

National Infrastructure Planning
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Our Ref: CHSP/WR/06/2019
Your Ref: EN010085
Date: 26 June 2019
Contact: Mr G Thomas

BY EMAIL TO: CleveHillSolarPark@planninginspectorate.gov.uk

Dear Sir/Madam

Planning Act 2008–Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010–Rule 6

Application by Cleve Hill Solar Park Limited for an Order Granting Development Consent for the Cleve Hill Solar Park Project

Further to your letter of 18 April and the Preliminary Meeting held on 30 May providing the timetable for the examination of this Nationally Significant Infrastructure Project (NSIP) as set out in Annex C to your letter, the Borough Council's Planning Committee met on Thursday 20 June to consider its substantive response to this application for a Development Consent Order. This letter comprises that response including the express views of the Planning Committee, based on the report explaining the role of that representation (copy attached) and the Local Impact Report (LIR) already submitted to you.

Members have been informed not just by the report, but also by asking the CPRE and GREAT who oppose the application, as well as the applicant, to make individual presentations to them ahead of their meeting. Those presentations took place on the 4th June (CPRE and GREAT) and 6th June (the applicant) before the Planning Committee considered the application, and Members were given the opportunity to ask questions at both presentations to better understand the various issues and points of view over this controversial project.

SUMMARY OF THE COUNCIL'S REPRESENTATION

Swale Borough is a largely rural Borough on the north Kent coast. It has the longest coastline of any District in Kent and a high quality natural environment. It is an integral part of the "Garden of England" and played host to the first cherry orchards in England at Teynham. The area's economy is founded on agriculture but its high quality natural resources and good access to the Thames Estuary has made it well known for brick manufacture and the building of London. The Borough has a particularly varied character ranging from internationally important estuarine habitats (an SSSI, SPA and Ramsar site) to the nationally important Kent Downs Area of Outstanding Natural Beauty (AONB) with much grade 1 agricultural land and ancient woodland in between. The Borough is also rich in built heritage with 50 conservation areas and over 1800 listed buildings.

The Council has an up to date Borough wide Local Plan adopted in July 2017 with policies designed to ensure consistency in decision making and protection for the very special environment that it has. This solar park and battery storage project is not included in that Local Plan and its scale, nature and location cut across many of the policies in that Plan. The area that the project is intended to occupy

has been identified as being of locally high landscape value, and it is without doubt important for internationally important bird populations. What might at first sight appear to be poor quality and intensive monoculture land is in fact a resource that both supports the importance of the adjacent estuary for migrating birds, and is in itself home to an extensive array of wildlife due to its position and the fact that it is dissected by numerous species rich drainage ditches.

The very low lying, flat open nature of the area offers long coastal views and means that the area is subject to potential tidal flooding. This means that this project, which is not intended to foster management or flood risk across the site, is especially vulnerable to flooding and has been designed to defend against flood risk by means including artificially raising the height of the solar panels and creating a substantial earth wall around the substation and battery storage compound; features that would not be necessary if it were not for the flood risk. This is especially damaging in the context of such a flat site where long distance views at ground level are such a feature; views that will in places be entirely obscured not just by the solar panels themselves, but also by the substation bund and by planting designed to screen and obscure views of the raised solar panels. Both the solar panels and the screening intended to hide them will affect the amenities of nearby residents and the settings of nearby listed buildings and the Graveney Church conservation area.

Intensive construction traffic over a long construction period will use unsuitable narrow country lanes, and this will be repeated, perhaps at even more intensive level, during decommissioning. These lanes have already suffered long term effects from the construction of the adjacent London Array substation despite promises to survey these roads and reinstate any damage caused during that construction.

The Council understands that as an NSIP the primacy of the Development Plan is normally set aside in favour of National Policy Statements (NPSs) but that there is no such NPS for solar power or battery storage projects. As such, a decision to approve a solar power and battery storage project of this scale would be taken in a National policy vacuum which may prejudice the formulation of that policy and result in a development that is ultimately incompatible with whatever National policy guidance might yet emerge.

