



CLEVE HILL SOLAR PARK

STATEMENT OF COMMON GROUND BETWEEN THE APPLICANT AND NATURAL ENGLAND

August 2019
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DCO APPLICATION REFERENCE EN010085

**STATEMENT OF COMMON GROUND (SOCG) –
Post-submission**

AUGUST 2019

BETWEEN:

- 1) CLEVE HILL SOLAR PARK LTD; AND**
- 2) NATURAL ENGLAND**

TABLE OF CONTENTS

1	INTRODUCTION	1
1.1	Summary and Overview	1
2	AGREEMENT	1
3	THE PLANNING INSPECTORATE RULE 6 LETTER ANNEX E SOCG INCLUSIONS	2
4	RELEVANT REPRESENTATION COMMENTS	5
5	WRITTEN REPRESENTATION COMMENTS.....	22

1 INTRODUCTION

1.1 Summary and Overview

1. This Statement of Common Ground (SOCG) has been prepared in relation to an application (the Application) made to the Secretary of State (SoS) for the Department for Business, Energy & Industrial Strategy (BEIS), under section 37 of the Planning Act 2008, seeking a Development Consent Order (DCO) for the Cleve Hill Solar Park (hereafter referred to as the Development). The application was accepted on 14th December 2018.
2. This SoCG has been prepared as a means of clearly stating any areas of agreement and disagreement between the Applicant and Natural England (NE), which are set out in section 3.
3. The points of agreement in the pre-submission SoCG between the Applicant and Natural England [APP-256] are not reproduced in this post-submission SoCG.

2 AGREEMENT

4. Confirmation that Table 2 and Table 3 of this SoCG reflect the points of agreement at the stated date is provided in Table 1.

Table 1: Confirmation of Agreement

Date	Signatory	Signature
<i>NE to complete</i>	<i>NE to complete</i>	<i>NE to complete</i>

3 THE PLANNING INSPECTORATE RULE 6 LETTER ANNEX E SOCG INCLUSIONS

5. The Planning Inspectorate provided an Initial Assessment of Principal Issues as set out in Annex B of the Rule 6 Letter dated 18 April 2019. In relation to those Principal Issues, the Examining Authority (ExA) set out a number of recommended inclusions for the SoCG with Natural England with regards to biodiversity and nature conservation (including Habitats Regulations Assessment). Table 2 lists out the areas for inclusion. The issues raised in the Rule 6 Letter are addressed in the pre-submission SoCG [APP-256] and Section 4 of this SoCG.

Table 2: SOCG Areas for Inclusion

Area for Inclusion	Applicant Comments	NE comments
Survey areas, assessment of baseline data and data collection methodologies.	<p>The data analysis and presentation of results are set out fully in Appendix A9.1 (Examination Library reference APP-223).</p> <p>It was agreed in the pre-submission SOCG with Natural England [APP-256] that the survey coverage and methodology of baseline surveys completed are sufficient to enable a thorough assessment of potential effects on SPA/Ramsar birds.</p>	Agreed. No further comments.
Analysis of data and the presentation of results, including the use of expert judgements and assumptions.	<p>The data analysis and presentation of results are set out fully in Appendix A9.1 (Examination Library reference APP-223).</p> <p>It was agreed in the pre-submission SOCG with Natural England [APP-256] that the bird-days metric using 'peak-mean' counts was appropriate to measure and mitigate for use of arable land by brent goose, lapwing and golden plover.</p>	Agreed that bird-days metric used is appropriate.
Methodology for Environmental Impact Assessment and Habitats Regulations Assessment, including assessment of cumulative and in-combination effects.	<p>The methodologies for EIA and HRA, including cumulative and in-combination effects are set out in Section 9.2.5 of Chapter 9: Ornithology of the ES (Examination Library reference APP-039) and in the RIAA (Examination Library reference APP-026).</p> <p>This SOCG refers to the ES chapter and RIAA as necessary in relation to these issues.</p>	Agreed that methodologies for undertaking EIA and HRA are appropriate.

Area for Inclusion	Applicant Comments	NE comments
Likely effects on any protected species and on special interest features of sites designated or notified for nature conservation purpose.	<p>The likely effects on special interest features of sites designated or notified for nature conservation purpose are assessed in Section 9.5 of Chapter 9: Ornithology of the ES (Examination Library reference APP-039) and in the RIAA (Examination Library reference APP-026).</p> <p>This SOCG refers to the above documents as necessary in relation to these issues.</p>	Agreed.
Mitigation and enhancement measures, including likely effectiveness, monitoring procedures and method for securing such measures within the DCO.	<p>The mitigation and enhancement measures are described in the species assessment accounts in Section 9.5 of Chapter 9: Ornithology of the ES (Examination Library reference APP-039) and in the RIAA (Examination Library reference APP-026).</p> <p>The detailed prescriptions are set out in the outline Construction Environmental Management Plan (CEMP, Examination Library reference APP-205), Breeding Bird Protection Plan (BBPP, Appendix B of the outline CEMP), outline SPA Construction Noise Mitigation Plan (SPA CNMP, Examination Library reference APP-243) and Landscape and Biodiversity Management Plan (LBMP, submitted outline version A - Examination Library reference APP-203).</p> <p>This SOCG refers to the above documents as necessary in relation to these issues.</p>	<p>NE is currently reviewing the updated versions of the CEMP, BBPP and LBMP, submitted by the Applicant at Deadline 3.</p> <p>NE can confirm that the outline SPA CNP [REP3-008] contains sufficient mitigation measures to avoid disturbance during construction.</p>
DCO drafting.	<p>The draft DCO (Examination Library reference APP-016) includes the following relevant Requirements:</p> <p>4 – Landscape and Biodiversity Management Plan (LBMP)</p> <p>11 – Construction Environmental Management Plan (CEMP)</p>	As above.

Area for Inclusion	Applicant Comments	NE comments
	12 – Special Protection Area Construction Noise Management Plan (SPA CNMP) 13 – European Protected Species This SOCG refers to the above requirements as necessary.	

4 RELEVANT REPRESENTATION COMMENTS

Table 3: Relevant Representation Comments

Natural England Comments	Applicant Comments	Status (NE to complete/update)
<i>Relevant Representation Comments</i>	<i>Applicant's response</i>	<i>E.g., Agreed / Not Agreed / N/A</i>
<p>The natural features potentially affected by this application: The designated sites relevant to this application are: 2.1.1. The Swale Special Protection Area (SPA); 2.1.2. The Swale Wetland of International Importance under the Ramsar Convention (Ramsar site) 2.1.3. The Swale Site of Special Scientific Interest (SSSI) Natural England is satisfied that all other statutorily designated nature conservation sites can be screened out as not being significantly affected by the proposal.</p>	<p>The Applicant agrees and notes that this summary concurs with the conclusions of the RIAA (Examination Library reference APP-026).</p>	<p>Agreed</p>
<p>The Swale SPA is designated for its populations of wintering dunlin and dark-bellied brent geese (hereafter brent geese), its assemblage of wintering waterbirds, and its assemblage of breeding birds of damp grassland. Natural England has advised the applicant as to the species that are included in the assemblages. This advice is set out at section 5.2.4 of the Report to Inform an Appropriate Assessment (RIAA). We can confirm that these are the species that need to be assessed under the Habitats Regulations. Where there is a discrepancy between the species on the Standard Data Forms on the JNCC website, the species listed on the Conservation Objectives are the legally correct ones to assess, as these are derived from the</p>	<p>The qualifying interest species of The Swale SPA that are relevant to the HRA are agreed.</p>	<p>Agreed</p>
	<p>It is agreed that the RIAA (Examination Library reference APP-026) considers the correct SPA features and acknowledges the clarification regarding the discrepancy in qualifying interest species on the Standard Data Form and in the Conservation Objectives.</p>	<p>Agreed</p>

Natural England Comments	Applicant Comments	Status (NE to complete/update)
<p>citation, whereas the Standard Data Forms list the species that were present in qualifying numbers when the Form was generated.</p>		
<p>The Swale Ramsar site is designated for its communities of wetland plants and invertebrates, its assemblage of wintering waterbirds, and a number of bird species occurring at levels of international importance (these are listed at section 5.2.3 of the RIAA). Natural England can confirm that these are the correct Ramsar features.</p>	<p>It is agreed that the RIAA (Examination Library reference APP-026) considers the correct Ramsar features.</p>	<p>Agreed</p>
<p>The following European/Nationally protected species may be affected by the proposed project: great crested newts and water voles.</p>	<p>This is agreed by the Applicant.</p>	<p>Agreed</p>
<p>The main issues raised by this application, in terms of impacts on statutorily designated nature conservation sites, are noise and visual disturbance, production of dust, and hydrological impacts during construction and/or decommissioning; and loss of functionally linked habitat during operation. Natural England's advice regarding these potential impacts is set out in section 3, below. Natural England agrees with the conclusion of table 3 in the RIAA, that all other potential impacts would not be likely to have a significant effect.</p>	<p>This is agreed and concurs with the assessment set out in the RIAA (Examination Library reference APP-026).</p>	<p>Agreed</p>

