

## Application by Cleve Hill Solar Park Ltd for Cleve Hill Solar Park

### The Examining Authority's written questions and requests for information (ExQ1)

Issued on 7 June 2019

The following table sets out the Examining Authority's written questions and requests for information (ExQ1). The Examination timetable allows an opportunity for the Examining Authority to issue a further round of written questions in due course, should this be necessary. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex B to the Rule 6 letter of 18 April 2019<sup>1</sup>. Questions have been added to the issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties and other persons each question is directed to. The Examining Authority would be grateful if the named parties could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by persons to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number starting with 1 (indicating that it is from ExQ1), followed by an issue number and a question number. For example, the first question on Biodiversity and Nature Conservation issues is identified as question 1.1.1. When you are answering a question, please start your answer by quoting its unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the Examining Authority if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [CleveHillSolarPark@planninginspectorate.gov.uk](mailto:CleveHillSolarPark@planninginspectorate.gov.uk) and include 'Cleve Hill Solar Park' in the subject line of your email.

Responses are due by **Deadline 2: Wednesday 26 June 2019**.

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<sup>1</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010085/EN010085-000510-20190418%20EN010085%20CLEVE%20Rule%206%20Letter.pdf>

## Abbreviations used

<b>CCTV</b>	<i>Closed circuit television</i>	<b>NPPF</b>	<i>National Planning Policy Framework</i>
<b>CEMP</b>	<i>Construction Environmental Management Plan</i>	<b>NPS</b>	<i>National Policy Statement</i>
<b>CIEEM</b>	<i>Chartered Institute of Ecology and Environmental Management</i>	<b>PA2008</b>	<i>The Planning Act 2008</i>
<b>CO<sub>2</sub></b>	<i>Carbon dioxide</i>	<b>PINS</b>	<i>Planning Inspectorate</i>
<b>DCO</b>	<i>Development Consent Order</i>	<b>PV</b>	<i>Photovoltaic</i>
<b>dDCO</b>	<i>Draft DCO</i>	<b>RIAA</b>	<i>Report to Inform Appropriate Assessment</i>
<b>HRA</b>	<i>Habitats Regulations Assessment</i>	<b>RVAA</b>	<i>Residential Visual Amenity Assessment</i>
<b>LBMP</b>	<i>Landscape and Biodiversity Management Plan</i>	<b>SSSI</b>	<i>Site of Special Scientific Interest</i>
<b>LVIA</b>	<i>Landscape and Visual Impact Assessment</i>	<b>TCPA1990</b>	<i>The Town and Country Planning Act 1990</i>
<b>MEASS</b>	<i>The draft Medway Estuary and Swale Strategy</i>	<b>UKCP2018</b>	<i>United Kingdom Climate Projections 2018</i>
<b>MMO</b>	<i>Marine Management Organisation</i>	<b>WeBS</b>	<i>Wetland Bird Survey</i>
<b>NPA2017</b>	<i>The Neighbourhood Planning Act 2017</i>	<b>ZTV</b>	<i>Zone of theoretical visibility</i>

## The Examination Library

References in square brackets (e.g. '[APP-203]') are to documents catalogued in the Examination Library. These should be used when citing submitted documents in answers. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010085/EN010085-000472-Examination%20Library%20Cleve%20Hill%20Solar%20Park%20PDF%20Version.pdf>

It will be updated as the Examination progresses.

## Citation of Questions

Questions in this table should be cited as follows:

ExQ[reference].[issue reference].[question number]. (E.g. 'ExQ1.0.1.' when referring to the first question in this table.)

ExQ1	Question to:	Question:
1.0	<b>General, Cross-topic and Miscellaneous Questions</b>	
1.0.1.	The Applicant	Apart from the Explanatory Memorandum, the major application documents appear to lack glossaries that would assist readers in their understanding of the more technical terms used. (The inclusion of a list of acronyms in the Environmental Statement [APP-250] is noted, but this does not cover some acronyms used in other application documents and provides no explanation of the terms.) Could the Applicant consider the guidance provided in PINS Advice Note 6, <i>Preparation and submission of application documents</i> , which states... 'A glossary should be included for each written document in order to provide clarification of meaning for all readers (including the general public)...' and consider if supplementary information is required?
1.0.2.	Swale District Council Canterbury City Council Kent County Council	Are Swale District, Canterbury City and Kent County Councils content with the summary of local planning policies set out in Chapter 6 of the Environmental Statement and the analysis of local planning policies at Appendix A of the Planning Statement?
1.0.3.	The Applicant	Does the Applicant feel that anything needs to be updated in the Planning Statement or Environmental Statement to take account of changes to the NPPF published on 19 February 2019?
1.0.4.	The Applicant	Could the Applicant clarify the two unattributed references listed in the Planning Statement [APP-254] at paragraph 152 and provide direction to where in the Environmental Statement ' <i>Exploring behavioural responses of shorebirds to impulsive noise</i> ' has been used as a standard or guidance?
1.0.5.	The Applicant	Paragraph 182 of the Environmental Statement [APP-035] states that the short-term benefit of cleaning the solar PV modules can be outweighed by the costs. Could the Applicant expand on the impact of not cleaning on output and efficiency?

ExQ1	Question to:	Question:
1.0.6.	The Applicant	The Environmental Statement states that CCTV fields of view will cover the fences, but not locations on the public rights of way [APP-043]. Could the Applicant provide further assurances about how the privacy of users of the public rights of way adjacent to fences will be respected?
1.0.7.	The Applicant	Could the Applicant provide details of the likely frequency of use of the three diesel gensets mentioned in the Development Description chapter of the Environmental Statement [page 5-20, APP-035]. Please could the Applicant confirm whether potential impacts from these have been considered in the noise and air quality assessments, and, if so, clarify where their contribution to the assessments is set out? If they have not been considered, can the Applicant confirm whether the use of the diesel gensets would result in any likely significant effects beyond those assessed in the Environmental Statement and RIAA?
1.0.8.	The Applicant All Interested Parties	Although National Policy Statements (NPSs) EN-1, EN-3 and EN-5 are referred to in the Planning Statement [APP-254], it is acknowledged that no NPSs are designated in respect of solar PV or energy storage developments. The Examining Authority's preliminary view is that policies in NPSs EN-1 and EN-5 are potentially 'important and relevant' matters for the Examination. The Applicant and Interested Parties are invited to comment on the applicability of NPSs to the policy framework within which the application should be determined, and to identify any particular policies in the NPSs that they consider to be important and relevant to this examination, as described under s105(2)(c) of the Planning Act 2008.
1.0.9.	The Applicant  Swale Borough Council	Environmental Statement non-technical summary paragraph 60 [APP- 249] and Chapter 5 Paragraph 162 [APP-035] state that work would be allowed outside the stated working hours in exceptional circumstances to protect plant, personnel or environment. Could the Applicant further define 'exceptional circumstances' and suggest how and where these could be controlled through any DCO?  Does Swale Borough Council agree that prior approval for working outside restricted hours should normally be sought beforehand by the Applicant?

ExQ1	Question to:	Question:
1.0.10.	The Applicant	Can the Applicant confirm how the advice regarding waste management from the Environment Agency in its Relevant Representation [RR-507] will be incorporated into the Outline Site Waste Management Plan (Appendix A of the Outline CEMP)?
1.0.11.	The Applicant	The ' <i>Influences of the Development on Climate Change</i> ' section of the Environmental Statement [APP-045] references <i>Climate Change 2014: Mitigation of Climate Change. Contribution of Working Group III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change</i> . This appears to be based on research published by Kim <i>et al</i> , 2012 (and others). The Environmental Statement suggests that the CO <sub>2</sub> lifecycle assessment should include emissions from transport of components to the project site. Could the Applicant confirm whether the quoted comparison research included transport of components, and if not, whether the addition of transport CO <sub>2</sub> costs would affect the conclusions of the project CO <sub>2</sub> life cycle assessment.
<b>1.1.</b>	<b>Biodiversity and Nature Conservation (including HRA)</b>	
1.1.1.	Natural England Kent Wildlife Trust RSPB Local Authorities	<p>Are Natural England, Kent Wildlife Trust, RSPB and the Local Authorities content with the approach to defining study areas for wildlife surveys and assessment in Chapter 8 of the Environmental Statement [APP-038] and the appended survey reports?</p> <p>Are the same parties content with the explanation of how the zone of influence for ornithological study and assessment was determined, especially in relation to the functional linkage identified between affected habitats on the development site and interest features of the Swale SSSI, SPA and Ramsar site (Chapter 9 of the Environmental Statement [APP-039] and the RIAA [APP-026])?</p>
1.1.2.	The Applicant	In the Environmental Statement, the ecology assessment [APP-038] refers to the <i>Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal</i> (CIEEM, 2016). The Examining Authority notes that these guidelines were updated in 2018, and that the updated guidelines were used in the ornithology assessment [APP-039]. Could the Applicant confirm whether the updates introduced by the 2018 guidelines would (if followed) result in any difference to the conclusions reached in the ecology assessment?