Whilst the Council acknowledges the major contribution of the project to “carbon free” energy generation, the development is contrary to many adopted Local Plan policies aimed at protecting the wider special landscape, ecology and heritage of the local area; and the need for such a large solar park or battery storage facility has not been established at a National level. Accordingly, the Council considers that it would be dangerous and perverse to approve such a development at this time.

WRITTEN REPRESENTATION ON BEHALF OF SWALE BOROUGH COUNCIL

- 1 This is a project of national significance with big implications for issues of international, national and local importance. The potential impacts on national energy production and carbon reduction targets are acknowledged and the Council is keen to support the production of renewable energy both in new developments, and where that is the focus of a new development. The Council has granted planning permission for a number of solar energy projects and is familiar with their nature and impacts. By way of contrast, the battery storage element of the project is new and largely untested at this scale.
- 2 The Council is the guardian of a very special and diverse area. This area includes an internationally important area for wildlife including a European Special Protection Area (SPA), a Ramsar site, Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), Local Nature Reserves (LNRs), an Area of Outstanding Natural Beauty (AONB) and other areas of high landscape value (AHLVs). It is also rich in built heritage with many ancient monuments, 50 conservation area and over 1,800 listed buildings. The area has a rich

agricultural tradition as part of the “Garden of England” and played host to the first cherry orchards in England at Teynham in the year 1533 under the reign of King Henry VIII who, incidentally, ordered the destruction of Faversham Abbey in 1538.

- 3 The Borough’s coastal location (it has the longest coastline of any District in Kent) means that Faversham has an important sea-going tradition being a confederate member of the Cinque Ports and a place with strong trading links and a rich history. The low lying position of Faversham means that it is at risk from flooding and from rising sea levels. Part of the long term plan for the coast here is managed realignment, including long term release of the current application site’s sea defences, with the area being returned to habitats which will increase biodiversity. Delaying this by constructing the solar park and battery storage facility represents a delay to biodiversity enhancement and loss of carbon storage opportunity in the meantime.
- 4 The development proposed is not an ordinary solar energy project. Its scale is far in excess of any such project previously tried in the UK. The east west orientation of the solar panels themselves means that the traditional shade gaps between south-facing rows of panels will be absent. The flood risk across the site means that both the panels and the substation/battery storage area need to be designed to withstand a possible beach of the sea defences.
- 5 Nor is the development site a typical area of arable land. It adjoins The Swale SPA/Ramsar site/SSSI, is crossed by species rich ditches, and is recognised as of local landscape significance due to its lack of contours and resultant extensive unbroken views. It is also not an area blessed by good road access, but it is crossed and bounded by footpaths which allow access to the sorts of views and solitude that are rare and unique in this busy part of south-east England. All of these factors bring challenges often absent on a typical solar energy site developed on agricultural land.
- 6 The development as proposed will cover a vast area of land in solar panels, broken up only where existing ditches and a line of National Grid pylons force these breaks. The effect on the undeveloped and remote character of the area will be dramatic, and will significantly alter the landscape and functioning of the area. The development area will be saturated with solar panels, and no opportunity has been taken to leave occasional substantial open areas within the solar park to allow views from footpaths or meaningful wildlife corridors to exist. There will in fact be almost no benefits to the local area save for the possible increased biodiversity arising from less intensive agricultural practices on an area to be managed for wildlife, and where ditch edges are not intensively farmed.
- 7 Local residents and heritage assets in the form of the Graveney Church conservation area and grade 1 and II listed buildings will have their aspects, settings and amenities compromised. Users of footpaths will have their views changed beyond recognition, and in an effort to reduce views of solar panels, new tree planting will wipe out long range views across the site both from private properties and public footpaths, dramatically adversely impacting upon the public’s perception and enjoyment of the character of the place.
- 8 The Council understands that as an NSIP, the views of the Council and local residents and other groups will be taken into account. However, locally derived policy is normally overridden by National Policy Statements (NPSs). There is no such NPS for solar power or battery storage projects. Accordingly, local policy must be given greater weight than might otherwise be the case in an NSIP examination, and the Council has a Local Plan adopted within the last two years which contains many policies that the project is at odds with. To override such policies for a project of such exceptional scale without any current higher status guidance is

likely to lead to unforeseen consequences and a free for all in solar energy or battery storage projects, as few sites will have the same range of environmental constraints that are found here. This is not the intention of the NSIP process, which is founded on following NPS guidance, not on leading and potentially prejudicing formulation of such guidance. The Council considers this to a fundamental objection to this proposal.

