

**Swale House, East Street,
Sittingbourne, Kent ME10 3HT**
DX59900 Sittingbourne 2
Phone: 01795 424341
Fax: 01795 417141
www.swale.gov.uk



Tracey Williams
Case Manager
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Please ask for: James Freeman
Tel No: 01795 417309
Our Ref: JF/ letter / Nov18
Your Ref: EN010085
Date: 28 November 2018

BY EMAIL TO: CleveHillSolarPark@pins.gsi.gov.uk

Dear Ms Williams,

Planning Act 2008 (as amended) – Section 55

Application Cleve Hill Solar Park Ltd for an Order Granting Development Consent for the Cleve Hill Solar Park

Adequacy of Consultation Representation

Thank you for your letter of 16 November 2018 notifying the Borough Council of the submission of the application for a Development Consent Order for the Cleve Hill Solar Park, and for inviting the Council to submit a representation relating to the adequacy of the applicant's pre-application consultation. This letter constitutes the Council's representation.

The Council was consulted on the draft Statement of Community Consultation (SOCC) in October 2017. Kent County Council made some comments on the draft SOCC that the Council endorsed, but we did not make any further comments. The SOCC was then finalised and this representation is based on the extent to which the applicant appears to have adhered to the requirements of the SOCC.

In terms of the applicant's duties under Sections 42, 47 and 48 of The Planning Act 2008 the Council considers that the applicant has made very substantial efforts to make the project known, to liaise with the Council and the local community, and to keep all parties informed of the evolving nature of the project. The proposals have been amended in response to some (but not all) specific concerns of the Council and others, and this has shown a degree of willingness on the part of the applicant to listen to the issues raised. Information provided has been extensive and detailed but necessarily subject to potential change and uncertainty, albeit the applicant has tried to explain the worst case scenarios within which the project would be progressed.

Local exhibition venues have been conveniently located as required by the SOCC and, except for one where the venue was chosen as a result of a locally raised suggestion, well attended. Consultation materials have not been without some criticism, but in the Council's view, overall they have attempted to fairly show the nature, scale and likely impacts of the proposal. The Preliminary Environmental Information Report (PEIR) of May 2018 was substantial and very comprehensive and was published alongside the Phase Two Consultation. This PEIR, with its shorter non-technical summary, informed the consultation and a longer than statutory minimum six week period was provided for comments at this stage, which was helpful.

**Swale House, East Street,
Sittingbourne, Kent ME10 3HT**
DX59900 Sittingbourne 2
Phone: 01795 424341
Fax: 01795 417141
www.swale.gov.uk

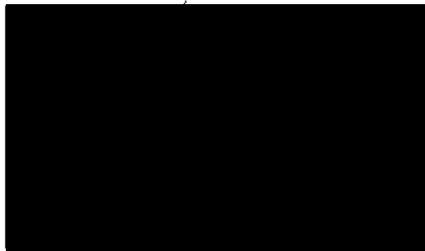


The duration of consultation periods has exceeded statutory minimums and been in accordance with the SOCC. Numerous meetings and briefings have lo been held to which local Councillors, the Parish Council and others have been invited. There appears to be a very wide awareness of the project locally, as witnessed by the substantial number of representations submitted to the applicant at both stages of pre-application consultation.

The Council has been sent detailed and lengthy criticisms of the applicant's approach to pre-application consultation by The Faversham Society and by Graveney Rural Environment Action Team (GREAT). On 7th September 2018 the applicant produced a formal note responding to these criticisms, which include concerns about matters beyond the scope of the SOCC. The Council does not consider that all these criticisms are relevant to the Council's representation regarding adequacy of pre-application consultation, nor do they all fully recognise the evolving nature of the project in the context of an iterative pre-application consultation process. The Council does not find that these criticisms point to a significant failure of the applicant to adhere to the SOCC. Nevertheless, these letters are enclosed for reference, and so that these criticisms can be fully understood at your end.

Overall, the Council is satisfied that the applicant has made adequate provision for pre-application consultation on this Consent Order Application. I understand that this view does not prejudice the Council's view on the merits of the proposal, which we will be considering in detail over the coming months.

