CLEVE HILL SOLAR PARK

ENVIRONMENTAL STATEMENT
VOLUME 4 - TECHNICAL APPENDIX A8.9
LETTER OF NO IMPEDIMENT REQUEST AND RESPONSE FROM NATURAL ENGLAND

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Revision A

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CLEVE HILL
SOLAR PARK

Ms Alison Giacomelli

Natural England

By email: Alison.Giacomelli@naturalengland.org.uk

19th October 2018

Our Reference: 2238/LoNI

Your Reference: DAS/11342/198096

Dear Alison

Re: Letters of No Impediment (LoNI)

As previously advised, we are seeking Letters of No Impediment (LoNI) with respect to protected species and licencing in relation to the proposed development of Cleve Hill Solar Park. To assist you in this determination, we are proposing the following approach for each protected species:

Water voles

Much of the site will be developed across terrestrial habitats, with aquatic habitats and adjacent riparian habitat remaining largely unaltered. However, works will impact the following areas:

- The permanent removal of circa **355 m** length of drain that currently contains sub-optimal riparian and aquatic habitat for water voles. The purpose of the drain removal is to ensure that a continuous footprint base area for the new proposed substation is available. A new drain totalling circa **355 m** length will be created just beyond the bund on the northern boundary of the proposed sub-station footprint, which will contain riparian habitats of improved quality and suitable for water voles. See Figure 1 for details;

- The permanent removal of up to **21 m** sections of riparian habitat adjacent to drains across the site to facilitate a spine road to cross **7** drains and up to **19** maintenance access track crossings in the north and south of the site. Total riparian habitat lost will amount to a maximum of circa **235 m** across all **26** crossings. See Figure 2 for crossing point locations;

- The temporary disturbance of habitats at two ditch crossing points to facilitate the undergrounding of an 11kV electricity cable. This will require ditch cutting and backfilling a trench of **3 m** width. See Figure 3 for details.

The spine road construction will require the construction of **7** new culverts within the drains crossed by the spine road, whilst a total of **12** existing track crossing points will be used in the north and south of the site, which may need to be upgraded/strengthened or replaced with upgraded culverting. A further **7** new installed maintenance track crossing points will need to be culverted. Culverting will be dependent on Development requirements, but will range from **14 to 26** crossing points that may need to be installed with either new or upgraded 'mammal friendly' box section culverts.

When considering the loss of riparian habitat within the Development that constitutes suitable value to water voles (**235 m**), with the addition of new habitat of suitable value to water voles (**355 m**), there is a net conservation gain in quality habitats of a minimum of **120 m**. Additionally, the 'mammal friendly' culvert designs will ensure that the aquatic ditch habitat connectivity will likely increase within the Development, which will lead to an increase/improvement in aquatic connectivity links for water voles across the Site.

All the areas likely to be affected by the development will be surveyed for water voles between **April and October** by competent ecologists following existing guidelines[1], with the survey results, impact assessments and appropriate accompanying mitigation strategies incorporated within a licence application.

To avoid potential impacts on water vole habitats beyond the proposed substation site boundary (to the north) and those either side of drain crossings, a Water Construction Environmental Management Plan (WCEMP) has been developed that avoids any impacts to aquatic ditch habitats from construction activities on the site.

<u>The 355 m drainage ditch</u>

Currently, we do not foresee the requirement to obtain a water vole licence for removal of the **355 m** length of existing ditch, as previously no water voles were recorded within this section of ditch during surveys in 2015 and no water vole activity or signs were observed in the ditch during site visits in February and April 2018. Furthermore, the habitat quality (mostly dense common reed), water quality (high levels of eutrophication), bank profile (vertical sided) and depth of wet ditch (very shallow) suggests that these findings are unlikely to change and the ditch is therefore considered of low quality and unsuitable for supporting water voles.