- 9 Smaller solar power installations have been developed locally and these sit within the wider landscape in a way which allows their more limited impacts to be mitigated without destroying the very character of their surroundings. Here, the exceptionally open nature of the landscape leaves no alternative than to try to hide the development by means which cut across its long distance uninterrupted views. The percentage ground cover of the total site area is artificially lowered by the inclusion of sea walls and a habitat creation area, but within the area to be developed the east-west orientated panels will be set very close together, they will be installed higher up than normal, and they will have more of the appearance of vast buildings than rows of solar panels. The battery storage element of the project may have many unknown impacts, and to experiment with such a sensitive location on such a scale is unacceptable to the Council.
- 10 The flood risk across the site makes it fundamentally unsuitable for a minimal impact development. Both the defences around the substation and the artificially high positioning of the solar panels are direct responses to the flood risk, yet they exaggerate the landscape impact of the development. The erection of a high rectilinear earth bund around the substation/battery storage area set forward of Cleve Hill will appear totally alien to the current distinctive transition between undulating farmland and the flat former marshland landscape. The unbroken sweeping view now possible across the northern side of Cleve Hill from Nagden to Seasalter will be broken into with a high bund and structures up to 12.8m tall and, even where the substation is not in the view, the solar panels from at least 3.3m and up to 3.9m high will remove any views unless one is already on the sea wall or higher land.
- 11 The Council's concerns include the following main areas which are discussed below:
 - Landscape impact
 - Biodiversity impact
 - Heritage impact
 - Amenity impact
 - Traffic impact, and
 - Issues arising from the draft Development Consent Order

Landscape impact

- 12 The development covers an extensive area of land with a repetitive pattern of solar panels tilted west and east, boundary fencing, and CCTV cameras and lighting on poles. New hedgerows and woodland to the south of the development, woodland on the bund around the electrical compound, shrubs to the landside of the seawall, sheep grazing below the solar panels, retention of the biodiverse ditches, and retention of the Public Rights of Way are also parts of the proposal. The development site falls within the National Character Area 81: Greater Thames Estuary yet it does not fully meet the definition of the landscape type as "tidal salt marsh and reclaimed grazing marsh". As highlighted by the Swale Landscape Character and Biodiversity Appraisal SPD the land is currently under cereal production and is therefore not currently technically marshland, and could be described as poor condition with regards its

