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Sent: 11 July 2019 17:33

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Subject: EN010085 - Cleve Hill Solar Park - Additional Submission by the Applicant

Hefin,

EN010085 - Cleve Hill Solar Park - Additional Submission by the Applicant

As discussed earlier in the week, the Applicant wishes to submit the following documents (6 no.) in advance of the commencement of the examination hearings next week:

- The Applicant's Comments on Responses to ExQ1
- Accompanied Site Inspection Maps
- Equality Impact Assessment
- Updated ES Figure 5.3(a)
- Written Representation by the Applicant on Heritage Policy
- Progressed Statement of Common Ground between the Applicant and the Marine Management Organisation (July 2019)

I would be grateful if you could confirm receipt.

Kind regards,

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CLEVE HILL SOLAR PARK

THE APPLICANT'S COMMENTS ON RESPONSES TO EXQ1

July 2019
Revision A

Submitted: Additional Submission

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CLEVE HILL
SOLAR PARK

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List of Abbreviations

ALC	Agricultural Land Classification
AONB	Area of Outstanding Natural Beauty
AR HMA	Arable Reversion Habitat Management Area
BS	British Standard
CCC	Canterbury City Council
CEMP	Construction Environment Management Plan
CHSP	Cleve Hill Solar Park
CHSPL	Cleve Hill Solar Park Limited
CL:AIRE	Contaminated Land: Application in Real Environments
CLS Area	Core Landscape Study Area
CNMP	Construction Noise Management Plan
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
dDCO	draft Development Consent Order
DEFRA	Department for Environment Food and Rural Affairs
DL	Deadline
DML	Deemed Marine Licence
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
ExQ	Examining Authority's Question
ExQ1	Examining Authority's First Written Questions
FRA	Flood Risk Assessment
GCN	Great Crested Newt
Ha	Hectares
GW	Gigawatt
HGV	Heavy Goods Vehicle
HMA	Habitat Management Area
HMSG	Habitat Management Steering Group
HRA	Habitat Regulations Assessment
KCC	Kent County Council
KWT	Kent Wildlife Trust
LBMP	Landscape and Biodiversity Management Plan
LI	Landscape Institute
LVIA	Landscape and Visual Impact Assessment
MEASS	Medway Estuary and Swale Strategy
MHWS	Mean High Water Springs
MMO	Marine Management Organisation
MR	Managed Realignment
MW	Megawatt
MWh	Megawatt hour
MWp	Megawatt-peak
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
PRoW	Public Rights of Way
PV	Photovoltaic
RIAA	Report to Inform an Appropriate Assessment
RSPB	Royal Society for the Protection of Birds
RVAA	Residential Visual Amenity Assessment
SBC	Swale Borough Council
SoCG	Statement of Common Ground
SPA	Special Protection Area
SPA CNMP	Special Protection Area Construction Noise Management Plan
SSSI	Site of Special Scientific Interest

UXO	Unexploded Ordnance
WeBS	Wetland Bird Survey
WR	Written Representation
WWII	World War Two
ZTV	Zone of Theoretical Visibility

1 INTRODUCTION

1. This document provides Cleve Hill Solar Park Ltd's (the Applicant's) comments on responses made by other parties to the First Written Questions (ExQ1) published by the Planning Inspectorate (PINS) on 07 June 2019, relating to the Development Consent Order Application (the DCO Application) for Cleve Hill Solar Park (the Development).
2. The following parties submitted responses to ExQ1 at Deadline 2:
 - Canterbury City Council
 - Environment Agency
 - Historic England
 - Kent County Council
 - Kent Wildlife Trust
 - Marie King
 - Marine Management Organisation
 - Natural England
 - Swale Borough Council
 - Janice Ely on behalf of The Ely Family
 - The Faversham Society
 - Tom King
3. Table 1.1 lists the topics covered. The Applicant has commented on each of the responses made by the above parties in Section 2 of this document.

Table 1.1: List of Topics

PINS Reference	Topic
1.0	General, Cross-topic and Miscellaneous Questions
1.1	Biodiversity and Nature Conservation (including HRA)
1.2	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations
1.3	Cultural Heritage
1.4	Draft Development Consent Order
1.5	Environmental Statement, General
1.6	Landscape and Visual Impact Assessment (LVIA), including RVAA and Glint and Glare
1.7	Noise
1.8	Socio-economics
1.9	Traffic and Transport
1.10	Water, Flooding and Coastal Defence

4. 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](#).
5. This document is supported by two appendices:
 - Appendix A - Swale Borough Council Response to ExQ1 1.0.2; and
 - Appendix B - Natural Low Density Scrub Development Onsite.

2 RESPONSES TO THE EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS AND THE APPLICANT'S COMMENTS

2.1 General, Cross-topic and Miscellaneous Questions

Table 2.1: Applicant's comments

Ref.	Question	Respondent	Response	Applicant's Comments
1.0.2	Are Swale District, Canterbury City and Kent County Councils content with the summary of local planning policies set out in Chapter 6 of the Environmental Statement and the analysis of local planning policies at Appendix A of the Planning Statement?	Swale Borough Council	See Appendix A to this document.	<p>The Applicant has undertaken an assessment of the Development against planning policy and its impacts at both the National and Local level and these are reported in the Planning Statement submitted with the Application (APP-254).</p> <p>The Applicant's response to the topic specific policy covered in these comments can be found in the Applicant's response to the Swale Borough Council Local Impact Report (REP2-033).</p> <p>The Applicant disagrees with Swale BC interpretation of the role of NPS and Local Planning Policy. The Applicant's planning and legal advisors have prepared a Written Representation comprising planning policy and legal submissions addressing the role of policy and procedure in determining NSIP applications (REP2-026) which was submitted at Deadline 2.</p>
		Canterbury City Council	<p>Additional policies from Canterbury District Local Plan 2017 should be added:</p> <ul style="list-style-type: none"> • Policy HE1 – Historic Environment and Heritage Assets, • Policy OS12 of the Local Plan 2017, • LB13 River Corridors, <p>In relation to Appendix A of the Planning Statement, CCC has the following comments to make:</p> <ul style="list-style-type: none"> • It is considered that paragraph 281 dealing with policy LB12 in particular, does not acknowledge that the test of the policy is to 	<p>The Applicant notes that HE 1 and OS 12 are additional policies to those agreed as relevant for consideration with Canterbury at the Section 42 response stage.</p> <p>Policy LB 13 is present both in the list of policies in the ES, and in the Planning Statement, Appendix A, Section 6.1.6 (APP-254).</p> <p>An assessment of these policies is provided here.</p> <ul style="list-style-type: none"> • HE1 - Historic Environment and Heritage Assets • OS12 - Green Infrastructure • LB13 - River Corridors

Ref.	Question	Respondent	Response	Applicant's Comments
			<p>'restore, enhance and extend the ecological value of the Seasalter marshes'</p> <ul style="list-style-type: none"> Chapter 6.1.2. of the Planning Statement on the Design, Landscape and Visual considerations do not acknowledge the policy LB2 dealing with the impact on the Area of High Landscape Value designations and policy LB3 seeking to protect the unspoilt scenic quality of the undeveloped coast. 	<p>Policy HE 1 Historic Environment and Heritage Assets seeks to protect, conserve and enhance the historic environment. Development will not be permitted where it is likely to cause substantial harm to the significance of heritage assets or their setting unless it is necessary to achieve substantial public benefit that would outweigh the harm or loss.</p> <p>A detailed assessment of the effects of the Development on the historic environment has been provided in Chapter 11 Cultural Heritage and Archaeology (APP-041) of the ES. In addition, consideration of various historic environment assets in the context of archaeology policy is provided under section 6.1.4, Appendix A of the Planning Statement (APP-254). The Development is assessed to have very limited effects on heritage assets in Canterbury district, none of which are considered to cause substantial harm. On balance, it is considered that the benefits of the development in terms of generating clean renewable energy outweigh the modest effects on the historic landscape character. Therefore, the Applicant considers that the Development is compliant with this policy.</p> <p>Policy OS 12 Green Infrastructure seeks to protect and enhance existing green infrastructure and proposes that developments should incorporate and extend green space for habitats and recreational use. As part of the scheme there are a number of grassland habitats that will be created, replacing the current arable farmland. This is outlined in the Landscape and Biodiversity Management Plan (APP-203). The Applicant considers that the Development complies with this policy.</p> <p>An arable reversion habitat management area of c. 56 hectares in the north-eastern part of the site will not be developed and will provide habitats for a number of bird species.</p> <p>In terms of recreational uses, all existing public rights of way</p>

Ref.	Question	Respondent	Response	Applicant's Comments
				<p>which run through the site or close to the site will remain throughout all phases of the Development. In addition, a new permissive path will be created in the eastern part of the site, facilitating circular walks and increasing the opportunities for recreation. This is described in section 13.4 of Chapter 13 - Socio-economics (APP-043) and is shown on Figure 13.1 (APP-060).</p> <p>Policy LB 13 River Corridors In essence, the policy states that development shall show how the environment within river corridors and river catchments, including the landscape, water environment and wildlife habitats, will be conserved and enhanced.</p> <p>No part of the Development infrastructure is situated within Canterbury district. Enhancements set out in the LBMP (APP-203) will fall partly within Canterbury district where the Freshwater Grazing Marsh Habitat Management Area falls within the Canterbury area.</p> <p>Assessment of the effects on the landscape and how the Development seeks to protect it and enhance it is set out in Chapter 7 of the ES Landscape and Visual Impact Assessment (APP-037), whilst the effects on Biodiversity and Wildlife are assessed in Chapter 8 Ecology (APP-038) and Chapter 9 Ornithology (APP-039). Mitigation and enhancement measures for both Landscape and Biodiversity/Wildlife Habitats are set out in the LBMP. Assessment of the effects of the Development on the water environment is set out in Chapter 6.1.10 Hydrology (APP-040), with embedded mitigation measures set out in the Outline Construction and Environmental Management Plan (APP-205).</p> <p>Response to Planning Statement Appendix A query: The Planning Statement provides a high-level summary assessment of policy compliance.</p> <p>A full assessment of biodiversity impacts/benefits arising from</p>

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				<p>the Development and the landscape impacts on designations, including Areas of High Landscape Value, is provided in the Environmental Statement including Chapters 7 - LVIA (APP-037), 8 - Ecology (APP-038) and 9 - Ornithology (APP-039) and the Outline Landscape and Biodiversity Management Plan (LBMP) (APP-203) which sets out the detail of the ecological mitigation, maintenance and enhancement measures proposed as part of the Development.</p> <p>In particular, the LBMP sets out mitigation and enhancement measures, such as the Arable Reversion Habitat Management Area, for species within the Swale SPA SPA/SSSI/Ramsar Site, where the Seasalter marshes are located.</p> <p>The Applicant has also prepared Biodiversity Metric Calculations which have been submitted at Deadline 2 (REP2-045) and predict an overall net gain in biodiversity as a result of the habitat changes proposed as part of the Development.</p> <p>Policy LB 3 has been assessed in the Planning Statement (APP-254) in Appendix A, section 6.1.6.2.</p>
		Kent County Council	<p>The County Council considers that the following planning policies should be included within Chapter 6 of the Environmental Statement (ES): National Planning Policy Framework (NPPF):</p> <ul style="list-style-type: none"> • 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. Swale Borough Council adopted Local Plan (Bearing Fruits 2031): • Policy CP 5 - Health and wellbeing • Policy DM 6 - Managing transport demand and impact Canterbury City Council adopted Canterbury District Local Plan (July 2017): 	<p>The Applicant notes that these are additional policies to those agreed as relevant for consideration with Kent at the Section 42 response stage.</p> <p>Paragraph 98 Footpaths – A detailed assessment of impacts on Public Rights of Way forms part of the assessment in section 13.5.1.4 Recreation of ES Chapter 13 - Socio-economics, Tourism, Recreation and Land Use (APP-043). The Applicant consulted on options for public right of way enhancement at the Section 42 consultation stage and took responses from a range of consultees including members of the public into account in formulating the permissive footpath proposals and the design of the Development around existing public rights of way which were included in the Application.</p> <p>CP5 – Health and Well Being seeks to protect and improve the health of Swale's population. Relevant elements of the</p>

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			<ul style="list-style-type: none"> • Policy OS12 Green Infrastructure 	<p>policy advise that proposals should safeguard community services and facilities, safeguard and provide open space and green infrastructure, promote cycling and walking, and create safe environments. The Development would not negatively impact any community services and facilities. The effects of the Development on recreation and public rights of way are fully assessed in Chapter 13 Socio-economics, Tourism, Recreation and Land Use (APP-043). The Development will safeguard all existing PRoWs which cross or are adjacent to the Development site. Further, as part of the Development the green infrastructure is proposed as outlined in the Biodiversity and Landscape Management Plan (APP-203).</p> <p>DM 6 Managing Transport Demand and Access – The Applicant notes that this policy does not exist in the Canterbury District Local plan, but rather in the Swale Borough Council Local Plan Bearing Fruits 2031. Traffic and Transport Impacts are assessed in full in Chapter 14 of the ES Traffic and Access (APP-044). The Applicant has engaged in consultation with KCC Highways and local residents throughout the development process and has developed an Outline Construction Traffic Management Plan (Examination Library reference APP-245) to mitigate construction impacts.</p> <p>OS 12 Green Infrastructure seeks to protect and enhance existing green infrastructure and proposes that developments should incorporate and extend green space for habitats and recreational use. As part of the Development there are a number of grassland habitats that will be created, replacing the current arable farmland. This is outlined in the Landscape and Biodiversity Management Plan (APP-203).</p> <p>An arable reversion habitat management area of c. 56 hectares in the north-eastern part of the site will provide habitats for a number of bird species. All existing public rights of way which run through the site or close to the site will remain throughout all phases of the Development.</p> <p>There is a new permissive path which will be created in the</p>

