



CLEVE HILL SOLAR PARK

PLANNING STATEMENT

November 2018
Revision A

Document Reference: 7.4
APFP Regulation: 5(2)(q)

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PLANNING STATEMENT

**FOR
CLEVE HILL SOLAR PARK LTD**

NOVEMBER 2018



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SUMMARY

Cleve Hill Solar Park Ltd, a joint venture between Hive Energy Ltd, and Wirsol Energy Ltd, proposes to make an Application for a development consent order (“DCO”) under the Planning Act 2008 for a solar and energy storage generating station project, connecting to the National Electricity Transmission System (“NETS”) at Cleve Hill Substation in Kent. This Planning Statement has been prepared in support of that Application and should be read in conjunction with the other documents submitted with the Application.

This Planning Statement provides a detailed assessment of the Development against the policies identified in Chapter 6 Legislative and Planning Context of the ES. Although the two documents are complementary, the planning chapter simply identifies the relevant legislative and planning framework for the Development to inform other chapters of the ES and the Planning Statement, whilst the Planning Statement contains an assessment of the acceptability of the Development in the context of the legislative and planning framework identified.

The Development has been fully considered against all the relevant National and Local Planning Policies as detailed in the main sections and Appendix A. Considerable care has been taken in the design of the Development to avoid unacceptable environmental and amenity effects, whilst ensuring that the Development can make a considerable contribution to the UK’s requirement for renewable energy generation.

The UK is legally bound through the Climate Change Act (2008) to reduce carbon emissions and through Renewable Energy Directive 2009/28/EC to increase electricity consumption from renewable resources. The Development would contribute towards meeting these requirements, and would also be fully supported by energy policy because it would assist in replacing outdated energy infrastructure and the move to a low carbon economy, and ultimately will assist with affordable energy bills.

Following a detailed assessment of the principle of the Development and the likely effects that it will have on the environmental receptors, the Development has been found to be in compliance with the relevant national and local policy for energy and renewable and low carbon energy development.

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1 INTRODUCTION

1.1 Introduction

1. This Planning Statement ("the Statement") has been prepared on behalf of Cleve Hill Solar Park Ltd ("the Applicant") in relation to an application ("the Application") to be made to the Secretary of State ("SoS") for the Department for Business, Energy & Industrial Strategy ("BEIS"), under Section 37 of the Planning Act 2008.
2. The Application is for a Development Consent Order ("DCO") for the construction, operation and maintenance, and decommissioning of Cleve Hill Solar Park, a solar photovoltaic array electricity generating facility and electrical storage facility, with a total capacity exceeding 50 MW, and an export connection to the National Grid ("the Development"). The Application is required because the Development is classified as a Nationally Significant Infrastructure Project ("NSIP") under the Planning Act 2008.

1.2 Purpose of the Statement

3. This Planning Statement (DCO Document Reference 7.4) submitted as part of the Application provides a detailed assessment of the Development against the policies identified in Chapter 6 Legislative and Planning Context of the ES. Although the two documents are complementary, the planning chapter simply identifies the relevant legislative and planning framework for the Development to inform other chapters of the ES and the Planning Statement, whilst the Planning Statement contains an assessment of the acceptability of the Development in the context of the legislative and planning framework identified.
4. The Statement is intended to support the Application, to set out the relevant planning policy context, and identify policy and other material considerations considered relevant to the assessment of the Application by the SoS.
5. To establish compliance of the Development with the planning policy framework, the Statement has been informed by the following documents:
 - Environmental Statement ("ES") and relevant Technical Appendices – The ES presents the outcomes of the Environmental Impact Assessment ("EIA") which assesses the likely effects of the Development on the Environment;
 - Statement of Need – The Statement of Need sets out the context for solar photovoltaic (PV) and energy storage developments in the UK and provides an economic baseline to the Development;
 - Outline Design Principles Statement;
 - Report to Inform Appropriate Assessment ("RIAA"); and
 - Flood Risk Assessment.
6. The Statement presents a summary of findings based on these documents where necessary for the purposes of the assessment against the relevant national and local policies. References will be made to the full version documents where required.

1.3 Planning Statement Outline

7. The Statement is structured in the following way:
 - **Section 1: Introduction** sets the context of the Development and provides information for the pre-application process, the Applicant and an overview of the Development.
 - **Section 2: Need for the Development** outlines the rationale for the Development and sets the context for the policy and industry drivers.

- **Section 3: Planning Policy Framework and Assessment of the Development** sets out the Planning Policy Context in detail which provides the framework for the assessment of the Development. Further, the section demonstrates the compliance of the Development with the relevant national policies and how it delivers the policy objectives.
- **Section 4: Other Relevant Material Considerations** presents additional material planning considerations in support of the Development.
- **Section 5: Planning Balance and Conclusion** draws together policy and key arguments, and summarises how the Development complies with the policy framework.
- **Appendix A: Assessment of Local Planning Policies** section demonstrates the compliance of the Development with the relevant local policies and how it delivers the policy objectives

1.4 Pre-Application Consultation

8. From August 2015 and throughout the pre-application phase to the time of the Application, the Applicant has engaged with the Planning Inspectorate ("PINS"), the local community and a range of statutory and non-statutory consultees and stakeholders. The main consultation activities that have been undertaken and have informed the Statement include:
 - Meetings with a wide range of statutory consultees and stakeholders;
 - Approximately monthly meetings with representatives of Swale Borough Council, Kent County Council and Canterbury City Council throughout 2018;
 - EIA scoping;
 - A series of meetings with the nearest residents to the Development;
 - Two phases of public exhibitions; and
 - Two phases of consultation, including the Preliminary Environmental Information Report (PEIR).
9. Feedback on the Planning Policy Framework, as part of the PEIR, received from both section 42 consultees (prescribed and non-prescribed consultation bodies) and section 47 consultees (members of the public), along with a summary of other issues raised during consultation relevant to the Development has been taken into consideration in the Statement. The Development design has also evolved to take into account the responses received and has resulted in mitigation being "embedded" into the design. The design process was iterative and has evolved in response to the consultation activities.
10. The full process and outcome of the Consultation are detailed in Chapter 3 of the ES and in the Consultation Report which accompanies the Application (DCO Document Reference 5.1).

1.5 The Applicant

11. Cleve Hill Solar Park Ltd is a joint venture formed by two solar industry specialists: Hive Energy Ltd and Wirsol Energy Ltd.

1.5.1 Hive Energy

12. Founded in 2010 by Giles Redpath, Hive Energy has established itself as the second largest developer of solar parks in the UK, responsible for the installation of 300 MW of generating capacity across the country.
13. Hive developed the Southwick Estate Solar Farm in Hampshire, energised in March 2015, and at the time the largest solar park in the UK with an installed capacity of 48 MW. Hive is now commencing the roll out of a pipeline of subsidy-free solar parks in the UK.

14. Building on its UK experience, Hive has opened a number of overseas offices and is currently developing a pipeline of international projects across Europe, South America, Africa and Asia, including an operational site in Turkey and a 58 MW solar park in Cuba about to commence construction. Hive is committed to using the knowledge and expertise gained in the UK to develop large-scale, low-cost solar, across the world.

1.5.2 Wirsol Energy

15. Wirsol Energy is a highly experienced solar park developer, constructor and operator across the UK, Europe and Australia. Globally, Wirsol has developed 1.9 gigawatts (GW) of solar electricity generating capacity.
16. Wirsol's global experience of particular relevance to the Development includes the construction and operation of a 25 MW / 50 MW hour energy storage project in Gannawarra, Australia¹ and a solar PV facility with east-west facing arrays in Delfzijl, Netherlands².
17. Wirsol has built and operates 24 solar parks in the UK with a combined capacity of 159 MW. The UK development portfolio includes 470 MW of new generating capacity.

1.6 The Development

1.6.1 Development Overview

18. The Development will comprise an array of solar PV modules, energy storage and associated infrastructure. Cleve Hill Solar Park could provide enough affordable and clean electricity to power over 90,000 homes. The Development is intended to be among the lowest cost generators of energy in the UK and will not require government subsidies to be viable. A description of the physical characteristics of the whole Development and the land-use requirements during the construction and operational phases is set out in Chapter 5: Development Description of the ES.
19. The total area of the Development site is 491.2 hectares (ha) and the existing land can be divided into the following land use types:
 - Arable Land - 387.6 ha;
 - Freshwater Grazing Marsh - 35.1 ha;
 - Flood Defences - 58.5 ha; and
 - The Existing Cleve Hill Substation - 10 ha.

The Development site lies within the administrative districts of Swale Borough Council, Canterbury City Council and Kent County Council. It is located 2 km north east of Faversham and 5 km west of Whitstable on the north Kent coast.

1.6.2 Design Evolution

20. The Development design has evolved, throughout the EIA process and in response to consultation comments.
21. Chapter 4: Site Selection, Development Design and Consideration of Alternatives of the ES sets out the iterative design evolution process undertaken in response to the findings of the EIA and consultation responses received.
22. An Outline Design Principles Statement has also been produced to accompany the Application.

¹ Gannawarra Energy Storage System [online] Available at: <https://wirsol.com.au/portfolio/gannawarra-energy-storage-system/> (Accessed 17/10/2018)

² SunPort Delfzijl Solar Energy Park [online] Available at: <https://wirsol.com/en/final-agreement-on-realization-of-the-largest-solar-energy-park-in-the-netherlands/> (Accessed 17/10/2018)

2 NEED FOR THE DEVELOPMENT

23. This section sets out the need for the Development underpinned by international and national policy objectives, and industry drivers. The section summarises key points from the Statement of Need (DCO Document Reference 7.3).

2.1 International and National Policy Drivers

24. Renewable Energy Directive 2009/28/EC sets targets for Member States in respect of the use of energy from renewable resources. The UK's obligation is 15% of energy consumption from renewable energy resources by 2020. In January 2018 the EU revised the 2030 energy mix target from 27% renewable to 35%. Whilst there are no explicit member targets yet, all countries would be required to provide significant amounts of renewable energy.
25. The European Council 2030 Climate and Energy Framework has set a further target of at least a 40% reduction in greenhouse gas emissions by 2030. The target is binding and all Member States are required to participate in this effort to further combat climate change.
26. This application is being submitted before the UK has concluded its exit negotiations with the EU. There will therefore be no impact on the policies directing this Development, as all relevant EU laws are expected to be copied across into UK law as part of the EU Withdrawal Act.
27. The UK has committed via the Climate Change Act 2008 to a legally binding target to cut greenhouse gas emissions by at least 80% by 2050, compared to 1990 levels. This target also features prominently in the energy NSIP regime due to the National Policy Statement for Energy (EN-1). Meeting this target requires major investment in new technologies, electrification of much of the heating, industry and transport, prioritisation of sustainable energy and cleaner power generation (see para 2.2.1, EN-1).
28. Approximately one quarter of the UK generating capacity is due to close by 2018, with the aim to reduce the dependency on fossil fuels. To meet the carbon emissions and renewable energy targets, the electricity being consumed will need to be almost exclusively from low carbon sources. Contrast this with the first quarter of 2011, when around 75% of our electricity was supplied by burning gas and coal. Therefore, a new low carbon energy mix is required which is reliable, secure and affordable.

In relation to the need for an upgraded energy infrastructure, the National Infrastructure Assessment by the National Infrastructure Commission (NIC) (2018)³ makes recommendations to the Government for how the identified infrastructure needs and priorities of the UK should be addressed. The assessment is highly supportive of low carbon energy and advises that the crucial first step to reducing carbon emissions is to enable an increasing deployment of renewables. NIC (2018) advises that a highly renewable generation mix is a low cost option for the energy system and in the longer run the consumer would pay the same in real terms for their energy as today.

29. Indeed, the Government intends to facilitate investment in new infrastructure projects, with particular focus on electrification. Yet, within a market based system and with significant constraints on public expenditure, the Government recognises the important role of the private sector has to play in the delivery of large scale renewable energy schemes.
30. Due to technological advances, solar power is now economically viable in Great Britain without subsidies. If consented, the Development will help to address these policy objectives by contributing to electrification from the cleanest and cheapest energy source. It will add to the energy mix and will assist in the reduction of dependency on fossil fuels.

³National Infrastructure Commission (2018) National Infrastructure Assessment [online] Available at: <https://www.nic.org.uk/publications/national-infrastructure-assessment-2018/> (Accessed 06/11/2018)

Integration measures have been designed into project proposals. A large solar farm, such as that planned at Cleve Hill, is capable of capturing massive amounts of zero-input cost, low-carbon energy from the sun. With an array of batteries installed as part of the same generation asset, this energy can be stored and dispatched to the grid whenever and however it will be needed most by consumers. Delivered by private sector developers, it will not rely on Government subsidies.

2.2 Solar Power and Energy Storage Industry Drivers

31. Whilst the Solar PV and Energy Storage Industry Drivers are set out in detail in Chapter 5 and 6 of the Statement of Need (DCO Document Reference 7.3), this section presents a summary of the key drivers.

2.2.1.1 Future Energy Scenarios

32. The National Grid (2018)⁴ issued the Future Energy Scenarios (FES), showing a range of plausible and credible pathways for the future of energy out to 2050. FES, identifies strategic electricity network investment requirements for the future.
33. FES 2018 provides the following key messages, related to the Development, summarised as follows:
- Balancing security of supply, affordability and efficiency in a decarbonised world poses new challenges. The Industry, the National Grid, Ofgem and the Government should work together to deliver a reliable, efficient and operable low carbon system.
 - There is a call for improving the flexibility of the grid by introducing new technology such as electricity storage.
34. Paragraph 5.57 of the Statement of Need outlines the key benefits of energy storage assets in both in both decarbonisation and security of supply, and these benefits increase when they are operated as part of a portfolio of renewable generators. Batteries are capable of:
- Capturing 'free' energy when it is not needed and dispatching it when it is needed;
 - Helping renewable generators capture attractive market prices thereby reducing energy market risk associated with renewable generation projects; and
 - Providing system services which help integrate renewable assets into the UK energy mix.
35. The Development will contribute to both of these objectives by providing very low carbon, secure and affordable electricity supply, whilst addressing the challenges of climate change. The energy storage facility forming part of the Development will improve the flexibility of the grid by balancing electricity supply and demand, thus increasing the security of power.
36. Bloomberg New Energy Finance (BNEF), and Eaton and the Renewable Energy Association (2017)⁵ carried out a comparative study highlighting how quickly wind and solar could become the dominant sources of power generation on an economic basis, and what the implications will be on the system flexibility needs. The study highlights that one of the main drivers behind the shift to high-renewable power systems is the rapid cost reductions, particularly in solar and wind power generation. Compared to other renewables, solar and wind have become amongst the cheapest sources of electricity in the UK. Furthermore, it is anticipated that by the end of the 2020s, the cost of power produced by most solar projects falls below that of existing gas and coal plants.

⁴ The National Grid (2018) Future Energy Scenarios [online] Available at: <http://fes.nationalgrid.com/media/1363/fes-interactive-version-final.pdf> (Accessed 15/09/2018)

⁵ Bloomberg NEF, Eaton and REA (2017) Beyond the tipping point [online] Available at: http://images.electricalsector.eaton.com/Web/EatonElectrical/%7B470c9715-3f51-4902-9b10-b1a51ad7a41b%7D_Exec_summary_Beyond_the_tipping_point_EN.pdf (Accessed 05/11/2018)

37. The New Energy Outlook (NEO) by Bloomberg (2018)⁶ sets out the outlook for the energy sector by 2050. The report emphasises that low cost renewable energy and batteries fundamentally reshape the electricity system. The report highlights that solar PV energy and wind are cheaper than building new large scale coal and gas power plants. Meanwhile, the growing availability of low cost battery storage means that it becomes increasingly possible to improve the delivery of wind and solar, reduce the intermittency and increase the market share of renewables.
38. A large solar farm, such as that planned at Cleve Hill, is capable of capturing massive amounts of zero-input cost, low-carbon energy from the sun. With an array of batteries installed as part of the same generation asset, this energy can be stored and dispatched to the grid whenever and however it will be needed most by consumers. The batteries will also be capable of providing important locational and system-wide system services, made more useful because they will be backed by a non-grid source of electricity.