- lack of representation of the landscape type. In addition, existing pylons across the development site are a feature of all of the Swale Marshlands Character Area.
- 13 However, the landscape of Graveney Marshes retains the features of a marshland described as flat, open, remote and expansive character in keeping with the rest of the marshlands along the Swale. With regards the development itself, the solar panels are to be set at a height below the seawall and so, apart from along the Public Right of Way internal to the development, the sense of openness and expansiveness is retained although this is broken by the electrical storage facility bund and tree planting. The new industrial style landscape over such an extensive area will diminish the sense of remoteness and isolation. The introduction of the bund and tree planting around the battery storage area, as well as scrub planting behind the seawall at the junction with the Public Right of Way and new footpath is also contrary to the vegetation typologies in the Marshland Landscape Character Area as it will break up the open expansive character.
 - 14 Existing trees and hedgerows of the adjacent Fruit Belts Landscape Areas create a more intimate and introspective landscape. The new tree belts in the south of the site assist with localised screening and are in keeping with the spirit of the Fruit Belts Character Area featuring shelter tree planting. However, hedgerows are not a feature of Marshland Landscape Character Areas and proposed hedgerows would be incongruous, so they should only be located close to the Fruit Belt's Character Area and not within the Marshland Character Area.
 - 15 In terms of visual impact, the key receptors are identified as residents of the immediate locality, users of the Public Rights of Way including the Saxon Shore Way, and users of mid-distant roads. The Saxon Shore Way is also due to become part of the English Coast Path. It is observable that some residents will have views of the development from their property, some more than others. Screen planting is proposed in relevant locations and as the dwellings are located on the border of the Fruit Belts Character Area such planting is in keeping. However, residents, particularly at Nagden and Warm House, who enjoy the distant open views of the Marshland Character Area could lose the view of the 'open sky' expansive character which is blocked not only by the solar panels but also by tree planting aimed to screen the development. The users of the Public Right of Way passing through the site will be below the panels and will have distant views replaced by views through the panel stilts and structure. Users of the Public Rights of Way beyond the development will have various views of the development as illustrated in the applicant's photomontages.
 - 17 The predominant medium distant views of the development are from the Isle of Sheppey and specifically the elevated Isle of Harty, as well as from Victory Wood to the south east and from Oare in the west. The Development will be visible from these locations, albeit in the distance. The number of receptors is limited with the highest number of receptors likely at Church Road, Oare.
 - 18 Apart from tree belt and some hedgerow planting to the immediate south of the development, any such planting within the site or to the north is not something that the Council would wish to see, as it is contrary to the open flat landscape character.
 - 19 The Council is extremely concerned that the project does not adequately recognise the sensitivity of the landscape here, or seek to minimise its impact in two particular respects, both of which were drawn to the applicant's attention as long ago as July 2018, without resulting in any changes to the scheme.

- (i) Firstly, the Council is concerned about the siting and shape of the substation and battery storage compound. This facility is sited on flat low lying land vulnerable to flooding, which requires a very substantial earth bund to be constructed around it. This bund is intrusive in its own right, but its position and configuration pay no attention to the site's existing features. The site is adjacent to higher ground used by the London Array substation, which avoided intruding into the long uninterrupted views across the flat landscape. To have adopted the same strategy now would have avoided the need for the bund in the first place, and the Council questions why the same approach is not being proposed now. Furthermore, the layout of the substation's earth bund follows no existing features and does not reinforce existing boundaries or ditch alignments. It simply imposes its functional requirements without regards to its situation.
- (ii) This is particularly disappointing given the fact that the battery storage facility which makes up most of this area is to be comprised of small individual units. Unlike a large single building which may have fixed proportions and a minimum footprint, these battery storage units do not appear to need to be positioned in solid regularly shaped groups but could be disaggregated and re-aligned to fit almost any shape of compound. The compound could then be re-planned to have greater regard to the natural features, contours and views available across the site. The Council requested consideration of re-positioning the substation compound to reduce its effect on the views across the landscape, with particular reference to it being sited behind Cleve Hill where it would not intrude into the long views across the landscape to the north.
- (iii) The applicant's limited response to this suggestion (essentially that at paragraph 4.4.2.3 of the Environmental Statement) is confined to suggesting that they wish to avoid the substation being seen from All Saints Church and the Graveney Church conservation area; and wishing it to be seen alongside the London Array substation, not separately. This response does not explain why the unchanged substation layout ignores the natural features of the landscape. Nor does it explain why it is not set on Cleve Hill itself alongside the London Array substation where it would not intrude into views across the flat landscape, but where it will blur the distinction between Cleve Hill and its marshland surroundings, and in a location where a flood defence bund would not be required.
- (iv) Secondly, the London Array substation is served by a very high standard new road from Seasalter Road, which loops right around the southern edge of that substation and leads directly to the location of the proposed new substation and battery storage compound. However, initial solar park plans showed the creation of a new spur route to the new substation starting part way along the London Array access road and running around the northern side of the London Array substation before joining back up with the London Array road before the new substation. This route does not go anywhere that the London Array road does not, and is mainly on the northern side of the ditch marking the southern edge of the flat land north of Cleve Hill. The Council therefore asked why it was felt at all necessary to propose the so-called "Northern Access Option" (NAO), which involves replacing the gravelled surface of an informal farm track with a new tarmac surface. This involves apparently unnecessary permanent work within the open landscape, when the London Array substation managed to avoid any incursions into that area.
- (v) This work still remains part of the proposal, and the applicant's only response to the Council's concern is merely to add in the option of also using the existing London Array road for access to the site. This does not come with any preference or priority for its

