

Mr Hefin Jones
 Case Manager
 National Infrastructure Planning
 Temple Quay House
 2 The Square
 Bristol
 BS1 6PN

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Dear Hefin

EN010085 - Application by Cleve Hill Solar Park Ltd for an Order Granting Development Consent for the Cleve Hill Solar Park

RE: Advice Following the Issue of Decision to Accept the Application for Examination

Thank you for your letter dated 14 December 2018 containing Section 51 advice including the Planning Inspectorate (the Inspectorate's) initial observations in relation to the Cleve Hill Solar Park DCO application.

We welcome the opportunity to address these observations and have done so as set out in Table 1 of this letter.

Please also note that it is the Applicant's intention to submit its responses to Relevant Representations as soon as possible following the close of the registration period, and certainly before the preliminary meeting, in order to assist the Planning Inspectorate in identifying: (a) the principle issues associated with this application; (b) the issues likely to require exploration in written questions and hearings; (c) the examination timetable; and (d) the resource implications for the Planning Inspectorate in relation to this relatively non-complex NSIP.

Table 1 - Applicant's Response to Inspectorate's Observations

Inspectorate Observations	Applicant's Response
Environmental Statement	
<p>1. The Climate Change aspect chapter of the Environmental Statement (ES) (Doc 6.1.15) and the modelling in the Flood Risk Assessment (FRA) (Doc 6.4.10.1) have been based on the UKCP09 Climate Projections. The Inspectorate notes that the UKCP18 Climate Projections were published on 26 November 2018, after submission of the application.</p> <p>As advised in the Planning Inspectorate's Scoping Opinion, the assessment of potential impacts of climate change should use the latest UK Climate Projections as required by the relevant National Policy Statement. Accordingly, the Applicant should re-evaluate the relevant assessments in light of the most recent UKCP18 Climate Projections. The Applicant should respond confirming whether this presents any</p>	<p>The relevant section of the Climate Change assessment (Doc 6.1.15) is section 15.4.1 Vulnerability of the Development to Climate Change. This section concluded that changes predicted in UKCP09 were of limited magnitude and the development is of negligible sensitivity in respect of temperature, wind speed, and cloud amount. The development is not vulnerable to changes in these parameters based on either UKCP09 or UKCP18, and therefore the assessment conclusions remain the same.</p> <p>The development is potentially vulnerable to changes in sea level and the Climate Change chapter of the ES cross references to Chapter 10 - Hydrology, Hydrogeology, Flood Risk and Ground Conditions (doc 6.1.10) and the</p>

Inspectorate Observations	Applicant's Response
<p>implications for the design of the Proposed Development and the findings of the relevant assessments.</p>	<p>associated flood modelling presented in the Flood Risk Assessment (doc 6.4.10.1). The flood modelling undertaken is based on National Planning Policy Framework sea level rise projections¹ (as well as parameters derived from climate projections) in line with extant government guidance.</p> <p>Whilst the availability of new data is welcome, caution is necessary in seeking to incorporate consideration of UKCP18 into existing and future modelling. Advice received from the Environment Agency regarding the use of the UKCP18² is that until further notice, flood risk assessments should continue to use current guidance³, including "Government Guidance Flood risk assessments: climate change allowances", which has not changed in response to the new UKCP18 climate projections. Therefore the modelling used to inform the Cleve Hill Solar Park application documentation remains valid.</p> <p>It is also relevant that a conservative approach has been taken to the design of the infrastructure, i.e., the project has been designed to be either resistant (electrical compound) or resilient to a flood event (including catastrophic defence failure) during a 1 in 1,000 year flood event in 2070 and includes a freeboard allowance of 300 mm.</p>
<p>2. The ES (Docs 6.1 – 6.5) and the Report to Inform Appropriate Assessment (RIAA) (Doc 5.2) state that no development is proposed in the Freshwater Grazing Marsh Habitat Management Area (FGM HMA). However Work No.8 in the draft Development Consent Order (dDCO) (Doc 3.1) would allow "works to create and maintain a habitat management area, comprising a) earth works, b) means of access and c) drainage" to be undertaken in the Habitat Management Areas. As shown on the Works Plan (Doc 2.2), the areas covered by Work No.8 also include the FGM HMA.</p>	<p>The dDCO, specifically Work No.8, is correct.</p> <p>The reference in the ES/RIAA to no development is proposed in the FGM HMA is also correct in that it acknowledges that no part of the solar and energy storage facility, or related electrical infrastructure, is proposed within the FGM HMA.</p> <p>Earthworks, means of access and drainage are activities that can be, and are already undertaken within the FGM HMA (thus forming part of the existing and future baseline for this</p>