2.2.1.2 Diversifying the Energy Mix

39. The UK Energy Brief by BEIS (2018)⁷ summarises the latest statistics on energy production, consumption, prices and climate change in the UK. The report makes it clear that the energy production by fossil fuels has declined, owing to the closure of some large scale coal power stations, gradually falling nuclear capacity and increased renewable energy generation.
40. *"Onshore wind capacity rose 18.1 per cent and offshore wind by 32.0 per cent from 2016 to 2017, resulting in overall wind capacity increasing by 22.6 per cent. Solar photovoltaic installed capacity increased by 7.3 per cent over the same period, while other renewables capacity increased by 6.0 per cent."*
41. Following the above findings, it is evident that there is a need for an increased energy mix, to reduce the dependency on fossil fuels, ensure security of energy whilst minimising carbon emissions. As suggested by BNEF (2017), solar has the potential to be amongst the most affordable sources of electricity. Therefore, greater support for utility scale solar would be beneficial for both the consumers and the environment.
42. As part of a diverse generation mix, solar contributes to improving the stability of capacity utilisations among renewable generators. Further, when connected at the transmission system level, solar can and will play an important role in the forward planning and real-time balancing of electricity supply and demand in GB.
43. Maximising the installed capacity at Cleve Hill is to the benefit of all GB consumers, and the solar industry generally. A larger project delivers power at a cheaper price, and makes the project more attractive for investors - so improving its chances of coming to market, and providing confidence to subsequent developments. Further, making full use of the available connection capacity maximises the scale of ancillary services available to NGrid from the asset to increase, thereby making its contribution to operability challenges in the area both more efficient and more effective.
44. Ultimately, the above reports highlight the benefits of solar power generation as potentially being the cheapest source of energy. The goal of the Applicant is to make Cleve Hill Solar Park the lowest cost generator of energy in the UK. At capacity > 50 MW the Development proposes a substantial infrastructure asset, capable of delivering large amounts of low-carbon electricity - enough to power over 90,000 homes each year.

⁶Bloomberg NEF (2018) The New Energy Outlook 2018 [online] Available at: <https://bnef.turtl.co/story/neo2018?teaser=true> (Accessed 05/11/2018)

⁷Department for Business, Energy and Industrial Strategy (2018) UK Energy in Brief 2018 [online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728374/UK_Energy_in_Brief_2018.pdf (Accessed 05/11/2018)

45. CHSP's connection to the NETS means that it will be required to play its part in supporting NGrid to manage the national electricity system. This includes participating in mandatory balancing markets as well as providing visibility to the GB power market of its expected generation. This means that the zero-input cost solar power it will produce, can be forecasted and priced into future contracts for power delivery by all participants, thus allowing all consumers to benefit from the market-price reducing effect of low-marginal cost solar generation. By connecting to NETS at Cleve Hill, the Development becomes even more valuable because of its contribution to both system adequacy and power quality.

2.3 Suitability of the Site

46. The Development Site was selected through a site search process, details of which are presented in Chapter 4 of the ES, which is further supported by the Statement of Need (DCO Document Reference 7.3). This sub-section summarizes the key considerations for the selection of the Site.
47. To begin, the south of England has been of preference due to the high levels of solar irradiance experienced relative to other parts of the UK⁸. In terms of topography, the vast majority of the Site is flat with little or no gradient, which makes it more suitable than a steeply sloping or undulating site. Therefore, it is considered to be well suited to the Development.
48. To date, no other site has been identified in the south of England (which is considered to have optimal solar irradiance) in such close proximity to the 400 kV National Grid Electricity Transmission (NGET) network with the ability to accommodate similar generation capacity to the Development (>50 MWp). The Site is adjacent to the existing Cleve Hill Substation which provides a connection from London Array Offshore Wind Farm to the National Grid. Whilst phase 1 of the London Array offshore wind farm has been constructed, generating only 630 MW, phase 2 has not been implemented for technical construction reasons and the lease option handed back to the Crown Estate. Therefore, uniquely the substation has available capacity and the necessary infrastructure for the Development to connect directly to the transmission network. A 'transmission' connection into the National Grid is usually more costly than a distribution connection, but gives the opportunity for greater amounts of electricity to be exported, compared to a connection to the local network.
49. Another factor upon which the site selection is justified is the agricultural land value. Approximately 95% of the land within the Site is classified as Grade 3b which is considered lower agricultural quality, i.e., not Best and Most Versatile (BMV) agricultural land. Therefore, the Development will provide an alternative use of the land, whilst retaining some of the agricultural functions, such as making the land available for grazing.
50. When selecting the Site, national and international nature conservation designations have been avoided, and no energy infrastructure development will take place on a designated site. Maintenance to the existing flood defences will be undertaken within the designated site, as is currently undertaken by the EA. National landscape designations have also been avoided. In terms of archaeological and heritage interest, the Site does not contain any scheduled monuments, listed buildings or conservation areas within or adjacent to the boundary. The ES assesses in detail any potential effects of the Development on biodiversity, landscape and heritage assets.
51. Overall, following the findings of the Sequential Test, the Site has been established as the most appropriate to accommodate NSIP scale solar farm, benefiting from suitable topography, optimal solar irradiance and uniquely available grid connection infrastructure

⁸ Burnett, D, Barbour, E & Harrison, G (2014), 'The UK solar energy resource and the impact of climate change' Renewable Energy, Vol. 71, pp. 333-343. DOI: 10.1016/j.renene.2014.05.034

to the National Grid. The location will minimise the environmental impact maximise the energy efficiency and output, thus minimising the costs for consumers.

52. Following the conclusions of the Statement of Need, Paragraph 7.2, Cleve Hill's proposed grid connection is at a unique position in the National Electricity Transmission System, being close to London (a centre of heavy demand), near the many interconnectors to mainland Europe, and near other large transmission connected wind generators. Its contribution to local system adequacy and stability may be vitally important into the future.
53. Maximising the installed capacity at Cleve Hill is to the benefit of all UK consumers, and the solar industry generally. A larger project delivers power at a cheaper price, and makes the project more attractive for investors - so improving its chances of coming to market, and providing confidence to subsequent developments. Further, making full use of the available connection capacity maximises the scale of ancillary services available to National Grid from the asset to increase, thereby making its contribution to operability challenges in the area both more efficient and more effective.

3 PLANNING POLICY FRAMEWORK AND ASSESSMENT OF THE DEVELOPMENT

3.1 Introduction

54. This section sets out the policy position, focussing on international, national and local policy context. Throughout the policy tiers the following main threads are identified and addressed:
 - Reducing carbon emission and addressing climate change;
 - Renewable energy; and
 - Managing the impact on the environment.
55. The planning policy framework has been refined following the formal responses to section 42 consultation.

3.2 Legislative Background

56. The Planning Act 2008 ("the Act") created a new regime for the consenting of major infrastructure projects. If a project meets certain criteria that are defined under the Act the project will be classified as an NSIP. This development consent regime and application process requires developers of NSIP projects to obtain a DCO to consent the construction, operation and maintenance of their projects.
57. Under the Act the Development constitutes an NSIP because:
 - It consists of "the construction or extension of a generating station" (Section 14 (1)(a) of the Act); and
 - "its capacity is more than 50 megawatts" (Section 15 (2) of the Act).
58. National Policy Statements (NPS) set out the policy basis for NSIP developments. These are technology specific, however there is currently no NPS for solar development. Section 105 of the Act states the Secretary of State must have regard, as the decision maker to an application for an order granting development consent where a NPS does not exist for the type of development applied for, to any Local Impact Report and to any other matters which the Secretary of State considers relate to and are important to the decision. This may include a variety of national planning and local planning documents, including NPSs.

3.3 Relevant Planning Policy

3.3.1 National Planning Policy

59. NPSs set out the national case and establish the need for certain types of infrastructure, as well as identifying potential key issues that should be considered by the decision maker. Although there is no NPS which provides specific policy in relation to solar photovoltaic (PV) and energy storage development, in previous applications where no NPS applies, the Secretary of State has applied relevant related NPSs as if the NPS governed the development in question. PINS has also confirmed this approach in pre-application advice for the Development. The provisions of the three NPSs considered relevant by the authors are outlined below, together with other considerations relevant to the planning framework.

3.3.1.1 Overarching National Policy Statement for Energy (EN-1)⁹

60. The overarching NPS for Energy (EN-1) was adopted in July 2011 and sets out the overall national energy policy for delivering major energy infrastructure.
61. Part 1 advises that within the context of the planning system this NPS (EN-1) is likely to be a material consideration. Whether and to what extent EN-1 is a material consideration, will be judged on a case by case basis.
62. The EN-1 reflects the Government's commitment to carbon emission reduction, energy security and affordability. As most of the households and modes of transport are wholly dependent on fossil fuels, the EN-1 calls for reducing the dependency on high carbon fossil fuels, and transitioning to low carbon energy mix.
63. As the proposed Development is for a utility scale solar PV farm and associated energy storage facility, which will produce and store clean energy, it will contribute to the commitment to carbon emission reduction, while providing secure energy to the consumers at affordable cost. Due to its scale and capacity, the Development has a high potential to diversify the energy mix and reduce the dependency on fossil fuels in line with the Government's strategy and recommendations by the National Grid. Further details of scale and cost considerations are available in Chapter 5 of the Statement of Need.
64. EN-1, paragraph 2.2.2 goes on to advise that in times of severe constraints of public expenditure, the Government recognises the important role the private sector has to play in the delivery of renewable energy developments and aims to facilitate it.
65. If consented, Cleve Hill Solar Park will be the first development of this scale to be subsidy free i.e. it will not rely on Government funds and will not affect the public expenditure.
66. Paragraph 1.7.11 particularly highlights the importance of energy projects being in harmony with their surroundings and recognises that large scale energy projects may result in some effects in respect of landscape and visual aspects.

"As noted above, the principal area in which consenting new energy infrastructure in accordance with the energy NPSs is likely to lead to adverse effects which cannot always be satisfactorily mitigated is in respect of landscape and visual effects. EN-1 already contains policies which severely limit the prospects for development of large scale energy infrastructure in the most attractive landscapes and townscapes. Tightening the development consent policies in EN-1 to make it harder for energy infrastructure to be consented which would have adverse landscape or townscape effects would be likely to make it significantly more difficult to gain consent for a range of large-scale energy infrastructure projects. Alternative A4 is not to be preferred to EN-1, at least until such time as it becomes clear that levels of need for new large-scale

⁹ Department of Energy and Climate Change (2011) Overarching National Policy Statement for Energy (EN-1) [online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf (Accessed 15/10/2018)

energy infrastructure are very much lower than Government anticipates that they will be for the foreseeable future."

67. EN-1 recognises that the effects resulting from new energy infrastructure cannot always be satisfactorily mitigated in respect of landscape and visual effects. EN-1 contains policies which considerably limit the prospects of energy infrastructure in the most attractive landscapes and townscapes. It is acknowledged that the Development is likely to have significant effects on the landscape character. In response, appropriate mitigation measures have been recommended. Details of the landscape considerations are presented in Chapter 7 Landscape and Visual Assessment (LVIA) of the ES. Whilst significant effects on the landscape are likely, it is considered that the overall need and benefits of the Development override the landscape and visual effects.
68. Part 2 of NPS EN-1 sets out the Central Government policy context for major energy infrastructure. It comprises the need to meet legally binding targets to cut greenhouse gas emissions; transition to a low carbon economy; decarbonise the power sector; reform the electricity market; secure energy supplies; replace outdated energy infrastructure; and widen objectives of sustainable development. In particular in this section, paragraph 2.2.16 identifies that approximately a quarter of the UK's generating capacity is due to close by 2018 and that new low-carbon generation is required which is reliable, secure and affordable.
69. The Development will deliver the Central Government policy objectives, as it will facilitate the transition to low carbon economy. The Development will improve the security of electricity supply, improve the flexibility of the grid, whilst providing low cost energy to consumers. With the rapid closure of coal power plants in the recent years, as set out in the latest energy statistics, the Development will replace the outdated energy infrastructure and will greatly diversify the energy mix.
70. Part 3 also outlines that considerations of need should be given considerable weight when determining applications for energy developments.
71. Paragraph 3.2.3 sets out more detail around the importance that Central Government attaches to the need for new energy infrastructure and to its energy policy, including combating climate change, by stating that:
- "The Government considers that, without significant amounts of large-scale energy infrastructure, the objectives of its energy and climate change policy cannot be fulfilled."*
72. However, it goes on to add the caveat that:
- "However, as noted in Section 1.7, it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts. This Part also shows why the Government considers that the need for such infrastructure will often be urgent. The IPC should therefore give substantial weight to considerations of need. The weight which is attributed to considerations of need in any given case should be proportionate to the anticipated extent of a project's actual contribution to satisfying the need for a particular type of infrastructure."*
73. EN-1 recognises that the climate change policy objectives set on different policy levels cannot be met without the development of large scale renewable energy infrastructure. The policy acknowledges that residual adverse impacts may arise as a result of such developments; nonetheless, the need for the development will be given substantial consideration. The need for the Development, which has been established in the energy related NPS, the Statement of Need and in Section 2 of this statement, directly supports international and national policy objectives for tackling climate change. Further, the Development will address the National Grid requirements, as it is intended to increase the share of renewables in the energy mix, deliver affordable and secure electricity, whilst

leaving limited impact on the environment. The impacts on the Environment are presented in the ES and summarised in section 3.4.

74. Paragraph 3.3.2 states that new generating capacity is required because of the need to ensure energy security, and that the need to ensure sufficient capacity is a key objective of Government energy policy:

"The Government needs to ensure sufficient electricity generating capacity is available to meet maximum peak demand, with a safety margin or spare capacity to accommodate unexpectedly high demand and to mitigate risks such as unexpectedly high demand and to mitigate risks such as unexpected plant closures and extreme weather events."

75. The benefits of an energy mix in ensuring a secure energy supply are also recognised in that the characteristics of different types of electricity generation, including renewable energy and other technologies, can complement each other.

76. Paragraph 3.3.7 states that in the UK at least 22 GW of existing electricity generating capacity will need to be replaced in the coming years, particularly to 2020. This is as a result of tightening environmental regulation and ageing power stations.

77. If consented, the Development will make a significant contribution to the replacement of the existing capacity with clean and secure energy.

78. Paragraph 3.3.12 states the need for the installation of supporting technologies, but highlights that there will none the less be a requirement for greater generating capacity to act as backup to the existing renewable technologies:

"There are a number of other technologies which can be used to compensate for the intermittency of renewable generation, such as electricity storage, interconnection and demand-side response, without building additional generation capacity. Although Government believes these technologies will play important roles in a low carbon electricity system, the development and deployment of these technologies at the necessary scale has yet to be achieved. The Government does not therefore consider it prudent to solely rely on these technologies to meet demand without the additional back-up capacity [...]. It is therefore likely that increasing reliance on renewables will mean that we need more total electricity capacity than we have now, with a larger proportion being built only or mainly to perform back-up functions."

79. A key component of the Development will be an energy storage facility which is designed to store energy and help balance the electricity supply and demand. As an innovative technology, the energy storage facility will provide a flexible and rapid release of electricity to allow National Grid to regulate electricity supply and demand without any greenhouse gas emissions. Conversely, the energy storage facility will also have the capacity to store electricity produced by the solar PV installation quickly which will allow for the oversupply of the grid to be managed, thus reducing the intermittency of the solar PV energy.

80. Paragraph 3.4.1 sets out the targets for renewable energy generation and specifically highlights the need for new projects to come forward urgently in order to meet said targets:

"The UK has committed to sourcing 15% of its total energy (across the sectors of transport, electricity and heat) from renewable sources by 2020 and new projects need to continue to come forward urgently to ensure that we meet this target. Projections suggest that by 2020 about 30% or more of our electricity generation – both centralised and small-scale – could come from renewable sources, compared to 6.7% in 2009."

81. The UK is on track achieving the target for renewable energy deployment (18.4% in 2017), yet the share of solar PV remains relatively low (0.5% in 2017) compared to other

renewables¹⁰. Nonetheless, in order that the fourth and fifth carbon budgets (2023-2027, and 2028-2032) are met, as agreed by the Paris Agreement, there will be a need for a significant acceleration in the pace of decarbonisation, while ensuring energy security supply at minimum cost to both industry and domestic consumers. Following the findings of the Statement of Need, paragraph 7.1 solar power is considered to be amongst the cleanest and cheapest sources of energy, it is vital that utility scale solar PV development is supported to meet the decarbonisation targets.

82. Part 4 sets out a number of assessment principles against which applications are to be decided, including the presumption to grant consent for applications for energy NSIPs, and the need to balance potential benefits against potential adverse impacts.

83. Paragraph 4.1.2 sets out the presumption to grant consent for NSIP applications relating to renewable energy developments:

"Given the level and urgency of need for infrastructure of the types covered by the energy NSIPs set out in Part 3 of the NPS, the IPC should start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant National Policy Statements clearly indicate that consent should be refused. The presumption is also subject to the provisions of the Planning Act 2008 referred to at paragraph 1.1.2 of this NPS."

