

From: [REDACTED]
To: [Cleve Hill Solar Park](#)
Subject: Cleve Hill Solar Park, answers to Further Written Questions
Date: 30 August 2019 13:48:18
Attachments: [REDACTED]

Please find Kent Wildlife Trust's answers to the Inspector's further written questions attached to this email.

We intend to attend ISH6 in case the Inspector wishes to ask us questions about of responses.

Kind regards,

Greg

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Cleve Hill Solar Park

DCO Application Reference EN010085

Answers to the Examination Authority's Further Written Questions and requests for information (ExQ2) from

Kent Wildlife Trust

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2.1.5 The Applicant has provided a schedule for the sowing and establishment of the Arable Reversion Habitat Management Area grassland at section 16 of the Deadline 3 Outline LBMP [REP3-005]. Does the Outline LBMP now include sufficient information about methods, monitoring, triggers and adaptive management to satisfy your previous concerns over this, and does the Outline LBMP now properly secure the early sowing of grass that was considered necessary to avoid an adverse effect on integrity of The Swale SPA and Ramsar site [REP3-082]?

As currently written REP3-005 requires some revision with regard to the AR HMA. The seed mix for the AR HMA was discussed at the Habitat Management Steering Group (HMSG) and we understand the LBMP will be revised accordingly to reflect this. We also understand that errors that crept in during revisions (such as that picked up in ExQ2.1.13, and the references to Appendix A in Paragraph 15) will be corrected.

At present, the implementation of the AR HMA comes after the start of construction (rather than construction starting after the mitigation has been confirmed to have established), but before the first winter when the impacts on Brent geese, lapwing and golden plover can be expected. It would be much more preferable to implement the AR HMA and establish the mitigation prior to the start of construction (and therefore impacts). We have requested monitoring between implementation and the first winter that isn't currently included in REP3-005, so that any issues can be picked up sooner. It is possible that establishment of the AR HMA (or GMG) does not go according to expectations, leading to a reduction in carrying capacity for the target species. In such a case, it would be advisable to halt construction with respect to avoiding further loss of carrying capacity until habitats have established.

2.1.6 The Applicant has provided more information about grazing management in the Arable Reversion Habitat Management Area and the inter-array grassland in the Deadline 3 Outline LBMP [REP3-005]. Does this allay your previous concerns over the lack of detail about this?

Yes, the proposed additional temporary stock-proof fencing (paragraph 40 of REP3-005) should provide the necessary additional control of grazing densities.

2.1.7 In the Deadline 3 Outline LBMP [REP3-005], the Applicant has provided more information about how the establishment and condition of the Arable Reversion Habitat Management Area and the inter-array grassland will be monitored. Do you believe there is sufficient detail about monitoring, triggers and adaptive management now, and that the outline monitoring proposals are sufficient?

In addition to our answer to ExQ2.1.5, with regard to monitoring, we note the applicant's preference for use of ivermectin-free manure in the AR HMA to 'avoid adverse effect on invertebrates' (invertebrate being the food source of lapwing and golden plover) but that this will be used 'where possible'. We have highlighted to them that this creates a potential conflict between management for Brent geese and management for lapwing and golden plover. We have requested that this be taken into account in the monitoring, such as through mapping of areas where treated and ivermectin-free manure is used, and monitoring invertebrate biomass.

With regard to the inter-array grassland, Paragraph 51 of REP3-005 would appear to cover the appropriate variables. However, “Lower than expected use (indicated by lower frequency of flight activity than baseline) by marsh harriers” (Paragraph 53) may result from the change in the landscape (introduction of artificial structures into the previously open foraging area), and that the adaptive management will not deal with this. We are therefore particularly interested in the Applicant’s response to ExQ2.1.15. This issue was also discussed at the HMSG.

2.1.8 Overall, does your view remain that the LBMP could be an appropriate means of securing the monitoring of the Habitat Management Areas and any adaptive management necessary? Considering the Deadline 3 updated version of the Outline LBMP [REP3-005], do you believe that there is now sufficient detail in relation to the monitoring, targets and triggers for remedial action? Is there now sufficient detail about water level management across the whole site, wetland management, and on the SSSI enhancement proposals?

We are assuming that the LBMP is an ‘enforceable’ document. However, where the LBMP requires flexibility to enable decisions to be made at a later date (e.g. water levels, grazing density) it would appear that a certain amount of ‘good faith’ may be required on the operator’s part to implement these. From discussions at the HMSG we understand more detail about the HMSG is to be included in revisions to the LBMP, but defining what ‘agreement’ within the HMSG is and powers to implement may require further consideration. We would welcome Natural England’s thoughts on this in the context of securing any ‘adaptive management’ necessary.

Given the additional structures proposed for water level control, and subject to agreement to raise the water levels, we believe there is sufficient detail with regard to water level control.

The flowing questions were not addressed to us but we have provided an opinion as they are issues we have previously commented on.

2.1.11 Natural England’s Deadline 3 letter dated 31st July 2019 [REP3-082] followed up discussions at the Biodiversity Issue Specific Hearing about avoiding the use of fertiliser within 10m of the ditch system, and if this has any effect on the carrying capacity of the Arable Reversion Habitat Management Area for Brent geese. The Applicant suggested at the Hearing that non-application of fertiliser close to the ditches makes a difference of 300 goose-days. Natural England wished to receive the supporting calculations in writing: given this was set out at Table 2.17 of the Applicant’s responses to Written Representations [REP3-020], is there any progress on agreement, and will it be included in the Statement of Common Ground?

Our understanding from the Applicant’s response at the ISH was that the revised calculations resulted in them being 300 goose-days short of the mitigation target (as defined in the ES) This was confirmed at the HMSG and we await the revised calculations.

2.1.12 At Table 2.17 (refs 32 and 33) of the Applicant's responses to Written Representations [REP3-020] there is additional information about combining golden plover and lapwing days in response to questions, including one from Natural England in its Written Representation [REP2-096] and Deadline 3 submission. Could Natural England please comment on whether this resolves any of the uncertainties regarding lapwing and golden plover, as set out? Can the Applicant please submit to the Examination the communication with Dr Gillings that confirms he considers it appropriate to combine the lapwing and golden-plover days?

As highlighted in our answer to ExQ2.1.7 there remain potential conflicts between management for Brent geese and management for golden plover and lapwing. There will remain uncertainties regarding this issue, as although from Gillings *et al.* we know that lapwing and golden plover will use arable fields within an landscape at densities of 1000 and 1560 bird-days/ha, and that these can be 'combined' (subject to confirmation from Gillings), we don't know what carrying capacity (for lapwing and golden plover) pasture managed for Brent geese will have.

2.1.15 Can the Applicant provide a calculation for the carrying capacity of the Order area for marsh harriers before and after the implementation of the proposal, and define the amount of prey is likely to be provided by the different parts of the Order area, with a view to demonstrating how the change in habitat quality across the site will influence how much food will be provided in the different parts?

Can the Applicant also confirm the width of the corridors through the solar array along ditches and paths at the northern part of the site and comment on whether they would be sufficiently wide that marsh harriers would not be deterred from entering the solar array from the existing favoured habitat along the borrow dyke?

We welcome the further analysis of carrying capacity, which was discussed at the HMSG. With regard to the width of the habitat between arrays, with no studies to compare it to the reaction of marsh harriers to the solar park, either on the site-wide or individual ditch scale, will remain an unknown. There is nothing in the LBMP that can adapt the management to deal with this if it happens. We have suggested that if there is shown to be, through monitoring, a minimum width that the harriers will use, panels in those areas that fall below this could be decommissioned to widen these areas.