



# CLEVE HILL SOLAR PARK

ENVIRONMENTAL STATEMENT  
VOLUME 4 - TECHNICAL APPENDIX A3.2  
ENVIRONMENTAL IMPACT ASSESSMENT SCOPING OPINION

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# **SCOPING OPINION:**

## Proposed Cleve Hill Solar Park

**Case Reference: EN010085**

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Adopted by the Planning Inspectorate (on behalf of the Secretary of State for Housing, Communities and Local Government) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

**January 2018**

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# 1. INTRODUCTION

## 1.1 Background

- 1.1.1 On 11 December 2017, the Planning Inspectorate (the Inspectorate) on behalf of the Secretary of State (SoS) received a scoping request from Cleve Hill Solar Park Ltd (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Cleve Hill Solar Park (the Proposed Development).
- 1.1.2 In accordance with Regulation 10 of the EIA Regulations, an Applicant may ask the SoS to state in writing its opinion *'as to the scope, and level of detail, of the information to be provided in the environmental statement'*.
- 1.1.3 This document is the Scoping Opinion (the Opinion) provided by the Inspectorate on behalf of the SoS in respect of the Proposed Development. It is made on the basis of the information provided in the Applicant's report entitled 'Environmental Impact Assessment Scoping Report: Cleve Hill Solar Park' and dated December 2017 (the Scoping Report). This Opinion can only reflect the proposals as currently described by the Applicant. The Scoping Opinion should be read in conjunction with the Applicant's Scoping Report.
- 1.1.4 The Applicant has notified the SoS under Regulation 8(1)(b) of the EIA Regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the Proposed Development is EIA development.
- 1.1.5 Regulation 10(9) of the EIA Regulations requires that before adopting a scoping opinion the Inspectorate must take into account:
- (a) *any information provided about the proposed development;*
  - (b) *the specific characteristics of the development;*
  - (c) *the likely significant effects of the development on the environment; and*
  - (d) *in the case of a subsequent application, the environmental statement submitted with the original application.*
- 1.1.6 This Opinion has taken into account the requirements of the EIA Regulations as well as current best practice towards preparation of an ES.
- 1.1.7 The Inspectorate has consulted on the Applicant's Scoping Report and the responses received from the consultation bodies have been taken into account in adopting this Opinion (see Appendix 2).

- 1.1.8 The points addressed by the Applicant in the Scoping Report have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the Inspectorate will take account of relevant legislation and guidelines. The Inspectorate will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with the application for a Development Consent Order (DCO).
- 1.1.9 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (e.g. on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or associated development or development that does not require development consent.
- 1.1.10 Regulation 10(3) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) *a plan sufficient to identify the land;*
  - (b) *a description of the proposed development, including its location and technical capacity;*
  - (c) *an explanation of the likely significant effects of the development on the environment; and*
  - (d) *such other information or representations as the person making the request may wish to provide or make.*
- 1.1.11 The Inspectorate considers that this has been provided in the Applicant's Scoping Report. The Inspectorate is satisfied that the Scoping Report encompasses the relevant aspects identified in the EIA Regulations.
- 1.1.12 In accordance with Regulation 14(3)(a), where a scoping opinion has been issued in accordance with Regulation 10 an ES accompanying an application for an order granting development consent should be based on *'the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion)'*.
- 1.1.13 Paragraphs 281 and 306 of the Applicant's Scoping Report state that the Applicant will carry out an assessment under The Conservation of Habitats and Species Regulations (the Habitats Regulations). The Inspectorate notes the reference to the 2010 Habitats Regulations (as amended) in paragraph 260 of the Scoping Report. The Applicant should be aware that the Habitats Regulations 2010 have been replaced by the Habitats Regulations 2017. The assessment required by the Habitats Regulations must be co-ordinated with the EIA, to avoid duplication of information between assessments.

## 1.2 The Planning Inspectorate's Consultation

- 1.2.1 In accordance with Regulation 10(6) of the EIA Regulations the Inspectorate has consulted the consultation bodies before adopting a scoping opinion. A list of the consultation bodies formally consulted by the Inspectorate is provided at Appendix 1. The consultation bodies have been notified under Regulation 11(1)(a) of the duty imposed on them by Regulation 11(3) of the EIA Regulations to make information available to the Applicant relevant to the preparation of the ES. The Applicant should note that whilst the list can inform their consultation, it should not be relied upon for that purpose.
- 1.2.2 Due to an administrative error, the Lower Medway Internal Drainage Board (IDB) was not identified as a consultation body for the purposes of Regulation 10(6) of the EIA Regulations. However on 5 January 2018, the IDB was notified of its duties under Regulation 11(3) to make available to the Applicant any information which is considered relevant to the preparation of the ES.
- 1.2.3 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided, along with copies of their comments, at Appendix 2, to which the Applicant should refer in undertaking the EIA.
- 1.2.4 The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.2.5 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on the Inspectorate's website. The Applicant should also give due consideration to those comments in carrying out the EIA.

## 1.3 Article 50 of the Treaty on European Union

- 1.3.1 On 23 June 2016, the United Kingdom (UK) held a referendum and voted to leave the European Union (EU). On 29 March 2017 the Prime Minister triggered Article 50 of the Treaty on European Union, which commenced a two year period of negotiations regarding the UK's exit from the EU. There is no immediate change to legislation or policy affecting national infrastructure. Relevant EU Directives have been transposed into UK law and those are unchanged until amended by Parliament.

## 2. THE PROPOSED DEVELOPMENT

### 2.1 Introduction

- 2.1.1 The following is a summary of the information on the Proposed Development and its site and surroundings prepared by the Applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the Proposed Development and the potential receptors/resources.

### 2.2 Description of the Proposed Development

- 2.2.1 The Applicant's description of the Proposed Development, its location and technical capacity (where relevant) is provided in Scoping Report Section 2.
- 2.2.2 The Proposed Development comprises the construction, operation and decommissioning of a solar photovoltaic (PV) electricity generating and storage facility, on land approximately 2km to the north-east of Faversham and 5km west of Whitstable, on the north Kent coast. The Proposed Development is likely to include the following infrastructure:
- solar PV modules and mounting structures;
  - inverters and transformers;
  - onsite cabling;
  - fencing and security measures;
  - access tracks;
  - an electrical compound - comprising energy storage facility (likely to be battery storage), a substation, control building and connection to existing National Grid infrastructure; and
  - temporary construction compound(s) and temporary access arrangements.
- 2.2.3 The indicative layout of the Proposed Development is illustrated on Figure 2 of the Scoping Report.
- 2.2.4 The application site is approximately 407 hectares in size and comprised of generally flat agricultural land (reclaimed salt marsh), which is currently utilised for arable farming. Drainage ditches intersect the fields. The site location is illustrated on Figure 1 of the Scoping Report. The nearest settlement is the village of Graveney, which lies approximately 600m to the south-east of the application site and contains the Grade I listed Church of All Saints. There are scattered residential properties and farmsteads located in proximity to the site, as illustrated on Figure 2 of the Scoping Report. To the south of the application site there is a large complex of commercial polytunnels and greenhouses.



- 2.2.5 The tidal Faversham Creek borders the application site to the west. The Swale channel is located to the north, with the Isle of Sheppey beyond. The Swale and surrounding areas are covered by numerous ecological designations including The Swale Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site and The Swale Estuary Marine Conservation Zone (MCZ). The majority of the application site is located within Flood Zone 3a, with the northern, western and south-western boundaries of the site protected by sea wall flood defences. The Saxon Shore Way Long Distance Trail runs parallel to the sea wall.
- 2.2.6 The existing Cleve Hill substation (which connects the London Array Offshore Wind Farm to the National Grid electricity transmission network) is located in the eastern part of the application site. The site is traversed by a line of lattice pylons running east/west from the Cleve Hill substation.
- 2.2.7 The application site is located within the administrative boundaries of Swale Borough Council and Kent County Council.

## 2.3 The Planning Inspectorate's Comments

### Description of the Proposed Development

- 2.3.1 The description of the Proposed Development within the Scoping Report is relatively high level (at this stage) which does affect the level of detail possible in the Inspectorate's comments. In particular the Inspectorate notes that approximate dimensions of the energy storage facility, which is likely to be a particularly prominent feature of the Proposed Development, have not been provided in the Scoping Report.
- 2.3.2 The Inspectorate expects that at the point when an application is made, the description of the proposed structures will be sufficiently developed to include the design, size and locations of the different elements of the Proposed Development. This should include the footprint and heights of the structures (relevant to existing ground levels), as well as land-use requirements for all phases and elements of the development. The description should be supported (as necessary) by figures, cross-sections and drawings which should be clearly and appropriately referenced. Where flexibility is sought, the ES should clearly set out the design parameters that would apply and how these have been used to inform an adequate assessment in the ES.
- 2.3.3 Construction of the Proposed Development is anticipated to last approximately 6 to 18 months (paragraph 57 of the Scoping Report). The ES should include details of how the construction would be phased across the application site, including the likely duration and location of construction activities. Construction traffic routing should be described (with reference to an accompanying figure), along with anticipated numbers/types of vehicle movements. The Inspectorate notes that a Construction Traffic Management Plan (CTMP) is proposed; a draft/outline

of this document should be provided with the DCO application and agreed with relevant consultees.

- 2.3.4 Paragraph 59 of the Scoping Report highlights that there will be one main construction compound and possibly other smaller compounds. The ES should include a description of the construction compound/s (including their sizes and the length of time for which they would be required) and show their locations on a plan. The ES should assess any likely significant effects resulting from the use of the construction compounds.
- 2.3.5 The ES should include a description of any other temporary structures/features which are likely to be required during the construction phase (such as temporary roadways, as indicated in paragraph 60 of the Scoping Report). The description should include the likely dimensions and locations of such structures/features and the anticipated duration of their use.
- 2.3.6 If any temporary diversions of Public Rights of Way (PRoW) are required, the affected section of the route and the proposed diversion should be described in the ES. It should be clear in the ES how long any temporary diversions are anticipated to be in place and how provision of the diversions would be secured through the DCO or other mechanism. Any likely significant effects should be assessed.
- 2.3.7 Paragraph 455 of the Scoping Report notes the potential for continued agricultural use of the land through grazing. The Inspectorate would expect the proposals relating to the management of land and vegetation under and around the solar PV modules to be described in the ES. Proposals for maintaining vegetation around the PRoW within the application site should also be described.
- 2.3.8 Figure 2 of the Scoping Report usefully identifies the proposed land uses within the application site boundary. The Inspectorate advises that a similar figure should be provided within the ES, ensuring all areas within the application site boundary are clearly labelled with proposed land uses. For example, with reference to Figure 2, the proposed land uses of the north-easterly section of the application site, as well as the area to the south of Crown Cottages, is unclear. This should be clarified in the ES.
- 2.3.9 Paragraph 337 of the Scoping Report indicates that storage tanks and Sustainable Drainage Systems (SuDS) may form part of the Proposed Development. These elements and any other measures required to attenuate increased surface water run-off should be described in the ES.
- 2.3.10 The Scoping Report states at paragraph 51 that whilst lighting on sensors will be utilised for security purposes, '*No areas of the Development are proposed to be continuously lit*'. This position should be confirmed in the ES, including whether there would be a requirement for continuous lighting around the electrical infrastructure. The lighting requirements

during construction and decommissioning should also be described in the ES.

- 2.3.11 The Applicant's attention is drawn to the scoping consultation response from National Grid, which highlights electricity transmission infrastructure that could be affected by the Proposed Development (the 400kV overhead line which crosses the site). Whilst the Inspectorate acknowledges that these powerlines are not proposed to be altered by the Proposed Development (paragraph 48 of the Scoping Report), the Applicant should take into account the locations of these assets in undertaking the various assessments as part of the ES, working in consultation with National Grid.
- 2.3.12 The ES should describe the likely routing and depths of the underground cabling and the works required to facilitate this, including any dewatering of excavations (as indicated in paragraph 501 of the Scoping Report).
- 2.3.13 The Inspectorate notes that decommissioning of the Proposed Development is expected to take between 6 and 12 months (paragraph 64 of the Scoping Report). The ES should provide a detailed description of the activities and works which are likely to be required during decommissioning of the Proposed Development, including the anticipated duration.
- 2.3.14 The ES should describe any production process, including energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used. The likely significant effects associated with any particular technologies or substances proposed to be used should be described and assessed.

### Alternatives

- 2.3.15 The EIA Regulations require that the Applicant provide 'A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'.
- 2.3.16 The Scoping Report sets out the intended approach to considering alternatives in Section 4.2. The Inspectorate would expect to see a discrete section in the ES that provides details of the alternatives considered and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects. This should include any alternative access options which have been considered (such as sea, rail and air) as noted in paragraph 460 of the Scoping Report.

### Flexibility

- 2.3.17 The Applicant's attention is drawn to the Inspectorate's Advice Note 9 'Using the 'Rochdale Envelope'<sup>1</sup>, which provides additional details on the recommended approach.
- 2.3.18 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons. At the time of application, any Proposed Development parameters should not be so wide-ranging as to represent effectively different developments. The development parameters will need to be consistently and clearly defined in both the draft DCO (dDCO) and in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations.
- 2.3.19 It should be noted that if the Proposed Development changes substantially during the EIA process and prior to submission of the DCO application the Applicant may wish to consider requesting a new scoping opinion.

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<sup>1</sup> Advice Note nine: Using the Rochdale Envelope. 2012. Available at:  
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

### 3. EIA APPROACH

#### 3.1 Introduction

- 3.1.1 This section contains the Inspectorate's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. General advice on the presentation of an ES is provided in the Inspectorate's Advice Note 7 'Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping'<sup>2</sup> and associated appendices.
- 3.1.2 Aspects/matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the Inspectorate. The ES should be based on the Scoping Opinion in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's Scoping Report. The Inspectorate has set out in this Opinion where it has/has not agreed to scope out certain aspects or matters on the basis of the information available at this time. The Inspectorate is content that this should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such aspects/matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects/matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 3.1.3 Where relevant, the ES should provide reference to how the delivery of measures proposed to prevent/minimise adverse effects is secured through DCO requirements (or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

#### 3.2 Relevant National Policy Statements (NPSs)

- 3.2.1 Sector-specific NPSs are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority (ExA) will make their recommendation to the SoS and include the Government's objectives for the development of NSIPs. The NPSs may include environmental requirements for NSIPs, which Applicants should address within their ES.
- 3.2.2 The Applicant's Scoping Report acknowledges that there is no specific NPS for solar PV electricity generating and storage facilities but that the designated NPSs that appear relevant to the Proposed Development are:

- Overarching National Policy Statement For Energy (NPS EN-1);
- National Policy Statement on Renewable Energy Infrastructure (NPS EN-3); and
- National Policy Statement for Electricity Networks Infrastructure (NPS EN-5).

#### 3.3 Scope of Assessment

##### General

- 3.3.1 The Inspectorate recommends that in order to assist the decision-making process, the Applicant uses tables:
- to demonstrate how the assessment has taken account of this Opinion;
  - to identify and collate the residual effects after mitigation for each of the aspect chapters, including the relevant interrelationships and cumulative effects;
  - to set out the proposed mitigation and/or monitoring measures including cross-reference to the means of securing such measures (e.g. a dDCO requirement);
  - to describe any remedial measures that are identified as being necessary following monitoring; and
  - to identify where details are contained in the Habitats Regulations Assessment (HRA) report (where relevant), such as descriptions of European sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

##### Baseline Scenario

- 3.3.2 The ES should include a description of the baseline scenario with and without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.

##### Forecasting methods or evidence

- 3.3.3 The ES should contain the timescales upon which the surveys which underpin the technical assessments have been based. For clarity, this information should be provided either in the introductory chapters of the ES (with confirmation that these timescales apply to all chapters), or in each aspect chapter.
- 3.3.4 The Inspectorate expects the ES to include a chapter setting out the overarching methodology for the EIA (akin to Chapter 4 of the Scoping Report), which clearly states which effects are 'significant' and 'non-significant' for the purposes of the EIA. Any departure from that

<sup>2</sup> Advice Note Seven: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping. Available from:  
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>



methodology should be described in individual aspect assessment chapters.

- 3.3.5 The ES should include details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

#### **Residues and emissions**

- 3.3.6 The EIA Regulations require the ES to include an estimate, by type and quantity, of expected residues and emissions. Specific reference should be made to water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases, where relevant. This information should be provided in a clear and consistent fashion and may be integrated into the relevant aspect assessments.
- 3.3.7 The Inspectorate notes from Sections 13.4 and 13.5 of the Scoping Report that matters relating to air quality and waste are proposed to be scoped out of the ES. Notwithstanding this, estimates of residues and emissions to air and waste produced (by type and quantity) must be provided in the ES.

#### **Mitigation**

- 3.3.8 Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. It should be clear which measures are 'embedded' into the design of the Proposed Development and which measures are proposed additionally to mitigate a significant effect. The likely efficacy of the mitigation proposed should be explained with reference to residual effects, as noted in paragraph 141 of the Scoping Report. The ES should also address how any mitigation proposed is secured, ideally with reference to specific DCO requirements or other legally binding agreements.
- 3.3.9 The Inspectorate notes that a Construction Environmental Management Plan (CEMP) is to be produced. Where the ES relies upon mitigation measures which would be secured through the CEMP, it should be demonstrated (with clear cross-referencing) where each measure is set out in the CEMP. The Applicant should append a draft copy/outline of this document to the ES and/or demonstrate how it will be secured.

#### **Vulnerability of the development to risks of major accidents and/or disasters**

- 3.3.10 In accordance with the EIA Regulations, the ES should include a description of the potential vulnerability of the Proposed Development to risks of major accidents and/or disasters, including vulnerability to climate change, which are relevant to the Proposed Development. This should include consideration of whether the Proposed Development itself has the potential to cause accidents or disasters during construction,

operation or decommissioning. The Scoping Report does not set out the proposed approach to considering major accidents and disasters in the ES.

- 3.3.11 The Inspectorate considers that given the coastal location of the application site, the Proposed Development is potentially vulnerable to severe weather (such as storms and floods, the risks of which may be exacerbated by climate change). As such, the description in the ES regarding vulnerability to major accidents/and or disasters may be cross-referenced to the Climate Change Impact Assessment where appropriate.
- 3.3.12 Relevant information available and obtained through risk assessments pursuant to European Union legislation such as Directive 2012/18/EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

#### **Transboundary effects**

- 3.3.13 Schedule 4 Part 5 of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The Applicant has not indicated in the Scoping Report whether the Proposed Development is likely to have significant impacts on another European Economic Area (EEA) State.
- 3.3.14 Regulation 32 of the EIA Regulations inter alia requires the Inspectorate to publicise a DCO application on behalf of the SoS if it is of the view that the proposal is likely to have significant effects on the environment of another EEA state, and where relevant, to consult with the EEA state affected.
- 3.3.15 The Inspectorate considers that where Regulation 32 applies, this is likely to have implications for the examination of a DCO application. The Inspectorate recommends that the ES should identify whether the Proposed Development has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.

#### **A reference list**

- 3.3.16 A reference list detailing the sources used for the descriptions and assessments must be included in the ES.

### **3.4 Confidential Information**

- 3.4.1 In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the

presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential the Applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title, and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Inspectorate would be required to disclose under the Environmental Information Regulations 2014.