ExQ1	Question to:	Question:
1.1.3.	The Applicant	Could the Applicant explain further why some European and nationally protected species have been determined to be of low (local) importance in Environmental Statement Table 8.7 [APP-038]?
1.1.4.	Natural England Kent Wildlife Trust RSPB Local Authorities	Are Natural England, Kent Wildlife Trust, RSPB and the Local Authorities content that the various 2015 protected species surveys, some of which were carried out in accordance with subsequently updated guidance, and the 2016 breeding bird and flight activity surveys are sufficiently up to date to facilitate an accurate assessment, noting the timing and results of the updated phase 1 habitat survey in February 2018?
1.1.5.	The Applicant	<p>In the Environmental Statement, the ecology assessment states that the perimeter fences around the Proposed Development would incorporate mammal gates '<i>at regular intervals</i>' to avoid the fence acting as a barrier to movement through the site. The Development Description chapter [Chapter 5 of the ES, APP-035] describes these as being at 50m intervals (paragraph 136). Could the Applicant explain:</p> <ul style="list-style-type: none"> <li>• why 50m was selected as a suitable interval for the mammal gates; and</li> <li>• how provision of the mammal gates is secured through the dDCO?</li> </ul>
1.1.6.	The Applicant	Further to the position at the time of submission of the DCO application (as provided in [APP-222]), could the Applicant provide an update regarding the likely timescales for receiving 'Letters of No Impediment' in relation to great crested newt and water vole licence applications from Natural England?
1.1.7.	The Applicant	Could the Applicant explain whether any evidence or studies exist to support the conclusion presented in section 5.2.5.9 of the RIAA [APP-026] that any attraction of invertebrates to the solar panels would not result in a likely significant effect?

ExQ1	Question to:	Question:
1.1.8.	The Applicant Natural England Kent Wildlife Trust RSPB Local Authorities	<p>A Natural England review of the impacts of solar farms on birds is referred to in the non-technical summary of the Environmental Statement (paragraph 158 of APP-249]. Could the Applicant confirm the full reference and submit a copy into the Examination?</p> <p>In relation to potential bird mortality or injury through collision with solar panels or fences, are the Applicant, Natural England, Kent Wildlife Trust, RSPB or the Local Authorities aware of any relevant monitoring studies at existing solar farm sites?</p>
1.1.9.	The Applicant	<p>As reported in Table 9.1b of the Environmental Statement [APP-039], at the Preliminary Environmental Information Report stage, Natural England expressed concerns around the use of thresholds to assess the impacts of noise disturbance on birds. This position is reiterated in Natural England's Relevant Representation [RR-826]. A potentially more suitable approach was suggested by Natural England in its response to the Preliminary Environmental Information Report: this would be to assess the change in noise levels, with a change of up to 3db of similar noise types thought unlikely to be significant. Could the Applicant explain:</p> <ul style="list-style-type: none"> <li>• the extent to which the current approach is considered sufficiently precautionary?</li> <li>• the anticipated effect on the assessment conclusions around disturbance of relevant interest features of the Swale SSSI/ SPA/ Ramsar site if the &gt;3db change level recommended by Natural England was adopted?</li> </ul>
1.1.10.	The Applicant	<p>Could the Applicant provide further clarity around the scheduling for construction and how this would take account of the following matters:</p> <p>a) How the Applicant would ensure that construction activity would be focussed on one field or area within the development site at a time (as stated in paragraph 138 of the RIAA [APP-026]), thereby reducing disturbance and ensuring that areas of the site remain available for foraging birds, including marsh harrier, during construction?</p> <p>b) How the Applicant would ensure that construction activities would not take place in the areas closest to the Swale SPA/ Ramsar site during the bird breeding season? (Greater certainty is</p>

ExQ1	Question to:	Question:
		<p>required for the purposes of Habitats Regulations Assessment than the statement in the Outline Breeding Bird Protection Plan [APP-205, Appendix B] that this would be avoided 'where practicable'.)</p> <p>c) How the piling works closest to the SPA/ Ramsar site (Castle Coote in particular) could be timed to avoid high tide, for the purposes of minimising disturbance to wintering birds? (Natural England's Relevant Representation [RR-826] explains that wintering SPA birds are more susceptible to disturbance at high tide, when they are roosting.)</p> <p>In responses to these three questions, could the Applicant include an explanation of how any such commitments might be secured in any DCO?</p>
1.1.11.	The Applicant	<p>The RIAA [APP-026] conclusions regarding marsh harrier include: '<i>Subject to the appropriate management of large grassland swathes between the solar arrays, it is therefore concluded that there would be no adverse effect on the integrity of the Swale SPA in this respect</i>'. The locations of the 'Field Margin and Ditch Margin Habitat' (for marsh harrier) are illustrated on Environmental Statement Figure 9.3 [APP-056], but it is not clear which of the proposed management measures in the Outline LBMP [APP-203] relate to this habitat. Could the Applicant:</p> <ul style="list-style-type: none"> <li>• Confirm the management measures proposed for the areas between the panels and the ditches (the 'Field Margin and Ditch Margin Habitat') for marsh harrier, and how these measures are secured in the dDCO?</li> <li>• Provide an update on discussions about this with Natural England? (As requested in paragraph 8.9 of Natural England's Relevant Representation [RR-826])</li> <li>• Confirm what evidence there is to support the prediction in paragraph 209 of the RIAA that marsh harrier would forage in the areas between solar panels? (Other than the single reported observation of a marsh harrier foraging in similar circumstances in paragraph 360 of the Environmental Statement Ornithology chapter [APP-039]).</li> </ul>



ExQ1	Question to:	Question:
1.1.12.	The Applicant	Could the reports produced by Arcus examining piling noise impacts at Arna Wood Solar Farm (and referenced in the Environmental Statement and RIAA) be made available to the Examination by the Applicant?
1.1.13.	The Applicant	Could the Applicant confirm when the 2017/18 Swale WeBS counts will be available? If they are available, do they have any implications for the conclusions of the Environmental Statement or the RIAA?
1.1.14.	The Applicant	The ornithology assessment in the Environmental Statement identifies the potential for ' <i>Criminal offences in relation to damage or harm to nesting birds and additionally, disturbance to specially protected bird species listed on Schedule 1 of the Wildlife and Countryside Act, even if significant adverse effects are unlikely</i> ', but there does not appear to be a specific conclusion on this matter. Could the Applicant confirm the conclusions of the assessment in this regard?
1.1.15.	The Applicant	<p>Could the Applicant confirm the dates that were assumed in the Environmental Statement ornithological assessment [APP-039] and the RIAA [APP-026] regarding the latest point at which construction of Phase 2 could commence? How could any DCO ensure that construction of Phase 2 could not commence at a point later than that assessed in the Environmental Statement and RIAA?</p> <p>If Phase 2 was to be undertaken separately from Phase 1, could the Applicant confirm if any construction activities undertaken between 1 September and 28 February would be controlled using the methodology in the SPA CNMP [APP-243]? If so, where would this be secured?</p>
1.1.16.	The Applicant	Kent County Council [RR-797] has raised the issue of loss of habitat for ground-nesting birds. Could the Applicant expand on its additional submission [AS-009] and provide reference to specific parts of the Outline LBMP [APP-203] where the mitigation measures proposed for ground-nesting birds can be found?
1.1.17.	Natural England	Could Natural England explain the rationale for the inclusion of the existing coastal flood defences at the site within the boundaries of the statutory nature conservation notifications/designations (SSSI, SPA, Ramsar)?

ExQ1	Question to:	Question:
1.1.18.	The Applicant	<p>Regarding the inclusion of the existing coastal flood defences within the DCO boundary, paragraph 75 of the RIAA [APP-026] explains: <i>'No development is proposed in these areas. The flood defences have been included in the Development to permit future maintenance work and no specific flood defence works over and above those likely to be undertaken on an ongoing basis by the Environment Agency to maintain the current standard of protection are currently proposed. There are no planned flood defence works as part of the Development that would result in a loss or change of habitats within the SPA/Ramsar Site'</i>.</p> <p>Given the relationship between the existing coastal defences and the Swale SPA and Ramsar site, to what extent does the Applicant consider that the maintenance of the existing coastal defence constitutes an action that is connected with or necessary to the management of those designated sites?</p>
1.1.19.	The Applicant	<p>Habitat loss during construction is not identified in Table 3 of the RIAA [APP-026] as an impact screened into Stage 2 of the HRA (consideration of adverse effects on integrity). However, this impact is considered in the integrity matrices provided in Appendix 8 of the RIAA [APP-027]. Could the Applicant clarify?</p>
1.1.20.	The Applicant	<p>Could the Applicant confirm whether the Swale SPA and Ramsar site are currently considered to be in favourable condition?</p>
1.1.21.	Natural England	<p>There are several birds identified on the information sheet for the Swale Ramsar site (and in section 5.2.3 of the RIAA [APP-026]) <i>'for possible future consideration under criterion 6'</i>. Please could Natural England confirm the status of these features? Is it likely that the Ramsar citation will be updated in the near future to include these as features under Criterion 6?</p>
1.1.22.	The Applicant	<p>Could the Applicant update the matrices [APP-027] to address the following points?</p> <p>Matrices for all sites:</p> <ul style="list-style-type: none"> <li>• Add references to the specific dDCO Requirements that secure the proposed mitigation measures; and</li> <li>• Add references to areas of agreement with Natural England (where relevant).</li> </ul> <p>Matrices for the Swale Ramsar site:</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Potential Likely Significant Effects on the Swale SPA/ Ramsar site are identified in section 5.2.5. of the RIAA in respect of (amongst other impacts and features) dust emissions and hydrological changes on Ramsar invertebrates during construction and decommissioning. However, the Ramsar invertebrate feature (under Criterion 2) is greyed out on the screening matrix for the Swale Ramsar site, and not included in the integrity matrix for the Swale Ramsar site.</li> <li>• On the screening matrix for the Swale Ramsar site, in-combination effects are marked with a 'x' (Likely Significant Effects can be excluded), although the assessment has gone on to consider in-combination effects in terms of adverse effects on integrity.</li> </ul>
1.1.23.	The Applicant	<p>The Environmental Statement and RIAA explain that ending the use of fertilisers, herbicides and pesticides will have long-term, positive effects. To help gauge the likely benefits, could the Applicant provide an estimate of the level of application of fertilisers, herbicides and pesticides currently employed on the application site, and a comparison with the proposed application of fertilisers to the Arable Reversion Habitat Management Area?</p> <p>Could the Applicant expand on the potential impacts of the proposed change in land management practices in the Arable Reversion Habitat Management Area, including the application of fertiliser, on other ecological interests including the Ramsar ditch communities?</p> <p>In its response to Relevant Representations [AS-009], the Applicant indicates that application of fertiliser would be restricted within 10m of ditches and wet field boundaries. Could the Applicant confirm how this commitment is secured in the dDCO?</p>
1.1.24.	The Applicant	<p>Could the Applicant clarify the location of the Arable Reversion Habitat Management Area and the Freshwater Grazing Marsh Habitat Management Area on Figure 2 of the RIAA [APP-026]?</p>
1.1.25.	Natural England	<p>Is Natural England content that the RIAA [APP-026] includes sufficient regard for the Swale and Medway European Marine Site and its Conservation Objectives?</p>
1.1.26.	The Applicant	<p>To provide further confidence, could the Applicant confirm the extent to which the literature cited in the RIAA [APP-026] and in the ornithology assessment of the Environmental Statement</p>