Yours Sincerely



James Freeman
Head of Planning



THE FAVERSHAM SOCIETY

FOUNDED 1962

FLEUR DE LIS HERITAGE CENTRE

ESTABLISHED 1977

Harold Goodwin, Chair, 10-13 Preston Street, Faversham, ME13 8NS

6th August 2018

FAO Planning Inspectorate

The Cleve Hill Solar Park: The Society's Critique of the Consultation Process

The Faversham Society considers the public consultation process conducted by Cleve Hill Solar Park Ltd to be so fundamentally flawed that they cannot be considered to have undertaken their duty to fully engage with and consult the public. The results of this process cannot be taken as a true reflection of public sentiment about the development of the proposed solar power station.

Members of the Society strongly believe that the consultation process has been deliberately designed to obscure the full effect of the Cleve Hill development and to misrepresent the evidence about the damage to the environment, the negative effects on the local economy and the significant reduction in amenity value for both those who live in Faversham and the surrounding villages and for those who visit the area recreationally.

The Faversham Society considers that the consultation process adopted by the developers does not meet the Planning Inspectorate's standards because of deliberate exclusion, bias and misrepresentation. Examples of evidence to support this view are legion but include:

- The widely circulated consultation document published in May 2018 did not fairly represent the scale of the development nor its impacts. The visual representations are misleading.
- Perhaps the most glaring example is the name the developers have chosen for the project. Cleve Hill is but a small part of the area that will be devastated which is in fact the three large salt marshes of Nagden, Graveney and Cleve. To use 'Cleve Hill' is a deliberate misrepresentation – especially as the small area known as Cleve Hill is on the very periphery of the development. Equally misleading for a development of this unprecedented scale is the use of the anodyne term 'park'. This is a solar power station. Before any meaningful consultation can occur the name must be changed to more truthfully reflect what is being proposed.

- Several important aspects of the proposals – most notably the specification of the battery and the area of the power station - have changed during the consultation process.
- If developers were serious about conducting an open and fair consultation with the public they would have used social media as do most other public and private organisations. Such communication channels are now the norm in public consultation and we can only assume that the developer's reluctance to use them signifies deliberate avoidance of meaningful public consultation.
- The public have been effectively excluded from understanding the real implications of the proposals by developers hiding their negative impacts in technical documents of over two thousand pages – impenetrable to anyone without expert competence in a number of scientific fields. This appears to have been a deliberate ploy.
- This exclusion was compounded during the consultation events by the developers avoiding answering direct questions by referring members of the public to this data base. This occurred in meetings hosted by the Faversham Society when they were asked specific questions about environmental impact, noise during and after construction and the modelling of disruption to local traffic.
- Most particularly the vantage points chosen to provide an impression of what the developed site would look like suggested far less visual impact than would in fact be the case. There were no high level or distant views of the whole site. It was said during a consultation meeting that these vantage points were suggested to the developers but that does not excuse them from allowing a misleading picture to be presented to the public.
- A further example of deliberate misrepresentation is the picture of a 'solar pv module mounting structure' on page 6 of the document. The panels here - when scaled against the fence in the photograph – cannot be more than 2 metres high. The Graveney panels could well be 4 metres high. The 'indicative fencing and CCTV' photo on page 8 shows no panels in evidence at all!
- Moreover the contents of the 'non-technical summary' published in May 2018 on closer examination does not match the data in the main PIER. Assertions that there are 'no significant noise and vibration effects' (Page 23 para 12) does not tally with the evidence in the technical document that there would be noises of 100db generated by the plant.
- Moreover assertion that the 'socio-economic' impact of the development will have 'negligible adverse effect' (see Para 13 Page 23) is unsupported. The data used was 'Swale and the wider Kent area' and not the more immediate environs of Faversham and the surrounding villages. The public need to see the output of economic modelling for this more relevant for this

more local area particularly on tourism and visitors and the many small local businesses that service their needs.

- The assertion that 'the effect of the development on land use will be negligible' – even at a common sense level is laughable. If that were the case then why the consultation?
- Descriptions of the effect of the development on wild life end with phrases like 'negligible', 'low magnitude', 'not significant', 'no material effects', 'no direct disturbance', 'disturbance to birds is not predicted to occur'. Experts within the Society assure us that considerable damage to rare and protected species will occur. However we await the judgement of the RSPB and the Kent Wildlife Trust to make the inaccuracy of the developer's assertions evident.