4. ASPECT BASED SCOPING TABLES

4.1 Landscape and Visual Impact Assessment

(Scoping Report Section 5)

<p>The proposed study area for the Landscape and Visual Impact Assessment (LVIA) extends to a 5km radius from the Proposed Development, with a core study area (which would be subject to more detailed assessment) of 2km. The Applicant considers that beyond the 5km radius, even with good visibility the Proposed Development would be barely perceptible in the composite landscape due to local landscape context and the nature of the development. The core study area is limited to 2km due to the low height of the Proposed Development, the sea walls which surround a large section of the site, existing topography and intervening built form and vegetation.</p> <p>The proposed assessment methodology combines standard guidance (primarily the Guidelines for Landscape and Visual Impact Assessment (GLVIA3)<sup>3</sup>) and professional judgement. A Zone of Theoretical Visibility (ZTV) will be produced and refined to take account of factors such as screening elements.</p> <p>The Scoping Report identifies that the Proposed Development will potentially impact on:</p> <ul style="list-style-type: none"><li>• physical features and elements of the landscape within the application site (alteration and/or removal);</li><li>• the landscape character of the application site and the surrounding area up to a radius of 5km;</li><li>• landscapes designated for their special qualities or scenic beauty up to a radius of 5km from the application site; and</li><li>• the visual amenity of people in the surrounding area up to a radius of 2km from the application site, including users of PRow and occupants of residential dwellings.</li></ul>			
ID	Para	Applicant's proposed matters to scope out	Inspectorate's comments
	n/a	None identified	n/a
	Para	Other points	Inspectorate's comments
1	51	Lighting	Impacts to visual amenity resulting from the introduction of lighting during the construction, operation and

<sup>3</sup> GLVIA, 3rd Edition: Landscape Institute of Environmental Management and Assessment (2013)

			decommissioning phases should be assessed in the ES. The assessment should cross refer to other relevant aspect assessments and sensitive receptors (such as ecology and ornithology).
2	54	Impacts	The Scoping Report does not provide dimensions for the energy storage facility. The ES should assess the landscape and visual impacts of the energy storage facility based on the applicable design requirements in the DCO and (if necessary) the applicable worst case parameters.
3	59	Impacts - construction	The ES should assess impacts with the potential to result in likely significant effects on landscape and visual amenity relating from the use of the construction compound/s, as well as any other temporary features required for construction (such as cranes).
4	61 and 191	Mitigation	<p>Paragraphs 61 and 191 of the Scoping Report refer to a 'Biodiversity and Landscape Management Plan' and a 'landscape planting scheme', respectively. Drafts of these documents should be provided with the ES. The Applicant should discuss and make effort to agree the planting specification/species mix with the relevant local planning authorities.</p> <p>It should be clear how the proposed landscaping would mitigate the effects on landscape and visual receptors, and how these effects would change as the proposed planting matures. Interactions with other ES aspects, for example beneficial effects on local ecology, should be explained.</p>
5	179; 192	Residential Visual Amenity Assessment	<p>Paragraph 179 of the Scoping Report states that the Proposed Development may impact on visual amenity up to 2km from the application site; however paragraph 192 proposes an assessment of impacts on visual amenity for residential properties located within 1km of the site.</p> <p>It should be clear in the ES how the study area for the Residential Visual Amenity Assessment has been defined with reference to the ZTV and the extent of the</p>

			likely impacts. All residential properties where residents may experience likely significant effects on their visual amenity should be assessed in the ES.
6	180	Decommissioning	Paragraph 180 of the Scoping Report notes that decommissioning of the Proposed Development has the potential to affect landscape and visual resources, but it is not clear whether an assessment of impacts during decommissioning is actually proposed. Any likely significant effects on landscape and visual receptors from decommissioning of the Proposed Development should be set out in the ES.
7	193-194	Study area and ZTV	The ZTV (and subsequent refinements) should be based on the relevant worst case having regard to any parameters applicable to the Proposed Development, including all proposed structures such as the energy storage facility.
8	197	Historic landscapes	The ES should include a description and assessment of the potential impacts to historic landscapes which are likely to result in significant effects. Cross-reference should be made to the Cultural Heritage chapter of the ES, as appropriate.
9	210-212	Visual receptors	Any impacts likely to result in significant effects on the visual amenity of users of boats should be assessed in the ES.
10	224 - 226; Table 5.5	Viewpoints and photomontages	<p>Fifteen viewpoints are currently proposed, along with photomontages from eight of these locations. The Inspectorate considers that both winter and summer views should be captured, in order to demonstrate any seasonal changes to the landscape character (for example, when polytunnels also feature in the landscape).</p> <p>The Inspectorate advises that any long distance views (such as from the Kent Downs AONB and higher land to the east of the site) should also be identified and assessed where significant effects may occur. The selection of viewpoints should be justified with reference to the refined ZTV.</p> <p>The Applicant should consult with the</p>

			relevant local planning authorities to discuss and agree the final selection of representative viewpoints and photomontages for inclusion in the ES.  In relation to impacts on the setting of the grade I listed Church of all Saints, the Inspectorate notes Historic England's scoping consultation response, which states that additional views analysis might be required (beyond proposed viewpoint 8). The Applicant should consult with Historic England to agree the specific viewpoints and analysis which is required.
11	n/a	Design	The ES should explain how the design of proposed structures and the materials to be used have been selected with the aim of minimising impacts to landscape and visual receptors.

4.2 Ecology

(Scoping Report Section 6)

<p>An initial desk based study is proposed, using a zone of influence to identify any statutory and non-statutory designated sites of nature conservation interest. The Scoping Report does not explain what study areas have been used for assessment of impacts on protected species.</p> <p>It is proposed that the assessment methodology for impacts to ecology and ornithology will follow the Chartered Institute for Ecology and Environmental Management (CIEEM) guidelines<sup>4</sup>. A range of surveys have also been completed, as set out in Section 6.2.2 of the Scoping Report.</p> <p>Potential impacts are identified as:</p> <ul style="list-style-type: none"><li>• loss of, and disturbance to, terrestrial habitats due to land take by the infrastructure;</li><li>• loss of habitat important for the maintenance of species' conservation statuses;</li><li>• direct disturbance of, and harm to, animals, including the displacement of species from the proximity of the Proposed Development; and</li><li>• potential legal offences, even when significant adverse ecological effects are unlikely.</li></ul>			
ID	Para	Applicant's proposed matters to scope out	Inspectorate's comments
	n/a	None identified	n/a
	Para	Other points	Inspectorate's comments
1	231+ 262	Study area	<p>Paragraph 231 of the Scoping Report states that a review of the MAGIC<sup>5</sup> website has identified statutory designated sites of nature conservation value within 5km of the Proposed Development; whereas paragraph 262 of the Scoping Report states that a desk based assessment will identify statutory and non-statutory designated sites within a '<i>potential zone of influence</i>'.</p> <p>The Applicant should identify the study areas for the ecology assessment in</p>

<sup>4</sup> CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland (2016)

<sup>5</sup> Multi-Agency Geographic Information for the Countryside (MAGIC)

			accordance with recognised practice and seek to agree these with the relevant consultees. The final study areas used to inform the assessment should be confirmed in the ES and depicted on a supporting plan.
2	Table 6.1	Impacts	The Swale SSSI, SPA and Ramsar site and the Swale Estuary MCZ are adjacent to the application site. The ES should include a full assessment of the direct and indirect effects of the Proposed Development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any significant adverse effects. Impacts on features which use functionally linked land should also be considered.
3	Section 6.2.2	Baseline	Various ecological surveys are documented in the Scoping Report. However the details relating to these are inconsistently provided particularly with regard to the locations or dates of the surveys. The ES should provide a comprehensive record of dates and locations of all surveys undertaken together with the findings.
4	255-256	Impacts	The Scoping Report contains records of findings during the ecological surveys. However it does not identify impacts from the Proposed Development upon specific species. General impacts are identified in Section 6.3 of the Scoping Report. Impacts on individual species should be identified and any likely significant effects assessed in the ES.
5	256	Impacts	The Inspectorate notes that emissions to air are not identified as a potential impact on ecological receptors.  The Applicant's attention is drawn to the Inspectorate's comments in Table 4.13 of this Opinion (Air Quality) in this regard.
6	256	Habitat loss	Habitats which would be lost as a result of the Proposed Development should be identified by type and the area of loss quantified in the ES.

7	257; 259	Opportunities for enhancement	The Applicant intends to explore opportunities for wildlife gain as a result of the Proposed Development. The Applicant should discuss opportunities for wildlife gain with Natural England and other relevant consultees.
8	n/a	Protected species licensing	The ES should confirm whether any European Protected Species licenses and/or mitigation licenses for other protected species licenses would be required, and consider the relevant dates in which licensed activities can occur.  To provide the ExA with assurance that any necessary license(s) are likely to be obtained, the Applicant should seek to obtain letters of no impediment (LoNI) from Natural England. These should be appended to the ES. The Applicant is referred to the Inspectorate's Advice Note Eleven, Annex C.



4.3 Ornithology

(Scoping Report Section 7)

<p>The desk based assessment has considered designated sites with the potential to be affected by the Proposed Development, within 5km of the site. It is considered that the Proposed Development is unlikely to have any substantive effects on the qualifying interests of sites beyond 5km (paragraph 284 of the Scoping Report).</p> <p>The proposed ornithological assessment methodology has been informed by various standards and guidance including the CIEEM guidelines, Royal Society for the Protection of Birds (RSPB) guidance on solar power<sup>6</sup> and Natural England Technical Note TIN101<sup>7</sup>. A series of baseline bird surveys have already been undertaken, with wintering bird surveys ongoing.</p> <p>There is potential for direct and indirect impacts on breeding and non-breeding birds to occur as a result of the Proposed Development. Such impacts would result from disturbance and/or displacement during construction, maintenance and operation; habitat loss; or habitat fragmentation.</p>			
ID	Para	Applicant's proposed matters to scope out	Inspectorate's comments
	n/a	None identified	n/a
	Para	Other points	Inspectorate's comments
1	274 + 284	Study area	<p>The Scoping Report states that the desk based assessment will identify statutory designated sites with potential to be affected by the Proposed Development (directly and indirectly). The assessment should take into account impacts to designated sites and functionally linked land.</p> <p>The study area should be established relative to the extent of the likely impacts.</p>
2	280	Impacts	<p>The Scoping Report identifies that the Proposed Development is likely to result in impacts during construction, operation and maintenance. However it does not give a breakdown of the type of activities which</p>

<sup>6</sup> RSPB: Solar Energy RPSB Policy Briefing (December 2014)

<sup>7</sup> Natural England: Solar Parks: Maximising Environmental Benefits (TIN101) (2011)

			may cause impacts, how they will create an impact or explain the duration of the impact. The specific elements of the Proposed Development likely to impact ornithological receptors should be explained and assessed in the ES. Potential impacts on ornithology during decommissioning should also be explained and assessed.
3	280	Impacts	<p>The impact of disturbance to birds is likely to be most severe during construction and decommissioning of the Proposed Development. The ES should assess all types of impact which may result in disturbance to birds (such as noise, vibration, traffic), cross-referencing to the other ES aspect assessments as appropriate. Appropriate mitigation measures should be proposed to minimise disturbance and agreed with relevant consultees.</p>
4	300	Vantage point surveys	<p>The ES should identify the locations where vantage points surveys have been undertaken and explain how the locations for the survey were selected, with reference to any agreement with relevant consultees. The locations of the vantage point surveys should be depicted on a supporting plan in the ES.</p>
5	307	Cumulative impacts	<p>Other developments identified for inclusion in the cumulative effect assessment should be agreed with the relevant consultees and their locations shown on a plan in the ES.</p>

#### 4.4 Hydrology, Hydrogeology, Flood Risk and Ground Conditions

(Scoping Report Section 8)

The proposed study area is a 5km radius from the boundary of the Proposed Development, based on hydrological connectivity of water bodies located downstream of the Proposed Development. The Applicant considers that beyond a 5km distance, solar developments in low lying catchments are unlikely to have any pollution or sedimentation effects because of the attenuation and dilution of potentially polluting substances and sediments.

The Scoping Report explains that the Proposed Development site is located within Flood Zone 3a, but benefits from coastal flood defences in the form of raised embankments and a sea wall. The Scoping Report states that the Proposed Development lies outside of groundwater Source Protection Zones and Drinking Water Protection Areas.

The assessment will follow standard guidance and applicable legislation including the Water Framework Directive (WFD) (2000/60/ED). The assessment will be based upon a source – pathway – receptor methodology, where the sensitivity of the receptors and the magnitude of change upon those receptors are identified within the study area. A Standalone Flood Risk Assessment (FRA) will be produced.

The key impacts identified are:

- increase in surface water run-off from areas of hardstanding;
- impacts in the event of a breach of coastal flood defences;
- potential impediment to drainage ditch flows as a result of new or upgraded crossings; and
- potential transfer of sediment and pollutants to surface water resources during construction.

ID	Para	Applicant's proposed matters to scope out	Inspectorate's comments
	n/a	None identified	n/a
	Para	Other points	Inspectorate's comments
1	318-320	Study area and receptors	Paragraphs 318 to 320 of the Scoping Report identify designations of relevance to the hydrological and hydrogeological footprint of the Proposed Development, within a 5km radius. However Figure 6 of the Scoping Report identifies various other designated sites located within 5km of the Proposed Development (such as the Swale Ramsar site) which the Inspectorate

			considers are likely to be linked hydrologically connected to the application site.  The ES should assess the impacts which may result in likely significant effects on designated sites which are hydrologically linked to the Proposed Development. The ES should justify the choice of sensitive receptors, the study area applied and seek to agree this with relevant consultees.
2	322	Potential impacts	In relation to impacts from increased surface water run-off, the Inspectorate considers that impacts on water quality as a result of soil erosion should be assessed in the ES.
3	322	Works to drainage ditches	If the Proposed Development includes works that may affect the existing drainage regime including ditches these should be assessed in the ES. In particular the assessment should focus on upgrades to or construction of crossing points, including any crossings required temporarily for construction.
4	323	WFD	The ES should explain the relationship between the Proposed Development and any relevant water bodies in relation to the current relevant River Basin Management Plan.  If the Proposed Development has the potential to impact upon any WFD water bodies these should be assessed. Impacts during construction, operation and decommissioning of the Proposed Development should be considered. The Applicant's attention is drawn to the Inspectorate's Advice Note Eighteen: The WFD.
5	316; 336-337	FRA	The Inspectorate notes the discussions between the Applicant and the Environment Agency regarding flood depths - it has been agreed that the coastal flood model should be re-run to include a breach scenario for the 1 in 200 year tidal event plus appropriate uplifts for climate change. The flood depths derived from the breach scenario will inform the design of the critical electrical infrastructure (such as the

			<p>substation) with an appropriate freeboard allowance for climate change. All elements of the Proposed Development, including dimensions, should be described within the Project Description chapter of the ES.</p> <p>The Inspectorate notes the comments from Kent County Council (the Lead Local Flood Authority (LLFA)) regarding the need for additional sensitivity testing at the 40% level for climate change (see Appendix 2). This should be discussed and agreed with the LLFA and the Environment Agency.</p> <p>The Inspectorate notes that surface water is not identified as a potential source of flooding. The Inspectorate advises that potential impacts from surface water flooding should be considered in the FRA. The Inspectorate notes that Kent County Council has also recommended that the scope of the FRA includes potential impacts from surface water flooding.</p> <p>The conclusions of the FRA should be agreed with the Environment Agency and Kent County Council prior to submission of the DCO application, with evidence of such agreement provided - for example in a Statement of Common Ground.</p>
6	n/a	UKCP09 projections	<p>As set out in NPS EN-1 the assessment of potential impacts of climate change should use the latest UK Climate Projections, this should include the anticipated UKCP18 projections where appropriate.</p> <p>For the avoidance of doubt the Inspectorate's comments in this regard are also included in Table 4.14 (Climate Change Impact Assessment) of this Opinion.</p>

4.5 Cultural Heritage and Archaeology

(Scoping Report Section 9)

<p>The study area is proposed to be 1km from the boundary of the Proposed Development where there is considered to be potential for significant environmental effects and any additional assets beyond this range identified during consultation.</p> <p>The assessment will be based on relevant statutory and planning frameworks for the historic environment, including guidelines from the Chartered Institute for Archaeologists and Historic England's Good Practice Advice, specifically Advice Note 3 – The Setting of Heritage Assets<sup>8</sup>.</p> <p>Potential impacts are identified as damage or destruction of known and unknown archaeological sites and impacts to the settings of heritage assets. Of particular note is the impact to the setting of the Grade I listed Church of All Saints and its associated conservation area.</p>			
ID	Para	Applicant's proposed matters to scope out	Inspectorate's comments
	n/a	None identified	n/a
	Para	Other points	Inspectorate's comments
1	345	Study area and sensitive receptors	<p>In addition to those designated sites which have provisionally been identified for inclusion in the ES assessment (Table 9.1 and paragraph 349 of the Scoping Report), the Inspectorate notes the presence of the grade II* listed Harty Church and the moated site at Sayes Court (a scheduled monument) on the southern side of the Isle of Sheppey and advises that impacts to the setting of these assets are considered in the ES. Historic England's scoping consultation response supports this view.</p> <p>The Inspectorate is otherwise content that the correct designated assets have been identified in the Scoping Report, but advises that the Applicant uses the ZTV (once fully developed) to review this list, to identify any additional heritage assets</p>

<sup>8</sup> Historic England - The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (2015)

			<p>which may experience visual impacts from the Proposed Development.</p> <p>The ES should fully justify the choice of heritage assets considered in the assessment and their locations should be depicted on a supporting plan (akin to Figure 9 of the Scoping Report).</p>
2	352; 363	Impacts on archaeology	The ES should identify which works associated with the Proposed Development would result in direct impacts on archaeological resource (for example, those requiring deep excavations). Any impacts to archaeology which may result in a likely significant effect(s) during construction and/or decommissioning should be assessed.
3	352	Impacts	The Inspectorate notes the potential for the Proposed Development to cause damage to or destruction of known and unknown archaeological resource. The ES should set out the proposals for the recording of any archaeological resource which would be permanently lost as a result of the Proposed Development and seek to agree the approach with relevant consultees.
4	357	Guidance	The Inspectorate notes Historic England's scoping consultation response, which explains that Historic England's Advice Note 3 will soon be replaced by a new version. The ES should make use of relevant and up to date guidance to support the assessment.
5	358- 359	Baseline	The Inspectorate notes the discussions which have taken place between the Applicant and Kent County Council (as detailed in Kent County Council's scoping consultation response), with regard to the scope of the desk based assessment and potential survey works. The Inspectorate advises that appropriate geophysical investigations should be considered and LiDAR data reviewed to fully understand the baseline conditions at the application site. The extent of the survey effort should be agreed with relevant consultees and fully justified in the ES.

			Archaeological investigations should be completed (and the assessment reported in the ES) prior to submission of the DCO application, unless otherwise agreed with relevant statutory consultees.
6	378	Cumulative impacts	In terms of cumulative impacts on cultural heritage assets, it is proposed that the assessment will consider other developments within a 5km radius. The Inspectorate agrees that this is an appropriate study area but advises that the specific developments considered in the cumulative assessment (with respect to impacts on heritage assets) are discussed and agreed with the relevant local planning authorities and Historic England.
7	n/a	Mitigation	Any specific mitigation measures relating to heritage assets have not been identified at this stage. Appropriate mitigation measures should be discussed and agreed with officers from the relevant local planning authorities and Historic England.



## 4.6 Noise and Vibration

(Scoping Report Section 10)

The Scoping Report proposes to assess effects on residential receptors within 200m of equipment and plant which would generate noise during operation of the Proposed Development. It is not clear what study area is proposed for the assessment of construction impacts. It is proposed to scope impacts from decommissioning out of consideration in the ES.

The proposed methodology for the assessment of construction noise and vibration is based on BS 5228<sup>9</sup>. In relation to noise from construction traffic, the Calculation of Road Traffic Noise guidance<sup>10</sup> and the Design Manual for Roads and Bridges<sup>11</sup> would also be considered.

It is proposed that operational noise impacts are assessed in accordance with BS 4142:2014<sup>12</sup>. Predicted noise levels would be modelled using ISO 9613-2:1996<sup>13</sup> and a noise contour plot produced, which would be used to identify noise monitoring locations.