On a precautionary basis, this ditch will be surveyed at the same time as the ditch crossings, so that should (in the very unlikely event) that water voles be encountered in this length of drain, appropriate licencing can be put in place as summarised:

Trapping and Translocation

As the length of this ditch section is over 50 m, a trapping and translocation approach to be detailed within a *Science, Education and Conservation* licence will need to be explored, along with sufficient improved quality habitat created as compensation demonstrating conservation benefits. The improved newly created habitat, will include a new length of aquatic ditch on the northern boundary of the proposed substation that will be made suitable for water vole, which includes connectivity to the existing wider aquatic ditch habitat. The licence application and supporting documents in this scenario will include, but not be limited to the following elements:

- Details on fencing, area and timing of water vole trapping;

- Approach on water vole processing, husbandry and animal welfare for temporary housing pens;

- Onsite habitat creation, with planting schedule and timescales for new habitat development;

[1] https://www.gov.uk/guidance/water-voles-protection-surveys-and-licences (Accessed: 4th September 2018)

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- Trapping and translocation programme, which will likely require temporary housing offsite and reintroduction to new onsite habitats once matured; and

- Habitat removal strategy, with details on any habitat translocation (if suitable).

An agreed post-habitat creation monitoring programme will also need to be proposed to establish conservation gain success. This may include trapping and processing water voles to determine parameters such as sex, size and weight. If reintroduced water voles are electronically chipped it will also be possible to determine recruitment success.

Spine Road and Fenced Culvert Crossings

To facilitate maintenance and construction access, a spine road through the site is proposed, which will cross **7** ditches. Similarly, the maintenance access crossings within the north and south of the Development will cross **19** drains. Each ditch crossing will lose a maximum circa **21 m** riparian habitat on each bank, with the aquatic ditch habitat maintained to ensure aquatic habitat connectivity for water voles is maintained by the inclusion of 'mammal friendly' culverts. Total riparian habitat loses at each of the drain crossings amounts to circa **235 m** or less.

Each of the drain crossing points will be surveyed for water voles to determine the presence/absence of water voles in each location. Should water voles and specifically water vole burrows be encountered in any of the drain locations, appropriate licencing will need to be put in place. It has been estimated that with circa **355 m** of new drain habitat suitable for water vole created to the northern boundary of the proposed substation, this will provide a net increase of at least **120 m** of new riparian habitat suitable for water voles.

This new drain habitat will be landscaped to provide for the creation and enhancement of alternative compensatory habitat, such that there will be a demonstrable net conservation gain for water voles. The licencing approach for the drain crossings is summarised as follows.

Displacement

As each crossing point will involve the loss of less than 50 m of bankside habitat per bank at each crossing, there is adjacent suitable water vole habitat to each of these bankside habitats for water voles to be displaced into, and each area of works is more than 500 m away from other works within the same drain, a works will commence under a Natural England *class licence*[2] for displacement.

The displacement methodology we are proposing to use is that specified within the water vole *class licence*, with monitoring and reporting to be completed within the associated licence documents. Works will be supervised by a suitably experienced and Natural England registered ecologist working under the water vole class licence.

Undergrounding 11kV electricity cable

The cable trench will be a maximum width of **3 m**, running along the south of the Development, between each of the solar panel areas and the Site boundary. This cable trenching will cut across two ditch locations: a triangular section of ditch in the west of the Site, and a ditch in the east of the Site, (See Figure 3).

[2] (*WML-CL31 Intentional disturbance of water voles and damage/destruction of water vole burrows by means of 'displacement' (To facilitate development activities)*

It is thought that at each of these locations, the trenching will fall within the existing displacement footprint area of crossing point works, and can therefore be facilitated through a *Class licence* for displacement. However, the use of directional drilling (HDD) or over heading the cable within these locations are being considered as options, and if selected will not lead to the requirement for inclusion within licencing.

Where the trenching runs in parallel with the ditch network, the edge of the cable trench cut will be a minimum of **3 m** from the toe of each ditch bank, which is considered sufficient distance to avoid any potential impacts to water vole burrows and therefore falls outside of the requirement for licencing.

Great crested newts (GCN)

It is not envisaged that either new aquatic habitats are created or existing aquatic habitats lost that are of suitability for GCN. Much of the site will be developed across terrestrial habitats, with the breaking of ground beneath the solar panels likely to be restricted and limited to habitats of negligible or low habitat quality for GCN. Furthermore, as part of the overall scheme, areas of the site where these construction activities are proposed (e.g. where solar panels are to be deployed, the construction of the spine road across the site etc.), this activity will be of sufficient distance from known breeding GCN ponds and will not obstruct GCN habitat connectivity during or post-construction. Therefore, these construction areas will not need to be incorporated into a NE mitigation licence application. A precautionary non-licenced method statement approach may be appropriate within these areas; however, this approach will likely be captured in the requirement for considering other protected species (e.g. water voles) and their licencing and mitigation requirements.