Natural England Comments	Applicant Comments	Status (NE to complete/update)
<p>As noted in our response to the Preliminary Environmental Information Report (PEIR), Natural England does not advocate the use of noise thresholds as the impact of a particular noise stimulus on a bird population is site and species specific. Therefore, it is difficult to say with certainty, that below a certain threshold, disturbance to a particular bird species will not occur. Nevertheless, we accept that the use of noise levels can be helpful in understanding the area that will be potentially affected, and hence help devise mitigation measures.</p>	<p>The Applicant amended the assessment of noise disturbance in response to Natural England's comments on the PEIR in this regard.</p> <p>Section 9.5.2.1 of Chapter 9: Ornithology of the ES (Examination Library reference APP-039). and Section 6.1.1 of the RIAA (Examination Library reference APP-026) describe the rationale for setting precautionary thresholds of noise levels for the assessment of effects on breeding and wintering birds. These were based on the available literature and had consideration of the site-specific baseline ambient environment. The assessment of effects in Section 9.5.3 of Chapter 9: Ornithology of the ES (Examination Library reference APP-039) also makes use of the reviewed literature to take account of species-specific sensitivities to noise and visual disturbance. These noise thresholds were used to guide the outline SPA Construction Noise Management Plan (Examination Library reference APP-243). An ECoW will be deployed during the construction phase to observe bird responses and inform further action in order to prevent significant disturbance.</p> <p>The Applicant seeks agreement from Natural England that the outline mitigation proposed provides suitable mechanisms to avoid significant disturbance to breeding and wintering birds in the SPA.</p>	<p>The approach taken to the assessment is agreed.</p> <p>NE is satisfied that the updated SPA Construction Noise Management Plan [REP3-008] contains sufficient mitigation measures to avoid an adverse effect on SPA birds.</p>

Natural England Comments	Applicant Comments	Status (NE to complete/update)
<p>Figure 3 in the RIAA shows that the 70dBLAmax noise contour does not reach the intertidal area. However, the 55dBLAmax contour extends 320m from the source of the piling, and hence extends into the intertidal. Therefore, there is the potential for wintering birds to be impacted. Natural England recognises that only a relatively small proportion of the SPA is affected (paragraph 134 of the RIAA states that 10.6ha of intertidal habitat will be affected when the piling occurs closest to the SPA), and our view is that at low tide this is unlikely to result in an adverse impact. However, the birds of the SPA are more susceptible to disturbance at high tide when they are roosting, as they are confined to smaller areas closer to the source of disturbance and have fewer alternative sites. Therefore, whilst we welcome the mitigation measures set out in the Outline SPA Construction Noise Management Plan (CNMP), we would like to explore whether timing the piling work closest to the SPA, and in particular, close to Castle Coote, outside of high tide, would be possible.</p>	<p>The Applicant will continue to work with Natural England and the Habitat Management Steering Group (HMSG) to reach a satisfactory and workable construction plan to minimise disturbance to roosting birds in the SPA.</p> <p>The outline SPA CNMP (Examination Library reference APP-243) states that the noise levels will be reassessed when plant and manufacturer data become available to ensure that the mitigation mitigates significantly disturbing activity. At such time, additional protections may be included in the SPA CNMP to minimise the risk of significant disturbance to roosting birds in the SPA. Discussions with the HMSG to date have included suggestions such as timing piling works in areas closest to roost sites at Castle Coote during September/October to avoid the core winter season when birds might be more sensitive to disturbing effects, as well as avoiding disturbance within the SPA during the breeding season. Such areas can be defined as the SPA CNMP evolves once more certain data on noise emissions of plant becomes available.</p> <p>The Applicant seeks agreement from Natural England that this approach provides suitable mechanisms to avoid significant disturbance to roosting birds in the SPA.</p>	<p>NE welcomes the inclusion of specific measures in the updated SPA CNMP [REP3-008] to avoid disturbance to wintering birds using Castle Coote, and breeding birds within the SPA. In particular, Appendix 3 showing indicative setback distances, is helpful. We agree this provides a suitable mechanism to avoid significant disturbance to roosting and breeding birds within the SPA.</p>

Natural England Comments	Applicant Comments	Status (NE to complete/update)
<p>The grazing marsh and reedbed to the north and west of the solar farm site supports breeding birds which form components of the breeding bird assemblage of the SPA (and SSSI notified features, including bearded tit). These birds are susceptible to disturbance, which may affect their productivity, so mitigation measures are necessary.</p> <p>Paragraph 148 of the RIAA states that construction activities resulting in noise over 65dBLAmax will be avoided in the breeding season (1 March to 31 August inclusive). Whilst we welcome the commitment to avoid disturbance in the breeding season, we question the use of this threshold and whether it provides sufficient certainty over the absence of potential impacts. Natural England will work with the applicant on this point and provide further advice during the examination. Greater clarity is also needed regarding the scheduling for construction, and whether this will enable the threshold mitigation measure to be complied with. This is because the Breeding Bird Protection Plan (Appendix B of the Outline Construction Environment Management Plan (CEMP)) states that 'where practicable' construction activities closest to The Swale will be avoided (paragraph 158), which does not give sufficient certainty.</p>	<p>The Applicant will continue to work with Natural England and HMSG to reach a satisfactory and workable construction plan to minimise disturbance to breeding birds in the SPA and SSSI.</p> <p>Section 9.5.2.1 of Chapter 9: Ornithology of the ES (Examination Library reference APP-039) and Section 6.1.1 of the RIAA (Examination Library reference APP-026) describe the rationale for setting precautionary thresholds of noise levels for the assessment of effects on birds. These were based on the available literature and the Applicant gave due consideration of the site-specific baseline ambient environment. Based on the assessment of effects, an outline SPA Construction Noise Mitigation Plan (SPA CNMP, Examination Library reference APP-243) has been developed together with the Breeding Bird Protection Plan (BBPP, Appendix B of the outline CEMP, Examination Library reference APP-205) to minimise the risk of significant disturbance to birds.</p> <p>In paragraph 158 of the BBPP in the outline CEMP, the term 'where practicable' was intended so as not to restrict <u>all</u> construction activities in areas closest to the SPA boundary during the breeding season. It is necessary to permit activities that do not cause noise emissions exceeding the threshold described in the assessment – such activities may be required for the efficient execution of the development's construction and would be no more disturbing to breeding birds than the typical baseline farming operations. Section 6 of the outline SPA CNMP describes the measures,</p>	<p>NE agrees that the mitigation measures set out in the updated SPA CNMP [REP3-008] and within the updated Breeding Bird Protection Plan at Appendix B of the CEMP [REP3-006] are sufficient to avoid significant disturbance to breeding birds within the SPA.</p>

Natural England Comments	Applicant Comments	Status (NE to complete/update)
	<p>including implementation of appropriate setback distances for piling and other noisy construction activities activities, to be implemented to ensure that the noise levels at the SPA boundary will not exceed 65 dB L_{Amax} during the breeding season. The wording of the BBPP in the outline CEMP will be reviewed and discussed with Natural England to provide greater clarity and certainty in this respect.</p> <p>An ECoW will also be deployed during the construction phase to observe bird responses and inform further action in order to prevent significant disturbance. The BBPP applies additional protective measures for marsh harrier, which is considered to be the species likely to be most sensitive to disturbance.</p> <p>The Applicant seeks agreement from Natural England that this approach provides appropriate mechanisms and certainty to avoid significant disturbance to breeding birds in the SPA.</p>	
<p>Natural England is satisfied that the construction traffic using the site access road adjacent to the SPA grazing marsh to the east of the development site will not cause significant disturbance to the birds using that part of the SPA in the breeding or wintering seasons.</p>	<p>This is agreed.</p>	<p>Agreed.</p>

Natural England Comments	Applicant Comments	Status (NE to complete/update)
<p>Surveys undertaken in support of the proposal indicate that large numbers of brent geese, lapwings and golden plovers use the arable land within the development site in the winter. Brent geese are named on The Swale SPA citation, and lapwings and golden plovers are main components of the wintering bird assemblage. Natural England agrees with the statement (in paragraph 163 of the RIAA) that these species will not be adversely impacted in the first winter of construction as there will be sufficient undeveloped area for them to continue to forage. However, there will be an impact in the second (and third) winter as the Arable Reversion Habitat Management Area (AR HMA) will be subject to construction disturbance. As this disturbance is temporary, we agree that it is not likely to lead to an adverse effect on wintering geese and plovers.</p>	<p>This is agreed.</p>	<p>Agreed.</p>
<p>Natural England's view is that standard construction mitigation measures, as set out in the Outline CEMP, are sufficient to address potential dust emissions, and risks to water quality from the operation of plant and vehicles.</p>	<p>This is agreed.</p>	<p>Agreed.</p>
<p>The ES (for example at paragraph 169 of the Ornithology Chapter) states that the cessation of pesticide, fertiliser and herbicide use currently associated with the arable management of the land, will be a benefit. In order to assess the level of benefit to the Ramsar ditch plant and invertebrate communities, it would be helpful to understand the level of application that is currently employed.</p>	<p>This was investigated by the Applicant but excluded from the ornithological assessment in Chapter 9: Ornithology of the ES (Examination Library reference APP-039) and the RIAA (Examination Library reference APP-026), because specific values of pesticide, fertiliser and herbicide application for each field (nor the CHSP area) in each season were unavailable; values for fertiliser application were only available at a farm scale at the time of submission.</p> <p>Further details of baseline fertiliser application have been obtained and will be analysed to compare with the future proposed fertiliser</p>	<p>NE awaits these further details.</p>