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				eastern part of the site, facilitating circular walks and increasing the opportunities for recreation, this is described in section 13.4 of Chapter 13 - Socio-economics (APP-043).
1.0.8	<p>Although National Policy Statements (NPSs) EN-1, EN-3 and EN-5 are referred to in the Planning Statement [APP-254], it is acknowledged that no NPSs are designated in respect of solar PV or energy storage developments. The Examining Authority's preliminary view is that policies in NPSs EN-1 and EN-5 are potentially 'important and relevant' matters for the Examination. The Applicant and Interested Parties are invited to comment on the applicability of NPSs to the policy framework within which the application should be determined, and to identify any particular policies in the NPSs that they consider to be important and relevant to this examination, as described under s105(2)(c) of the Planning Act 2008.</p>	Swale Borough Council	<p>The Council has already addressed this point to some extent both in its Local Impact Report (paragraphs 5.1.1 to 5.1.4), comments which should be taken into account here, and in its Written Representation (paragraph 8). The Council's view is principally to the effect that as there is no NPS for solar power or battery storage local policy must be given greater weight than might otherwise be the case in an NSIP examination, and that the NSIP process itself is not the place to lead such guidance.</p> <p>Having said this, NPS EN-1 does contain useful policy on the generic impacts of energy schemes which are relevant and useful, in particular on air quality, biodiversity, flood risk, historic environment, landscape and visual, noise and vibration, socio-economic and traffic and transport. For instance, within para 5.13.12 on mitigation for traffic impacts the NPS sets out that 'if an applicant suggests that the costs of meeting any obligations or requirements would make the proposal economically unviable this should not in itself justify the relaxation by the IPC of any obligations or requirements needed to secure the mitigation'.</p> <p>National Planning Practice Guidance (NPPG), particularly paragraph 013 of the section on Renewable and low carbon energy, gives useful national guidance on solar farms and recognises the importance of landscape and amenity impacts and that the views of local communities likely to be affected should be listened to. It encourages the focusing of large scale solar farms on previously developed and non-agricultural land, and where it is allowed on agricultural land that the proposal allows</p>	<p>The Applicant disagrees with Swale Borough Council's interpretation of the role of NPS and Local Planning Policy. A Written Representation (REP2-026) comprising planning policy and legal submissions addressing the role of policy and procedure in determining NSIP applications was submitted at Deadline 2. The Written Representation explains the role and weight to be afforded to national and local policy, and the LIR.</p> <p>The two Ministerial Statements referenced outlined the Government's approach to the consideration of Solar developments in April 2013 and March 2015 as reforms to the planning process were progressed. These set out that solar is viewed by the Government as an important part of the UK's future energy mix (Paragraph 2 Ministerial Statement Eric Pickles March 25th 2015), but that a balancing exercise is required in the consideration of each application. (Eric Pickles 2015, Greg Barker April 2013). They do not specifically give precedence to local policies or community needs over national requirements but acknowledge a balanced approach is needed. The Applicant wishes to highlight the full wording of paragraph 5 of the Ministerial Statement of 25th March 2015 (Eric Pickles). This is typical of the rhetoric the Ministerial Statements used and also identifies that some of the Ministerial references quoted such as "trash the local environment" are potentially less balanced in the absence of the wider context.</p> <p><i>"Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Protecting the global environment is not an excuse to trash the local environment. When we published our new planning guidance in support of the Framework, we set out the particular factors relating to large scale ground mounted solar</i></p>

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			<p>for continued agricultural use.</p> <p>The Council would also like to draw attention to a speech by Minister for Energy and Climate Change (Greg Barker) on 25th April 2013 where he stated that whilst solar energy is an exciting opportunity to be seized this should not be 'at any cost...in any place...if it rides roughshod over the view of local communities' and its use should be 'mindful of the wider environmental and visual impacts'.</p> <p>Finally, in a Written Ministerial Statement of 25th March 2015 the Secretary of State for Communities and Local Government (Eric Pickles) wrote that 'Protecting the global environment is not an excuse to trash the local environment' and 'meeting our energy goals should not be used to justify the wrong development in the wrong location'.</p> <p>To the extent mentioned here the Council considers that in the absence of an NPS there are already clear signals from Government, and from local policy, that large scale solar farms on agricultural land are not without potential objection. The Council remains concerned that in the absence of NPS for solar or battery storage development this application is premature and may proceed in advance of properly considered policy advice, which it may not accord with.</p> <p>The Council can entirely appreciate why NSIPs are dealt with as they are, relieving the Local Planning Authority of the task of rehearsing and deciding on matters already determined by National Policy Statements. In this case there is no relevant NPS and it seems that the applicant considers that the decision should be taken in accordance with the existing NPSs that are not specific to this technology. The Council does not consider this to be</p>	<p><i>photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality."</i></p> <p>The Applicant has undertaken an extensive assessment of the Development and its impacts at both the national and local level and these are reported in detail in the ES technical chapters and Planning Statement (APP-254) to allow detailed consideration of the DCO Application to be undertaken. This is entirely consistent with the approach advocated in the Ministerial Statements.</p> <p>An Agricultural Land Classification report was submitted with the Application (APP-244) and the impact of the Development on land-use is assessed in ES Chapter 13 - Socio-economics, Tourism, Recreation and Land Use (APP-043) at section 13.5.1.5. This assessment demonstrated that approximately 95% of the arable land within the Development site is Grade 3b. It is agreed that the impact on high quality agricultural land is limited.</p> <p>The Council are misunderstanding the NSIP process and the role of National policy by seeking to progress a prematurity argument. The Applicant refers to section 2.3 of the NSIP Policy and Procedure Written Representation submitted at Deadline 2 (REP2-026) which clearly shows how other NSIP projects, where there was not a technology specific NPS, have been determined. The Applicant would highlight that there have been a number of projects, as set out in the table in section 2.3, that were for infrastructure that subsequently became subject to an NPS with the publication of the NPS for National Networks and therefore the Council's concerns on determination ahead of any such NPS being published are ill founded.</p> <p>"Enormous scale" and "at a height unlike other solar farms" are relative descriptions used here with no context. The</p>

Ref.	Question	Respondent	Response	Applicant's Comments
			<p>good enough. In the absence of a relevant NPS there are enough caveats and caution in existing NPSs and in the NPPG, as well as in local Development Plan policy, to indicate that now is not the right time to approve a scheme of this nature with its enormous scale, set right on the edge on the coast and the Special Protection Area, utilising untried battery storage technology and, due to its position on low lying land liable to flooding, being designed at a height quite unlike other solar farms in an area of extremely flat topography where its effect on landscape, heritage assets and residents will be magnified.</p>	<p>highest points of the solar panels are between 3.0 and 3.9 m above ground level which is not out of context with other solar developments or indeed with features in the landscape surrounding the development site such as the sea defences and grid infrastructure described in section 7.3.3.9 of the LVIA chapter (APP-037) where aesthetic factors are discussed.</p> <p>Solar PV is a mature technology, as of April 2019¹, the UK had 4,387.4 MW of installed capacity of ground mounted solar PV developments of 5 to 25 MWp installed capacity and 1,539.5 MWp of installed capacity of developments of over 25 MWp.</p> <p>As of June 2019² there is approximately 700 MW of battery storage installed in the UK with projected capacity by the end of the year potentially 1.2 GW. It is not therefore considered by the Applicant to be untried technology.</p> <p>The Applicant refers to the DL2 response by KCC quoted below, which supports its position.</p>
		Canterbury City Council	<p>It is agreed that NPS EN1, EN3 and EN5 are relevant to the determination of this DCO application. Nonetheless, it is highlighted that EN-1 does not list the solar farm as a type of renewable energy within its scope, however it deals with a need for in general.</p>	<p>This is agreed by the Applicant.</p>
		Kent County Council	<p>The County Council recognises that there is a lack of planning policy in relation to large scale solar parks both nationally and locally. The Overarching National Policy Statement for Energy July 2011 (EN-1) is outdated in relation to the new policy landscape, where there are new economic and environmental</p>	<p>This is agreed by the Applicant.</p>

¹ <https://www.gov.uk/government/statistics/solar-photovoltaics-deployment>

² https://www.solarpowerportal.co.uk/blogs/uk_battery_storage_capacity_could_reach_70_growth_in_2019_as_business_model

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			<p>opportunities and concerns, and changes in technology. For example, the Policy Statement details the types of renewable energy sources within its scope (paragraph 1.4.5) – and solar power is not listed. This may be due to solar power technology not being progressed to a feasible scale as to have a significant input into energy production at the time the National Policy Statement (NPS) was produced.</p> <p>EN-1 does however consider the fundamental need for more renewable energy (paragraph 2.2.23). Renewable energy is noted as being able to assist in meeting the EU renewable energy 2020 target, increase energy security and reduce carbon emissions (paragraph 3.3.11). EN-1 considers further the need to replace closing electricity generating capacity and the need for more electricity capacity to support an increased supply from renewables.</p> <p>EN-1 also considers the intermittency of renewables and the challenges this may bring (paragraph 3.3.12). However, the changes in battery storage and in transmission infrastructure alongside flexible generation has helped to ease some of these concerns. This further highlights where the NPS may not be up to date with current evolving technology.</p> <p>The County Council recognises that Government policy is changing. The Climate Change Act 2008 looks likely to be amended to have a more challenging carbon target³. The Government has recently announced a zero-carbon target for 2050⁴, and the need to adhere to the Paris Agreement to reduce carbon emissions in line with a 1.5 degree</p>	

³ <https://www.gov.uk/government/news/pm-theresa-may-we-will-end-uk-contribution-to-climate-change-by-2050>

⁴ <https://www.gov.uk/government/news/pm-theresa-may-we-will-end-uk-contribution-to-climate-change-by-2050>

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			<p>temperature rise, and seeking to explore setting a more ambitious target⁵. The Government has highlighted that there is a need to increase electricity production significantly from different sources of renewable energy to meet the electrification of heat and transport⁶. Although these aspirations are not currently presented within an NPS, there is clearly support from Government to increase the level of renewable energy generation.</p> <p>KCC considers therefore that although some parts of EN-1 may be outdated, there are still some elements of the NPS that could be pertinent to the application. As highlighted above, although the technologies considered in EN-1 do not cover solar power, KCC considers that there is an overall movement towards more sustainable means of energy production that is consistent across the NPS - this must be considered in the policy framework against which this application is determined.</p> <p>KCC would also like to note that there are a number of solar parks within Kent. The Examining Authority should note that there are a number of local authorities across the UK looking at developing solar farms as potential income generators and to meet carbon targets. Notably, West Sussex County Council have built two solar farms, Warrington have bought up solar farms outside of their area, and many are developing proposals including Essex County Council.</p>	
		The Faversham Society	1. Our understanding is that the critical test for a NSIP is conformity with National Planning Statements (NPSs) rather than with any Local Plans.	1 & 2. The Applicant disagrees with this interpretation of the role of National Policy and refers to the Written Representation on NSIP Policy and Procedure submitted at

⁵ <https://www.gov.uk/government/news/climate-experts-asked-for-advice-on-net-zero-target>

⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700496/clean-growth-strategy-correction-april-2018.pdf

Ref.	Question	Respondent	Response	Applicant's Comments
			<p>However, there is no NPS for either solar power or battery storage technology. Given the unprecedented scale of this development (see 9. Below) the Faversham Society regards it as totally inappropriate and indeed reckless to proceed without such planning statements for guidance. We support the view of Swale Borough Council that this constitutes a fundamental objection to the proposal.</p> <p>2. Presumably appropriate NPSs will be developed in future so it might additionally be argued that consideration of the current, clearly singular, proposal would likely preempt or prejudice such development.</p> <p>3. In relation to our objections to Heritage Impact on listed buildings, the need to balance 'benefits' and 'harm' lacks any basis for judgement without relevant NPSs</p> <p>4. Your question relates to the Applicant's suggestion that NPSs EN-1 and EN-5 are potentially 'relevant and important' in relation to the Examination. We firmly assert that they are neither, other than in a very general (and unsupportive) sense for EN-1. (see 7. & 8. below)</p> <p>5. The Applicant refers to the National Policy Statement on Renewable Energy (EN-3) which provides no guidance on solar energy or battery storage installations and is therefore irrelevant.</p> <p>6. Similarly the National Policy Statement for Electricity Networks (EN-5) relates primarily to new overhead electricity lines of 132kV and above, along with associated sub-stations etc. It refers consistently to the impact of power lines and its focus is clear. No such infrastructure is proposed in the application and there is no reference to PV arrays or energy storage systems. We believe that EN- 5 therefore can be discounted along with EN-3.</p> <p>7. The Overarching National Policy Statement for Energy (EN-1) provides the background for the</p>	<p>Deadline 2 (REP2-026) which confirms that NPS EN1 is relevant. The Applicant also refers to its responses to the comments of the Council above in relation to projects which have been consented prior to a relevant NPS being in place.</p> <p>The Applicant refers to the DL2 response by KCC quoted above, which supports its position.</p> <p>3. The Applicant is also preparing a Written Representation on Heritage Policy to be submitted in advance of Deadline 3 which sets out the methodology and balancing exercise to be followed for assessing cultural heritage assets for an NSIP project.</p> <p>4. An Assessment of the Project against the requirements of EN-1 is undertaken in section 3.3.1.1 of the Planning Statement (APP-254). Also see response to points 1 & 2 above.</p> <p>5. See response to points 1 & 2 above.</p> <p>6 & 7. See response to points 1 & 2 above and the assessment undertaken in the Planning Statement of EN-1 and EN-5.</p> <p>8. The assessments referred to are provided in the application as follows:</p> <ul style="list-style-type: none"> • Habitats and Impact on European sites. ES Chapter 8 - Ecology [APP-038], Chapter 9 - Ornithology [APP-039], and the Report to Inform an Appropriate Assessment [APP-026]. • Flood Risk The Applicant has undertaken a Flood Risk Assessment [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). A SoCG has been agreed with the EA which confirms the acceptability