ExQ1	Question to:	Question:
		[APP-039] is applicable to the development of an Arable Reversion Habitat Management Area of this scale, in this location, and for the particular species of birds involved?
1.1.27.	The Applicant  Natural England  RSPB Kent Wildlife Trust	<p>Given the survey findings that there was almost no coincidence between Brent goose and the two target waders (golden plover and lapwing) in the same fields at the same time, could the Applicant confirm the extent to which the evidence used to support the design of the Arable Reversion Habitat Management Area can be relied upon to ensure that both will successfully coexist in the requisite numbers within the same mitigation area?</p> <p>Could Natural England expand on the statement in its Relevant Representation [RR-826] that golden plover and lapwing feed on soil and surface invertebrates and do not compete for the same food as Brent geese and can 'potentially' be accommodated on the same piece of mitigation land. What factors does Natural England consider might determine whether lapwing, golden plover and Brent goose can be accommodated on the same piece of mitigation land?</p> <p>Are Natural England, RSPB or Kent Wildlife Trust aware of any types of inter-species competition or interaction that might restrict the capability of the area to support the necessary density of all three species of birds? Do Natural England, RSPB or Kent Wildlife Trust consider that any additional evidence is required from the Applicant in this regard?</p>
1.1.28.	The Applicant Natural England	In relation to the effectiveness of the proposed Arable Reversion Habitat Management Area, Natural England's Relevant Representation [RR-826] highlights uncertainties around the bird-days calculations for lapwing and golden plover. Could the Applicant and Natural England provide an update on discussions to resolve these uncertainties?
1.1.29.	The Applicant	Noting the proposed Arable Reversion Habitat Management Area approach is not fully proven, and that it is predicted to neither substantively improve nor reduce the conservation status of Brent goose, lapwing or golden plover, has the Applicant considered a mitigation package aimed at improving the conservation status of these species, such that, if the benefits were not realised to the extent predicted, the effect would be nearer neutral as a fallback position?
1.1.30.	The Applicant	Paragraph 163 of the RIAA [APP-026] states that the Arable Reversion Habitat Management Area will be established prior to construction, whereas paragraph 204 states that the Arable

ExQ1	Question to:	Question:
	Natural England RSPB Kent Wildlife Trust	<p>Reversion Habitat Management Area will be established during the construction phase. The Outline LBMP [APP-203] states that this will be established '<i>at the start of the construction phase, or prior to the start of the first winter of the construction phase, whichever is earlier</i>'. The ornithological and hydrological assessments in the Environment Statement appear to rely on the conversion of arable to grassland prior to the start of construction of the solar panel tables and arrays.</p> <p>For the avoidance of doubt, could the Applicant confirm at what point in the programme the fields hosting the solar arrays, the Arable Reversion Habitat Management Area and each of the other Habitat Management Areas would be established, and how this was incorporated into the assessments?</p> <p>Could the Applicant also clarify where in the Outline LBMP or in the Outline CEMP the requirement for pre-construction sowing is secured? Could the Applicant provide a plan to show the relevant areas?</p> <p>Are Natural England, RSPB, Kent Wildlife Trust and other nature conservation interests content that the Outline LBMP [APP-203] and draft Requirement 4 in the dDCO [APP-016] form a sound basis for ensuring that the necessary mitigation would be secured through any DCO or do they consider that there should there be more detail and assurance on the timing of seeding and establishment in the Outline LBMP?</p>
1.1.31.	The Applicant	<p>In some instances, effects and mitigation requirements recognised in the Outline LBMP [APP-203] rely on detail set out in the CEMP [APP-205]. Could the Applicant please confirm that the CEMP will therefore be the vehicle for securing the measures to address these impacts?</p> <p>Some necessary measures identified in the Outline LBMP do not appear to be translated to measures in the CEMP, so there is no apparent mechanism for them to be secured through any DCO. Could the Applicant check and confirm that all necessary measures are included (e.g. use of interceptor ditches, reptile mitigation strategy)?</p>

ExQ1	Question to:	Question:
		To help clarify how the different plans relate to one another, and what secures what, please could the Applicant provide a diagram to demonstrate the hierarchy/ relationship between the mitigation plans?
1.1.32.	The Applicant	Could the Applicant clarify why some wildlife-related mitigation measures set out in other controlled documents are repeated in the Outline LBMP [APP-203] while others are not? For consistency with cross-references in the Outline LBMP to the Outline 'Breeding Bird Protection Plan' in the CEMP, should the Outline LBMP include cross-reference to measures designed to protect birds other than those at nest?
1.1.33.	The Applicant	Monitoring is planned for a number of the proposed management measures in the Outline LBMP, with remedial 'adaptive land management measures' introduced if the management measures do not work as predicted. Could the Applicant please explain how the effectiveness of the measures would be monitored and the triggers for, and details of, the adaptive measures in each case? How are these secured in the dDCO?
1.1.34.	The Applicant	<p>Could the Applicant please clarify the relationship between section 5.1 and Appendix J of the Outline LBMP [APP-203]?</p> <p>Consultation responses and reports of discussions between the Applicant and Natural England and others suggest that a significant element of clover should be included in the grazing marsh grassland to be established in the Arable Reversion Habitat Management Area. Section 5.1 of the Outline LBMP seems to be based on the general grazing marsh grassland management prescription at Appendix A to that document. If this is the intended basis for the Arable Reversion Habitat Management Area, can the Applicant confirm that <i>Trifolium pratense</i> is considered to be the optimum species of clover for this purpose (as in the suggested seed mix at table 5.1 of the Outline LBMP)? Also, does the Applicant consider the proportion of clover in the suggested mix to be sufficient?</p> <p>Does the Applicant intend to use this mix for the Arable Reversion Habitat Management Area as well as for the Lowland Meadow Grassland Management Area, or is the intended seed mix and</p>

ExQ1	Question to:	Question:
		management plan for the Arable Reversion Habitat Management Area actually that set out at table 7.1 in Appendix J of the Outline LBMP?
1.1.35.	The Applicant	Following discussions with Natural England, could the Applicant provide an update on amendments to the Outline LBMP and other relevant documents in relation to the agreed methodology and measurement of fertiliser application to the Arable Reversion Habitat Management Area?
1.1.36.	The Applicant	<p>The Environmental Statement [APP-043] suggests that the maintenance of the grassland in the solar arrays and some Habitat Management Areas will rely on sheep grazing and that the current landowner will be responsible for the implementation of the grazing regime. Could the Applicant explain how this management could be secured in any DCO, how the arrangements would work in practice, and the extent to which this management could be relied upon (for example if it proved not to be economically viable)?</p> <p>Could the Applicant please explain how the grazing stock would be managed to avoid interference with the security measures within the solar array, such as the passive infrared sensor activated lights and alarms? Could any activation of these result in impacts on sensitive receptors (e.g. bats, nearby residents) beyond those assessed in the Environmental Statement and RIAA?</p>
1.1.37.	The Applicant	<p>Could the Applicant confirm if the application of fertiliser to the Arable Reversion Habitat Management Area described in the Outline LBMP [APP-203] is likely to be required every year (subject to monitoring) or is this a one-off event?</p> <p>In its Relevant Representation [RR-826], Natural England suggests that '<i>Experimental manipulation of management prescriptions for Brent geese and accurate survey has shown that grass cut five times and fertilised with 50kgN/ha can support 2097 goose-days/ha.</i>' The Outline LBMP (Table 3 and Appendix J [APP-203]) proposes to manage the grassland within the Arable Reversion Habitat Management Area by cattle or sheep grazing or by mechanical cutting. Could the Applicant explain how the maintenance of the grass in a condition equivalent to the cutting</p>

ExQ1	Question to:	Question:
		frequency specified by Natural England would be assured, and how this is secured through the dDCO?
1.1.38.	The Applicant	The RIAA [APP-026] includes a commitment ' <i>to maintain an undisturbed (no scaring) area around the refuge in order to maximise its potential to provide resources for brent geese.</i> ' Could the Applicant confirm if this is a mitigation measure (amongst others) which has been relied upon in the RIAA to reach the conclusion of no adverse effect on integrity of the Swale SPA/ Ramsar site? Could the Applicant point to where the application documentation describes and delineates the area involved, how the measure would be implemented in practice, and how it is secured through the dDCO?
1.1.39.	The Applicant	Table 3 in the Outline LBMP [APP-203] states that winter monitoring surveys of the Arable Reversion Habitat Management Area would take place during years 1, 2, 3, 5, 10 and 15 post-establishment. This appears to be inconsistent with Appendix J, section 15.9, of the Outline LBMP, which states that wintering bird surveys would take place in Years 1, 2, 3 and 5 (after which the monitoring schedule will be reviewed). Could the Applicant explain: <ul style="list-style-type: none"> <li>• The proposed programme for monitoring the Arable Reversion Habitat Management Area?</li> <li>• What exactly is meant by 'establishment' of the Arable Reversion Habitat Management Area?</li> <li>• Why monitoring of the Arable Reversion Habitat Management Area throughout the lifespan of the Proposed Development is not considered necessary?</li> <li>• The proposed remedial actions? (The Outline LBMP explains that the results of the monitoring will inform the need for any remedial actions, which would be fed back to the 'operator'. If remedial measures are determined to be necessary, how would the details of such measures be agreed with relevant consultees including Natural England?)</li> </ul>
1.1.40.	The Applicant	Could the Applicant please clarify the difference between the two proposals for shelterbelt planting in the Outline LBMP [APP-203]? (Appendix D of the document suggests planting at 1m centres, section 10.7 suggests planting at 2m centres.)
1.1.41.	The Applicant	The Ecology Chapter of the ES [APP-038] notes that that marsh frog (an invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981) is present in the drainage ditches