¹ Government guidance on flood risk assessments: climate change allowances. Available online: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> [accessed 09/01/2018]

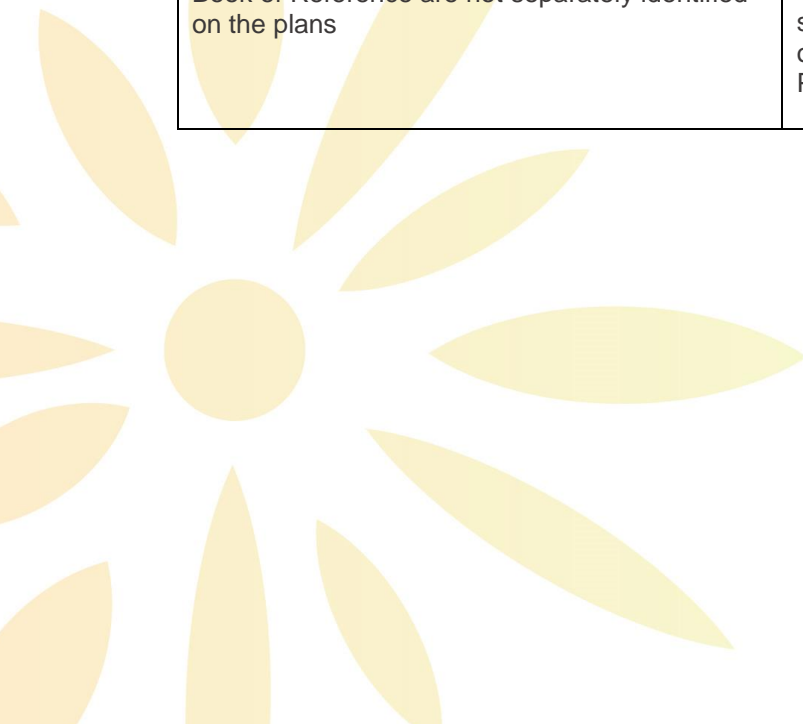
² Pers. Comm. (telephone call from Arcus to Environment Agency Modelling & Forecasting, Coastal South & West Unit 09/01/2019)

