32 of the 2017 EIA Regulations continues throughout the application process.

## SECOND TRANSBOUNDARY SCREENING

<b>Document(s) used for transboundary Screening:</b>	Environmental Statement (ES) ( <b>Docs 6.1 - 6.5</b> ), dated November 2018 Report to Inform Appropriate Assessment (RIAA) ( <b>Doc 5.2</b> ), dated November 2018
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<b>Date screening undertaken:</b>	Re-screened on 28 January 2019 on receipt of application documents
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### **Transboundary re-screening undertaken by the Inspectorate on behalf of the SoS**

Following submission of the DCO application which included the Applicant's ES and RIAA, the Inspectorate has reconsidered the transboundary screening decision made on 13 July 2018.

The Inspectorate has had regard to the following matters which differ from those considered at the time of the previous transboundary screening decision:

#### **Changes in the description of the Proposed Development:**

ES Chapter 4 (**Doc 6.1.4**) sets out changes in the description of the Proposed Development subsequent to that described in the PEIR. These include:

- A reduction in the overall area to be occupied by solar PV modules;
- An increase in the size of the proposed habitat management areas;
- The existing 11kV overhead line (crossing the south of the site) is now proposed to be undergrounded; and
- Introduction of an alternative access route to the south of the existing substation.

#### **Environmental importance:**

The ES identifies the application site as being located within the Thames River Basin District. In terms of water framework directive status, the ES describes the White Drain River as having an overall classification of 'Poor' for 2016 (**Doc 6.1.10**). No significant effects on waterbodies are predicted in the ES.

In addition to the European sites considered in the Scoping Report (Table 6.1) and PEIR (Table 8.4), the Applicant identifies and considers the potential for likely significant effects (LSE) on the following European sites in the ES (**Docs 6.1 - 6.5**) and the RIAA (**Doc 5.2**):

- Outer Thames Estuary SPA (1.6km to the north-east); and

- Thanet Coast and Sandwich Bay SPA (7.8km to the east-north-east).

The Applicant has not identified any LSE on European sites, with the exception of the Swale SPA and Ramsar site, for which LSE could not be excluded (**Doc 5.2**). Accordingly the Applicant considers effects on the integrity of the Swale SPA and Ramsar site in (**Doc 5.2**) and concludes that there would be no adverse effects on the integrity of these sites, either alone or in-combination with other plans or projects.

The Applicant concludes in the RIAA (**Doc 5.2**) that migratory birds directly associated with European sites in other EEA States would not be impacted by the Proposed Development in such a way that would result in LSE on the environment in another EEA State.

**Cumulative impacts:**

ES Table 2.2 (**Doc 6.1.2**) identifies 36 developments which have the potential to result in cumulative effects together with the Proposed Development; this includes additional developments to those identified in the PEIR. The assessments of cumulative impacts to ornithological receptors and hydrological receptors are presented in ES Chapter 9 (**Doc 6.1.9**) and ES Chapter 10 (**Doc 6.1.10**) respectively; no significant cumulative effects are predicted.

Under Regulation 32 of the 2017 EIA Regulations and on the basis of the current information available from the Applicant, there is no change to the previous conclusion, and the Inspectorate remains of the view that the Proposed Development **is not likely** to have a significant effect on the environment in another EEA State.

In reaching this view the Inspectorate has applied the precautionary approach (as explained in its Advice Note Twelve: Transboundary Impacts); and taken into account the information currently supplied by the Applicant.

**Action:** No further action required at this stage.

**Date:** 28 January 2019.

**Note:** The SoS' duty under Regulation 32 of the 2017 EIA Regulations continues throughout the application process.

**Note:**

The Inspectorate's screening of transboundary issues is based on the relevant considerations specified in the Annex to its Advice Note Twelve, available on our website at <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>