84. Paragraph 1.1.2 states:

"The Planning Act 2008 also requires that the IPC must decide an application for energy infrastructure in accordance with the relevant NPSs except to the extent it is satisfied that to do so would:

- lead to the UK being in breach of its international obligations;*
- be in breach of any statutory duty that applies to the IPC;*
- be unlawful;*
- result in adverse impacts from the development outweighing the benefits; or*
- be contrary to regulations about how its decisions are to be taken."*

85. Paragraphs 4.2.2 and 4.2.3 provide national policy on what an ES for a NSIP project should contain:

"To consider the potential effects, including benefits, of a proposal for a project, the IPC will find it helpful if the applicant sets out information on the likely significant social and economic effects of the development, and shows how any likely significant negative effects would be avoided or mitigated. This information could include matters such as employment, equality, community cohesion and well-being. For the purposes of this NPS and the technology-specific NPSs the ES should cover the environmental, social and economic effects arising from pre-construction, construction, operation and decommissioning of the project."

86. Paragraph 4.2.4 then sets out how the assessment of the ES by the decision maker should be carried out:

"When considering a proposal the IPC should satisfy itself that likely significant effects, including any significant residual effects taking account of any proposed mitigation measures or any adverse effects of those measures, have been adequately assessed. In doing so the IPC should also examine whether the assessment distinguishes between the project stages and identifies any mitigation measures at those stages. The IPC

¹⁰UK Energy in Brief 2018 [online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728374/UK_Energy_in_Brief_2018.pdf (Accessed 05/11/2018)

should request further information where necessary to ensure compliance with the EIA Directive."

87. Paragraph 4.3.1 states that suitable consideration should be given to whether a development may have a significant impact on a European site:

"Prior to granting a development consent order, the IPC must, under the Habitats and Species Regulations, (which implement the relevant parts of the Habitats Directive and the Birds Directive⁴ in England and Wales) consider whether the project may have a significant effect on a European site, or on any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans or projects. Further information on the requirements of the Habitats and Species Regulations can be found in a Government Circular⁸¹. Applicants should also refer to Section 5.3 of this NPS on biodiversity and geological conservation. The applicant should seek the advice of Natural England and/or the Countryside Council for Wales, and provide the IPC with such information as it may reasonably require to determine whether an Appropriate Assessment is required. In the event that an Appropriate Assessment is required, the applicant must provide the IPC with such information as may reasonably be required to enable it to conduct the Appropriate Assessment. This should include information on any mitigation measures that are proposed to minimise or avoid likely effects."

88. Paragraph 4.4.1 states the following regarding alternatives:

"As in any planning case, the relevance or otherwise to the decision-making process of the existence (or alleged existence) of alternatives to the proposed development is in the first instance a matter of law, detailed guidance on which falls outside the scope of this NPS. From a policy perspective this NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option."

89. Section 4.5 highlights the need for good design in energy projects, and how the key factors of functionality and siting can have a great impact in making energy projects as effective as possible.
90. Part 5 sets out guidance for the Inspectorate in relation to the generic impacts of energy developments, stating that impacts and means of mitigation should be considered where the impact is relevant and important to the decision. These impacts concern air quality and emissions; biodiversity; aviation; coastal change; dust and various other pollution control related matters; flood risk; historic environment; landscape and visual; land use; noise and vibration; socio-economics; traffic and transport; waste; and water quality and resources.
91. Overall, part 4 of EN-1 recognises the urgency of the need for renewable energy infrastructure and advises that there is a presumption in favour of granting consent, unless other policies indicate refusal. In Section 3.4 Assessment of the Development of this Statement, consideration has been given to social and economic benefits as well as to potential impacts on the environment. The benefits of the Development are considered to outweigh the impacts on the environment. The impacts on the environment, as set out in Part 5 of the EN-1, are considered in greater detail when assessing the Development against the provisions of NPS EN-1 and other relevant policies in Section 3.4. The assessment is based on the findings set out in the various documents which have advised this statement.
92. With an overview of the assessment above, the principle of the Development is assessed to fully comply with the provisions of NPS EN-1.

3.3.1.2 National Policy Statement on Renewable Energy Infrastructure (EN-3)

93. The National Policy Statement on Renewable Energy Infrastructure (EN-3) was adopted in July 2011 and provides national planning policy in respect of renewable energy infrastructure.
94. Paragraph 1.1.1 of EN-3 underlines the importance of the generation of electricity from renewable sources by stating:
- "Electricity generation from renewable sources of energy is an important element in the Government's transition to a low-carbon economy. There are ambitious renewable energy targets in place and a significant increase in generation from large scale renewable energy infrastructure is necessary to meet the 15% renewable energy target."*
95. Whilst EN-3 provides assessment and technology-specific information on certain renewable energy technologies it does not include solar PV development. Paragraph 1.8.2. explains the reasoning for this, i.e. at the time of drafting EN-3 which was published in 2011, Government did not consider other forms of renewable energy generation to be viable over the relevant NSIP threshold, e.g. solar PV over 50 MW. Nonetheless, as advised by Section 6 iii) of the Statement of Need, the technology has now advanced; the Development offers the opportunity to harness solar power at utility scale thus provide a clean, affordable and reliable energy to the consumers. The Development is considered to comply in principle, as it will contribute to the Government's objective for transition to a low carbon economy and increasing the energy generation from large scale renewable energy infrastructure.

3.3.1.3 National Policy Statement for Electricity Networks (EN-5)

96. The National Policy Statement on Electricity Networks Infrastructure (EN-5) was adopted in July 2011. Whilst EN-5 principally covers above ground electricity lines of 132 kV, paragraph 1.8.2 confirms that EN-5 will also be relevant if the electricity network constitutes an associated development for which consent is sought, such as a generating station.
97. Part 2 of EN-5 sets out a number of assessment and technology specific matters. Paragraph 2.2.2 points out that the location of electricity networks will often be determined by the particular generating station and the existing electricity network. Part 2 sets out particular generic impacts concerning biodiversity and geological conservation, landscape and visual, noise and vibration, and electric and magnetic field effects.
98. The Development will incorporate a new substation and a relatively short underground 400 kV connection to the existing Cleve Hill National Grid substation, and as such minimises the scale and extent of the new development required as existing infrastructure can be utilised. In line with EN-5, the new Development substation has been assessed as part of the Development and the findings of its effects on the environment are set out in the ES.

3.3.1.4 National Planning Policy Framework (NPPF)¹¹

99. Whilst the NPPF does not contain any specific policies for NSIP development, paragraph 5 of the NPPF states that:
- "These are determined in accordance with the decision making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the*

¹¹ Ministry of Housing, Communities & Local Government (2018) National Planning Policy Framework [online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf (Accessed 04/11/2018)

National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications."

100. Critically, the NPSs are considered to be the primary consideration in deciding applications for NSIP.
101. The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, identifying that sustainable development consists of economic, social and environmental roles.
102. Paragraph 11 advises that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means approving development which accords with the local development plan without delay. Where there are no relevant policies or the policies are out of date, permission should be granted unless:
 - The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusal; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
103. The Development is considered to accord with the overarching principle of sustainable development, as it has a great potential to result in economic and social benefits in respect of supplying affordable, low carbon electricity. The impacts of the Development on the environment have been carefully assessed and where necessary mitigated, so that it will not lead to any significant adverse effects.
104. Whilst there is no specific policy for solar energy development contained in the NPPF, paragraph 148 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

"The planning system should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings, and support renewable and low carbon energy and associated infrastructure"
105. Paragraph 150 in relation to Planning for Climate Change states that:
 - New development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change. Where there is an increased risk of vulnerability suitable mitigation measures should be adopted; and
 - New development should also help reduce greenhouse gas emissions through its location, orientation and design, taking into account the local requirements for sustainability of buildings.
106. If consented, the Development will diversify the low carbon energy mix, whilst improving the flexibility of the grid. The site has been carefully considered through a site search exercise as set out in section 1.5.5. The site has been considered as the optimal location which can maximise the energy output, while leaving minimal impact on nearby properties and the environment. Local requirements have been made part of the design process through the consultation process and the consideration of local planning policy. The impact of the Development on Climate Change is assessed in detail in Chapter 15 of the ES.
107. Whilst the Local Planning Authorities (LPAs) are not the determining authority, paragraph 154 of the NPPF sets out that in order to increase the use and supply of renewable energy, LPAs should not require applicants to demonstrate the overall need for renewable or low carbon energy. LPAs should approve the application if its impacts are or can be made acceptable.
108. Although LPAs are not a determining authority, the relevant local planning policy has consistently been part of the policy framework and has been used to inform the various

technical assessments presented in the ES where relevant. The local plans relevant to the Development accord with the NPPF and are generally supportive of renewable energy development, as long as it does not lead to detrimental effects on the environment, biodiversity and human wellbeing. The ES indicates that the impacts of the Development are or can be made acceptable after applying the recommended mitigation measures.

109. Paragraphs 170 through 173 of the NPPF highlight the need for planning policy to work to protect and enhance the natural environment. It is especially important that great care is taken to ensure that landscape value is retained and that as little damage as possible is done to any existing site of interest.
110. Paragraphs 174 to 177 emphasise on the role of the planning system to protect and enhance habitats and biodiversity. If a significant harm to biodiversity, habitats, SSSIs, SPAs and SASs resulting from a development cannot be avoided or adequately mitigated, or compensated for, then planning permission will not be supported. Development which conserves or enhances biodiversity will be encouraged.
111. Paragraphs 184 to 202 concern the conservation and enhancement of the historic environment. Proposals that are likely to affect heritage assets should be subject to appropriate assessments. Development that is likely to result in a substantial harm to or total loss of significance of a designated heritage asset will not be permitted, unless it is demonstrated that the benefits of the development outweigh the harm or loss.
112. Paragraphs 170 to 202 emphasise on the importance of preservation and enhancement of the built and natural environment. They set out detailed requirements for the assessment of the impact on the landscape value, biodiversity and habitats, and the historic environment. These requirements have been used throughout the EIA and have been addressed in detail to demonstrate compliance of the Development in section 3.4 Topic-specific Assessment of the Development.

3.3.2 Local Planning Policy

113. The legal requirement under s38 (6) of the Planning and Compulsory Purchase Act 2004 to determine applications for development consent in accordance with development plan documents does not apply to applications under the Act. However, NPS EN-1 paragraph 4.1.5 provides that the policies contained within Development Plan documents and other Local Development Framework documents may be considered important and relevant in planning decision making under, but in the event of a conflict, this paragraph states that the NPSs prevail for the purpose of the Secretary of State's planning decision making. The Development Plan is therefore a material consideration for the Secretary of State and has accordingly been considered as part of the policy context for the Development.
114. The relevant Development Plan comprises of:
 - Bearing Fruits 2031: The Swale Borough Local Plan, adopted 26th July 2017 ("the Swale Local Plan");
 - Kent Minerals and Waste Local Plan 2013-2030;
 - Canterbury District Local Plan, adopted June 2017 ("the Canterbury Local Plan")
115. The relevant Local Plan Policies are set out in Appendix A together with a summary and assessment of compliance.

3.4 Topic-specific Assessment of the Development

116. NPS EN-1 and NPPF require that the effects of a proposed development on various environmental aspects are assessed and where appropriate mitigated. This section provides a topic specific assessment of the Development demonstrating its effects on various environmental considerations and how it complies with the relevant policy. The assessment has been informed by the EIA findings and other reports referenced earlier.

3.4.1 Principle of the Development

117. The principle of the Development has already been assessed against the NPS EN-1, NPS EN-3 and NPS EN-5, and the NPPF in section 3.3.1 and has been assessed as compliant.

3.4.2 Design, Landscape and Visual Considerations

118. NPS EN-1, Section 5.9 provides detailed guidance for the assessment of landscape and visual effects. The applicant should carry out a landscape and visual assessment and report it in the ES. The LVIA should include reference to any landscape character assessment and associated studies as a means of assessing landscape impacts relevant to the proposed project. The Applicant's assessment should also take account of any relevant policies based on these assessments in local development documents in England.
119. Paragraph 5.9.8 makes it clear that all nationally significant energy infrastructure projects will have effects on the landscape. Therefore, projects should be designed carefully taking into account any potential impact on the landscape, and should aim to minimise harm to the landscape by providing reasonable mitigation where possible and appropriate.
120. NPPF, Paragraph 172 advises that consideration of applications should include the assessment of any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
121. For compliance with NPS EN-1, the local policies have been considered and assessed as appropriate in Appendix A.
122. Following the provisions of the NPS EN-1 and the NPPF, the effects of the Development on Landscape and Visual Amenity have been assessed as part of the EIA, details of which are available in chapter 7 of the ES. As the Development is located in an Area of High Landscape Value Kent Level, Section 7.6.2.6 of Chapter 7 concludes that the Development is expected to result in Moderate effects on this Area, which are assessed as significant. These effects would be the same for years 1, 5 and 10. The nature of effect would be negative. Nonetheless, cumulative landscape effects would not be significant due to the proximity of the other cumulative developments that fall within the nearby LCAs. None of the cumulative developments fall within any of the LCAs that the Development would occupy.
123. Effects of lighting (during the operational phase) have also been assessed in Chapter 7, Section 7.6.2.4. Lighting will be used during the operational phase but will be kept to a minimum and is associated with the compound and transformer. Given the infrequent and intermittent nature of the lighting, combined with its isolation to particular locations where passive infra-red motion sensors have been triggered, effects are assessed as negligible magnitude and therefore Moderate/Minor, which is not significant.
124. The duration of the Development is long-term but fully reversible. Whilst it is recognised that the effects on the Area of High Landscape Value – Kent Level would be significant, the Development will comply with the requirements by mitigating against any adverse impacts on the designated features as set out in the Landscape and Biodiversity Management Plan available in Technical Appendix A5.2.
125. Furthermore, the Development will provide significant social and economic value and benefit in the form of clean and affordable energy, as already discussed in Section 2 of this Statement and The Statement of Need.
126. In summary, EN-1 recognises that all NSIP will have landscape and visual effects, and they should be acceptable. Where the Development is expected to result in significant landscape and visual effects they will be appropriately mitigated. Furthermore, the Development would provide valuable social and economic benefits. As such, the Development is considered to fully comply with NPS EN-1 and the NPPF.

3.4.3 Ecology and Ornithology

127. NPS EN-1, paragraph 5.3.3 advises that where a development is subject to EIA, the ES should clearly set out any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity. Paragraph 5.3.4 states that the applicant should demonstrate how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.
128. NPPF Paragraph 170 advises that planning policies and decisions should seek to minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
129. NPPF Paragraph 175 advises that:
- a) If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused; and
 - b) Development on land within or outside a Site of Special Scientific Interest (SSSI), and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs.

3.4.3.1 Ecology

130. Chapter 8 Ecology of the ES sets out the likely effects of the Development on ecology and designated sites. The assessment has concluded that no adverse ecological effects are assessed as significant.
131. Significant beneficial effects are assessed in relation to invertebrates, because of the cessation of the application of pesticides and because invertebrates are a qualifying species group of the South Bank of the Swale LNR.
132. The main non-significant effect is in relation to the increase in grassland habitats replacing arable farmland, and the resulting associated gain in biodiversity.

3.4.3.2 Ornithology

133. Chapter 9 Ornithology of the ES sets out the likely effects of the Development on birds and on the Swale SPA/Ramsar site. Following embedded mitigation measures in the design of the project and applied mitigation measures implemented through a Breeding Bird Protection Plan and other measures set out in the CEMP, the Development has been assessed as having the potential to result in adverse and positive effects of low magnitude. No effects are considered to be significant in terms of the EIA Regulations.
134. In terms of the Habitats Regulations, screening has concluded that there is a 'likely significant effect' on The Swale SPA/Ramsar site. As such, it will be necessary for the Secretary of State, as the competent authority, to undertake an Appropriate Assessment of the implications of the plan or project for that site in view of that site's conservation objectives. A Report to Inform an Appropriate Assessment (RIAA) accompanies the DCO application to provide the information required by the Secretary of State to carry out its duties in this respect.
135. In summary, the Development is considered to comply with EN-1 and NPPF, as it is designed to minimise any likely significant effects on ecology, ornithology and designated sites, and provide net biodiversity gain.

