

**From:** [REDACTED]  
**To:** [Cleve Hill Solar Park](#); [CleveHillSolarPark@pins.gsi.gov.uk](mailto:CleveHillSolarPark@pins.gsi.gov.uk); [REDACTED]  
**Subject:** Acolaid Case PRE/17/00490  
**Date:** 13 June 2019 08:01:03  
**Attachments:** [REDACTED]

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To whom it may concern,

Please see the attached correspondence containing the Local Impact Report by Canterbury City Council and relating to the National Significant Infrastructure Project at Cleve Hill.

Kind Regards,

Joanna Dymowska

Canterbury City Council

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Case Officer: Joanna Dymowska  
Telephone: Contact Centre 01227 862178  
Email: [planning@canterbury.gov.uk](mailto:planning@canterbury.gov.uk)  
Website: [www.canterbury.gov.uk/planning](http://www.canterbury.gov.uk/planning)  
Date: 12 June 2019



## **Local Impact Report for a proposed solar farm in Graveney by Canterbury City Council**

**Proposal:** Cleve Hill Solar Park - Nationally significant infrastructure project.  
**Location:** Land at Cleve Hill, Graveney, Faversham

### **Terms of reference**

#### **Introduction**

1. This report comprises the Local Impact Report (LIR) of Canterbury City Council (CCC). The eastern part of the application site, which contains no built development, falls within the administrative area of CCC.
2. The Local Planning Authority have had regard to the purpose of LIRs as set out in S.60 (3) of the Planning Act 2008 (as amended), DCLG's Guidance for the examination of applications for development consent order and the Planning Inspectorate's Advice Note One: Local Impact Reports, in preparing this LIR.

#### **Scope**

3. The LIR relates to the likely impacts of the proposed development on the administrative area of CCC.
4. Specifically, it describes the impact of Works 1- 9 ( as described in detail in the Draft Development Consent Order (DCO)) for the construction, operation, maintenance and decommissioning of Cleve Hill Solar Farm, a solar photovoltaic (PV) array electricity generating facility and electrical storage facility, with a total capacity exceeding 50 MW.
5. The LIR does not describe the proposed development any further, relying on the Applicant's description as set out in the Environmental Statement (ES) Volume 1 - Chapter 5 - Development Description (Revision A dated November 2018).

#### **Planning history**

6. There is no relevant planning history on the application site falling within CCC's administrative areas.

#### **Purpose and structure of LIR**

7. The LIR's primary purpose is to identify the policies in the local development plan in so far as they are relevant to the proposed development and the extent to which the proposed development accords with these policies. It does this under topic-based headings (following the form of the headings used in the CCC's Section 56 response, reflecting the

nature of the likely impacts of the proposed development). The key issues for the local authority and the local community are then identified, followed by a commentary on the extent to which the applicant addresses these issues by reference to the application documentation, requirements and obligations, as relevant.

8. Any points repeated from CCC's Section 56 response has been done to ensure that the Examining Authority and the Secretary of State are in no doubt of the local authority's views. The LIR has sought not to duplicate material covered in the Statements of Common Ground (SoCG).

### **Description of the area**

9. It is considered that the Applicant's ES, Volume 1, Chapter 5 - Development Description (Revision A dated November 2018) provides a sufficient description of the application site and surrounding area.

### **Statutory development plan**

10. Section 38 (3)(b) of the Planning and Compulsory Purchase Act 2004 (as amended) describes the development plan as the development plan documents which have been adopted or approved in relation to that area.
11. The relevant documents that comprise the development plan are identified below. Other policy documents which might be considered as material considerations are also identified.
12. The Canterbury District Local Plan 2017 forms the development plan for the district and whilst adopted in July 2017, it is considered that the policies within it are in conformity with the revised National Planning Policy Framework (NPPF) published in February 2019. This LIR will refer to the Canterbury District Local Plan 2017 when considering the relevant planning matters.

## **Assessment of impacts and adequacy of response**

### **Introduction**

13. The following sections identify the relevant policies within the development plan and other local policy, the key issues raised by the proposed development and the extent to which the applicant addresses them and thus whether the proposal complies with policies in the local development plan.

### **Landscape and visual impact**

#### *National Policy Statements (NPSs)*

14. Paragraph 4.5.1 of the NPS for Energy (EN-1) states that applying 'good design' to energy projects should produce sustainable infrastructure sensitive to place, efficient use of natural resources, matched by an appearance that demonstrates good aesthetics as far as possible.
15. Paragraph 5.9.5. of the EN-1 states that 'coastal areas are particularly vulnerable to visual intrusion because of the high visibility of development on the foreshore, on the skyline and affecting views along stretches of undeveloped coast'.