³ *ibid*

Inspectorate Observations	Applicant's Response
<p>The Applicant should explain the extent to which the works specified in the dDCO are consistent with what has been assessed in the ES and RIAA. In doing so the Applicant must address the following points:</p> <p>a) The inconsistency between the proposed works in Schedule 1 of the dDCO, the Works Plans and commitments made in the ES and RIAA in relation to the FGM HMA - specifically that "no development is proposed in this area"; and</p> <p>b) The extent to which the existing baseline (including any relevant sensitive receptors) within the FGM HMA have been considered. The Applicant should address the anticipated impacts (both beneficial and/or adverse) resultant from delivery of the "enhanced management" measures and activities specified in Work No.8. If required the Applicant should explain how this information affects the assessments made in the ES and RIAA.</p>	<p>area of land) under the existing land management regime (e.g., ditch management, vegetation management and accessing the area to undertake these activities). Therefore the dDCO seeks the ability to continue these existing activities within the level of variation that forms the existing baseline.</p> <p>As set out in the Consents and Licenses Required Under Other Legislation document (doc 7.5) if any additional activities are proposed in the FGM HMA, these would be subject to the types of consent that apply to activities within a Site of Special Scientific Interest (Table 1, Item 6).</p> <p>The Environmental Statement assumes a continuation of the existing baseline environment for the FGM HMA, and as a conservative assumption, does not assess the potential positive / beneficial effects as a result of positive changes to land management practices in the FGM HMA. Any changes to land management practices in the FGM HMA which can be undertaken within the DCO parameters will be agreed with statutory and non-statutory stakeholders, and will be enhancements (not mitigation) and therefore only beneficial effects can occur, and the assessment of effects within the ES will either remain the same, or will include additional positive / beneficial effects.</p>
<p>Works and Land Plans</p> <p>The Inspectorate has noted that Works plans (Doc Ref 2.2) are indicative, showing only areas for works and no specific detail. and that Work No.2 & 3 overlap completely. Please can the Applicant clarify all the Works specifically.</p>	<p>These plans are consistent with previous DCO applications. Regulation 5(2)(j)(ii) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 states that the works plan must show "<i>the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order</i>" which these do.</p> <p>The overlap of Works No.s 2&3 is intentional. These two works areas intersect spatially, but are different items (Work No 2 is either energy storage or solar panels, Work No 3 is a substation). Therefore it is appropriate to have these within the same area on the Works Plan but labelled as different Works Nos so that flexibility is maintained on the precise location of these works later.</p>

Inspectorate Observations	Applicant's Response
Plans showing Public Rights of Way (PRoW) and Streets and Access Plans	
The Inspectorate has noted that there are a number of discrepancies between the PRoW Plans and the dDCO. Please can the Applicant provide clarity on the comments below:	N/A
On the Streets and Access plans (Doc Ref 2.8) there appear to be three new tracks that are to be created which are not identified separately	These are covered within the DCO Schedule 1, under further associated development (c) " <i>ramps, means of access and footpaths</i> ".
Rights of Way plans (Doc Ref 2.3) show the existing routes of footpaths/rights of way, but do not contain information on which parts of the routes are to be stopped up (some of the paths fall outside of the order limits).	<p>The enclosed Rights of Way Plan has been updated to clearly show which parts of the routes are to be stopped up, and the revised version is enclosed (doc 2.3, Revision B).</p> <p>An extract of the updated table from Schedule 4 of the dDCO is included with this letter as Appendix A to reflect the changes to the Rights of Way plan.</p>
Distinction between start and end of given paths is unclear. Figure 3 shows paths ZR692 & CW90 as one complete footpath but there is no point at which one becomes the other (same for ZR484 & CW55).	The enclosed Rights of Way Plan has been updated to clearly show the start and end of given paths (doc 2.3, Revision B).
'Proposed Permissible Footpath' (as shown on Figure 3 of the Rights of Way plans (Doc Ref 2.3) does not appear to be cited in the dDCO.	This relates to the permissive path that is included in the authorised development. It is proposed that the public will have permissive access to the path, but it will not be designated as a PRoW/footpath. For that reason the permissive path is only included in Schedule 1 of the draft DCO under further associated development (f) " <i>permissive paths</i> ".
Crown Land Plans	
The Inspectorate has noted that the inset sections detailing the smaller plots (used on the land plans (Doc Ref 2.1)) are missing from the Crown Land plans. This can make seeing the affected plot difficult without also viewing the land plans. Please can the Applicant provide clarity on this.	Inserts have been added to the enclosed Crown Land Plan (Revision B).
Section 42(1)(a) persons prescribed	
<p>The Inspectorate has identified the following parties based on a precautionary interpretation of the regulations that have not been consulted under s42:</p> <ul style="list-style-type: none"> • Harlaxton Gas Networks Limited • Murphy Gas Networks limited • Eclipse Power Network 	<p>The Applicant has included these bodies in its s56 notification exercise.</p> <p>None of the three bodies identified were included in the Regulation 11 list provided by PINS at the Section 42 consultation stage in May 2018.</p>

