



CLEVE HILL SOLAR PARK

COMMENTS ON RESPONSES SUBMITTED FOR DEADLINE 1 COMMENTS ON KENT COUNTY COUNCIL LOCAL IMPACT REPORT

June 2019
Revision A

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CLEVE HILL
SOLAR PARK

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1 INTRODUCTION

1. This document provides Cleve Hill Solar Park Ltd.'s (the Applicant's) response to Kent County Council's (KCC) Local Impact Report for Cleve Hill Solar Park (the Development) submitted for Deadline 1 of the Examination (12 June 2019).
2. References to the Application documentation are provided where necessary with hyperlinks according to the reference system set out in the [Cleve Hill Solar Park Examination Library](#).

2 KENT COUNTY COUNCIL LOCAL IMPACT REPORT

Table 2.1: The Applicant's Comments on KCC Local Impact Report

Ref.	Statement	Applicant's Response
1	Introduction	
1.1	This report has been prepared by Kent County Council (KCC) as a statutory consultee, in accordance with advice and requirements set out in the Planning Act 2008, the Localism Act 2011 and Advice Note One: Local Impact Reports (Version 2, April 2012, The Planning Inspectorate).	The Applicant notes this comment.
1.2	The Advice Note states that a Local Impact Report (LIR) is a 'report in writing giving details of the likely impact of the proposed development on the authority's area'.	The Applicant agrees with this definition of a Local Impact Report.
1.3	The Advice Note states that when the Examining Authority decides to accept an application, it will ask the relevant local authorities to prepare a LIR and this should centre around whether the local authority considers the development would have a positive, negative or neutral effect on the area.	The Applicant agrees with this definition of and approach to a Local Impact Report.
1.4	The Report may include any topics that the local authority considers to be relevant to the impact of the development on their area and may be used as a means by which their existing body of knowledge and evidence on local issues can be fully and robustly reported to the Examining Authority.	The Applicant agrees with this approach.
1.5	This LIR has been written to incorporate some of the subject areas suggested in the Advice Note and in light of the application material submitted.	The Applicant notes this comment.
1.6	The LIR covers areas where the County Council has a statutory function or expertise. The County Council defers to Swale Borough Council and Canterbury City Council on other matters, as set out within this LIR.	The Applicant understands and notes the scope of Kent County Council's LIR.
2	Location	
2.1	The site lies within the administrative districts of Swale Borough Council, Canterbury City Council and Kent County Council. The County Council recognises that the proposed scheme is mostly within Swale, and there is no physical work being undertaken in the Canterbury City Council area.	This is agreed.
2.2	The development site lies east of Faversham and west of Whitstable, along the north Kent coast. The site is in a coastal location, within the Nagden, Cleve and Graveney Marshes.	This is consistent with the description submitted with the DCO application.
2.3	The total development area of the site is approximately 491.2ha, with four existing land use types: arable land, freshwater grazing marsh, flood defences and the existing Cleve Hill substation.	This is consistent with the description submitted with the DCO application.

Ref.	Statement	Applicant's Response
3	Description of Proposed Development	
3.1	The County Council notes that the application is for a Development Consent Order (DCO) for the construction, operation, maintenance and decommissioning of Cleve Hill Solar Park. The scheme comprises a solar photovoltaic (PV) array electricity generating facility and electrical storage facility, with a total capacity exceeding 50 megawatts (MW) and an export connection to the National Grid.	The Applicant notes this comment.
3.2	The County Council recognises that the applicant is using the Rochdale Envelope approach to provide flexibility in the development to allow for the most up to date technology possible to be utilised by the proposal at the time of construction.	The Applicant notes and welcomes this statement.
4	Likely Significant Effects of the Proposed Development	
4.1	KCC has been consulted on the scope of the Environmental Statement (ES) and has considered the following local impacts: <ul style="list-style-type: none"> • Highways (as Local Highway Authority); • Public Rights of Way (as Local Highway Authority); • Sustainable Urban Drainage Systems (as Lead Local Flood Authority); • Minerals and Waste (as Minerals and Waste Planning Authority); • Heritage conservation; • Biodiversity; • Climate Change and Energy Generation; and • Other Matters. 	The Applicant notes this comment.
	<u>Highways (as Local Highway Authority)</u>	
4.2	KCC, as the Local Highway Authority, has engaged with the applicant at pre-application stage to scope out the amount of detail required in the supporting Traffic Impact Assessment. The County Council has continued to provide comments during this process in order to agree the methodology used within the document and to advise on the likely level of transport mitigation required.	The Applicant notes and agrees with this comment.
	<i>Impact on Existing Highway Network</i>	
4.3	KCC is satisfied that once constructed, Cleve Hill Solar Park will generate very few vehicle movements on the local highway network associated with the day to day operational activities involved with the maintenance and running of the development. It is considered that the main impact from the development will be during the construction and decommissioning phases and these need to be adequately assessed.	The Applicant confirms that discussions have been ongoing with Kent County Council as the Highway Authority and assessments for consideration have been provided (Examination Library Reference APP-044 – ES Traffic and Access Chapter), (Examination Library Reference APP-245 ES Construction Traffic Management Plan).
4.4	The potential transport related effects have been considered within the ES (Volume 1, Chapter 14 - Access and Traffic). KCC provided initial comments in the statutory	The Applicant has received the comments in Appendix 1 previously and has been in further dialogue with KCC Highways to address the points raised. It is expected that a response to Appendix 1 will form part of a