3.4.4 Cultural Heritage and Archaeology

136. Paragraph 5.8.1 of NPS EN-1 states that construction, operation and decommissioning has the potential to result in adverse impact on the historic environment. Where a development site has the potential to include heritage assets, or where the development has the potential to affect the setting of a heritage assets, appropriate assessments should be carried out to demonstrate the significance of the impacts on those assets.
137. Both NPPF and EN-1 advise that where any negative impacts on or loss of significance of heritage assets is expected from a proposal, the benefits of the proposal should outweigh the damage or loss of significance. In Particular NPPF paragraph 189 states that applicants should describe the significance of any heritage asset affected including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
138. In line with EN-1 and NPPF, the effects of the Development and Archaeology have been fully assessed as part of the EIA and the findings are available in Chapter 11 Archaeology of the ES. Further, to meet the specific requirements of the NPPF, a Heritage Statement (DCO Document Reference 7.7) including an assessment of the effects in the terms used in the NPPF has been submitted along with the Application. In the Heritage Statement the indirect effect under consideration is an effect on the significance of a cultural heritage asset caused by a reduction in the contribution made by the asset's setting to its significance as a result of development within that setting. In summary, the effects of the Development on cultural heritage and archaeology are assessed as follows:

3.4.4.1 Effects on Archaeological Remains

139. Where archaeological remains may have been damaged or destroyed by the construction of the Development, an appropriate record will be made, leading to their "preservation by record". If remains of high significance are encountered during further investigations it is anticipated that the Development design could be altered to preserve these remains in situ, and/or further agreed investigation can be carried out leading to preservation by record. The scope and extent of any archaeological work will be set out in the form of a Written Scheme of Investigation and agreed by Kent County Council. A draft Scheme is presented as Technical Appendix A11.4. Following the implementation of the agreed Scheme, any predicted effect upon the archaeological resource will thereby be considered to have been reduced to "minor" in significance.

3.4.4.2 Built Heritage

140. The WWII Pillbox located within the Core ASA is not expected to incur any direct effects as a result of the Development as the pillbox will be preserved in situ. There will however be a significant indirect effect resulting from a fundamental change in its setting and a consequent reduction in the contribution of the setting leading to a loss of significance ("harm" in NPPF terms) for this undesignated asset.
141. Effects of "minor" significance have been identified from a loss of significance at The Church of All Saints in Graveney (Grade I), Graveney Court Farm (grade II) and Sparrow Court (Grade II) and Graveney Conservation Area. These effects are not considered to be significant effects in EIA and constitute "less than substantial harm" in terms of the NPPF. In addition to this, any effect upon significance arising from a reduction in the contribution that the setting makes for these assets will be reversible after the decommissioning of the Development.

3.4.4.3 Historic Landscape Character

142. The Historic Landscape Character of the Core ASA will be temporarily altered as a result of the Development. This is expected to result in a minor effect during the construction and operational phases. The Development design has incorporated measures to mitigate effects to the Historic Landscape Character such as the preservation of drainage ditches and the exclusion of Cleve Hill from the Development, which will create a distinction between the lower lying marshland and the higher settled ground at Cleve Hill and Graveney. Due to the nature of the Development with a finite lifespan, both direct and indirect effects to Historic Landscape Character will be temporary and reversible after the decommissioning of the Development.

3.4.4.4 Significance of Assets (NPPF Terms)

143. Following the conclusions of the Heritage Statement, harm has been identified with respect to four designated heritage assets: the Grade I listed Graveney Church, the Grade II listed Sparrow Court and Graveney Court and the Graveney Conservation Area. The harm to the significance of the assets results from the reduction in the contribution made by their settings to that significance caused by the Development within that setting.
144. With respect to the Listed Buildings and the Conservation Area, the degree of harm is considered to be "less than substantial".
145. Whilst there is a presumption in favour of preservation (to which great weight should be given, as per para. 193 of the NPPF), as the degree of "harm" is "less than substantial" and/or the assets are non-designated, this can be weighed against the public benefit of the Proposed Development (as per Para. 196).
146. Harm has also been found to two non-designated assets: the WWII pill box, and Warm House. The significance of the WWII pill box is considered to be substantially harmed as its visual relationship to its setting is fundamental to appreciating its form and function. Warm House suffers harm but this is considered to be less than substantial.
147. Whilst it is desirable to preserve these non-designated buildings (and their settings), the NPPF asks that effects upon them are considered in relation to their significance.
148. In each case the "harm" relates to an indirect effect from a change in setting and no physical harm will occur to any of these assets. The assessed effects ("harm" of whatever degree) will last only as long as the consented life span of the Proposed Development and is fully reversible on decommissioning.
149. In summary, where the Development is likely to result in effects on archaeological assets, appropriate mitigation measures have been proposed, to minimise the harm and make the Development acceptable. Furthermore, it is considered that the benefits of the Development as outlined in Section 2 of this Statement and in the Statement of Need significantly outweigh the effects on the archaeological assets and historic landscape character. As such, the Development is considered to comply with EN-1 and NPPF.

3.4.5 Noise and Vibration

150. NPS EN-1, paragraph 5.11.4 advises that where noise impacts are likely to arise from a proposed development, the application should be accompanied by a noise assessment. The noise assessment should meet the criteria set out in para. 5.11.4.
151. NPPF, paragraph 180 advises that planning policies and decisions should ensure that new development takes into account the likely effects of pollution on health, living conditions and the natural environment. Developments should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development.

152. In line with the requirements of NPS EN-1 and NPPF, a detailed noise assessment has been undertaken as part of the EIA to evaluate the effects of noise from the Development on nearby noise sensitive receptors and assesses these against relevant policy guidance, legislation and standards including:

- The Control of Pollution Act 1974 (CoPA 1974);
- The Environmental Protection Act 1990 (EPA 1990);
- BS 5228:2009 code of practice for noise and vibration control on construction and open sites;
- Construction and Waterfowl: Defining Sensitivity, Response, Impacts and Guidance; and
- Exploring Behavioural Responses of Shorebirds to Impulsive Noise.

153. Chapter 12 Noise of the ES has set out the relevant guidance and methodology for the Noise Impact Assessment and has assessed the significance of potential noise and vibration effects during the construction, operational and decommissioning phases, and proposed mitigation measures where necessary. The findings are set out as follows:

Construction Phase

154. The Development design and embedded mitigation measures are such that noise and vibration effects have been found to be not significant at the identified human receptors for all construction activities.

Operational Phase

155. The reduction in sound power levels of substation and energy storage equipment specified in the mitigation column of Table 12.15 of the EIA Report can be achieved through the application of one or more of the following options:

- Final technical specification of substation and energy storage components being quieter than assessed;
- Additional screens / enclosures surrounding items of equipment; and
- Acoustic screening along the electrical compound perimeter.

156. The Applicant will continue to work with substation and energy storage plant manufacturers and suppliers prior to submission of the DCO application submission to ensure that sufficient noise mitigation can be incorporated into the design, and that noise emissions due to the equipment selected for installation are such that the noise levels specified in Table 12.15 of the EIA Report are achieved, resulting in, at worst, a minor effect, which would be not significant under the EIA Regulations. Further information on this will be included in Chapter 12 of the ES.

Decommissioning

157. Decommissioning effects would be of a similar nature to that of construction and will be managed through the best practice measures detailed in Section 12.5 or other guidance or legislation relevant at the time. Residual effects during decommissioning would be not significant in terms of the EIA Regulations.

158. In summary the statement of significance concludes that there would be no significant noise or vibration effects in terms of the EIA Regulations. The Development will not give rise to any significant effects in terms by virtue of noise. As such, the Development is considered to comply with EN-1 and NPPF in terms of noise.

3.4.6 Hydrology, Flood Risk, and the Coast

3.4.6.1 Hydrology and Flood Risk

159. NPS EN-1 (paragraph 5.15.2) advises that an appropriate assessment of the existing status and impacts of the proposed project on water quality, water resources and physical modifications to the water environment should be undertaken, whilst NPS EN-5 (paragraph 2.4.1) requires applicants to set out to what extent the proposed development is expected to be vulnerable, and as appropriate, how it would be resilient to flooding, particularly for substations.
160. NPPF, paragraphs 155 to 165¹² states that for development comprising one hectare or above, the vulnerability to flooding, or the potential to add to flooding elsewhere should be assessed in a Flood Risk Assessment (FRA).
161. The National Planning Practice Guidance provides planning guidance on a range of topics including flood risk. PPG ID7 (March 2014) for Flood Risk and Coastal Change provides additional guidance in the implementation of the NPPF in relation to development and flood risk.
162. In line with the requirements of EN-1 and NPPF a Flood Risk Assessment has been carried out (Technical Appendix 10.1) and the likely effects of the Development associated with Hydrology and flood risk have been assessed as part of the EIA. The findings are available in Chapter 10 of the ES. The Statement of Significance concludes that the Development has been assessed as having the potential to result in effects of negligible significance. Given that only effects of moderate significance or greater are considered significant in terms of the EIA Regulations, the potential effects on Hydrology, Hydrogeology, Flood Risk and Ground Conditions are considered not to be significant.

3.4.6.2 The Coast

163. NPS EN-1, Section 5.5 Coastal Change advises that decisions in coastal areas should be based on understanding the coastal change over time. Where development is necessary in a coastal change areas because it requires a coastal location and provides substantial economic and social benefits to communities, the coastal change risk to the development is managed over its lifetime. Paragraph 5.5.7 advises that the ES should include an assessment of the effects on the coast.
164. NPPF paragraph 168 advises that in a Coastal Change Management Area development will be appropriate where it is demonstrated that:
- It will be safe over its lifetime and will not have an unacceptable impact on coastal change;
 - The character of the coast including designations is not compromised;
 - The development provides wider sustainability benefits; and
 - The development does not hinder the creation and maintenance of a continuous signed and managed route around the coast.
165. The Medway Estuary and Swale Strategy (MEASS) 2017¹³ scenarios have been taken into account in the assessment, further details of which are available in Chapter 10, section 10.2 and 10.3 of the ES. The design of the Development has ensured that the flood defences protecting the Development can be inspected and maintained by the operator of the Development to ensure their functionality throughout the lifetime of the Development. The EA are taking into account the potential presence of the Development in their

¹² Department for Communities and Local Government (2018). National Planning Policy Framework [online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf (Accessed 04/11/2018).

¹³ EA. Medway Estuary and Swale Strategy (MEASS) 2017 [online] Available at: <https://consult.environment-agency.gov.uk/ksles/medway-estuary-and-swale-strategy/> (Accessed 15/10/2018)

finalisation of the MEASS following consultation carried out in 2017/18, and presenting an alternative management realignment proposal which can be delivered as a “plan B” should the Development be constructed. The Applicant has reached agreement with the EA on how the existing defences can be maintained over the lifetime of the Development in this “plan B” scenario and is seeking the necessary rights in the Application.

166. Following the requirements of NPS EN-1, the NPPF, the impacts on the coast and coastal processes have been considered where relevant throughout the EIA, whereby the findings are set out in Chapter 10 of the ES. In summary, the Development is assessed to be safe over its lifetime and have no significant effects on the coast and coastal processes, as the Development already benefits from existing flood defences. The Development will not have any significant effects on the quality and scenic value of the landscape, as already assessed in section 3.4.2. The wider sustainability benefits of the Development have been stated in Section 2 of this Statement and in the Statement of Need. As such the Development is considered to comply with the NPS EN-1 and the NPPF in relation to the coast.

3.4.7 Access, Transport and Traffic

167. NPS EN-1, paragraph 5.3.18 states that the applicant should provide appropriate mitigation as part of the proposed development and should demonstrate that during construction and operation best practice will be followed to ensure that risk of disturbance or damage to species, habitats and people is minimised, including as a consequence of transport access arrangements;
168. NPPF, paragraph 102 states that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains;
169. The effects of the Development are assessed as part of the EIA and the findings are presented in Chapter 14 of the ES. The Development will not physically or as a result of traffic levels harm the character of the rural lanes passing along the Development boundaries. Public roads and footpaths are considered in the EIA and regard is given to their landscape, amenity, biodiversity, and archaeological importance. Increased traffic levels are expected during the construction phase, however, traffic will be managed by a Construction Traffic Management Plan (an outline of which is included in the ES as Technical Appendix 14.1). No significant traffic and disturbance is expected during the operational phase of the Development. As a strategy to manage the effect of traffic generated as part of the Development has been created, helping to reduce the effects of the Development, it is considered that a safe vehicular access will be achieved. Moreover, the EIA has concluded that the Development will give rise to no significant effects on vehicular traffic. Therefore, the Development is deemed to comply with NPS EN-1 and the NPPF.

3.4.8 Agricultural Land Classification

170. NPS EN-1 paragraph 5.10.8 advises that applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5), and paragraph 5.10.15 advises that the IPC should give little weight to the loss of poorer quality agricultural land (in grades 3b, 4 and 5).
171. NPPF, Paragraph 170 advises that planning policies and decisions should enhance the local environment by recognising the benefits of the best and most versatile agricultural land.
172. With an overview of the relevant policy requirements, an Agricultural Land Classification Survey (ALC) has been carried out to provide information on the soils and agricultural land

quality. The findings of the ALC Survey concluded that approximately 95% of the land within the Solar Park where development could take place is classified as Grade 3b, which is not best and most versatile agricultural land, i.e. it is of lower agricultural quality. The need for the Development cannot be met on land within the built-up area, due to its size and function.

173. A sequential test has been carried out whether or not there is potentially preferable land on which to develop this solar PV array when considered against the relevant requirements of the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). The sequential test has demonstrated that the Development is compliant with the NPPF requirements as there are no suitable sites comprising land that is previously developed land or non-agricultural land of low ecological value; There are no suitable sites comprising land that is ALC grades 5 or 4; And all potentially suitable sites are grade 3, with the Development site having been surveyed and found to be predominantly grade 3b. Additionally, the Development site is the largest site of those assessed, and the closest to the Cleve Hill Substation, thus maximising benefit and minimising environmental impact in respect of those two aspects.
174. Following the conclusions of the Statement of Need, size remains important, and maximising generating capacity across available grid connections increases the likelihood of funding being secured for projects, as well as delivers enhanced benefits to consumers through bringing power to market at the lowest cost possible.
175. The Development will not affect the viability of the remainder of the agricultural holding and will not result in losses of high quality agricultural land. The Development will retain the agricultural function of the land by making it available for grazing. As such the Development is considered to comply with the EN-1 and NPPF, as it will diversify the use of the land whilst retaining part of the agricultural function by making the Site available for sheep grazing. Furthermore, at the end of the operational life, the land can be restored to its current state.

3.4.9 Air Quality

176. NPS EN-1¹⁴, states that infrastructure development can have adverse effects on air quality. The construction, operation and decommissioning phases can involve emissions to air which could lead to adverse impacts on health, on protected species and habitats, or on the wider countryside.
177. NPS EN-1, paragraph 5.2.6 goes on to say that where the project is likely to have adverse effects on air quality the applicant should undertake an assessment of the impacts of the proposed project as part of the Environmental Statement. The requirements of NPS EN-1 have been met by the assessment reported in this Chapter 16 of the ES.
178. The NPPF states at paragraph 170 that planning policies and decisions should contribute to and enhance the natural and local environment by *"preventing new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability"*.
179. The NPPF states that the effects of pollution on health and the sensitivity of the area and the development should be taken into account. Paragraph 181 of the NPPF states "Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts on air quality from individual sites in local areas... Planning decisions should ensure that any new

¹⁴ Overarching National Policy Statement for Energy (EN-1) (2011) [online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf (Accessed 05/11/2018)

development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan".

180. In line with EN-1 and the NPPF, an Air Quality Assessment has been carried out as part of the EIA and it is available in Chapter 16 Air Quality of the ES. The assessment considers potential emissions of fugitive dust during construction and decommissioning activities and the effects of vehicle exhaust emissions associated with the construction and decommissioning phases of the Development. A number of AQMA's have been declared within the Swale Borough Council Area. The nearest is the Ospringe Street AQMA, located approximately 3.3 km from the Development Site.
181. This assessment concludes that, following mitigation, during construction and decommissioning phase, dust emissions are predicted to lead to negligible and not significant effects on sensitive human and ecological receptors. The mitigation measures are set out in details in Chapter 16 of the ES.
182. Emissions from NRMM to be utilised during construction and decommissioning are predicted to have a slight adverse and not significant effect on air quality. However, successful implementation of robust management and control measures will reduce the local air quality effect associated with NRMM to negligible and not significant.
183. With an overview of the Air Quality Assessment, the Development is assessed to comply with EN-1 and NPPF, as the effects will be mitigated and minimised, so that it does not result in a detrimental impact on the local residential amenity in terms of air quality. The Development is not expected to directly or indirectly result additional air pollutants and worsening levels of air quality within the area surrounding the Development Site, as the predicted effects of the Development on the air quality, following mitigation, are not significant.