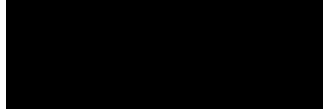
Inspectorate Observations	Applicant's Response
<p>Unless there is a good reason in each case on the basis of which the Applicant is confident that these bodies are not relevant to the proposed development, the Applicant is advised to include these bodies, or their appropriate successors, in its s56 notification exercise.</p>	
<p>Other issues raised in s55 checklist but not captured in s51 advice</p>	
<p>2.1 Land Plan – First plan is called 'Index Sheet' instead of Key Plan 2.10 Open Space Land Plan – First plan is called 'Index Sheet' instead of key plan 2.7 Crown Land Plan – No Key Plan</p>	<p>The Land Plan (doc 2.1), Open Space Land Plan (doc 2.10) and Crown Land Plan (doc 2.7) have been updated in line with these comments. The amended versions are enclosed marked 'Revision B'.</p>
<p>Land Plans</p> <ul style="list-style-type: none"> • All black cut lines between sheets are taken to be the plot boundaries. • Two potential unnumbered plots have been identified; West of 3/01A within 1/04, 1/05 & 1/07. • Scale given on sheet may not match that on the scale bar 	<p>Correct, the black cut lines are plot boundaries.</p> <p>These areas have arisen due to the red line being too thick. The enclosed revised Land Plan (Revision B) now clearly shows that there are no unnumbered plots.</p> <p>The Applicant considers the scale given on each sheet to match the scale bar.</p>
<p>Special Category Land Plans:</p> <ul style="list-style-type: none"> • Some plots (1/08, 2/02, 3/02A, 3/02B, 3/10) are subdivided (only a given area of a plot is used for 'open space'). • Plot 1/08 states in the Book of Reference – part 5 that only a part of the plot is required, all other plots where only part of the plot is depicted on the plans as needed for 'open space' just state the plot number. Plots 4/01 - 4/03 in the Book of Reference are not separately identified on the plans 	<p>This is correct, the Open Space Land Plan details the part of the plots that are considered to be open space.</p> <p>Part 5 of the Book of Reference has been updated to make it clear that only part of these plots is considered to be open space.</p> <p>Plots 4/01 and 4/03 were missing on the submitted plans in error. These plots are shown on Revision B of the enclosed Open Space Land Plan.</p>



In light of the submission of revised plans, the Guide to the Application Document (doc 1.3) has also been updated to Revision B and is enclosed.

If you have any questions regarding the content of this letter, please do not hesitate to get in touch.

Yours sincerely,



Hugh Brennan
 Managing Director
 For and on behalf of Cleve Hill Solar Park Ltd
 Encs.

Appendix A - Extract from Schedule 4 of the dDCO showing proposed updates in response to PINS observations.

1.3 Guide to the Application_Rev B; 2.1 Land Plan_Rev B; 2.3 Rights of Way Plan_Rev B; 2.7 Crown Land Plan_Rev B; 2.10 Open Space Land Plan_Rev B; 4.3 Book of Reference_Rev B.

APPENDIX A - Extract from Schedule 4 of the dDCO showing proposed updates in response to PINS observations.

SCHEDULE 4

Public rights of way to be temporarily stopped up

(1)Area	(2)Public right of way to be temporarily stopped up	(3)Extent of temporary stopping up
Swale Borough	Footpath <u>ZR 484</u> (Saxon Shore Way)	Between the points marked A as shown on figures 2 and 3 of the rights of way plan
Swale Borough	Footpath <u>ZR 485</u>	Between the points marked B as shown on figure 2 of the rights of way plan
Swale Borough	Footpath <u>ZR 488</u>	Between the points marked C as shown on figure 3 of the
Swale Borough	Footpath <u>ZR 692</u>	rights of way plan Between the points marked D as shown on figure 3 of the rights of way plan
Canterbury City	Footpath <u>CW90</u>	Between the points marked E as shown on figure 3 of the rights of way plan
Canterbury City	Footpath <u>CW55</u> (Saxon Shore Way)	Between the points marked F as shown on figure 3 of the rights of way plan