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	consultation response and provides further comments for the applicant's consideration (Appendix 1), which will need to be addressed. In general, the County Council as Local Highway Authority agrees with the principal findings of the ES.	Statement of Common Ground with KCC to be agreed before Deadline 3 (1 August 2019).
4.5	At its peak, the construction project is expected to generate around 80 two-way HGV traffic movements per day (approximately 40 arrivals and 40 departures). This compares to the 199 two-way HGV movements per day that the 2018 Baseline Annual Average Daily Traffic flows indicate are currently experienced along Head Hill Road. Given the existing number of HGV movements passing the site access (around 6% of the total daily traffic flow in that location), HGV traffic is an existing feature of road usage.	The Applicant notes that HGC traffic is an existing feature of road usage on Head Hill Road.
4.6	KCC considers that the main impacts from the HGV activity generated by the construction and decommissioning phases of the development have been identified in the ES (Volume 1, Chapter 14). These impacts are in respect to delays, public transport, road safety, fear and intimidation, severance, pedestrian delay and pedestrian and cycle amenity. KCC also considers that the additional traffic will impact on the condition of the highway asset and adjacent verges, particularly due to the increased likelihood of large vehicles passing one another through the narrower sections of the public highway.	The Applicant notes that KCC considers that additional traffic will impact the condition of the highway and adjacent verges. Appropriate discussions in respect of mitigation to the issues identified remain ongoing.
	<i>Mitigation</i>	
4.7	KCC is satisfied that the impact of the construction and decommissioning traffic can be suitably managed through the imposition of the Construction Traffic Management Plan and Decommissioning Traffic Management Plan respectively, in line with the mitigation measures already identified in the ES Outline Construction Traffic Management Plan (Volume 4 – Technical Appendix A14.1). This document can adequately demonstrate how the mitigation measures required will be controlled, including traffic timing and routing, vehicle cleaning, highway condition surveys and subsequent repairs, speed restrictions, traffic management and monitoring/compliance.	The Applicant welcomes the Council's view. An outline Construction Traffic Management Plan [APP-045] was provided with the application, a final version of which must be approved by KCC under Requirement 10 of the draft DCO [APP-016].
	<u>Public Rights of Way (as Local Highway Authority)</u>	
	<i>Existing Public Right of Way (PRoW) Network</i>	
4.8	Public Footpaths ZR484, ZR485, ZR488, ZR692, CW90 and CW55 pass directly through the application site, whilst Public Footpath ZR486 abuts the southern boundary of the proposed development. The proposed site layout of the Solar Park has accommodated	The Applicant notes and agrees with this comment.