Ref.	Question	Respondent	Response	Applicant's Comments
			<p>consideration of other NPSs on specific technologies, but equally makes no reference, nor provides guidance on solar or energy storage. Whilst EN-1 is supportive of low carbon energy production it is not in any sense supportive of development on the scale of the proposed CHSP. Rather it encourages decentralised and community installations with increased connectivity, as well as supporting reducing energy demand.</p> <p>8. NPS EN-1 also stresses the importance of considering the impact on tourism and rights of way, wildlife habitats, European sites, and landscape issues, especially in coastal areas. Importantly it highlights the dangers of flood risk and advocates the siting of vulnerable parts of developments away from areas of highest risk.</p> <p>9. We can only speculate as to the reasons why there are no NPSs for solar energy. Whilst large scale batteries have only become of interest recently, PV cells were developed in the 1950s and we used them extensively in space applications in the 1960s. Large scale (over 200MW) PV arrays have been developed worldwide since 2012 (India) but they are (unsurprisingly) predominantly in remote locations in China, India and the USA. The only other current solar power station in Europe over 200MW is in Cestas, France (300MW 2015) It is itself an outlier, being twice the size of the largest in Germany. The largest in the UK is currently 72 MW at Shotwick, Flintshire (2016, completed in 6 weeks).</p>	<p>of the FRA [AS-017].</p> <ul style="list-style-type: none"> • Visual effects are assessed in Chapter 7 - Landscape and Visual Impact Assessment [APP-037]. • Impacts on tourism and rights of way receptors are assessed in ES Chapter 13 – Socio-economics, Tourism, Recreation and Land Use [APP-043] section 13.5.1.4 and in a wider context within the chapter. <p>9 & 10. The scale of development at CHSP is not unprecedented. The largest consented solar development in Europe scheduled to be operational in 2021 is Iberdrola's Pizarro scheme in Spain's Extremadura Region which will cover 1,300 ha and generate 590 MW (68% larger than CHSP). Other large-scale solar developments are in the development phase across Spain as it implements plans to replace 7 nuclear power stations with renewables by 2050. There are also two other NSIP scale solar projects in the UK development pipeline, Little Crow Solar Park⁷ and Sunnica Energy Farm⁸.</p> <p>Solar PV is a mature technology, as of April 2019⁹, the UK had 4,387.4 MW of installed capacity of ground mounted solar PV developments of 5 to 25 MWp installed capacity and 1,539.5 MWp of installed capacity of developments of over 25 MWp.</p> <p>As of June 2019¹⁰ there is approximately 700 MW of battery storage installed in the UK with projected capacity by the end of the year potentially 1.2 GW.</p> <p>Lithium ion batteries are not untried technology, they are widely used at various scales domestically, industrially and commercially (e.g., mobile phones, electric cars and grid scale</p>

⁷ <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/little-crow-solar-park/>

⁸ <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/sunnica-energy-farm/?pcsection=overview>

⁹ <https://www.gov.uk/government/statistics/solar-photovoltaics-deployment>

¹⁰ https://www.solarpowerportal.co.uk/blogs/uk_battery_storage_capacity_could_reach_70_growth_in_2019_as_business_model

Ref.	Question	Respondent	Response	Applicant's Comments
			<p>10. Clearly the proposed CHSP at 300MW is well beyond anything envisaged and well beyond the scope of existing NPSs and planning experience in the UK. Any solar array development on this scale must surely require national policy guidance. Additionally, the proposal for such a large scale energy storage system using emerging and potentially hazardous technology requires specific national policy guidance.</p> <p>11. In conclusion, the Faversham Society is firmly of the view that not only is there a lack of NPS guidance to determine the CHSP proposal, it is inappropriate to consider at this time an application of this unprecedented scale and with still emerging technology.</p>	<p>energy storage). Their use is regulated in the UK by The Batteries and Accumulators (Placing on the Market) Regulations 2008 (as amended) and the Waste Batteries and Accumulators Regulations 2009 (as amended)¹¹.</p> <p>11. For the reasons outlined above the Applicant does not agree with this statement.</p>
		Tom King and Marie King	In support of Swale Borough Council's Local Impact Report, as The National Planning Policy Framework (NPPF) contains no specific policies for solar power development I do not believe it is appropriate for NPS EN-3 or EN-5 to be used to assess this application. NPS EN-1 does, in part, refer to this type of application. As required by Section 105 of The Planning Act 2008, in the absence of a specific NPS for solar power, the Secretary of State must have regard to SBC's LIR and is not bound to decide the application in accordance with any particular NPS. Additionally, in the absence of a specific and relevant NPS, local planning policy should be referred to when considering this application including Swale Borough Council and Kent County Council planning policies.	The Applicant disagrees with this interpretation of the role of National Policy and refers to the Written Representation on NSIP Policy and Procedure submitted at Deadline 2 (REP2-026). The Applicant also refers to the DL2 response by KCC quoted above, which supports its position.
		Janice Ely on Behalf of the Ely Family	I am writing on behalf of the Ely Family in support of the views expressed in the Local Impact Report produced by Swale Borough Council.	The Applicant submitted a response to Swale Borough Council's LIR at Deadline 2 (REP2-033).

¹¹ <https://www.gov.uk/guidance/regulations-batteries-and-waste-batteries>

Ref.	Question	Respondent	Response	Applicant's Comments
			<p>In particular, regarding National Planning Policy, we note that paragraph 5.1.1 of the SBC Report states that:</p> <p>EN-3 does not provide any guidance on solar energy or battery storage installations and can effectively be discounted; whilst EN-5 principally relates to new overhead electricity lines and associated infrastructure, which are not proposed here.</p> <p>Also, with regard to EN-1, that Paragraph 5.1.3 highlights the need for Infrastructure Planning Commission to have regard to habitats and whether a project may have a significant effect on a European site, consider alternatives, minimise flood risk, as well as also considering visual intrusion on coastal areas, the impact on tourism and on rights of way.</p> <p>We further consider the last paragraph of 5.1.3 of the SBC Report to be an extremely important one. This states that:</p> <p>In the absence of a specific NPS relating to solar power or battery storage, and given the inevitable tensions between the efficiency of the technology, use of greenfield sites, areas of wildlife conservation and heritage significance and use of agricultural land versus deployment of solar technology on rooftops or use of previously developed sites, there is clearly a big question about whether any NSIP project for solar power, let alone one of this scale in such a sensitive location, should be approved on an ad hoc basis without regard being had to comprehensive and strategic policy in the form of an NPS. The battery storage technology proposed is also new and largely untested, meaning that its possible impacts are not yet fully understood.</p>	<p>The Applicant disagrees with this interpretation of the role of National Policy and refers to the Written Representation on NSIP Policy and Procedure submitted at Deadline 2 (REP2-026). The Applicant refers to the DL2 response by KCC quoted above, which supports its position.</p> <p>The assessments referred to in EN-1 highlighted in this response are provided in the application as follows:</p> <ul style="list-style-type: none"> Habitats and Impact on European sites. ES Chapter 8 - Ecology [APP-038], Chapter 9 - Ornithology [APP-039], and the Report to Inform an Appropriate Assessment [APP-026]. Consideration of Alternatives: ES Chapter 4 Site Selection Development Design and Consideration of Alternatives [APP-034]. Flood Risk The Applicant has undertaken a Flood Risk Assessment [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). A SoCG has been agreed with the EA which confirms the acceptability of the FRA [AS-017]. Visual Intrusion Chapter 7 - Landscape and Visual Impact Assessment [APP-037]. Impact on tourism and rights of way ES Chapter 13 – Socio-economics, Tourism, Recreation and Land Use [APP-043] section 13.5.1.4 and in a wider context within the chapter.

Ref.	Question	Respondent	Response	Applicant's Comments
			<p>Paragraph 5.1.4 of the SBC Report then concludes the section on Planning Policy:</p> <p>The National Planning Policy Framework (NPPF) contains no specific policies for NSIP development, meaning that the NPSs, which do not refer to solar energy or battery storage projects, are the main source of national policy in relation to this application. Accordingly, as required by Section 105 of The Planning Act 2008, in the absence of a specific NPS for solar power, the Secretary of State must have regard to this LIR and is not bound to decide the application in accordance with any particular NPS.</p> <p>We therefore fully support Swale Borough Council in its view that, in the absence of National Policy for this type of development, Local Policy should be referred to.</p>	
1.0.9	Does Swale Borough Council agree that prior approval for working outside restricted hours should normally be sought beforehand by the Applicant?	Swale Borough Council	<p>This question refers to paragraph 60 of the non-technical summary and paragraph 162 of the main ES (although this appears to mean paragraph 163). The matter at issue is whether any approved working hours ought to be extended in exceptional circumstances, and whether or not the prior approval of the Council ought then to be sought. In the Council's views there should no question of any approved working hours being extended other than in unanticipated emergency situations, especially considering the allowance for a start up and close down hour at either end of the core working hours. In an emergency situation (unless the emergency requires a prolonged response) it seems unreasonable, and very likely impractical, to seek prior approval for out of hours activity so the Council cannot see any circumstances in which prior approval is logical. However, a requirement to notify the Council of any exceptional situations or breaches</p>	<p>The Applicant's response to ExQ1 submitted at Deadline 2 (REP2-006) stated that it is happy to define exceptional circumstances and any conditions related to prior approval in an updated version of the Outline Construction Environmental Management Plan and Outline Construction Traffic Management Plan to be provided before Deadline 3.</p>

Ref.	Question	Respondent	Response	Applicant's Comments
			of approved working hours within 48 hours of these occurring might be sensible and allow for monitoring of the situation.	

2.2 Biodiversity and Nature Conservation (including HRA)

Table 2.2: Applicant's comments

Ref.	Question	Respondent	Response	Applicant's Comments
1.1.1	<p>Are Natural England, Kent Wildlife Trust, RSPB and the Local Authorities content with the approach to defining study areas for wildlife surveys and assessment in Chapter 8 of the Environmental Statement [APP-038] and the appended survey reports?</p> <p>Are the same parties content with the explanation of how the zone of influence for ornithological study and assessment was determined, especially in relation to the functional linkage identified between affected habitats on the development site and interest features of the Swale SSSI, SPA and Ramsar site</p>	Swale Borough Council	No comment.	The Applicant understands that Swale Borough Council defers to Natural England and Kent County Council on biodiversity and nature conservation issues.
		Natural England	Natural England has produced standing advice ¹² for protected species, including on survey requirements. We would expect the Applicant to follow this, and would only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances. In this case, we will provide bespoke comment on the draft licences for great crested newts and water voles, but refer the Examining Authority to our standing advice for all other (non-SSSI) species. In relation to the ornithological assessment, Natural England is content with approach to defining study areas and the explanation of how the zone of influence was determined, as set out in section 9.2.2 of Chapter 9 of the ES [APP-039].	The Applicant has followed Natural England standing advice, and welcomes Natural England's confirmation of the acceptability of the approach to the definition of study areas for the ornithological assessments.
		Canterbury City Council	CCC defers to KCC and Natural England.	This is noted by the Applicant.