Other works activities involving the breaking of ground that are likely to impact areas close to known GCN breeding ponds include:

- The permanent removal of terrestrial habitats to provide a continuous footprint base area for the new proposed substation. (See Figure 1); and

- The temporary removal and reinstatement of terrestrial habitat to facilitate trench construction for a 400kV cable connection and/or the permanent removal of terrestrial habitat to facilitate substation compound access (See Figure 1).

The presence and distribution of GCN within aquatic habitats within 500 m of the development has already been determined during Habitat Suitability Index (HSI) assessments and eDNA surveys in spring 2018. These current findings broadly support those found during earlier GCN surveys completed in 2015. Based on input of this survey data into Natural England's Rapid risk assessment tool[3] and within its online Method Statement spreadsheet, we have identified that given the proximity of the nearest GCN pond at less than **50 m** to the proposed substation footprint and trenching activity, there is a *Red: Offence Highly Likely* outcome. On this basis, we feel that sufficient information on GCN has been obtained, in order to determine that a great crested newt European Protected Species Mitigation (EPSM) licence will need to be sought.

We recognise that GCN population density estimates within identified ponds will still need to be determined post planning in order to inform requirements for the mitigation licence. Surveys will follow current guidelines[4], with these surveys completed between the core GCN aquatic survey season of **mid-March and mid-June** in order to support the licence application. The survey results, method statement, reasoned statement, supporting documents and figures, and

[3] (*GCN Method Statement WML-A14-2 (Version November 2017*)
[4] https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigation-for-development-projects
(Accessed: 4th September 2018)

proportionate accompanying mitigation strategies will be incorporated within an EPSM licence application and submitted to Natural England after that time.

Mitigation that will be proposed to support the EPSM licence application, will be based on (but not limited to) that which is considered *'embedded'* within the development. This will include the creation of new habitats or improvement in existing habitat such as; embanked bunding round the proposed substation to provide shrub/scrub habitats and grassland terrestrial habitats, and native species hedgerows. The creation of this terrestrial habitat has the potential to provide enhanced sheltering and foraging opportunities for GCN within **50m** to the nearest aquatic habitats known to support GCN.

Based on the above approaches we believe there will be no impediment with respect to GCN or water vole and the Development. I trust the information above meets your requirements and will enable you to provide a LoNI determination; however, please do not hesitate to contact me if you should have any questions or require further clarification.

Yours sincerely,

[redacted]