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	the definitive alignments of these existing PRoW, avoiding the need for any diversions or extinguishments.	
4.9	With regard to promoted routes, the Saxon Shore Way long distance path is currently aligned along Public Footpath ZR484/CW55. Natural England has also proposed that the England Coast Path (ECP) National Trail should be aligned along this route. Should this stretch of the ECP be approved by the Secretary of State, it is expected that the trail will be open by 2020. The number of people using the PRoW along this route is likely to increase because of the ECP, due to the higher level of promotion associated with National Trails. This should be taken into consideration when considering the impacts of the proposed Cleve Hill Solar Park on the PRoW network.	The future designation of the England Coast Path forms part of the assessment in section 13.5.1.4, Recreation, of ES Chapter 13 – Socio-economics, Tourism, Recreation and Land Use (Examination Library reference APP-043).
4.10	The County Council initially requested that electronic people counters were installed by the applicant at key gateway locations on the PRoW network. Electronic counters were recommended as they would have been able to operate 24 hours a day, capture sporadic path uses and obtain data over a long period. The data collected from these counters could have been used to understand existing use of the PRoW network and monitor future use of the paths during the construction, operational and de-commissioning phases of the project.	<p>The method, location and timing of 'Non-Motorised User' (NMU) counts were discussed and agreed with public rights of way officers from KCC.</p> <p>All surveys were undertaken using video equipment by a specialist survey company (recommended by KCC).</p> <p>The surveys were taken on multiple days both before and during the school summer holidays and are considered to be accurate reflection of PRoW usage.</p> <p>It is acknowledged that KCC would like to see permanent counters installed along a number of PRoW to monitor the long term impact of the solar park on path use, however, this would require intrusive works and landowner agreement to install the equipment and associated infrastructure and it was not considered necessary given that alternative counting methods were considered adequate and subsequently agrees by KCC.</p>
4.11	The applicant acknowledged the request for counters to be installed on the PRoW network, but instead commissioned 'Non-Motorised User' (NMU) video surveys. As the video surveys were only operating on four days, KCC disagrees with the applicant's view that data collected from their surveys is an accurate reflection of PRoW usage. Caution must therefore be taken when referring to the results of the NMU Survey (Table 14.8), as the figures obtained during this limited study may not be truly reflective of actual path use.	See response to 4.10.
	<i>Impacts on the PRoW Network</i>	
4.12	The 'Construction Traffic Management Plan (CTMP)' states that it is intended to keep PRoW open and accessible during the construction phase of the project, where they pass directly through the development site (ES - Section 14.3). This approach is welcomed, as it would maintain network	The Applicant notes and welcomes the Council's view.

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	connectivity and minimise disruption for path users.	
4.13	However, the CTMP later acknowledges the possibility that temporary closures may be needed. The draft DCO (Part 3 – Paragraph 11 and Schedule 4) lists six PRoW that will be temporarily stopped up in connection with the project. Although KCC understands that these temporary closures would be discussed in advance with KCC PRoW officers, there are concerns with the potential impacts of these path closures. In consideration of the popularity of these PRoW and the promoted route designation, the closures would be an inconvenience for path users and cause disruption.	The Applicant will continue discussions with KCC Rights of Way Officers to provide further clarity and reassurance on the circumstances which could lead to path closures. The Applicant would also highlight that whilst powers of closure are sought for the rights of way in the draft DCO, this is not to say that closure is a fait accompli rather that the Applicant is seeking a full suite of powers that it may require to construct and deliver the solar park.
4.14	To reduce the impact on the PRoW network, a 'hierarchy of intervention' is requested, which seeks the minimum impact in the first instance during construction and comprises the following: signage regarding keeping routes open; using local management to hold PRoW users for a short period (e.g. to allow vehicles to pass); temporary closures with very short diversions immediately around works where there is no other option. With reference to the last resort, it is requested that any temporary path closures are kept to a minimum distance and duration, to minimise disruption for path users. Alternative access routes (temporary diversions) should also be provided, to avoid fragmentation of the PRoW network.	See response to 4.13.
4.15	There is a risk of surface damage along PRoW during the construction phase, as a result of vehicle movements and the installation of new infrastructure required for the operation of the solar park, such as the laying of cables. The applicant is reminded that there must be no disturbance of the PRoW surface without the express permission of the KCC PRoW and Access Service. Construction traffic vehicles should not pass along or across PRoW without prior approval from the KCC PRoW and Access Service. It would be the responsibility of the applicant to make good any damage to the surface of the right of way, which has resulted from the construction activity.	The Applicant notes these requirements and confirms that dialogue with the relevant KCC officers is ongoing.
4.16	The proposed development would transform the character of the landscape from arable to industrial. These changes would effect Public Footpaths that pass directly through the development, in addition to the wider PROW network that surrounds the site. There would be visual impacts on the PRoW network during the construction, operational and decommissioning phases of this project. While it is accepted that the severity and level of impact on each right of way will depend on the location of the route, the visual impacts on specific routes (e.g. ZR484 and ZR485) are	The Applicant acknowledges the Council's views with regards to future use of PRoW on the Site.