3.4.10 Waste Management

184. NPS EN-1, Paragraph 5.14.1 advises that waste should be disposed of in a way that is least damaging to the environment and to human health. Paragraph 5.14.6 proposes that the applicant should set out the arrangements that are proposed for managing any waste produced and prepare a Site Waste Management Plan.
185. Given the nature of the Development and the construction process no significant quantities of waste are anticipated. The majority of construction equipment will be delivered to site for assembly and installation (mounting structures) and connection (solar panels). A Site Waste Management Plan (SWMP) will be agreed as part of the Outline CEMP prior to the commencement of construction. Therefore the Development is considered to comply with EN-1 in terms of waste management.

3.4.11 Socio-Economics

186. NPS EN-1, Paragraph 5.12.1 states that energy infrastructure projects may have socio-economic impacts at local and regional levels. Paragraph 5.12.2 advises that where a project is likely to have such effects, they should be assessed as part of the EIA, whilst paragraph 5.12.3 provides guidance for the assessment. The guidance is considered throughout chapter 13 Socio-Economics of the ES.
187. Paragraph 38 of the NPPF advises that developments that seek to improve the economic, social and environmental conditions of an area should be supported.
188. In summary, the assessment of the socio-economic effects has concluded that positive socio-economic effects of the Development include those on local employment during the construction phase, these have been deemed not significant in terms of the EIA Regulations.

189. The effect of the Development on tourism during the construction and operational phases is a negligible adverse effect, which would be short term during the construction phase. Neither of these effects are significant in terms of the EIA Regulations.
190. Adverse effects have been identified during construction on the PRowS which cross the Development. These effects were found to be significant on the Saxon Shore Way and the proposed England Coast Path, albeit for sections of c. 1 km only, over an approximately 12-month period, when construction activity occurs within 500 m of the footpath, and noting that the times when most walkers use the path are at weekends when construction activity will be limited to Saturdays until 13:00. Similar effects were found to be not significant on all other PRowS around the Site. During the operational phase, effects on users of all PRowS within and around the Site were assessed as not significant.
191. The effect of the Development on land use will be positive, minor and not significant; whilst there will be a change of land use from arable to solar park and sheep grazing the sensitivity of the land is low, being predominantly Grade 3b which is not classified as being the best and most versatile land. Habitat creation and enhancement is proposed as part of the Landscape and Biodiversity Management Plan (ES Technical Appendix A5.2).
192. In summary, the Development is not likely to have significant effects on the socioeconomic aspects of the area.

3.5 Summary of Compliance

193. In summary, the principle of the Development has been assessed against the relevant national policy including NPS EN-1, NPS EN-3 and NPS EN-5, and the NPPF as fully compliant. The effects of the Development on various environmental receptors have been thoroughly assessed as part of the EIA, as recommended by the relevant national policy, and the Development is considered to fully comply with the policy provisions for each environmental aspect.

4 OTHER RELEVANT MATERIAL CONSIDERATIONS

194. There is an array of material considerations that are considered relevant to the Development and many of these are acknowledged within the various chapters of the ES. This section of the Statement does not provide a definitive list of material considerations and is not intended to provide a review of all documents assessed throughout the full ES. Instead, the following sections outline some key renewable energy related considerations and they are complementary to these identified in Chapter 6 Planning of the ES.

4.1 UK Solar PV Strategy Part 1: Roadmap to a Brighter Future¹⁵

195. The Solar PV Roadmap establishes the principles for solar PV deployment in the UK and sets the future policy direction. The key principles advise that support for solar should:
- Allow cost-effective projects to proceed and to make a cost-effective contribution to UK carbon emission objectives in the context of overall energy goals – ensuring that solar PV has a role alongside other energy generation technologies in delivering carbon reductions, energy security and affordability for consumers;
 - Deliver genuine carbon reductions that help meet the UK's target of 15 per cent renewable energy of gross final consumption by 2020 and in supporting the decarbonisation of our economy in the longer term – ensuring that all the carbon impacts of solar PV deployment are fully understood;

¹⁵UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (2013) [online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/249277/UK_Solar_PV_Strategy_Part_1_Roadmap_to_a_Brighter_Future_08.10.pdf (Accessed 05/11/18)

- Ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them;
- Assess and respond to the impacts of deployment on: grid systems balancing; grid connectivity; and financial incentives – ensuring that we address the challenges of deploying high volumes of solar PV.

196. The Development is in line with these key principles as it is intended to provide a subsidy free, cost effective and secure supply of electricity, whilst minimising CO2 emissions and addressing the national renewable energy targets. The Development has been carefully designed and sited so as to minimise the negative effects on the local environment and amenity and deliver net gain in biodiversity. Finally, the energy storage element will balance the grid, as it will provide a response to the rapid change in supply and demand, reducing the intermittency of the solar PV.

4.2 UK Solar PV Strategy Part 2: Delivering a Brighter Future¹⁶

197. This report sets out the Government strategy for the delivery of solar PV. It emphasises that innovation and clean energy are at the centre of the Government's economic plan. One of the key topics is the delivery of commercial and industrial onsite generation. With the falling costs due to technology innovation, there is an ambition for continuous growth in the solar PV capacity in line with the 2020 target for renewables.

198. In summary, the UK Solar PV Strategy Part 1 and 2 recognise the potential of solar PV in delivering low cost energy and significant carbon reduction. Consideration is given to the siting of solar development and the impact on the environment. The Development is considered to comply with these principles, as it has been carefully sited and designed, whereby a detailed environmental assessment has been carried out. Following the design evolution and mitigation measures, the Development is made acceptable in environmental terms.

4.3 UK Clean Growth Strategy: Leading the way to a low carbon future¹⁷

199. The UK Clean Growth Strategy builds on the UK's carbon emissions reduction progress. The report conveys the Government's objective of achieving clean growth, whilst ensuring an affordable energy supply for businesses and consumers. The strategy is in-line with the 2015 Paris Agreement where 195 countries agreed to stretch national targets to keep the global temperature rise below 2°C. Therefore, further actions and investment will be needed to ensure the shift to clean growth in the coming years, where the clean growth plays a central role in the UK's Industrial Strategy.

200. To meet the fourth and fifth carbon budgets (2023-2027, and 2028-2032), there will be a need for a significant acceleration in the pace of decarbonisation, while ensuring energy security supply at minimum cost to both industry and domestic consumers.

201. If consented, the Development will potentially be amongst the cleanest and the cheapest sources of energy. The energy storage component will ensure security of the electricity supply.

¹⁶UK Solar PV Strategy Part 2 (2014) [online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/302049/uk_solar_pv_strategy_part_2.pdf (Accessed 05/11/2018)

¹⁷ UK Clean Growth Strategy: Leading the way to a low carbon future (2017) [online] Available at: <https://www.gov.uk/government/news/government-reaffirms-commitment-to-lead-the-world-in-cost-effective-clean-growth> (Accessed 05/11/2018)

4.4 A green Future: Our 25 Year Plan to Improve the Environment¹⁸

202. The 25 Year Environment Plan (2018) sets out the UK Government's 25 year plan to improve the environment within a generation. It details government plans for sustainable development, being innovators in environmental science, clean growth and resource efficiency. It aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species and provide richer wildlife habitats. It calls for an approach to agriculture, forestry, land use and fishing that puts the environment first.
203. A number of habitat mitigation strategies support biodiversity on the Site will be implemented as an integral part of the Development. These will include:
- New coastal grazing marsh habitats incorporating wildflowers;
 - New native species hedgerow planting;
 - Areas of shelterbelt, which will incorporate tree planting; and
 - Native scrub buffer planting areas.
204. Due to the proposed Habitat Management Areas implemented as part of the wider Landscape and Biodiversity Management Plan, the Development will result in a net biodiversity gain on site. This is in keeping with the government's environmental goals and will help to provide the area with a more diverse range of species and habitats for the next generation.

4.5 Committee on Climate Change: 2017 Report to Parliament - Meeting Carbon Budgets: Closing the Policy Gap¹⁹

205. The Committee on Climate Change's ninth annual assessment of the UK progress in reducing emissions and meeting carbon budgets highlights that the UK greenhouse gas emissions are about 42% lower than in 1990 baseline; that is around half way to the 2050 commitment to reduce emissions by at least 80% on 1990 levels. The report suggests that good progress has been made so far, nonetheless it is stalling, as it is largely confined to the power sector, and further actions are required to meet the emission reduction targets.
206. The report suggests that there should be continuous support for 'signing contracts to deliver a greater proportion of the UK's energy from renewable sources.' Investment in solar power is essential part of tackling climate change through the reduction of CO₂ emissions, as solar power is a free source of energy and does not require any heavy physical and chemical processing, or transportation. As such, the impact of solar development leaves a minimal impact on the environment whilst securing reliable electricity supply.

4.6 IPCC Special Report on Global Warming of 1.5°C²⁰

207. The Special Report on Global Warming of 1.5°C was published by the Intergovernmental Panel on Climate Change (IPCC) in October 2018. The report explores the benefits of aiming for the Paris Agreement's aspirational target of no more than 1.5°C of global warming, rather than bottom level target of 2°C. The report examines the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty.

¹⁸ A Green Future: Our 25 Year Plan to Improve the Environment (2018) [online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf (Accessed 09/11/2018)

¹⁹ 2017 Report to Parliament – Meeting Carbon Budgets: Closing the policy gap (2017) [online] Available at: <https://www.theccc.org.uk/publication/2017-report-to-parliament-meeting-carbon-budgets-closing-the-policy-gap/> (Accessed 09/11/2018)

²⁰ IPCC Special Report on Global Warming of 1.5°C (2018) [online] Available at: <http://www.ipcc.ch/report/sr15/> (Accessed 09/11/2018)

208. The report finds that a global warming of 1.5°C will be damaging, but is far less damaging than a 2°C increase in global temperature. A 2°C increase will cause severe issues for oceans, habitats, food production, human health etc. as well as causing rising sea levels and temperature increases. A target of 1.5°C will still have significant negative impacts on the factors highlighted, but these will be less severe and more easily reversed. The report states that to achieve the aspirational target of 1.5°C, there will need to be rapid and far-reaching transition in energy, land, urban and infrastructure (including transport and buildings), and industrial systems. Global model pathways limiting global warming to 1.5°C are projected to involve the annual average investment needs in the energy system of around 2.4 trillion USD2010 between 2016 and 2035 representing approximately 2.5% of the world GDP.
209. In summary, the IPCC report highlights the importance of investing in sustainable renewable and low carbon energy production as part of the global drive for climate change mitigation. If consented, the Development will make a valid contribution to climate change mitigation.

5 PLANNING BALANCE AND CONCLUSION

210. This Statement provides a detailed assessment of the Development against the policies identified in Chapter 6 Legislative and Planning Context of the ES. Although, the documents are complementary, the planning chapter simply identifies the relevant legislative and planning framework for the Development to inform other chapters of the ES and the Planning Statement, whilst the Planning Statement contains an assessment of the acceptability of the Development in the context of the legislative and planning framework identified.
211. The Development has been fully considered against all the relevant National and Local Planning Policies as detailed in the main sections and Appendix A. Considerable care has been taken in the design of the Development to avoid unacceptable environmental and amenity effects, whilst ensuring that the Development can make a contribution to the UK's requirement for renewable energy generation.
212. Following a detailed assessment of the principle of the Development and the likely effects that it will have on the environmental receptors, the Development has been found in compliance with the relevant national and local policy for energy and renewable and low carbon energy development.
213. It is integral to planning decision-making that a balancing exercise has to occur in respect of considering the benefits of development against the impacts. In this case, there are clear benefits which arise from the renewable energy credentials of the Development which clearly outweigh the impacts. These wider environmental benefits of the Development outweigh the effects.
214. The material considerations also weigh in favour of the Development. The NPPF is heavily supportive of renewable energy development. The NPPF places an over-riding emphasis on the presumption in favour of sustainable development, which this Development clearly constitutes. Infrastructure, which is required to ensure the generation of renewable energy, is inherently sustainable under the NPPF.
215. Additional weight must also be given to the permissive approach to the renewable energy development under the NPS EN-1, NPS-EN 3 and the NPPF. It has been demonstrated that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the Development, and that national and local planning policies provide support for the approval of the Development. Where necessary, appropriate mitigation measures have been proposed as part of the scheme.
216. The UK is legally bound through the Climate Change Act (2008) to reduce carbon emissions and through Renewable Energy Directive 2009/28/EC to increase electricity consumption from renewable resources. The Development would contribute towards meeting these requirements, and would also be fully supported by energy policy because it would assist in replacing outdated energy infrastructure and the move to a low carbon economy, and ultimately will assist with affordable energy bills.
217. Taking into account all national and local policies relevant to the Development and material considerations, the Development is in compliance with these policies and considerations. It is therefore respectfully requested that the SoS grants the DCO.

6 APPENDIX A: ASSESSMENT OF LOCAL PLANNING POLICIES

6.1 Topic-Specific Assessment of the Development

218. The legal requirement under s38 (6) of the Planning and Compulsory Purchase Act 2004 to determine applications for development consent in accordance with development plan documents does not apply to applications under the Act. However, NPS EN-1 paragraph 4.1.5 provides that the policies contained within Development Plan documents and other Local Development Framework documents may be considered important and relevant in planning decision making, but in the event of a conflict, this paragraph states that the NPSs prevail for the purpose of the Secretary of State's planning decision making. The Development Plan is therefore a material consideration for the Secretary of State and has accordingly been considered as part of the policy context for the Development.
219. The relevant Development Plan comprises of:
- Bearing Fruits 2031: The Swale Borough Local Plan, adopted 26th July 2017 ("the Swale Local Plan");
 - Kent Minerals and Waste Local Plan 2013-2030;
 - Canterbury District Local Plan, adopted June 2017 ("the Canterbury Local Plan").
220. The relevant local planning policies require that the effects of a proposed development on various environmental aspects are assessed and where appropriate mitigated. This section provides a topic specific assessment of the Development demonstrating its effects on various environmental considerations and how it complies with the relevant local planning policy. The assessment has been informed by the EIA findings and other reports referenced earlier. The assessment of the Development seeks to address specific policy considerations where appropriate and should be read in conjunction with the relevant Local Development Plan Documents. The following local planning policies have been informed by Chapter 6 Legislative and Planning Context of the ES.

6.1.1 Principle of the Development

6.1.1.1 Policy Description

Swale Local Plan

221. **Policy ST 1 Delivering Sustainable Development in Swale** Development proposals will, as appropriate contribute to economic growth, achieve good design, address the challenge of climate change by meeting the challenge of flooding and coastal change and expansion of renewable energy and management of emissions; Developments should also conserve and enhance the built, natural and historic environment, avoid harm to biodiversity and use lower quality of agricultural land.
222. **Policy ST 7 The Faversham Area and Kent Downs Strategy** states that within the Faversham area, the conservation and enhancement of the historic and natural environment are the primary planning aims. Proposals will, as appropriate provide employment opportunities, address flood risk, preserve and enhance landscape qualities and historic assets; and achieve net gain in biodiversity.
223. **Policy DM 20 Renewable and Low Carbon Energy** Permission will be granted for the development of renewable and low carbon energy sources where the impacts of the development are analysed and mitigated as appropriate.
- For schemes on agricultural land, it has been demonstrated that poorer quality land has been used in preference to higher quality. In exceptional cases, where schemes are demonstrated as necessary on agricultural land, that they fully explore options for continued agricultural use;

- Opportunities to enhance biodiversity are exploited;
- Landscape, visual and heritage impacts as well as impacts on geology, soils and flood risk, including cumulative impacts, are minimised and mitigated to acceptable levels;
- Impacts on residential amenity and safety, including noise, air quality, tranquillity and transport are minimised and mitigated to acceptable levels;
- Applications demonstrate evidence of local community involvement and/or leadership;
- All relevant plans, policies, appraisals and associated guidance, including landscape appraisals and designations and biodiversity management plans, are referenced in any planning application to ascertain the appropriate type and scale of development for any particular location; and
- In cases of temporary planning permission, detailed proposals for the restoration of the site at the end of its functional life are set out as a part of any application.