¹² <https://infrastructure.planninginspectorate.gov.uk/pr>

Ref.	Question	Respondent	Response	Applicant's Comments
	(Chapter 9 of the Environmental Statement [APP-039] and the RIAA [APP-026])?	Kent County Council	KCC is satisfied with the range of surveys carried out by the applicant recording the species within habitats to be retained. The County Council is deferring to Natural England on matters relating to designated sites.	The Applicant welcomes KCC agreement on the range of ecological surveys undertaken and notes that KCC defers to Natural England on matters relating to designated sites.
		Kent Wildlife Trust	The answer to both these questions, having had regard to proportionality, is yes. While the bird populations present clearly move in and out of the survey area, and studying these wider movement may give a clearer understanding of the relative importance of the application site to the SPA as a whole, the key areas (adjacent intertidal including eel-grass beds, grazing marsh) have been included, and a suitable method (i.e. 'peak-mean') has been proposed to assess and mitigate the impacts. Questions remain regarding the mitigation (considered elsewhere), but we think it unlikely that this could be dealt with by increasing the survey area.	The Applicant welcomes Kent Wildlife Trust's agreement on these points.
1.1.4	Are Natural England, Kent Wildlife Trust, RSPB and the Local Authorities content that the various 2015 protected species surveys, some of which were carried out in accordance with subsequently updated guidance, and the 2016 breeding bird and flight activity surveys are sufficiently up to date to facilitate an accurate assessment, noting the timing and results of the updated phase 1 habitat survey in February 2018?	Swale Borough Council	No comment	The Applicant understands that Swale Borough Council defers to Natural England and Kent County Council on biodiversity and nature conservation issues.
		Natural England	Natural England is currently reviewing the draft licences the Applicant has produced for great crested newts and water voles. This will include comment on whether the survey information presented is sufficiently up-to-date. Once this review has been concluded, we will issue a Letter of No Impediment (LONI), and, therefore, have no further comment to make at this time.	The draft licences have been produced based on existing survey data and a worst-case approach to allow confidence that adverse effect on protected species can be sufficiently mitigated. The LONI was requested on this basis as per previous meetings/discussions with Natural England. An updated survey for GCN was carried out in 2018, and further update surveys for GCN and water vole commenced in spring 2019 and will continue for through the summer (water vole) to inform the future full licence application ahead of construction, and any future deviation from the draft licences which will have already been provided. This approach has been agreed with Natural England.
		Canterbury City Council	CCC defers to KCC and Natural England.	This is noted by the Applicant.

Ref.	Question	Respondent	Response	Applicant's Comments
		Kent County Council	The County Council is deferring to Natural England on matters relating to designated sites. The County Council understands that the retained habitats within the site have not significantly changed between 2015 and 2018; therefore, KCC is satisfied that the survey results of the habitat to be retained are appropriate.	The Applicant welcomes Kent County Council's agreement on these points.
		Kent Wildlife Trust	The protected species surveys should be updated in line with the guidance ¹³ and licencing requirements. We understand the Applicant is aware of this and is undertaking updated surveys.	Updated survey for GCN was carried out in 2018, and further update surveys for GCN and water vole is being undertaken in 2019 to inform the future full licence application. This has been discussed with Natural England as per their comment above.
1.1.8	A Natural England review of the impacts of solar farms on birds is referred to in the non-technical summary of the Environmental Statement (paragraph 158 of APP-249). Could the Applicant confirm the full reference and submit a copy into the Examination? In relation to potential bird mortality or injury through collision with solar panels or fences, are the Applicant, Natural England, Kent Wildlife Trust, RSPB or the Local Authorities aware of any relevant monitoring studies at existing solar farm sites?	Swale Borough Council	No comment.	The Applicant understands that Swale Borough Council defers to Natural England and Kent County Council on biodiversity and nature conservation issues.
Natural England		Natural England understands the Applicant will submit the review of the impacts of solar farms referred to. The aim of the report (dated August 2016) was to synthesis the available evidence (from scientific research papers and grey literature, including planning decisions) on the ecological impacts of solar farms, particularly on birds and bats. Natural England is not aware of any monitoring of existing solar farms, other than those studies identified in the review referred to above. This concluded that the small amount of scientific and grey literature available suggests that bird collision risk from solar panels is very low, and that there is likely to be more of a collision risk presented by infrastructure associated with solar developments, such as overhead power lines	The report was submitted to the Examination as Appendix 3 to the Applicant's responses to the Examining Authorities First Written Questions (REP2-009).	
Canterbury		CCC defers to KCC and Natural England.	This is noted by the Applicant.	

[objects/yorkshire-and-the-humber/little-crow-solar-park/](https://infrastructure.planninginspectorate.gov.uk/projects/eastern/sunnica-energy-farm/?ipcsection=overview)

¹³ <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/sunnica-energy-farm/?ipcsection=overview>

Ref.	Question	Respondent	Response	Applicant's Comments
		City Council		
		Kent County Council	The County Council has no comment to raise on this question and is deferring to Natural England.	This is noted by the Applicant.
		Kent Wildlife Trust	Kent Wildlife Trust is not aware of any monitoring studies at existing east-west solar farm sites. The most recent review of the literature we are aware of, Taylor et al. (2019) ¹⁴ , identifies some risk, but acknowledges the need for more research across all types of solar array.	The review referred to was submitted to the Examination as Appendix 4 to the Applicant's responses to the Examining Authorities First Written Questions (REP2-010).
1.1.17	Could Natural England explain the rationale for the inclusion of the existing coastal flood defences at the site within the boundaries of the statutory nature conservation notifications/ designations (SSSI, SPA, Ramsar)?	Natural England	The Swale SSSI boundary is aligned with an easily recognisable feature, which in this location (unit 74) is the sea wall. The habitat features for which this part of the SSSI is notified are ditches and reedbed, which support aggregations of bearded tit and marsh harrier in the wintering season, assemblages of wintering and passage bird species, vascular plant assemblage and invertebrate assemblage. Similarly, the SPA and Ramsar are aligned with the SSSI, to ensure the boundary is an easily recognisable feature.	The boundary of the statutory nature conservation designations in proximity to the northern part of the Development site is the borrow dyke which divides the arable land from the South Swale Nature Reserve, as shown in ES Figure 8.3 (APP-055). The ditches and reedbed referenced in Natural England's response lie on the landward side of the existing coastal flood defences. The Applicant therefore considers that the existing coastal flood defence structure itself is included in the designations by virtue of lying in between freshwater and marine components of the designations rather than for its own characteristics.
1.1.21	There are several birds identified on the information sheet for the Swale Ramsar site (and in section 5.2.3 of the RIAA [APP-026]) 'for possible future consideration under criterion 6'. Please could Natural England confirm the status of these features? Is it likely that the Ramsar citation will be updated in the near	Natural England	The species in question are ringed plover, wigeon, pintail shoveler and black-tailed godwit. Four of these (pintail, wigeon, shoveler and black-tailed godwit) are considered 'main component' species of the wintering waterbird assemblage of the SPA and Ramsar site. Therefore, these species are covered by the existing designations even though they are not individually named. The fifth species, ringed plover, is identified on the Ramsar Information Sheet as important in the passage period. The latest WeBS 5 year peak mean for ringed plover is	The Applicant agrees with Natural England's response. Following discussion and agreement with Natural England, 22 bird species were identified as main component species of the SPA wintering assemblage, on which the assessment should focus. This is described in paragraphs 67-68 of ES Chapter 9: Ornithology of the ES (APP-039) and paragraphs 56-57 of the RIAA (APP-026). The potential effects of the Development on the wintering assemblage feature of The Swale SPA/Ramsar have been assessed by considering the potential effects of the Development on each of the 22

¹⁴ <https://www.gov.uk/government/statistics/solar-photovoltaics-deployment>

¹⁴ <https://www.solarpowerportal.co.uk/blogs/uk>

Ref.	Question	Respondent	Response	Applicant's Comments
	future to include these as features under Criterion 6?		255 (12/13 – 17/18), which does not qualify it as a main component species. Nevertheless it contributes to the waterbird assemblage, and should be captured under any assessment of impacts on the assemblage. Therefore, whilst we currently have no information on any timetables for future updates to the Ramsar Citation, we can confirm that these species are captured in the by the assemblage feature of the SPA and Ramsar site.	<p>component species. This includes the four main component species listed here: pintail, wigeon, shoveler and black-tailed godwit, but excludes ringed plover, which was not identified as a main component species of the SPA assemblage.</p> <p>Paragraph 71 of ES Chapter 9: Ornithology of the ES (APP-039) and paragraph 61 of the RIAA (APP-026) repeat Natural England's advice as to why the assessment for the Ramsar designation should consider the same 22 component species as the SPA.</p>
1.1.25	Is Natural England content that the RIAA [APP-026] includes sufficient regard for the Swale and Medway European Marine Site and its Conservation Objectives?	Natural England	Natural England's advice in relation to The Swale Estuary MCZ is set out at paragraph 3.6.2 – 3.6.3 of this Written Representation. Standard best practice pollution control measures are sufficient to mitigate potential impacts on the MCZ, which underpins the Swale and Medway European Marine Site (EMS). The EMS covers the marine parts of The Swale SPA and Medway Estuary and Marshes SPA. Therefore, our view is that the RIAA [APP-026] does have sufficient regard for its Conservation Objectives.	<p>Natural England's Written Representation is (REP2-096).</p> <p>The Applicant welcomes Natural England's confirmation that they are content on this point.</p>

Ref.	Question	Respondent	Response	Applicant's Comments
1.1.27	<p>Given the survey findings that there was almost no coincidence between Brent goose and the two target waders (golden plover and lapwing) in the same fields at the same time, could the Applicant confirm the extent to which the evidence used to support the design of the Arable Reversion Habitat Management Area can be relied upon to ensure that both will successfully coexist in the requisite numbers within the same mitigation area?</p> <p>Could Natural England expand on the statement in its Relevant Representation [RR-826] that golden plover and lapwing feed on soil and surface invertebrates and do not compete for the same food as Brent geese and can 'potentially' be accommodated on the same piece of mitigation land. What factors does Natural England consider might determine whether lapwing, golden plover and Brent goose can be accommodated on the same piece of mitigation land? Are Natural England, RSPB or Kent Wildlife Trust aware of any types of inter-species competition or interaction that might restrict the capability of the area to support the necessary density of all three</p>	Natural England	<p>As set out in paragraph 3.4.6 of this Written Representation, Natural England's view is that as they eat different food, geese and waders do not compete with each other and can use the same piece of land. The factors determining whether both types of species can be accommodated will be whether there is physically enough space for the different flocks, and whether management for one does not hinder the other's ability to forage. The crucial factor, in Natural England's opinion, is whether the intensive grassland management necessary to feed the brent geese hinders the waders' ability to get to their invertebrate prey. These waders prefer muddy patches where it is easy to probe for earthworms. As set out in paragraph 3.4.9 of this Written Representation, Natural England recommends that the Applicant provides further information on whether the lapwings and golden plovers were found foraging together in the Gillings et al (2007) study, whether competition for the same resources is likely, and hence whether it is appropriate to add the bird-days for the different species into a combined plover-days figure.</p>	<p>Natural England's Written Representation is (REP2-096).</p> <p>As advised by Natural England during pre-application consultation, the management of the AR HMA is focussed on the provision of sufficient resources for Brent geese. The aim is therefore to provide a nutrient-rich short sward grassland favoured by this species. However, short-sward grassland is also known to be a habitat used, often preferentially, by golden plovers and lapwings – this was described in the literature review in Section 9.6.2.2 of Appendix A9.1: Ornithology Technical Appendix (APP-223) and Section 6.1.2.5 of the RIAA (APP-026). The type of grassland preferred is short-sward (<10 cm), permanent and long-established; such grassland would typically have a close sward without frequent muddy patches, providing the suitable micro-climate within which the birds' invertebrate prey is available to them above, at and near the soil surface. Barnard and Thompson (1985) analysed sward density as part of their study into foraging by gulls and plovers and found that older pastures (>25 years old) were preferred for foraging lapwings over newly established grassland (<4 years since sowed) and had a significantly higher sward density than newly established grassland. It is also proposed to fertilise the sward using farmyard manure, additionally providing suitable conditions for the birds' invertebrate prey. It is therefore the Applicant's view that the proposed management of the AR HMA to provide short-sward, fertilised grassland provides suitable conditions for foraging golden plover and lapwing as well as Brent goose.</p> <p>The Applicant has reviewed the Gillings <i>et al.</i> (2007) study. There is insufficient detail in the paper about individual field use to ascertain how often lapwings and golden plovers were found foraging together and potentially competing for resources. However, the paper does state, for example: "<i>In general both species selected and avoided the same habitats</i>".</p> <p>Where the paper describes the bird-days/ha use by golden</p>

Ref.	Question	Respondent	Response	Applicant's Comments
	species of birds? Do Natural England, RSPB or Kent Wildlife Trust consider that any additional evidence is required from the Applicant in this regard?			<p>plovers and lapwings, it states: "...<i>transect fields sustained on average 250,000 Golden Plover bird-days (range 165,000–301,000) and 160,000 Lapwing bird-days (range 126,000–259,000) per winter (October to February). These equate to densities of 121 Golden Plover bird-days/ha and 78 Lapwing bird-days/ha when calculated over the whole study area. However, plovers were concentrated into very few fields, meaning that although the total study area was 2063 ha, the area actually used (sum of field areas weighted by their frequency of occupancy) was only 160 ha, giving densities of 1,560 Golden Plover bird-days/ha and 1,000 Lapwing bird-days/ha.</i>"</p> <p>Whilst this does not specifically state that the 160 ha area was used by both species, the Applicant is of the opinion that any significant segregation between lapwings and golden plovers would have been reported in the paper.</p> <p>See also the Applicant's comments on KWT response to the same question below.</p>
		Kent Wildlife Trust	As geese feed on vegetation and the plovers (lapwing and golden plover) feed on invertebrates there should be no direct competition between these groups. However, as there will be competition between geese and some of the invertebrates (those that feed on grass, and by extension those that feed on grass-feeding invertebrates), it is possible that geese can reduce the amount of invertebrate prey available to the plovers. While there is evidence as to the negative effect of geese grazing on invertebrate populations ^{15, 16} these	The primary food source for golden plovers and lapwings is earthworms that are found near the soil surface, supplemented by other invertebrates at and within the top approximately 3 cm of the soil. It is therefore unlikely that a potential reduction in grass-feeding invertebrates, should it occur, would negatively affect the availability of favoured invertebrate prey for golden plovers and lapwings. The Applicant agrees with KWT that the evidence of negative effects of goose grazing on invertebrate populations is not directly applicable to the Development.