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	likely to be significant, which may deter use of the paths.	
4.17	The plans show the Solar PV modules will be kept away from existing PRoW, at a distance of at least 14 m, typically 20m – 30m, and in places around 50m (ES – Chapter 13). This may be considered a relatively significant 'buffer' by the applicant, but the layout of the solar panels would still have an impact on the user experience. For users of Public Footpath ZR485, which passes directly through the field of PV modules for approximately 1.5km, visibility would be reduced from several kilometres to 'several tens of metres', with direct views of the panel's supports and structure. Considering the path currently passes across expansive arable fields and through open countryside, the effects on Public Footpath ZR485 may deter use of the path.	The Applicant acknowledges the Council's views with regards to future use of Public Footpath ZR485.
4.18	It is acknowledged by the applicant that there would be a substantial change in views for users of the PRoW network (ES - Chapter 13). The applicant has assessed visual impacts at specific points along PRoW, providing photomontages along the routes, but they have not fully considered the overall cumulative impacts (as a whole) of walking the entire lengths of paths. For example, Public Footpath ZR484 passes around the perimeter of the site for approximately 6km, along an elevated sea wall that overlooks the site.	Section 13.5.2.2 Recreation of ES Chapter 13 - Socio-economics, Tourism, Recreation and Land Use (Examination Library reference APP-043) does consider the overall impact of walking the paths, and in respect of the Saxon Shore Way, and refers to: <i>"views to the inland side of the path over a length of path of approximately 5.2 km where the path runs adjacent to fields containing solar PV modules"</i>
4.19	Having noted the consultation feedback from local users who use the paths on a regular basis, KCC does not consider that the assessments made by the applicant reflect the likely impacts of the whole development. Long distance users of the Saxon Shore Way (or future ECP) may not be deterred from using the PRoW through the site, as they would consider the Solar Park to be part of a diverse coastline landscape. However, for local residents walking the PRoW on a regular basis, the impacts of the Solar Park would be more noticeable. With this in mind, there is a risk that the proposed development could deter local users of the PRoW, who currently use the paths on a regular basis for the purpose of outdoor recreation.	The whole Development, and a range of receptors have been considered in the assessments in ES Chapter 13 - Socio-economics, Tourism, Recreation and Land Use (Examination Library reference APP-043 section 13.5.1.4).
4.20	With regards to future vegetation growth along PRoW that pass through the site, the applicant has indicated that the grassed surfaces of ZR488 and ZR485 would be maintained by the site operator (ES 13-39, Paragraph 237). This proposal is welcomed, as the management programme should ensure the route remains accessible for public use.	The Applicant appreciates the Council's view.
4.21	It is understood that scrub planting is planned across the site, to enrich grassland and	The Applicant acknowledges the Council's view.