Submitted on behalf of the Board by

Harold Goodwin

Chair of the Faversham Society



Graveney Rural Environment Action Team



The Planning Department
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent ME10 3HT

11th October 2018

Re: CLEVE HILL SOLAR PARK – CONSULTATION COMPLAINT

Dear Sir,

The Graveney Rural Environment Action Team (GREAT) considers the public consultation process conducted by Cleve Hill Solar Park Ltd (CHSPL) to be so fundamentally flawed that they cannot be considered to have undertaken their duty to fully engage with and consult the public. The results of this consultation process cannot be taken as a true reflection of the position of the local residents and other impacted people about the development of the proposed solar power station.

There are a number of aspects of the consultation that are *not* satisfactory that we would like to make you aware of:

1. It is our belief that any communication received from CHSPL has been designed to misrepresent the full effect of the development on wildlife, plant life, landscape, heritage, leisure, tourism and wellbeing. Examples of this include:
 - Contravention of the requirements to make information available to local communities who are, or may be, affected by the development. CHSPL had previously advised that, *"due to its proposed generation capacity being over 50MW, the solar park will be classified as a NSIP. This means that the developers will prepare an application which will be submitted to the Planning Inspectorate and finally determined by the Secretary of State for Business, Energy Innovation and Skills. The planning process under the Planning Act 2008 requires that project information be displayed at local information points."*
 - Members of GREAT surveyed the community venues included in CHSPL documentation where details of the proposed development should have been displayed:
 - Around 50% of locations checked in our closest communities did not have CHSPL materials.

- The majority of these locations were unaware that they were included on CHSPL's list of venues, suggesting a lack of engagement by the developers to ensure these venues were aware of, and indeed agreed to, the need to display their information.
 - Around 25% of the locations checked did initially have supplies of leaflets from CHSPL but no arrangements were in place for the developer to provide further supplies. This suggests that the developers did not ensure sufficient materials were available throughout the consultation period. This explains the reason why GREAT received so much contact from local people following our own awareness raising campaign, as they had not seen or received any details from the developers.
- CHSPL has chosen not to use social media effectively to enable an open and fair consultation. Their Twitter account has made only 33 Tweets and has 53 followers. There is no official CHSPL presence on Facebook or Instagram. By contrast, GREAT's Twitter account has 320 Tweets and 132 Followers, and GREAT's Facebook presence regularly reaches hundreds of people, and with a very small expenditure has been able to reach up to 13,000 people. Social Media is now common in public and private organisations. CHSPL's failure to utilise this media channel suggests they are deliberately and wilfully avoiding the possibility of enabling a meaningful public consultation.
 - CHSPL used an out-of-date mailing list for their early updates and communications, which meant that many affected people repeatedly missed out on this information. GREAT members who are very local to the site are still not receiving official communications. CHSPL have been told about this but nothing has been done to change the situation.
 - CHSPL continually state that they are not going to be taking government subsidies. However, their plans to graze sheep on the site and include battery storage could well attract subsidies so there is a lack of clarity here.
 - A true visual representation of the development, originally requested in November 2017, has never been produced. The visuals provided in the consultation material were not drawn to scale, nor did they reflect the layout included in the documentation, i.e. only one orientation was shown, not the dual orientation included in the documentation. This suggests they were presented to portray the solar park in a more positive, agreeable light.
 - CHSPL have refused to confirm the situation regarding the battery storage element of the development. This is a significant part of the development and not divulging this information shows an unwillingness to be open and transparent in providing the true facts.
 - In communicating information about the proposed development insufficient investment has been made to reach villagers that do not readily have access to IT. Additionally, many villagers have slow internet access. The CHSPL information has not been timely or complete, and the ability for individual responses is reduced. An example of this is the survey issued by CHSPL which was predominantly completed online. Paper versions were provided at the consultation events but these were only available to the limited number of people who were able to attend these.
 - The lack of response to questions asked at the consultation events further evidences the poor consultation process by not providing interested parties with the information they should be entitled to receive.