Natural England Comments	Applicant Comments	Status (NE to complete/update)
	application in the AR HMA during the Development.	
<p>Fertiliser (farmyard manure) is proposed to be applied to the AR HMA at a rate of 50 kgN/ha (however we recommend this is expressed in terms of 12 tonnes/ha/year, rather than in terms of inorganic fertiliser, as this would be the level of fertiliser use permitted in the low input grassland agri-environment scheme option). This is necessary to maximise the production of grass as food for the displaced brent geese (see below). This should not be applied close to the ditches, to minimise run-off into the watercourses. Natural England will provide advice, through the Habitat Management Steering Group, on appropriate application of fertiliser. However, in order to understand the impact of this fertiliser application on the Ramsar ditch communities, it would be helpful for the applicant to confirm whether this is more or less N than is currently applied.</p>	<p>As stated above, this was investigated by the Applicant but excluded from the ornithological assessment in Chapter 9: Ornithology of the ES (Examination Library reference APP-039) and the RIAA (Examination Library reference APP-026), because specific values of pesticide, fertiliser and herbicide application for each field (nor the CHSP area as a whole) in each season were unavailable; values for fertiliser application were only available at a whole farm scale and it was not clear if those values were applicable annually.</p> <p>The amount of fertiliser applied will be much less in quantity than in the current baseline and will only be applied during the Development in the area of the AR HMA, compared with baseline application across the whole farmed site.</p> <p>Further details of baseline fertiliser application have been obtained and will be analysed to compare with the future proposed fertiliser application in the AR HMA during the Development</p> <p>The precise details of fertiliser application in the AR HMA will be developed as the project progresses and the 'live' LBMP (submitted outline version A – Examination Library reference APP-203) will be updated accordingly. It is anticipated</p>	<p>NE accepts that the amount of fertiliser applied to the AR HMA is likely to be less than currently applied to that area.</p> <p>It is agreed that fertiliser application will be less than currently applied at the application site scale.</p>

Natural England Comments	Applicant Comments	Status (NE to complete/update)
	that spreading of organic fertiliser will be restricted beyond 10 m of wet field boundaries, in line with government guidance.	
As noted above, the development site supports significant numbers of brent geese, golden plovers and lapwings in the winter. The Ornithology Technical Appendix shows that numbers fluctuate according to the type of crop planted and other factors, including time of year. However, at times the number of birds on site is large, and a significant proportion of the respective SPA populations. The applicant's surveys, and data from the Kent Wildlife Trust (Table A9.6 of the Ornithology Technical Appendix), demonstrate that the development site is regularly used by wintering geese and plovers, and hence is functionally linked to the SPA/Ramsar. Natural England's view is that, in order to avoid an adverse effect on integrity, there should be no net loss of foraging resource as a result of the proposal. This has, therefore, been the prime focus of our discussions with the applicant to date.	This is agreed.	Agreed.
As noted in Natural England's response to the PEIR, JNCC's 3rd SPA Review2 recommends that the boundaries of existing SPAs classified for dark-bellied brent geese, including The Swale, should be reviewed in order to ensure that important areas for feeding or other functional needs are included. The JNCC Review also recommends that the boundary of The Swale SPA (and other sites) is reviewed to ensure important functional areas for golden plover and lapwing are included, though it is noted that these species are not individually classified features of The Swale, but are part of the assemblage. The legal document against which the proposal should be assessed is the SPA/Ramsar citation, however the JNCC Review gives useful context to the importance of supporting habitat. Natural England's view is	This is agreed. The Applicant welcomes the clarification regarding the legal document against which the proposal should be assessed, which concurs with the assessment presented in section 5.2.1 of the RIAA (Examination Library reference APP-026).	Agreed.

Natural England Comments	Applicant Comments	Status (NE to complete/update)
that to avoid an impact on The Swale, the function of the supporting habitat must be maintained.		
As described in the Ornithology Technical Appendix, the applicant has used a 'bird-days' metric to assess the current use of the arable habitat, and compare this to the number of bird days that could be supported by the AR HMA. Natural England has provided advice to the applicant on the development of the metric, and our view is that this is an appropriate way of assessing losses and gains in habitat.	This is agreed.	Agreed.
Paragraph 109 of the Ornithology Technical Appendix sets out the cropping regime for the development site over the last 10 seasons. This shows that at least 40% of the development site was planted with winter cereals (ie providing good foraging habitat for brent geese) in 7 out of 10 seasons. In the years that the bird surveys for the application were carried out, the development site was planted with at least 40% winter cereals in 3 out of 4 years. Therefore, Natural England is satisfied that the surveys were undertaken during a representative part of the crop rotation, and hence that the inter-annual mean of the intra-annual mean of the peak monthly counts (as described at paragraph 104 of the Ornithology Technical Appendix) is an appropriate way to calculate bird days.	This is agreed.	Agreed.
Natural England has advised the applicant that the AR HMA should maximise its production of grass for brent geese. This is because geese are more site faithful and have a shorter foraging distance than lapwings or golden plovers. Experimental manipulation of management prescriptions for brent geese and accurate survey has shown that grass cut five times and fertilised with 50kgN/ha can support 2097 goose-days/ha. Therefore, we can have confidence in the predicted number of goose-days for the AR HMA, if this management regime is followed. However, Natural England would welcome further discussion with the applicant, through the Habitat Management Steering Group, as to whether the management for	It is agreed that the AR HMA is primarily designed to mitigate for loss of foraging resources in the site's arable land for brent geese. Compared with the baseline of arable cropping and application of fertilisers, herbicides and pesticides, the AR HMA would not be expected to compromise other ecological interests.	Agreed.

Natural England Comments	Applicant Comments	Status (NE to complete/update)
geese, and in particular the fertiliser application, would compromise any other ecological interests.		
Paragraph 195 of the RIAA states that based on 2097 goose-days/ha, then 48.6ha of mitigation land is required. Taking account of a 50m buffer along the edge of the solar park, the AR HMA would provide 50.1ha of habitat available to geese. Provided that 2097 goose days/ha can be achieved without affecting other ecological interests, Natural England is satisfied that the AR HMA is large enough to avoid an adverse effect on foraging brent geese.	This is agreed.	Agreed
Lapwings and golden plovers feed on soil and surface invertebrates. Therefore, they do not compete for the same food as brent geese and can potentially be accommodated on the same piece of mitigation land. The bird-days calculations for these species (described at paragraph 131 of the Ornithology Technical Appendix) indicate that 56ha of mitigation land is required for lapwings and 18.5ha for golden plovers, ie there is a small shortfall for lapwings, but over-provision for golden plovers.	This is agreed.	Agreed
<p>However, there are a number of uncertainties around the bird-days calculations for these species.</p> <ul style="list-style-type: none"> • The bird days are based on work in arable habitats so it is not clear that grassland will provide the same capacity; • Established grassland can have a greater earthworm biomass than arable (though the applicant has followed Natural England's advice in not using a multiplier to increase the number of bird days). • If the AR HMA is managed to produce a dense sward for brent geese, it is not clear that the soil invertebrates would be easily available to lapwings and golden plover, even if there was a higher 	The literature review described in Section 9.6.2.2 of Appendix A9.1 (Examination Library reference APP-223) suggested that permanent grassland will have higher capacity for these species than arable farmland; hence in the PEIR, the ability of the AR HMA to host lapwing and golden plover was calculated on higher capacity factors. However, following advice received in response to PEIR to follow a more precautionary approach , the capacity factors were reduced for the assessment in the ES chapter (Examination Library reference	<p>This issue was discussed at the HMSG meeting on 23 August 19.</p> <p>NE's view is that whilst lapwings and golden plovers do feed on grassland, and pasture can support more invertebrates, these waders do seem to favour arable</p>

Natural England Comments	Applicant Comments	Status (NE to complete/update)
<p>biomass in the soil. Notwithstanding these uncertainties, the applicant suggests that the shortfall in lapwing capacity can be made up by the over provision for golden plovers, as the two species feed in the same areas, and the mitigation requirements are not additive. Natural England has not been able to provide a specialist review of the metric calculation and conclusions for lapwings and golden plovers, but will work with the applicant to resolve these uncertainties and provide further advice as the Examination progresses.</p>	<p>APP-039) and RIAA (Examination Library reference APP-026) to be the same as those for arable cereal crops (described at paragraph 131 in Section 9.6.2.2 of Appendix A9.1).</p> <p>Sward density is typically naturally higher in permanent grassland than arable cereal crops, by virtue of its permanence. However, the evidence from the literature (described in Section 9.6.2.2 of Appendix A9.1 suggests that permanent grassland will have a higher capacity to host lapwing and golden plover than arable cereal crops, indicating that the denser sward of grassland does not compromise the availability of invertebrates to these species.</p> <p>The Applicant will continue to work with Natural England and the HMSG to resolve any outstanding uncertainties in this respect.</p>	<p>land, at least at certain times.</p> <p>The HMSG agreed that waders could be attracted in by the creation of a scrape on the adjacent SSSI, which would increase the likelihood that they forage within the AR HMA.</p>
<p>The flight activity surveys undertaken in support of the application show that the ditches within the development site are regularly used by foraging marsh harriers. Since the PEIR consultation, the applicant has increased the set back distance of the solar arrays from the ditches from a minimum of 5m to a minimum of 15m. Natural England's view is that this is an improvement as it reduces the risk that 'pinch points' along the ditches would pose a barrier to foraging marsh harriers. Natural England recommends the grassland between the ditch and solar array is managed to maximise the habitat for terrestrial small mammals to encourage plentiful prey for the harriers</p>	<p>Natural England's view that an increase in offset between the ditches to the solar arrays is an improvement, is noted by the Applicant.</p> <p>The Outline LBMP (Examination Library reference APP-203) sets out the management prescriptions for the grassland between the solar panel arrays in each field, which are designed to provide good conditions for prey animals including invertebrates, small mammals and birds.</p>	<p>Agreed</p>