use, or any restriction on development of the NAO in addition to use of the existing London Array road. The NAO is still shown as works for which the draft DCO provides for at Schedule 2 (item 3). The Environmental Statement is clear that only one of these routes is necessary, but both are still included in the proposals (see Figure 5.10). The Council sees no justification whatsoever for the works to the NAO and seeks that this be removed from any DCO that might be granted.

Biodiversity Impact

- 20 The site's position adjoining the SPA makes it special. It may be a different habitat from that found in the SPA but it is linked to it. This beneficial linkage is not guaranteed as there are no legal restrictions on what form of agriculture can be practised on the site. Potentially, any change in the nature of agriculture across the development site could upset or drive away species that rely on the current regime but, in practice, the sorts of agriculture possible here have not yet done so. Natural England has been involved in negotiations with the applicant to mitigate direct impacts on species that use the site as hinterland to the SPA, and this has resulted in the application including an area of habitat reversion by way of management of currently arable land in a manner favourable to species resorting to the SPA. This may lead to some guarantee of a refuge for such species, which will be a benefit of the scheme. However, that measure will not mitigate loss of the vast area of open fields to other wildlife, such as ground nesting birds which shelter amongst growing crops. These birds are not likely to nest on bare ground under continuous solar panels.
- 21 The solar panels will not straddle the ditches crossing the site in which various species live. However, it is not clear to the Council what the likely impact will be on the activities of birds of prey which hunt along the ditches. Currently, it appears that these birds traverse the entire site and they may then search out the wildlife rich ditches. These ditches will not be as visible when tall solar panels cover much of the area in between, and their surroundings will change, becoming narrow corridors between alien glass and metal structures, potentially disorientating and driving away such species. The effect of almost continuous solar panels is likely to be far less attractive as a wildlife corridor than the current intervening seasonally changing cropping on open agricultural land, and it is not clear how this will affect the biodiversity of the site. Whilst it does seem likely that the actual ditch edges will be less disturbed than they might be now, the areas between the ditches will be far less valuable, and the overall habitat will be extremely fragmented and less cohesive. This is of concern to the Council, and contrary to Local Plan policy DM 28 which is aimed at preserving and, where possible, enhancing such biodiversity.
- 22 The solar panels will be sited east-west with almost no gaps between them within their blocks. This will remove the potential for sheep to graze between panels, as might be seen in a traditional south facing solar array. It will also mean that there are far fewer opportunities for birds to nest across the site other than on the perimeters of blocks. No opportunity has been taken to leave significant gaps between blocks of panels to create opportunities for sheep grazing or wildlife corridors, and the only gaps are those forced on the applicant by ditches, pylons or public rights of way (including the proposed permissive path). Another way to develop the site might have been to set panels out in a less intensive manner allowing for breathing space, grazing and wildlife to occupy occasional open areas of significant size. This would also lessen the monotony and landscape impact, as the solar panels might then more be seen to sit within the landscape rather than consume it. This current layout is an arrangement that the Council considers to have been poorly considered and should not be permitted.

