



CLEVE HILL SOLAR PARK

RESPONSES TO THE EXA'S WRITTEN QUESTIONS - APPENDICES
Appendix 13 – Letters Between Cleve Hill Solar Park Ltd And The
Environment Agency Dated 13 April 2018 And 8 May 2018

June 2019
Revision A

Document Reference: 10.1.1
Submitted: Deadline 2

www.clevehillsolar.com



CLEVE HILL
SOLAR PARK

Jon Byne
Environment Agency
Orchard House
Endeavour Park
London Road
Addington
Kent
ME19 5SH

13th April 2018

Dear Jon,

Cleve Hill Solar Park – Flood Defence Management

As discussed in previous meetings, Cleve Hill Solar Park Ltd (CHSPL) is intending to develop land on the north Kent coast as a solar photovoltaic and battery storage development known as Cleve Hill Solar Park (CHSP).

This letter addresses two issues discussed at the meeting between the CHSPL project team and the Environment Agency (EA) on 16 March 2018:

- Responsibility for future management of the flood defences which currently protect the proposed CHSP site; and
- Extending the red line boundary for the CHSP DCO application to address future uncertainty regarding the above.

Flood Defence Management

During our meeting on the 16 March 2018, we discussed the EA's current position in respect of the ongoing maintenance of the sea defences that currently protect the land at Cleve Hill, Graveney, which is proposed to be developed as CHSP.

The EA currently maintain the defences and the future coastal management strategy proposed in the consultation draft of the MEASS for Benefit Area 6.2 is a strategy of "hold the line" and maintenance of the defences until at least 2038. However, at the meeting, it was explained that in the event that CHSP was consented and built, the existing defences would not continue to be maintained by the EA.

CHSPL believes that the EA should continue to maintain the defences until appropriate set-back defences have been established and a managed realignment takes place on the site *i.e.*, at least for years 0 to 20, and beyond this until the point of managed realignment. This belief stems from the need to protect the nationally and internationally designated freshwater habitats on the landward side of the sea wall from tidal flooding (including the freshwater habitats immediately adjacent to CHSP and the sea wall). We expect that the ongoing maintenance of the defences would be in line with the EA's principle aim to protect and enhance the environment.

The suggestion of ceasing maintenance of defences also fails to consider the benefit of the protection of nationally significant infrastructure assets that the existing defences currently protect as well as other property and infrastructure which could be affected by a deterioration and/or failure of the defences. The nationally significant infrastructure comprises the existing 400 kV overhead lines and pylons owned by National Grid, the London Array Cleve Hill Substation, and the proposed Cleve Hill Solar Park.

CHSPL believes it is clear and unambiguous that the EA should continue to lead on maintenance and repair of the defences which protect the infrastructure and designated sites in the area regardless of the presence of CHSP.

CHSPL recognise that the EA is seeking to reduce its commitments in respect of the costs of defence maintenance and we are willing to enter into discussions on how we can best work together with the EA and with other beneficiaries of the existing protection to secure appropriate funding to ensure the ongoing maintenance of defences which protect the CHSP site. We discussed the potential for capital maintenance programmes and partnership funding in the meeting on 16 March, and we are willing to enter into discussions regarding these delivery mechanisms to establish the most appropriate way forward.

Red Line Boundary Extension

Notwithstanding the above, CHSPL must also ensure that CHSP can be protected from flooding throughout its operational lifetime. Given the uncertain position with regard to the future maintenance of the defences, we propose extending the red line boundary to encompass the flood defences which protect the proposed CHSP site. Through the DCO application, CHSPL intends to seek the necessary rights to have the ability to maintain the existing defences in the event that maintenance ceases at any point in the project's operational lifetime.

To be clear, we consider the incorporation of the land containing the defences into the DCO application boundary to be an insurance policy, and we hope and expect that through working jointly with the EA we can successfully ensure the protection of CHSP from coastal flooding throughout its operational lifetime, which is currently expected to be approximately 40 years. This would also serve to protect some areas of the designated freshwater sites around the CHSP site.

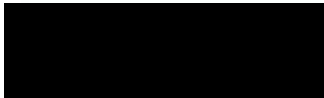
I have enclosed a plan of the site showing the currently expected DCO Application boundary revision. There is work ongoing which will contribute to the finalisation of this boundary revision.

