

Date: 9<sup>th</sup> December 2024  
Our Ref: 20050384  
Your Ref: EN010135  
Site address: Stonestreet Green Solar



**Kent**  
Wildlife Trust

Graham Sword  
The Planning Inspectorate  
By email only [stonestreetgreensolar@planninginspectorate.gov.uk](mailto:stonestreetgreensolar@planninginspectorate.gov.uk)

Dear Graham Sword,

**RE: Application Ref. EN010135 – Solar photovoltaic array plus energy storage with associated infrastructure and grid connection, with a generating capacity greater than 50MW.**

This letter is written in response to the Stone Street Green Solar Written Representations request which are due on the 9<sup>th</sup> of December 2024. Kent Wildlife Trust's Written Representations expand on the comments made during the Relevant Representations, which were submitted in September 2024. Kent Wildlife Trust's remit includes impacts to biodiversity within Kent. We have reviewed relevant documents submitted within the DCO against national and local legislation and policy. A summary of our main concerns is described in the box below, with more detailed comments in the main body of the letter.

Summary:

Kent Wildlife Trust (KWT) has the following concerns on the basis of the information submitted in the Stone Street Green Solar DCO submission:

- Loss of farmland bird territories with questions around the effectiveness of the mitigation and compensation measures proposed.
- Barn owl surveys have not been carried out despite there being two existing pole mounted barn owl boxes present within the order limits.
- No measures have been put forward to address the impacts of the solar panels on invertebrates.
- Limited details and data have been provided on the beaver survey.
- No measures have been put forward to address the impact of beavers on the development in the future.
- Justification for the minimum buffer of 15 metres from the ancient woodland has not been provided.
- No mitigation or habitat enhancement measures have been put forward to address impacts to nightingale.
- KWT wish to raise concerns about the proposed use of horizontal directional drilling (HDD) under the East Stour River.
- Minimal detail has been provided on the protection measures to be employed for hedgerow and boundary habitats during construction.
- Questions are raised around the submitted BNG metric.

*Assessment of Alternatives*

The submission has not provided sufficient information to clearly demonstrate that suitable alternative sites have been fully considered, including those which consist of previously developed land and non-agricultural land of low biodiversity value.

*Impacts to Biodiversity*

The project will result in the loss of habitat suitable for breeding yellowhammer and skylark as well as other red list and priority 'farmland' bird species. Yellowhammer have declined by 61% since 1967 with the main cause thought to be a lack of seed food sources available to them on farmland. Skylark have been steadily declining in numbers since the mid-1970s also thought to be the result of agricultural intensification. Peak counts of between 33 - 42 yellowhammer and 39 - 46 skylark have been recoded within the site demonstrating the importance of existing

habitats within the order limits for these species. The proposed development will result in the loss of this habitat and Kent Wildlife Trust (KWT) are concerned about the implications for these bird species. It is unclear from the submission as to how many territories will be lost and we are concerned about the effectiveness of the mitigation and compensation measures proposed to address the loss of suitable habitat.

Barn owl surveys have not been carried out with the submission stating that no barn owl were recorded during the bat surveys. The only nocturnal bird survey carried out was for nightingale and the submission is clear that the presence of barn owl was not assessed during this survey. There are two existing pole mounted barn owl boxes present within the order limits which should have been inspected by a suitably licenced ecologist during the barn owl breeding season (the ecologist should hold a Schedule 1 Licence and/or CL29 Barn Owl Licence). The UK barn owl population has declined by 70% since the 1930s and therefore it is important to identify, protect, and enhance barn owl foraging and commuting habitat. If barn owl are present and using the site to breed then suitable barn owl foraging habitat should be provided as part of the onsite mitigation measures. We are also concerned about the potential disturbance to breeding barn owl from the construction and operational phases of the development. More information regarding whether the boxes are used by breeding barn owl is therefore required so an appropriate, detailed barn owl mitigation strategy can be devised. Barn owl are included in Schedule 1 of the Wildlife and Countryside Act, 1981 which affords them protection against disturbance whilst nesting, in addition to the basic level of protection afforded to most breeding birds. Under Part 1, Section 1 (5) it is an offence to intentionally or recklessly disturb a barn owl whilst it is building a nest or is in, on, or near a nest containing eggs or young. It is also an offence to intentionally or recklessly disturb a barn owl's dependent young.

We are concerned that the submission does not put forward any measures to address the impacts of the solar panels on invertebrates, particularly given that supporting surveys show that the application site hosts a number of nationally scarce species. Certain aquatic invertebrate species mistake polarised light reflected off solar panels for open water which leads them to attempt to lay eggs on the panels. The proximity of wetland habitats which are of importance to invertebrates heightens the need to mitigate this impact. The submission states that the development will result in significant beneficial impacts at a local level to the wetland features on the site. This could therefore result in an increased range of invertebrate species being impacted by the proposed panels. A pattern of roughened or painted glass or a horizontal light blocking grid can be used to ensure the solar panels are not attractive to aquatic invertebrates. These measures are low cost and do not impact on energy generation.

Very limited details and data have been provided on the beaver survey that has been carried out. It is unclear from the submitted information as to the extent of the area surveyed. In addition, no measures appear to have been put forward to address the potential impact of beavers on the development in the future. This is considered appropriate given the expanding range of beaver in this location, the suitability of habitat adjacent to the site, and the lifetime of the proposal.