Canterbury Local Plan

224. **Policy SP 1 Sustainable Development** states that the Council will take a positive approach that reflects the presumption of sustainable development when assessing development proposals in line with the NPPF.
225. **Policy CC 1 Renewable and Low Carbon Energy Production** Development Proposals for the utilisation, distribution and development of renewable and low-carbon sources of energy, including freestanding installations, will be encouraged in appropriate locations. In considering such proposals, the Council will give significant weight to their environmental, community and economic benefits, public health and safety and impacts on biodiversity, air quality, landscape character, the historic environment and residential amenity of the surrounding area and the protection of the best and most versatile agricultural land, and restoration plans.
226. **Policy DBE 2 Renewable Energy** In determining applications for the development of renewables, the City Council will expect applicants to:
- a. Avoid any significant adverse impacts (visual, noise and amenity impacts);
 - b. Have given weight to the environmental, social and economic benefits;
 - c. Have minimised the visual impacts by providing the optimum layout and design of the development including screening;
 - d. Ensure that the development will not have a significant adverse effect on the amenity of local residents;
 - e. Ensure that the installation would not have an adverse cumulative impact on the environment;
 - f. Show there is no adverse impact on heritage assets (Policy HE1);
 - g. Demonstrate that there is no significant impact on the landscape setting, habitats, biodiversity, wildlife or designations such as the AONB, AHLV, Ramsar, SACs or SPAs as outlined in Chapter 10;
 - h. Ensure protection of the best and most versatile agricultural land unless it is demonstrated that it is necessary and no alternative poor quality land is available.

6.1.1.2 Policy Assessment

227. Following the review of the relevant policies, three key threads have been identified as follows:

Sustainable Development

228. The Development proposes installation of a solar PV Park and energy storage facility, which will provide clean energy contributing to mitigation of the climate change challenge by minimising CO₂ emissions. The Development has been subject to a detailed flood risk assessment and it adopts suitable measures to manage the risks of flooding. The Development is intended to conserve and enhance the natural environment by considering

all relevant planning policies and environmental aspects throughout the EIA and this Statement.

229. The Development is sited mostly on a grade 3b agriculture land which is considered of lower quality i.e., not BMV agricultural land. Nonetheless, the Development will continue to provide opportunities for grazing once completed.
230. It is recognised that the Development will result in alteration of the historic landscape. Yet, the design it adopts will minimise the impacts. Full details of the effects on the Historic Environment are available in Chapter 10 Archaeology of the ES and Section 3.4.4 of this Statement. Other environmental aspects are assessed in the topic specific assessment in sections 3.4.2 to 3.4.12 of the Statement. The Development has been assessed to have no significant effects on most of the environmental receptors. Where significant effects are predicted, appropriate mitigation measures have been proposed for each environmental aspect affected. The socioeconomic effects of the Development have also been assessed and the findings are presented in Chapter 13 of the ES, whilst Climate Change considerations are assessed in Chapter 15 of the ES. The benefits of the Development, such as clean, affordable and secure electricity, and reduction of CO₂ emissions, and as assessed in the Statement of Need, are considered to significantly outweigh its impacts. On balance, it is considered that the Development complies with **Policy ST 1, ST 7, and SP 1.**

Renewable and Low Carbon Energy

231. As a solar PV development, this project complies with the principle of Policies DM 20 and DBE 2. The effects, including cumulative and residual effects, of the Development on the environmental receptors and socioeconomic matters have been thoroughly assessed as part of the EIA. Full details of the mitigation methods employed to reduce any adverse impacts of the development on the surrounding area can be found in the individual Chapters of the ES. Evidence of community involvement is also presented in the ES Chapter 3. The compliance of the Development with the relevant policies seeking to protect and enhance the environment and amenity has been assessed throughout section 3.4.2 to 3.4.12 of this Statement.
232. An Agricultural Land Classification survey has been carried out which demonstrates that 95% of the developable area lies on arable land which is classified as grade 3b, which is not considered to be BMV land. 3% is classified as grade 2 or 3a, BMV land, but there are no alternatives to using this land in the Development. Despite this, the site will allow continued agricultural use as grazing pasture, and all the land could return to its current use after the decommissioning of the project. Any other adverse impacts will be mitigated against, and full details of this mitigation can be seen in relevant chapters of the ES. With an overview of the findings of the EIA, the proposed mitigation measures, and the benefits that the Development will provide such as a reduction of CO₂ emissions and secure energy supply at affordable cost, the Development is considered to comply with **Policy DM 20 and DBE 2.**

6.1.2 Design, Landscape and Visual Considerations

6.1.2.1 Policy Description

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233. **Policy CP 4 Requiring Good Design** in part advises that proposals should achieve quality design, appropriate to its surroundings. Development will as appropriate make efficient use of natural resources including sensitively utilising landscape features, landscape, biodiversity and climate to maximise energy conservation and amenity. Landscape, biodiversity and local environments should be preserved and enhanced by

considering the local landscape character, retaining trees where possible, providing and managing landscape planting to encourage biodiversity.

234. **Policy DM 19 Sustainable Design and Construction** seeks that proposals should include measures to address and adapt to climate change and where appropriate incorporate the use of materials and techniques which increase energy efficiency and reduce CO₂ emissions; demonstrate contribution to green infrastructure and biodiversity through landscaping; encourage mixed use development and accessibility.
235. **Policy DM 24 Conserving and Enhancing Valued Landscapes** seeks to protect and enhance the value, character, amenity and tranquillity of the Borough's landscapes.
236. As the Development is located in an area designated as Area of High Landscape Value Kent level, Part A 2. is directly applicable and advises that Areas of High Landscape Value (Kent and Swale Level) are designated as significant to Kent or Swale, where planning permission will be granted subject to the conservation and enhancement of the landscape; and avoidance, minimisation and mitigation of adverse landscape impacts as appropriate and, when significant adverse impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh harm. The same principle is applicable to non-designated landscapes and all other landscapes as per Part B and C of this Policy. The scale, layout, build and landscape design of development will be informed by landscape and visual impact assessment having regard to the Council's Urban Extension Landscape Capacity Study and Landscape Character and Biodiversity Appraisal SPD.
237. **Policy DM 29 Woodland, Trees and Hedges** seeks to ensure the protection, enhancement and sustainable management of woodlands, orchards trees and hedges. It will ensure that new development will take reasonable opportunities to provide for new woodland, orchard, tree and hedge planting at a sufficient scale (with provision made for appropriate long term management) to maintain and enhance the character of the locality and provide for an attractive living and working environment; Safeguard protected species and compensate for any loss of trees, hedgerows and woodland.

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238. **Policy DBE 3 Principles of Design** is intended to promote high quality sustainable design. Proposals, which are of a high quality design, will be granted planning permission having regard to other plan policies and considerations such as the character, setting and context of the site and the way the development is integrated into the landscape; the visual impact, provision of hard and soft landscaping and residential amenity.
239. **Policy DB 9 Outdoor Lighting** advises that new developments which include outdoor lighting will only be permitted where it can be demonstrated that it does not adversely impact residential and environmental amenity by virtue of glare, light trespass, and sky glare.
240. **Policy LB 10 Trees, Hedgerows and Woodland** seeks to retain trees, hedgerows and woodland that make an important contribution to the amenity of the site and the surrounding area and which are important to wild flora and fauna. New development should incorporate trees in areas of appropriate landscape character, to help restore and enhance degraded landscapes, screen noise and pollution, provide recreational opportunities, help mitigate climate change and contribute to floodplain management.

6.1.2.2 Policy Assessment

241. The proposed solar park and energy storage facility will produce negligible emissions once operational and is designed to be as effective as possible in converting solar radiation into electricity, and in providing grid management services to the National Grid. During the operational phase, negligible waste will be produced by the solar park. The planting scheme (Technical Appendix A5.2) associated with the Site also allows the Development to

- fulfil an important role in the green infrastructure network. As such the Development complies with **Policy CP 4, DM 19 and DBE 3.**
242. A glint and glare assessment has been undertaken to assess the likely impact of solar reflection on receptors within the Development's surrounding environment. The assessment investigates the potential effects on road users and residential receptors. The assessment concludes that the reflecting area is likely to be partially or fully obscured by undulating terrain and vegetation. Therefore, the impact on road users is considered low and no mitigation requirement has been identified. In terms of effects on residential receptors - the reflecting area is likely to be partially or fully obscured due to the separation distance and existing features of the environment (trees and other buildings). Overall the potential effect is considered moderate and no mitigation requirement has been identified.
243. Outdoor lighting has been assessed in Chapter 7, section 7.6.11. Lighting may be used during the construction phase (dependent on the time of year) if required and will be minimised as far as possible, and where used will be directed into the works area, away from nearby properties. Careful consideration of the siting of lighting will be undertaken and lighting will be positioned to minimise the spread of light pollution, and ensure that only the task work area or compound is lit to avoid effects on properties during the construction phase. Lighting will either be controlled by operatives and will have PIR (Passive infra-red) motion sensor activated security and emergency lighting. Effects would be limited from the Saxon Shore Way and other PRoW within and close proximity to the CLS Area due to the time of day lighting would be used, as there would be limited people using the footpath during the hours of darkness and any light emitted would be minimal. Construction would take place in a phased approach across the site, so any lighting would be localised to one part of the site at any one time.
244. Given the infrequent and intermittent nature of the lighting and the short-term nature of the construction phase, combined with its isolation to particular locations where PIR motion sensors have been triggered, effects are assessed as Negligible magnitude and therefore Moderate/Minor, which is not significant. Therefore, the Development complies with the principle of **Policy DB 9.**
245. Following the provisions of policy DM 24 the effects of the Development on Landscape and Visual amenity have been assessed as part of the EIA, details of which are available in chapter 7 of the ES. As the Development is located in an Area of High Landscape Value Kent Level, Section 7.6.2.6 of Chapter 7 concludes that the Development is expected to result in Moderate effects on this Area, which are assessed as significant. These effects would be the same for years 1, 5 and 10. The nature of effect would be negative. Nonetheless, cumulative landscape effects would not be significant due to the proximity of the other cumulative developments that fall within the nearby LCAs. None of the cumulative developments fall within any of the LCAs that the Development would occupy.
246. The duration of the Development is long-term but fully reversible. Whilst it is recognised that the effects on the Area of High Landscape Value – Kent Level would be significant, the Development will comply with the requirements by mitigating against any adverse impacts on the designated features as set out in the Landscape and Biodiversity Management Plan available in Technical Appendix A5.2.
247. Furthermore, the Development will provide significant social and economic value and benefit in the form of clean and affordable energy, as already discussed in Section 2 of the Statement and The Statement of Need. As such, the Development is considered to comply with **Policy DM 24.**
248. **Part B and C of Policy DM 24** advise that effects on non-designated and all other landscapes should be assessed and where there are likely significant effects, they should be appropriately mitigated or the overall benefit of the development should outweigh the

harm. Section 7.11 of Chapter 7 concludes that the Development has been assessed as having Major to Moderate effects which are significant, in terms of the EIA Regulations, during the construction, operational and decommissioning phases for some landscape and visual receptors. These effects are on recreational users of PRow which run through the Core Landscape Study Area and to the southeast of the Core Landscape Study Area. There are Major effects from users of the Saxon Shore Way, particularly that to the north and western boundary of the Core Landscape Study Area, where there is limited screening with open views across the Core Landscape Study Area. These effects are localised.

249. The properties concentrated at Nagden, 156 m south west and Warm House, 66 m south of Core Landscape Study Area are likely to experience significant effects due to the proximity to the Development. However, it is considered that the landscape can accommodate the proposed infrastructure due to the low-lying horizontal nature of the infrastructure. It is contained by the sea wall to the north and west, mature existing vegetation to the south which limits the extent in which the infrastructure will be seen. The effects are highly localised and have a limited geographical extent in which the Development will be seen.
250. In summary, where there are likely significant effects, they will be appropriately mitigated by the Landscape and Biodiversity Management plan. As such, the Development is considered to fully comply with **Policy DM 24**.
251. **Policy DM 29 and LB 10** seek to protect trees, hedges and woodland and advises that new development should provide new soft landscaping and enhance the landscape character of the area. The Development has incorporated a Landscape and Biodiversity Management Plan available Technical Appendix A5.2 which features new landscape planting and long term management strategy. As such, the Development is compliant with **Policy DM 29 and LB 10**.

6.1.3 Ecology and Ornithology

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252. **Policy CP 7 Conserving and enhancing the natural environment** states that development proposals should ensure that there is no adverse effect on the integrity of a SAC, SPA or Ramsar site, alone or in combination with other plan and projects, as it would not be in accordance with the aims and objectives of this Local Plan;
253. The Development complies with this policy as mitigation strategies, explained in detail in Chapters 8 Ecology and Chapter 9 Ornithology of the ES, are set out which will ensure that it does not erode the integrity and function of the Swale SPA. Further, Chapter 8 Ecology, section 8.7 concludes that no significant residual adverse effects were identified on any Important Ecological Features (IEFs) for the Development. A net gain in ecologically important habitats has been predicted, which would not therefore contribute to significant adverse cumulative effects when considered in combination with other nearby developments.
254. As part of the scheme mitigation measures will be 'embedded' in the design of the Development. A summary of embedded mitigation includes:
- New coastal grazing marsh habitats incorporating wildflowers;
 - New native species hedgerow planting;
 - Areas of shelterbelt, which will incorporate tree planting; and
 - Native scrub buffer planting areas.
255. These embedded mitigation measures are set out in detail within the Landscape and Biodiversity Management Plan provided in Technical Appendix A5.2.

256. Overall, it is considered that the integrity of designated sites and the conservation status of habitats and species will remain unaffected by the Development when considered in combination with other developments that are not part of the current baseline, and that there will be no significant adverse cumulative effects. As such the Development is considered to comply with **Policy CP 7**.
257. **Policy DM 28 Biodiversity and Geological Conservation** in essence advises that proposals will conserve, enhance and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated. The policy sets requirements for all proposals to have regard to national planning policy in respect of preservation of habitats and species, be accompanied by appropriate surveys, and provide net gain of biodiversity where possible.
258. The Development is located outside of any ecological importance site designated by Swale Borough Council, but it is adjacent to an internationally designated site. As such great care has been taken to mitigate against negative impacts on the site, both independently and cumulatively. Sections of the Development Site have been set aside for habitat management in order to provide suitable habitat for the species which currently use the Site.
259. The effects of the Development on ecology and biodiversity have been thoroughly assessed as part of the EIA, the findings of which are available in Chapter 8 of the ES. Section 8.8 of the ES Summary of residual Effects concludes that the conservation status of Important Ecological Features (IEF) species, habitats and designated sites is maintained or improved, and there is a net gain in the biodiversity value of the site. For reference, IEF are presented in table 8.7, Chapter 8 of the ES.
260. The embedded mitigation that is proposed as part of the Development will provide a net conservation gain for biodiversity, with the conservation status of IEF species, habitats and designated sites maintained or improved. Where potential IEFs are not currently represented within the core study area, the embedded mitigation within the Development provides the opportunity for these currently absent protected or priority habitats or species to colonise the core study area, and thus through the operational phase of the Development may become identified as future IEFs.
261. In summary no adverse ecological effects are assessed as significant. Significant beneficial effects are assessed in relation to invertebrates, because of the cessation of the application of pesticides and because invertebrates are a qualifying species group of the South Bank of the Swale LNR. The main non-significant effect is in relation to the increase in grassland habitats replacing arable farmland, and the resulting associated gain in biodiversity. In terms of effects on ornithology, following embedded mitigation measures in the design of the project and applied mitigation measures implemented through a Breeding Bird Protection Plan, and other measures set out in the CEMP, the Development has been assessed as having the potential to result in adverse and positive effects of low magnitude. No effects are considered to be significant in terms of the EIA Regulations. As such, the Development is considered to comply with **Policy DM 28**.

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262. **Policy SP 6 Strategic Access Management and Monitoring (SAMM) Mitigation Measures for the Coastal Special Protection Areas and Ramsar Sites** states that Development that may have an adverse effect on the integrity of the coastal sites being the Thanet Coast and Sandwich Bay SPA or Ramsar and Swale SPA and Ramsar, alone, or in combination with other plans or projects, through an increase in recreational disturbance on the over-wintering bird populations for which these sites are designated will not be permitted.