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	<p>watercourses. Consideration should be given to the location of this planting, so that it does not encroach on any PRow or affect access. Any new planting should be set back at least one metre from the PRow and a management regime should also be agreed with the PRow and Access Service, to ensure that public access is not impeded in the future, when the vegetation becomes established.</p>	
4.22	<p>With regards to wider network connectivity, the roads surrounding the proposed development site provide vital links between off-road PRow. Concerns are therefore raised with the predicted increase in HGV movements along these routes during the construction and decommissioning phases of the project, as these could introduce safety concerns for NMUs and deter people from walking along roads to access PRow.</p>	<p>This potential effect is assessed in ES section 14.4.2 of Chapter 14 - Access and Traffic (Examination Library reference APP-044).</p> <p>The Outline Construction Traffic Management Plan (Examination Library reference APP-245) contains control measures to ensure the impacts of construction traffic on a range of receptors, including non-motorised users, are minimised. A final version of the outline Construction Traffic Management Plan must be approved by KCC under Requirement 10 of the draft DCO [APP-016]</p>
	<p><i>PRow Network Development</i></p>	
4.23	<p>The proposed development provides an opportunity to enhance public access in the region and contribute towards the delivery of Right of Way Improvement Plan (ROWIP) objectives. Given the scale of the proposed development site, the lack of provision of new accesses offered by the applicant is disappointing. The proposed new permissive route would be a useful addition to the existing PRow network, but the route would only be permissive in nature and is therefore likely to be extinguished following the decommissioning of the site. A second permissive path was proposed across the site, but this has since been removed from the application.</p>	<p>The Applicant consulted on alternative options for access and the application design reflected the responses received. The Applicant is also mindful of the need to balance recreational pressures with other considerations such as compatibility with the existing network, availability of parking, public transport and other access points to the network, and environmental designations (points which were raised by respondents in reply to consultation). The considerations raised by KCC in paragraph 4.24 are also noted.</p>
4.24	<p>The applicant has proposed a new Permissive Path through the site that would connect Public Footpaths ZR488 and ZR484. The creation of this route is supported, as path would provide a useful addition to the existing PRow network. However, the popularity of the route and the suggestion that this new Permissive Path would 'enable circular walks from the Sportsman public house' (ES Non Technical Summary - Paragraph 195) is debatable. This is because the path would pass between fields of new PV modules, which may not be appealing to some walkers. The public would also need to walk along the Graveney Road in order to complete the suggested circular walk.</p>	<p>The Applicant welcomes support from the Council regarding the proposed new Permissive Path connecting Public Footpaths ZR488 and ZR484.</p>
4.25	<p>KCC's request for a new off-road footpath between Public Footpaths CW90 and CW55 has not been included. This new path would be a valuable off-road walking route for the public, providing an alternative to the Faversham Road and addressing safety concerns. It is understood that the landowner is amenable to this proposal.</p>	<p>The Applicant has discussed the designation of this route as a public footpath with the landowner and understands that they are amenable to delivering this new footpath independently from the Development. The Applicant hopes to provide an update on this during the Examination following further progression of discussions with the landowner.</p>

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4.26	<p>Given the benefits of this link, it is requested that the applicant reconsiders the option to dedicate the route as a Public Footpath or Permissive Path within the DCO. The dedication of this route as a PRoW would secure its long term protection, deliver a substantial public benefit and contribute towards a positive legacy for the Solar Park after its decommissioning. The proposed route should be included within the DCO application, to ensure the route is created for the public.</p>	<p>See response to 4.25.</p>
4.27	<p>In respect of PRoW, the County Council has made these comments in reference to the following planning policy: National Planning Policy Framework, Paragraph 98 Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.</p> <ul style="list-style-type: none"> • Kent County Council Rights of Way Improvement Plan (ROWIP) <p>This document aims to provide a high quality public rights of way (PRoW) network, which will support the Kent economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent a great place to live, work and visit. The County Council's PRoW and Access Service is committed to working in partnership with the applicant to achieve the aims contained within the plan.</p> <ul style="list-style-type: none"> • Swale Borough Council adopted Local Plan (Bearing Fruits 2031) Policies ST1, CP2, CP4, CP5, CP7, DM14 and DM6-3 <p>The location, design and layout of development proposals will demonstrate that:</p> <ol style="list-style-type: none"> a. priority is given to the needs of pedestrians and cyclists, including the disabled, through the provision of safe routes which minimise cyclist/pedestrian and traffic conflict within the site and which connect to local services and facilities; b. existing public rights of way are retained, or exceptionally diverted, and new routes created in appropriate locations; 	<p>Effects of the Development on PRoWs have been assessed in the Environmental Statement Chapter 7 LVIA [APP-037] and Chapter 13 Socio-economics [APP-043], and in the Planning Statement [APP-254], Section 3.4.11, and Planning Statement Appendix A, Section 6.1.2</p>
	<p><u>Sustainable Urban Drainage Systems (as Lead Local Flood Authority)</u></p>	
4.28	<p>The introduction of a Solar Farm on a greenfield location without incorporation of basic controls can have implications, which could lead to an increase in flood risk elsewhere. For the Cleve Hill Solar Park proposal, the applicant has completed a Flood Risk Assessment, prepared by Arcus Consultancy Services, to assess both coastal flood risk and local flood risk, including the local ditch system.</p>	<p>The Applicant agrees that a Flood Risk Assessment has been undertaken [APP-227], which concludes that over a 100 year period, there would be a negligible effect on flood risk as a result of the Development (see paragraph 164) and beneficial over a shorter time period (see paragraph 165).</p>