Natural England Comments	Applicant Comments	Status (NE to complete/update)
<p>Natural England notes the representations made by the Environment Agency regarding the impact of the proposal on the Medway Estuary and Swale Coastal Flood and Erosion Strategy (MEASS). The Habitats Regulations Assessment for MEASS requires that intertidal habitat is created to compensate for losses due to sea level rise and coastal squeeze. Therefore, it is imperative that the Cleve Hill site is available for managed realignment in the future. Natural England, therefore, supports the Environment Agency's recommendation of a time limit on the proposal.</p>	<p>The Applicant expects the Development to operate for a finite period, anticipated to be 40 years. Whilst the DCO is not time limited, the Applicant would accept a suitably worded DCO requirement which would result in the end of the operational phase of the Development after 40 years of operation subject to the EA (or equivalent body at the time) demonstrating that the MR proposals can be delivered on the Cleve Hill site.</p>	<p>Agreed</p>
<p>Natural England's view is that the mitigation measures set out in section 3, above, are sufficient to address potential impacts on the notified features of The Swale SSSI.</p>	<p>This is agreed.</p>	<p>Agreed</p>
<p>The development site supports populations of great crested newts and water voles. The applicant will need a licence from Natural England for works that will affect these species. We are working with the applicant on the requirements for this. Once the applicant has drafted a licence application, Natural England will supply a Letter of No Impediment.</p>	<p>The Applicant has engaged with Natural England through the Protected Species Service (PSS) to obtain the LoNI. Draft Licence documentation has been submitted to Natural England in respect of great crested newts and water vole. .</p>	<p>Agreed and LoNIs issued.</p>
<p>The potential impacts of the proposal on views from the Kent Downs Area of Outstanding Natural Beauty (AONB) has been assessed in Chapter 7 of the ES. Viewpoint 20, at Shepherd's Hill in the AONB, is around 7.6km from the development site, and as such there are only distant views of the site. Therefore, Natural England concurs with the assessment (at paragraph 414) that the proposal would result in moderate/minor effects on the AONB which are not significant.</p>	<p>This is agreed.</p>	<p>Agreed</p>

Natural England Comments	Applicant Comments	Status (NE to complete/update)
<p>Natural England has a duty to provide coastal access on foot around the whole of the English coast and is aiming to complete this by 2020. This is a new National Trail with an associated margin of land predominantly seawards of this, for the public to access and enjoy. Natural England takes great care in considering the interests of both land owners/occupiers and users of the England Coast Path, aiming to strike a fair balance when working to open a new stretch. We follow an approach set out in the approved Coastal Access Scheme.</p> <p>Natural England submitted proposals for the Whitstable to Iwade stretch of the England Coast Path, for approval by the Secretary of State for Environment, Food and Rural Affairs, in June 2017. In the vicinity of the development site, the proposal is for the England Coast Path to follow the route of the Saxon Shore Way</p> <p>Chapter 7 of the ES includes an assessment of the visual impact of the proposal on the Saxon Shore Way (and hence the England Coast Path once opened). Natural England notes that the proposal would have a major (years 1-10) and major/moderate (10 years onwards) visual impact on users of the England Coast Path, which is significant. We recognise the attempts made by the applicant to mitigate this visual impact by softening the edges of the solar park, as indicated in the Outline Landscape and Biodiversity Management Plan (LBMP).</p> <p>Natural England will continue to work with the applicants on the Outline LBMP and advise on the planting scheme. Our view is that the amount of scrub proposed is inappropriate in this landscape. In particular, there is extensive planting in the SE corner along Faversham Creek, which is presently open landscape. Natural England would advocate reedbed planting as an alternative, which would have</p>	<p>The Applicant will continue to liaise with Natural England regarding the planting scheme to ensure this reflects the landscape character of the surrounding area.</p> <p>The intention for the scrub planting was to replicate the natural regeneration of low-density scrub found within adjacent marshland for example Oare Marshes where such scrub provides intermittent and variant habitat for birds, and that found on the banks either side of the Saxon Shore Way. The density specified is such that the scrub would resemble single regenerating scrubby trees at 50 plants per hectare. Scrub density and species was informed by a survey of existing vegetation as set out in Appendix G of the Outline LBMP (Examination Library reference APP-203).</p> <p>We will continue to liaise with Natural England regarding riparian planting proposals which include reed species as an alternative as suggested.</p>	<p>NE is currently reviewing the outline LBMP and discussing through the HMSG</p>

Natural England Comments	Applicant Comments	Status (NE to complete/update)
a softening effect on the edge of the solar park, but would be more in keeping with the marsh landscape and current biodiversity interests.		
The applicant has included part of The Swale SPA/Ramsar/SSSI within the red-line boundary. This is welcomed as it gives the opportunity to manage this part of the designated site, and the AR HMA, together. Natural England will continue to work with the applicant on the management prescriptions for the designated site, but hydrological and grazing management in this unit will constitute an enhancement for biodiversity.	This is noted by the Applicant. The Applicant will likewise continue to work with Natural England and the HMSG to develop the most appropriate management prescriptions for the two SSSI units at the east of the site: S15 M ATTWOOD CLEVE MARSH (049) and CLEVE MARSH WEST (063).	Agreed. Management should be set out in LBMP
The Outline LBMP sets out the management of various habitats within and outside the solar park area, including management of land to mitigate the impacts of the proposal on designated nature conservation sites. Natural England will continue to work with the applicant, and other partners, on the LBMP through the Habitat Management Steering Group, in order to maximise the opportunities for wildlife as a result of the proposal.	This is noted by the Applicant. The Applicant will likewise continue to work with Natural England and the HMSG to develop the most appropriate management prescriptions for the various areas of the site to maximise opportunities for wildlife, in line with The Applicant's Environmental Policy Statement.	Agreed
In particular, Natural England would like to discuss the grazing regime for the areas between the panels and ditches, and where the fence line will be situated. We would like to see rough grassland that maximised the habitat for small terrestrial mammals, to encourage foraging marsh harriers.	This is noted by the Applicant. The Applicant will continue to work with Natural England and the HMSG to develop the most appropriate management prescriptions for the areas between the solar panel tables and arrays.	Agreed

Natural England Comments	Applicant Comments	Status (NE to complete/update)
<p>We would also like to see the Outline LBMP include prescriptions for the water level control, vegetation management and reprofiling of the ditches within the site, to promote more extensive reedbed development.</p>	<p>This is noted by the Applicant. The Applicant will continue to work with Natural England and the HMSG to develop management prescriptions in the Aquatic Habitats Management Plan, Appendix H of the Outline LBMP (Examination Library reference APP-203) for water level control and ditch habitat management.</p> <p>The Applicant is happy to continue to liaise with Natural England regarding biodiversity management and promoting an extensive reedbed system.</p>	<p>NE is currently reviewing the outline LBMP and will provide detailed comments for Deadline 5.</p>
<p>The development site supports a good range of farmland birds, and those associated with lowland damp grassland and fens. However, this is not because the farmland is managed particularly to encourage wildlife. The importance of the site is down to its location, bordered on three sides by The Swale SPA/Ramsar/SSSI. Therefore, birds supported by the more natural habitats of the designated sites 'spill over' into the development site. Those species associated with the ditches and reedbed habitat, eg bearded tit, Cetti's warbler and reed bunting, will likely benefit from the proposal as ditch habitat will be improved as clearance will happen less often and marginal plants will be encouraged. However, there will be a loss to those species (other than the SPA species that are the specific focus of the AR HMA) that use the arable fields or are attracted by the arable farming operations. For example, the 2016 breeding bird survey recorded 25 yellow wagtail and 75 skylark territories, some of which will be able to use the HMAs, but there will be a net loss overall, simply due to the reduction in area available. Similarly, the arable fields support occasionally very large flocks of wintering farmland birds: 1000 skylarks in autumn 2017 following cultivation, and a peak of 10000 starlings in winter 17/18. The AR HMA and lowland meadow HMA will provide foraging opportunities for these species, though it is</p>	<p>The Applicant agrees that some bird species will benefit from the habitat changes implemented with the proposal, while there will be losses for other bird species; this is reflected in the assessment in sections 9.5.3.29 to 9.5.3.29 of Chapter 9 - Ornithology of the ES (document reference 6.1.9).</p>	<p>Agreed</p>

Natural England Comments	Applicant Comments	Status (NE to complete/update)
uncertain as to whether such large flocks will be supported as those that were seen as a result of the arable farming operations.		

5 WRITTEN REPRESENTATION COMMENTS

Table 4: Written Representation Comments

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
INTRODUCTION			
<i>Purpose and structure of these representations</i>			
1	These Written Representations are submitted in pursuance of rule 10(1) of the Infrastructure Planning (Examination Procedure) Rules 2010 ('ExPR') in relation to an application under the Planning Act 2008 for a Development Consent Order ('DCO') for the construction and operation of a solar photovoltaic array, energy storage facility and associated infrastructure ('the Project') submitted by Cleve Hill Solar Park Ltd ('the Applicant') to the Secretary of State.	These comments are noted.	No further comment
2	Natural England has already provided a summary of its principal concerns in its Relevant Representations, submitted to the Planning Inspectorate on 28 January 2019 [RR-827]. This document comprises an updated detailed statement of Natural England's advice, as it has developed in view of the common ground discussions that have taken place with the Applicant to date. In particular, this advice takes account of discussions through the Habitat Management Steering Group (HMSG), which is made up of the Applicant and their consultants, Natural England, the Environment Agency, Kent Wildlife Trust and the RSPB.	The Applicant has continued to discuss Natural England's principle concerns, and is expecting to agree and submit this Statement of Common Ground with Natural England ahead of Deadline 4.	Agreed