ExQ1	Question to:	Question:
		within the application site. Given the requirements of section 14(1) of the Wildlife and Countryside Act 1981, is the Applicant intending to undertake any control measures? If not, why not?
1.1.42.	The Applicant	<p>Could the Applicant expand on the proposal to use temporary roadway (e.g. plastic matting) during construction to prevent erosion and run-off, confirm where in the documents this is set out, and explain how this is secured through the dDCO.</p> <p>Could the Applicant advise if measures will be required on the development site to protect existing trees and hedges during construction, and, if so, where and how these are described and secured through the dDCO.</p>
1.1.43.	The Applicant	<p>The proposed Freshwater Grazing Marsh Habitat Management Area forms part of the Swale SSSI. Ditch management, vegetation management and accessing the area are provided as example of activities undertaken as part of the existing land management regime in the Environmental Statement and the response to s51 advice [AS-001]. Could the Applicant:</p> <ul style="list-style-type: none"> <li>• provide further details of the activities undertaken under the existing land management regime and any extant management agreements with Natural England or others; and</li> <li>• confirm that continuation of the existing management regime could not lead to any detrimental impacts on the SSSI units?</li> </ul>
1.1.44.	The Applicant	<p>The Environmental Statement notes the need to use 'mammal-friendly' culverts in watercourse crossings in order to avoid impacts on riparian habitats and wildlife, including protected species such as water vole. Has the Applicant considered the potential impact on such wildlife of ditch and culvert maintenance during the lifetime of the Proposed Development and could any significant effects occur in this regard?</p>
1.1.45.	The Applicant	<p>In the Applicant's response to Relevant Representations [AS-009], it is noted that negotiations and work are ongoing with Natural England and the Habitat Management Steering Group on the various management plans and prescriptions, including the promotion of extensive reedbed systems, and the inclusion of relevant provisions in a future iteration of the Outline LBMP. Could the Applicant provide an update on the current situation regarding progress on agreeing the</p>

ExQ1	Question to:	Question:
	Kent Wildlife Trust Natural England RSPB	<p>management and monitoring prescriptions for the proposed Arable Reversion Habitat Management Area, Freshwater Grazing Marsh Habitat Management Area, Lowland Grassland Meadow Habitat Management Area (and the other Habitat Management Areas) with Natural England, the Kent Wildlife Trust, the RSPB and any other relevant consultees? Any necessary updates to the Outline LBMP should also be provided.</p> <p>Are Kent Wildlife Trust, Natural England and the RSPB content that the LBMP is an appropriate means of securing the monitoring of the Habitat Management Areas and provision of any necessary remedial measures?</p>
1.1.46.	The Applicant	Section 9.1 of Natural England's relevant representation [RR-826] notes that the Proposed Development may result in a loss of habitats supporting farmland birds. Could the Applicant explain if any compensation is proposed for these species, in line with the Government policy aims set out in paragraph 175 of the NPPF?
1.1.47.	The Applicant Environment Agency	<p>In his Relevant Representation, Mr Hatchwell [RR-148] refers to a European eel population on the proposed development site. Could the Applicant and the Environment Agency confirm whether the drainage ditches and other watercourses on and around the application site contain fish populations (including European eels) and if so, whether the Proposed Development could result in any likely significant effects on these species?</p> <p>The Environmental Statement explains that mammal-friendly box-section culverts would be utilised for new and upgraded culverts [APP-035]. Can the Applicant explain how safe passage through the culverts of any fish and eel populations would be ensured?</p>
<b>1.2.</b>	<b>Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</b>	
1.2.1.	The Applicant	Could the Applicant explain why the southern access route option cannot be committed to and the northern option discounted, given that this is a preferable option for ecological receptors?
1.2.2.	The Applicant	Given the definition used for 'open space' in the Statement of Reasons, could the Applicant advise why the Statement of Reasons, Book of Reference and the Open Space Plan consider the

ExQ1	Question to:	Question:
		Saxon Way as 'open space' but not the other public rights of way across and along the boundary of the development site.
1.2.3.	The Applicant	Could the Applicant provide an update on efforts and enquiries to establish interests identified in the Book of Reference as 'unknown', as introduced at section 7.14 of the Statement of Reasons.
1.2.4.	The Applicant	Given the proximity of some residential and business receptors to the development site, is the Applicant confident that there are no category 3 people outside the development site that might make a claim, and that Part 2b of the Book of Reference can remain empty?
1.2.5.	The Applicant	<p>Could the Applicant explain in detail why: (i) the proposed Freshwater Grazing Marsh Management Area; (ii) the Lowland Meadow Grassland Management Area; and, (iii) the maintenance of the existing coastal defences, are considered to be:</p> <ul style="list-style-type: none"> <li>• 'development' (within the meaning of s55 of TCPA1990 and for the purposes of s115(2) of PA2008);</li> <li>• 'Associated Development' in accordance with the guidance in <i>Planning Act 2008: Guidance on associated development applications for major infrastructure projects</i> (DCLG, April 2013); and,</li> <li>• how they satisfy the requirements of s122(2) of PA2008 in relation to consideration for Compulsory Acquisition powers.</li> </ul>
1.2.6.	The Applicant	The Applicant seeks rights in any DCO to ' <i>inspect, maintain, repair, alter, remove and reconstruct the flood defences...</i> ' Under what circumstances does the Applicant consider that the powers of 'alteration' or 'removal' would be necessary and how could third parties be assured that any such action would not lead to them being affected by coastal flooding?
1.2.7.	The Applicant	Could the Applicant provide an update on Appendix A of the Statement of Reasons in terms of negotiations to acquire the remaining land and rights by voluntary agreement (i.e. outside the optioned area)?
1.2.8.	The Applicant	Could the Applicant provide an update on s135 negotiations with the Crown Estate Commissioners over their consent to the proposed inclusion of land owned by the Crown or subject to Crown Interests in the DCO?

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1.2.9.	The Applicant	Could the Applicant provide an update on Appendix B of the Statement of Reasons in terms of agreeing Protective Provisions with the various affected Statutory Undertakers?
1.2.10.	The Applicant	The dDCO (as explained in the Statement of Reasons) seeks rights under Work No 8 to ' <i>create, manage, alter, improve and maintain a habitat management area including rights of access without or without vehicles, plant and machinery for all purposes in connection with the construction, use, maintenance and decommissioning of the authorised development.</i> ' Does the Applicant believe that any of these rights could be taken to disapply the requirements of the Wildlife and Countryside Act 1981 in relation to the SSSI notification?
1.2.11.	The Applicant	Could the Applicant please complete the attached Compulsory Acquisition Objections Schedule and add or delete any entries that it believes would be appropriate, giving reasons for any additions or deletions?
<b>1.3.</b>	<b>Cultural Heritage</b>	
1.3.1.	The Applicant	Could the Applicant please explain why the built heritage assessment allocates a significance value of 'Moderate' to conservation areas that incorporate grade I and grade II* listed buildings that would merit 'High' value as individual receptors.
1.3.2.	The Applicant	Could the Applicant please explain what plans are in place to identify and deal with any unexploded ordnance on the application site and how these will integrate with the proposed archaeological Written Scheme of Investigation?
1.3.3.	Kent County Council Swale Borough Council	Regarding the WWII pillbox (an undesignated heritage asset) on the application site, the Cultural Heritage assessment in the Environmental Statement [APP-041] concludes that no mitigation beyond that incorporated into the design of the Proposed Development can be suggested; the solar panels will occupy all of the land to the north of the asset, which represents the 'firing line' of the pillbox. Can Kent County Council and Swale Borough Council confirm if they are in agreement with this conclusion, or whether they consider there are any additional mitigation measures that might reduce the significance of effect on the WWII pillbox on the development site?

ExQ1	Question to:	Question:
		Do Kent County Council and Swale Borough Council support the proposals to use the pillbox as a bat roost?
1.3.4.	The Applicant Historic England	<p>In its Relevant Representation [RR-778], Historic England states that the Proposed Development would cause harm to several listed buildings including the Grade I listed All Saints Church in Graveney, the Grade II listed Sparrow Court and Graveney Court and to the Graveney Conservation Area, which encompasses the core of the medieval settlement. Historic England considers that the harm to these assets may in some instances be greater than that assessed in the Environmental Statement.</p> <p>The Applicant has responded to these points in [AS-009], stating that the Environmental Statement assessment [APP-041] found the harm to these assets to be less than substantial (and not significant). Can the Applicant and Historic England comment on the extent to which this difference of opinion relates to the application of professional judgement, or more fundamentally due to the application of the assessment methodology?</p>
1.4.	<b>Draft Development Consent Order (dDCO)</b>	
1.4.1.	The Applicant	Could the Applicant explain how exclusions from the statutory definition of commencement in draft Article 2 can be justified? How could the Examining Authority and Secretary of State be certain that early works such as site clearance and laying of services do not damage unknown archaeology or nature conservation interests and render draft Requirements 7, 9 and 13 ineffective?
1.4.2.	The Applicant	The definition of 'maintain' in draft Article 2 is unclear. It currently implies that some activities ( <i>'inspect, upkeep, repair, adjust and alter'</i> ) could be carried out beyond the extent assessed in the Environmental Statement. Could the Applicant explain what is intended and provide clarification?
1.4.3.	The Applicant	Could the Applicant check if the definition of 'Requirements' in draft Article 2 should refer to Part 2 of Schedule 1 rather than Part 3?
1.4.4.	The Applicant	Does the Applicant believe that, for clarity, draft Requirement 10 of the dDCO should explicitly specify the plans that sit within the CEMP?