Daniel Hardie MSc MCIEEM

Senior Ecologist

Appendices

Figure 1: Ditch removal associated with the proposed substation

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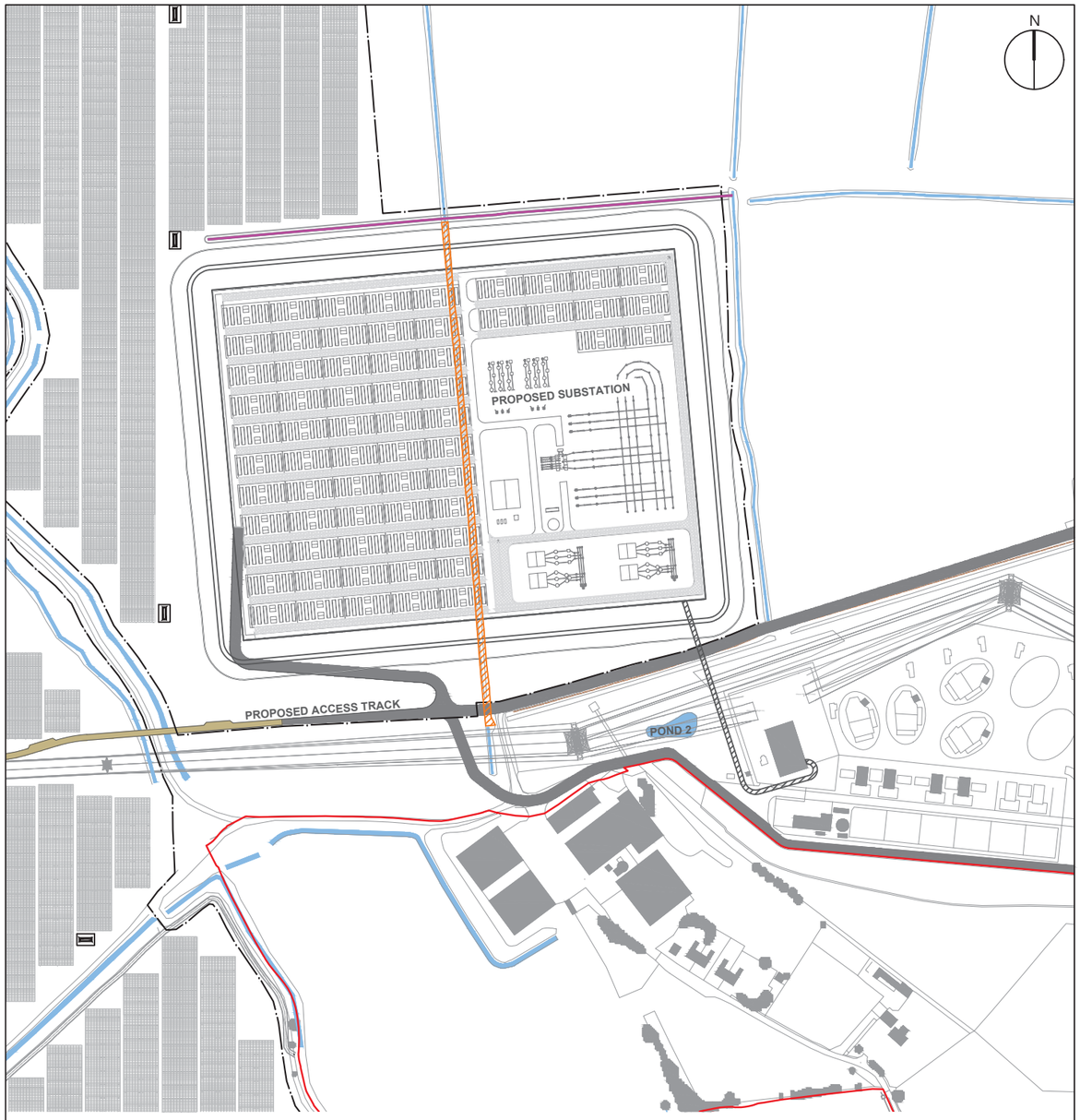

Figure 2: Ditch Crossing Points

Site Boundary

Existing Ditch

Proposed Ditch

Ditch removal associated with proposed substation

Indicative location of 400 KV cable connection trench

Proposed Boundary Fence

REVISION SCHEDULE

Rev	Date	Description

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GRID REFERENCE: TR 03502 63927