[battery storage capacity could reach 70 growth in 2019 as business model](#)

¹⁵

<https://www.gov.uk/guidance/regulations-batteries-and-waste-batteries>

Ref.	Question	Respondent	Response	Applicant's Comments
			<p>studies, being of hyperabundant Arctic-geese, are not directly applicable to Cleve Hill.</p> <p>Having regard to the lack of coincidence between Brent goose and the two target waders (golden plover and lapwing) in the same fields at the same time, Kent Wildlife Trust has not found any studies that would explain this.</p> <p>Of greater concern are assumptions made regarding interactions between lapwing and golden plover as applied to the mitigation area. We copy the relevant section of our Written Representation below:</p> <p>The Ornithology Technical Appendix (APP-223) sets out the case for using 1,560 and 1000 bird-days/ha as a measure of the capacity of the Brent goose mitigation area for golden plover and lapwing respectively (paragraphs 129-131). These figures come from a study of a 2,063 ha mixed arable area, and arise from a 'sum of the field areas weighted by their frequency of occupancy.'¹⁷ As such they are a measure of the preferential use of certain fields within a wider arable landscape, and should be used with caution. A number of studies have suggested that these species feed opportunistically on a range of open habitats (arable and grassland types) within a landscape, probably determined by prey availability and field size (E.G. Mason & Macdonald (1999)¹⁸).</p> <p>Paragraph 133 of the Ornithology Technical Appendix (APP-223) concludes that there is a</p>	<p>The Applicant agrees with KWT's interpretation of the Gillings et al. (2007) study in relation to the bird-days measure. We also recognise that they represent a measure of preferential use of certain fields within a wider arable landscape and that golden plovers and lapwings feed opportunistically on a range of open habitats within a landscape. The Applicant is of the opinion that this is directly applicable to the mitigation provided by the AR HMA – it is designed with the aim of providing enhanced grassland resources for these species to forage within the wider north Kent landscape surrounding the Swale, where they find large expanses of suitable foraging habitat in the grassland and arable habitats to the east and west of the site and on the Isle of Sheppey, as well as the extensive intertidal habitats. The AR HMA will provide part of the foraging range and resources for a large number of birds and is not intended to supply all of the foraging needs for a small number of individuals.</p> <p>The Applicant welcomes the review of evidence provided by KWT in relation to competition between golden plovers and lapwings. The reference to segregation of the two species by Fuller & Youngman (1979) appears to be somewhat anecdotal and hypothetical – it was not the focus of the study, nor was any statistical analysis applied to test the theory; furthermore, the available habitat at the Development site is rather uniform, with no obvious differences between different parts of fields that would facilitate such separation. Gregory (1987) states that values of α (a measure of overlap in use of habitats) was very high, suggesting near total overlap between the two species in his study area. Thompson (1983), referred to by Gregory (1987), only speculated that interspecific competition may</p>

Hyperabundant herbivores limit habitat availability and influence nest site selection of Arctic-breeding birds. *Journal of Applied Ecology* 56 (4), 976 - 987

¹⁷ Gillings, S., Fuller, R.J. and Sutherland, W. (2007). Winter field use and habitat selection by Eurasian Golden Plovers *Pluvialis apricaria* and Northern Lapwings *Vanellus vanellus* on arable farmland. *Ibis* 149: 509-520

¹⁸ C.F. Mason & S.M. Macdonald (1999) Habitat use by Lapwings and Golden Plovers in a largely arable landscape, *Bird Study*, 46:1, 89-99, DOI: 10.1080/00063659909461118

Ref.	Question	Respondent	Response	Applicant's Comments
			<p>shortfall in provision for lapwing, but states "Lapwing and golden plover overlap to a large extent in their foraging requirements, feeding on similar invertebrate prey, and therefore assuming they are interchangeable, the AR HMA would support more lapwing-days if there are fewer golden plover-days to support." This assumes that there is competition between the two species, and the bird-day figures used as a starting point were limited by this competition. This does not appear to be supported by the literature.</p> <p>Fuller & Youngman (1979)¹⁹ state that "Both species frequently occurred in the same field when feeding and roosting, but the fact that general field preferences were the same does not rule out the possibility of a more subtle habitat segregation, such as preference for different soil conditions. On occasions we observed that Golden Plovers tended to feed on the higher parts of fields occupied by the two species. Such differences may be linked to varying diet, which is perhaps the most probable means of ecological separation in winter."</p> <p>Gregory (1987)²⁰ states that "...Thompson (1983) speculated from his results that Golden Plovers may peck for prey at shallower soil depths than Lapwings, so reducing inter-specific competition." In Barnard & Thompson (1985)²¹, it is stated that "In the absence of gulls, golden plovers have no significant effect on lapwing time budgeting and feeding efficiency." The above papers suggest that</p>	<p>be reduced by foraging a different soil depths, but the theory is untested and not reported in any other studies of the foraging behaviour of the two species. Regarding Barnard & Thompson (1985), the lack of impact of golden plovers on the time budgeting and feeding efficiency of lapwing cannot be correlated with an absence of competition for resources and this potentially provides support for the Applicant's position; if both species feed in the same location on the same resources with unaffected foraging efficiency, then depletion of resources will occur more rapidly than if there was an effect of one species on the other. Hence if one species is under-utilising the available resources, then more will be available for the other species. That study went on to report that interspecific aggression appears to be related to prey depletion as the local density of birds increases, and increases in local density of birds within the flock results in a reduction in individual feeding efficiency. Barnard & Thompson (1985) also report that in established foraging flocks within fields, there tends to be a much lower density of lapwings in those parts of the flock containing golden plovers and vice versa, which indicates that there is direct competition for resources.</p> <p>The evidence in these studies which have been used to inform the Applicant's position is supportive of the assumptions made in the assessment, specifically in relation to paragraph 133 of the Ornithology technical appendix [APP-223]. The Applicant does not agree that additional evidence is needed.</p> <p>However, the Applicant recognises that there is a degree of uncertainty in this respect. This is one reason why a very</p>

¹⁹ R. J. Fuller & R. E. Youngman (1979) The utilisation of farmland by Golden Plovers wintering in southern England, *Bird Study*, 26:1, 37-46, DOI: 10.1080/00063657909476615

²⁰ Richard D. Gregory (1987) Comparative winter feeding ecology of Lapwings *Vanellus vanellus* and Golden Plovers *Pluvialis apricaria* on cereals and grasslands in the Lower Derwent Valley, North Yorkshire, *Bird Study*, 34:3, 244-250, DOI: 10.1080/00063658709476968

²¹ Barnard, C.J. & Thompson, D.B.A. (1985) *Gulls and Plovers: The Ecology and Behaviour of Mixed-Species Feeding Groups*. Publ. Croom Helm, London

Ref.	Question	Respondent	Response	Applicant's Comments
			<p>golden plover avoid direct competition with Lapwing, and therefore their presence makes little difference to the availability of food for lapwings. The exception to this is when lapwing are under pressure from black-headed gulls, who steal their food. While blackheaded gulls were recorded during the Cleve Hill bird surveys, it is not stated if they were acting in such a way.</p> <p>More evidence is needed to back up the assumption made in paragraph 133 of the Ornithology Technical Appendix, or additional mitigation for lapwing needs to be identified.</p>	<p>precautionary approach has been taken to measuring the use of the Development site by the wintering birds. The assessment for the Development has been made on the basis of only using the highest of any counts made in each month of the baseline surveys and averaging these peak monthly counts. This is in contrast for example to Gillings (2007) where the bird-days capacity of the utilised arable fields was calculated on the basis of the average across all survey visits. The result of use of the peak-mean for the CHSP assessment is likely to result in an overestimation of the use of the site and hence there is likely to be a degree of over-provision of the area required to mitigate for loss of foraging area to the Development. This is illustrated by the difference in two metrics for lapwing and golden plover: (i) the inter-annual mean of the intra-annual monthly peak-mean (using just the highest counts each month), and (ii) the interannual mean of the intra-annual monthly mean (using all counts each month); for lapwings (i) results in 56,023 bird-days (Oct-Mar) compared to (ii) 23,237 bird-days (which equates to 23.2 ha of land based on 1,000 bird-days per hectare), whilst for golden plover (i) results in 28,801 bird-days (Oct-Mar) compared to (ii) 7,877 bird-days (which equates to 5 ha based on 1,560 bird-days per ha).</p>
1.1.28	<p>In relation to the effectiveness of the proposed Arable Reversion Habitat Management Area, Natural England's Relevant Representation [RR-826] highlights uncertainties around the bird-days calculations for lapwing and golden plover. Could the Applicant and Natural England provide an update on discussions to resolve these uncertainties?</p>	Natural England	<p>As noted in our answer to question 1.1.27, and paragraphs 3.4.6-9 of this Written Representation, Natural England's view is that further information is needed to resolve the uncertainties surrounding the mitigation land for lapwings and golden plovers.</p>	<p>Natural England's Written Representation is (REP2-096).</p> <p>The Applicant and Natural England will continue to discuss this issue and provide an update ahead of Deadline 3.</p>

Ref.	Question	Respondent	Response	Applicant's Comments
1.1.30	<p>Paragraph 163 of the RIAA [APP-026] states that the Arable Reversion Habitat Management Area will be established prior to construction, whereas paragraph 204 states that the Arable Reversion Habitat Management Area will be established during the construction phase. The Outline LBMP [APP-203] states that this will be established 'at the start of the construction phase, or prior to the start of the first winter of the construction phase, whichever is earlier'. The ornithological and hydrological assessments in the Environment Statement appear to rely on the conversion of arable to grassland prior to the start of construction of the solar panel tables and arrays. For the avoidance of doubt, could the Applicant confirm at what point in the programme the fields hosting the solar arrays, the Arable Reversion Habitat Management Area and each of the other Habitat Management Areas would be established, and how this was incorporated into the assessments?</p> <p>Could the Applicant also clarify where in the Outline LBMP or in the Outline CEMP the requirement for pre-</p>	Natural England	<p>Natural England considers that more detail is needed in the LBMP regarding the timing and management of the AR HMA, to provide certainty that it will provide sufficient and suitable habitat. We understand from our common ground discussions with the Applicant that the LBMP will be updated to take account of these concerns</p>	<p>The Applicant discussed this point at a meeting with Natural England on 18 June 2019 and will provide an updated version of the Outline LBMP (APP-203) including the additional detail requested on the timing of implementation and the methods of establishing and maintaining the Arable Reversion Habitat Management Area, ahead of Deadline 3 (1 August 2019).</p>
		Kent Wildlife Trust	<p>From our Written Representation:</p> <p>The Landscape and Biodiversity Management Plan (LBMP) sets out how the mitigation and enhancements for species and habitats will be achieved, and is therefore a key document. It needs to give confidence that the desired outcomes can be achieved, while giving enough flexibility to tweak the management in response to monitoring if necessary, and also provide enough certainty for the purposes of the Habitats Regulations. As the document currently stands, it lacks sufficient detail to give confidence that it can meet these aims.</p> <p>In particular, we would like to know how the Applicant proposes to control grazing densities within the perimeter fencing. At present, the LBMP treats the area within the perimeter fences as single</p>	<p>The Applicant discussed these points at a meeting with Kent Wildlife Trust on 17 June 2019 and will provide an updated version of the Outline LBMP (APP-203) including consideration of the additional detail requested on water levels, stocking densities and livestock controls ahead of Deadline 3 (1 August 2019).</p>

Ref.	Question	Respondent	Response	Applicant's Comments
	<p>construction sowing is secured? Could the Applicant provide a plan to show the relevant areas? Are Natural England, RSPB, Kent Wildlife Trust and other nature conservation interests content that the Outline LBMP [APP-203] and draft Requirement 4 in the dDCO [APP-016] form a sound basis for ensuring that the necessary mitigation would be secured through any DCO or do they consider that there should be more detail and assurance on the timing of seeding and establishment in the Outline LBMP?</p>		<p>compartments, but as can be seen from Habitat Management Areas figure (Figure 9.3 within APP-056) these areas can be divided into the ditches and buffers that are proposed to mitigate impacts on marsh harriers, and grassland under solar panels. It can be expected that outcomes between these two areas for any given grazing density (for the combined area) will be different, owing to the different growing conditions between them and behaviour of grazing stock. Another consideration is the prevention of poaching of ditch banks. We therefore consider it necessary to be able to control the grazing density between these areas separately. The provisions for grazing within the LBMP also need to be robust enough to avoid being compromised by commercial grazing interests.</p> <p>We would also like to see more information regarding control of water levels within the LBMP. To achieve some of the aims of the document with regard to ditches and associated habitats, water levels will need to be raised. It may also be necessary to differentially control water levels in different areas of the site. We have started to progress this issue with the Applicant via the Habitat Management Steering Group, and will be providing more specific recommendations to them, particularly where it has a direct influence on water levels within the Special Protection Area.</p> <p>We also have to consider how deliverable the LBMP is. Specifically, we would like reassurance that the manure required for the plan is likely to be available. As it is claimed that this 'dunging' will also benefit invertebrates (on which lapwing and golden plover feed), we assume the Applicant will be</p>	