ExQ1	Question to:	Question:
1.4.5.	The Applicant	Could the Applicant provide a more precise definition of ' <i>cessation of commercial operation of the authorised development</i> ' in draft Requirement 13 of the dDCO?
1.4.6.	The Applicant	Could the Applicant update draft Requirement 13 of the dDCO (European Protected Species) to reflect the Conservation of Habitats and Species Regulations 2017 (which consolidate the 2010 Regulations)?
1.4.7.	The Applicant	The approach to deadlines proposed in draft Article 5 does not previously appear to have been accepted by a Secretary of State. For what reason does the Applicant believe that this could be justified here?
1.4.8.	The Applicant	Does the Applicant believe that the dDCO documentation provides sufficient control over noise effects during construction to justify the defence against proceedings in respect of statutory nuisance provided by draft Article 7?
1.4.9.	The Applicant	In relation to compensation for the suspension of public rights of way, could the Applicant explain the absence of equivalent provisions under draft Article 11 as those included for draft Article 10?
1.4.10.	The Applicant	<p>Given Parliamentary approval of the temporary possession regime under the Neighbourhood Planning Act 2017, does the Applicant believe that the wording of draft Articles 24 and 25 should be modified to more closely reflect the incoming statutory regime? It is noted that:</p> <ul style="list-style-type: none"> <li>• 3 months' notice will be required under NPA2017, substantially longer than the 14 days required under Article 25(2). Other than prior precedent, what is the Applicant's justification for the suggested 14 days' notice?</li> <li>• Under NPA2017, the notice would also have to state the period for which the acquiring authority is to take possession. Does the Applicant agree that such a requirement should be included?</li> <li>• Powers of temporary possession are sometimes said to be justified because they are in the interests of landowners, whose land would not then need to be acquired permanently. The NPA2017 provisions include the ability to serve a counter-notice objecting to the proposed temporary possession so that the landowner would have the option to choose whether</li> </ul>

ExQ1	Question to:	Question:
		temporary possession or permanent acquisition was desirable. Does the Applicant agree that draft Articles should make such provision (whether or not in the form in NPA2017)?
1.4.11.	The Applicant	Why does the Applicant believe that draft Requirement 14 is necessary, given the existence of the statutory protection and licensing schemes for European Protected Species? If the Applicant believes this Requirement is necessary, how does the Applicant propose to ensure that corresponding surveys and licensing are implemented for other legally protected species?
1.4.12.	The Applicant	Could the Applicant update Requirement 15 of the dDCO to include the Environment Agency as a consultee to the Decommissioning and Restoration Plan, as requested by the Environment Agency in its Relevant Representation [RR-507]?
1.4.13.	The Applicant	Powers are sought in the dDCO under Work No. 8 for earth works, means of access and drainage in the Freshwater Grazing Marsh Habitat Management Area. The Environmental Statement suggests that there will be no development in this area. The Applicant's letter of 22 January notes that these activities are already going on without need for consent, so could the Applicant explain why such a power would be needed in any DCO going forward?
1.4.14.	The Applicant	The Applicant seeks rights in the dDCO to ' <i>inspect, maintain, repair, alter, remove and reconstruct the flood defences...</i> ' Under what circumstances does the Applicant consider that the powers of 'alteration' or 'removal' would be necessary and how could third parties be assured that any such action would not lead to them being affected by coastal flooding?
1.4.15.	The Applicant	In Part 1 (1) of Schedule 1 of the dDCO and section 2.14 of the Explanatory Memorandum, could the Applicant expand on the difference or overlap between 'boundary treatments' and 'fencing'?
1.4.16.	The Applicant	Could the Applicant please check the draft Requirements set out in the dDCO and the Explanatory Memorandum and ensure consistency between the two?
1.4.17.	The Applicant	Why does the Applicant consider that DCO powers are necessary for any necessary maintenance works to the existing coastal defences, and have any alternative approaches to consenting of maintenance been considered?

ExQ1	Question to:	Question:
		<p>The Applicant seeks DCO powers to compulsorily acquire rights to access and maintain the existing coastal defences. If awarded, does the Applicant believe that any Protective Provisions would be necessary to protect the interests of the owners of the existing coastal defences, for example if they should they fail because of inadequate maintenance?</p> <p>Could the Applicant explain how the proposed DCO powers to acquire rights over the existing coastal defences and the acquisition of all interests in the main development area can be formulated to ensure that these could not frustrate the Environment Agency's ambition to undertake managed realignment at the site in 40 years' time?</p>
1.4.18.	Environment Agency	<p>Could the Environment Agency confirm whether the assumptions in the Environmental Statement with regards to managed realignment at the site in the MEASS are correct?</p> <p>Could the Environment Agency confirm the current status of the MEASS and if the final version has been published?</p>
1.4.19.	The Applicant MMO	<p>Could the Applicant and the MMO provide an update on the position in relation to the alternative approaches to a Marine Licence in the dDCO (deemed Marine Licence or Marine Licence exemption, and detailed wording)?</p>
1.4.20.	The Applicant	<p>Could the Applicant explain the rationale for the delineation of the Order limits along the northern boundary of the site?</p>
1.4.21.	The Applicant	<p>Could the Applicant explain how documents including the Outline Design Principles and the Outline CEMP could be properly secured in any DCO? Does the Applicant believe that the dDCO should be amended to include reference to the specific documents and plans that are relied upon for mitigation assumed in the assessment in the Environmental Statement?</p>
1.4.22.	The Applicant	<p>The dDCO does not specify a time limit for the operational lifespan of the Proposed Development. In its Relevant Representation [RR-507], the Environment Agency requests that a 40-year time limit is placed on the Proposed Development, so that its plans for managed realignment at the site could be implemented in pursuit of its Habitats Regulations obligations. The Environment Agency's position is supported by Natural England, as stated in its Relevant Representation [RR-826]. The Applicant indicates (in its response to Relevant Representations</p>



ExQ1	Question to:	Question:
		[AS-009] and in the Statement of Common Ground with the Environment Agency [AS-017]) that it would accept such a time limit. Could the Applicant provide suggested wording for a dDCO Requirement, or a re-wording of the dDCO, to specify a 40-year time limit on the Proposed Development?
1.4.23.	Environment Agency	Is the Environment Agency content with the decommissioning strategy for the Proposed Development [APP-206] in relation to leaving a suitable site for the proposed, future managed retreat works?
1.4.24.	The Applicant	Could the Applicant confirm if the measures in the Outline Decommissioning and Restoration Plan [APP-206] are relied on to conclude no adverse effects on the integrity of the Swale SPA and Ramsar site during decommissioning of the Proposed Development?
1.4.25.	The Applicant Environment Agency	Can the Applicant provide an update to [APP-255] with some indication of when it would apply for the Environmental Permit(s)? Can the Environment Agency confirm whether there is anything to suggest that the necessary Environmental Permit(s) would not be issued?
1.4.26.	The Applicant	Could the Applicant explain the assumptions that have been taken into account in defining the 'realistic' worst-case design parameters for the Candidate Design? [APP-251], [APP-032], [APP-035], [APP-053]. Could the Applicant explain how the Candidate Design relates to the powers that would be authorised through any DCO?
1.4.27.	The Applicant	Could the Applicant please clarify whether the ' <i>Maximum Surface Area of Solar PV Modules within Field (ha)</i> ' (Outline Design Principles, Appendix A) refers to the cumulative 'helicopter view' horizontal plan area measurement, or to the actual total surface area of panels.
1.4.28.	The Applicant	Could the Applicant confirm if all the modules in a field would be erected to the same height, such that the level of the upper surface of the panels will appear 'flat' or will the top height follow the contours such that there will be variation according to the small topographic variations within the field?

ExQ1	Question to:	Question:
1.4.29.	The Applicant	Appendix A of the Outline Design Principles refers to individual solar array fields by way of letters (A, B, C, etc). The maps provided in the document do not label fields as such, and there is no apparent cross-reference to any other plan or map that would help the reader to identify which field is which. Could the Applicant clarify?
1.4.30.	The Applicant	In Table 5.1 of the Outline Design Principles, it states that ' <i>the minimum separation at the central ridge of the array tables will be 300 mm.</i> ' Does the Applicant expect there to be places where this separation is greater, and if so, to what extent and under what circumstances?
1.4.31.	The Applicant	Could the Applicant confirm if the flood protection bund will be installed if Works No. 2 comprise solar panels rather than battery storage?
1.4.32.	The Applicant	Could the Applicant confirm how the dimensions (other than top height) of the new flood defence bund are controlled through the dDCO?
1.4.33.	The Applicant	Could the Applicant confirm if there are any construction impacts associated with temporary construction compounds that are not dealt with in the Environmental Statement and RIAA?
1.4.34.	The Applicant	Could the Applicant advise as to whether the pyranometers discussed in Chapter 5 of the Environmental Statement [APP-034] need to be included in the Outline Design Principles, and if their impact has been assessed in the Environmental Statement?
1.4.35.	The Applicant	Could the Applicant confirm the worst-case parameter taken into account in the EIA for depth and number of piles and confirm that these were included in the assessments? As no Rochdale envelope seems to be set for these in the Outline Design Principles [APP-251], could the Applicant also please confirm how it is intended to secure the related parameters in any DCO?
1.4.36.	The Applicant	Could the Applicant confirm the worst-case parameters taken into account in the EIA for depth and width of trenches to accommodate the grid connection and other cabling and confirm how these were included in the assessments? As no Rochdale envelope seems to be set for these trenches in the Outline Design Principles [APP-251], could the Applicant also please confirm how it is intended to secure parameters relating to width, depth, length and route in any DCO?