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4.29	The Flood Risk Assessment provides an assessment of the potential increase in surface water runoff associated with the proposed development. A Drainage Strategy is proposed to be implemented to mitigate any potential increase in surface water runoff. Mitigation action must include appropriate seeding. Other surface finishes to protect against erosion may be necessary in some localised areas i.e. there may be a need for more protective measures, such as gravel coverage in areas with concentration of flow.	According to the submitted FRA [APP-227] there are unlikely to be areas of concentrated flow due to the flat nature of the site. Further clarity will be sought from KCC on the localised areas referred to in this comment.
Minerals and Waste (as Minerals and Waste Planning Authority)		
4.30	The adopted Kent Minerals and Waste Local Plan 2013-30 (KMWLP) safeguards economic land-won minerals in Kent and any minerals and waste infrastructure. This is in line with the National Planning Policy Framework (NPPF) 2019 and National Planning Policy for Waste (NPPW) 2014 requirements to ensure that the county has sufficient mineral supply and waste management provisions.	The Applicant acknowledges these comments.
<i>Minerals Safeguarding</i>		
4.31	The proposed site has an impact on two Mineral Safeguarding Areas (MSA), which are safeguarded under Policy CSM5 of the adopted KMWLP. The safeguarded minerals are: <ul style="list-style-type: none"> • Sub- Alluvial River Terrace Deposits • Brickearth (Faversham – Sittingbourne Area) 	The Applicant understands that the Site covers two Mineral Safeguarding Areas.
4.32	KCC considers that a Minerals Assessment is required to be submitted by the applicant to assess the safeguarding issues of the economic geologies and the impact that the scheme will have.	It had been agreed between the Applicant and KCC that minerals could be addressed via the Planning Statement [APP-254] submitted with the application. However, the Applicant understands that KCC has now requested a separate document to explain why the minerals are not affected. Initial discussions have suggested that this can be dealt with procedurally by converting the comments set out in the Planning Statement [APP-254], Appendix A, Section 6.1.10 into a separate document. This matter is expected to be addressed during the Examination through a Statement of Common Ground between the Applicant and KCC to be submitted ahead of Deadline 3 (1 August 2019).
<i>Waste Management Facility or Minerals Infrastructure Processing/Handing Safeguarding</i>		
4.33	The proposed Cleve Hill Solar Park does not have an impact on any safeguarded waste management facility or minerals processing or Infrastructure.	The Applicant welcomes the Council's view.
<u>Heritage conservation</u>		
<i>Consultation</i>		
4.34	KCC and Historic England have been involved in active discussions with the applicant and their archaeology and heritage consultants throughout the development of the scheme, agreeing the extent of study areas and the approach to the study and supporting surveys. KCC has generally advised on the scheme impacts on archaeology, whilst Historic England and Swale Borough Council	The Applicant notes these comments.

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	have provided advice on the impacts on built heritage and in particular designated heritage assets.	
	<i>Archaeological and Historical Background</i>	
4.35	The ES and the supporting Desk Based Assessment provide a comprehensive account of the archaeological and historical background and baseline conditions. They describe the designated built heritage assets within the principle and wider study areas and the presence of a WW2 pillbox on the edge of the site.	The Applicant welcomes the Council's view.
4.36	The ES includes chapter 11 - Cultural Heritage and Archaeology. This is supported by Figures 11.1 to 11.4 and four technical appendices A11.1 to A11.4. The Historic Environment Desk-Based Assessment (Appendix A11.1) and a Geoaerchaeological Borehole Study and Watching Brief report (Appendix A11.2) supported the PEIR. Additional Visualisations (Appendix A11.3) requested by Historic England and an Outline Written Scheme of Investigation (WSI) (Appendix A11.4) have been included as part of the submission.	The Applicant agrees with these comments.
4.37	KCC's Principal Archaeological Officer has contributed to discussions on three aspects of heritage covered by Chapter 11 of the ES: <ul style="list-style-type: none"> • Archaeology • Built Heritage • Historic Landscape 	The Applicant agrees with these comments.
	<i>Archaeology</i>	
4.38	The ES identifies the potential sensitive receptors based on the known assets listed in the Kent Historic Environment Record and other findings from the desk-based study and a site walkover. This is supported by a Geo-archaeological study that has split the site into specific zones of potential. That study has included the drilling of several transects of boreholes to model the below ground profile and deposits. While the work to date is necessarily a sample of the site and some variance can occur with the findings in non-sampled areas, KCC is of the view that the study has provided a good general understanding of the site's archaeological potential and the potential impacts of the proposed development.	The Applicant welcomes the Council's view.
4.39	Responding to comments made in the County Council's statutory consultation response, the ES now confirms that there will be no ground works that would affect archaeology in the bird habitat mitigation area within the eastern part of the site. KCC agrees with the direct effects described on archaeology in paragraphs 139 to 145 and in absence of specific confirmation through fieldwork, taking a worst case approach is appropriate.	The Applicant welcomes the Council's agreement.

