

1.2 APPLICATION PROPOSAL

A solar photovoltaic array, and electrical storage and connection infrastructure, each with a gross electrical output capacity of over 50 megawatts.

ADDRESS Land At Cleve Hill Graveney Kent ME13 9EE – Approximate National Grid reference of site centre TR 037 639.

RECOMMENDATION – That Members review and endorse the attached draft Written Representation and authorise its submission to the Examining Authority who will be recommending whether or not the scheme is approved by the Secretary of State for Business, Energy and Industrial Strategy.

WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Graveney With Goodnestone	APPLICANT Cleve Hill Solar Park Ltd
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REPRESENTATION DUE to EXAMINING AUTHORITY BY 26 JUNE 2019**1. INTRODUCTION**

- 1.1 This report relates to a Nationally Significant Infrastructure Project (NSIP) which seeks direct Government approval to construct and maintain a very large solar power and battery storage facility, both of which have an electrical capacity of over 50MW. As such, each on their own is classified as an NSIP and, rather than being dealt with under normal Town and Country Planning regulations, possible approval is dealt with under powers conferred by The Planning Act 2008. This ultimately means that any approval will be by way of a Development Consent Order (DCO) issued by the Secretary of State for Business, Energy and Industrial Strategy; and this DCO may also authorise compulsory purchase of the site by the applicant. The Borough Council cannot therefore decide if approval is or is not granted, but the Council is a so-called Host Authority by virtue of the site falling mainly within this Borough, and we can submit our views on the matter to the Planning Inspectorate who are the Examining Authority making a recommendation on the project to the Secretary of State.
- 1.2 As a Host Authority we are involved in various stages of the process. These began with pre-application consultation by the applicant, attendance at exhibitions and information meetings, producing a review of Preliminary Environmental Information (PEIR), and submitting a report on the adequacy of the applicant's pre-application consultation (AOC). We have also been invited to submit a relevant Representation (RR) and a Local Impact Report (LIR). The main purposes of an RR is to make the Examining Authority (ExA) [The Planning Inspectorate] aware of a wish to comment on the application in order to be able take part in the actual examination process, and to let them know what matters one might wish to raise. The Council did not submit an RR for two reasons. Firstly, as a Host Authority we are known to the ExA and are automatically entitled to take part in the examination process and; Secondly, at that time (end of January 2019) the Council had made no resolution as to its possible view on the project or what issues we might wish to comment upon. We have now submitted an LIR (the deadline for this was 12th June) and this is appended to this report for Members' information.
- 1.3 The LIR sets out the likely impacts of the project in a largely factual manner with reference to compliance to Local Plan policies. It contains a description of the site and of the project, so those are not repeated here. However, the project is on a huge scale, many times larger than any other previous solar power project in the UK, and is in fact

the first solar park in England to be of the necessary scale to be submitted as an NSIP. It is intended to be a subsidy-free producer of renewable carbon free energy which will contribute towards UK targets for reducing carbon di-oxide emissions, whilst producing enough electricity to power over 90,000 homes. The majority of the area will be covered by solar panels facing east and west rather than the traditional south facing orientation (this is almost unique in terms of solar parks so far built around the world), and there will be a large substation and battery storage facility surrounded by a high earth bank. This earth bank responds to the fact that the site is low lying land on the coast that is at risk to tidal flooding, despite existing sea defences. This flood risk also means that the solar panels themselves will be set at least 1.2m of the ground, with the tops up to 3.9m above ground level. This is higher than in most solar farms. The construction programme is expected to last over two years alone, and the project is intended to have a 40 year life span.

- 1.4 The development site is on the coast between Faversham and Whitstable, adjoining The Swale SSSI, SPA and Ramsar site of international importance for migratory wading birds; although none of the solar panels or the substation/battery storage facility itself will be built within these areas. The area to be built on is flat, mostly poor quality agricultural land crossed by drainage ditches. Much of its significance derives from its unique landscape, its close proximity to The Swale, and use of the area and its ditches by species that use The Swale or live or hunt in the ditches, some of which is birdlife, but other protected species are present. The area is not covered by any planning designations related to wildlife apart from where the site boundaries incorporate the sea wall and an area of grazing marsh (not to be built on). However, the whole site is part of a Local Plan defined Area of High Landscape Value (Kent Level) in recognition of its locally valuable landscape quality, where views can extent much further than normal due to the flatness and lack of tall vegetation.

2. PROPOSAL

- 2.1 Full details of the application can be found on the Planning Inspectorate's dedicated project website at;

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/cleve-hill-solar-park/>

where all the application plans and papers can viewed. Details of the application can also be seen on the applicant's own website at;

<https://www.clevehillsolar.com/>

although some of the documents are very large.