263. Only a small part of the Development (the northeast corner) is located in an area designated by Policy SP 6 of the Canterbury Plan, which aims to protect sites such as the Swale SPA and the Ramsar Site which are adjacent to the Development. The effects of the Development on the Swale SPA and the Ramsar Site have been assessed as part of the EIA, whereby the findings are presented in Chapter 8 Ecology, Section 8.8, and Chapter 9 Ornithology, Section 9.11. The effects, including residual effects, of the Development on the internationally designated sites have been assessed as not significant in terms of ecology. Overall, it is considered that the integrity of designated sites and the conservation status of habitats and species will remain unaffected by the Development when considered in combination with other developments that are not part of the current baseline, and that there will be no significant adverse cumulative effects. As such, the Development complies with **Policy SP 6**.
264. **Policy LB 5 Sites of International Conservation Importance** advises that Sites of international nature conservation importance must receive the highest levels of protection. No development will be permitted which may have an adverse effect on the integrity of an SAC, SPA or Ramsar site, alone or in combination with other plans or projects, as it would not be in accordance with the Habitat Regulations 2010 (as amended) and the aims and objectives of this Local Plan. Where a plan or project's effects on an internationally designated site, alone or in combination, cannot be screened out during Habitat Regulations Assessment as not likely to be significant, an Appropriate Assessment in line with the Habitats Regulations 2010 (as amended) will be required.
265. Where proposals are likely to have a significant effects, including cumulative and residual effects, on an internationally designated site, appropriate mitigation measures should be adopted.
266. In line with policy LB 5, a Report to Inform Appropriate Assessment (RIAA) has been prepared to inform an assessment of the potential effects due to the proximity of the Development to The Swale, which is designated as a SPA. It was recognised at an early stage in the evolution of the project that there was potential for effects of the Development on a European site.
267. Chapter 9, Section 9.11 states that in terms of the Habitats Regulations, screening has concluded that there is a 'likely significant effect' on The Swale SPA/Ramsar site. As such, it will be necessary for the SoS, as the competent authority, to undertake an Appropriate Assessment of the implications of the plan or project for that site in view of that site's conservation objectives. The RIAA accompanies the DCO application to provide the information required by the secretary of state to carry out its duties in this respect.
268. As a number of birds are part of the designated interests of the Swale SPA inhabit the Site, an arable reversion habitat management area (AR HMA) has been proposed in order to mitigate for the loss of feeding/roosting habitat which is currently available to overwintering bird species (predominantly dark bellied brent goose, lapwing and golden plover) under the existing arable agricultural land use.
269. The AR HMA delivers this mitigation, by providing a grassland to replace the arable habitat which will be managed to provide the same level of resources that have been observed to be used onsite through the wintering bird surveys carried out since 2014.
270. The size, location and management of the AR HMA grassland has been agreed with Natural England through consultation, both independently, and as part of the Habitat Management Steering Group, which also includes representation from RSPB and Kent Wildlife Trust.
271. The AR HMA has been designed to ensure that there will be no adverse impact on the integrity of the Swale SPA / Ramsar Site.

272. Following embedded design measures and applied construction noise mitigation measures as outlined in the Construction Environmental Management Plan (CEMP), Technical Appendix A5.4, it is concluded that the DCO application for the Cleve Hill Solar Park, alone and in combination with other plans or projects, will not undermine the conservation objectives of The Swale SPA/Ramsar Site in a way that will prevent the site contributing to the aims of the Birds Directive. The Development is not predicted to adversely affect the integrity of the Swale SPA/Ramsar Site. The RIAA accompanies the application (DCO Document Reference 5.2).
273. The effects, including cumulative and residual effects, of the Development on the SAC, SPA and Ramsar site have been assessed throughout the EIA as not significant in terms of ecology. The effects of the Development on ornithology are assessed as significant. The embedded mitigation that is proposed as part of the Development will provide a net conservation gain for biodiversity, with the conservation status of IEF species, habitats and designated sites maintained or improved. As such, the Development complies with **Policy LB 5**.
274. **Policy LB 6 Sites of Special Scientific Interest** states that planning permission will not normally be granted for development which would materially harm the scientific or nature conservation interest, either directly, indirectly or cumulatively, of sites designated as a Site of Special Scientific Interest (SSSI), National Nature Reserve (NNR) and Marine Conservation Zones (MCZ) for their nature conservation, geological, or geomorphological value. Support will be given for enhancement.
275. Development that affects a SSSI or associated NNR will only be permitted where an appraisal prepared by an appropriate specialist has demonstrated that any adverse effects can be adequately mitigated; and the overall integrity of the area will not be compromised. Enhancement measures are required to accompany any development proposal in order to ensure ongoing benefits for biodiversity.
276. As the Development is located adjacent to a SSSI, its effects on the SSSI have been considered in the EIA. Chapter 8, Section 8.8 of the ES concludes that the effects, including cumulative and residual effects, of the Development on SSSI have been assessed as not significant.
277. Mitigation and Enhancement measures have been proposed as part of the scheme and they include regulation of the construction activity by CEMP and creation of Habitat Management Areas. Further details of the mitigation measures relating to individual species and habitats are set out in the ES, Chapter 8 Ecology and Chapter 9 Ornithology. With an overview of the EIA findings and the recommended mitigation measures, the Development is considered to comply with **Policy LB 6**.
278. **Policy LB7 Locally Designated Sites** advises that Development or land-use changes likely to have an adverse effect, either directly or indirectly, on Local Wildlife Sites, Local Nature Reserves; Regionally Important Geological/Geomorphological Sites will be permitted if the justification for the proposals clearly outweighs any harm to the intrinsic nature conservation and/or scientific value of the Site. Development should avoid any negative impacts. Where negative impact is unavoidable, mitigation measures should be taken, or where mitigation is not possible, compensatory schemes should be created. Any application affecting locally important sites will be expected to demonstrate enhancement measures to benefit biodiversity.
279. The effects of the Development on the locally designated sites have been considered in the EIA. Chapter 8, Section 8.8 presents in detail the significance of the effects during both construction and operation. Section 8.8 has concluded that during construction some indirect temporary effects can occur on the South of Bank Swale LNR and the ditch network (within the Core Study Area which was highlighted during consultation of being of local importance and therefore worthy of assessment in the same context as a LWS in the

ES). Nonetheless, during the operational life, both sites will be subject to long term, indirect beneficial effects. Where necessary, ECoW monitoring has been recommended. The Development is assessed to have no significant effects on Abbey Fields LWS and Oare Marches LNR. No cumulative and residual effects are anticipated on any of the locally designated sites. As such, the Development is in line with **Policy LB 7**.

280. **Policy LB 9 Protection, mitigation, enhancement and increased connectivity for species and habitats of principal importance** advises that all development should avoid a net loss of biodiversity/nature conservation value and actively pursue opportunities to achieve a net gain, whilst **Policy LB 12 Seasalter** states that the Seasalter marshes, designated of national and international conservation importance within The Swale Site of Special Scientific Interest (SSSI), are the largest area in unfavourable ecological condition in the North Kent Marshes Environmentally Sensitive Area. The City Council will strongly support projects to restore, enhance and extend the ecological value of this area and promote the extension of Seasalter Levels Local Nature Reserve to the wider area shown on the Proposals Map.
281. Both Policy LB 9 and LB 12 seek to achieve net gain in biodiversity, and enhance and extend the ecological value of the area. The Development conforms to the requirements of **Policy LB 9** and **LB 12**, as it provides a Habitat Management Areas and overall, the conservation status of IEF species, habitats and designated sites is maintained or improved, and there is a net gain in the biodiversity value of the site. The embedded mitigation that is proposed as part of the Development will provide a net conservation gain for biodiversity, with the conservation status of IEF species, habitats and designated sites maintained or improved.

6.1.4 Cultural Heritage and Archaeology

6.1.4.1 Policy Description

Swale Local Plan

282. **Policy CP 8 Conserving and enhancing the historic environment** states that development should sustain and enhance the significance of designated and non-designated heritage assets to sustain the historic environment whilst creating for all areas a sense of place proposals will, as appropriate:
- Accord with national planning policy in respect of heritage matters, together with any heritage strategy adopted by the Council;
 - Sustain and enhance the significance of Swale's designated and non-designated heritage assets and their settings in a manner appropriate to their significance and, where appropriate, in accordance with Policies DM30-DM34;
 - Respond to the integrity, form and character of settlements and historic landscapes;
 - Respond positively to the conservation area appraisals and management strategies prepared by the Council; and
 - Respect the integrity of heritage assets, whilst meeting the challenges of a low carbon future.

Canterbury Local Plan

283. **Policy HE 12 Area of Archaeological Interest** states that within the Canterbury Area of Archaeological Importance and areas of recognised archaeological potential elsewhere in the District the City Council will determine planning applications involving work below ground level once the applicant has provided information in the form of an evaluation of the archaeological importance of the Site, and, an assessment of the archaeological implications of the proposed development.

6.1.4.2 Policy Assessment

284. The Development has been a subject to a detailed heritage assessment to identify and evaluate heritage assets within the site and a surrounding Study Area, and assess how the Development may potentially affect these heritage assets. The assessment has considered both the national and local policy. The Development is assessed to have limited impacts on the relevant heritage assets and their settings. The low lying nature of the development ensures that it will not have a significant effect on the historic landscape of the Graveney marshes. It is considered that the overall benefits of the development in terms of carbon reduction and contribution to the renewable energy mix outweigh the modest impacts on the historic environment. The full heritage assessment is set out in Chapter 11 Archaeology of the ES. In summary, the Statement of Significance set out in Section 11.10, Chapter 11 has concluded the following:

Archaeological Remains

285. Through a programme of archaeological mitigation in accordance with an approved Written Scheme of Investigation it is anticipated that archaeological remains can be preserved by record resulting in a minor adverse effect to archaeological remains. If remains of high significance are encountered during further investigations it is anticipated that the Development design could be altered to preserve these remains in situ, and/or further agreed investigation can be carried out leading to preservation by record.

Built Heritage

286. The WWII Pillbox located within the core ASA is not expected to incur any direct effects as a result of the Development as the pillbox will be preserved in situ. There will however be a significant indirect effect resulting from a fundamental change in its setting and a consequent reduction in the contribution of the setting leading to a loss of significance ("harm" in NPPF terms) for this undesignated asset.

287. Effects of "**minor**" significance have been identified from a loss of significance at The Church of All Saints in Graveney (Grade I), Graveney Court Farm (grade II) and Sparrow Court (Grade II) and Graveney Conservation Area. These effects are not considered to be significant effects in EIA and constitute "less than substantial harm" in terms of the NPPF. In addition to this, any effect upon significance arising from a reduction in the contribution that the setting makes for these assets will be reversible after the decommissioning of the Development.

Historic Landscape Character

288. The Historic Landscape Character of the core ASA will be temporarily altered as a result of the Development. This is expected to result in a **minor effect** during the construction and operational phases. The Development design has incorporated measures to mitigate effects to the Historic Landscape Character such as the preservation of drainage ditches and the exclusion of Cleve Hill from the Development, which will create a distinction between the lower lying marshland and the higher settled ground at Cleve Hill and Graveney. Due to the nature of the Development, both direct and indirect effects to the Historic Landscape Character will be reversible after the decommissioning of the Development.

289. With an overview of the EIA results, the Development is considered to comply with the provisions of **Policy CP 8** and **HE 12**, as the Development is expected to have very limited effects on the built heritage. It is considered that the benefits of the development outweigh the effects on the historic landscape character.

6.1.5 Noise and Vibration

6.1.5.1 Policy Description

Swale Local Plan

290. **Policy DM 20 Renewable and Low Carbon Energy** in part advises that permission will be granted where impacts of the Development on residential amenity and safety by virtue of noise are minimised and mitigated to acceptable levels.

Canterbury Local Plan

291. **Policy DBE 2 Renewable Energy** in part states that applications for the development of renewables are expected to avoid any significant adverse impact such as noise impacts.
292. **Policy DBE 3 Principles of Design** in part advises that development proposals should have regard to the impact of polluting elements such as noise.
293. In line with the requirements of NPS EN-1 and NPPF, a detailed noise assessment has been undertaken as part of the EIA to evaluate the effects of noise from the Development on nearby noise sensitive receptors and assesses these against relevant policy guidance, legislation and standards including:
- The Control of Pollution Act 1974 (CoPA 1974);
 - The Environmental Protection Act 1990 (EPA 1990);
 - BS 5228:2009 code of practice for noise and vibration control on construction and open sites;
 - Construction and Waterfowl: Defining Sensitivity, Response, Impacts and Guidance; and
 - Exploring Behavioural Responses of Shorebirds to Impulsive Noise.

6.1.5.2 Policy Assessment

294. Chapter 12 Noise of the ES has set out the relevant guidance and methodology for the Noise Impact Assessment and has assessed the significance of potential noise and vibration effects during the construction, operational and decommissioning phases, and proposed mitigation measures where necessary. The findings are set out as follows:

Construction Phase

295. The Development design and embedded mitigation measures are such that noise and vibration effects have been found to be not significant at the identified human receptors for all construction activities.

Operational Phase

296. The reduction in sound power levels of substation and energy storage equipment specified in the mitigation column of Table 12.15 of the EIA Report can be achieved through the application of one or more of the following options:
- Final technical specification of substation and energy storage components being quieter than assessed;
 - Additional screens / enclosures surrounding items of equipment; and
 - Acoustic screening along the electrical compound perimeter.
297. The Applicant will continue to work with substation and energy storage plant manufacturers and suppliers prior to submission of the DCO application submission to ensure that sufficient noise mitigation can be incorporated into the design, and that noise emissions due to the equipment selected for installation are such that the noise levels specified in Table 12.15 of the EIA Report are achieved, resulting in, at worst, a minor

effect, which would be not significant under the EIA Regulations. Further information on this will be included in Chapter 12 of the ES.

Decommissioning

298. Decommissioning effects would be of a similar nature to that of construction and will be managed through the best practice measures detailed in Section 12.5 or other guidance or legislation relevant at the time. Residual effects during decommissioning would be not significant in terms of the EIA Regulations.
299. The statement of significance concludes that there would be no significant noise or vibration effects in terms of the EIA Regulations.
300. In summary, the Development will not give rise to any significant effects in terms by virtue of noise. As such, the Development is considered to comply with **Policy DM 20, DBE 2** and **DBE 3**, in terms of noise.

6.1.6 Hydrology, Flood Risk, and the Coast

6.1.6.1 Hydrology and Flood Risk

Swale Local Plan

301. **Policy DM 21 Water, Flooding and Drainage** advises that development proposals should:
 - Avoid inappropriate development in areas at risk of flooding and where development would increase flood risk elsewhere;
 - Provide site specific flood risk assessments;
 - Include, where possible, sustainable drainage systems;
 - Integrate drainage measures within the planning and design of the project;
 - Protect water quality, including safeguarding ground water source protection zones from pollution, to the satisfaction of the Environment Agency.
302. As the majority of the Development is elevated from ground level, the associated flood risk is reduced significantly, and the coastal location means that no impacts will be passed on to other areas. Drainage measures are integrated into the design to ensure that the Site continues to drain water effectively. Full details of the hydrology of the Development, including a full flood risk assessment, can be found in chapter 10 of the ES.

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303. **Policy CC 4 Flood Risk** advises that sites in Flood Zone 2 and 3, and sites larger than 1 ha in Flood Zone 1 will be subject to a Flood Risk Assessment. Measures identified to mitigate effects shall be installed and maintained to ensure their long term retention, maintenance and management. Other flood resilient and/or resistant measures may also be required, and their provision will be informed by the findings of a submitted Flood Risk Assessment.
304. **Policy CC 5 Flood Zones** states that on sites that have not been previously developed within the Environment Agency's Zones 2 and 3, new development will only be permitted if it can be demonstrated that it satisfies the requirements of the Sequential Test and, where required, the Exception Test. Extensions to existing property and change of use must meet the requirements of flood risk assessments.
305. **Policy CC 11 Sustainable Drainage Schemes** states that applications should have drainage provisions, to control surface water, and manage flood risk on-site and off-site. SuDS or other appropriate measures should:
 - a) Maintain public safety;

- b) Provide sufficient attenuation to surface water flows as appropriate;
 - c) Ensure that there is adequate treatment of surface water flows, such that there is no diminution in quality of any receiving watercourse;
 - d) Ensure protection of groundwater; and
 - e) Provide or enhance wetland habitat and biodiversity where possible.
306. On major and strategic developments it should be shown how this infrastructure will be delivered over the different building phases to ensure that schemes are delivered as envisaged and that ongoing and future flood risk is managed.
307. **Policy LB 13 River Corridors** states that development shall show how the environment within river corridors and river catchments, including the landscape, water environment and wildlife habitats, will be conserved and enhanced. Supply of water, treatment and disposal of waste water and flood risk management should be shown to be sustainable and deliver environmental benefits, within the water environment.
308. The Solar Park is within Flood Zone 3a, but in an area benefiting from existing coastal defences, and protected by those defences against a 1 in 1,000 year flood event. It was therefore expected that through design mitigation and incorporation of flood resistance and resilience into the project design, the flood risk onsite could be mitigated. A detailed Flood Risk Assessment has been prepared as part of the Environmental Impact Assessment, where chapter 10 sets out the Hydrology, Hydrogeology, Flood Risk, and Ground Conditions consideration in details.
309. The Statement of Significance concludes that the Development has been assessed as having the potential to result in effects of negligible significance. Given that only effects of moderate significance or greater are considered significant in terms of the EIA Regulations, the potential effects on Hydrology, Hydrogeology, Flood Risk and Ground Conditions are considered not to be significant.