*National Planning Policy Guidance (NPPG)*

16. Paragraph 007 of the NPPG for renewable and low carbon energy states that the need for renewable or low carbon energy does not automatically override environmental protections and local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on the landscape. It also recognises that the impact can be as great in predominantly flat landscapes as in hilly or mountainous areas'.

*Canterbury District Local Plan 2017*

17. Policy LB2 states that development within Areas of High Landscape Value (AHLV) will be considered in relation to the extent to which its location, scale, design and materials would impact on or protect the local landscape character and enhance the future appearance of the designated landscape and its heritage and nature conservation interest. Development proposals that support the landscape character and have no significant impact upon historic setting, archaeological or nature conservation interests, where relevant, will be permitted.
18. Policy LB3 aims at preserving undeveloped coast and supports development that does not detract from the unspoilt scenic quality or scientific value of the undeveloped coast as shown on the Proposals Map.
19. Policy LB4 states that proposals for development should demonstrate that they informed by and are sympathetic to the landscape character of the locality.
20. Policy LB10 seeks to retain trees, hedgerows and woodland that make an important contribution to the amenity of the site and the surrounding area and which are important to wild flora and fauna. It goes on to state that new development should incorporate trees in areas of appropriate landscape character, to help restore and enhance degraded landscapes, screen noise and pollution, provide recreational opportunities, help mitigate climate change and contribute to floodplain management.
21. Policy LB13 states that development shall show how the environment which river corridors and river catchments, including the landscape, water environment and wildlife habitats, will be conserved and enhanced.
22. Policy DBE3 lists a number of design principles, including the character, setting and context of the site and the way the development is integrated into the landscape, the form and density of the development (including the efficient use of land, layout, density, heights, scale, massing, materials, finishing and architectural details) and the visual impact including the impact on local townscape character, landscape and the skyline.
23. Policy DBE9 states that new developments which include outdoor lighting will only be permitted where it can be demonstrated that it does not adversely impact residential and environmental amenity by virtue of glare, light trespass, and sky glare.
24. The Canterbury Landscape Character and Biodiversity Appraisal (draft August 2012) identifies and describes the local landscape character areas in the District, assesses the condition and sensitivity of these landscape character areas, as well as identifying existing priority wildlife habitats and strategic biodiversity networks. Its aim is to provide logical, robust and defensible justifications for managing pressures for change in the area, without diminishing the value of the landscape and existing and potential wildlife habitat networks. It also provides the opportunity to identify areas that require conservation, restoration,

reinforcement or improvement to enable resources to be targeted to those areas in greatest need.

25. The above development plan policies accord with Section 15 of the NPPF.

#### *Key Local Issues*

26. Impact of the proposed development on the landscape character and visual amenity of CCC's district.

#### *Adequacy of application/DCO*

27. Chapter 7 and the associated appendices of the Applicant's ES considered landscape receptors within CCC's district, including viewpoints from the North Kent Marshes AHLV, concluding that the landscape is of low sensitivity and the proposed development would result in minor landscape impacts. Photomontages from viewpoints have also been submitted, showing the visibility of the proposed development from within CCC's district.

28. Further consideration and assessment as to the visual impact of the proposed development will be provided once an independent assessment on landscape impacts has been carried out. In addition, it is acknowledged that any harm resulting from the proposed development will need to be balanced against the benefits of the proposal. Notwithstanding this, CCC have the following initial comments to make.

29. No built development is proposed within CCC's administrative area. Notwithstanding this, the habitat management area of the proposed development to the eastern part of the application site falls within CCC's administrative area and is to contain planting and enhanced habitats. This area falls within the Seasalter Marshes Landscape Character Area (LCA), which is characterised by open expanses of grazing marsh with rough grass and tufts of sedge. Fields are large across the open ground, segregated by drainage ditches. Management of the area is entirely for grazing livestock and horses. Landscape features are generally limited to scattered mature scrub and small clumps of trees at field margins. The large skies provoke a sense of remoteness and tranquillity and there are long uninterrupted views to the north and to the south, including distant views of the coast. There is a distinct lack of built development in the area. The area is tranquil, undisturbed and has a traditional character and the landscape is considered in good condition and highly sensitive in visual terms. The distinctive character of the area should therefore be conserved. The draft Canterbury Landscape and Biodiversity Appraisal states that the open character of most marshland landscapes accentuates the visual impact of many proposals over a wide distance as compared with more enclosed landscape types and advises that proposals that can result in the interruption of views of large open skies or horizons, or impinge on the remote undeveloped quality of marshland and its shoreline is avoided. The remainder of the application site that falls within Swale's administrative area continues the landscape character identified above.