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
3	<p>These representations are structured as follows:</p> <ul style="list-style-type: none"> a. Section 2 describes the statutory conservation designations, features and interests that may be affected by the Project and need to be considered. b. Section 3 comprises Natural England's submissions in respect of the nature conservation issues that concern it. c. Section 4 comprises Natural England's submissions in respect of its statutory landscape role. d. Section 5 describes Natural England's role and comments in relation to access and biodiversity enhancements <p>Annex A is a dedicated section answering the Examining Authority's written questions which were asked on 7 June 2019, cross-referenced to the rest of this document.</p>	<p>These comments are noted.</p> <p>The responses to the Examining Authority's first written questions are not replicated in this document, the Applicant commented on Natural England's responses to the first written questions in an additional submission [AS-023] made in July 2019.</p>	Agreed
CONSERVATION DESIGNATIONS, FEATURES AND INTERESTS THAT COULD BE AFFECTED BY THE PROPOSED PROJECT			
4	<p>The following is a brief summary of the interest features of the relevant designated areas of concern in this matter.</p>		
<i>International conservation designations</i>			
5	<p>The Swale Special Protection Area (SPA), which is designated for:</p>	<p>The Applicant welcomes confirmation of the designated features applicable to The Swale SPA.</p>	No further comment

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	<ul style="list-style-type: none"> • Wintering dark-bellied brent geese • Wintering dunlin • Assemblage of wintering waterbirds (main component species: dark-bellied grent goose, European white fronted goose, shelduck, shoveler, wigeon, pintail, teal, little egret, oystercatcher, avocet, lapwing, golden plover, grey plover, curlew, bar-tailed godwit, black-tailed godwit, knot, ruff, sanderling, dunlin, green sandpiper, greenshank.) • Assemblage of breeding birds of damp grassland (main component and characteristic species: mallard, shelduck, moorhen, coot, lapwing, redshank, reed warbler, reed bunting, other breeding ducks and waders, yellow wagtail, marsh harrier.) 		
6	<p>The Swale Wetland of International Importance under the Ramsar Convention (Ramsar site), which is designated under:</p> <ul style="list-style-type: none"> • Criterion 2 – the site supports nationally scarce plants and at least seven red data book invertebrates • Criterion 5 – assemblage of wintering waterfowl of international importance 	The Applicant welcomes confirmation of the designated features applicable to The Swale Ramsar Wetland site.	No further comment
7	The Ramsar Information Sheet also identifies five bird species for possible future inclusion under criterion 6. These species are considered in Natural	The Applicant has provided a comment in agreement with Natural England's response to question 1.1.21 in the Applicant's Comments on Responses to ExQ1 [AS-023].	Agreed

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	England's answer to question 1.1.21 (see Annex 1 to this representation).		
8	Natural England's view is that all other international conservation designations can be ruled out as being potentially affected.	The Applicant welcomes confirmation of this view, which is shared by the Applicant.	No further comment
National conservation designations			
9	<p>The Swale Site of Special Scientific Interest (SSSI), which is notified for:</p> <ul style="list-style-type: none"> • Aggregations of breeding birds (avocet, bearded tit, gadwall, lapwing, marsh harrier, pochard, redshank and shoveler) • Aggregations of non-breeding birds (bearded tit, black-tailed godwit, brent goose, curlew, dunlin, gadwall, great-crested grebe, grey plover, hen harrier, knot, marsh harrier, oystercatcher, pintail, redshank, ringed plover, shelduck, shoveler, spotted redshank and teal.) • Assemblages of breeding birds of lowland damp grasslands and lowland fen • Invertebrate assemblages of saltmarsh and transitional brackish marsh, open water on disturbed sediments, and reed-fen and pools • Vascular plant assemblage • Habitats: brackish lakes, ditches, lowland fen, ponds, saltmarsh and standing waters. 	The Applicant welcomes confirmation of the notified features applicable to The Swale SSSI.	No further comment

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
10	<p>The Swale Estuary Marine Conservation Zone (MCZ), which is designated for:</p> <ul style="list-style-type: none"> • Estuarine rocky habitats • Intertidal coarse sediment • Intertidal mixed sediments • Intertidal sand and muddy sand • Low energy intertidal rock • Subtidal coarse sediment • Subtidal mixed sediments • Subtidal mud • Subtidal sand 	The Applicant welcomes confirmation of the designated features applicable to The Swale Estuary MCZ.	No further comment
European and nationally Protected Species			
11	<p>Great crested newts and water voles are present within the application site. Natural England is in discussion with the applicant regarding these species. Once we receive satisfactory draft licence applications, we will supply a Letter of No Impediment.</p>	Letters of No Impediment in respect of great-crested newt and water vole were received from Natural England on Thursday 25 July 2019 and have been submitted to the examination at Deadline 3 [REP3-029].	Agreed
Landscape designations			
12	<p>Kent Downs Area of Outstanding Natural Beauty (AONB) The proposal is around 7.6km from the AONB, and so there will be distant views of the solar park from the AONB. The distinctive landform and dramatic views are one of the special qualities of the Kent Downs AONB. The Management Plan for the AONB includes Policy SD8: "Proposals which negatively impact on the distinctive landform, landscape character, special</p>	The views from the AONB have been assessed in the LVIA [APP-037] at section 7.5 and are shown in viewpoint 21 [APP-063 to APP-196].	Agreed

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated."		
NATURAL ENGLAND'S NATURE CONSERVATION CONCERNS AND ADVICE			
<i>The principal issues in relation to statutorily designated nature conservation sites</i>			
13	<p>Natural England identified the following main issues in its Relevant Representations:</p> <ul style="list-style-type: none"> a. Noise and visual disturbance to birds during construction b. Dust and water quality impacts c. Loss of habitat <p>These issues will be discussed in corresponding sections below along with any updates on the progress or resolution of issues.</p>	The Applicant notes this summary, and responds to the detailed comments below.	No further comment
Noise and visual disturbance during construction			
14	The birds for which The Swale SPA, Ramsar site and SSSI are designated are susceptible to noise and visual disturbance. Natural England's supplementary advice on the conservation objectives for the SPA1 states that: "Disturbance should be judged as significant if an action (alone or in combination with other effects) impacts on (water)birds in such a way as	The Applicant welcomes the clarification from Natural England regarding the definition of disturbance as set out in the supplementary advice on conservation objectives for The Swale SPA.	No further comment

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	to be likely to cause impacts on populations of a species through either I. changed local distribution on a continuing basis; and/or II. changed local abundance on a sustained basis; and/or III. the reduction of ability of any significant group of birds to survive, breed, or rear their young."		
<i>Wintering birds on intertidal habitat</i>			
15	Table 9.6 of the Environmental Statement (ES) Ornithology chapter [APP-039] summarises the SPA component species using the intertidal area to the north of the proposed solar park. This indicates that significant numbers of SPA (and SSSI) species use this area.	The Applicant agrees with Natural England's summary regarding use by birds of the intertidal habitats adjacent to the Development site.	Agreed
16	Whilst Natural England does not agree with the use of noise thresholds to predict whether there will be adverse impacts (as impacts are site and species specific), we agree they are helpful in assessing potential for impacts. Figure 3 in the Report to Inform an Appropriate Assessment (RIAA) [APP-026] shows that the 70dB _L max noise contour does not reach the intertidal area. However, the 55dB _L max contour extends 320m from the source of the piling, and hence extends into the intertidal. Therefore, there is the potential for wintering birds	The Applicant welcomes Natural England's comment that the precautionary noise thresholds used in the assessment have been useful in assessing the potential for impacts on wintering birds in the intertidal zone.	Agreed

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	to be impacted. This applies particularly to birds roosting at Castle Coote, as options for alternative high tide roosts are more limited than foraging areas, and birds are pushed closer to the source of disturbance by the high tide		
17	Disturbance mitigation measures are set out in the Outline SPA Construction Noise Management Plan (CNMP) [APP-243], which are welcomed. However, in our Relevant Representation [RR827] Natural England raised concerns that these were not sufficient to be certain that adverse impacts would be avoided at high tide. This issue has been discussed through the Habitat Management Steering Group (HMSG) and the group agreed that timing of piling works closest to Castle Coote should take place outside the core wintering period (November to February inclusive). The Applicant has indicated, through our common ground discussions, that an updated SPA CNMP will be submitted that will include timing restrictions on piling to avoid disturbance to birds using the high tide roost at Castle Coote. Subject to the detail contained in an updated SPA CNMP, Natural England confirms this is an acceptable approach to mitigating disturbance to wintering birds.	The Applicant confirms that an updated version of the SPA CNMP including the additional detail regarding sensitive timing of works near Castle Coote has been provided at Deadline 3 [REP3-008]. The Applicant welcomes Natural England's confirmation that this approach to mitigating disturbance impacts to wintering birds is acceptable.	NE agrees that the updated SPA CNMP [REP3-008] contains sufficient measures to mitigate disturbance to wintering birds within the SPA, and in particular, Castle Coote.
<i>Breeding birds of grazing marsh and reedbed</i>			
18	The grazing marsh and reedbed to the north and west of the solar farm site supports	These comments are noted.	No further comment

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	breeding birds which form components of the breeding bird assemblage of the SPA (and SSSI notified features, including bearded tit). These birds are susceptible to disturbance, which may affect their productivity, and so mitigation measures are necessary.		
19	In our Relevant Representation [RR-827], Natural England raised concerns as to whether the mitigation measures set out in the Outline SPA CNMP [APP-243] and the Breeding Bird Protection Plan (BBPP) (Appendix B of the Outline Construction Environment Management Plan) [APP-205] gave sufficient certainty that impacts would be avoided. In particular, the BBPP states (paragraph 158) that 'where practicable' construction activities closest to The Swale will be avoided. Through our common ground discussions, the Applicant has confirmed that the intention of this statement was to avoid restricting activities that do not exceed the noise threshold, and has agreed to review the wording of the BBPP to provide greater certainty and clarity.	The Applicant has updated the wording of the BBPP (Appendix B of the Outline CEMP) [REP3-006] to provide clarity regarding this point.	NE agrees with the updated wording in the BBPP [REP3-006].
<i>Breeding marsh harriers</i>			
20	Marsh harriers are an important component of the SPA breeding bird assemblage. Therefore, Natural England welcomes the specific commitment to a 500m exclusion zone around any marsh harrier nest (paragraph 165 of the Breeding Bird Protection Plan) [APP-205],	The Applicant welcomes Natural England's agreement regarding the applied construction mitigation set out in the BBPP to protect nesting marsh harrier from disturbance.	Agreed