The Scoping Report identifies the potential for noise during construction, operation and decommissioning of the Proposed Development to affect nearby residents. During construction, noise impacts would primarily result from vehicle movements and the use of mobile plant. Impacts from vibration may also occur during the construction phase. During operation, noise impacts would arise from electrical equipment and other plant associated with the substation(s) and battery storage elements.

ID	Para	Applicant's proposed matters to scope out	Inspectorate's comments
1	405	Noise impacts during decommissioning	<p>The Applicant proposes to scope out an assessment of noise impacts during decommissioning of the Proposed Development from the ES.</p> <p>The Inspectorate acknowledges that the noise impacts during decommissioning are likely to be similar to (or less than) the impacts during construction, as well as the</p>

<sup>9</sup> BS 5228:2009+A1 2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 1 (Noise) and Part 2 (Vibration)

<sup>10</sup> Calculation of Road Traffic Noise (CRTN), 1988

<sup>11</sup> Design Manual for Roads and Bridges (DMRB) HD213/11, Volume 11, 2011

<sup>12</sup> BS 4142 - Methods for Rating and Assessing Industrial and Commercial Sound, 2014

<sup>13</sup> ISO 9613-2:1996 – Acoustics; Attenuation of sound during propagation outdoors – Part 2: General method of calculation, 1996

			uncertainties associated with assessing impacts from decommissioning. However the ES must assess impacts which could result in likely significant effects through all phases of the Proposed Development. The Inspectorate considers that impacts from noise during decommissioning of the Proposed Development should be assessed in the ES.
	<b>Para</b>	<b>Other points</b>	<b>Inspectorate's comments</b>
2	382	Study area	<p>Paragraph 382 of the Scoping Report refers to a 200m study area for identifying sensitive residential receptors in relation to operational impacts, but does not explain why this distance is considered appropriate. It is not clear what distance is proposed for the construction assessment. The ES should clearly identify the study area/s used in the assessment, which should relate to the extent of the likely impacts. This should be discussed and agreed with relevant consultees.</p>
3	382	Sensitive receptors	<p>The Scoping Report confirms that sensitive residential receptors will be identified but does not contain reference to other types of receptor, such as ecological and recreational receptors. The Inspectorate expects the ES to consider all types of sensitive receptor which may be impacted by the Proposed Development, cross-referring to other aspect assessments as appropriate.</p> <p>The sensitive receptors for the assessment should be agreed with the relevant local planning authorities.</p>
4	385; 400	Vibration assessment	<p>The Scoping Report notes the potential for vibration impacts to occur during construction of the Proposed Development, although does not confirm which activities have the potential to produce vibration. This should be clear in the ES.</p> <p>As well as vibration generated by plant/activities on-site, the Inspectorate considers that ground-borne vibration from Heavy Good Vehicles (HGVs) associated with construction and decommissioning of the Proposed Development has the</p>



			<p>potential to impact on existing residential receptors in proximity to the application site. The ES should either include evidence to confirm that ground-borne vibration from HGV traffic would not result in significant effects on sensitive receptors, or provide an assessment of the likely impacts.</p> <p>The ES should clearly explain how the extent of the likely impacts from vibration has been used to identify sensitive receptors for inclusion in the assessment.</p> <p>Any assumptions (such as construction plant to be used) should be clearly identified in the ES.</p>
5	396-7	Baseline surveys	<p>The Inspectorate notes that noise monitoring is anticipated to be required at approximately three or four locations, which will be discussed and agreed with the Environmental Health Officer at Swale Borough Council.</p> <p>The ES should identify the locations where monitoring has been undertaken and explain how these locations were selected, with reference to the noise contour plot. The ES should confirm when the monitoring was undertaken (with reference to weather conditions) and the time period covered. The ES should include a justification to support the extent of the survey effort.</p>
6	n/a	Significant Observed Adverse Effect Level (SOAEL) and Lowest Observed Adverse Effect Level (LOAEL)	<p>Consistent with the Noise Policy Statement for England, LOAEL and SOAEL should be defined for all of the construction, operational and decommissioning noise and vibration matters assessed. Mitigation measures should be set out accordingly.</p>
7	n/a	Vibration during operation and decommissioning	<p>The Scoping Report does not contain reference to impacts from vibration during operation or decommissioning of the Proposed Development.</p> <p>Taking into account the nature and characteristics of the Proposed Development, the Inspectorate considers that vibration during operation and decommissioning is unlikely to lead to significant effects. With the exception of the Inspectorate's comments above in relation</p>

			<p>to ground-borne vibration from HGV traffic (ID 4), the Inspectorate is content that impacts from vibration during operation and decommissioning of the Proposed Development can be scoped out of the ES.</p>
8	n/a	Impacts	<p>The ES should provide details of the anticipated construction working hours (including any night time working required) and incorporate this into the assessment of likely significant effects. This should be consistent with the working hours specified in the dDCO.</p>

#### 4.7 Socio-Economics, Tourism, Recreation and Land-Use

(Scoping Report Section 11)

It is proposed that the socio-economic assessment will consider three impact areas – Swale Borough Council area, the Kent region and England. The study area relevant to tourism would be more localised and is proposed to be determined with reference to other aspects such as Landscape and Visual, Noise and Access and Traffic. Specific study areas relevant to recreation and land use have not been defined in the Scoping Report.

The Scoping Report explains that the methodology for the socio-economic assessment has been developed with reference to Institute of Environmental Management and Assessment (IEMA) guidance. Impacts on recreation would be assessed using a qualitative assessment methodology based on professional judgement. In terms of impacts on agricultural land, reference is made to the Ministry of Agriculture, Fisheries and Food (MAFF) guidelines<sup>14</sup>.

Section 11 of the Scoping Report identifies the potential for the Proposed Development to impact on:

- the economy at the local and national levels, including job creation;
- tourism – the visitor economy and tourism assets/attractions in the Swale local authority area;
- recreation - disruption to recreational resources and PRow on and around the application site; and
- land use – resulting from the change of use of the application site from arable cultivation to energy generation.

ID	Para	Applicant's proposed matters to scope out	Inspectorate's comments
1	425; 427	Socio-economic impacts during operation, maintenance and decommissioning	Considering the nature and location of the Proposed Development, the Inspectorate is content that significant socio-economic effects during its operation, maintenance and decommissioning are unlikely to occur. These matters can be scoped out of the ES.
2	408; 441; 449	Impacts on tourism, recreation and land use during	It appears from paragraphs 408, 441 and 449 of the Scoping Report that it is not proposed to consider impacts from

<sup>14</sup> Agricultural Land Classification of England and Wales: revised guidelines and criteria for grading the quality of agricultural land (MAFF, 1988)

		decommissioning	decommissioning in terms of tourism, recreation and land-use in the ES. Considering the nature and location of the Proposed Development, the Inspectorate is content that impacts to tourism, recreation and land use during decommissioning are unlikely to be significant. These matters can be scoped out of the ES.
	<b>Para</b>	<b>Other points</b>	<b>Inspectorate's comments</b>
3	431	Assessment methodology	The Inspectorate notes the reference to ' <i>...good practice EIA guidance, such as that published by IEMA...</i> ' in relation to the socio-economic assessment methodology. The ES should identify the specific guidance documents which have been utilised for the assessment. It should be clear how professional judgement has been applied.
4	433; 434	Study areas	The ES should clearly set out the study areas relevant to the socio-economic, tourism, recreation and land use assessments. The ES should include a clear justification in support of the study areas and ensure they are depicted on corresponding figures to aid understanding. It should be clear how the selected study areas relate to the extent of the likely impacts.
5	442	Receptors	Along with users of PRow, any impact likely to result in significant effect(s) on the users of other types of recreational receptors in the surrounding area should also be assessed. For example, country parks, nature reserves or boats.
6	443- 444	Impacts - recreation	If temporary diversions of PRow are required, any resulting impacts on the recreational value of PRow should be assessed.
7	443- 444	Impacts - recreation	The Scoping Report identifies PRow within or in close proximity to the application site at paragraph 443. The assessment of recreational impacts on PRow users should consider potential interactions with other aspect assessments as relevant (for example noise, dust, access and traffic and

			visual amenity).
8	451	Baseline information and potential impacts	<p>An Agricultural Land Classification (ALC) survey was undertaken in March 2017, with reference to the MAFF guidelines. The Inspectorate advises that the ES should also refer to the guidance within Natural England's TIN049<sup>15</sup>.</p> <p>The ES should quantify the agricultural land which would be temporarily and permanently lost as a result of the Proposed Development (by ALC grade) and assess any impacts that may result in likely significant effects. Any impacts likely to result in significant effects on soil quality should also be described and assessed.</p>
9	n/a	Impacts	<p>The Inspectorate notes that the application site is within a Minerals Safeguarding Area, which is not referenced in the Scoping Report. The ES should identify and assess any likely significant effects on mineral resources. The Applicant's attention is drawn to Kent County Council's scoping consultation response in this regard and is advised to discuss and agree the approach with the County Council.</p> <p>The Inspectorate notes paragraph 5.10.9 of NPS EN-1 in this regard.</p>

<sup>15</sup> Natural England Technical Information Note TIN049: Agricultural Land Classification: protecting the best and most versatile agricultural land (2012)

4.8 Access and Traffic

(Scoping Report Section 12)

<p>A specific study area for the assessment has not been identified in the Scoping Report. It is proposed to identify sensitive receptors based on inspections of the potential routes to the application site.</p> <p>The proposed assessment methodology would follow guidance within the Guidelines for the Environmental Assessment of Road Traffic (IEMA, 1993) and the Guidelines for Traffic Impact Assessment (IHT, 1994). A primarily desk-based assessment is proposed, supported by site visits and traffic surveys. Traffic growth would be estimated using the Department for Transport's TEMPRO<sup>16</sup> software.</p> <p>During construction of the Proposed Development, the Scoping Report identifies potential impacts on the surrounding road network and sensitive receptors, as a result of HGV movements, increased traffic flows and transportation of loads. Mitigation is proposed in the form of a CTMP. During operation, it is anticipated that the Proposed Development would generate minimal traffic movements.</p>			
ID	Para	Applicant's proposed matters to scope out	Inspectorate's comments
1	468	Detailed assessment of operational effects	<p>The Scoping Report explains that the volume of operational traffic generated by the Proposed Development would be minimal; occasional visits may be made to the site for maintenance checks.</p> <p>Considering the nature of the Proposed Development, the Inspectorate is content that significant effects are unlikely to occur and that a detailed assessment of operational effects can be scoped out of the ES. However the ES should still provide details of the anticipated traffic movements for the operational phase.</p>
	Para	Other points	Inspectorate's comments
2	459-461	Access route options	<p>The Inspectorate notes that there are several potential routes to access the application site via the A299 Thanet Way. Paragraph 461 of the Scoping Report details the 'most likely' route. The</p>

<sup>16</sup> Trip End Model Presentation Program

			<p>Inspectorate recommends that the decision regarding the access route option is made prior to submission of the DCO application. This will allow for a robust assessment of likely significant effects and provide certainty to those likely to be affected.</p> <p>Any alternative access options which have been considered (including sea, rail and air) should be reported in the 'alternatives' section of the ES.</p>
3	459	Impacts	<p>The ES should assess impacts that may result in likely significant effects on the safety, reliability and operation of the Strategic Road Network, particularly with regards to the M2 and A2 around Faversham. The assessment methodology and any necessary mitigation measures should be discussed and agreed with relevant consultees including Highways England.</p>
4	464	Road improvements	<p>The ES should describe and assess the potential impacts (both positive and negative) associated with any improvements/changes to the access route which are either required to facilitate construction of the Proposed Development, or required for restoration purposes on completion of the works.</p> <p>The scope of the required works should be discussed and agreed with the relevant local highways authority, clearly described in the ES and it should be clear how this would be delivered and secured.</p>
5	464	Abnormal loads	<p>The ES should confirm the anticipated number of abnormal loads and the types of vehicles required.</p> <p>Any mitigation measures required to facilitate the delivery of abnormal loads should be detailed in the ES and any resultant likely significant effects assessed.</p>
6	471; 473	Automatic traffic count surveys	<p>The Inspectorate notes that initial automatic traffic count surveys were undertaken in May 2017. The Scoping Report does not confirm if/when additional traffic count surveys are to be undertaken.</p>

			<p>The ES should identify the locations where traffic count surveys have been undertaken, explain how these locations were selected and confirm precise details of when the counts were undertaken. The Inspectorate would expect these details to have been discussed and agreed with the relevant local authority planning authorities. To provide assurance that the assessment of likely significant effects is supported by a robust dataset, the ES should include a justification to support the extent of the survey effort, including why the traffic data collected is considered to represent the typical (neutral) flow conditions on the network.</p>
7	475	Impacts	<p>In addition to impacts on pedestrians, the ES should consider any impacts to other non-motorised users (NMUs) (for example equestrians and cyclists). The assessment of impacts on NMUs should be supported by pedestrian and cyclist counts, at locations agreed with the relevant local planning authorities.</p> <p>Any proposals for monitoring the effects should be detailed in the ES.</p>
8	480	Sensitive receptors	<p>The Scoping Report does not identify specific sensitive receptors for the purposes of the assessment, but explains that these would be identified based on the route inspections. The Inspectorate considers that this should include relevant community facilities (for example, Graveney Primary School) and their catchment areas. The full list of sensitive receptors should be discussed and agreed with the relevant local planning and highway authorities.</p>
9	481	CTMP	<p>The Applicant should append a draft/outline CTMP to the ES and demonstrate how this document will be secured. The CTMP should set out any proposals for monitoring HGV movements e.g. to/from the application site.</p>
10	482	Assessment of cumulative effects	<p>The relationship between any committed developments which have been incorporated into the traffic modelling and</p>



			other developments incorporated into the cumulative assessment should be clearly explained in the ES.
11	503	Impacts from transportation of waste	The Access and Traffic chapter of the ES should assess the impacts which may result in likely significant effects resulting from the transport of waste generated during construction and decommissioning of the Proposed Development. Any assumptions made (such as with regard to quantities of contaminated land) should be clearly set out and justified in the ES.
12	505	Impacts	<p>The Inspectorate notes the link between the number of vehicle movements and emissions to air (including dust), particularly during construction and decommissioning of the Proposed Development. If any impacts are likely to result in significant effects, these should be assessed in the ES.</p> <p>The Applicant is referred to the Inspectorate's comments in Table 4.13 of this Opinion (Air Quality) in this regard.</p>
13	n/a	Study area	<p>Study area/s for the purposes of the assessment have not been defined in the Scoping Report.</p> <p>The study areas area/s utilised in the Access and Traffic aspect assessment (including the area covered by any traffic modelling) should be discussed and agreed with relevant consultees, clearly defined and justified in the ES.</p>
14	n/a	Impacts from decommissioning	Section 12 of the Scoping Report does not contain reference to impacts from decommissioning the Proposed Development. In the absence of information to demonstrate that decommissioning of the Proposed Development would not lead to significant effects in terms of Access and Traffic, the Inspectorate considers that this matter should be assessed in the ES.

## 4.9 Glint and Glare

(Scoping Report Section 13.1)

<p>A specific study area for the assessment has not been identified in the Scoping Report.</p> <p>The Applicant proposes to undertake a glint and glare assessment to assess the potential impact of solar reflection on identified ground-based sensitive receptors. It is proposed to scope aviation receptors out of assessment in the ES.</p> <p>Paragraph 487 of the Scoping Report explains that there are no guidelines setting out a particular methodological approach for assessing glint and glare. A geometric assessment is proposed, which involves identifying sensitive receptors and undertaking calculations to determine if and when a solar reflection would occur at those receptor locations. If a significant effect is identified, mitigation will be proposed.</p>			
ID	Para	Applicant's proposed matters to scope out	Inspectorate's comments
1	489	Effects on aviation receptors	<p>The Scoping Report explains that significant effects from glint and glare on aviation receptors are unlikely, with the nearest active airfield noted to be Maypole Airfield (approximately 13.5km to the east).</p> <p>Considering the distances involved, the Inspectorate is content that significant effects are unlikely to occur and agrees that the effects of glint and glare on aviation receptors can be scoped out of the ES.</p>
	Para	Other points	Inspectorate's comments
2	488-9	Sensitive receptors	<p>The Applicant is advised to use the ZTV developed for the LVIA to identify sensitive receptors with potential views of the site, which may therefore be affected by glint and glare.</p> <p>The sensitive receptors for the purposes of the ES assessment should be discussed and agreed with the relevant local planning authorities. In addition to residential and ground-based transport receptors (including road, rail and boats), the Applicant should also assess impacts to cultural heritage receptors (most notably the Church of All Saints) and their settings. The locations of the sensitive receptors</p>



			should be shown on a plan included in the ES.
3	489	Methodology	The Inspectorate notes the lack of guidelines for the assessment of glint and glare in relation to impacts on ground based receptors. The ES must clearly explain the assessment methodology (with reference to appropriate modelling and predictive techniques; charts/diagrams should be included as appropriate) and identify where professional judgement has been applied.
4	n/a	Study area	The study area for the assessment should be set out and justified in the ES. It should be clear how the chosen study area relates to the extent of the potential impact.
5	n/a	Impacts	<p>The ES should identify and assess the worst case applicable to the design of the Proposed Development and its impacts. The likely timing and duration of the impact should be noted.</p> <p>The assessment must cover the operational lifespan of the Proposed Development.</p>
6	n/a	Mitigation	It should be clear how existing/planned screening features such as fencing, trees or vegetation would influence the assessment of the likely impacts and the resulting effects.
7	n/a	Cumulative effects	Should any other forms of development be planned in the area which could result in cumulative glint and glare effects together with the Proposed Development, this should be assessed in the ES.

4.10 Human Health

(Scoping Report Section 13.2)

<p>A Human Health Impact Assessment (HHIA) is proposed, which will draw together and consider the findings of the following ES assessments:</p> <ul style="list-style-type: none"><li>• Traffic and transport;</li><li>• Noise;</li><li>• Residential amenity;</li><li>• Security;</li><li>• Health and safety at work; and</li><li>• Electric, magnetic and electromagnetic fields (EMF).</li></ul> <p>An assessment methodology and a study area for the HHIA have not been set out in the Scoping Report. In terms of the assessment of impacts from EMFs, the Scoping Report proposes an assessment of any cables associated with the Proposed Development which exceed 132kV, which is noted to be in line with guidance published by the Department of Energy and Climate Change (DECC)<sup>17</sup> and the exposure guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) in 1998.</p> <p>The Scoping Report explains that impacts to human health during operation of the Proposed Development would be minimised by the site design and inbuilt buffers from sensitive receptors. Potential impacts to human health during construction and decommissioning of the Proposed Development have not been identified in the Scoping Report.</p>			
ID	Para	Applicant’s proposed matters to scope out	Inspectorate’s comments
1	493	Risks associated with electrical infrastructure (such as from lightning strikes)	The Scoping Report explains that risks associated with electrical infrastructure (such as lightning strikes) would be removed or reduced through inbuilt control systems. On the basis that the safety measures provided by the inbuilt control systems are clearly described in the ES, the Inspectorate is content that significant effects are not likely to occur and this matter can be scoped out of the ES.