PROJECT: 2238 Cleve Hill

TITLE: Ditch Removal Associated with Proposed Substation

CLIENT: Cleve Hill Solar Park Ltd

DATE: 06.09.18 SCALE: NTS@A4

DRAWN: LH DRAWING NO.: Fig 1

CHECKED: DH REVISION: -

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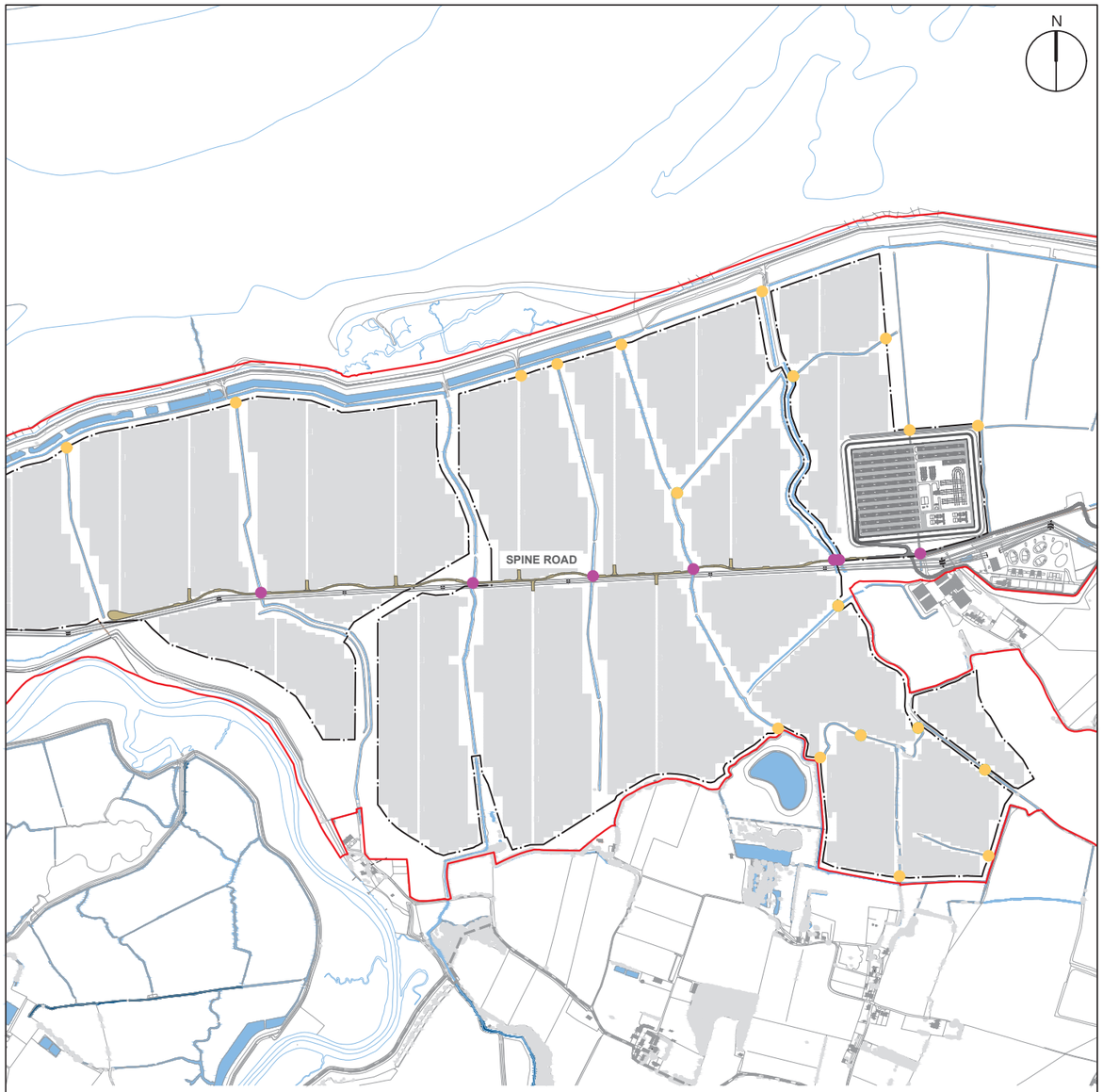

Site Boundary

Spine Road Crossing Point

Maintenance & Public Access Track Crossing Point

Proposed Boundary Fence

REVISION SCHEDULE

Rev	Date	Description
A	15.10.2018	Amended Culverts

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GRID REFERENCE: TR 03502 63927