At Nagden, there is a discrepancy between the flood defences shown on the flood map which protect the site, and the flood defences marked on the MEASS BA6.2 plans. We have relied upon the flood map as the definitive version of the flood defence alignment rather than the defences marked in the MEASS plans. Please confirm that you agree this is the correct approach.

As discussed previously, we are keen to approach the owners of the land where the defences are located as soon as possible, however we consider it is important to first inform the EA of our position. It would therefore be appreciated if this correspondence could be kept confidential at this time.

We are keen to meet again to discuss this in more detail and have arranged with Sara Gomes a date of 17th April 2018 to meet.

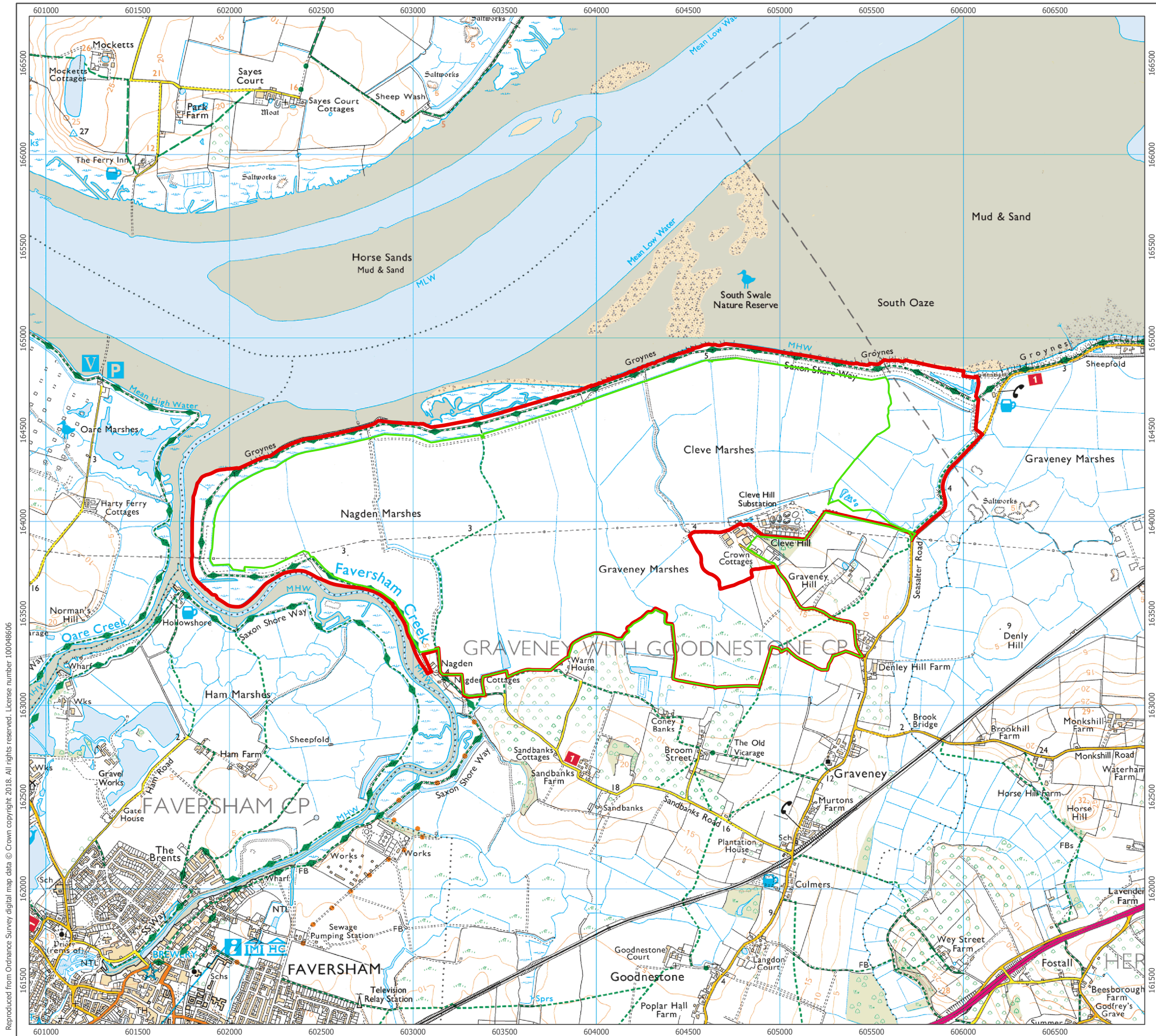
Yours sincerely,





Hugh Brennan
Managing Director
Hive Energy
For and on behalf of Cleve Hill Solar Park Ltd