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	in order to avoid noise and visual disturbance.		
<i>Wintering brent geese, lapwings and golden plovers</i>			
21	<p>Surveys undertaken in support of the proposal indicate that large numbers of brent geese, lapwings and golden plovers use the arable land within the development site in the winter. Natural England agrees with the statement (in paragraph 163 of the RIAA) [APP-026] that these species will not be adversely impacted in the first winter of construction as there will be sufficient undeveloped area for them to continue to forage. However, there will be an impact in the second (and third) winter as the Arable Reversion Habitat Management Area (AR HMA) will be subject to construction disturbance.</p> <p>As this disturbance is temporary, Natural England's view is that construction disturbance and displacement, alone, is not likely to lead to an adverse effect on wintering geese and plovers. However, it will be necessary to create the AR HMA grassland as early in the construction timetable as possible, to ensure that the habitat is established and available as soon as construction finishes. Natural England recommends adding detail on the timing of the arable reversion to the</p>	<p>The Applicant welcomes Natural England's confirmation that displacement is not likely to lead to an adverse effect on wintering geese and plovers.</p> <p>Additional details regarding the timing of ground preparation, sowing and management of the AR HMA have been provided by way of updating the outline LBMP. The updated document has been provided at Deadline 3 [REP3-005].</p>	NE is currently reviewing the outline LBMP. Advice has been provided through the HMSG meeting on 23 August 19 on the appropriate seed mix for the AR HMA.

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	Outline Landscape Biodiversity Management Plan (LBMP) [APP-203].		
<i>Dust and Water Quality Impacts</i>			
22	Habitats and species that make up the special interest of the Ramsar site, SSSI and MCZ in the vicinity of the proposal are susceptible to smothering from dust, and changes in water quality. However, Natural England's advice is that standard	The Applicant welcomes Natural England's confirmation that the applied construction mitigation set out in the outline CEMP [REP3-006] are sufficient in this respect.	Agreed

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	construction mitigation measures, as set out in the Outline CEMP [APP-205], are sufficient to address potential dust emissions, and risks to water quality from the operation of plant and vehicles.		
23	Paragraph 3.9 of Natural England's Relevant Representation [RR-827] requested information on the current level of pesticide, fertiliser and herbicide use so that the benefit of ceasing the current arable operation can be quantified. This would also be helpful in determining whether the proposed application on the AR HMA is less than the amount of nitrogen currently applied, and hence whether this represents a benefit to the Ramsar and SSSI ditch plant species.	The Applicant has requested further information on baseline agricultural inputs from the landowner and expects to provide an update to the examination ahead of Deadline 4.	NE awaits this further information
24	Through our common ground discussions, the Applicant has confirmed that it has not been possible to identify the levels of application for each individual field, or for the CHSP area as a whole, and that the information is only available at a whole farm scale. Nevertheless, the level of fertiliser applied will be less than the current baseline, as the proposal is to only fertilise the AR HMA rather than the whole CHSP site. Natural England accepts this is likely to be the case. However, in order to avoid nutrient run-off into the ditches surrounding the AR HMA, and to ensure a significant improvement on the current situation, Natural England recommends application of 12 tonnes organic manure/ha/year, leaving a 10m buffer between the ditch and the fertiliser	<p>The Applicant confirms that the option proposed in the updated outline LBMP is for application of up to 12 tonnes of farmyard manure per hectare per year to the AR HMA, restricted in application to leave a 10 metre buffer adjacent to ditches, this has been included in the updated outline LBMP submitted at Deadline 3 [REP3-005].</p> <p>A written representation covering existing agricultural inputs is expected to be provided ahead of Deadline 4.</p>	Agreed.

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	application. We understand the Applicant will include details of the fertiliser application in an updated LBMP.		
Loss of Habitat			
25	The development site supports significant numbers of brent geese, golden plovers and lapwings in the winter. Numbers fluctuate according to the type of crop planted and other factors, including time of year, but at times the number of birds on site is large, and a significant proportion of the respective SPA populations. The applicant's surveys, and data from the Kent Wildlife Trust (Table A9.6 of the Ornithology Technical Appendix [APP-223], demonstrate that the development site is regularly used by wintering geese and plovers, and hence is functionally linked to the SPA/Ramsar. Natural England's view is that, in order to have sufficient certainty that an adverse effect on integrity will be avoided, there should be no net loss of foraging resource as a result of the proposal. This has, therefore, been the prime focus of our discussions with the Applicant, through the HMSG.	These comments are noted.	No further comment
26	As set out in our Relevant Representation [RR-827], Natural England is satisfied that the 'birddays' metric described in the Ornithology Technical Appendix [APP-223], is an appropriate method for calculating gains and losses of functional land. The bird surveys in support of the application were carried out during a representative period in the cropping	This agreement is welcomed by the Applicant.	Agreed

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	cycle, and therefore the inter-annual mean of the intra-annual mean of the peak monthly counts (as described at paragraph 104 of the Ornithology Technical Appendix) is an appropriate way to calculate bird days.		
<i>Brent Goose Functionally Linked Land</i>			
27	Natural England has advised the applicant that the AR HMA should maximise its production of grass for brent geese. This is because geese are more site faithful and have a shorter foraging distance than lapwings or golden plovers. Experimental manipulation ² of management prescriptions for brent geese and accurate survey has shown that grass cut five times and fertilised with 50kgN/ha can support 2097 goose-days/ha. The study by Vickery et al. (1994) also demonstrated that there was no significant difference in goose usage of plots that were cut or grazed, the most important factor was that a short sward (<5cm) was achieved in October when the geese arrive. However, grazing (as opposed to cutting), and fertilising, both increased the protein content of grass.	These comments are noted.	No further comment
28	The Outline LBMP [APP-203] describes the management of the AR HMA in terms of grazing at a low stocking density to achieve a sward height of <10cm. Natural England would welcome further	The Applicant will take forwards further discussion with Natural England and the HMSG to set out more detail regarding the management and desired sward length of the grassland for geese to achieve the appropriate capacity in terms of goose-days/ha.	NE agrees that 2097 goose-days/ha is not necessarily the maximum capacity of grassland, although it is at the higher end of the range of capacity figures that have been derived experimentally.

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	discussion with the Applicant as to whether the management set out in the Outline LBMP will achieve the precise number of goose-days (ie 2097 per ha) that have been used in the calculations in the RIAA [APP-026]. In particular, the goose-days in the Vickery et al. study were based on cutting to achieve a shorter sward than suggested in the Outline LBMP; and although it is noted that there was no significant difference between goose usage on cut or grazed plots, the paper does not give a goose-days figure for grazed land.	The Applicant considers that the 2,097 goose-days/ha figure used to propose the extent of mitigation land required is precautionary and does not necessarily represent a maximum capacity of the grassland. The study presents this finding as the measure of capacity that geese used under experimental prescriptions for the grassland sward in the study, rather than its maximum capacity. Other sources of information and advice suggest that the required number of geese can be accommodated in much smaller areas of grassland (e.g. the RSPB publication <i>Farming and Wildlife</i> (Andrews and Rebane, 1994) recommends 15-30 ha of alternative feeding area for every 1,000 geese; Summers and Critchley (1990) recommended 50 ha for every 1,000 geese. The peak-mean count of brent geese using the arable land within the Development site was approximately 850 birds, so in effect, the c. 50 ha of grassland in the AR HMA is seeking to provide for 850 birds.	
29	The Outline LBMP [APP-203] states (paragraph 295) that organic fertiliser may be applied in the autumn. Natural England agrees that an adaptive approach is appropriate to managing the AR HMA, however, we recommend that fertiliser is applied every year, given the evidence that this increases the nutritional value of the grass. It is also likely to benefit lapwings and golden plovers by increasing the biomass of soil invertebrates (see below for further information). As noted at paragraph	<p>The Applicant confirms that fertiliser would be applied annually and this has been updated in the outline LBMP [REP3-005].</p> <p>The capacity figure of 2,097 goose-days per hectare for fertilised grassland was taken from Vickery <i>et al.</i> (1994). The same study reports a capacity of 1,562 goose-days per hectare in unfertilised plots of grassland. Using these same figures results in the following calculation: Functional area: 50.1 ha Fertilised functional area: 43.6 ha</p>	<p>NE welcomes the update regarding fertiliser in the outline LBMP.</p> <p>We also welcome the calculations regarding the goose-days supported by fertilised and un-fertilised land. NE considers that the difference of 360 goose-days when taking into account the unfertilised buffer along the ditches is not significant in the context of the number of goose-days supported by the whole AR HMA.</p>