Ref.	Question	Respondent	Response	Applicant's Comments
			sourcing it from ivermectin-free cattle, owing to the negative effects of this on invertebrates ²² . The same concern (ivermectin-free cattle) should be considered where grazing is part of the LBMP.	
1.1.45	In the Applicant's response to Relevant Representations [AS-009], it is noted that negotiations and work are ongoing with Natural England and the Habitat Management Steering Group on the various management plans and prescriptions, including the promotion of extensive reedbed systems, and the inclusion of relevant provisions in a future iteration of the Outline LBMP. Could the Applicant provide an update on the current situation regarding progress on agreeing the management and monitoring prescriptions for the proposed Arable Reversion Habitat Management Area, Freshwater Grazing Marsh Habitat Management Area, Lowland Grassland Meadow Habitat Management Area (and the other Habitat Management Areas) with Natural England, the Kent Wildlife Trust, the RSPB and any other relevant consultees? Any necessary updates to the Outline LBMP	Natural England	Natural England's view is that the LBMP could be an appropriate means of securing the monitoring of the Habitat Management Areas and any adaptive management necessary. However, more detail is needed in relation to the monitoring, targets and triggers for remedial action. More detail is also needed on water level management across the whole site, wetland management, and on the SSSI enhancement proposals.	The Applicant discussed these points at a meeting with Natural England on 18 June 2019 and will provide an updated version of the Outline LBMP (APP-203) including the additional detail requested in the response on implementation monitoring and management ahead of Deadline 3 (1 August 2019).
		Kent Wildlife Trust	We have considered the content of the LBMP in ExQ1.1.30 and we feel it is difficult to separate this question from that one. The phrase 'necessary remedial measures' introduces uncertainty into the proposals, and as we state in our answer to ExQ1.1.30 while flexibility to 'tweak' management is a good idea, the starting point needs to be a degree of certainty that the aims will be achieved, particularly with regard to the SPA species. Our best answer to this question at the present time would be that subject to a suitably robust LBMP with regard to habitat creation and management, we see no reason why 'monitoring' and 'remedial measures' could not also be covered within the same LBMP and DCO requirement, subject to satisfying the requirements of Habitats Regulations Assessment.	<p>The Applicant discussed this point at a meeting with Kent Wildlife Trust on 17 June 2019 and will provide an updated version of the Outline LBMP (APP-203) including the additional detail requested ahead of Deadline 3 (1 August 2019).</p> <p>The Applicant notes KWT's comments on the approach to securing the LBMP through DCO requirements and confirms that the latest draft DCO provided at Deadline 2 [REP2-003] provides at Requirement 4 for a final LBMP to be provided prior to commencement of works.</p>

²² For example, Foster, G, Bennett, J & Bateman, M. (2014). Effects of ivermectin residues on dung invertebrate communities in a UK farmland habitat. *Insect Conservation and Diversity*. 7. 10.1111/icad.12030.

Ref.	Question	Respondent	Response	Applicant's Comments
	<p>should also be provided. Are Kent Wildlife Trust, Natural England and the RSPB content that the LBMP is an appropriate means of securing the monitoring of the Habitat Management Areas and provision of any necessary remedial measures?</p>			
1.1.47	<p>In his Relevant Representation, Mr Hatchwell [RR-148] refers to a European eel population on the proposed development site. Could the Applicant and the Environment Agency confirm whether the drainage ditches and other watercourses on and around the application site contain fish populations (including European eels) and if so, whether the Proposed Development could result in any likely significant effects on these species? The Environmental Statement explains that mammal-friendly box-section culverts would be utilised for new and upgraded culverts [APP-035]. Can the Applicant explain how safe passage through the culverts of any fish and eel populations would be ensured?</p>	Environment Agency	<p>We can confirm that there are eels in the water courses to the east of the Cleve Hill site. It is very likely that they enter the site via the Nagden Sluice at TR 02727 64464, and as such this sluice needs to be maintained to allow the safe passage of eels.</p>	<p>The Applicant understands from the Environment Agency that ditches to the east of the application site contain fish populations (including European eels). If fish are present, the Development would result in beneficial likely significant effects on these species through the water quality improvements described in section 8.5.1.1 of ES Chapter 8 - Ecology (APP-038), proposals to increase water levels in ditches within the site and the fish-friendly nature of ditch interventions.</p> <p>The detailed design for the culverts is yet to be undertaken however, the culverts will be designed to ensure safe passage in accordance with current EA guidance provided in Appendix 10. This will be secured through the Landscape and Biodiversity Management Plan, which is the subject of Requirement 4. Box culverts have also been put forward as these are open natured and will therefore allow continued access through them and therefore across the wider ditch network. Appropriate design of the culverts and any other relevant infrastructure and timing of the construction activities will therefore ensure that there are no adverse effects or non-compliance with applicable legislation such as the Eel Regulations (2009).</p>

2.3 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

Table 2.3: Applicant's comments

Ref.	Question	Respondent	Response	Applicant's Comments
N/A	All questions to the Applicant	None	None	None

2.4 Cultural Heritage

Table 2.4: Applicant's comments

Ref.	Question	Respondent	Response	Applicant's Comments
1.3.3	Regarding the WWII pillbox (an undesignated heritage asset) on the application site, the Cultural Heritage assessment in the Environmental Statement [APP-041] concludes that no mitigation beyond that incorporated into the design of the Proposed Development can be suggested; the solar panels will occupy all of the land to the north of the asset, which represents the 'firing line' of the pillbox. Can Kent County Council and Swale Borough Council confirm if they are in agreement with this conclusion, or whether they consider	Swale Borough Council	It is not obvious what mitigation measures could be included in the scheme, although to say that none other than embedded in the scheme can be included is a little misleading as no such measures are included here. Nor does there appear to be any embedded design mitigation in respect to any other built heritage assets other than the removal of panels from Field Y (see paragraphs 130 and 134 of Chapter 11 of the ES) which does not really relate to mitigation for impact on built heritage assets.	<p>Sections 11.6.1.3 and 4 of Chapter 11 - Archaeology and Cultural Heritage of the ES (APP-041) conclude that there are no direct effects to built heritage assets, and in respect of indirect effects, there are no mitigation measures proposed in addition to those incorporated into the Development design.</p> <p>There are embedded mitigation in the scheme relating to built heritage assets. This includes the location of infrastructure which has been sited to avoid all direct effects on built heritage assets, and has also sought to reduce indirect effects on those assets from earlier iterations of the layout through changes to the design at Field Y. This embedded mitigation is referred to in section 11.4 of Chapter 11.</p> <p>The Development design also includes embedded mitigation in the form of the outline Landscape and Biodiversity Management Plan (APP-203). Figure A5.1 of the LBMP shows that hedgerow planting is proposed between the pillbox and the solar panels, and other aspects of the landscape proposals in the south-east of the Development site are designed to screen views, including those relating to built heritage assets, as referred to in section 11.4.2 of Chapter 11.</p>

Ref.	Question	Respondent	Response	Applicant's Comments
	<p>there are any additional mitigation measures that might reduce the significance of effect on the WWII pillbox on the development site?</p> <p>Do Kent County Council and Swale Borough Council support the proposals to use the pillbox as a bat roost?</p>	Kent County Council	<p>KCC accepts that the setting of the pill box will be compromised by the erection of the solar panels in its field of fire, but agrees that this indirect effect is reversible on decommissioning. Given the constraints of access to the pill box, KCC consider that the impact is acceptable, and supports the proposals for the recording of the pill box and its setting, including field of fire in advance of development. Other than removal of panels within the field of fire, it is unlikely that further mitigation measures can be put in place to reduce the significance of the effect. While the pill box may provide an opportunity for ecological enhancement, it is the Council's view that this should not be to the detriment of the heritage significance of the asset. Any modifications should avoid damage to the asset and be reversible. Proposals for the pill box and its creation into a bat roost are set out in Outline Landscape and Biodiversity Management Plan Appendix J (Arcus 2018). The proposals for conversion involve a number of elements that could be detrimental to the significance of the heritage asset and are unlikely to be reversible. While it may be acceptable that internally the pill box is habited by bats, which would preclude access to the interior, KCC considers that the obscuring of the heritage asset by soil mounding and vegetation to provide insulation and temperature control vegetation, would lead to a loss of significance. KCC is not supportive of this. If the ecological enhancement was put in place, allowing bats to use the pill box as a roost, it is unlikely that on decommissioning of the solar park, the vegetation or soil mounding could be removed without disturbing the bats or altering their habitat. The result would likely be a permanent visual loss of the pill box. KCC understands that the creation of a bat roost is not required as a mitigation but as an ecological enhancement. Therefore, if works cannot be implemented in a way to satisfy both ecology and heritage, KCC recommends that the applicant explores other ways in which the site can be enhanced for roosting bats; such as the provision of bat boxes on boundary fences.</p>	<p>The Applicant is considering KCC's comments and will provide an updated version of the Outline LBMP (APP-203) including revised proposals with regard to the proposed bat enhancements ahead of Deadline 3 (1 August 2019) following further dialogue with KCC.</p>
1.3.4	In its Relevant Representation [RR-778], Historic England states that the	Historic England	In reaching our view on the impact of the development on the significance of designated heritage Historic England applied the methodology set out in the Environment Statement. Where there is a difference of opinion between the applicant and Historic England	A draft Statement of Common Ground was submitted at Deadline 2 (REP2-031) which set out the differences in application of professional judgement using the Environmental Statement

Ref.	Question	Respondent	Response	Applicant's Comments
	<p>Proposed Development would cause harm to several listed buildings including the Grade I listed All Saints Church in Graveney, the Grade II listed Sparrow Court and Graveney Court and to the Graveney Conservation Area, which encompasses the core of the medieval settlement. Historic England considers that the harm to these assets may in some instances be greater than that assessed in the Environmental Statement. The Applicant has responded to these points in [AS-009], stating that the Environmental Statement assessment [APP-041] found the harm to these assets to be less than substantial (and not significant). Can the Applicant and Historic England comment on the extent to which this difference of opinion</p>		<p>we consider this relates to the application of professional judgement.</p>	<p>methodology.</p> <p>The differences of professional judgement stem from a difference of opinion in the magnitude of change predicted rather than the sensitivity of the assets which is agreed. This results in Historic England predicting moderate effects (significant in EIA terms) rather than minor effects (as assessed in the ES) to the setting of Grade I listed All Saints Church in Graveney, and the Grade II listed Sparrow Court and Graveney Court. The Applicant disagrees with this position. Nevertheless, the Applicant notes that Historic England, whilst assessing the degree of harm differently, are in agreement that any harm is "less than substantial".</p> <p>The Applicant has applied the tests required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010 and 5.8.11 to 5.8.18 (specifically with regard to 5.8.14 and 5.8.15) of NPS EN-1 in the Heritage Statement which accompanied the Application (APP-257). In all cases the Applicant found that the level of harm to be less than substantial. As set out in the draft Statement of Common Ground, Historic England agrees with this assessment.</p> <p>The Applicant has drafted a Heritage Policy Written Representation which will be submitted as an Additional Submission in July 2019.</p>

Ref.	Question	Respondent	Response	Applicant's Comments
	relates to the application of professional judgement, or more fundamentally due to the application of the assessment methodology?			

2.5 Draft Development Consent Order

Table 2.5: Applicant's comments

Ref.	Question	Respondent	Response	Applicant's Comments
1.4.18	Could the Environment Agency confirm whether the assumptions in the Environmental Statement with regards to managed realignment at the site in the MEASS are correct? Could the Environment Agency confirm the current status of the MEASS and if the final version has been published?	Environment Agency	The assumptions in the Environmental Statement are correct. MEASS has received internal approval, and is awaiting final approval from Defra. The final version will be published as soon as we receive Defra approval.	The Applicant welcomes this confirmation and will continue to engage with the Environment Agency to ensure that the latest information is considered throughout the Examination.
1.4.19	Could the Applicant and the MMO provide an update on the position in relation to the alternative approaches to a Marine Licence in the dDCO (deemed	MMO	This question was directed at "the Applicant" and the MMO. It was verbally confirmed with the Applicant that they would draft a response on behalf of both parties which would be sent to the MMO for agreement. The Applicant has confirmed in writing that they are in agreement with the maintenance condition supplied by the MMO, the MMO continue to work to finalise the SoGC with the applicant.	The Applicant has agreed to remove references to the Marine Licence exemption from the dDCO and to solely pursue a Deemed Marine Licence within the dDCO. The Applicant and the MMO expect to reach agreement on all matters and submit an SoCG reflecting this by Deadline 3.