PROJECT: 2238 Cleve Hill

TITLE: Ditch Crossing Points

CLIENT: Cleve Hill Solar Park Ltd

DATE: 06.09.18 SCALE: NTS@A4

DRAWN: LH DRAWING NO.: Fig 2

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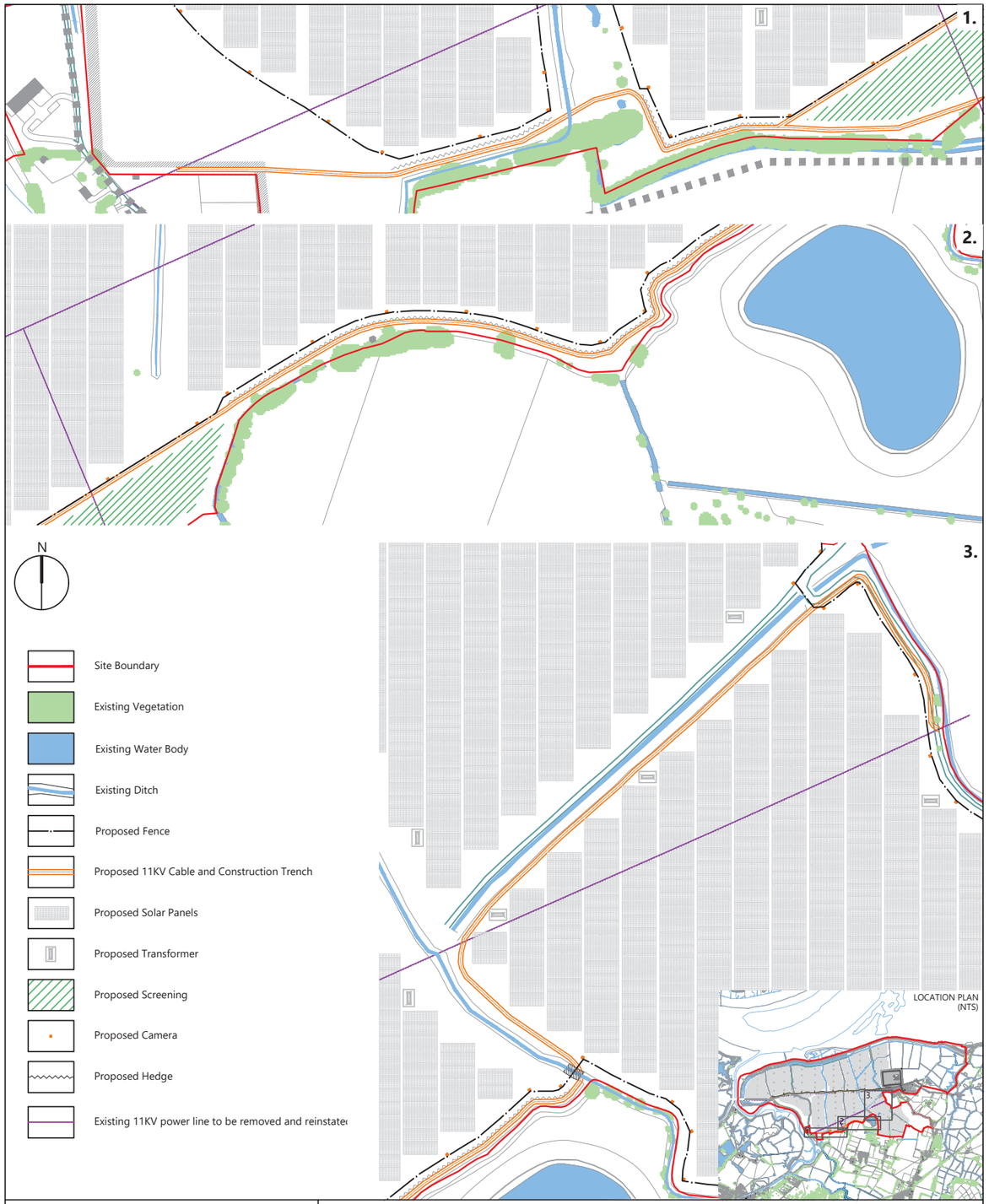
Figure 3: Location of 11kV trench construction showing habitat that will be disturbed and reinstated



REVISION SCHEDULE

Rev	Date	Description

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GRID REFERENCE: TR 03502 63927

PROJECT: 2238 Cleve Hill

TITLE: Trench Construction

CLIENT: Cleve Hill Solar Park Ltd

DATE: 15.10.18 SCALE: NTS@A4

DRAWN: LH DRAWING NO.: Fig 3

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Date: 09 November 2018
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Your ref: 2238/LoNI

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Daniel Hardie
Arcus Consultancy Services

BY EMAIL ONLY

Dear Daniel

Letters of No Impediment re Cleve Hill Solar Park, near Faversham

Thank you for your letter dated 19 October 2018 requesting Letters of No Impediment regarding species licensing for the proposal for Cleve Hill Solar Park.

Apologies but my species licensing colleagues do not have the capacity to respond to your request before your intended submission date to the Planning Inspectorate. Nevertheless, Natural England can confirm that the surveys undertaken are sufficient to enable an assessment of the impacts of the proposal on protected species, and that sufficient information has been provided on mitigation measures. However, we will provide detailed advice on these mitigation measures, and Letters of No Impediment, once we have reviewed the full information to be presented in the Environmental Statement and supporting information.

If you have any queries relating to the advice in this letter please contact me on 0208 225 7693.

Yours sincerely

Alison Giacomelli
Sussex and Kent Area Team