ExQ1	Question to:	Question:
		<p>The Environmental Statement suggests that cable trenches would be backfilled with excavated material and fine sand. Could the Applicant confirm if the hydrological assessment reported in the Environmental Statement considered the possibility of such backfilled trenches having different drainage characteristics to the existing ground and acting as 'French drains'?</p> <p>Could the Applicant confirm if the EIA made any allowance for surplus excavated spoil from the site, and if so, point to where it addresses any impacts associated with dealing with it?</p>
1.4.37.	The Applicant	<p>Could the Applicant confirm how the number and dimensions of the small mounds of site-won spoil mentioned in the Environmental Statement [APP-035] are controlled through the dDCO?</p>
1.4.38.	The Applicant	<p>Could the Applicant confirm the maximum extent of land occupied by Works No.3 and provide an opinion on whether this should be a matter for inclusion in the Outline Design Principles?</p>
1.4.39.	The Applicant	<p>Could the Applicant confirm how the dimensions and design of the northern access route, southern access route and the spine road are controlled through the dDCO?</p>
1.4.40.	The Applicant	<p>Could the Applicant please explain why the construction compound deluge system, site office, storage and welfare building are not included in the Outline Design Principles [APP-251]?</p>
1.4.41.	The Applicant	<p>Could the Applicant clarify the relative heights of the new flood bund and the substation as set out in Table 5.1 of the Outline Design Principles [APP-251] from a common basis of measurement?</p>
1.4.42.	The Applicant	<p>Table 5.2b of the Environmental Statement on page 5-16 [APP-035] suggests that the maximum height of the converters for the containerised storage solution would be 12,200mm. Could the Applicant confirm if this correct, and the maximum height assumed in the LVIA reported in the Environmental Statement?</p>
1.4.43.	The Applicant	<p>Could the Applicant confirm that the elements of the substation listed in table 5.2b on pages 5-18 to 5-20 of the Environmental Statement [APP-035] are intended to be subject to the Rochdale envelope limits set out in the final column of the table on page 5-17?</p>
1.4.44.	The Applicant	<p>Could the Applicant confirm the basis of the worst-case visual assessment carried out for the substation, and specifically if it was assumed that all equipment would be of a height of 12.8m AGL and thus if a 'block' with those dimensions was assessed when setting the theoretical ZTV?</p>

ExQ1	Question to:	Question:
1.4.45.	The Applicant	Could the Applicant clarify which flood protection bund is referred to in the functional habitat management land calculation in table 5.5 of the Environmental Statement [APP-035]?
1.4.46.	The Applicant  Natural England	Draft DCO Requirement 13 states that the Undertaker must submit to the Relevant Planning Authority a Special Protection Area Construction Noise Management Plan for approval before commencement of each phase of the Authorised Project. As this is material to the Habitats Regulations Assessment by the Secretary of State, does the Applicant believe that the proposed approach will be acceptable to the Secretary of State? (For example, compare Requirement 7 of the Testo's Junction DCO which requires approval by the Secretary of State following consultation with Natural England, rather than the local planning authority.)  Is Natural England satisfied with this approach and do they consider that sufficient detail is available to demonstrate that the necessary measures could be delivered?
1.4.47.	The Applicant	Requirement 17 (or 18, depending on which document is referred to) relates to ' <i>Amendments to approved details</i> '. This carries through to draft Requirement 2, allowing the finally approved design to vary from the Outline Design Principles [APP-251] (draft Requirement 2 (2) (c)). Does the Applicant believe that this Requirement should be clarified to ensure that the local planning authority can only vary schemes approved by that local planning authority, and any other person can only vary schemes approved by that other person? (i.e. is it acceptable to have something which is approved by the Secretary of State being varied by the local planning authority or another person?)
1.4.48.	The Applicant	The Environmental Statement at table 5.8 (page 5-34) [APP-035] sets out an indicative candidate construction phasing timetable and draft Requirement 3 refers to a phasing scheme to be approved by the local planning authority before works commence. Does the Applicant believe that the EIA and RIAA adequately allow for the variation in timescale for construction that this represents?
1.4.49.	The Applicant	Could the Applicant explain the financial arrangements that would be put in place to secure decommissioning of the Proposed Development at the end of its operational life?

ExQ1	Question to:	Question:
1.4.50.	The Applicant	<p>The application includes flexibility between a choice of a battery storage system, or the allocated area being used for additional solar modules. Could the Applicant clarify the implications of one versus the other in terms of useful electricity production.</p> <p>The Environmental Statement non-technical summary [APP-249] at paragraph 231 states '<i>...the battery storage element of the Development will help to facilitate greater use of renewable electricity.</i>' Could the Applicant provide further detail on what 'proportion' of production is likely to be stored?</p> <p>The batteries are also capable of storing electricity from the grid rather than that generated on site. Could the Applicant explain what proportion of use would be for each of these two purposes and if on-site generated electricity will take priority. If so, does the Applicant believe that this needs to be assured through the dDCO, and, if so, how?</p>
1.4.51.	The Applicant	<p>No material, finish or colour is specified in the Outline Design Principles for the mounting structures. Could the Applicant explain why this is not considered necessary?</p>
1.4.52.	The Applicant	<p>Could the Applicant explain how the permissive path qualifies as 'development' and provide justification for the inclusion of the proposed permissive path as 'Associated Development' in the dDCO.</p>
<b>1.5.</b>	<b>Environmental Statement, general</b>	
1.5.1.	The Applicant	<p>In the Environmental Statement, effects of minor significance and some effects of moderate significance are concluded to not be significant '<i>in terms of the EIA Regulations</i>'. In the context of sustainable development and planning policy such as in NPS EN-1, could the Applicant explain how the proposed development provides proportionate and reasonable mitigation to all identified significant adverse effects?</p>
1.5.2.	The Applicant	<p>Could the Applicant provide a definition of the terms 'indirect' effects and 'embedded' mitigation as used in the Environmental Statement?</p>

ExQ1	Question to:	Question:
		<p>Could the Applicant check and confirm that in all cases where mitigation is said to be embedded in the project (and therefore does not need to be secured through, for example, a Requirement) that this actually the case – e.g. the selection of ‘quietest available’ construction equipment.</p>
1.5.3.	The Applicant	<p>Could the Applicant clarify what is meant by ‘moderate’ in table 8.6 of the Environmental Statement [APP-038]?</p>
1.5.4.	The Applicant	<p>Could the Applicant provide clarification on the significance of effects on footpaths in section 13.5.2.2 of chapter 13 of the Environmental Statement [APP-043].</p>
1.5.5.	The Applicant	<p>The Mitigation Schedule is said to exclude ‘embedded mitigation’ (see paragraph 5 of [APP-252]). As proposed, many of the measures that are excluded are reliant on the certification of ‘outline’ DCO application documents and their later, accurate translation into more detailed versions by the Applicant for approval by the relevant authority when discharging the related Requirements. As such, does the Applicant believe that these are ‘certain’ or ‘inherent’ in the proposals, or would they require further action in order that they could be secured?</p> <p>The DCO Examination and subsequent stages rely on a clear mitigation route map to ensure that all mitigation measures used in the assessment are secured. In light of this, the Examining Authority requests the Applicant to update the Mitigation Strategy to:</p> <ul style="list-style-type: none"> <li>• include all mitigation measures (whether designed-in or added on) to ensure that a clear and comprehensive mitigation route map is established; and</li> <li>• in each case, add reference to specific dDCO Requirements (or other legal means) which could secure the proposed mitigation measures.</li> </ul>
1.5.6.	The Applicant	<p>Flexibility is sought in the proposed development, such that it could be built without the energy storage facility (or with a smaller energy storage facility) when the vacant area would be developed with additional solar panels. The Environmental Statement states <i>‘For all technical assessments, the realistic worst case is that the electrical compound is developed to its maximum extents, as set out above therefore the extension to the solar park is not assessed separately in this ES’</i> – see paragraph 94 of Chapter 5 of the ES [APP-035]. Could the Applicant provide further justification that this would represent the worst case for all relevant aspects</p>

ExQ1	Question to:	Question:
		<p>examined in the EIA, including, but not restricted to, glint and glare, noise (construction and operation) and traffic and transport (deliveries)?</p> <p>As the RIAA [APP-026] addresses only the battery storage option, could the Applicant provide justification, with reference to the qualifying features of the Swale SPA and Ramsar site, that the battery storage option represents the worst-case scenario?</p>
1.5.7.	The Applicant	<p>Could the Applicant confirm that the EIA has fully assessed all effects where optionality remains in the project design? The EIA assesses the northern option for the access road as this is said to constitute '<i>a worst case scenario as this would create a greater length of new access road and would be potentially more visible</i>': is this true for all LVIA receptors (including RVAA receptors)?</p>
1.5.8.	The Applicant	<p>Does the Applicant believe that the approach to using the 'candidate design' for the EIA in a context of sometimes wider Rochdale envelope parameters in the Applicable Design Principles is robust? (By way of example, the LVIA was carried out on the candidate design - is the Applicant content that this is the 'worst case' assessment to the upper limits of the Rochdale envelope and that the EIA has properly considered the worst-case development once consented and built?)</p>
1.5.9.	The Applicant	<p>Could the Applicant please expand on the cumulative and in-combination assessments in relation to the Kemsley Paper Mill (K4), (Environmental Statement Table 2.2 [APP-032]; RIAA Table 7 [APP-026]). Were other projects proposed at the same site included in the cumulative and in-combination assessments – for example, the Wheelabrator Kemsley Generating Station (K3) and the Wheelabrator Kemsley North Waste to Energy Facility? Could the Applicant confirm whether the conclusions presented in relation to cumulative and in-combination effects of the Proposed Development with Kemsley Paper Mill (K4) also apply when these other developments proposed on the Kemsley site are considered?</p>
1.5.10.	The Applicant	<p>The cumulative and in-combination assessments (in the Environmental Statement and RIAA respectively) focus on land-based developments. Could the Applicant explain, following consultation with the MMO, whether there are any other developments, plans or projects in the</p>