Ref.	Question	Respondent	Response	Applicant's Comments
	Marine Licence or Marine Licence exemption, and detailed wording)?			
1.4.23	Is the Environment Agency content with the decommissioning strategy for the Proposed Development [APP-206] in relation to leaving a suitable site for the proposed, future managed retreat works?	Environment Agency	We are satisfied that the decommissioning strategy covers the main requirements to leave the site suitable for managed realignment (specifically, removing anything that could be considered a contaminant and generally restoring ground levels).	The Applicant welcomes this response.
1.4.25	Can the Applicant provide an update to [APP-255] with some indication of when it would apply for the Environmental Permit(s)? Can the Environment Agency confirm whether there is anything to suggest that the necessary Environmental Permit(s) would not be issued?	Environment Agency	Flood Risk Activity Permits (FRAPs) would be issued subject to suitable design and method of works. There is no reason at this stage to believe that this would not be achieved.	The Applicant would apply for such permit(s) following grant of the DCO prior to construction. The Environment Agency stated in an email on 9 November 2018: "We cannot legally predetermine the outcome of any permit application. As such we do not currently foresee any impediment to the grant of a permit but this will be subject to the assessment of the permit application."

Ref.	Question	Respondent	Response	Applicant's Comments
1.4.46	<p>Draft DCO Requirement 13 states that the Undertaker must submit to the Relevant Planning Authority a Special Protection Area Construction Noise Management Plan for approval before commencement of each phase of the Authorised Project. As this is material to the Habitats Regulations Assessment by the Secretary of State, does the Applicant believe that the proposed approach will be acceptable to the Secretary of State? (For example, compare Requirement 7 of the Testo's Junction DCO which requires approval by the Secretary of State following consultation with Natural England, rather than the local planning authority.) Is Natural England satisfied with this approach and do they consider that sufficient detail is available to</p>	Natural England	<p>Natural England's view is that, in principle, the approach is acceptable. However, we understand that the Applicant is updating the SPA CNMP, and therefore will provide further comment when the revised version is submitted.</p>	<p>The Applicant discussed these points at a meeting with Natural England on 18 June 2019 and will provide an updated version of the SPA CNMP (APP-243) including the additional detail requested ahead of Deadline 3 (1 August 2019).</p>

Ref.	Question	Respondent	Response	Applicant's Comments
	demonstrate that the necessary measures could be delivered?			

2.6 Environmental Statement, General

Table 2.6: Applicant's comments

Ref.	Question	Respondent	Response	Applicant's Comments
1.5.11	Could the MMO, Natural England, Swale Borough Council, Kent County Council, Canterbury City Council and any other local authority please confirm whether they are	Swale Borough Council	Confirmed	The Applicant welcomes this confirmation.
		MMO	This question was directed at the MMO, Natural England, Swale Borough Council, Kent County Council, Canterbury City Council and any other local authority. The MMO is satisfied that of the developments, plans and projects discussed in Table 2.2, the potential cumulative or in-combination effects together with the proposed development have been identified and appropriately assessed by the Applicant in the Environmental Statement. The MMO notes that the Applicant has not	The Applicant welcomes this confirmation.

Ref.	Question	Respondent	Response	Applicant's Comments
	content that all other developments, plans and projects that have potential to result in cumulative or in-combination effects together with the proposed development have been identified and appropriately assessed by the Applicant in the Environmental Statement (Table 2.2) [APP-032] and the RIAA [APP-026] (including any relevant marine licensed projects)?		discussed the Marine Licences granted to the London Array Offshore Wind Farm Export Cable Corridor, or Southern Water. Based on the information available, it is deemed unlikely that the licensed activities will have a cumulative or in combination effect with Cleve Hill Solar Park.	
		Natural England	Natural England has discussed the plans and projects to include in the in combination assessment in our preapplication discussions. We are content that our advice has been followed in identifying relevant plans and projects.	The Applicant welcomes this confirmation.
		Canterbury City Council	CCC agrees that all sites have been identified for CCC district.	The Applicant welcomes this confirmation.
		Kent County Council	The County Council does not consider that there are any additional developments, plans and projects that should be identified and appropriately assessed by the applicant, although would revert to Swale Borough Council and Canterbury City Council as Local Planning Authorities for confirmation.	The Applicant welcomes this confirmation.

2.7 Landscape and Visual Impact Assessment (LVIA), including RVAA and Glint and Glare

Table 2.7: Applicant's comments

Ref.	Question	Respondent	Response	Applicant's Comments
1.6.1	Could Natural England, Swale Borough Council, Kent County Council and Canterbury City Council confirm that they are content with the locations of the viewpoints and photomontages presented in the LVIA?	Swale Borough Council	Confirmed.	The Applicant welcomes this confirmation.
		Natural England	As set out in paragraph 4.1.3 of this Written Representation we are content that a viewpoint was selected from the Kent Downs AONB. We cannot comment on other landscape receptors that are outside our remit.	The Applicant welcomes this confirmation.
		Canterbury City Council	CCC, together with KCC and Swale Borough requested that independent	The Applicant is aware that external landscape and visual advice has been sought by Kent and

Ref.	Question	Respondent	Response	Applicant's Comments
			Landscape Visual Assessment is carried out which would assess the impact of the proposal and the methodology adopted for the LVIA submitted with DCO application.	Canterbury Councils and will continue to work with the Councils to ensure that the landscape and visual impact assessment and associated studies form a comprehensive and robust assessment of the Development.
		Kent County Council	The County Council, as Local Highway Authority responsible for the Public Rights of Way (PRoW) network, is content with the locations presented in the LVIA, as photomontages for locations 2, 3 and 22 show the scale and visual effects of the proposed development. However, considering the length of Footpath ZR484 around the boundary of the site, additional photomontages along this PRoW (between viewpoints 1-2 and 3-4) would be useful as they would have helped to illustrate the cumulative effects of the development on this path.	<p>The Applicant acknowledges that 7 km of the Saxon Shore Way is within the Application site (e.g., paragraph 218 of Chapter 7 - LVIA (APP-037) and paragraph 99 of Chapter 13 - Socio-economics (APP-043)) as such four representative viewpoints have been provided as photomontages to support the assessment of visual effects on route ZR484, these are viewpoints 1 to 4.</p> <p>The Applicant does not agree that the provision of further photomontages between these locations is necessary.</p> <p>The assessment of effects on ZR484 has been undertaken for the whole route as described in paragraphs 327 to 329 of ES Chapter 7 - LVIA.</p> <p>Cumulative effects on the Saxon Shore Way are assessed at paragraph 447 of ES Chapter 7 - LVIA.</p>
1.6.17	Do Swale Borough Council, Kent County Council or Canterbury City Council have any observations on the approach, scope and findings of the LVIA and RVAA, including the scope of proposed mitigation and monitoring?	Swale Borough Council	The Borough Council does not have any observations to make on the approach, scope and findings of the LVIA. However, as set out in the Council's Written Representation at paragraph 18, the proposed tree, shrub, scrub and grassland planting could be more in keeping with the landscape character area and biodiversity within which the	In relation to the proposed mitigation planting the landscaping proposals set out in the Outline Landscape and Biodiversity Management Plan (APP-203) have guided the layout throughout the design process through removal of areas of solar PV arrays, offset of panels from properties, public rights of way and watercourses to create permeability across the landscape and through natural planting in keeping with the local landscape context. Planting across the majority

Ref.	Question	Respondent	Response	Applicant's Comments
			<p>planting is proposed. The Council also notes that the Outline Landscape and Biodiversity Management Plan only relates to the scheme layout which has been proposed, rather than acting to inform that scheme layout. As such it is essentially responsive and dealing with areas that are not developed, not setting the agenda for site layout or intended to minimise the impact of the scheme on landscape and biodiversity. In relation to the RVAA the applicant's methodology is accepted, but with due regard to the Landscape Institute's Technical Guidance Note on RVAA (March 2019) and the applicant's reference to the recognised test of whether or not a development would make a particular property an unattractive place to live, the conclusions are queried. The Council has followed a similar methodology in respect of certain closest properties at Nagden and Warm House and finds the applicant's conclusions in respect of the impact on these properties to underplay the impact here. The conclusion of the RVAA at paragraph 52 (Section 6) is that the effects of the development do not present a "visual intrusion of such magnitude as to render either properties as unattractive places in which to live". Whilst this may be factually correct, and the Council does not suggest</p>	<p>of the site has been limited to enhanced grass and wildflower mixes and the establishment of natural scrub. Planting beyond this is not considered appropriate or in keeping with the wider landscape to the east and west.</p> <p>It is acknowledged with due regard to the Landscape Institute's Technical Guidance Note on RVAA (March 2019) that the methodology used within the assessment submitted with the Application (APP-210) does not wholly align with the updated methodology released after submission of the Application and as such an update to the LVIA (APP-037) and RVAA is proposed to be submitted ahead of Deadline 4 to ensure the correct terminology is referenced. This will also take into account the findings of the external review which has been commissioned by Kent and Canterbury Councils.</p> <p>In the new guidance, reference to EIA terminology is to be discounted from RVAA assessment and the Residential Visual Amenity Threshold should be assessed in its own right. On this basis the applicant asserts that the reference to "visual intrusion of such magnitude as to render either properties as unattractive places in which to live" is still transferable in terms of the residential amenity threshold as defined in the new guidance. As such the Applicant is of the opinion that the conclusions of the submitted RVAA remain valid, but will provide further clarification before Deadline 4 based on the revised RVAA guidance.</p>

Ref.	Question	Respondent	Response	Applicant's Comments
			that the properties will be rendered unpleasant to live in, the conclusion at paragraph 52 does not sit comfortably with the recognised Major Adverse impacts set out in relation to certain view from properties at Nagden Cottages and Warm House. These properties currently enjoy unusual outlooks which are not often found. The development is not just in their view but the existing long views will be effectively wiped out (either by the solar panels or the screen planting) and their current amenities very substantially diminished. It is not clear whether similar circumstances have existed in previously decided cases where new development may have merely impinged on rather than eliminated certain views; and it is hard to see how a more significant change in terms of whether certain properties would become unattractive could be found than that which arises here.	
		Canterbury City Council	The conclusions and findings of the report are questionable as there would be harm to the local landscape and its setting. An independent LVIA has been commissioned by KCC to assess the extent of the harm.	<p>The Applicant understands that KCC has commissioned an external review of the LVIA undertaken by the Applicant, this is not expected to be an independent LVIA.</p> <p>The LVIA reported in ES Chapter 7 (APP-037) assesses likely significant effects in EIA terms.</p>
		Kent County Council	With regards to the findings of the LVIA, the assessment considers the potential effects of the development	The Applicant refers to the comments above on KCC's answer to 1.6.1.

Ref.	Question	Respondent	Response	Applicant's Comments
			<p>at various locations on the PRoW network. However, KCC does not agree that the LVIA considers the cumulative impact of the development when walking the entire length of these routes. In particular, Public Footpath ZR484 (the Saxon Shore Way), which passes around the boundary of the site and Public Footpath ZR485, which passes directly through the Core Landscape Study area.</p> <p>The LVIA acknowledges that there would be major/moderate visual effects (which are considered to be significant) on PRoW ZR484, ZR485 and ZR488 during the construction, operational and decommissioning phases of the project (paragraphs 329, 331, 335). While KCC agrees that these effects are likely to be significant, the LVIA concludes that the effects would be acceptable following embedded mitigation. The County Council considers that the proposed screening (vegetation planting) would not significantly reduce the severity of the visual effects. This can be seen with the year 10 photomontages for viewpoints 2, 3 and 22, as the planting does not appear to have any positive effects on the views.</p>	<p>The Applicant does not agree with the use of the term cumulative effects in relation to the sequential or successive effect of repeated visibility of the Development from a public right of way. The Development is a single project and has been assessed as such. It is acknowledged that the Application site is visible from various PROW within the landscape as receptors travel through the landscape but this experience does not require a cumulative assessment of effects it requires an assessment of effects from individual receptors in line with GLVIA3. It is clear that there are multiple effects upon receptors in areas around the Development and as such these have been assessed in their own right. There are successive views of the Development within the landscape but this is not the same as cumulative effects unless assessed against the baseline cumulative developments such as the Cleve Hill Substation or the pylon corridor which have been referenced as part of the existing baseline and considered throughout the assessment.</p> <p>The Applicant considers that the assessments within ES Chapter 7 - LVIA (APP-037) are complete in this regard.</p>

2.8 Noise

Table 2.8: Applicant's comments

Ref.	Question	Respondent	Response	Applicant's Comments
1.7.2	Could the Applicant please explain how the 'representative' noise levels set out in table 12.7 of the Environmental Statement [APP-016] are derived from the mode, median and mean values quoted? Is Swale Borough Council happy with this approach?	Swale Borough Council	The Borough Council is content with this approach.	The Applicant welcomes this confirmation.
1.7.3	Could the Applicant please explain why the noise assessment [APP-016] is apparently limited to residential receptors and birds. Were any users of rural paths, other amenity and recreational features, or community facilities not considered to be sensitive receptors? Do Swale Borough Council and Canterbury City Council agree with the scope of receptors selected for assessment?	Swale Borough Council	The Borough Council would not consider the additional groups mentioned to be sensitive receptors as their presence in locations that could be affected by noise from this development is not sufficiently long enough and the Council would not investigate any noise complaints from such people/receptors. The legislation the Council enforces centres around owner/occupiers of properties, not transitory people.	The Applicant welcomes this confirmation.
		Canterbury City Council	CCC has no comments to make in relation to the scope of the selected receptors.	This is noted by the Applicant.
1.7.4	Is Swale Borough Council content with the methodology used to assess the magnitude and significance of noise effects, including the use of a threshold value that ignores the baseline noise condition (except where the increase in noise levels over background lasts for a month or more), and restricting the use of L _{Amax} for impulsive noise effects to bird receptors?	Swale Borough Council	The Borough Council is content with this approach.	The Applicant welcomes this confirmation.