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4.40	KCC will work with the applicant's archaeological consultants and Historic England to further develop and reach an agreement on the detail within the Outline WSI. KCC agrees that direct impact on archaeology can be mitigated through a programme of archaeological works that will be secured through an agreed WSI that is in line with the Outline WSI. If remains of high significance are discovered within the development area then design measures can be applied that can secure appropriate preservation. It should be noted that the investigation of the electrical compound area highlighted in paragraph 192 of the ES forms one aspect of the programme of archaeological works, which will also include a wider monitoring through an archaeological watching brief. The full scope will be detailed in the WSI.	This approach reflects the Applicant's understanding, and the Outline WSI submitted with the Application (Examination Library reference APP-233).
4.41	KCC is pleased to see that the Outline WSI covers archaeological works, historic building recording of the pill box and a metal detector survey of the WW2 crash site. The County Council welcomes the intention to erect heritage information panels at appropriate locations around the site and the potential support to projects such as the Forgotten Frontline and the Defence of Swale project, both which have associated interests with the site's heritage.	The Applicant welcomes the Council's view.
	<i>Built Heritage</i>	
4.42	KCC reverts to Historic England, Swale Borough Council and Canterbury City Council's Local Impact Reports on the impacts of development on designated built heritage assets, both in terms of direct impact and on their setting. KCC considers that no designated built heritage assets will be directly affected by the development. The settings of a number of designated heritage assets are subject to indirect effects from the scheme in its built form, but advice regarding these should be sought from the relevant authorities.	<p>The Applicant welcomes the Council's view that no designated built heritage assets will be directly affected by the Development.</p> <p>The Applicant is in consultation with Historic England and Swale Borough Council regarding indirect effects on the settings of designated heritage assets and is expecting to agree Statement's of Common Ground regarding the assessment of these effects prior to Deadline 3 of the Examination.</p>
4.43	In addition to the designated heritage assets, the ES identifies a WW2 type 24 pill box on the edge of the site. Its setting and value are appropriately described in section 11.3.3.9. Design mitigation has included the retention of the WW2 pillbox. KCC agrees that there should be full recording of the pill box and its setting in advance of development works. Detail of this will be included in the WSI that is to be agreed. The proposed use of the pillbox as a bat roost needs further consideration. While in principle KCC may accept the use of the pill box to support ecological enhancement this should not be at the detriment of it's heritage significance. Any	The Applicant understands this position and will discuss further with KCC prior to making any changes to the proposal.

