



# The Planning Inspectorate

## Planning Act 2008 – section 91

### Application by Cleve Hill Solar Park Ltd for an Order granting Development Consent for the Cleve Hill Solar Park

#### Agenda for Issue Specific Hearing 4 dealing with matters relating to biodiversity and nature conservation

In its letter dated 7 June 2019, the Examining Authority notified Interested Parties of its decision to hold an Issue Specific Hearing into the above matter on the following date:

Hearing	Date and time	Location
Issue Specific Hearing 4 Biodiversity and nature conservation	Thursday 25 July 2019 10.00 am (Seating available from 09.30am)	The Alexander Centre, 17 Preston Street, Faversham, ME13 8NZ

#### Participation, conduct and management of hearing

This is the fourth Issue Specific Hearing to be held in this Examination. It is being held because the Examining Authority wishes to question the Applicant about matters concerning birds and other wildlife; habitats; and nature conservation, including protected sites, their designations and the Habitats Regulations Assessment.

The Agenda has a very specific focus. Oral submissions on other subject matters or from persons who are not Interested Parties may only be heard at the discretion of the Examining Authority. Interested Parties who wish to make representations on other issues are encouraged to bring these to an Open Floor Hearing where there is no subject-specific agenda and any important and relevant matters may be raised.

The Examining Authority invites and would particularly like to hear from the following Interested Parties during this Hearing:

- The Applicant;
- Natural England;
- Kent County Council;
- Canterbury City Council;
- Kent Wildlife Trust;
- CPRE Kent;
- GREAT;
- Faversham and Swale East Branch Labour Party;
- Marine Management Organisation;
- Swale Green Party.

The named parties have been invited because they are:

- public bodies with policy and regulatory responsibilities associated with the subject matter;
- national and local authorities for the affected area; or
- persons or organisations with a related and relevant special interest.

Participation in the hearing is subject to the Examining Authority's power to control the hearing. Interested Parties may be invited to make oral representations at the hearing<sup>1</sup> (subject to the Examining Authority's power to control the hearing). Oral representations should be based on the Relevant Representations or Written Representations made by the person by whom (or on whose behalf) the oral representations are made<sup>2</sup>.

However, representations made at the hearing should not simply repeat matters previously covered in a written submission. Rather, they should draw attention to those submissions in summary form and provide further detail, explanation and evidential corroboration to help inform the Examining Authority.

The Examining Authority may ask questions about representations or ask the Applicant or other party to comment or respond. The Examining Authority will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the hearing will therefore be led by a member of the Panel, supported by other Panel members.

This agenda is for guidance only. It is not designed to be exclusive or exhaustive. The Examining Authority may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration.

Any lack of discussion of a particular issue at a hearing does not preclude further examination of that issue, including through the inclusion of questions in the Examining Authority's Second Written Questions (if issued).

Should the consideration of the issues take less time than anticipated, the Examining Authority may conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. Some of the issues identified in the agenda are by their nature overlapping. It may be the case therefore that certain questions later on in the agenda are answered by earlier questions. If this is the case the Examining Authority will acknowledge this at the time.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time, there may be a need to continue the session for longer on the day or at a subsequent sitting.

Breaks will be taken during the hearing as directed by the Examining Authority. All parties should note that the agenda given below is to provide a framework for this hearing and offer discussion points; it does not constrain the Examining Authority to specific topics. The Examining Authority may wish to raise other matters arising from

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<sup>1</sup> s91 Planning Act 2008

<sup>2</sup> s91 Planning Act 2008

submissions and pursue lines of inquiry in the course of the discussions which are not included in this agenda.

References in square brackets [] are to the unique document identification number in the Examination Library. This document is found on the National Infrastructure Planning website at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010085/EN010085-000472-Examination%20Library%20Cleve%20Hill%20Solar%20Park%20PDF%20Version.pdf>

The hearing will have regard to submissions already set out in (amongst others):

- Relevant representations
- Written representations
- Statutory / non-statutory nature conservation designations plan [APP-009];
- Report to Inform Appropriate Assessment [APP-026];
- Ecology chapter of the Environmental Statement [APP-038];
- Ornithology chapter of the Environmental Statement [APP-039];
- Ecology figures in the Environmental Statement [APP-055];
- Ornithology figures in the Environmental Statement [APP-056];
- Outline Landscape and Biodiversity Management Plan [APP-203];
- Microclimate and Vegetation Desk Study [APP-204]
- Outline CEMP [APP-205];
- Environmental Statement appendices [APP-212 to APP-226];
- SPA Construction Noise Management Plan [APP-243];
- Mitigation Schedule [APP-252];
- Statements of Common Ground [APP-256].

During the hearing, the ExA may additionally refer in particular to:

- Chartered Institute of Ecology and Environmental Management: *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal*, 2018;
- Chartered Institute of Ecology and Environmental Management: *Advice Note on the Lifespan of Ecological Reports and Surveys*, April 2019;
- Wildlife and Countryside Act, 1981.



## Agenda

<b>Title of meeting</b>	Cleve Hill Solar Park Hearing on Biodiversity and Nature Conservation Matters
<b>Date</b>	Thursday 25 July 2019
<b>Time</b>	9.30am (doors open) for 10.00am
<b>Venue</b>	The Alexander Centre, 17 Preston Street, Faversham, ME13 8NZ
<b>Attendees</b>	Invitees

1. **Examining Authority's opening remarks**
2. **Purpose of the Hearing and speakers' introductions**
3. **Applicant's update on negotiations and agreements with Natural England and the nature conservation interest groups, including Statements of Common Ground and 'letters of no impediment'**
4. **Applicant to summarise updates and amendments to relevant documents and assessments between the application date and today, including the Report to Inform Appropriate Assessment**
5. **Approach to the assessment and methodologies used**
  - a) Guidance employed for determining survey areas; scope of surveys; survey methodologies; survey age; approach to determining significance of effect; assumptions made in relation to phasing of the development and parameters beyond the indicative design used in the assessment;
  - b) Mitigation route map for those measures identified as necessary in the Environmental Statement, and where and how they will be secured in any DCO.
6. **HRA; effects on European and Ramsar site qualifying features and adequacy of, and mechanisms for securing, the necessary mitigation measures, triggers and remedial actions where necessary, and ongoing monitoring and maintenance**
  - a) Arable Reversion Habitat Management Area;
  - b) Habitat within the solar array for marsh harrier;
  - c) Other issues.
7. **Effects on nationally and other important wildlife and habitats and adequacy of, and mechanisms for securing, the necessary mitigation measures, triggers and remedial actions where necessary, and ongoing monitoring and maintenance**

- a) Impacts on the SSSI;
- b) Water voles;
- c) Ground nesting birds;
- d) Farmland birds;
- e) European eels;
- f) Other issues.

**8. Proposals for habitat creation within the fields hosting the solar arrays**

**9. Any other biodiversity and nature conservation matters**

**10. Close of Hearing**