<sup>17</sup> Power Lines: Demonstrating compliance with EMF public exposure guidelines, a voluntary code of practice (DECC, 2012)

2	498	Assessment of effects from EMFs from cables up to and including 132kV	<p>It is proposed to limit the scope of the assessment of EMFs in the ES to any cables associated with the Proposed Development which exceed 132kV, in line with the DECC guidance and exposure guidelines from the ICNIRP (1998). The Scoping Report explains that the only part of the Proposed Development which is likely to exceed 132kV is the underground export cable between the proposed substation and the existing Cleve Hill substation, which is likely to be a 400kV cable.</p> <p>The Inspectorate is content that an assessment of likely significant effects from EMF from cables up to and including 132kV can be scoped out of the ES. Notwithstanding this, the Applicant must provide sufficient evidence to demonstrate compliance with the ICNIRP restrictions, in accordance with the DECC voluntary Code of Practice. The Applicant's attention is drawn to Section 2.10 of NPS EN-5 in this regard.</p> <p>The Inspectorate agrees that the likely significant effects from EMF associated with any proposed cables exceeding 132kV should be assessed in the ES. The Applicant should take into account any in-combination impacts from EMF associated with existing infrastructure (e.g. the 400kV overhead line crossing the application site).</p>
	<b>Para</b>	<b>Other points</b>	<b>Inspectorate's comments</b>
3	492	Study area	The study area/s utilised in the HHIA (including how/if this varies in relation to the different assessments listed in paragraph 492 of the Scoping Report) should be clearly set out in the ES.
4	n/a	Methodology	The Scoping Report does not propose a methodology for the HHIA or for the assessment of EMF. The Applicant should ensure the survey methodologies relevant to the assessment of impacts on human health and EMF are clearly set out in the ES. This should include reference to any applicable guidance utilised in the assessment.
5	n/a	Impacts	Section 13.2 of the Scoping Report does

			not reference potential impacts to human health during construction and decommissioning of the Proposed Development. The ES should consider the likely significant effects on human health during all phases of the Proposed Development. Any measures required to avoid or reduce impacts on human health should be described in the ES.
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4.11 Telecommunications, Television Reception and  
Utilities

(Scoping Report Section 13.3)

A study area for the assessment has not been set out in the Scoping Report.

The Scoping Report explains that solar parks have the potential to affect existing below ground utility infrastructure. It is proposed to undertake a desk based study and consultation with relevant utility and telecommunication providers to identify existing infrastructure constraints.

Potential impacts on specific infrastructure have not been identified at this stage.

ID	Para	Applicant’s proposed matters to scope out	Inspectorate’s comments
	n/a	None identified	n/a
	Para	Other points	Inspectorate’s comments
1	499	Impacts	In addition to impacts on below ground utility infrastructure, the ES should describe any potential impacts on above ground infrastructure, such as the overhead line which traverses the application site. The Applicant’s attention is drawn to National Grid’s consultation response in this regard.
2	499-500	Impacts	It should be clear how the results of the desk study and consultation have informed the layout of the Proposed Development.  Should any diversions of utility or telecommunications infrastructure be required, these should be described in the ES and any resultant like significant effects should be assessed.
3	n/a	Study area	The study area for the purposes of the assessment should be confirmed in the ES.

4.12 Waste

(Scoping Report Section 13.4)

A study area and an assessment methodology relevant to impacts from waste have not been set out in the Scoping Report.

The Scoping Report identifies potential sources of waste which are likely to be generated during construction of the Proposed Development, including metals, chemicals, water from dewatering of excavations, packaging and general construction waste. Mitigation is proposed in the form of a Site Waste Management Plan (SWMP). Potential sources of waste during operation and decommissioning of the Proposed Development are not identified in this section of the Scoping Report.

ID	Para	Applicant's proposed matters to scope out	Inspectorate's comments
1	503-504	Vehicular movements required to remove waste during construction and decommissioning from 'Waste' aspect assessment	<p>Paragraph 503 of the Scoping Report proposes that the number of vehicles required to transport the waste generated during construction and decommissioning of the Proposed Development will be considered within the Access and Traffic aspect chapter of the ES. The Inspectorate agrees that this is an acceptable approach. Any assumptions made (such as with regard to quantities of contaminated land) should be clearly set out and justified in the ES.</p> <p>The Applicant is referred to the Inspectorate's comments in Table 4.8, ID 11 of this Opinion.</p>
2	504	Other impacts from waste	<p>Paragraph 504 of the Scoping Report states that '<i>...there is no requirement for further consideration of waste to be undertaken, beyond the volume of any traffic generated during the construction phases resulting from its transportation</i>'.</p> <p>With the exception of any likely significant effects resulting from the transport of waste (refer to Table 4.8, ID 11 of this Opinion), having regard to the nature and location of the Proposed Development, the Inspectorate considers that significant effects in terms of waste are unlikely to occur and agrees that this matter can be</p>

			scoped out of the ES.
	<b>Para</b>	<b>Other points</b>	<b>Inspectorate's comments</b>
3	502	SWMP	The Applicant should append a draft/outline SWMP to the ES and demonstrate how this document will be secured, through the DCO or other legally binding mechanism. The SWMP should be sufficiently detailed to ensure its efficacy.

4.13 Air Quality

(Scoping Report Section 13.5)

This section of the Scoping Report explains that impacts during construction and decommissioning (such as dust and emissions from plant and machinery) are considered in the Access and Traffic chapter and would be managed through good practice construction methodologies. The Scoping Report explains that operation of the Proposed Development would result in minimal alteration to the existing air quality baseline.

A study area and an assessment methodology in relation to air quality have not been set out in the Scoping Report.

ID	Para	Applicant's proposed matters to scope out	Inspectorate's comments
1	505	Impacts on air quality during construction and decommissioning of the Proposed Development	<p>With the exception of dust emissions, the Inspectorate is content that there are unlikely to be significant effects on air quality from activities on the application site relating to construction and decommissioning. However the Inspectorate considers that there could be impacts associated with increased traffic movements and in the absence of sufficient evidence to confirm otherwise, these may be significant. Therefore, the ES should assess impacts to air quality associated with increased traffic movements during construction and decommissioning.</p> <p>With regards to dust generated by activities on the application site during construction and decommissioning, the Inspectorate considers that there is potential for impacts to sensitive receptors, including the designated ecological sites in proximity to the application site. The ES should assess the likely significant effects resulting from dust generated by construction and decommissioning of the Proposed Development.</p>
2	506	Impacts on air quality during operation of the Proposed Development	Having had regard to the nature of the Proposed Development and the sensitivity of the receiving environment, the Inspectorate is content that operation of the proposed solar park would not lead to significant effects in terms of air quality.

			This matter can be scoped out of the ES.
	<b>Para</b>	<b>Other points</b>	<b>Inspectorate's comments</b>
3	475; 505	Impacts during construction and decommissioning	<p>It is noted from paragraph 475 of the Scoping Report that the traffic movements which are anticipated to be generated by the Proposed Development will be quantified as part of the Access and Traffic ES assessment.</p> <p>Paragraph 505 of the Scoping Report goes on to state that construction and decommissioning related air quality effects (e.g. dust and emissions) '<i>are considered in the Access and Traffic chapter</i>'. However the Access and Traffic chapter of the Scoping Report does not contain reference to these matters or imply that these will be considered as part of that ES chapter.</p> <p>It should be clear in the Access and Traffic chapter of the ES how the anticipated number of traffic movements (during both construction and decommissioning) relates to the quantities of dust and emissions which are anticipated to be generated by the Proposed Development.</p>
4	n/a	Mitigation	<p>Paragraph 505 of the Scoping Report states that '<i>good practice construction methodologies will be proposed to manage dust and emissions during construction</i>'. The ES should detail the specific measures proposed to manage dust and emissions during construction and decommissioning of the Proposed Development, particularly in relation to the control of dust on the adjacent sensitive receptors including designated ecological sites. It should be clear how such measures would be delivered and secured, through the CEMP/CTMP or other legally binding mechanism.</p>

4.14 Climate Change Impact Assessment

(Scoping Report Chapter 14)

<p>A study area for the Climate Change Impact Assessment (CCIA) has not been proposed.</p> <p>The Scoping Report explains that the proposed methodology for the CCIA has been developed in line with guidance from IEMA<sup>18</sup>, guidance from the European Commission<sup>19</sup> and the EU Directive. It is proposed that the CCIA covers:</p> <ul style="list-style-type: none"><li>• impacts of the Proposed Development on climate change, including calculation of greenhouse gas emissions and the production of electricity;</li><li>• vulnerability and resilience of the Proposed Development to climate change; and</li><li>• impacts of the Proposed Development on identified receptors in the context of the emerging baseline.</li></ul>			
<b>ID</b>	<b>Para</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
	n/a	None identified	n/a
	<b>Para</b>	<b>Other points</b>	<b>Inspectorate's comments</b>
1	509	Sensitive receptors	The sensitive receptors for the purposes of the CCIA should be set out and justified in the ES. The susceptibility or resilience of the identified receptors to climate change must be considered as well as the value of the receptor.
2	509	Guidance	The assessment should take account of the 2017 IEMA guidance document 'Assessing Greenhouse Gas Emissions and Evaluating their Significance', which complements the 2015 IEMA guidance referenced in paragraph 509 of the Scoping Report.
3	509	Calculation of greenhouse gas	The ES should specify the calculation methods used to quantify the greenhouse gas emissions relating to the Proposed

<sup>18</sup> Environmental Impact Assessment Guide to Climate Change Resilience and Adaptation (IEMA, 2015)

<sup>19</sup> Guidance on Integrating Climate Change and Biodiversity into Environmental Impact Assessment (European Commission, 2013)



		emissions	Development.
4	510	UKCP09 projections	As set out in NPS EN-1 the assessment of potential impacts of climate change should use the latest UK Climate Projections, this should include the anticipated UKCP18 projections where appropriate.  For the avoidance of doubt the Inspectorate's comments in this regard are also included in Table 4.4 (Hydrology, Hydrogeology, Flood Risk and Ground Conditions) of this Opinion.
5	n/a	Study area	The study area for the assessment should be clearly defined in the ES.
6	n/a	Significance criteria	The Scoping Report does not set out how a significant effect would be determined for the purposes of the CCIA. This should be clearly set out in the ES. Any use of professional judgement to assess significance should be fully justified within the ES.
7	n/a	Cumulative impacts	Cumulative impacts from increased greenhouse gas emissions with the potential to result in significant effects should be identified and assessed in the ES.

4.15 Interaction and Accumulation of Effects

(Scoping Report Section 4.1.6 and Chapter 15)

The Scoping Report proposes that two types of effect are considered, as follows:

- The interactions between individual effects (for example noise, dust and traffic on a single receptor) would be assessed in a separate aspect chapter of the ES 'Interaction and Accumulation of Effects'; and
- The cumulative effects resulting from the Proposed Development and other identified developments would be assessed in the relevant aspect chapters of the ES.

This table provides the Inspectorate's general comments on the proposed approach to assessing interaction and cumulative effects. Comments relating to specific aspect assessments are set out in the relevant tables of this Opinion.

ID	Para	Applicant's proposed matters to scope out	Inspectorate's comments
1	144	Assessment of cumulative effects (resulting from the Proposed Development and other identified developments) from the 'Interaction and Accumulation of Effects' chapter	It is proposed to assess cumulative effects resulting from the Proposed Development and other identified developments in the relevant aspect chapters of the ES, rather than in a standalone aspect chapter. The Inspectorate is content that this approach should not impede the ability of the ES to adhere with the EIA Regulations.  As set out in paragraph 3.3.1 of this Opinion, it is recommended that the ES uses tables to identify and collate the residual effects after mitigation for relevant interaction/accumulation and cumulative effects. This will ensure clarity of the assessment conclusions.
	Para	Other points	Inspectorate's comments
2	144	Other plans/projects considered in the cumulative effects assessment (CEA)	Paragraph 144 of the Scoping Opinion proposes that only developments where applications have been submitted at the time of finalising the ES will be considered in the CEA. The Inspectorate does not agree with this approach and recommends that the plans/projects included in the CEA are identified in accordance with the approach set out in its Advice Note Seventeen: Cumulative Effects Assessment.  The list of plans/projects should be agreed

			with the relevant consultees including the local planning authorities. This list should be reviewed periodically to ensure that the most up to date information is utilised in the ES assessment.
3	145	Zone of Influence (ZoI) for CEA	The ZoI for the Proposed Development should be clearly set out in the ES (a table format is recommended as per the Planning Inspectorate's Advice Note 17) in relation to each ES aspect topic.
4	n/a	CEA	The scoping consultation response from the Environment Agency notes that the application site is within an area of land proposed for managed re-alignment within the Medway Estuary and Swale Strategy (MEAS). The Inspectorate advises that cumulative impacts with the MEAS which may lead to likely significant cumulative effects should be assessed in the ES.
5	n/a	Impacts to ecological receptors	The ES should assess the interrelated impacts to ecological receptors. This should include impacts that may have a less than significant effect alone on given receptors, but which when considered in an interrelated way may result in significant effects, for example interrelated impacts to ornithological receptors from noise, dust and disturbance.

## 5. INFORMATION SOURCES

5.0.1 The Inspectorate's National Infrastructure Planning website includes links to a range of advice regarding the making of applications and environmental procedures, these include:

- Pre-application prospectus<sup>20</sup>
- Planning Inspectorate advice notes<sup>21</sup>:
  - Advice Note Three: EIA Notification and Consultation;
  - Advice Note Four: Section 52: Obtaining information about interests in land (Planning Act 2008);
  - Advice Note Five: Section 53: Rights of Entry (Planning Act 2008);
  - Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements;
  - Advice Note Nine: Using the 'Rochdale Envelope';
  - Advice Note Ten: Habitat Regulations Assessment relevant to nationally significant infrastructure projects (includes discussion of Evidence Plan process);
  - Advice Note Twelve: Transboundary Impacts
  - Advice Note Seventeen: Cumulative Effects Assessment; and
  - Advice Note Eighteen: The Water Framework Directive.

5.0.2 Applicants are also advised to review the list of information required to be submitted within an application for Development as set out in The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (as amended).

<sup>20</sup> The Planning Inspectorate's pre-application services for applicants. Available from: <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

<sup>21</sup> The Planning Inspectorate's series of advice notes in relation to the Planning Act 2008 process. Available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

APPENDIX 1: CONSULTATION BODIES FORMALLY  
CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES<sup>22</sup>

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	Canterbury and Coastal Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England - South East
The relevant fire and rescue authority	Kent Fire and Rescue Service
The relevant police and crime commissioner	Kent Police and Crime Commissioner
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Graveney with Goodnestone Parish Council
The Environment Agency	The Environment Agency - Kent, South London and East Sussex
The Maritime and Coastguard Agency	Maritime & Coastguard Agency
The Maritime and Coastguard Agency - Regional Office	The Maritime and Coastguard Agency - Dover
The Relevant Highways Authority	Kent County Council
The relevant strategic highways company	Highways England - South East
The relevant internal drainage board	Lower Medway Internal Drainage Board <sup>23</sup>
Trinity House	Trinity House
Public Health England, an executive agency of the Department of Health	Public Health England
Relevant statutory undertakers	See Table 2 below
The Crown Estate Commissioners	The Crown Estate

<sup>22</sup> Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the 'APFP Regulations')

<sup>23</sup> Due to an administrative error, the Lower Medway IDB was not identified as a consultation body for the purposes of Regulation 10(6) of the EIA Regulations. However on 5 January 2018, the IDB was notified of its duties under Regulation 11(3) to make available to the Applicant any information which is considered relevant to the preparation of the ES.

TABLE A2: RELEVANT STATUTORY UNDERTAKERS<sup>24</sup>

STATUTORY UNDERTAKER	ORGANISATION
The relevant Clinical Commissioning Group	Canterbury and Coastal Clinical Commissioning Group
The National Health Service Commissioning Board	NHS England
The relevant NHS Foundation Trust	South East Coast Ambulance Service NHS Foundation Trust
Railways	Highways England Historical Railways Estate
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes and Communities Agency
The relevant Environment Agency	Environment Agency - Kent, South London and East Sussex
The relevant water and sewage undertaker	South East Water (Mid Kent) Southern Water
The relevant public gas transporter	Cadent Gas Limited Energetics Gas Limited Energy Assets Pipelines Limited ES Pipelines Ltd ESP Connections Ltd ESP Networks Ltd ESP Pipelines Ltd Fulcrum Pipelines Limited GTC Pipelines Limited Independent Pipelines Limited Indigo Pipelines Limited Quadrant Pipelines Limited National Grid Gas Plc  Scotland Gas Networks Plc Southern Gas Networks Plc
The relevant electricity distributor with CPO Powers	Energetics Electricity Limited Energy Assets Power Networks ESP Electricity Limited G2 Energy IDNO Limited Harlaxton Energy Networks Limited Independent Power Networks Limited Leep Electricity Networks Limited The Electricity Network Company Limited

<sup>24</sup> 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (as amended)

STATUTORY UNDERTAKER	ORGANISATION
	UK Power Distribution Limited
	Utility Assets Limited
	Utility Distribution Networks Limited
	UK Power Networks Limited
The relevant electricity transmitter with CPO Powers	Blue Transmission London Array Limited
	National Grid Electricity Transmission Plc

**TABLE A3: SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(1)(B))<sup>25</sup>**

LOCAL AUTHORITY <sup>26</sup>
Swale Borough Council
Ashford Borough Council
Canterbury City Council
Maidstone Council
Medway Council
Kent County Council
Thurrock Council
London Borough of Bexley
London Borough of Bromley
East Sussex County Council
Surrey County Council

<sup>25</sup> Sections 43 and 42(B) of the PA2008

<sup>26</sup> As defined in Section 43(3) of the PA2008

**APPENDIX 2: RESPONDENTS TO CONSULTATION  
AND COPIES OF REPLIES**

Consultation bodies who replied by the statutory deadline:

Ashford Borough Council
Environment Agency
ESP Gas Group Ltd
Graveney with Goodnestone Parish Council
Health and Safety Executive
Highways England
Historic England
Kent County Council
Maritime and Coastguard Agency
Medway Council
National Grid
Natural England
Public Health England
Southern Water
Surrey County Council




## Planning and Development


Ask for: Mark Davies  
Email: mark.davies@ashford.gov.uk  
Direct Line: (01233) 330252  
Fax No: (01233) 330682



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 AshfordBoroughCouncil

Ms Emma Cottam  
The Planning Inspectorate  
3D Eagle Wing  
2 The Square  
Bristol BS1 6PN

Our Ref: 17/00002/NSIP  
Date: 19 December 2017

Dear Ms Emma Cottam

**Location:** Proposed development Cleve Hill Solar Park, Graveney, Faversham, Kent  
**Proposal:** Consultation on EIA Scoping Opinion Planning Inspectorate for  
Proposed Development Cleve Hill Solar Park

Thank you for your letter dated 12 December 2017 consulting the Council on the scoping report.

I can confirm Ashford Borough Council has no comment.

Yours sincerely



Head of Development, Strategic Sites and Design

Planning Inspectorate  
Temple Quay House (2 The Square)  
Temple Quay  
Bristol  
Avon  
BS1 6PN

**Our ref:** KT/2017/123740/01-L01  
**Your ref:** EN010085-000026  
**Date:** 9 January 2018

Dear Sir/Madam

**Proposal: Environmental Impact Assessment Scoping Opinion for an order granting development consent for the Cleve Hill Solar Park**

Thank you for this opportunity to comment on the Environmental Impact Assessment scoping report. We would like to make the following comments:

**Chapter 6 - Biodiversity**

The approach outlined in chapter 6 of the Environmental Impact Assessment Scoping Report for ecology is generally acceptable. Below are further comments on specific elements:

**Otters**

The Report notes in 6.2.2.7 that otters were not found during other surveys in the development area. Given the known extent of their distribution in Kent, this is as expected. However, otter distribution has changed significantly over the last five years with the nearest reliable sighting now less than 13km from the site. In any ecological management plan for the site, please ensure that otters remain a target species for surveys that we expect will take place on a regular basis during the life of the site.

**Licensing**

In Section 6.2.2.7 regarding Water Vole, there is no mention of the need for licenses for some activities that have the potential to affect this species. Consideration should be given to licensing and the relevant dates (from Natural England's website) in which licensed activities can occur.

**Habitat enhancement**

While the report mentions that the development has the potential to improve some of the habitats in the development area for some species, this point is not made with respect to water voles. Although we lead for this Priority Species and would normally

seek habitat enhancement for it, we agree and support this assessment.