There is still a degree of uncertainty around the impacts of the development, in terms of noise, dust, and light pollution, on Backhouse Wood Local Wildlife Site (LWS) and its ancient woodland. Justification for the minimum buffer of 15 metres from the ancient woodland has not been provided and given the potential impacts from the proposal on this irreplaceable habitat it is strongly recommended that a larger graduated buffer is provided.

Nightingale have been recorded outside of the order limits and alongside the railway embankment. We are concerned about the potential impacts of construction work on this species. No mitigation or habitat enhancement measures have been put forward to address this matter.

#### *Impacts to the East Stour River*

KWT wish to raise concerns about the proposed use of horizontal directional drilling (HDD) under the East Stour River. We have been told as part of the Sea Link project, which is currently going through the NSIP process, that it is not possible to carry out HDD under the Stour. Security is therefore needed that this process can be achieved given the conflicting lines from different projects. Sufficient information also needs to be provided on what alternative approaches will be considered if HDD is not possible along with full assessments of the ecological impacts of these alternative options. In addition, no measures have been put in place around what remedial action will be taken in the event that there is an unexpected issue while HDD is being undertaken.

Insufficient information has been provided to clearly establish that the proposed sites for temporary bridges over the East Stour River are suitable in terms of the condition of the riverbanks. We are therefore concerned about the risks that such an approach poses to the integrity of the riverbanks and the ongoing protection and enhancement of the river.

Limited information has been provided on the proposed foul water collection and treatment process as a means of removing potential impacts to the East Stour River from surface water flooding. We are concerned about the effectiveness of this approach and the biodiversity impacts of implementing this system prior to the commencement of development.

#### *Mitigation, Compensation, and Protected Species*

Minimal detail has been provided in the outline CEMP (Document ref. 7.8) on the protection measures to be employed for hedgerow and boundary habitats during construction. It is unclear whether sufficient space will be provided between the hedgerow and the security fencing. The details provided within the submission have not considered the reduced separation distance that will occur over time as the width of the hedgerow is allowed to increase to be of maximum benefit to a range of bird species. This is of particular concern given the impacts of the development on species which utilise the hedgerow such as yellowhammer. We also have concerns that designated access tracks will be in use along sections of the hedgerow during the operational phase. It is unclear from the supporting documents, including the works plan (document ref. 2.3), where these access tracks will be and their distance from the root protection areas of the hedgerow.

It is noted that the effectiveness of the proposed skylark plots will be monitored. However, it is unclear what steps will be put in place to remediate the situation if it is found that the plots are not being utilised. At that point a significant area of suitable habitat for skylark and other ground nesting birds will have been permanently lost and we are concerned that it will not be possible to implement an effective compensation strategy to address this. There is currently little evidence to show that skylark plots are effective, especially in respect of acting as nesting sites, with the species preferring to nest in open fields with clear sight lines. In addition, there is little published information about the impacts of predators using solar panels as perches to provide a vantage point for hunting and how this may impact on the use of skylark plots.

Insufficient information has been provided on the proposed management of the skylark plots if the areas of grassland around the PV panels are to be grazed by livestock. It is unclear from the submitted information what process will be put in place to ensure that suitable habitat within the designated plots is maintained for farmland birds and not impacted by conservation grazing. The location of the skylark plots is subject to flooding, insufficient information has been provided to address how this will impact on the long-term effectiveness of the proposed habitats.

Insufficient information has been provided as to the size of the proposed boundary bird crop strips and so it is not possible to fully understand the suitability or potential effectiveness of this compensation measure.

We have concerns about the impact of recreation pressure on boundary planting proposed around Backhouse Wood Local Wildlife Site (LWS) and its ancient woodland. This area runs alongside the existing and proposed public footpath and so will be subject to recreational pressures which could impact on its potential to be an effective buffer to the ancient woodland and of a high biodiversity value to the LWS.

#### *Biodiversity Net Gain*

We are concerned about the trading rules error shown within the submitted Biodiversity Net Gain (BNG) metric. While an explanation has been given within the BNG assessment in respect of the loss of wet woodland there are other errors shown within the BNG metric which have not been discussed. For example, there are errors shown around the condition change for on-site habitat enhancement of grassland and the like for like or better trading rule within the trading summary for hedgerows.

It is unclear whether the arable field margins game bird mix, shown as an enhancement within the BNG metric, can be counted when it is being implemented as a means of compensating for impacts to Species of Principle Importance.

It is also unclear from the submission as to whether areas of grassland subject to conservation grazing will meet the set criteria for the stated condition score within the metric. If this is not possible further details on an alternative management regime are needed to demonstrate that this can be achieved.

The submitted metric does not appear to have followed the interim strategic significance guidance published by Making Space for Nature who are developing the Local Nature Recovery Strategy for Kent and Medway.

We hope that our comments and suggestions are useful. If you require any further information regarding our comments, please not hesitate to contact me.

Yours sincerely,

**Nicholas Trower**

Planning and Policy Officer

Kent Wildlife Trust

 [@kentwildlife.org.uk](mailto:ntrower@kentwildlife.org.uk)