ExQ1	Question to:	Question:
		marine environment which could result in cumulative or in-combination effects with the proposed development?
1.5.11.	MMO Natural England Swale Borough Council Kent County Council Canterbury City Council	Could the MMO, Natural England, Swale Borough Council, Kent County Council, Canterbury City Council and any other local authority please confirm whether they are content that all other developments, plans and projects that have potential to result in cumulative or in-combination effects together with the proposed development have been identified and appropriately assessed by the Applicant in the Environmental Statement (Table 2.2) [APP-032] and the RIAA [APP-026] (including any relevant marine licensed projects)?
1.5.12.	The Applicant	Could the Applicant provide an explanation of Environmental Statement Chapter 15 [APP-045] paragraph 44, which states that the ' <i>Cloud cover will most likely decrease in a future climate change baseline relative to the current baseline. This would improve the performance of the solar farm, providing increased energy from solar irradiation. This constitutes a minor beneficial effect?</i> Is this a claim of beneficial effect from the proposed development?
1.5.13.	The Applicant	In relation to the potential risk of fire from the proposed battery array, Environmental Statement Chapter 17 [APP-047] paragraph 168 states ' <i>Fire detection and suppression features could be installed to detect... and suppress fire... to minimise the effect of any fire</i> '. Is the Applicant able to commit to installing these features and, if so, explain how they could be secured in any DCO?
1.5.14.	The Applicant	In relation to the Sequential Test Report and analysis [APP-201], could the Applicant please provide clarification as to how the relative environmental effects of the alternative sites influenced the choice made?
<b>1.6.</b>	<b>Landscape and Visual Impact Assessment (LVIA), including RVAA and Glint and Glare</b>	



ExQ1	Question to:	Question:
1.6.1.	Natural England Swale Borough Council Kent County Council Canterbury City Council	Could Natural England, Swale Borough Council, Kent County Council and Canterbury City Council confirm that they are content with the locations of the viewpoints and photomontages presented in the LVIA?
1.6.2.	The Applicant	Could the Applicant confirm the correct viewing distances for the baseline photographs and the photomontages, given the different sizes of their reproduction? Could the Applicant check the baseline viewpoint photographs and visualisation montages for correct labelling, notably those for viewpoint 22, and submit corrected documents where necessary?
1.6.3.	The Applicant	Could the Applicant please explain the apparently conflicting statements around the predicted visibility of the proposed development and study areas for the LVIA [APP-037]? It is unclear from these whether visibility is considered to be limited to 2km or 5km.
1.6.4.	The Applicant	Could the Applicant clarify the approach to the assessment of landscape effects, which is based on a 2km rather than a 5km study area [APP-037]? Could the Applicant also provide justification for the exclusion of some landscape character areas that are within 2km of the core landscape study area?
1.6.5.	The Applicant	Could the Applicant provide justification as to why the assessment of visual effects at residential receptors has largely been limited to receptors within 1km of the core landscape study area, when the study area for other receptors, which may be considered less sensitive, extends up to 2km [APP-037]?
1.6.6.	The Applicant	Could the Applicant clarify why residential receptors at Viewpoints 11 and 18 (Technical Appendix A7.3) [APP-209] have been defined as having low value and medium sensitivity rather than the high sensitivity ascribed to apparently similar receptors elsewhere in the assessment?

ExQ1	Question to:	Question:
		<p>Could the Applicant explain why users of public rights of way at Viewpoints 6, 8, 10, 17 and 22 are allocated medium susceptibility to change rather than high as stated in Table C1 (Technical Appendix A7.3)?</p>
1.6.7.	The Applicant	<p>Could the Applicant clarify the apparent inconsistency around the significance of visual effects at Nagden and Warm House between Environmental Statement paragraph 323 and its summary at paragraph 479 [APP-037], and whether there would be significant visual effects following 10 years of operation to residents of these properties?</p>
1.6.8.	The Applicant	<p>With reference to section 7.1.1 of Chapter 7 of the Environmental Statement [APP-037] and the Outline Design Principles [APP-251], could the Applicant confirm the assumption made as to the maximum height of transformers in the preparation of the ZTVs, the photomontages and the LVIA? If the transformers were higher than the solar PV modules, would the ZTVs, the photomontages and LVIA need to be amended?</p> <p>At Table 5.1 and paragraph 57 of the Environmental Statement Chapter 5 [APP-035], mention is made of floating transformers, which may exceed the height AGL of the solar PV modules in a flood event. No mention is made of these in ES Chapter 7 [APP-037]. Could the Applicant confirm whether the floating transformers would be likely to result in any additional significant effects to landscape or visual receptors during a flood event?</p>
1.6.9.	The Applicant	<p>Could the Applicant confirm the assumptions for the maximum heights of the new flood bunds and the maximum height of the substation components for the preparation of the ZTVs, the photomontages and the LVIA? If these are different to the assumptions stated on Figures 7.2 to 7.4 and at section 7.1.1 of Environmental Statement Chapter 7 [APP-037], or the definitions in the Outline Design Principles, then could the Applicant confirm whether the ZTVs, the photomontages, the LVIA and the RVAA need to be amended?</p>
1.6.10.	The Applicant	<p>Could the Applicant clarify the assumptions made as to the heights that will be achieved by the planting described in the Outline Landscape and Biodiversity Management Plan [APP-203] at years 5 and 10 in the preparation of the photomontages and assessment of landscape and</p>

ExQ1	Question to:	Question:
		visual impacts? Did such assumptions make allowances for the growing conditions at an exposed coastal location?
1.6.11.	The Applicant	Could the Applicant confirm the management provisions for all tree and shrub planting types from year 5 onwards, and the proposed end date for management activities?
1.6.12.	The Applicant	Could the Applicant explain the source and rationale for determining a threshold requiring mitigation against glint and glare of at least 60 minutes per day for 3 months of the year [APP-246]?
1.6.13.	The Applicant	In the Glint and Glare report [APP-246], could the Applicant clarify the moderator of significance used in the assessment of effects at dwellings that ' <i>Reflections would generally coincide with direct sunlight, such that an observer looking towards a reflecting panel would also be looking towards the Sun</i> '? Does the Applicant believe that the use of this moderator is justified in the case of receptors that lie to the south of the solar arrays?
1.6.14.	The Applicant	Could the Applicant advise if the output from the Glint and Glare study has been integrated with the ZTV for the visual assessment as suggested in the Scoping Opinion?
1.6.15.	The Applicant	Could the Applicant please clarify the apparent inconsistency between Environmental Statement Chapter 17 [APP-047] and the supporting Glint and Glare report [APP-246] in relation to a recommendation in the latter that some (unidentified) residential receptors are considered for further survey and mitigation?
1.6.16.	The Applicant	<p>Technical Appendix A7.4 (the RVAA report [APP-210]) refers to the Consultation Draft of the <i>Technical Guidance Note on Residential Visual Amenity Assessment (RVAA)</i> published by the Landscape Institute in February 2018. This guidance was updated by the Landscape Institute on 15th March 2019, with the publication of <i>Technical Guidance Note 2/19 on Residential Visual Amenity Assessment (RVAA)</i>. Could the Applicant confirm whether the update would (if followed) result in any differences to the conclusions reached in Technical Appendix A7.4 or Chapter 7 of the Environmental Statement [APP-037]?</p> <p>Could the Applicant clarify how the RVAA and the LVIA have been integrated and explain the apparent inconsistency in the interpretation of the significance of effects in the Environmental</p>

ExQ1	Question to:	Question:
		Statement and the RVAA report? In doing so could the Applicant justify the approach to the RVAA in which only those properties that would experience major adverse impacts at Year 10 following completion of construction are taken forward to the second stage of assessment?
1.6.17.	Swale Borough Council Kent County Council Canterbury City Council	Do Swale Borough Council, Kent County Council or Canterbury City Council have any observations on the approach, scope and findings of the LVIA and RVAA, including the scope of proposed mitigation and monitoring?
<b>1.7.</b>	<b>Noise</b>	
1.7.1.	The Applicant	Could the Applicant clarify the basis on which inverters and transformers have been incorporated into the noise assessment [APP-042], including numbers, location and optionality between battery storage and an extended array.
1.7.2.	The Applicant Swale Borough Council	Could the Applicant please explain how the 'representative' noise levels set out in table 12.7 of the Environmental Statement [APP-042] are derived from the mode, median and mean values quoted? Is Swale Borough Council happy with this approach?
1.7.3.	The Applicant Swale Borough Council Canterbury City Council	Could the Applicant please explain why the noise assessment [APP-042] is apparently limited to residential receptors and birds. Were any users of rural paths, other amenity and recreational features, or community facilities not considered to be sensitive receptors? Do Swale Borough Council and Canterbury City Council agree with the scope of receptors selected for assessment?
1.7.4.	Swale Borough Council	Is Swale Borough Council content with the methodology used to assess the magnitude and significance of noise effects, including the use of a threshold value that ignores the baseline noise condition (except where the increase in noise levels over background lasts for a month or more), and restricting the use of $L_{Amax}$ for impulsive noise effects to bird receptors?