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	3.3.3 of this representation, Natural England recommends application of 12 tonnes organic manure/ha/year, leaving a buffer of 10m between the application and the edge of any ditches. As fertiliser application achieves greater goose-days but should be avoided within 10m of ditches to avoid impacting other designated features, we recommend calculating whether this has any impact on the sufficiency of the AR HMA for brent geese.	Unfertilised functional area: 6.5 ha Capacity = $(43.6 \times 2,097) + (6.5 \times 1,562) = 101,580$ goose-days. This is very similar to the 101,940 goose-days as measured by the peak-mean metric in arable fields of the Development site. The Applicant also reiterates the point above that these numbers do not represent a maximum capacity of grassland to support geese and other sources of management advice suggest that larger numbers of birds could be accommodated in the same or smaller extent of land.	
<i>Lapwing and Golden Plover Functionally Linked Land</i>			
30	Lapwings and golden plovers feed on soil and surface invertebrates. Therefore, they do not compete for the same food as brent geese and can potentially be accommodated on the same piece of land. Whether the mitigation land can provide for all the geese, lapwings and golden plovers necessary will depend on: a) Whether there is physically enough space for the geese and waders to feed, as they tend to form separate flocks; b) Whether management of a dense grass sward to feed the geese means that soil invertebrates are less available to the waders.	As advised by Natural England during pre-application consultation, the management of the AR HMA is focussed on the provision of sufficient resources for Brent geese. The aim is therefore to provide a nutrient-rich short sward grassland favoured by this species. However, short-sward grassland is also known to be a habitat used, often preferentially, by golden plovers and lapwings – this was described in the literature review in Section 9.6.2.2 of Appendix A9.1: Ornithology Technical Appendix [APP-223] and Section 6.1.2.5 of the RIAA [APP-026]. The type of grassland preferred is short-sward (<10 cm), permanent and long-established; such grassland would typically have a close sward, providing the suitable micro-climate within which the birds' invertebrate prey is available to them above, at and near the soil surface. Barnard and Thompson (1985) analysed sward density as part of their study into foraging by gulls and plovers and found that older pastures (>25 years old) were preferred by foraging lapwings over newly established grassland (<4	NE agrees that short-sward grassland is used by brent geese, lapwings and golden plovers. We also agree that a dense grass sward is not necessarily a hindrance to foraging waders. This issue was discussed at the HMSG meeting on 23 August 19. Whilst lapwings and golden plovers sometimes preferentially use grassland, they tend to favour long-established pastures. In the Cleve Hill context, at certain times lapwings and golden plovers were preferentially using the arable land, rather than the SSSI grassland. The experience of the land managers on the HMSG was that waders are attracted in to an area by the bare earth of arable and do not tend to roost on grassland without scrapes. Therefore, the recommendation was to create a scrape on the SSSI grassland to attract birds in, so that they are more likely to use the AR HMA for foraging.
31	The bird-days calculations for these species (described at paragraph 131 of the Ornithology Technical Appendix) come from work by Gillings et al (2007) on arable land in Norfolk3. We		

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	<p>understand the Applicant has not been able to find a bird-days calculation for plovers on permanent pasture in the scientific literature. Therefore, it is not clear that grassland will support an equivalent number of bird-days to arable land. Whilst grassland can support a greater biomass of earthworms than arable, it is not certain that a dense sward will allow the birds the same access to the food as arable habitat (as noted above). In addition, Gillings et al (2007) calculated their bird-days based on the fields that actually held plovers as they were concentrated into a few fields. Calculating the density of birds across the whole Norfolk study area would have produced much lower bird-days. It is, therefore, not clear from that study why the plovers were aggregating in the fields they did, and whether those conditions will be replicated in the AR HMA.</p>	<p>years since sowed) and had a significantly higher sward density than newly established grassland. It is also proposed to fertilise the sward using farmyard manure, additionally providing suitable conditions for the birds' invertebrate prey. It is therefore the Applicant's view that the proposed management of the AR HMA to provide short-sward, fertilised grassland provides suitable conditions for foraging golden plover and lapwing as well as Brent goose. In the PEIR, the Applicant presented additional evidence regarding preferential use of grassland by Golden plovers and lapwings to support the reasoning that grassland would have a higher capacity to support these species than arable crops; however, following Section 42 consultation, this was removed to take the precautionary approach that grassland might only support a similar capacity for these to arable land. As a result, it is the capacity figures from Gillings et al (2007) that have been applied in assessing the potential for the AR HMA to support the required numbers of lapwing and golden plover.</p>	
32	<p>Using the bird-days calculations from Gillings et al (2007) indicates that 56ha of mitigation land is required for lapwings and 18.5ha for golden plovers, ie there is a small shortfall for lapwings, but over-provision for golden plovers. The Applicant suggests, in their Ornithology Technical Appendix, that the shortfall in lapwing capacity can be made up by the over provision for golden plovers, as the two species feed in the same areas, and</p>	<p>The Applicant has reviewed the Gillings et al. (2007) study. There is insufficient detail in the paper about individual field use to ascertain how often lapwings and golden plovers were found foraging together and potentially competing for resources. However, the paper does state, for example: "In general both species selected and avoided the same habitats".</p> <p>Where the paper describes the bird-days/ha use by golden plovers and lapwings, it states: "...transect</p>	

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	the mitigation requirements are not additive.	fields sustained on average 250,000 Golden Plover bird-days (range 165,000–301,000) and 160,000 Lapwing bird-days (range 126,000–259,000) per winter (October to February). These equate to densities of 121 Golden Plover bird-days/ha and 78 Lapwing bird-days/ha when calculated over the whole study area. However, plovers were concentrated into very few fields, meaning that although the total study area was 2063 ha, the area actually used (sum of field areas weighted by their frequency of occupancy) was only 160 ha, giving densities of 1,560 Golden Plover bird-days/ha and 1,000 Lapwing bird-days/ha."	
33	Natural England is not certain that the bird-days figures can be used in this way, as it implies that there is competition between the two species for the same food resources, and that unused resource for golden plover can be used by additional lapwing. Therefore, we recommend that the Applicant provides further information on whether the lapwings and golden plovers were found foraging together in the Gillings et al (2007) study, whether competition for the same resources is likely, and hence whether it is appropriate to add the bird-days for the different species into a combined plover-days figure.	<p>Whilst this does not specifically state that the 160 ha area was used by both species, the Applicant is of the opinion that any significant segregation between lapwings and golden plovers would have been reported in the paper.</p> <p>There is evidence of competition between the species for food. Golden plovers are described by Barnard and Thompson (1985) as using the presence of lapwing flocks to guide them to areas of good foraging. Gregory (1987) states that values of α (a measure of overlap in use of habitats) was very high, suggesting near total overlap between the two species in his study area. Regarding Barnard & Thompson (1985), the lack of impact of golden plovers on the time budgeting and feeding efficiency of lapwing cannot be correlated with an absence of competition for resources and this potentially provides support for the Applicant's position; if both species feed in the same location on the same resources with unaffected foraging efficiency, then depletion of resources will occur more rapidly than if</p>	<p>NE agrees that the Gillings et al (2007) study appears to indicate that lapwings and golden plovers used the same fields. We also agree that the further references cited indicate that there can be competition for food resources between the two species such that food not used by one species can be used by the other.</p> <p>It is helpful to have the figures presented for bird-days capacity and habitat requirement for both the peak mean and monthly mean figures. NE advice in the pre-application phase was that the peak mean figures should be used as the survey data are snapshots rather than through the tide counts, so a precautionary approach should be taken. Also because areas that are essential to a bird's energetic requirements may be in regular, but not constant, use. Therefore, typical use will be defined by peak counts.</p> <p>NE understands that the Applicant has been in touch with Dr Gillings to discuss the use of his bird-days figures. It would be helpful if this communication was submitted to the Examination.</p>

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
		<p>there was an effect of one species on the other. Hence if one species is under-utilising the available resources, then more will be available for the other species. That study went on to report that interspecific aggression appears to be related to prey depletion as the local density of birds increases, and increases in local density of birds within the flock results in a reduction in individual feeding efficiency. Barnard & Thompson (1985) also report that in established foraging flocks within fields, there tends to be a much lower density of lapwings in those parts of the flock containing golden plovers and vice versa, which indicates that there is direct competition for resources.</p> <p>However, the Applicant recognises that there is a degree of uncertainty in this respect. This is one reason why a very use of the Development site by the wintering birds. The assessment for the Development has been made on the basis of only using the highest of any counts made in each month of the baseline surveys and averaging these peak monthly counts. This is in contrast for example to Gillings (2007) where the bird-days capacity of the utilised arable fields was calculated on the basis of the average across all survey visits. The result of use of the peak-mean for the CHSP assessment is likely to result in an overestimation of the use of the site and hence there is likely to be a degree of over-provision of the area required to mitigate for loss of foraging are to the Development. This is illustrated by the difference in two metrics for lapwing and golden plover: (i) the inter-annual mean of the intra-annual monthly peak-mean (using just the highest counts each month), and (ii) the interannual mean of the intra-annual monthly mean (using all counts each month); for lapwings (i) results in 56,023</p>	