- 2.2 The location is adjacent to the relatively new London Array off-shore windfarm substation, which has its own dedicated connection to the National Grid. It is intended to connect the solar power production/battery storage facility to the Grid via the existing switch house there, which is underutilised as the London Array project was never fully completed.
- 2.3 In recognition of the proximity of the site to The Swale one major part of the project is to manage 72ha of current farmland adjacent to existing grazing marsh to provide habitat suitable for geese that currently resort to the development site as part of their use of The

Swale. This is an approach which the applicant has negotiated with Natural England to mitigate impacts on birds using The Swale.

3. SUMMARY INFORMATION

	Proposed
Site Area (ha)	491.2
Area to be covered by solar panels (ha)	177.3399
Possible number of solar panels	884,388
Possible number of energy storage units	7,440
Maximum height of panels above ground level	3.9m
Maximum height of substation components	12.8m

4. PLANNING CONSTRAINTS

Potential Archaeological Importance

Environment Agency Flood Zone 3

The Swale Site of Special Scientific Interest, Special Protection Area and Ramsar site

5. APPLICATION PROCESS

- 5.1 Instead of a typical planning application process, the decision making on this NSIP project is made by an examination which is mainly a written process with a very limited number of one day public hearings related mainly to particular topics. The examination is spread over a six month (maximum) period after which the ExA have three months to submit a report to the Secretary of State who then has three months to approve or refuse development consent. If approved, the Council will be responsible for overseeing and approving details reserved by “Requirements” (essentially planning conditions) of the authorising DCO, and for enforcing any non-compliance. The draft “Requirements” submitted by the applicant with the application in the draft DCO are attached as an appendix to this report, and the Council can comment on these (and on any part of the draft DCO) should it so wish.
- 5.2 The formal and finite six month examination period began on 30th May 2019 with a procedural meeting and the Council (and everyone else) is now required to submit its Written Representation by 26th June. Others can then comment upon it, and the hearings are currently set to take place in late July (including an accompanied site visit) with the examination period closing at the end of November at the latest. The Council may wish to participate in the hearings, although one simply relates to compulsory purchase matters which we are not involved in.
- 5.3 One important difference between this application and a normal planning application is that the critical test is conformity with National Planning Statements (NPSs) rather than with the Council’s Local Plan. However, there is no NPS for solar power or battery storage technology, which leaves the question of which policies to rely on open to question.

LOCAL REPRESENTATIONS

- 5.4 The Council is not involved in arranging local consultations about such a project. The onus here is on the applicant to make the project known and to invite representations to

the Examination. In January 2019 the ExA published 867 Relevant Representations (RRs) about the project from a variety of statutory bodies, other organisations and individuals. These included RRs from Graveney and Oare Parish Councils and Faversham Town Council, the CPRE, the RSPB, the Faversham Society, local action group GREAT, Public Health England*, Natural England*, National Grid, the Environment Agency* and Historic England.

NOTE *These three bodies have agreed Statements of Common Ground (SOCG) with the applicant, and it is likely that the Council will be asked to do so too. Such SOCGs are routine in planning appeal procedures and are intended to reduce the need for discussion over matters which are not contentious, but to make clear where differences lie.

5.5 All RRs will now be for the ExA to consider, along with any further Written Representations submitted now. Subjects raised in these RRs include;

- Need for the project
- The efficiency of solar power
- Habitat loss in an area of international importance
- Loss of agricultural land
- Flood risk across the site
- Landscape impact in an area locally designated for its high landscape value
- Effects on public rights of way and on walkers
- Construction traffic volume and routing through the village for two years
- Effect on heritage assets and archaeology
- The sheer scale of the project
- Loss of rural character and tranquility
- Loss of valuable views and natural beauty
- The fact that east/west solar panels has not been tried before on this scale, and it will almost entirely cover the site with few gaps
- Contrary to the aims of tariffs on new housing which is to protect this area
- Concerns over battery storage technology and eventual disposal
- The height of the solar panels themselves
- The impact on plans for the site to be used for Managed Retreat of the coastline which will not be possible whilst the solar park is operating
- Noise and pollution
- It is necessary reduce carbon dioxide emissions and tackle climate change
- Preference for alternative locations for solar power including use of rooftops

6. DISCUSSION

7.1 The Council now has the opportunity to make comments on the merits of the application much as a Parish Council might comment on a normal planning application. I have attached as an appendix to this report a suggested representation covering what appear to be the most likely issues of concern from the Council's perspective. It is now for Members to consider whether they agree with the points being suggested, or whether they would wish to add or subtract from them. Whatever the result, the final version of the Council's comments is due with the ExA by Wednesday 26th June 2019.

7. RECOMMENDATION

7.1 Members are requested to resolve that the attached draft Written Representation be submitted to the ExA with or without amendments, on the basis that this may be debated at the forthcoming hearings (which some Members might wish to attend to clarify their views direct to the ExA), and may be the subject of written questions from the ExA.