30. Notwithstanding the above, the proposal would introduce regimented rows of solar panels over a significant area directly adjacent to the CCC district boundaries. Whilst the proposed solar panels would not be located within CCC's administrative area, they would be visible from CCC's district from both the localised level and the wider landscape given the flat, open nature of the landscape, the public rights of way (PROW) within the vicinity of the site and the wider area (the Saxon Shore Way, the National Cycling Route and future England Coast Path that follow the coastline and occupy an elevated position in relation to the application site), where direct, uninterrupted views of the proposed development would be afforded. This would cause harm to the setting of the landscape

within CCC's District as the proposed solar panels would result in the presence of uncharacteristic and utilitarian features of an industrial scale in the open countryside, significantly altering the physical appearance and land use of the landscape and creating a marked contrast between undeveloped land and the proposed solar park, which would disturb the existing continuous landscape character of the local area.

31. The planting within the proposed habitat management area and new habitat would comprise of coastal and floodplain grazing marsh with low key natural scrub. As such, it would not result in harm to the setting of the Seasalter Marshes LCA or the North Kent Marshes AHLV. However, considerable landscaping around the solar panels is proposed which would appear as an alien feature contrasting with the existing character of the area.
32. As such, the proposed development is considered to have a detrimental impact on the setting of Seasalter Marshes LCA and the North Kent Marshes AHLV. The extent of that impact is currently unclear as an independent landscape review has yet to be concluded.

### **Ecology/ornithology/biodiversity**

#### *Canterbury District Local Plan 2017*

33. Policy LB5 recognises that under the provisions of the Conservation of Habitats and Species Regulations 2017, CCC is required to have regard for any potential impact that a development may have on special areas designated to protect rare and important habitats, plants, animals and birds including European designated sites.
34. Policy LB5 states that planning permission will not normally be granted for development which would materially harm the scientific or nature conservation interest, either directly, indirectly or cumulatively, of sites designated as a Site of Special Scientific Interest (SSSI), National Nature Reserve (NNR) and Marine Conservation Zones (MCZ) for their nature conservation, geological, or geomorphological value. Support will be given for enhancement.
35. Policy LB7 states that development or land-use changes likely to have an adverse effect, either directly or indirectly, on Local Wildlife Sites, Local Nature Reserves; Regionally Important Geological/Geomorphological Sites will be permitted if the justification for the proposals clearly outweighs any harm to the intrinsic nature conservation and/or scientific value of the Site. Development should avoid any negative impacts. Where negative impact is unavoidable, mitigation measures should be taken, or where mitigation is not possible, compensatory schemes should be created. Any application affecting locally important sites will be expected to demonstrate enhancement measures to benefit biodiversity.
36. Policy LB8 states that new development will need to show, amongst other things, how it will avoid the fragmentation of existing habitats, support the creation of coherent ecological networks, retain, protect and enhance the notable ecological features of conservation value.
37. Policy LB9 accords with the provisions of the Conservation of Habitats and Species Regulations 2010, which requires CCC to have regard for any potential impact that a development may have on protected habitats, plants, animals and birds. This policy also accords with the provisions of the Natural Environment and Rural Communities Act (2006), which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions for the purpose of conserving biodiversity'.

38. Policy LB12 states that the CCC will strongly support projects to restore, enhance and extend the ecological value of this area and promote the extension of Seasalter Levels Local Nature Reserve to the wider area shown on the Proposals Map.
39. Policy SP6 states that development that may have an adverse effect on the integrity of the coastal sites being the Thanet Coast and Sandwich Bay SPA or Ramsar and Swale SPA and Ramsar, alone, or in combination with other plans or projects, through an increase in recreational disturbance on the over-wintering bird populations for which these sites are designated will not be permitted.
40. The Canterbury Landscape Character and Biodiversity Appraisal (draft August 2012) identifies existing priority wildlife habitats and strategic biodiversity networks, as well as identifying and describing the local landscape character areas in the District, assessing the condition and sensitivity of these landscape character areas. Its aim is to provide logical, robust and defensible justifications for managing pressures for change in the area, without diminishing the value of the landscape and existing and potential wildlife habitat networks. It also provides the opportunity to identify areas that require conservation, restoration, reinforcement or improvement to enable resources to be targeted to those areas in greatest need.
41. The above development plan policies accord with Section 15 of the NPPF, the Conservation of Habitats and Species Regulations 2017.

#### *Key Local Issues*

42. The impact of proposed development on biodiversity matters and designated sites within CCC's district, namely the Swale Special Protection Area (SPA) and Ramsar site and Site of Special Scientific Interest (SSSI) and the Swale Local Natural Reserve (LNR).