- 23 There are three conservation areas, one grade 1 and 10 grade II listed buildings within 1km of the development site. None of these will be directly affected by the works proposed, but from some there are clear views across the site which forms part of their setting. The flat open landscape presents a particular setting to these heritage assets which links them to the coastal location and speaks of their reason for being. The proposed solar panels, and the proposed planting intended to screen them from these assets will change these settings. Local Plan policies CP 8, DM 32 and DM 33 seek to preserve or enhance these settings, in line with the aims of national policy. Whether this harm is substantial or less than substantial is a matter that can be discussed, but in either case it is best avoided. If harm cannot be avoided, development that will lead to substantial harm should not be permitted other than in exceptional circumstances. Development giving rise to less than substantial harm should be weighed against the public benefits of the proposals. Thus, the question of the benefits of the scheme arise, and the Council is not in a position to assess that. That is a national question, but there is no NPS regarding solar power or battery storage technology which provides guidance on how to balance the questions of need and harm, or in what circumstances should a solar power installation be permitted when it potentially harms the setting of heritage assets.
- 24 Accordingly, the Council considers that it is justified in raising concern about the acceptability of this project in terms of the effect on heritage assets that the development will give rise to.

Amenity Impact

- 25 The placing of solar panels up to 3.9m tall across such a vast area will change perceptions of the area and affect its attractiveness as a place to live, work and spend time. Residents of the few houses with direct views across the site are few in number, but the impact of the development on them will be dramatic. Views from these properties currently stretch for several miles in some directions, and these views are a key part of their amenity. The sense of isolation is also important here, and this too will be adversely affected by the almost endless rows of solar panels that will dominate views. Although the closest solar panels will be 3.0m tall (rather than the 3.9m elsewhere within the development), setting back the boundaries of rows of solar panels as suggested by the applicant will do little to reduce the sense of enclosure that these properties will experience; a change that is perhaps so significant that it is a matter of public interest, not simply the loss of a private view. The additional planting proposed to screen the panels will effectively completely remove many views across the site, and the Council's concern is that the quality of a landscape, or of views across it, is not conserved by introducing incompatible development and then attempting to screen it from view by planting. Local Plan policy DM 14 aims to ensure that new developments do not give rise to harm to amenity, and that they reflect the positive characteristics and features of the site. This development does not do this, nor does it offer any amenity benefits other than those related to trying to minimise its impact; each of which has its own impacts.
- 26 The site is crossed and bounded by public footpaths used by those seeking out the isolation and access to wildlife that these paths offer. These footpaths will not be permanently obstructed or diverted, but they may be made so unwelcoming that users decide to avoid them. Users of the Saxon Shore Way footpath will be walking directly adjacent to the development for some distance and will observe unfolding views of the electrical storage facility and the solar panels as they progress along the trail. The trail is located on top of the elevated seawall so views of the sea and the birds on the mudflats are not obscured. Car parks serving the Saxon Shore Way are at some distance from the development so 'dedicated' users are mostly impacted. The development could have significant adverse

effects on the attractiveness of the area for visitors and on the local economy which the Council is seeking to promote, based on the rich natural and built heritage of the area. The effects of the development may reach far beyond its boundaries as the footpaths link to extensive coastal access paths, and the impact of the development will be to significantly reduce the amount of finite undeveloped coast left to enjoy. Moreover, as part of a continuous coastal access path, the reduction in attractiveness of the paths across and around the development site may dissuade those seeking access to the currently long unbroken stretch of undeveloped coast along The Swale, and they may choose to go elsewhere. The Council is particularly concerned with the effect on footpath ZR485 which crosses the site at ground level, and which will be entirely lined by solar panels above head height, completely removing any view other than that of the solar panels themselves. The proposal to position solar panels along the full length of this path at close range makes no attempt to minimise the effect upon this path. It ought to have been possible to leave all or most of one or other side of the path open by omitting certain blocks of solar panels, but this opportunity has not been taken and the development shows no commitment to minimise its effects on users of the path. There will be almost no views through the development from this path, just views of the development. The Council does not consider that the impact on users of footpath ZR485 has been treated with as much consideration as it could have been, and considers that this is an objection to the project.