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
		bird-days (Oct-Mar) compared to (ii) 23,237 bird-days (which equates to 23.2 ha of land based on 1,000 bird-days per hectare), whilst for golden plover (i) results in 28,801 bird-days (Oct-Mar) compared to (ii) 7,877 bird-days (which equates to 5 ha based on 1,560 bird-days per ha).	
<i>Marsh Harrier Functionally Linked Land</i>			
34	Marsh harriers are an important component of the breeding bird assemblage and forage along the ditches within the development site. There is some uncertainty as to whether individuals will continue to forage within the solar park site as there are no equivalent sites with which to compare, regarding the response of marsh harriers. However, the setting back of panels to a minimum of 15m from the ditch is helpful in reducing the risk that 'pinch points' will deter birds. Natural England's view is that creating rough grassland to maximise the production of small mammals is crucial in encouraging marsh harriers to continue to forage in the area.	<p>The outline LBMP [REP3-005] sets out the prescriptions for establishment of large areas of 'grazing marsh grassland' between the solar panel arrays deployed in each field and has been developed further to include objectives and prescriptions for enhancing the water environment, including establishment of new reedbed. There is no published evidence either way regarding the reaction of marsh harriers to solar arrays of this scale, or any other scale, in the landscape. The inter-array grasslands will be a minimum of 30 m wide (or more, allowing for the ditch width), extending up to 80 m wide in some places and will be unbroken for substantial lengths spanning the site. A marsh harrier was witnessed foraging along a narrow grassland strip adjacent to a solar array on the Isle of Sheppey; the Applicant accepts the difference in scale, but the observation demonstrates that they are not averse to the presence of solar panels.</p> <p>On the basis of the provision of large quantity of good foraging habitat over and above the baseline availability and the absence of evidence that marsh harriers would be displaced at landscape scale, the assessment in Chapter 9 – Ornithology of the ES [APP-039] concluded that harriers will continue to forage at</p>	<p>It is agreed that the management set out in the outline LBMP will improve the site for small mammals and hence marsh harrier foraging habitat. There is uncertainty over whether individual birds will continue to forage within the solar array site. However, NE has advised that, as predatory birds, at least some individuals are likely to overcome any reticence towards the presence of the solar panels, if a plentiful food supply is provided.</p> <p>This issue was discussed at the HMSG meeting on 23 August 19 and the group advised that further information, including visualisations of the habitat being provided along the ditches, would be helpful to address the uncertainty over marsh harrier behaviour.</p>

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
		the site and will benefit from utilising the substantially increased area of suitable foraging habitat.	
<i>Future land uses</i>			
35	In our Relevant Representation [RR-827], Natural England noted that the Environment Agency's Medway Estuary and Swale Coastal Flood and Erosion Strategy (MEASS) included the Cleve Hill site as a location for managed realignment in the 2nd epoch of that strategy. The Habitats Regulations Assessment for MEASS requires that intertidal habitat is created to compensate for losses due to sea level rise and coastal squeeze. Natural England understands that the Applicant is drafting an additional Requirement for the DCO to address the Environment Agency's request for a time limit on the consent. We will comment on the draft DCO when submitted, but we welcome the steps taken to resolve this issue.	The Applicant discussed the wording of Requirement 16 (previously 15) during the Issue Specific Hearing 2 on the draft DCO [REP3-015]. Updated wording for this Requirement has been provided in the latest version of the draft DCO submitted at Deadline 3 [REP3-003].	NE agrees with the wording of Requirement 16.
<i>The Swale SSSI and The Swale Estuary MCZ</i>			
36	Natural England's view is that the mitigation measures set out in section 3.2 to 3.4, above, are sufficient to address potential impacts on the notified features of The Swale SSSI.	This agreement is welcomed by the Applicant.	Agreed.
37	As noted in section 2.2 above, the proposed works, are sited adjacent to The Swale Estuary MCZ, which is	These comments are noted.	No further comment

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	designated for a number of habitats including low energy intertidal rock, intertidal coarse sediment; intertidal mixed sediments; intertidal sand and muddy sand; estuarine rocky habitats; subtidal coarse sediment; subtidal mixed sediment; subtidal sand; and subtidal mud. Good examples of estuarine rocky habitats have been found in the area around Cleve Marshes and good examples of subtidal coarse sediment are present around Faversham Creek, near Nagden Marshes.		
38	Eutrophication has not currently been noted to be significant. However it should be ensured that there are no increases in nutrients. Furthermore contaminants may impact the ecology of the Marine Protected Area by having a range of biological effects on different species within the habitat, depending on the nature of the contaminant. Therefore contractors should adhere to pollution prevention best practice guidelines including use of materials that are non-toxic to the marine environment.	<p>The Development would result in improvements to water quality as set out in Chapter 8 - Ecology [APP-038] and Chapter 10 - Hydrology, Hydrogeology, Flood Risk and Ground Conditions [APP-040] of the ES.</p> <p>The Outline Construction Environmental Management Plan [REP3-006] includes pollution prevention measures to be implemented during construction.</p> <p>The non-toxic materials which can be used in the marine environment are set out in the dDCO [REP3-003] which includes a Deemed Marine Licence (DML) at Schedule 8, Part 1, Section 3, which states:</p> <p>"The substances or articles authorised for deposit at sea include -</p> <ul style="list-style-type: none"> (a) iron and steel, copper and aluminium; (b) stone and rock; (c) concrete; 	NE is currently reviewing the terms of the DML and will provide detailed comments for Deadline 5.

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
		(d) sand and gravel; (e) timber; (f) plastic and synthetics; (g) marine coatings; and (h) material extracted from within the offshore Order limits."	
Protected Species			
39	The development site supports populations of great crested newts and water voles. The Applicant has consulted Natural England on draft licences for these species, and we are in the process of reviewing them. Once this is complete we will supply a Letter of No Impediment.	Letters of No Impediment have been received from Natural England by the Applicant and have been submitted at Deadline 3 [REP3-029].	Agreed.
NATURAL ENGLAND'S ADVICE ON PROTECTED LANDSCAPES			
Kent Downs AONB			
40	Natural England has a number of specific statutory powers and duties in relation to protected landscapes (AONBs and National Parks). These encompass: <ul style="list-style-type: none"> • designation and any variation of boundaries • monitoring effectiveness in respect to the purpose of designation • advising Ministers on management and governance. 	These comments are noted.	No further comment
41	Our role is also to bring to the attention of the Secretary of State and local planning authorities the effect of		

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	developments that are likely to be prejudicial to the natural beauty of National Parks or AONBs. We are a statutory consultee under a range of planning and transport legislation and we provide landscape advice on land use planning including development plans, nationally significant infrastructure proposals, Strategic Environmental Assessments and Environmental Impact Assessments (involving assessment of landscape/seascape and visual impacts).		
42	Given our statutory landscape role, described above, Natural England's landscape advice focuses on the potential impacts on the Kent Downs AONB. The potential impacts of the proposal on views from the Kent Downs Area of Outstanding Natural Beauty (AONB) have been assessed in Chapter 7 of the ES [APP-037]. Viewpoint 20, at Shepherd's Hill in the AONB, is around 7.6km from the development site, and as such there are only distant views of it. Therefore, Natural England concurs with the assessment (at paragraph 414) that the proposal would result in moderate/minor effects on the AONB which are not significant.	The Applicant welcomes Natural England's agreement on the LVIA assessment conclusions for the AONB.	Agreed
NATURAL ENGLAND'S ADVICE ON OTHER, NON-STATUTORY, ISSUES			
<i>Access and Recreation</i>			
43	Natural England has a duty to provide coastal access on foot around the whole	As well as the visual impact of the Development, the Applicant has included an assessment of the	NE agrees that the low density scrub planting proposed in the outline LBMP is appropriate to the site. We also

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	of the English coast and is aiming to complete this by 2020. This is a new National Trail with an associated margin of land predominantly seawards of this, for the public to access and enjoy. Natural England takes great care in considering the interests of both land owners/occupiers and users of the England Coast Path, aiming to strike a fair balance when working to open a new stretch. We follow an approach set out in the approved Coastal Access Scheme ⁴ .	recreational impact of the Development on the Saxon Shore Way / England Coast Path in Chapter 13: Socio-economics, Tourism, Recreation and Land-Use of the ES [APP-043]. Section 13.5.1.4 addresses effects during construction and section 13.5.2.2 addresses operational effects. The updated outline LBMP submitted at Deadline 3 [REP3-005] provides further detail of the proposals for scrub planting and reed bed on the Development site.	welcome the addition of reedbed between the solar array and the AR HMA, as set out in the latest version of the LBMP [REP3-005].
44	Natural England submitted proposals for the Whitstable to Iwade stretch of the England Coast Path, for approval by the Secretary of State for Environment, Food and Rural Affairs, in June 2017. In the vicinity of the development site, the proposal is for the England Coast Path to follow the route of the Saxon Shore Way.	The Applicant also submitted an example photograph of existing scrub development adjacent to the Development site as Appendix B to the Applicant's Comments on Responses to ExQ1 [AS-023], in support of comments on responses to first written question 1.8.2.	
45	Natural England's concerns regarding the England Coast Path and new developments centre on ensuring they do not affect the ability of people to exercise their coastal access rights with respect to continuing along the proposed route. As set out in the Coastal Access Scheme (section 5.5.5) our role is to work with developers to ensure that proposals take account of our objective to provide the England Coast Path, and include provision for the trail on the seaward side wherever practicable. In this case, the route along the seaward side of the		

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	proposal will not be compromised. With respect to the wider visual and landscape aspects of the development and its accordance with relevant planning policies, it is not Natural England's role to provide detailed comments on these issues when responding to planning proposals, but they are nevertheless key issues to consider when determining the application.		
46	Notwithstanding the comments above, Natural England notes that Chapter 7 of the ES [APP037] includes an assessment of the visual impact of the proposal on the Saxon Shore Way (and hence the England Coast Path once opened), concluding that the proposal would have a major (years 1-10) and major/moderate (10 years onwards), negative, visual impact on users which is significant.		
47	Natural England recognises the attempts made by the applicant to mitigate this visual impact by softening the edges of the solar park, as indicated in the Outline LBMP [APP-203]. We defer to other Interested Parties to comment on the success of this. In our Relevant Representation, Natural England suggested that some of the scrub proposed could be replaced with reedbed, which would be preferable from a nature conservation point of view and more in keeping with the marsh		

Ref.	Statement	Applicant's Comment	Status (NE to complete / Update)
	landscape. We have discussed this suggestion with the Applicant through our common ground discussions, and understand that an updated LBMP will be submitted, which will provide more detail on the locations and type of scrub and reedbed proposed.		