We do not want to encourage the developer to improve habitat for water voles at this site. This is because the long term future for this site is as a managed realignment site in the Medway Estuary and Swale (MEAS) Shoreline Management Strategy. It will become inter-tidal habitat that is not fit for water voles and action now to promote occupancy of the site by them will simply lead to additional work, in the future, to remove them.

While nothing should be done to harm water voles, we request that nothing specific is done to enhance habitats for them.

**Legislation**

In Section 6.4.1 regarding Relevant Legislation and Guidelines, reference is made to the Conservation of Habitats and Species Regulations 2010. This should now be the Conservation of Habitats and Species Regulations 2017, which came into force in November 2017.

**Chapter 8 - Flood Risk**

We have no comments to make on the content of the submitted Environmental Impact Assessment scoping study in regards to flood risk.

We are satisfied with the flood risk detail contained in the report and would welcome pre-application discussions regarding the flood risk assessment.

**Medway Estuary and Swale Strategy (MEAS)**

The site is located within an area of land proposed for managed re-alignment within the Medway Estuary and Swale Strategy (MEAS). MEAS will set out specific schemes which will aim to deliver policies set out within the Shoreline Management Plans.

The strategy is currently being finalised and is due to be completed in summer 2018. Discussion with the applicant has been had to clarify the planning objectives for the site, and the future managed re-alignment option. It has been discussed that we may not be able to fund maintenance of the existing defences over the next 20 years. Therefore the developer or landowner would need to take on the cost and works associated with maintaining the current standard of defence. We request that this strategy is considered in the EIA, highlighting the potential interaction between MEAS and the solar park proposals.

**Disapplication of consents**

If the applicant intends to seek to disapply any Environment Agency regulation through the DCO process, we would strongly recommend they approach us to discuss, so that we can agree suitable protective provisions as soon as possible.

Please do not hesitate to contact me if you require any further information.

Yours faithfully

**Joanna Clemmence**  
**Planning Advisor**

Direct dial: 0208 474 7773

Direct e-mail: [kslplanning@environment-agency.gov.uk](mailto:kslplanning@environment-agency.gov.uk)



**From:** [ESP Utilities Group Ltd](#)  
**To:** [Cleve Hill Solar Park](#)  
**Subject:** Your Reference: EN010085-000026. Reference: PE133768. Plant Not Affected Notice from ES Pipelines  
**Date:** 21 December 2017 16:36:57

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Cleve Hill Solar Park  
The Planning Inspectorate

21 December 2017

Reference: EN010085-000026

Dear Sir/Madam,

Thank you for your recent plant enquiry at (EN010085-000026).

I can confirm that ESP Gas Group Ltd has no gas or electricity apparatus in the vicinity of this site address and will not be affected by your proposed works.

ESP are continually laying new gas and electricity networks and this notification is valid for 90 days from the date of this letter. If your proposed works start after this period of time, please re-submit your enquiry.

**Important Notice**

Please be advised that any enquiries for ESP Connections Ltd, formerly known as British Gas Connections Ltd, should be sent directly to us at the address shown above or alternatively you can email us at: [PlantResponses@espipelines.com](mailto:PlantResponses@espipelines.com)

Yours faithfully,

Alan Slee  
**Operations Manager**



Bluebird House  
Mole Business Park  
Leatherhead  
KT22 7BA  
☎ 01372 587500 📠 01372 377996

<http://www.espug.com>

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**From:** [GGPC Clerk](#)  
**To:** [Cleve Hill Solar Park](#)  
**Subject:** EN010085-000026  
**Date:** 08 January 2018 22:56:01

---

Dear Ms Cottam,  
Graveney with Goodnestone Parish Council has reviewed the Scoping Report as a statutory consultee. We note that this is a lengthy document and, particularly with the Christmas period and the constraints upon parish councils, we do not feel sufficient time has been given to provide a full response. However, noting that this is a statutory deadline, we have prepared our response as follows.

To assist our assessment of the impact on local residents, businesses and the school, the parish council would expect to provide input on areas including but not limited to:

1. Suitability of the project as a whole for the local population - human, fauna and flora.

Should the project go ahead:

2. Footpath usage and amenity.

3. Hours of working on the site.

4. Methods of working in relation to the phasing of the project and a noise assessment report.

5. Floodlighting on the site.

6. Timing of access to the site for the delivery of materials and movement of construction workers, particularly with regard to school drop off and pick up times.

7. Traffic management plans, their monitoring and enforcement.

8. Vehicular access points to the site.

9. Road maintenance and improvement works to the access roads through Goodnestone and Graveney prior to the works commencing rather than relying solely on a road condition survey and post construction reinstatement works.

10. Impact consultations with local residents and businesses prior to and during the construction phase, particularly those enterprises and houses which are adjacent to the access routes through the villages.

Please confirm receipt of our response.

Regards,

Bex Ratchford  
Parish Clerk



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FAO Emma Cottam  
The Planning Inspectorate  
Bristol  
BS1 6PN  
By e-mail

Dear Ms Cottam

**PROPOSED CLEVE HILL SOLAR PARK (the project)  
PROPOSAL BY CLEVE HILL SOLAR PARK LTD (the applicant)  
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as amended) – Regulations 10 and 11**

Thank you for your letter of 12<sup>th</sup> December 2017 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

**HSE's land use planning advice**

Will the proposed development fall within any of HSE's consultation distances?

With reference to Site Location Figure 1 in document "Environmental Impact Assessment, Scoping Report, Cleve Hill Solar Park Ltd, December 2017", the red line site boundary is not currently within the consultation zones of any Major Hazard Installations or Major Accident Hazard Pipelines.

Although there are currently no Major Hazard Installations or Major Accident Hazard Pipelines, should a Hazardous Substances Consent [The Planning (Hazardous Substances) Regulations 2015] be granted prior to the determination of the application, and / or HSE receives a notification under the Pipeline Safety Regulations 1996, then HSE reserves the right to revise its advice.

Hazardous Substance Consent

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015.

Hazardous Substances Consent would be required if the site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.

Explosives sites

HSE has no comment to make as there are no licensed explosive sites in the vicinity.

CEMHD Policy - Land Use Planning  
NSIP Consultations  
Building 2.2, Redgrave Court  
Merton Road, Bootle  
Merseyside, L20 7HS

Your ref: EN010085  
Our ref: 4.2.1.6222  
HSE email: [NSIP.applications@hse.gov.uk](mailto:NSIP.applications@hse.gov.uk)

02/01/18

**Electrical Safety**

No comment from a planning perspective

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to:

Mr Dave Adams (MHPD)  
NSIP Consultations  
2.2 Redgrave Court  
Merton Road, Bootle,  
Merseyside L20 7HS

Yours sincerely,

  
Dave Adams  
(CEMHD4 Policy)



**From:** [Bown, Kevin](#)  
**To:** [Cleve Hill Solar Park](#)  
**Cc:** [Planning SE](#); [growthandplanning](#); [transportplanning@dft.gsi.gov.uk](mailto:transportplanning@dft.gsi.gov.uk)  
**Subject:** FAO Case Officer Emma Cottam: Highways England response (our ref 5297 #4197) re DCO application EN010085-000026 Land approximately 2km north-east of Faversham and 5km west of Whitstable on the north Kent coast.  
**Date:** 20 December 2017 14:13:54

---

Dear Ms Cottam,

**PINS Ref:** EN010085-000026

**Location:** Land approximately 2km north-east of Faversham and 5km west of Whitstable on the north Kent coast.

**Applicant:** Cleve Hill Solar Park Ltd.

**Proposals:** A solar photovoltaic (PV) electricity generating and storage facility with and export capacity of greater than 50 megawatts.

Highways England Ref: 5297 #4197

I am writing in response to your letter dated the request for advice dated 12 December relating to the above described and located proposed development, with comments requested by the 9 January 2018.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. We would be concerned about any proposals that could have an adverse impact on the safety, reliability or operation of the SRN, in this case particularly with regards the M2 and the A2 around Faversham.

Highways England have no comment on whether an EIA is required; but if it is it should be compatible and consistent with the Transport Assessment and also contain information on all transport related effects including noise, vibration and air quality.

The Transport Assessment should be undertaken in accordance with

- DfT Circular 02/2013 *The Strategic Road Network and the Delivery of Sustainable Development* (September 2013)
- HE publication: *Planning for the future – A guide to working with Highways England on planning matters* (Sept 2015)

We would also recommend that paragraph 15 of the *Guidance for Travel plans, transport assessments and statements in decision-taking* (DCLG March 2014) is followed when completing the Transport Assessment.

Having reviewed the initial information, it's likely that our concerns will mainly be related to the impact on the SRN during the construction phase. We will therefore be particularly interested in working hours (shift patterns / office hours), and likely "home" locations. During the operational phase it is unlikely that the trips generated would have a severe impact on the SRN, this will however need to be confirmed as part of any application.

We note that, within the 'EIA Scoping Report,' "*consultation with the relevant roads authorities and emergency services (Kent County Council, Highways England, Police etc.)*" is included as the first stage of the methodology. We therefore look forward to working with the applicant's transport advisors with regards to the production of an appropriate, robust assessment - covering both the impacts and any necessary mitigation required as a result of the proposals.

I hope the above comments are useful. Should you have any questions or comments then please do not hesitate to contact me to discuss the proposals further, or any aspect related to the SRN.

Regards,

**Kevin Bown, Spatial (Town) Planning Manager BSc(Hons) MPhil CMS MRTPI**

Highways England | Bridge House | 1 Walnut Tree Close | Guildford | GU1 4LZ  
**Tel:** +44 (0) 300 470 1046  
**Web:** <http://www.highways.gov.uk>

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Highways England: operating, maintaining and improving the strategic road network in England.

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**Highways England Company Limited | General enquiries: 0300 123 5000**  
**/National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park, Birmingham B32 1AF |** <https://www.gov.uk/government/organisations/highways-england> | [info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk)

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Emma Cottam  
EIA and Land Rights Advisor  
The Planning Inspectorate  
3D eagle Wing  
Temple Quay House  
2 The Square  
BRISTOL  
BS1 6PN

Our ref:  
CHA 282/0095  
Your ref:  
EN010085-  
000026  
Telephone  
01483 252038

03 January 2018

Dear Emma

**re: Consultation on EIA scoping report for Development Consent Order for the Cleve Hill Solar park**

Thank you for consulting Historic England on the EIA scoping report for the Development Consent Order for the Cleve Hill Solar Park.

As the Government's statutory adviser, Historic England is keen to ensure that conservation and enhancement of the historic environment is fully taken into account at all stages and levels of the planning process. Accordingly, we have reviewed this consultation in the context of the National Planning Policy Framework (NPPF) and its core principle that heritage assets be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations.

We have met with the promoters of the proposed development. In broad terms, we welcome the approach to historic environment considerations set out in the scoping report and consider that this is an appropriate and proportionate assessment of the likely significant effects of the development. We would, however, make the following detailed comments on the text.

We agree that there are no designated heritage assets within the development site (para 342) and on this basis we think the primary historic environment issues will be effects upon non-designated heritage assets, including buried archaeological remains, and for the settings of heritage assets (some of them designated) outside of the site and the contribution that this makes to the significance of these assets. Our Good Practice Advice Note 3 provides a recommended approach for consideration of

setting issues. This will soon be replaced by a new version which has been through public consultation and which is available on our website (see note to para 364).

We have provided to the proposer some additional cartographic historic information so that this can be included in an updated desk-based assessment. A member of our staff, Mark Harrison, is a local resident and has been researching the history of this stretch of the North Kent coastline, with specific reference to WW2 remains. He will share information with the proposer.

We anticipate that the archaeologists in the Heritage Conservation team at Kent CC will take the lead for non-designated archaeological remains. We attended a joint meeting with them and the proposer. Kent CC has access to the information relevant for the site, arising from the terrestrial elements of the London Array offshore windfarm development. Based on this and other evidence we think it likely that visible archaeological remains and buried evidence to be anticipated at the depths most likely to be affected ground disturbance required for this type of development will relate to the most recent exploitation of the marshland. This is likely to be late medieval at the earliest and most may be of post-medieval date. We think that older archaeological evidence, including any prehistoric remains, are likely to be most deeply buried. Only elements of the proposed works requiring deeper excavations are likely to impact upon such evidence. All such works should be described in the DCO application for any direct effects (section 9.4.4.1 para 363) upon such archaeological evidence. Any site investigations, such as geo-technical boreholes or test pits, should be monitored by an archaeologist and the results reviewed in order to enhance the understanding of the buried archaeology (including palaeo-environmental evidence) for the site.

Much of the site was significantly remediated after the major 1953 floods and it has since been subject to intensive agriculture. The cumulative effect of this is that many features shown on historic maps and on archive aerial photos are now invisible or very difficult to locate at the site. Walk-over survey has been carried out. Following this the locations of known assets or of any additional ones identified should be examined in more detail. LIDAR data should be reviewed as this can sometimes reveal ephemeral earthwork features which are otherwise difficult to see on site. As appropriate, geophysical survey techniques should be considered to explore whether any known assets which are now invisible have any buried remains.

Section 9.4.4.2. para 364 and following relates to indirect effects which include those for the setting of heritage assets. We think that the relevant designated heritage assets closest to the site are correctly identified in Table 9. We note that a Zone of Theoretical Visibility will be generated as part of the Landscape Visual Impact Assessment. We think that the heritage assets that might be affected in terms of setting should then be reviewed. We identify the grade I listed Church of All Saints at Graveney and its associated conservation area (including other listed buildings) as a principal issue to be considered. We note that proposed LVIA viewpoint 8 relates to the church but that some additional views analysis might be required for specific historic environment reasons. Views from the churchyard towards Cleve Hill seem to us most relevant. We note that proposed LVIA viewpoint 14 is that from the grade II\*

listed Harty church on the south side of the Isle of Sheppey. We support such consideration but confirm that adjacent to the church the moated site at Sayes Court is a scheduled monument and it should also be considered. The salt making mounds west of Seasalter Road are also scheduled monuments but outside of the 1 km study zone. We support that nevertheless these will be considered as part of the heritage assessment.

Finally we would reference the Graveney Boat (an Anglo Saxon ship found in 1970 and now at the National Maritime Museum) as an example of the significant archaeological remains that the North Kent marshes can contain. The nature of the likely impacts from this proposed development does however we think make it unlikely that remains of a similar significance will be encountered.

Please note that this advice is based on the information that has been provided to us and does not affect our obligation to advise on, and potentially object to any specific development proposal which may subsequently arise from these documents, and which may have adverse effects on the environment.

Yours sincerely



Peter Kendall

Principal Inspector of Ancient Monuments

Peter.kendall@historicengland.org.uk





Emma Cottam  
EIA & Land Rights Advisor – Environmental  
Services Team  
Planning Inspectorate  
Major Applications and Plans  
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Temple Quay House  
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BS1 6PN

**BY EMAIL ONLY**

## Environment, Planning & Enforcement

Invicta House  
County Hall  
MAIDSTONE  
Kent ME14 1XX

Phone: 03000 419618  
Ask for: Alexander Payne  
Email: alexander.payne@kent.gov.uk

09 January 2018

Dear Ms Cottam,

### Re: Proposed application for the granting of a Development Consent Order (DCO) for the Cleve Hill Solar Park

Thank you for your letter dated 12 December 2017 providing Kent County Council (KCC) with the opportunity to inform the Secretary of State on the information to be included in the Environmental Statement (ES) relating to the proposed Cleve Hill Solar Park.

The County Council has reviewed the Scoping Report and for ease of reference, the following comments are structured under the chapter headings used in the report.

### 3 The Legislative and Planning Framework

The Scoping Report briefly refers to the adopted Kent Minerals and Waste Local Plan (2013 – 30) (KMWLP) but there is no reference to any other relevant KCC policies and plans. KCC requests that the applicant reviews the KCC plans and policies which are relevant to this development including but limited to:

- Local Transport Plan 4: Delivering Growth without Gridlock;
- KMWLP;
- KMWLP Supplementary Planning Document;
- Swale Surface Water Management Plan;
- KCC Local Flood Risk Management Strategy;
- Drainage and Planning Policy Statement;
- Countryside and Coastal Access Improvement Plan;
- Kent Downs AONB Management Plan;
- Kent Landscape Assessment;
- Vision for Kent 2012-2022;
- Kent Design Guide; and
- Sustainable Energy For Kent;

## 5 Landscape and Visual Impact Assessment

### Heritage Conservation

The Scoping Report states that the setting of heritage assets within 1km of the site boundary will be assessed. Whilst this is likely to be sufficient, the bounds of this assessment should be reviewed following the completion of the Zone of Theoretical Visibility (ZTV) for the Landscape and Visual Impact Assessment (LVIA), as additional features may have a visual relationship.

The impacts on the scheduled medieval salterns to the east, Conservation Areas in Faversham and Goodnestone, and heritage assets on the Isle of Sheppey were raised by KCC to be included in the assessment following a meeting with the applicant. The County Council has agreed to review the impacts with the applicant's heritage consultants following the production of the ZTV.

KCC supports the intention for the LVIA to be completed in conjunction with the Cultural Heritage Assessment, as stated in paragraph 197 (pg. 31). It will be important for the study to include an explanation of the impacts on the historic landscape of the area.

### Public Rights of Way (PRoW)

The Scoping Report has incorporated the consideration of the potential impacts of the development on the PRoW network, which provides significant opportunities for outdoor recreation and active travel. The applicant will need to consider the potential effects of the development on the PRoW network and its users through the assessment of noise, air quality, drainage and visual impacts.

In addition to the construction and operational phases of the proposal, KCC advises that consideration is given to the impacts on the PRoW network during the pre-construction/early design stage, as the process of collecting the data may cause disruption to PRoW users.

The impact of the proposal on quiet rural lanes should be considered in conjunction with the PRoW network, as these roads provide important connections for equestrians and cyclists travelling within PRoW network. The proposal could potentially deter public use of the PRoW network if these road links are designated as haulage roads and if the vehicular traffic substantially increases along the lanes. Site access routes should avoid use of the PRoW network, but if this is unavoidable, efforts should be made to ensure the surface will be maintained and restored to a condition as good as, or better than, the current standard.

In order to monitor path use before, during and after the construction phase of the proposal, it is requested that people counters are installed on the PRoWs at key gateway locations. Data obtained from these counters can then be used to assess the impact of the Solar Park. It is recommended that electronic people counter

sensors are installed (instead of manual surveys) as these counters will be able to operate 24 hours a day and will capture sporadic path users.

#### *Design of the Solar Park*

KCC requests that any PRow extinguishments and long term severance of routes should be avoided to prevent the fragmentation of the PRow network. The Indicative Development Layout (Appendix A, Figure 2) suggests the intention is to retain the PRow along their recorded alignments through the development site. If the applicant is unable to accommodate the PRow along their definitive alignments, an application to permanently divert the routes will need to be submitted.

The report suggests that for security and safety reasons, fencing will be installed along the PRow where the routes pass between the solar panel modules. As this will alter the character of the paths, it is requested that the PRow are allocated at least 5m wide green corridors through the site, irrespective of any current path widths. Consideration should also be given to the future surface and maintenance of these routes, to ensure they do not become obstructed by vegetation.

It is understood that transformers and electrical infrastructure would need to be installed within the Solar Park, but the placement of cables across PRow should be avoided. It is likely the initial excavation work (and future maintenance works during the operational phase of the project) would cause disruption for path users and would require mitigation.

#### *PRow Network Development*

The proposed development would provide an opportunity to improve the PRow network and develop new links for active travel and outdoor recreation. The creation of new paths and upgrading of existing routes would be a positive outcome and would help to compensate and/or mitigate any disruption caused by the construction of the solar park and any potential negative effects on the PRow network resulting from the delivery of the Solar Park.

