

## **Cleve Hill Solar Park Project Development Consent Order application**

### **Submission for Issue Specific Hearing on Biodiversity/Nature Conservation Matters on Thursday 25<sup>th</sup> July 2019 at the Alexander Centre, Preston Street, Faversham**

Anne Salmon BA MCD MRTPI will present the following:

The marshes that extend from Faversham to Seasalter and inland towards Cleve Hill Warmhouse and Nagden are part of a marshland ecology that extends along the North Kent coast and includes other marshland between Faversham and Oare Creeks and west of Oare Creek to Milton Creek and on the south side of the Isle of Sheppey at Elmley. The marshes themselves are recognised as an SSSI and an area of high landscape value and the coastal mudflats are an internationally recognised habitat designated as a Special Protection Area and under the RAMSAR convention.

The site proposed for the solar power station with nearly 900000 solar panels and its associated roads, fencing, new culverts to some of the drainage ditches and battery storage in a bunded enclosure would occupy the greater part of the present open marshland between Graveney, Nagden and the sea wall.

Part of the land that would be the site of the development is at present used as grazing land and the majority used as arable land sub-divided by ditches and includes some shrub vegetation along the inside of the sea wall, trees and hedges on the landward side and some gardens of adjacent houses. There is access across the area by footpaths and tracks used by farm vehicles and the Saxon Shore Way follows the sea wall around the site. The present combination of relatively limited access and proximity to intertidal feeding grounds makes this land particularly good for birds, both for roosting and feeding.

On this land including the whole of the development site and at Ham Marshes which lie between Faversham and Oare Creeks across a relatively narrow waterway, there are breeding marsh harriers. These raptors, which although increasing in numbers are still rare, use the arable land to hunt for food. Together with other raptors including peregrine falcons and short-eared owls, the marsh harriers hunt low over the land at below 10 metres in height looking for prey items such as rodents.

The covering of much of the land with solar panels in a dense arrangement at a height of around 3.5 metres above ground level except for the roadways and fenced in footpaths and narrow corridors along the ditches is likely to deter raptors from using the land as a breeding or feeding site and thus result in local reductions in such birds from a large area of presently suitable habitat.

The whole area of the site is also used for breeding by declining farmland birds including yellow wagtails, skylarks, cuckoos, linnets, reed buntings and reed warblers. There are also breeding teal, gadwall, shelduck and mallard, moorhen and coot, which are also characteristic marshland birds. The site is also used by barn

owls, hobbies and kestrels as a feeding area. The arable areas on the site are important habitats for the yellow wagtails and skylarks.

The Swale is also visited in winter by internationally important populations of Brent geese and many wader species including golden plover, lapwing, grey plover, black tailed and bar tailed godwit, curlew and dunlin. All of these birds use the intertidal mudflats to feed. The Brent geese and waders including lapwing, golden plover, godwit, curlew and dunlin which are all part of the winter bird assemblage for which the SPA is recognised use the whole of the site for feeding and roosting and therefore this land is considered to be functionally linked to the SPA and RAMSAR site. The Brent geese also use the shingle spit at Castle Coote which is relatively undisturbed by humans or dogs as a roosting site, but this is largely because it is set between the intertidal mud and the fields, both of which are used for feeding. The site is of sufficient national and international importance that any new housing development within 6km of it is required to pay for mitigation against damage to its habitats by disturbance.

Brent Geese and waders also use the tidal mudflats on the Sheppey side of the Swale. The western part of the development site including the arable fields are the closest part of the site to these feeding areas and are the areas where these birds land as an alternative source of food and to roost. They fly in across the mouth of Oare Creek along the shoreline and over the sea wall.

The construction of the development, including growing a new grass sward, road construction, construction of the bund and installation of the solar panels is expected to take at least two years. During this period, the whole site will first be cleared and pile-driven and then works will take place across it in phases so that during the works, the existing habitats will be destroyed. There will be disturbance to birds using intertidal habitats in both summer and winter as a result of noise of construction. Birds looking to nest on the site itself will find that their preferred vegetation has been cleared for the works. Although it is intended to maintain the ditches, the disturbance during the works will make nesting in the reeds and other vegetation undesirable as food sources will be reduced and there will be constant noise. Once installed, the solar panels will create a dense roof over most of the site except for the ditches and roadway and fragment any open areas so that they are less suitable to forage over and unsuitable to roost on.

It is proposed to manage an area at the east end of the site as an arable reversion habitat management area (ARHMA) adjacent to an existing area of freshwater grazing marsh and on the east side of the substation to provide a lowland grassland management area. These sites are closest to the Cleve Hill substation and also to Crown Cottages and the part of the sea wall nearer to The Sportsman public house. During construction, the roadways into the site would be used regularly and frequently by vehicles, creating noise disturbance. It is not clear whether the new habitat areas will be ready by this time as it appears that the ARHMA would rely on developing the grass sward with fertiliser over several seasons. If they are, disturbance is likely to make the new areas unsuitable for feeding or roosting birds. There is also doubt as to whether Brent geese and the two waders identified for new

habitat creation favour the same conditions, so that the habitat created may not be sufficient or suitable for all these types of birds. Further, all the remaining arable habitat will be destroyed and placed under the panels so that any other part of the site used by Brent geese, the two named waders or any other waders will no longer be available. No arable land will be available at all since the area under the solar panels is intended to be grazed, if enough grass is able to survive under the panels. The whole of the site is expected to be unavailable to wintering or breeding birds for two or three seasons while the first phase of construction takes place. There is no consideration taken in the scheme at all for the birds that breed in arable land such as skylark and yellow wagtail. There is limited consideration made for the raptors including marsh harriers that breed on the site and use the whole area including the arable land and the ditches and reed beds in the South Swale nature reserve to feed and nest except the creation of narrow corridors along the ditches. It is unlikely that Brent geese and waders would fly specifically to a small area closer to human activity and away from some of their habitual feeding and roosting areas just over the sea wall from Castle Coote and at the west end of the site. It is more likely that this whole area would become an undesirable habitat for these birds and this development would result in an impact on the numbers of these species using this part of the Swale estuary.

It is noted that the developer has prepared a Report to Inform Appropriate Assessment of the impact on the development as a Habitat Regulations Assessment on the SPA/RAMSAR site. This discusses the construction period, operational phase and decommissioning of the site. The latter is not likely to occur until at least 40 years from the creation of the solar power station and battery storage. For all this period, wintering and breeding or feeding birds will find this area unsuitable. The RIAA accepts that there will be harm to the SPA/RAMSAR site specifically to birds and also invertebrates. This, together with all other factors needs to be weighed against the need for the development as required as a result of the 'People over wind' planning case.

Anne Salmon BA MCD MRTPI

On behalf of Faversham and Swale East Branch Labour Party