6.1.6.2 *The Coast*

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310. **Policy DM 22 The Coast** advises that permission will be granted for proposals at or near the coast subject to:
- 1. Maintaining or enhancing access to the coast where it can be appropriately managed;
 - 2. The protection, enhancement or management as appropriate of biodiversity, landscape, seascape and coastal processes;
 - 3. Enabling wildlife to adapt to the effects of climate change, contributing towards the Local Plan's Natural Assets and Green Infrastructure Plan provided by Policy CP 8;
 - 4. No overriding conflict with the policies and proposals of the Shoreline Management Plans;
 - 5. Proposals within the built up area boundaries as defined on the Proposals Map, contributing to the rejuvenation of the developed coast, particularly where enhancing either existing industrial and maritime infrastructure, coastal heritage, tourism or environmental management;
 - 6. Proposals at the undeveloped coast and its hinterland, supporting conservation and enhancement; and
 - 7. Compliance with Policy DM 23 for the Coastal Change Management Area.
311. The Development will not impede any of the rights of way that traverse or border the Site (including in particular the Saxon Shore Way) and so will maintain access to the coast. The development will also allow for conservation and enhancement of the coastal area by providing improved habitats for birds and other species. As such the Development is

considered to comply with this policy. Full details can be found in chapters 4, 8 and 9 of the Environmental Statement.

312. **Policy DM 23 Coastal Change Management** states that within the Coastal Change Management Area (CCMA), development proposals will be granted permission subject to:

1. Proposals will not result in an increased risk to life, nor a significant increase in risk to property;
2. The proposal comprising:
 - a) essential infrastructure; or
 - b) a Ministry of Defence installation; or
 - c) an agricultural building(s); or
 - d) water-compatible development; or
 - e) (within Erosion Zones 1 or 2) a use as defined by criterion 3 or 4, below, as appropriate.
6. A temporary planning permission being sought where necessary, together with, as appropriate, a legal agreement to secure the long term management of the site.

313. Whilst the Development Site falls within the CCMA, it is not in an erosion zone. The proposal will not result in an increased risk to life or property, due to the distance from the nearest settlements and residential properties. The Development will already benefit from the existing flood defences. The proposal is considered as essential renewable energy infrastructure, which will significantly contribute to the energy mix and reduce dependency on fossil fuels. Whilst the consent for the Development is not sought for a temporary period of time, it is recognised that the Development will be decommissioned at the end of its operational phase and the existing coastal flood defences which protect the Development site will be maintained by the Applicant for the duration of the operational life. As such, the Development is considered to comply with Policy DM 3.

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314. Policy SP 6 Strategic Access Management and Monitoring (SAMM) Mitigation Measures for the Coastal Special Protection Areas and Ramsar Sites states that Development that may have an adverse effect on the integrity of the coastal sites being the Thanet Coast and Sandwich Bay SPA or Ramsar and Swale SPA and Ramsar, alone, or in combination with other plans or projects, through an increase in recreational disturbance on the over-wintering bird populations for which these sites are designated. As such, the strategic development sites identified in the Plan and any other developments within the identified Zone of Influence, as shown on the District Proposals Maps (Thanet Coast and Sandwich Bay SPA 7.2km and the Swale SPA 6km), which would lead to an increase in recreational disturbance, are required to fund, in-perpetuity, access management and monitoring measures to mitigate these impacts, including:

1. Wardening of the coastal SPA and Ramsar sites, signage and interpretation and increased education; and,
2. Ongoing monitoring and surveys of the sites, particularly with regard to visitors and bird numbers, which will be linked to the wardening programmes; and,
3. Any other measures shown to be required or appropriate to mitigate the effects of development; for example, provision of additional natural green space could form part of the mitigation in addition to any contributions made.
4. Contributions will be made having regard to the guidance prepared by the City Council. Any tariff will comprise a one off payment incorporating a levy for annual expenditure to operate the mitigation strategy and a portion for capital investment to fund wardening and mitigation measures in-perpetuity.

315. The effects of the Development on the Swale SPA and RAMSAR site have already been assessed in section 3.4.3 whereby the effects have been assessed as not significant.

Where significant effects are likely to occur, appropriate mitigation measures have been recommended. As such, the Development complies with **Policy SP 6**.

316. **Policy LB 3 Undeveloped Coast** proposes that development that does not detract from the unspoilt scenic quality or scientific value of the undeveloped coast as shown on the Proposals Map will be permitted.
317. The effects of the Development on the landscape quality have already been assessed in Section 3.4.2. Of this Statement, and Chapter 7 LVIA of the ES. Development will comply with the requirements by mitigating against any adverse impacts on the designated features as set out in the Landscape and Biodiversity Management Plan available in ES Technical Appendix A5.2. Furthermore, the Development will provide significant social and economic value and benefit in the form of clean and affordable energy, as already discussed in section 1.6 of the Statement and Statement of Need. As such the Development complies with **Policy LB 3**.
318. Following the requirements of the local planning policy, the impacts on the coast and coastal processes have been considered where relevant throughout the EIA, whereby the findings are set out in Chapter 10 of the ES. In summary, the Development is assessed to be safe over its lifetime and have no significant effects on the coast and coastal processes, as the Development already benefits from existing flood defences. The Development will not have any significant effects on the quality and scenic value of the landscape, as already assessed in section 3.4.2. As such the Development is considered to comply with the NPPF, NPS EN-1 and the relevant local planning policies in relation to the coast.

6.1.7 Access, Transport and Traffic

6.1.7.1 Policy Description

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319. **Policy DM 3 Rural Economy** in part advises that permission will be granted where new rural based development avoids scales of generation of traffic incompatible with the rural character of the area, having regard to Policy DM 6 and Policy DM 26.
320. **Policy DM 14 General Development Criteria** in part advises that, as appropriate, proposals will achieve safe vehicular access.
321. **Policy DM 26 Rural Lanes** states that permission will not be granted where development would either physically or as a result of traffic levels significantly harm the character of rural lanes. For those rural lanes shown on the Proposals Map, development proposals should have particular regard to their landscape, amenity, biodiversity, and historic or archaeological importance.

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322. **Policy T 1 Transport Strategy** advises that in considering the location of new development, the council will consider a number of key principles, some of which are directly applicable to the Development:
- Controlling the level and environmental impact of vehicular traffic and air quality; and
 - Reducing cross-town traffic movements in the historic centre of Canterbury.
323. **Policy T 16 Rural Lanes** states that rural lanes which are of landscape amenity, nature conservation, historic or archaeological importance will be protected from changes and management practises which would damage their character, and where possible be enhanced.

6.1.7.2 Policy Assessment

324. The Development will not physically or as a result of traffic levels harm the character of the rural lanes passing along the Development boundaries. The rural lanes are considered in the EIA and regard is given to their landscape, amenity, biodiversity, and archaeological importance. Increased traffic levels are expected during the construction phase, however, traffic will be managed by a Construction Traffic Management Plan (an outline of which is included in the ES as Technical Appendix 14.1) and mitigation measures will be adopted to protect the rural lanes. No significant traffic is expected during the operational phase of the Development, leaving a negligible effect on the rural lanes. Therefore, the Development is deemed to comply with **Policy DM 3, DM 26, and Policy T 16**.
325. As a strategy to manage the effect of traffic generated as part of the Development has been created, helping to reduce the effects of the Development, it is considered that a safe vehicular access will be achieved. Moreover, the EIA has concluded that the Development will give rise to no significant effects on vehicular traffic. As such, the Development is considered to comply with **Policy DM 14 and T1**.

6.1.8 Agricultural Land Classification

6.1.8.1 Policy Description

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326. **Policy DM 31 Agricultural Land** advises that development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries. Development on best and most versatile agricultural land (specifically Grades 1, 2 and 3a) will not be permitted unless:
- There is no alternative site on land of a lower grade than 3a or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development; and
 - The development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land.

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327. **Policy EMP 12 Agricultural Land** states that the Council will seek to protect the best and most versatile farmland for the longer term. Where significant development of unallocated agricultural land is demonstrated to be necessary to meet a housing, business or community need, planning permission may be granted on best and most versatile land if a suitable site within the urban area or on poorer quality land cannot be identified.

6.1.8.2 Policy Assessment

328. With an overview of the relevant policy requirements, an Agricultural Land Classification Survey (ALC) has been carried out to provide information on the soils and agricultural land quality. The findings of the ALC Survey concluded that approximately 95% of the land within the Solar Park where development could take place is classified as Grade 3b, which is not best and most versatile agricultural land, i.e. it is of lower agricultural quality. The need for the Development cannot be met on land within the built-up area, due to its size and function. Following the conclusions of the Statement of Need, size remains important, and maximising generating capacity across available grid connections increases the likelihood of funding being secured for projects, as well as delivers enhanced benefits to consumers through bringing power to market at the lowest cost possible.
329. The Development will not affect the viability of the remainder of the agricultural holding and will not result in losses of high quality agricultural land. The Development will retain

the agricultural function of the land by making it available for grazing. As such the Development is considered to comply with the national and local policies, as it will diversify the use of the land whilst retaining part of the agricultural function by making the Site available for sheep grazing. Furthermore, at the end of the operational life, the land will be restored to its original state. The solar panels are expected to have a very limited impact on the land due to their simplistic structure. Overall, the Development is considered to comply with **Policy DM 30** and **Policy EMP 12**.

6.1.9 Air Quality

6.1.9.1 Policy Description

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330. **Policy DM 20 Renewable and Low Carbon** in part advises that permission will be granted for renewable energy schemes where impacts on residential amenity and safety including air quality, tranquillity and transport are minimised and mitigated to acceptable levels;

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331. **Policy QL 11 Air Quality** advises that development that could directly or indirectly result in material additional air pollutants and worsening levels of air quality within the area surrounding the development site or impact on the existing Air Quality Management Area will not be permitted unless acceptable measures to offset or mitigate any potential impacts have been agreed as part of the proposal. An air quality assessment will be required if the proposal is likely to have a significant effect taking account of the cumulative effects on individual sites.

6.1.9.2 Policy Assessment

332. Following the requirements of Policy QL 11, Air Quality Assessment has been carried out as part of the EIA and it is available in Chapter 16 Air Quality of the ES. The assessment considers potential emissions of fugitive dust during construction and decommissioning activities and the effects of vehicle exhaust emissions associated with the construction and decommissioning phases of the Development. A number of AQMA's have been declared within the Swale Borough Council Area. The nearest is the Ospringe Street AQMA, located approximately 3.3 km from the Development Site.
333. This assessment has found that, following mitigation, construction and decommissioning phase dust emissions are predicted to lead to negligible and not significant effects on sensitive human and ecological receptors. The mitigation measures are set out in details in Chapter 16 of the ES.
334. Vehicle emissions from construction and decommissioning traffic will not result in any exceedances of the air quality objectives for NO₂ and PM₁₀ at any assessed receptors in either the 'with Development' or 'without Development' scenarios. Modelled concentrations of the with Development scenario predict only small changes in NO₂ and PM₁₀ concentrations, which are well below the respective air quality objectives at the end of construction in 2022. The predicted effects are negligible for NO₂ and imperceptible for PM₁₀, and not significant.
335. Emissions from NRMM to be utilised during construction and decommissioning are predicted to have a slight adverse and not significant effect on air quality. However, successful implementation of robust management and control measures will reduce the local air quality effect associated with NRMM to negligible and not significant.
336. With an overview of the Air Quality Assessment, the Development is assessed to comply with Policy DM 20, as the effects will be mitigated and minimised, so that it does not result

in a detrimental impact on the local residential amenity in terms of air quality. The Development is considered to comply with **Policy QL 11**, as it is not expected to directly or indirectly result additional air pollutants and worsening levels of air quality within the area surrounding the development site, as the predicted effects of the Development on the air quality, following mitigation, are not significant.

6.1.10 Minerals

Kent County Council Minerals and Waste Plan

337. According to the Kent County Council, the Site is zoned for alluvial mineral extraction. As such the following policies are applicable:
338. **Policy DM 7 Safeguarding Mineral Resources** states that permission will be granted for non-mineral development that is incompatible with minerals safeguarding, where it is demonstrated that either:
1. The mineral is not of economic value or does not exist; or
 2. That extraction of the mineral would not be viable or practicable; or
 3. The mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or
 4. The incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or
 5. Material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or
 6. It constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions; or
 7. It constitutes development on a site allocated in the adopted development plan
339. The Development is considered to accord with **Policy DM 7**, as at the end of its operational land, the Development will be decommissioned and will not affect the viability of any future extraction of minerals, as it is easily reversible.
340. **Policy DM 8, Point 4 Safeguarding Minerals, Management, Transportation, Production & Waste Management Facilities** is found relevant to the Development and advises that permission will be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities, where it is demonstrated that *it is for a temporary period and will not compromise its potential in the future for minerals transportation.*
341. The Development is considered to comply with **Policy DM 8**, as it will be decommissioned and the land will be fully restored at the end of its operational life and will not compromise its potential in the future for minerals extraction and transportation.

6.1.11 Socioeconomics

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342. **Policy DM 3 The Rural Economy** advises that permission will be granted for sustainable growth and enterprise in the rural area where it will as appropriate:

- Firstly consider the appropriate re-use of existing buildings or the development of other previously developed land, unless such sites are not available or it is demonstrated that a particular location is necessary to support the needs of rural communities or the active and sustainable management of the countryside;
 - Result in no significant harm to the historical, architectural, biodiversity, landscape or rural character of the area; and
 - Avoid scales of traffic generation incompatible with the rural character of the area, having regard to Policy DM 6 and Policy DM 26.
 - Increase the use of renewable energy sources in accordance with Policy DM 20.
343. Following the requirements of Policy DM 3, there were no other sites suitable to accommodate the Development. The selected site maximises the energy output and efficiency and it is in close proximity to the National Grid connection point. More detailed justification of the site selection is available in section 1.6.5 suitability of the Site and in the Statement of Need, DCO Document Reference 7.3.
344. The Development has been assessed to have no significant harm to the historical, architectural, biodiversity, landscape or rural character of the area based on the EIA findings summarised in the sections above.
345. Volumes of traffic will only increase during the construction phase of the project, and even then not to significant levels, meaning that the rural character of the area will not be negatively affected. The development will increase the use of renewable energy resources. As such the development complies with **Policy DM 3**. Further details in relation to this policy can be found in Chapters 4, 7 and 14 of the ES.

6.1.12 Miscellaneous

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Policy DM 14 General Development Criteria

346. As appropriate, proposals will:
1. Accord with the policies and proposals of the adopted Development Plan unless material considerations indicate otherwise;
 2. Include information sufficient to enable the Council to determine the application in conjunction with the Council's published Local List of requirements;
 3. Accord with adopted Supplementary Planning Documents and Guidance;
 4. Respond to the constraints and opportunities posed from climate change and natural processes;
 5. Reflect the positive characteristics and features of the site and locality;
 6. Conserve and enhance the natural and/or built environments taking in to account the desirability of sustaining and enhancing the significance of heritage assets;
 7. Be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location;
 8. Cause no significant harm to amenity and other sensitive uses or areas;
 9. Provide for an integrated landscape strategy that will achieve a high standard landscaping scheme that informs the earliest stages of a development proposal; and
 10. Achieve safe vehicular access.
347. The Development complies with **Policy DM 14** as it has been assessed to conform to all the relevant planning policies throughout the topic specific sections above. No relevant supplementary guidance has been identified. The Development directly responds to the challenge of climate change, as it will contribute to CO2 emissions reduction and will provide clean energy. It will conserve and enhance the local natural and historic environment and amenity, as assessed in sections 3.4.2 to 3.4.9. Finally, a Biodiversity and Landscape Management plan are prepared and submitted as Technical Appendix A5.2.

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348. **Policy QL 12 Potentially Polluting Development** advises that when granting planning permission for development which could potentially result in pollution, the City Council will impose conditions or seek agreements to ensure subsequent mitigation measures are undertaken.
349. Following the conclusions as set out in Chapter 17 Miscellaneous Issues, Section 17.6 A limited amount of pollution is expected to be generated by the Development during construction. Once operational, the Development will not generate pollution due to its static nature and function. Light pollution has been assessed under the landscape topic, whilst air quality – under the Air Quality topic, where the Development was assessed as compliant. As such the Development is also in line with **Policy QL 12**.



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