The applicant should be aware of the County Council's Rights of Way Improvement Plan (CCAIP) which aims to improve public access to the countryside and coast. The Cleve Hill Solar Park provides an opportunity to help enable the delivery of this plan, as new off-road routes could be created within the development site and surrounding area. KCC would like to work with the applicant to explore the potential to create new walking, cycling and equestrian paths that provide safe alternatives to existing on-road routes (e.g. National Cycle Network Route 1).

#### *Temporary PRow Closures*

It is understood that temporary path closures may be required so that construction work can be completed safely, although efforts should be made to minimise path closures and retain access along popular routes. Where temporary closures are required, convenient diversion routes should be provided to reduce disruption to path users. Suitable information boards explaining temporary access restrictions should be considered for paths that will be closed for long periods.

#### *Coastal Access*

The County Council is currently working in partnership with Natural England to establish the England Coast Path in this region. This is a new national trail walking route that will eventually circumnavigate the entire English coastline. It is likely the coastal access rights will be in effect at some stage during this project and the applicant should therefore contact Natural England to consider the impacts of the Solar Park on the England Coast Path.

Overall, the Scoping Report has acknowledged the PRow impacted and started to identify potential impacts on the network. KCC would welcome further engagement with the applicant to review these impacts and to consider PRow network improvements which could be delivered through the proposal.

### **6&7 Ecology & Ornithology**

A range of surveys have been undertaken across the site and a good understanding of its ecological interest has been demonstrated. The results of the surveys and detailed mitigation strategies will need to be submitted as part of the DCO application to enable the determining authority to fully assess the impact associated with the proposed development.

KCC recommends that the 'mitigation hierarchy' described in British Standard BS 42020:2013 is followed when designing the mitigation strategies, which involves the following process:

- Avoidance – avoiding adverse effects through good design;
- Mitigation – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
- Compensation – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm; and
- Enhancement – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

The measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development (BS 42020:2013, section 5.5).

The site has been identified as being a functionally linked habitat for the adjacent designated sites. As detailed within the Scoping Report, a Habitat Regulations Assessment (in line with The Conservation of Habitats and Species Regulations 2017) will have to be carried out to assess whether the proposed development will have a 'Likely Significant Effect' on the adjacent designated sites.

### **8 Hydrology, Hydrogeology Flood Risk and Ground Conditions**

The general positioning of the photovoltaic solar panels in rows means that rainfall will flow off the panels and onto the ground between the rows. This concentration of



water flow can create channelised flows, which can then erode the soil and allow a greater volume to enter watercourses, or flow to adjacent areas at a greater rate than would otherwise occur in greenfield conditions. As the site area discharges to tidal waters, it is possible that attenuation may not be required. However, from an environmental perspective, the water quality of the discharge is a major concern as well as any potential channel obstructions.

As the Lead Local Flood Authority, KCC would normally be consulted during the planning process on surface water drainage matters. The KCC Drainage and Planning Policy Statement (June 2015)<sup>1</sup> provides information on how KCC considers Drainage Assessments and sets out the requirements and policies for surface water management.

The Scoping Report states that a Flood Risk Assessment (FRA) will be undertaken. However, the scope of the FRA is focused on issues relating to flood risk, and does not include the surface water drainage within the site for lesser events and any possible impacts of local surface water flooding that may occur in the locality and impact adjacent properties or highways. The scope of the FRA will need to be extended to include these matters.

It is stated that the land ditches will be addressed as part of the ES. As these ditches are the key component for provision of drainage within the marsh area, they should be assessed in relation to the drainage function they provide and KCC requests that these are included in the FRA.

The site area is within the catchment of the Lower Medway Internal Drainage Board (IDB). Consultation with the Lower Medway IDB will therefore be required for any works within ordinary watercourses within this area.

With respect to Magnitude Criteria Table 8.2 (pg. 60), a “major” magnitude of change should include any severe impacts on surface water quality caused by erosion and not relate solely to impacts on groundwater. KCC requests that this is made clearer in all the statements relating to water quality.

The FRA Methodology (section 8.4.6, pg. 62) provides a summary of the elements within the FRA. KCC will require a Drainage Strategy that forms part of the FRA with clear definition of any culverts, extent of impermeable surfaces and mitigation provided to control surface flow from the area of solar panels. As the Environment Agency climate change allowance is a range from 20% to 40%, KCC will also require a sensitivity check for the higher allowance of 40%.

## 9 Cultural Heritage and Archaeology

An initial Desk-Based Assessment (DBA) has been provided which demonstrates a good overview of the archaeology and heritage assets in the proposed development area. As stated in paragraph 343 (pg. 63), there are potential remains of Second World War anti-invasion defences and anti-air raid decoy site(s). The duck decoy

<sup>1</sup> [http://www.kent.gov.uk/data/assets/pdf\\_file/0003/49665/Drainage-and-Planning-policy-statement.pdf](http://www.kent.gov.uk/data/assets/pdf_file/0003/49665/Drainage-and-Planning-policy-statement.pdf)

pond is an earlier feature related to the exploitation of the former marshes, and wild-fowling in general, is a particular feature in the area. The networks of drainage ditches are an example of the landscape of marshland reclamation and are themselves heritage assets. Earlier archaeology may include evidence of the marshland reclamation, such as mounds associated with salt working from medieval and earlier times. Early archaeological remains, including evidence of prehistoric activity and occupation, may be found buried at various depths within the alluvial deposits that cover most of the site or in more shallower areas where the development site is elevated.

KCC acknowledges that the initial DBA will be enhanced through further consultation and survey works to inform the ES. KCC and Historic England have met with the heritage consultants to agree the focus of the further enhancement of the DBA and potential survey works, which are summarised below:

- To consult with the local Forgotten Front Line project that will likely have more detailed information and knowledge of the Second World War landscapes and historic wild fowling activity on this area of marshland;
- To undertake archaeological monitoring of the geotechnical test pits that are proposed to better understand the depth of potential buried earlier remains and inform any further survey works needed. The location of geotechnical test pits should be reviewed to accommodate the needs of the archaeological assessment; and
- To undertake a review of any available LiDAR data to determine if there are earthwork remains of heritage assets present. The decoy pond is a particular feature that should be reviewed. The assessment should detail what the impact of the development will be, including the nature and density of support structures, landscape features such as swales, formation depths of access road and extent and depth of cable runs i.e. the density of support structures, their depth, and the anticipated location of swales and cable trenching.

## 11 Access and Traffic

A Highway Condition Assessment should be completed prior to construction and on completion of construction for the entire access route shown in Figure 12 (Appendix A). KCC would also request that the Transport Assessment not only covers the construction period, but also provides details of the expected levels of movement for the operational phase. As indicated, a Construction Management Plan would need to be agreed by the County Council as the Local Highway Authority.

## 13 Miscellaneous

As the Minerals and Waste Planning Authority, the County Council is responsible for ensuring that mineral resources are not needlessly sterilised by other forms of development. This ensures that a steady and adequate supply of minerals is maintained into the future to facilitate sustainable development. This safeguarding approach is supported by the National Planning Policy Framework (NPPF) and the Kent Minerals and Waste Local Plan 2013-30 (KMWLP). Policy CSM 5 Land-won Minerals Safeguarding of the KMWLP sets out Mineral Safeguarding Areas (MSA).

The proposed Solar Park site is within an MSA (as shown in appendix 1) with the safeguarded economic minerals being Sub-Alluvial River Terrace Deposits and Brickearth (Faversham - Sittingbourne Area).

The Scoping Report does not appear to acknowledge the presence of these safeguarded minerals nor does it make reference to any of the relevant mineral safeguarding policies of the KMWLP. KCC requires the applicant to address the mineral safeguarding policy considerations in a Mineral Assessment. In doing so, the applicant should consider Policy DM 7 Safeguarding Mineral Resources of the KMWLP which sets out a number of potential exemptions from the presumption to safeguard the minerals.

KCC expects the Minerals Assessment to make reference to empirical geological data (in the form of objective borehole and/or trial trench investigations) and opportunities for prior extraction should be explored and evidenced. Where relevant, engagement with the minerals industry is encouraged to correctly ascertain the economics and practicality for any prior safeguarded mineral extraction. Further guidance on mineral safeguarding and Minerals Assessments can be found in the KMWLP Safeguarding Supplementary Planning Document<sup>2</sup>.

Should you require any further information regarding the above, please contact a member of the Minerals and Waste Planning Policy Team at [mwlp@kent.gov.uk](mailto:mwlp@kent.gov.uk) or on 03000 422370.

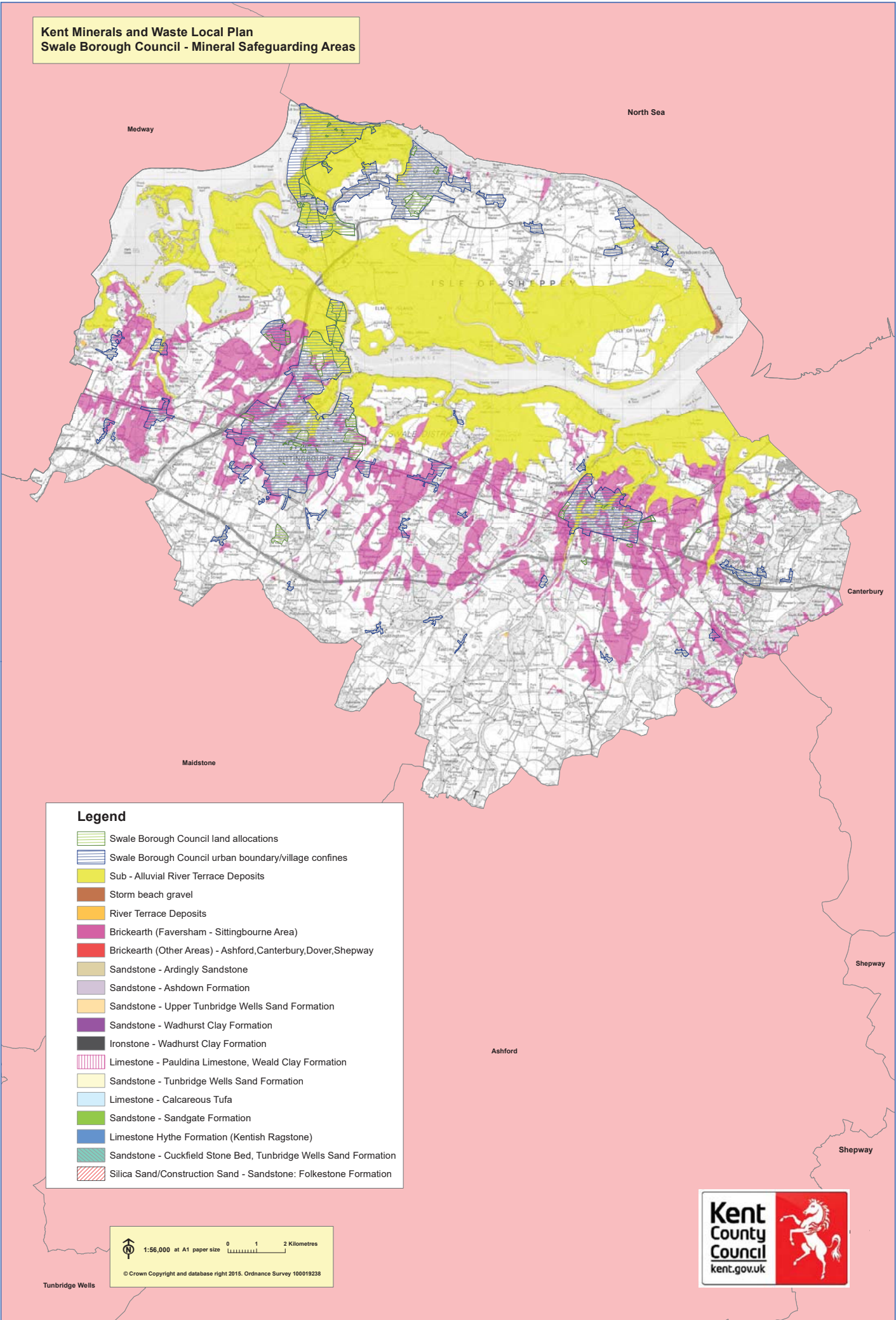
KCC would welcome further opportunities to engage throughout the development and progress of the DCO. If you require further information or clarification on any matter in this letter, then please do not hesitate to contact me.

Yours sincerely,

**Katie Stewart**  
Director for Environment, Planning and Enforcement

- Encs:
- [Appendix 1: KMWLP Swale District Mineral Safeguarding Areas](#)

<sup>2</sup> [https://www.kent.gov.uk/data/assets/pdf\\_file/0019/69310/Supplementary-Planning-Documents-SPD-on-Minerals-and-Waste-Safeguarding.pdf](https://www.kent.gov.uk/data/assets/pdf_file/0019/69310/Supplementary-Planning-Documents-SPD-on-Minerals-and-Waste-Safeguarding.pdf).





Navigation Safety Branch  
Bay 2/25  
Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG

The Planning Inspectorate  
3D Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Tel: +44 (0) 2038172426  
E-mail: [Navigationsafety@mca.gov.uk](mailto:Navigationsafety@mca.gov.uk)  
Your ref: **EN010085-000026**  
Our ref:

8 January 2018

By email to: [CleveHillSolarPark@pins.gsi.gov.uk](mailto:CleveHillSolarPark@pins.gsi.gov.uk)

Dear Sir/Madam

**Scoping Consultation in preparation of an Environmental Impact Assessment  
for the Proposed Cleve Hill Solar Park**

Thank you for your letter dated 12<sup>th</sup> December 2017 inviting the Maritime and Coastguard Agency (MCA) to comment on the Environmental Impact Assessment Scoping Report for the proposed Cleve Hill Solar Park.

From the information provided, it appears that the only aspect for MCA to consider with regards to the safety of navigation will be as a result of any associated infrastructure in the marine environment, which may or may not include subsea cables. This infrastructure will likely require a marine licence, at which time the MCA will be invited to comment on the application from a navigation safety perspective.

It would be useful to see in the Environmental Statement details of expected marine infrastructure requirements, with consideration given to their impact on the safety of navigation for both commercial and recreational craft, and proposed risk mitigation methods.

Should the location of any works in the marine environment fall within the jurisdiction of a local Harbour Authority, the developer should notify them as appropriate. The MCA would like to point the developers in the direction of the Port Marine Safety Code (PMSC), as they would need to liaise and consult with the Harbour Authority to develop a robust Safety Management System (SMS) for the project under this code.

Yours faithfully,

Helen Croxson  
Navigation Safety Branch



## **Decision Notice**

MC/17/4302



Ms Emma Cottam  
The Planning Inspectorate  
3D Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Planning Service  
Physical & Cultural Regeneration  
Regeneration, Culture, Environment &  
Transformation  
Civic Headquarters  
Gun Wharf  
Dock Road  
Chatham  
Kent ME4 4TR

Applicant's Name Ms Emma Cottam The  
Planning Inspectorate

Telephone: 01634 331700  
Facsimile: 01634 331195  
Email:

[planning.representations@medway.gov.uk](mailto:planning.representations@medway.gov.uk)

### **TOWN & COUNTRY PLANNING ACT 1990 Town & Country Planning (Development Management Procedure) (England) Order 2015**

---

Location: CLEVE HILL SOLAR PARK

Proposal: Scoping consultation and notification under The Infrastructure Planning  
(Environmental Impact Assessment) Regulations 2017, regulations 10 & 11 -  
development of Cleve Hill Solar Park

---

I refer to your letter of consultation regarding the above and would inform you that the  
Council **RAISES NO OBJECTION** to it.

- 1 Medway Council would not wish to comment on the Scoping Opinion, but  
would reserve the right to comment in the event of a planning application  
being submitted for any development on the site.

#### **Your attention is drawn to the following informative(s):-**

This comment is based on the consultation to Medway Council by the Planning  
Inspectorate and cover letter received 12 December 2017.

Signed

A black rectangular box redacting the signature of David Harris.

David Harris  
Head of Planning  
Date of Notice 8 January, 2018

Sent electronically to:

[CleveHillSolarPark@pins.gsi.gov.uk](mailto:CleveHillSolarPark@pins.gsi.gov.uk)

Nick Dexter  
DCO Liaison Officer  
Land & Business Support

[Nicholas.dexter@nationalgrid.com](mailto:Nicholas.dexter@nationalgrid.com)

Tel: +44 (0)7917 791925

[www.nationalgrid.com](http://www.nationalgrid.com)

08<sup>th</sup> January 2018

Dear Sir / Madam,

**Ref: EN010085 - Cleve Hill Solar Park - EIA Scoping Notification and Consultation**

I refer to your letter dated 12<sup>th</sup> December 2018 in relation to the above proposed application for a Development Consent Order for the proposed Cleve Hill Solar Park. Having reviewed the Scoping Report, I would like to make the following comments:

#### **National Grid infrastructure within / in close proximity to the order boundary**

##### **Electricity Transmission**

National Grid Electricity Transmission has a high voltage electricity overhead transmission line within or in close proximity to the proposed order limits. The overhead line forms an essential part of the electricity transmission network in England and Wales. The details of the overhead line are shown below:

- ZV (400kV) overhead line route

##### **Gas Transmission**

National Grid Gas has no gas transmission apparatus located within or in close proximity to the proposed order limits.

#### **Electricity Infrastructure:**

- National Grid's Overhead Line/s is protected by a Deed of Easement / Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. National Grid recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for “overhead line clearances Issue 3 (2004).
- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such

overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.

- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's ([www.hse.gov.uk](http://www.hse.gov.uk)) Guidance Note GS 6 “Avoidance of Danger from Overhead Electric Lines” and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum “sag” and “swing” and overhead line profile (maximum “sag” and “swing”) drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or “pillars of support” of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation (“pillar of support”) drawings can be obtained using the contact details above
- National Grid Electricity Transmission high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide National Grid full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with National Grid prior to any works taking place.
- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

#### **Further Advice**

**We would request that the potential impact of the proposed scheme on National Grid's existing assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.**

**Where any diversion of apparatus may be required to facilitate a scheme, National Grid is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by National Grid. Further information relating to this can be obtained by contacting the email address below.**



**Where the promoter intends to acquire land, extinguish rights, or interfere with any of National Grid apparatus protective provisions will be required in a form acceptable to it to be included within the DCO.**

National Grid requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following email address: [box.landandacquisitions@nationalgrid.com](mailto:box.landandacquisitions@nationalgrid.com)

I hope the above information is useful. If you require any further information please do not hesitate to contact me.

The information in this letter is provided notwithstanding any discussions taking place in relation to connections with electricity or gas customer services.

Yours Faithfully



**Nick Dexter.**

Date: 02 January 2018  
Our ref: 234085  
Your ref: EN010085-000026

Planning Inspectorate  
3D Eagle Wing  
Temple Quay House  
2 The Square  
Bristol BS1 6PN

**BY EMAIL ONLY**

[CleveHillSolarPark@pins.gsi.gov.uk](mailto:CleveHillSolarPark@pins.gsi.gov.uk)



Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Sir/Madam

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(the EIA Regulations) – Regulations 10 and 11**

**Scoping consultation on the Application by Cleve Hill Solar Park Ltd (the Applicant) for an Order granting Development Consent for the Cleve Hill Solar Park (the Proposed Development)**

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 12 December 2017 which we received on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law<sup>1</sup> and guidance<sup>2</sup> has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Alison Giacomelli on 0208 225 7693. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully

Alison Giacomelli  
Sussex and Kent Area Team

<sup>1</sup> Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

<sup>2</sup> *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/+/http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

## Annex A – Advice related to EIA Scoping Requirements

### 1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

### 2. Biodiversity and Geology

#### 2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EcIA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EcIA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EcIA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

#### 2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (eg designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. In addition paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible

SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Natural England, therefore, welcomes the commitment (in paragraph 281 of the Scoping Report) that a shadow Habitats Regulations Assessment will be prepared as part of the EIA process.