Encs: Red Line Boundary Plan







Reproduced from Ordnance Survey digital map data © Crown copyright 2018. All rights reserved. License number 100048606

-  Site Boundary
-  Site Boundary at Scoping Report Stage

1:20,000 Scale @ A3



Produced By: SC	Ref: 2238-PUB-035
Checked By: MB	Date: 28/03/2018

Site Boundary Comparison

Cleve Hill Solar Park

Hugh Brennan
Hive Energy
Woodington House
East Wellow
Hants
SO15 6DQ

Our ref: ENVPAC/KNTSLN/00579
Your ref:
Date: 8 May 2018

Dear Hugh

Cleve Hill Solar Park (CHSP) – Flood Defence Management

Thank you for your letter dated 13 April 2018. We met on 16 March and again on 17 April, therefore some elements of your letter, and this reply, have been discussed on 17 April.

Future management of flood defences

We discussed on 17 April our position in relation to maintenance of the defences at Cleve Hill. Three scenarios were set out in terms of the Medway Estuary and Swale Strategy (MEASS) and the site development proposals to provide a solar park:

- Plan A outlines the 'without solar park' scenario and is as per the MEASS strategy - MEASS includes patch and repair / maintenance in Epoch 1 (0 to 20 years) and for managed realignment to begin to be considered in Epoch 2 (from year 20). Maintenance of the defences in the first epoch can only be economically justified due to the benefit of managed realignment in the longer term.
- Plan B outlines the scenario in which the solar park is consented and built. The Environment Agency's position in this scenario is to cease maintenance of the defence for the operational lifetime of the development.
- Plan C outlines the scenario if the Environment Agency conclude that no managed realignment is possible on the site at any point, due to the infrastructure existing and proposed. The defences would become a 'no active intervention frontage'. Plan C would be most likely to occur if the strategy were to be reappraised at the start of Epoch 2 and if the infrastructure was still in place and preventing managed realignment from taking place.

Managed realignment in theory could potentially occur at any point in the second epoch and not necessarily within the early years of that period. The full scope of works required to implement realignment has not been identified, but it would be likely to include the creation of a new defence set back to the south of the existing defence in Benefit Area 6.2. Managed realignment would be subject to consultation with those owning existing electricity assets in Benefit Area 6.2 (e.g. CHSPL, National Grid and Blue Transmission London Array Limited (BT LAL)), feasibility and viability analysis, the approval of an Implementation Plan, and the Environment Agency procuring the necessary funding, land interests and statutory consents to implement the realignment.



The proposed policy options set out within MEASS are based on government policy and treasury rules for allocation of public funding. All flood defence spending must be based on the cost / benefit of either building or maintaining an asset. The potential development of CHSP cannot be counted as a benefit in the economic assessment within MEASS.

The Environment Agency does not own the land or the defences at this location. Therefore there is no legal obligation for us to undertake maintenance, and any works carried out in the past have been done so using permissive powers.

The proposed policy set out within MEASS will become adopted once the strategy is officially signed off. We would therefore respond to any formal Development Consent Order application stating, as outlined within MEASS, that publicly funded maintenance of the defences is not economically viable without the associated justification of managed realignment in the future. We would expect major infrastructure owners such as CHSPL, National Grid and BTLAL to undertake maintenance of the defences whilst occupying the site. In the case of CHSP, we would expect this to come into effect once construction / use of the site commences.

Extent of flood defences

The flood defences at the site and wider area are not fully shown on the published flood map. The defence line is continuous from Cleve Hill to Nagden and to the south west beyond. MEASS Benefit Area 7.2b - which adjoins Cleve Hill to the south west – is a Hold the Line (maintain) frontage.

Red line boundary extension

We discussed your proposal to extend the CHSP red line boundary to include the flood defences protecting the site, and the inclusion of powers and rights in your DCO to enable CHSPL to undertake maintenance works to the defences. We would not have any concerns or objections with this approach in order to give CHSPL the ability to maintain the defences in the future. The defences beyond the CHSP site boundary would be maintained by the Environment Agency within MEASS Benefit Area 7.2b (subject to partnership funding being available).

If you would like to discuss this please let me know.

Yours sincerely

Mrs Jo Beck
Planning Specialist

Direct line: 0208 474 6713

Direct email kslplanning@environment-agency.gov.uk