#### *Adequacy of the application/DCO*

43. The habitat management area of the proposed development is located within CCC's administrative area. The area is highly sensitive in ecological terms and is an important existing stretch of habitat within a wider coastal habitat network.
44. A review has been carried out by Kent County Council (KCC) and Natural England in assessing the likely impacts of the proposed development on ecology and designated nature conservation sites. CCC will review and consider the conclusions of these reviews and then confirm its position in regards to the ecology within CCC's district.

#### **Heritage assets**

##### *Canterbury District Local Plan 2017*

45. Policy HE12 states that within the Canterbury Area of Archaeological Importance and areas of recognised archaeological potential elsewhere in the District, CCC will determine planning applications involving work below ground level once the applicant has provided information in the form of an evaluation of the archaeological importance of the Site, and, an assessment of the archaeological implications of the proposed development.
46. Policy HE1 state that proposals which protect, conserve and enhance the historic environment and the contribution it makes to local distinctiveness and sense of place.
47. Policy HE6 states that development should preserve or enhance special architectural or

historic character or appearance of the conservation area or its setting.

48. Policy HE8 states that the Canterbury City Council has presumption in favour of the conservation of heritage assets.
49. The above development plan policies accord with Section 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### *Key Local Issues*

50. The impact of the proposed development on the heritage assets and their setting.

#### *Adequacy of the application/DCO*

51. The site falls within an area of archaeological potential, however there is no built form proposed within the area falling within the CCC's district. Therefore and on this basis, it is not considered that there would be a significant impact on archaeology. The Council is aware that KCC is in the process of reviewing the impacts on archaeology across the entire application site.
52. Approximately 4.5 km to the north-east of the site is South Whitstable Conservation Area and the Whitstable Town is located approximately 5 km away from the application site. Given the separation distance, it is considered that the proposed development is unlikely to result in harm to the character and appearance of these conservation areas or the historic setting of Whitstable.

#### **Drainage and flood risk**

##### *Canterbury District Local Plan 2017*

53. Policy CC4 advises that sites in Flood Zone 2 and 3, and sites larger than 1 ha in Flood Zone 1 will be subject to a Flood Risk Assessment. Measures identified to mitigate effects shall be installed and maintained to ensure their long term retention, maintenance and management. Other flood resilient and/or resistant measures may also be required, and their provision will be informed by the findings of a submitted Flood Risk Assessment.
54. Policy CC5 states that on sites that have not been previously developed within the Environment Agency's Zones 2 and 3, new development will only be permitted if it can be demonstrated that it satisfies the requirements of the Sequential Test and, where required, the Exception Test. Extensions to existing property and change of use must meet the requirements of flood risk assessments.
55. Policy CC11 states that applications should have drainage provisions, to control surface water, and manage flood risk on-site and off-site. On major and strategic developments it should be shown how this infrastructure will be delivered over the different building phases to ensure that schemes are delivered as envisaged and that ongoing and future flood risk is managed.
56. Policy LB13 states that development shall show how the environment within river corridors and river catchments, including the landscape, water environment and wildlife habitats, will be conserved and enhanced. Supply of water, treatment and disposal of waste water and flood risk management should be shown to be sustainable and deliver environmental benefits, within the water environment.

57. The above development plan policies accord with Section 14 of the NPPF.

*Key Local Issues*

58. The impact of proposed development on flood risk within CCC's district.

*Adequacy of the application/DCO*

59. The part of the application site within CCC's District is to be used as a habitat management area and so there would be no unacceptable impact on the flood risk.

**Socio-economic**

*Key Local Issues*

60. The impact of the proposed development on employment growth and recreation in CCC's district.

*Adequacy of the application/DCO*

61. Given the nature of the proposal, it is considered that the proposed development would result in limited employment benefits to CCC's district.

**Highways, access and traffic**

*Canterbury District Local Plan 2017*

62. Policy T1 states that in considering the location of new development, CCC will consider principles of the Transport Strategy.

63. Policy T16 states that rural lanes which are of landscape amenity, nature conservation, historic or archaeological importance will be protected from changes and management practises which would damage their character, and where possible be enhanced.

*Key Local Issues*

64. Impact of traffic generated by the proposed development on the local highways network within CCC's district.

*Adequacy of the application/DCO*

65. CCC is not anticipating that there would be any adverse effect on the highways network within the CCC District.

**Conclusion** .

66. CCC have reviewed the application and evaluated the likely impacts of the proposed development in the context of the local development plan and other relevant policy.

Whilst CCC recognise the positive benefits from renewable energy generation that would result from the proposed development (supported in policy DBE2 of the Canterbury District Local Plan 2017 in line with Section 14 of the NPPF), this must be weighed against its potential environmental and landscape impacts. CCC will continue to engage positively with relevant parties during the course of the examination.