- The Preliminary Environmental Information Report (PEIR) provided was a huge and unwieldy document which was very difficult or impossible to download (due to slow internet speeds / lack of IT skills in the village) and was intimidating to the general public due to its size and technical content.
- CHSPL were not willing to include imperial measurements as well as metric info despite being asked to do this. This shows an unwillingness to provide the true scale of the development to the villagers.
- The PEIR included a large amount of unnecessary references to species which do not currently utilise the proposed development site because the habitat is unsuitable for them, e.g. badgers and otters. It appears that extensive surveys were undertaken to establish the reasons for their absence whilst the more important research into the indicative species which could realistically be expected to be present on the site has been overlooked, e.g. peregrine falcons, kestrels, brown hares and hedgehogs. This is believed to be an attempt to influence the public by presenting negative data whilst omitting positive data.
- The assessments on many of the impacts in the PEIR were reported in the Non-Technical Summary as insignificant, negligible or low magnitude. Those local residents who were technically proficient enough to download the full PEIR documents were shocked to discover that the full reports contained different information. Just one example is the Glint and Glare Study. In the full report, this states that for dwellings “the resulting impact significance is moderate. Accordingly, mitigation is not required but could be considered” whereas the Non-Technical PEIR Summary summarises this (on page 28) as “at worst case residential receptors is considered moderate. No mitigation requirement has been identified”. The Non-Technical PEIR Summary should provide lay people with a fair summary of the full PEIR but it is considered to be fundamentally flawed given the mis-representation that it includes.
- CHSPL have asserted that the agricultural land on which they intend to site their solar park on is unproductive, despite at least 2 crops a year having been grown on it for at least 20 years.
- The materials produced by CHSPL do not comply with the Government’s suggested Accessible Communication Formats (<https://www.gov.uk/government/publications/inclusive-communication/accessible-communication-formats>) to ensure they reach all of their intended audience. For example, the Community Project Updates include colours that are not dyslexia friendly and are unsuitable for people with a visual impairment (colours include orange and pale green) and a very small font size.
- The consultation process has been made more difficult than necessary due to the way it has been handled by the developers. Examples include:
 - An arrogant approach has been taken with comments including “We have very clever people doing very clever things...”, “We do not have to talk to you”, and “Aren’t you honoured that a developer has visited you...”.
 - Behaving in a sarcastic / disrespectful and confrontational manner, with comments by [REDACTED] including “This is only a muddy field...”, and “The view would look much better with solar panels”.
 - Trespassing – 4 householders reported that contractors from CHSPL had trespassed on their property and driven vehicles in areas they did not have permission to enter. This was raised with [REDACTED] who responded with “Well, you know what contractors are like...”.

- [REDACTED] initially refused to engage with GREAT. GREAT raised the issue with Swale Borough Council, Canterbury City Council and Kent County Council and, as a result of their intervention, an inaugural meeting took place with GREAT and the developers. This highlights the arrogance and bullish approach being taken by the developers.
- GREAT had not initially been invited to the meeting with statutory consultees where CHSPL will provide feedback on the comments they received as part of the second phase of consultation. GREAT is playing a very important role for the village, and is made up of volunteers who are putting their spare time and funds into this process. GREAT is facing a developer that is well-funded and able to spend money on experts who are able to devote huge amounts of time towards making their case. GREAT feels they should be, and have a right to be, included in these meetings.
- The length of time provided by CHSPL for individuals and organisations to respond to the PEIR documents was considered to be too short (30th May to 13th July) to enable most people to read and digest the c2,500 pages plus other substantial documents referenced, attend public consultations, meet with the developers and other groups to discuss the documents, and produce and send a formal response. We do not consider this was sufficient time to ensure our response was accurate and complete.
- The accompanying non-technical summary lacks any real detail and GREAT asserts this was published to ensure that ordinary people are not in a real position to provide holistic comments and engage with the consultation in a meaningful way. Additionally the document omitted some important pieces of information, including the plans for battery storage, configuration of panels, and height of panels.
- Not all consultation events held by CHSPL reflected the needs of those with disabilities, or those that do not have access to transport, e.g. some locations were difficult to reach and/or park (Sheppey). Additionally, the short timeframe the consultation events were held over – just four events over four consecutive days in June – meant that a large number of interested people were unable to attend.
- The attitude of the developers and their contractors at some of the public events caused significant distress to some local people who felt their views were not being taken seriously. At least three people are known to have had to leave the consultation events early because they were unable to hold back tears having been belittled and ridiculed.
- The survey conducted by CHSPL early on in the process used misleading information to influence the results, e.g. a question on whether the person was in favour of renewable energy with only a Yes/No response and no option to provide comments, was then 'translated' into an acceptance of the solar park development.
- GREAT has been made aware that residents within and outside the village raised complaints directly with CHSPL about various matters and have received no response.

GREAT has collected evidence to support these assertions which are in the form of photographic evidence, emails, comments in newspapers, witness statements and meeting notes with the National Planning Inspectorate.

We look forward to your response.

Yours faithfully

Michael Wilcox
Chairman, Graveney Rural Environment Action Team