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1.7.5.	The Applicant	In relation to ornithological receptors of high sensitivity, the assessment of noise effects from piling, manoeuvring piling plant and the installation of panels finds a change of medium/ large magnitude. Could the Applicant explain why this is not judged to be of moderate/ major significance, as would be suggested by the assessment methodology set out in Tables 12.18 and 12.19 [APP-042]?
1.7.6.	Swale Borough Council Natural England RSPB Kent Wildlife Trust The Applicant	Are Swale Borough Council, Natural England, RSPB and Kent Wildlife Trust content with the Applicant's proposal to specify construction plant, equipment and mitigation measures to ensure compliance with the various commitments to reduce noise at a later stage through the development of management plans and the imposition of Requirements?  What reassurance could the Applicant give that sufficient measures will be available to achieve predicted and acceptable construction noise levels?
1.7.7.	The Applicant	Could the Applicant explain how the operational noise mitigation commitments are secured in the dDCO?
1.7.8.	The Applicant	Could the Applicant explain the confidence that can be placed in the delivery of the proposed noise mitigation measures listed at paragraphs 114 (construction) and 116 (operation) of the Environmental Statement [APP-042] where there appears to be uncertainty around their deliverability, especially where the qualifiers 'where practicable' and 'where possible' are used. Could the Applicant explain how these measures are secured in the dDCO?
<b>1.8.</b>	<b>Socio-economics</b>	
1.8.1.	The Applicant	Could the Applicant clarify if the effects set out at Environmental Statement non-technical summary 13.3 (189 to 195) [APP-249] in relation to recreation are duplicates of those set out in the visual effects section of the Environmental Statement or are they additional?

ExQ1	Question to:	Question:
1.8.2.	Kent County Council Swale Borough Council Canterbury City Council	Do Kent County Council and Swale Borough Council believe that there are any additional mitigation measures that could reduce the significance of effect to the amenity of users of the public rights of way across and adjacent to the site during construction?
<b>1.9.</b>	<b>Traffic and Transport</b>	
1.9.1.	The Applicant	Can the Applicant expand on the response to Kent County Council's Relevant Representation [AS-009]: <i>'The spread of vehicles arriving at the site will be influenced by the nature of the material being delivered. Many of the deliveries made by sea will be held at the port of entry before onward transport to the site. It is expected that these deliveries can therefore be released from the port in a controlled manner?'</i> How does the Applicant believe that this measure can be controlled through any DCO?
1.9.2.	The Applicant	Can the Applicant explain the assumptions made in the construction traffic assessment [APP-044] relating to visitors and workers cars? How would 'fly parking' be prevented during construction?
<b>1.10.</b>	<b>Water, Flooding and Coastal Defence</b>	
1.10.1.	The Applicant	Could the Applicant provide a figure prepared to an appropriate scale depicting the location of the drains within the Proposed Development site and other surface water management features such as culverts and sluices? This should clearly identify the Internal Drainage Board managed watercourse.
1.10.2.	The Applicant	Could the Applicant submit an amended version of Appendix C of the Outline CEMP [APP-205] to provide clarity with regard to the location of the proposed new and upgraded surface water crossings?
1.10.3.	The Applicant	The RIAA [APP-026] explains that the CEMP will include a 'Pollution Prevention Plan'. Whilst there is reference to measures to avoid pollutants entering the local environment in the Outline

ExQ1	Question to:	Question:
		CEMP, there is no specific reference to a Pollution Prevention Plan. Could the Applicant update the Outline CEMP [APP-205] to reflect the commitment to produce and secure a Pollution Prevention Plan?
1.10.4.	The Applicant	<p>Could the Applicant confirm that the development will not affect existing abstractions in the vicinity of the Proposed Development?</p> <p>Could the Applicant explain if the Proposed Development could impact the reservoir located to the south of the Proposed Development and - if impact pathways exist - the extent to which significant effects are likely to occur?</p>
1.10.5.	The Applicant	Could the Applicant explain further how access to the substation will be designed through or over the proposed bund to ensure that the substation is safe from flooding for the lifetime of the Proposed Development?
1.10.6.	The Applicant	Could the Applicant confirm how adherence with the minimum distances between the Proposed Development construction works and the existing ditches (as referenced in paragraph 123 of the Environmental Statement [APP-040]) is secured by the dDCO?
1.10.7.	The Applicant	<p>Could the Applicant explain whether the conclusions of the submitted Microclimate and Vegetation Desk Based Study [APP-204] were taken into consideration in the preparation of the Outline LBMP [APP-203] and whether a contingency plan exists should the proposed seeding fail?</p> <p>The Microclimate and Vegetation Desk Based Study acknowledges a lack of existing data in relation to east-west orientated arrays and states that the findings of the study should be 'considered with caution'. Is it the intention of the Applicant to conduct any additional studies (as suggested in Section 6 of the report) to ensure that a higher degree of certainty is provided that the proposed wildflower mix seeding will establish successfully underneath the east-west orientated PV arrays?</p>
1.10.8.	Environment Agency	Is the Environment Agency content that the climate change predictions used in the assessment have not been updated to take account of UKCP18?

ExQ1	Question to:	Question:
		To what extent does the Environment Agency consider that the application of the most recent climate projections (UKCP18) would result in findings different to those identified in the Environmental Statement and Flood Risk Assessment [APP-227], particularly with regards to sea levels and tidal flooding events?
1.10.9.	The Applicant	Has the Applicant considered the possibility of failure of batteries and containment, the consequent leakage of chemicals from the Proposed Development and whether any likely significant effects could occur as a result of this? What measures would be in place to address such risks and how are these secured in the dDCO?
1.10.10.	Environment Agency	Can the Environment Agency confirm whether or not it agrees that the Water Framework Directive information provided in the application appropriately demonstrates the Proposed Development's compliance with the requirements of the Water Framework Directive? Do any other matters relevant to Water Framework Directive need to be taken into account?



**ANNEX A**

**CLEVE HILL SOLAR PARK:  
 LIST OF OBJECTIONS TO THE GRANT OF COMPULSORY ACQUISITION OR TEMPORARY POSSESSION POWERS  
 (EXQ1: QUESTION 1.2.11.)**

Obj No. <sup>i</sup>	Name/ Organisation	IP/AP Ref No <sup>ii</sup>	RR Ref No <sup>iii</sup>	WR Ref No <sup>iv</sup>	Other Doc Ref No <sup>v</sup>	Interest <sup>vi</sup>	Permanent/ Temporary <sup>vii</sup>	Plot(s)	CA? <sup>viii</sup>	Status of objection
1	Michelle Castaneda		20022204							
2	Thomas Johnson		20022188							
3	Brian Jefferys		20022189							
4	London Array Limited	CHSP-AFP032	20022179							
5	Kent Wildfowling Conservation		20022129							
6	David Dalton		20022136							
7	Faversham Oyster Fishery Company	CHSP-AFP006	20022121							
8	Stephen Laskey		20022103							
9	Canterbury City Council		20022104							
10	National Grid	CHSP-AFP022	20022095							

Obj No. <sup>i</sup>	Name/ Organisation	IP/AP Ref No <sup>ii</sup>	RR Ref No <sup>iii</sup>	WR Ref No <sup>iv</sup>	Other Doc Ref No <sup>v</sup>	Interest <sup>vi</sup>	Permanent/ Temporary <sup>vii</sup>	Plot(s)	CA? <sup>viii</sup>	Status of objection
11	William Gabbett		200220 83							
12	Marilyn Gabbett		200220 84							
13	Lee Doubtfire		200220 65							
14	Mark Stefanicki		200220 02							
15	TalkTalk		200219 67							
19	Sarah Myland		200219 33							
20	Dynamic Production Solutions		200219 07							
21	Vicky Ellis		200218 19							
22	The Ely Family		200217 97							
23	Paul Lloyd		200216 81							
24	Mark Montague		200216 36							
25	Ann-Maria Montague		200216 40							
26	Suzi Walker		200215 88							
27	David Thomas		200215 25							

Obj No. <sup>i</sup>	Name/ Organisation	IP/AP Ref No <sup>ii</sup>	RR Ref No <sup>iii</sup>	WR Ref No <sup>iv</sup>	Other Doc Ref No <sup>v</sup>	Interest <sup>vi</sup>	Permanent/ Temporary <sup>vii</sup>	Plot(s)	CA? <sup>viii</sup>	Status of objection
28	Mark Holmes		200203 10							
29	Karen McCallister	CHSP- AFP045	200184 11							
30	Keith McCallister	CHSP- AFP046	200184 12							
31	Marie King		200182 52							
32	Thomas King		200185 26							
33	Margaret Reynolds		200182 32							
34	Frances Prescott	CHSP- AFP035								

<sup>i</sup> Obj = objection number.

<sup>ii</sup> Reference number assigned to each Interested Party (IP) and Affected Person (AP)

<sup>iii</sup> Reference number assigned to each Relevant Representation (RR) in the Examination library

<sup>iv</sup> Reference number assigned to each Written Representation (WR) in the Examination library

<sup>v</sup> Reference number assigned to any other document in the Examination library

<sup>vi</sup> This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who "would or might" be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

<sup>vii</sup> This column indicates whether then Applicant is seeking compulsory acquisition or temporary possession of land/ rights

<sup>viii</sup> CA = compulsory acquisition. The answer is 'yes' if the land is in parts 1 or 3 of the Book of Reference and the Applicant is seeking compulsory acquisition of land/ rights