#### **Sites of Special Scientific Interest (SSSIs), sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites) and Marine Conservation Zones (MCZs)**

The development site is adjacent or in close proximity to the following designated nature conservation sites:

- The Swale SSSI, SPA and Ramsar site
- The Swale Estuary MCZ
- Further information on the SSSI and its special interest features can be found at [www.magic.gov](http://www.magic.gov). The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.
- Natura 2000 network site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>. Supplementary advice on conservation objectives list attributes which are considered to best describe the site's ecological integrity and which, if safeguarded, will enable achievement of the Conservation Objectives. This supplementary advice can be found at [www.designatedsites.naturalengland.org.uk/](http://www.designatedsites.naturalengland.org.uk/)

If a European Site qualifying feature uses a nearby, undesignated piece of land for foraging or roosting, then that land can be considered functionally linked to the SPA, and is within the scope of an HRA. Therefore, as well as assessing impacts of the development proposal on the birds within the nearby designated sites, the EIA should consider the impacts on SPA/Ramsar species that use the development site itself.

The Scoping Report indicates that bird surveys have been (or will be) carried out for three full winters, plus part of a fourth winter (Jan – Mar 14). In addition, there are three breeding season's surveys, flight activity, nocturnal and raptor/owl surveys. Natural England's view is that this is sufficient to provide a good picture of the use of the development area, and adjacent habitats, by birds.

#### **2.3 Regionally and Locally Important Sites**

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the

local wildlife trust, geoconservation group or local sites body in this area for further information.

#### **2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017**

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

Natural England notes that a number of protected species surveys have already been carried out to inform the EIA. We have adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

#### **2.5 Habitats and Species of Principal Importance**

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England notes that a Phase 1 habitat survey has been carried out for the site, in order to identify any important habitats present. In addition, ornithological and invertebrate surveys have been carried out. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (eg whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain. Solar arrays offer opportunities for enhancements through the management of the grassland between the panels. Sowing a seed mix to benefit invertebrates, including bumblebees, would be valuable in this location. In addition, the presence of ditches within the development site offers the opportunity to enhance the water vole population of the site.

### 3. Designated Landscapes and Landscape Character

#### Nationally Designated Landscapes

As the development site is within 5km of Kent Downs AONB, consideration should be given to the direct and indirect effects upon this designated landscape and in particular the effect upon its purpose for designation within the environmental impact assessment, as well as the content of the relevant management plan for the Kent Downs AONB.

Natural England notes that there are no vantage points proposed from within the AONB. This may be because the AONB is outside the zone of theoretical visibility (ZTV) for the proposal, or that there are no publicly accessible viewpoints within the AONB that overlap with the ZTV. If this is not the case, Natural England requests that appropriate viewpoints are chosen within the AONB.

#### Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

### 4. Access and Recreation

#### Rights of Way, Access land, Coastal access and National Trails

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

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. To find out progress of the England Coast Path in your area, visit the Natural England website [here](#).

### 5. Contribution to local environmental initiatives and priorities

The development proposal is within the North Kent Marshes Biodiversity Opportunity Area (see: [http://www.kentbap.org.uk/images/uploads/Opportunity\\_Area\\_Statement\\_-\\_North\\_Kent\\_Marshes\\_FINAL.pdf](http://www.kentbap.org.uk/images/uploads/Opportunity_Area_Statement_-_North_Kent_Marshes_FINAL.pdf) ) Therefore, measures to meet the objectives of the BOA should be implemented wherever possible. As noted above, this could include management of the grassland around the array to benefit invertebrates, and management of drainage ditches to benefit water voles.

#### 6. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.





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Emma Cottam  
EIA and Land Rights Advisor  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol BS1 6PN

Your Ref : EN010085-000026

Our ref: 41849

9<sup>th</sup> January 2018

Dear Emma

**Re: Scoping Consultation  
Application for an Order Granting Development Consent for the proposed  
Cleve Hill Solar Park**

Thank you for including Public Health England (PHE) in the scoping consultation phase of the above application. Our response focuses on health protection issues relating to chemicals and radiation. Advice offered by PHE is impartial and independent.

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the Environmental Statement (ES). We believe the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. Any assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal, therefore we accept that, in some circumstances particular assessments may not be relevant to an application, or that an assessment may be adequately completed using a qualitative rather than quantitative methodology. In cases where this decision is made the promoters should fully explain and justify their rationale in the submitted documentation.

The attached appendix outlines generic areas that should be addressed by all promoters when preparing ES for inclusion with an NSIP submission. We are happy to assist and discuss proposals further in the light of this advice.

Yours sincerely

Robie Kamanyire  
[nsipconsultations@phe.gov.uk](mailto:nsipconsultations@phe.gov.uk)

*Please mark any correspondence for the attention of National Infrastructure Planning Administration.*

## Appendix: PHE recommendations regarding the scoping document

### General approach

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA<sup>1</sup>. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

It is not PHE's role to undertake these assessments on behalf of promoters as this would conflict with PHE's role as an impartial and independent body.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES<sup>2</sup>.

The following text covers a range of issues that PHE would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. PHE's advice and recommendations carry no statutory weight and constitute non-binding guidance.

### Receptors

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

### Impacts arising from construction and decommissioning

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place

<sup>1</sup> Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from: <http://webarchive.nationalarchives.gov.uk/20100410180038/http://communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/>

<sup>2</sup> DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

### Emissions to air and water

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
  - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
  - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.

PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

#### *Additional points specific to emissions to air*

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

#### *Additional points specific to emissions to water*

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

#### **Land quality**

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the

migration of material off-site should be assessed<sup>3</sup> and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

#### **Waste**

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

#### **Other aspects**

Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report<sup>4</sup>, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be

<sup>3</sup> Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

<sup>4</sup> Available from: <http://www.cph.org.uk/wp-content/uploads/2012/08/health-risk-perception-and-environmental-problems-summary-report.pdf>



negligible.” PHE supports the inclusion of this information within EIAs as good practice.

## Electromagnetic fields (EMF)

This statement is intended to support planning proposals involving electrical installations such as substations and connecting underground cables or overhead lines. PHE advice on the health effects of power frequency electric and magnetic fields is available in the following link:

<https://www.gov.uk/government/collections/electromagnetic-fields#low-frequency-electric-and-magnetic-fields>

There is a potential health impact associated with the electric and magnetic fields around substations, and power lines and cables. The field strength tends to reduce with distance from such equipment.

The following information provides a framework for considering the health impact associated with the electric and magnetic fields produced by the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

## Policy Measures for the Electricity Industry

The Department of Energy and Climate Change has published a voluntary code of practice which sets out key principles for complying with the ICNIRP guidelines:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf)

Companion codes of practice dealing with optimum phasing of high voltage power lines and aspects of the guidelines that relate to indirect effects are also available:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/224766/powerlines\\_vcop\\_microshocks.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224766/powerlines_vcop_microshocks.pdf)

## Exposure Guidelines

PHE recommends the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP). Formal advice to this effect was published by one of PHE’s predecessor organisations (NRPB) in 2004 based on an accompanying comprehensive review of the scientific evidence:-

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Absd1502/>

Updates to the ICNIRP guidelines for static fields have been issued in 2009 and for low frequency fields in 2010. However, Government policy is that the ICNIRP guidelines are implemented in line with the terms of the 1999 EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

[http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Publichealth/Healthprotection/DH\\_4089500](http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Publichealth/Healthprotection/DH_4089500)

## Static magnetic fields

For static magnetic fields, the ICNIRP guidelines published in 2009 recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT.

## Power frequency electric and magnetic fields

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines published in 1998 give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m<sup>-1</sup> (kilovolts per metre) and 100 µT (microtesla). The reference level for magnetic fields changes to 200 µT in the revised (ICNIRP 2010) guidelines because of new basic restrictions based on induced electric fields inside the body, rather than induced current density. If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects.

## Long term effects

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people’s concerns, provided a basis for providing an additional recommendation for Government to consider the need for

further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

### **The Stakeholder Advisory Group on ELF EMFs (SAGE)**

SAGE was set up to explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government:

<http://www.emfs.info/policy/sage/>

SAGE issued its First Interim Assessment in 2007, making several recommendations concerning high voltage power lines. Government supported the implantation of low cost options such as optimal phasing to reduce exposure; however it did not support not support the option of creating corridors around power lines on health grounds, which was considered to be a disproportionate measure given the evidence base on the potential long term health risks arising from exposure. The Government response to SAGE's First Interim Assessment is available here:

[http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_107124](http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124)

The Government also supported calls for providing more information on power frequency electric and magnetic fields, which is available on the PHE web pages (see first link above).

### **Ionising radiation**

Particular considerations apply when an application involves the possibility of exposure to ionising radiation. In such cases it is important that the basic principles of radiation protection recommended by the International Commission on Radiological Protection<sup>5</sup> (ICRP) are followed. PHE provides advice on the application of these recommendations in the UK. The ICRP recommendations are implemented in the Euratom Basic Safety Standards<sup>6</sup> (BSS) and these form the basis for UK legislation, including the Ionising Radiation Regulations 1999, the Radioactive Substances Act 1993, and the Environmental Permitting Regulations 2016.

PHE expects promoters to carry out the necessary radiological impact assessments to demonstrate compliance with UK legislation and the principles of radiation protection. This should be set out clearly in a separate section or report and should not require any further analysis by PHE. In particular, the important principles of justification, optimisation and radiation dose limitation should be addressed. In addition compliance with the Euratom BSS and UK legislation should be clear.

<sup>5</sup> These recommendations are given in publications of the ICRP notably publications 90 and 103 see the website at <http://www.icrp.org/>

<sup>6</sup> Council Directive 96/29/EURATOM laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation.

When considering the radiological impact of routine discharges of radionuclides to the environment PHE would expect to see a full radiation dose assessment considering both individual and collective (population) doses for the public and, where necessary, workers. For individual doses, consideration should be given to those members of the public who are likely to receive the highest exposures (referred to as the representative person, which is equivalent to the previous term, critical group). Different age groups should be considered as appropriate and should normally include adults, 1 year old and 10 year old children. In particular situations doses to the fetus should also be calculated<sup>7</sup>. The estimated doses to the representative person should be compared to the appropriate radiation dose criteria (dose constraints and dose limits), taking account of other releases of radionuclides from nearby locations as appropriate. Collective doses should also be considered for the UK, European and world populations where appropriate. The methods for assessing individual and collective radiation doses should follow the guidance given in 'Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012'<sup>8</sup>. It is important that the methods used in any radiological dose assessment are clear and that key parameter values and assumptions are given (for example, the location of the representative persons, habit data and models used in the assessment).

Any radiological impact assessment should also consider the possibility of short-term planned releases and the potential for accidental releases of radionuclides to the environment. This can be done by referring to compliance with the Ionising Radiation Regulations and other relevant legislation and guidance.

The radiological impact of any solid waste storage and disposal should also be addressed in the assessment to ensure that this complies with UK practice and legislation; information should be provided on the category of waste involved (e.g. very low level waste, VLLW). It is also important that the radiological impact associated with the decommissioning of the site is addressed. Of relevance here is PHE advice on radiological criteria and assessments for land-based solid waste disposal facilities<sup>9</sup>. PHE advises that assessments of radiological impact during the operational phase should be performed in the same way as for any site authorised to discharge radioactive waste. PHE also advises that assessments of radiological impact during the post operational phase of the facility should consider long timescales (possibly in excess of 10,000 years) that are appropriate to the long-lived nature of the radionuclides in the waste, some of which may have half-lives of millions of years. The radiological assessment should consider exposure of members of hypothetical representative groups for a number of scenarios including the expected migration of radionuclides from the facility, and inadvertent intrusion into the facility once institutional control has ceased. For scenarios where the

<sup>7</sup> HPA (2008) Guidance on the application of dose coefficients for the embryo, fetus and breastfed infant in dose assessments for members of the public. Doc HPA, RCE-5, 1-78, available at <https://www.gov.uk/government/publications/embryo-fetus-and-breastfed-infant-application-of-dose-coefficients>

<sup>8</sup> The Environment Agency (EA), Scottish Environment Protection Agency (SEPA), Northern Ireland Environment Agency, Health Protection Agency and the Food Standards Agency (FSA). Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012.

<sup>9</sup> HPA RCE-8, Radiological Protection Objectives for the Land-based Disposal of Solid Radioactive Wastes, February 2009



probability of occurrence can be estimated, both doses and health risks should be presented, where the health risk is the product of the probability that the scenario occurs, the dose if the scenario occurs and the health risk corresponding to unit dose. For inadvertent intrusion, the dose if the intrusion occurs should be presented. It is recommended that the post-closure phase be considered as a series of timescales, with the approach changing from more quantitative to more qualitative as times further in the future are considered. The level of detail and sophistication in the modelling should also reflect the level of hazard presented by the waste. The uncertainty due to the long timescales means that the concept of collective dose has very limited use, although estimates of collective dose from the 'expected' migration scenario can be used to compare the relatively early impacts from some disposal options if required.

## **Annex 1**

### **Human health risk assessment (chemical pollutants)**

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach<sup>10</sup> is used

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<sup>10</sup> Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24



Head of Planning Applications Group  
Kent County Council  
Invicta House  
County Hall  
Maidstone  
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Developer Services  
Southern Water  
Sparrowgrove House  
Sparrowgrove  
Otterbourne  
Hampshire  
SO21 2SW

Tel: 0330 303 0119  
Email: [southernwaterplanning@atkinsglobal.com](mailto:southernwaterplanning@atkinsglobal.com)

Your Ref

EN010085

Our Ref

PLAN-021109

Date

04/01/2018

Dear Sirs,

**Proposal: EIA scoping consultation for the development of a solar energy park.**  
**Site: Cleve Hill Solar Park, Faversham, Graveney, Kent, ME13 9EE.**  
**EN010085**

Thank you for your letter of 12/12/2017.

Further to your scoping document for the above site I have the following observations to make in respect of the proposed development:-

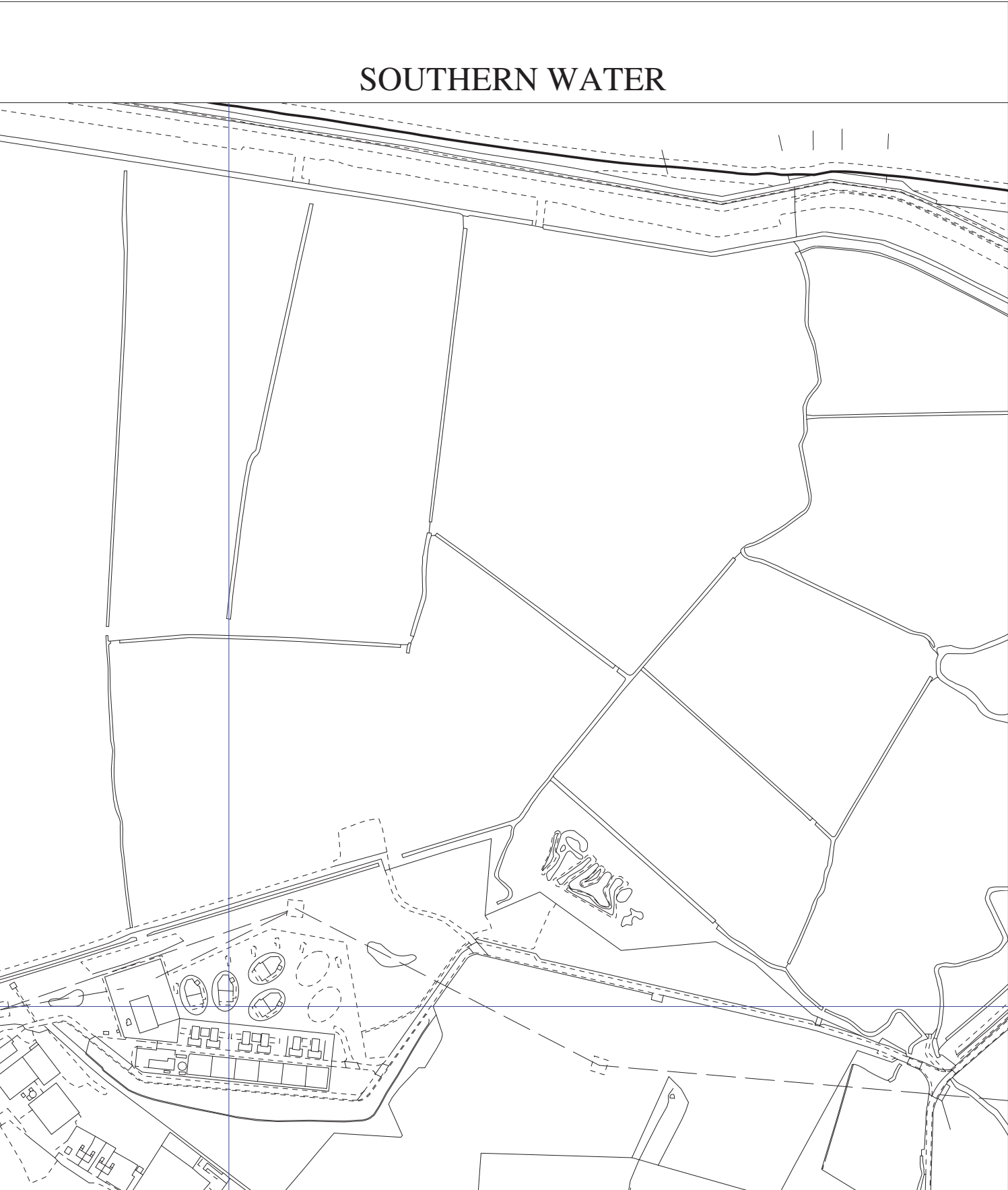
- Southern Water's current sewerage records do not show any public sewers to be crossing the above site. However, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property.
- There are no public surface water sewers located within the vicinity of the site and alternative methods of disposing of the surface water should be investigated i.e. soakaways, ditches or local water courses.
- Southern Water requires a formal application for a connection to the public foul sewerage and water main to be made by the applicant or developer.

If you require any further information please do not hesitate to contact our office on the above telephone number.