Traffic impact

- 27 The proposed construction access route comprises country lanes through villages, past the village church and village primary school. It is a route designated in the Council's Local Plan as a rural lane protected by policy DM 26. This route was used by the traffic involved in constructing the London Array substation, and it was argued then that it was not suitable for the nature and amount of traffic involved. Despite local opposition, that project was approved. The LIR indicates the degree of additional traffic now predicted compared to that experienced when the London Array substation was constructed. The amount of traffic now predicted over a similar period is now far higher than then, and this will be repeated on decommissioning. The Council believes that arguments against use of the same construction access route now apply with greater weight now.
- 28 The Council also believes that this amount of traffic running for at least 12 hours every week day (and every Saturday morning) for two years, plus traffic associated with and running before and after the extended start up and close down periods (at least one hour each end of each working day) will have a very significant adverse effect on residents living along the route, and on users of the road. These users include walkers, children crossing the road between Graveney Primary School and its playing field on the opposite side of the road, cyclists in increasing numbers and drivers, all of whom are likely at the very least to be inconvenienced by such a high volume of HGV and other commercial traffic over such extended hours, over such a long period. The suggested Construction Traffic Management Plan lacks detail and talks generally about the possibility of lorries waiting in lay-bys on the A299, but not specifically about measures to prevent lorries meeting on the route. It is highly likely that this amount and nature of expected construction traffic on such a poor road will lead to safety being compromised.
- 29 The construction route has very few pavements or streetlights, and in many places two HGVs or even an HGV and a car find difficulty passing. The road surface is very poor in places and the extent of repairs the applicant will be prepared to fund prior to the start of construction is unclear. Whatever the extent of these works, it is likely that the road will deteriorate throughout the construction period even if an undertaking is given to re-instate damage after construction

ends. The London Array project sought to secure mitigation and reinstatement by means of a legal agreement with KCC covering the following requirements;

- To provide a Traffic Marshall, pedestrian barrier and a school crossing facility at Graveney Primary School
- To enhance road signage and improve the footway near to Graveney Bridge
- To reimburse KCC for any highway damage, and
- To provide a car park for Graveney School

These measures showed a clear commitment by the developer to address highway safety concerns and to recognise the impact of traffic on the village roads. The Council considers that similar or further highway safety and repair arrangements should be put in place now, and it asks for safeguards to be secured to avoid the currently poor road surfaces being further broken up during construction, and to ensure that repairs are done afterwards.

The Development Consent Order itself

30 The Council's concerns here fall into two parts;

- The obligations being placed upon the Council
- The lack of clarity in the Requirements

31 The draft DCO states at paragraph 6.7 of the Explanatory Memorandum that (as a departure from the model provisions) the DCO Requirements oblige the Council to consult various bodies on submissions requiring the Council's approval, rather than it being the applicant's responsibility. It is not clear why this burden should fall on the Council as this often results in the Council going back and forth between applicants and specialist consultees in a time consuming way. Nor is it clear why the DCO should prescribe who the Council is required to consult. The Council would prefer that the obligation to consult any named relevant body should fall on the applicant. It is the Council's preference that the applicant should be required to carry out consultation before submitting a request for approval to the Council, and only after reaching agreement with the relevant consultee, a copy of which shall be included with the submission. The consultee should be asked to confirm their position independently to the Council.

32 Additionally, the Requirements appear to bury some of the potential controls on the development in secondary documents. In the approval of the London Array substation scheme it was felt appropriate to make it clear by straightforward planning conditions, matters such as permitted hours of construction, hours of piling, no waste burning on site and the position regarding lighting across the site. In the draft DCO these matters are potentially dealt with by further submission under Requirements, and this will not only make such matters less transparent, but it may lead to the Council coming under pressure to agree longer hours or greater impact from the development than was intended at decision stage. Notwithstanding the Council's overall concerns about the project as set out above, the Council would be grateful if a clearer approach were to be taken to these important matters at decision stage.

33 On behalf of the Council I ask that the Examining Authority take note of the Council's objection to this over large and poorly conceived development that will have a dramatic effect on local landscape, ecology, amenity and recommend that a Development Consent Order is not granted.

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