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	<p>modifications should avoid damage to the asset and be reversible. KCC are not convinced that the proposals set out in Appendix I of the Outline Landscape and Biodiversity Plan would enable the significance of the heritage asset or its setting to be restored on decommissioning without impacting on the introduced protected species. KCC will discuss this matter further with the applicant and their heritage consultants.</p>	
	<p><i>Historic Landscape Character</i></p>	
4.43	<p>The Historic Landscape Character of the area of the proposed development is described in paragraph 11.3.4 of the ES. The area is characterised by irregular enclosures formed by drainage ditches in reclaimed marshland. Many of the present boundaries have been evident since at least the 19th century though subdivision has been lost. Other areas are characterised by more regular enclosures or square and rectangular fields. The proposals intend to retain the internal boundaries of the site preserving that aspect of character.</p>	<p>The Applicant agrees that the Historic Landscape Character of the Site as described in paragraph 11.3.4 of the ES [Examination Library Reference APP-041].</p>
4.44	<p>The historic landscape use of the area is mainly arable farming on reclaimed marshland and that agriculture provides a contribution to the setting of those designated heritage assets that are connected to farming. The County Council notes that the aspect has been included in the assessment of the built heritage assets.</p>	<p>The Applicant agrees with the Council's views on the historic landscape use of the area.</p>
4.45	<p>The development is very large in area and will change the character of the site from reclaimed and farmed land to an industrial one. The County Council agrees that the legibility of the former marshland is helped by the retention of the drainage ditches and sea wall and the removal of development on Cleve Hill helps to maintain the distinction between marsh and higher ground. It is KCC's view that the resultant overall impact, as calculated in the ES and stated in paragraph 185, should be greater than the stated 'Minor'. Using the assessment methodology (which does not explicitly set out levels for historic landscape) the magnitude of effect could be considered at least 'Medium' and possibly 'High'; and the sensitivity potentially 'Medium' given that the historic landscape is important to the setting of a number of designated heritage assets.</p>	<p>The Applicant will explain the assessment rationale and present for agreement with KCC in a SoCG. It is hoped that this SoCG can be agreed and submitted to the Examination in advance of Deadline 3 (1 August 2019).</p>
	<p><u>Biodiversity</u></p>	
4.46	<p>The County Council considers that there is a good level of ecological survey information provided within the application, which has demonstrated that the majority of non-arable habitats are being retained.</p>	<p>The Applicant welcomes the Council's view.</p>

Ref.	Statement	Applicant's Response
4.47	The development will result in the loss of arable fields, but other habitats will be retained and enhanced within the development. Therefore, KCC considers that, with the exception of ground nesting birds and birds associated with the designated sites, suitable habitat for protected/notable species will be enhanced and retained. The County Council considers that there is a need to ensure that these habitats are protected during construction and managed and monitored appropriately during the development period.	The Applicant confirms that a Breeding Bird Protection Plan is included as appendix B to the Outline CEMP (Examination Library reference APP-205). This plan will protect nesting birds. The outline CEMP is secured by requirement 10 of the draft DCO [APP-016].
4.48	The County Council considers that the greatest impact is potentially the loss of wintering/breeding bird habitat. The County Council defers to Natural England on the impact on wintering/breeding birds.	The Applicant continues to discuss this issue with Natural England and further progress will be reported to the Examination through an updated Statement of Common Ground expected to be submitted by Deadline 3 (1 August 2019).
4.49	The County Council will also defer to Natural England on the impacts on the designated sites. KCC would like clarification on the mitigation proposed for the designated sites and if it will provide suitable habitat for ground nesting birds.	The mitigation included for the designated sites includes the Breeding Bird Protection Plan, appendix B to the Outline CEMP (Examination Library reference APP-205) and the Outline SPA Construction Noise Management Plan (Examination Library reference APP-243). Grassland habitats are proposed within the site as a wider package of biodiversity enhancements which will provide suitable habitat for Ground nesting birds. The Outline Landscape and Biodiversity Management Plan (Examination Library reference APP-203) contains the details of these proposals.
<u>Climate Change and Energy Generation</u>		
4.50	The County Council considers that the proposed development could provide a positive impact in terms of clean green, low carbon energy production. The development could contribute to a reduction in the carbon emissions of the energy supply in the UK and provide a secure and stable energy source for over 25 years.	The Applicant welcomes the Council's view regarding the renewable energy generation potential of the Site.
4.51	The County Council recognises that the positive impact on renewable energy generation will have to be balanced against the potential environmental impacts of the proposed scheme.	The Applicant recognises the Council's view that renewable energy generation potential should be weighed against environmental impacts.
<u>Other Matters</u>		
4.52	The County Council will defer to Swale Borough Council and Canterbury City Council's Local Impact Reports on the following matters: <ul style="list-style-type: none"> • Land use and agriculture • Noise and vibration • Air quality • Glint and glare • Tourism and economy • Residential amenity • Landscape and visual impact 	The Applicant notes these comments.

Ref.	Statement	Applicant's Response
5	Conclusion	
5.1	KCC will continue to engage positively with the applicant and the Examining Authority as the examination advances.	The Applicant welcomes KCC's continued positive engagement with the Applicant and the Examining Authority.



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