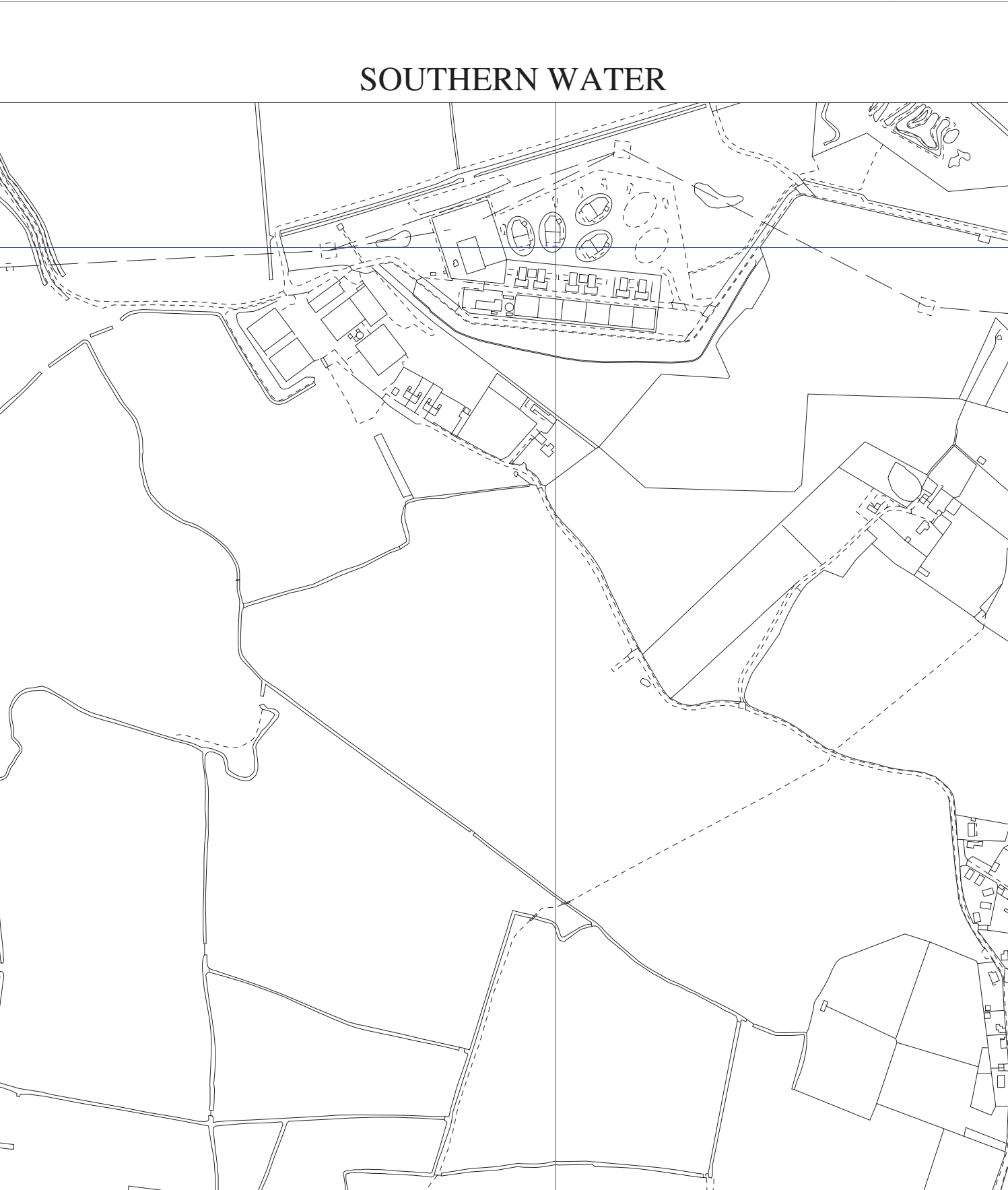
Yours sincerely,



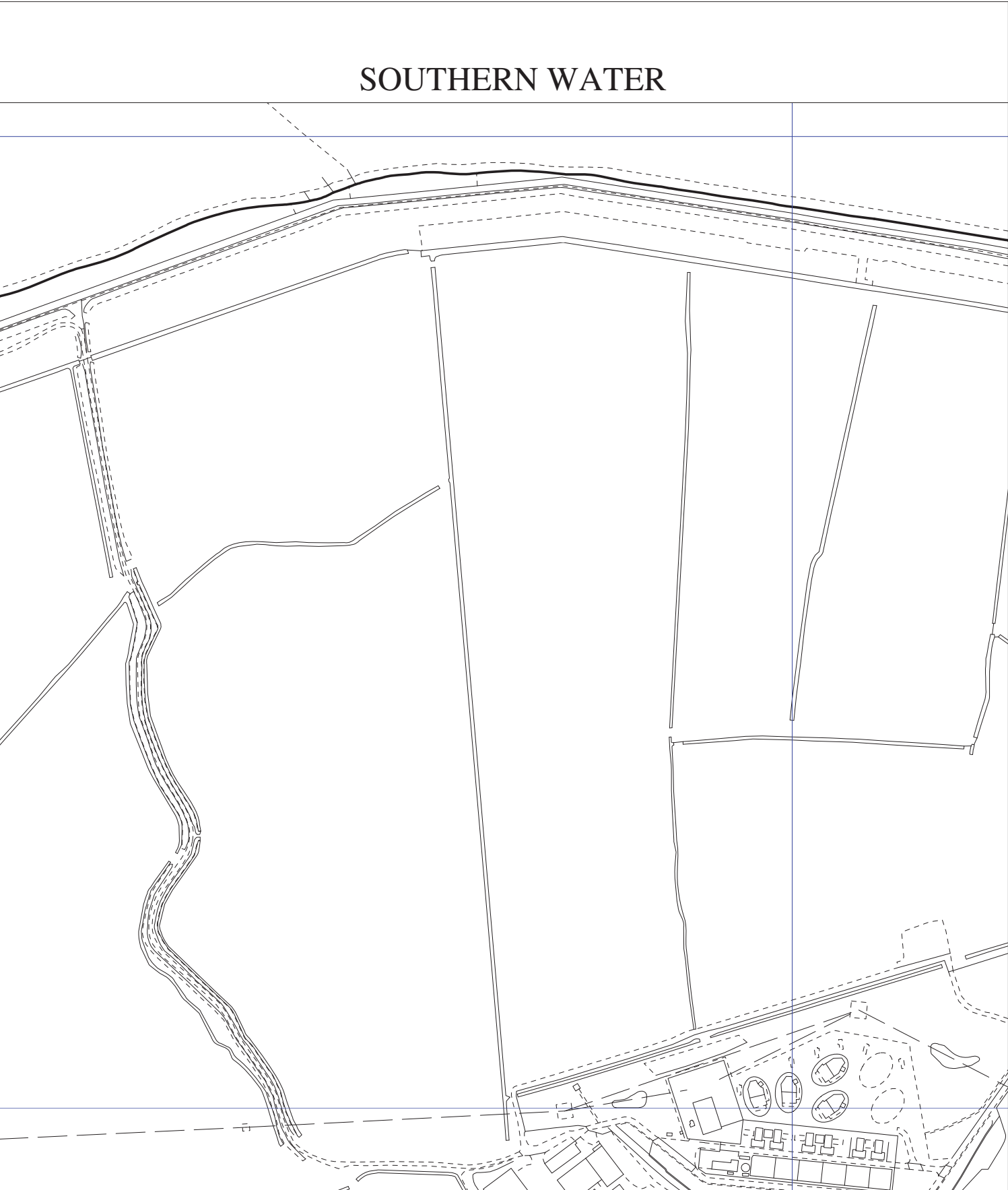
Developer Services





<p>The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.</p>				
<p>Based upon Ordnance Survey Digital Data with the permission of the controller of H.M.S.O. Crown Copyright Reserved Licence No. WU 298530</p>				
O.S. REF: TR0564SW	Scale: 1:4954		Printed By: Ponnannv	Date: 2-1-2018
Screen Print			Southern Water MapGuide Browser	
WARNING: BAC pipes are constructed of Bonded Asbestos Cement			Requested By:	
WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement				





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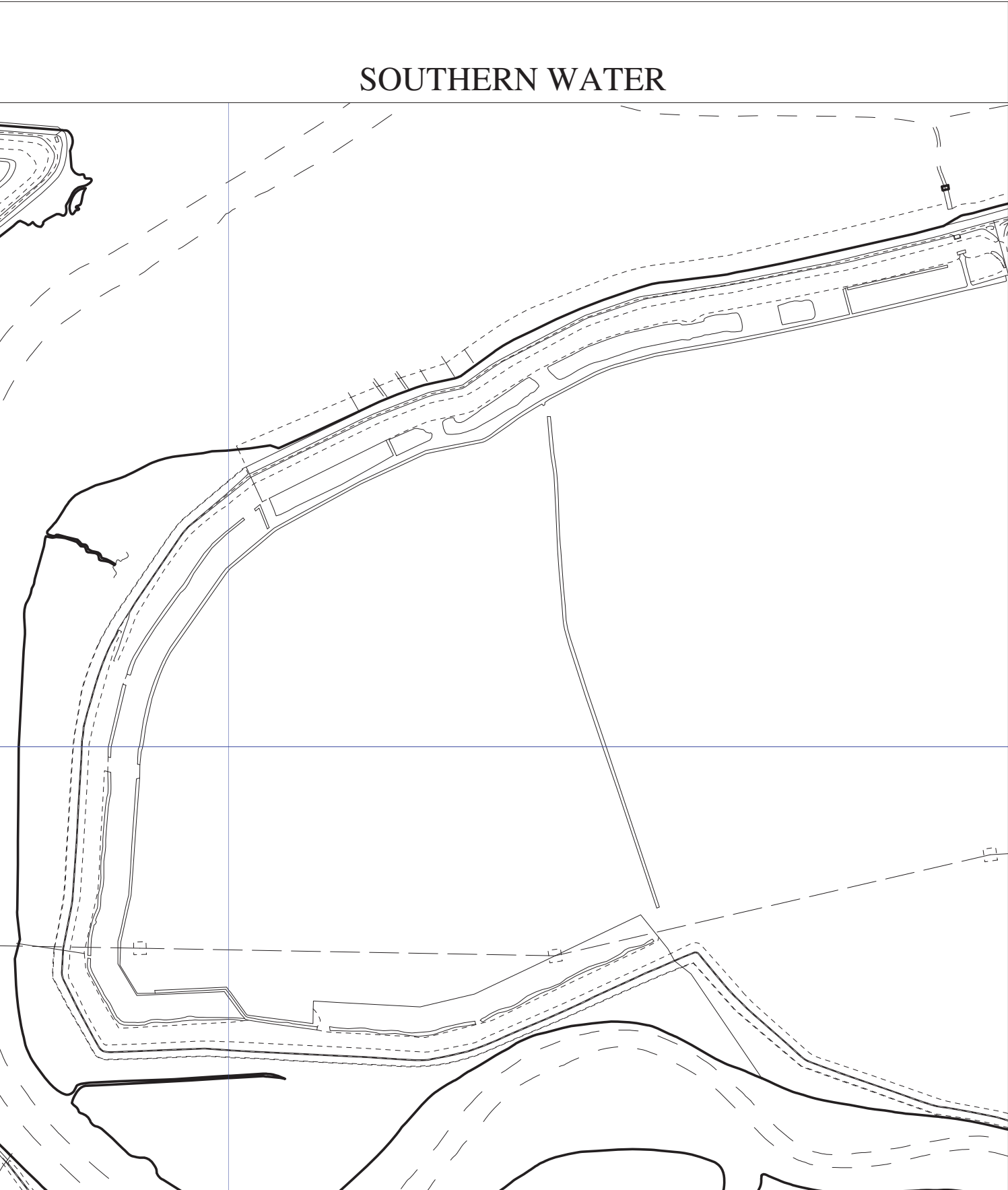
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WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement				





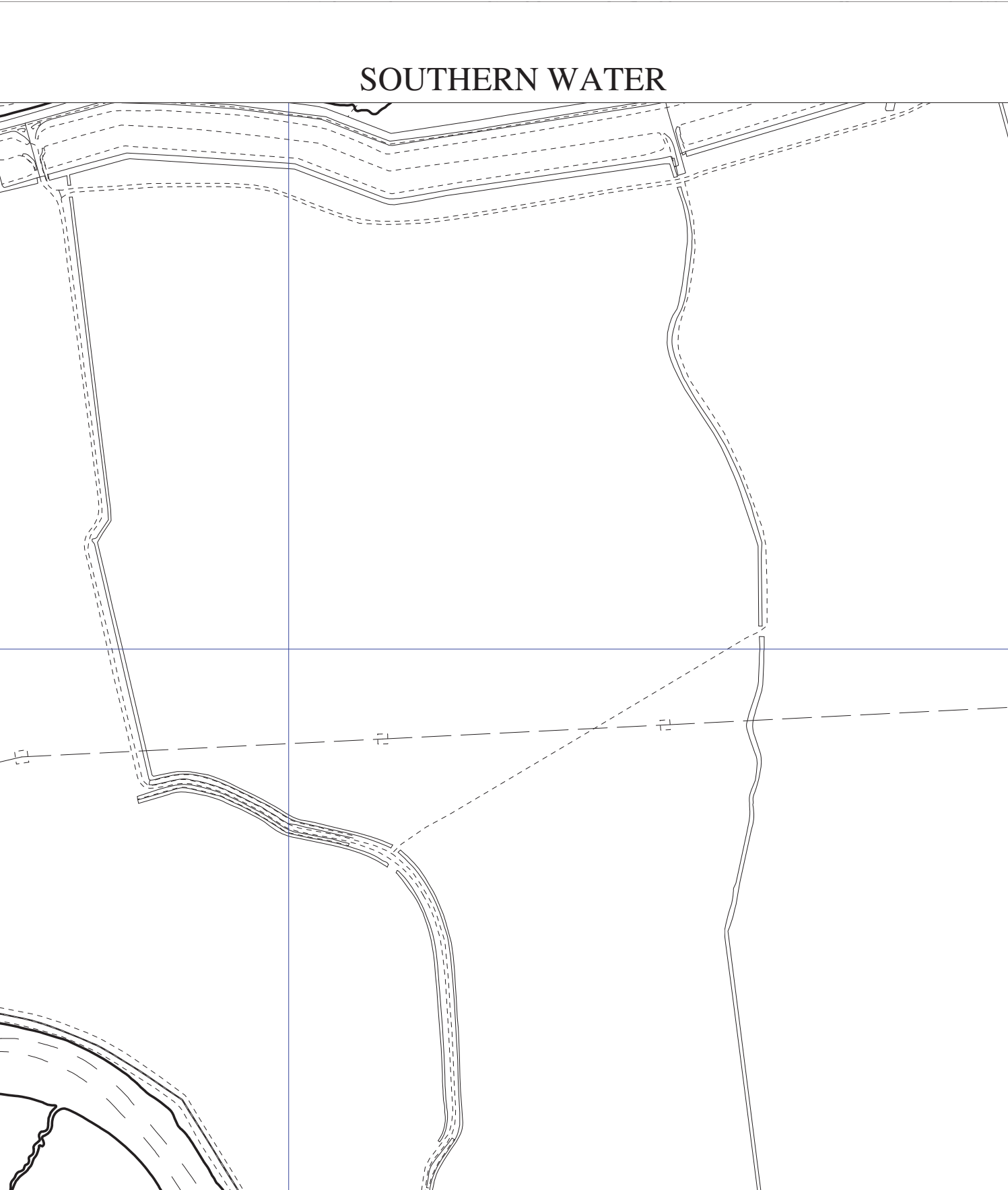
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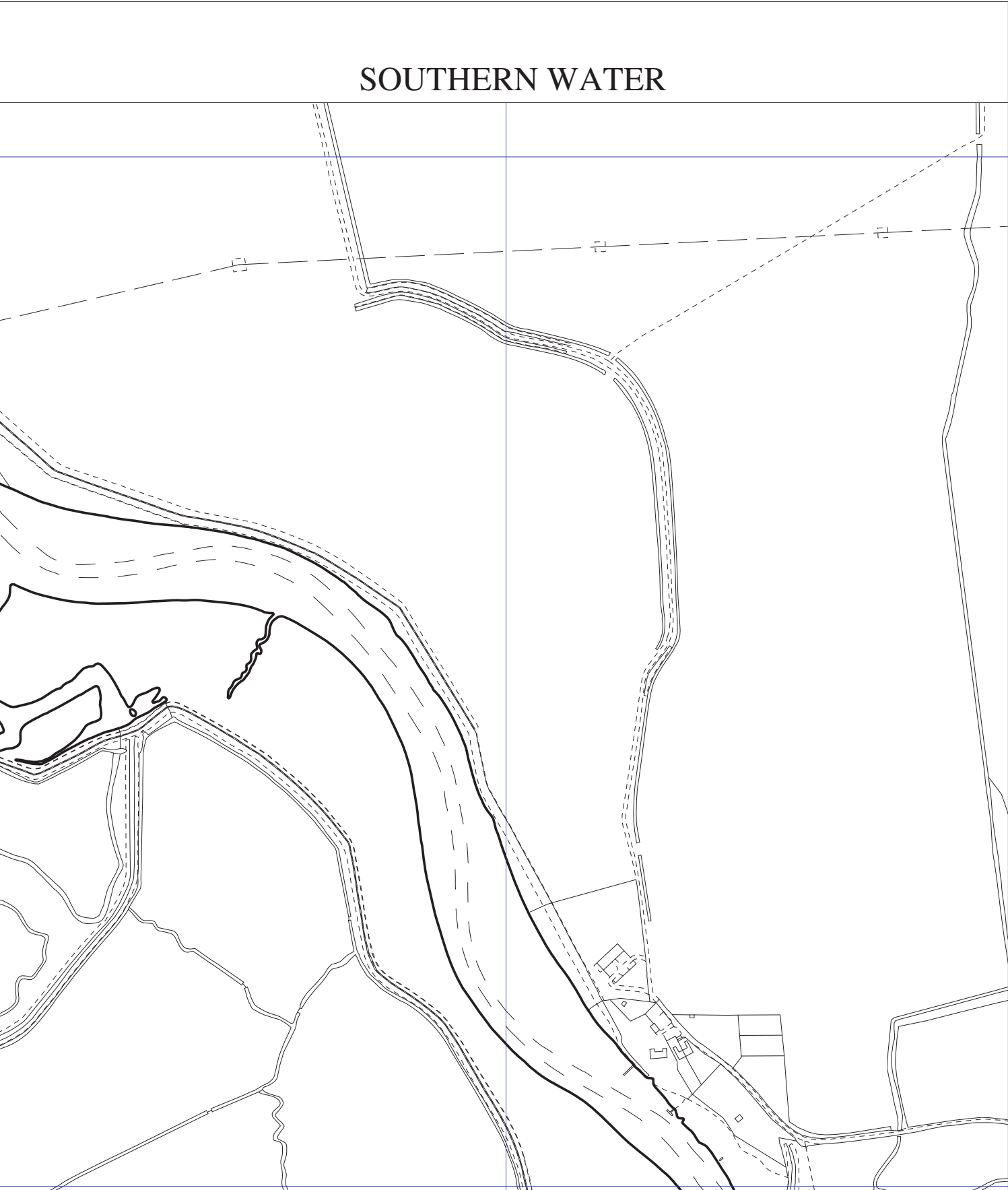






<p>The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.</p>				
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WARNING: BAC pipes are constructed of Bonded Asbestos Cement			Requested By:	
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WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement				



The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.				
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O.S. REF: TR0363NE	Scale: 1:4675		Printed By: Ponnannv	Date: 2-1-2018
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SOUTHERN WATER



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Screen Print			Date: 2-1-2018
WARNING: BAC pipes are constructed of Bonded Asbestos Cement			Requested By:
WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement			

**From:** [Nicola Downes EI](#)  
**To:** [Cleve Hill Solar Park](#)  
**Cc:** [Toni Walmsley Macey EI](#)  
**Subject:** RE: EN010085 - Cleve Hill Solar Park - EIA Scoping Notification and Consultation  
**Date:** 12 December 2017 14:22:04

---

Dear Emma,

Thank you for your email consulting us on the Scoping Opinion relating to the above development. I can confirm that we have no comments to make on this document.

Regards,

Nicola

Nicola Downes  
Senior Transport Development Planning Officer

Surrey County Council  
Room 365, County Hall  
Penrhyn Road  
Kingston Upon Thames KT1 2DW  
Direct Tel: 020 8541 7426  
[www.surreycc.gov.uk/tdp](http://www.surreycc.gov.uk/tdp)

---

**From:** Cleve Hill Solar Park [mailto:CleveHillSolarPark@pins.gsi.gov.uk]  
**Sent:** 12 December 2017 11:16  
**To:** Nicola Downes EI <nicola.downes@surreycc.gov.uk>  
**Cc:** Toni Walmsley Macey EI <toni.walmsleymacey@surreycc.gov.uk>  
**Subject:** EN010085 - Cleve Hill Solar Park - EIA Scoping Notification and Consultation

Dear Nicola

Please see attached correspondence on the proposed Cleve Hill Solar Park.

Please note the deadline for consultation responses is **9 January 2018**. This is a statutory requirement triggered by submission of the Applicant's Scoping Report and cannot be extended.

Kind regards,  
Emma

**Emma Cottam MRTPI**  
EIA and Land Rights Advisor – Environmental Services Team  
Major Casework Directorate  
The Planning Inspectorate, Temple Quay House, 2 The Square,  
Bristol, BS1 6PN

Direct Line: 0303 444 5721  
Helpline: 0303 444 5000