Ref.	Question	Respondent	Response	Applicant's Comments
1.7.6	<p>Are Swale Borough Council, Natural England, RSPB and Kent Wildlife Trust content with the Applicant's proposal to specify construction plant, equipment and mitigation measures to ensure compliance with the various commitments to reduce noise at a later stage through the development of management plans and the imposition of Requirements?</p> <p>What reassurance could the Applicant give that sufficient measures will be available to achieve predicted and acceptable construction noise levels?</p>	Swale Borough Council	The Borough Council is content with this proposal from the applicant. The production of a noise management plan is a sensible step to take to ensure that any noise from completed plant and equipment can be properly and effectively mitigated once in place.	The Applicant welcomes this confirmation.
		Natural England	Natural England understands that the SPA CNMP and CEMP will be updated, and will provide further comment on those updated documents.	The Applicant discussed these points at a meeting with Natural England on 18 June 2019 and will provide an updated version of the SPA CNMP (APP-243) including the additional detail requested, including in respect of Castle Coote ahead of Deadline 3.
		Kent Wildlife Trust	We do not feel in a sufficiently informed position with regard to the legalities to confidently answer this question. For example, we are assuming that could the Applicant not comply with a Requirement, they could not proceed (i.e. analogous to pre-commencement conditions). If this is not the case then we would request details in advance. We defer to Natural England on this question.	<p>At this stage, specific plant details, including the type, model and noise emission data is not available. BS 5228 provides typical noise levels for various construction activities, which have been used as the basis for this assessment as set out in paragraph 123 of ES Chapter 12 - Noise (APP-042) and Appendices A12.2, (APP-235) and A12.5 (APP-238). This is a standard and widely-adopted approach to construction noise assessments given the inherent uncertainties in construction plant details at the planning stage of a development.</p> <p>There is a commitment to ensure that the identified noise thresholds will not be exceeded during construction, including by potentially limiting certain activities in areas closest to the Swale SPA, this is secured through Requirement 12 of the dDCO (REP2-003) which requires updated modelling based on the equipment to be used to be submitted in advance of construction.</p>

2.9 Socio-economics
Table 2.9: Applicant's comments

Ref.	Question	Respondent	Response	Applicant's Comments
1.8.2	Do Kent County Council and Swale Borough Council believe that there are any additional mitigation measures that could reduce the significance of effect to the amenity of users of the public rights of way across and adjacent to the site during construction?	Swale Borough Council	The Borough Council does not any suggestions for reducing the effect of users of public rights of way during construction beyond those suggested at paragraph 169 of Chapter 11 of the ES, assuming that the operation of the gates across the spine road (both during construction of the spine road itself and during transportation of solar panels etc to sites to the west of the path) provides priority for users of the path rather than users of the spine road.	Paragraph 169 of Chapter 13 of the ES (APP-043) refers to the outline Construction Traffic Management Plan which includes a Public Right of Way Management Plan as Appendix G. Paragraph 3.1.5 of that document states: "At this location, priority will be given to users of the PRoW and construction vehicles will be held until it is safe to cross. During the use of the central access track in this location the PRoW crossing will be manned by a traffic marshal."
		Canterbury City Council	CCC considers that there are no additional mitigation measures that could reduce the significance of effect to the amenity of users of the public right of way, given that fact that the quality of landscape views at present is derived from the undeveloped nature of the coast of a flat and tranquil land. Additional landscaping could result in total loss of such character and loss of sight lines from public rights of a way.	The Applicant does not fully agree with the characterisation the landscape views at present to be those of an undeveloped nature of coast, of a flat and tranquil land. The current landscape baseline includes the existing Cleve Hill Substation and associated 400 KW overhead lines and pylons, and the presence of the sea wall representing a large man-made structure. The Applicant has acknowledged both the positive and negative perceptual and visual qualities of the landscape to inform the baseline assessment and the sensitivity of receptors in ES Chapter - 7 LVIA (APP-037). The Applicant agrees that over specification of planting in inappropriate areas of the site such as the Saxon Shore Way may screen the Development but would change the character of the landscape in a way that would be out of keeping with the surrounding green infrastructure context and character. This has been taken into account in the landscaping

Ref.	Question	Respondent	Response	Applicant's Comments
				<p>proposals contained in the Outline LBMP (APP-203), such as low density scrub proposed in Table 2 which states: "These areas of planting will complement the existing scrub planting associated with the local landscape character" and "To ensure that the plants form a natural area of sparse native scrub."</p> <p>An example of existing low density natural scrub development in the west of the Development site is provided in Appendix B of this document.</p> <p>The Applicant notes that there are no new landscape interventions proposed within Canterbury district, only continued management of existing features.</p>
		Kent County Council	<p>The applicant has acknowledged the County Council's previous comments and has attempted to minimise the effects of the project on the PRow network. For example, convenient diversion routes would be provided for the duration of temporary path closures, in order to maintain network connectivity for the public. The County Council does not consider that there are any additional mitigation measures that could be taken by the applicant to reduce the significance of effect to the amenity of users of the PRow network. The applicant could consider additional screening measures to reduce the visual effects of the development, but this approach could enclose the PRow, restrict sight lines and create a negative 'corridor' effect that is not desirable.</p> <p>Concerns have also been raised about the additional HGV movements on the surrounding highway network during the construction phase of the project. These HGV movements may deter</p>	This is agreed by the Applicant.

Ref.	Question	Respondent	Response	Applicant's Comments
			Non Motorised Users' (NMU) access along the roads, which form part of the national cycle network and provide vital connections between off-road PRoW. While the applicant could provide alternative 'traffic free' NMU routes within the boundary of their site to address this issue, the construction traffic will be travelling further afield from the development site. It would be difficult to establish alternative off-road access in these areas, as the temporary routes would require the agreement of 3rd party, which is outside the control of the applicant.	

2.10 Traffic and Transport

Table 2.10: Applicant's comments

Ref.	Question	Respondent	Response	Applicant's Response
N/A	None	All questions to the Applicant	None	None

2.11 Water, Flooding and Coastal Defence

Table 2.11: Applicant's comments

Ref.	Question	Respondent	Response	Applicant's Response
1.10.8	Is the Environment Agency content that the climate change predictions used in the assessment have not been updated to take account of UKCP18? To what extent does the Environment Agency consider that the application of the most recent climate projections (UKCP18) would result in findings different to those identified in the Environmental Statement and Flood Risk Assessment [APP-227], particularly with	Environment Agency	We are satisfied that at the time of preparing the Flood Risk Assessment (FRA) to support the application, appropriate climate change projection data was used, and that this does not need updating since the publication of UKCP18. Our tidal modelling of the North Kent coast is based on UKCP09 climate data, and has not yet been updated. We are	This is agreed by the Applicant.

Ref.	Question	Respondent	Response	Applicant's Response
	regards to sea levels and tidal flooding events?		therefore unable to confirm the potential difference in UKCP09 and UKCP18 results for the site. However, the proposed flood mitigation is based on a 1 in 1000 year flood event. This is in excess of our requirements for use of the 1 in 200 year event.	
1.10.10	Can the Environment Agency confirm whether or not it agrees that the Water Framework Directive information provided in the application appropriately demonstrates the Proposed Development's compliance with the requirements of the Water Framework Directive? Do any other matters relevant to Water Framework Directive need to be taken into account?	Environment Agency	Providing installation, use and decommissioning of the site is conducted in a responsible manner, we have no concerns from a WFD perspective.	This is agreed by the Applicant.

APPENDIX A - SWALE BOROUGH COUNCIL RESPONSE TO EXQ1 1.0.2

Question 1.0.2.

Part A: With regard to whether the Council is content with the summary of local planning policies in Chapter 6 of the Environmental Statement (ES):

1. These comments confine themselves to policies within the Swale Borough Local Plan 2017.
2. Chapter 6 of the ES does not provide a summary of Swale Borough local planning policies but merely identifies the relevant policies. The Council is therefore unable to comment on whether it is content with the summary.
3. Table 6.1 of Chapter 6 of the ES does, however, list the policies which the applicant considers relevant. There is an error in this table as DM 18 is listed as 'Flooding and Drainage'. It is in fact 'Local Green Spaces'.
4. A number of potentially relevant policies are not included in this table, some of which are mentioned in paragraph 5.3.1 of the Council's Local Impact Report, whilst other policies which are listed do cross over with these policy areas. It would be appropriate if these policies were included in this list. These include:
 - a. CP 1 - Building a strong, competitive economy which aims at point 9 to 'safeguard or enhance Swale's 'Principal Tourism Assets' and consolidate or widen the Borough's tourism potential, particularly where embracing principles of sustainable tourism. The coast (including wild landscape and marshes), the countryside and built heritage are all included in the list of Swale's principal tourism assets. Point 10 of CP1 aims to 'focus large scales of development where they utilise the strategic and primary road networks'.
 - b. DM 6 Managing transport demand and impact requires the preparation of a Transport Assessment and Travel Plan alongside a commitment that necessary improvements to the highway network are provided.
 - c. DM 32 Development involving listed buildings seeks to preserve the architectural and historic interest of listed buildings and their settings.
 - d. DM 33 Development affecting a conservation area expects development, including that which affects the setting of a conservation area, to preserve or enhance the features that contribute to the area's special character or appearance.
 - e. DM 34 Scheduled monuments and archaeological sites seeks to protect these sites and assets.

Part B: With regard to whether we are content with the analysis of local planning policies at Appendix A of the Planning Statement:

Appendix A consists of a list of the policies followed by an analysis of whether the development complies with the policy, under the following headings:

Principle of the Development

ST 1 (Delivering Sustainable Development in Swale) - summary does not mention 'supporting a prosperous rural economy' from this policy and this is therefore not included in the analysis which is an omission.

ST 7 (The Faversham area and Kent Downs Strategy) - summary does not mention the aspiration to 'safeguard' tourism focus and this is therefore not included in the analysis which is an omission.

As explained above CP1 (Building a strong, competitive economy) is not included in the list of policies but the points regarding tourism from CP1 and the road network are relevant.

DM 20 (Renewable and Low Carbon Energy) – the Council is satisfied that this summary lists the policy objectives but does not agree that the impacts on residential amenity and safety (in particular around traffic impact) are minimised and mitigated to an acceptable level.

Design, Landscape and Visual Considerations

CP 4 (Requiring Good Design) - summary but does not include point 8, 'be appropriate to the context in respect of materials, scale, height and massing' which would appear to be relevant and should be included. As such the Council does not agree with the analysis provided.

DM 19 (Sustainable Design and Construction) – the Council is satisfied with this summary and analysis.

DM 24 (Conserving and Enhancing Valued Landscapes) - summary does not properly recognise that the local landscape designation is a reflection of a landscape which is recognised in policy as being of high value. This means that the planning judgement will be different for a scheme within a local landscape designation than for an equivalent scheme outside a landscape designation, and that for a scheme with harm to be permitted within a local landscape designation the benefits of that scheme would have to be greater than if an equivalent scheme were to be permitted in a non-designated landscape.

DM 29 (Woodland, Trees and Hedges) – the Council is satisfied with the summary and analysis, although not necessarily with the conclusions of the Landscape and Biodiversity Management Plan and tree planting plans.

Ecology and ornithology

CP 7 (Conserving and Enhancing the Natural Environment) - this section summarises the policy and explains how the development addresses the policy issues. The question of whether this development complies with this policy is a matter for experts on ecology and ornithology and wider ecosystem services.

DM 28 - Biodiversity and Geological Conservation - is summarised in brief and the justification of how the development complies with the policy is set out. The question of whether this development complies with this policy is a matter for experts on ecology and ornithology.

Cultural heritage and archaeology

CP 8 (Conserving and enhancing the historic environment) - repeats the relevant sections of the policy. As set out above, policies DM 32 (Development involving listed buildings), DM 33 (Development affecting a conservation area) and DM 34 (Scheduled Monuments and archaeological sites) are not referred to in the Planning Statement.

Noise and vibration

DM 20 (Renewable and Low Carbon Energy) - the section on noise is adequately summarised.

Hydrology, Flood Risk and the Coast

DM 21 (Water, Flooding and Drainage) - the relevant sections are adequately summarised.

DM 22 (The Coast) - is summarised/quoted, but the policies and proposals of the Shoreline Management Plan (the Environment Agency's plans for Managed Retreat) are not addressed. Furthermore, the analysis does not address the obvious point that this development will not support 'conservation and enhancement' of the undeveloped coast. Additionally and importantly, whilst it is common practice for solar farms to be time limited, the question of the inherent sustainability of a scheme of this size, with its construction and decommissioning impacts, lasting for only 40 years (a requirement if the managed retreat objectives of the Shoreline Management Plan are to be realised) needs to be considered. The Council does not agree with the analysis of this policy.

DM 23 (Coastal Change Management) - has been briefly summarised. With reference to the definition of essential infrastructure from Planning Practice Guidance Paragraph: 066 Reference ID: 7-066-20140306 (i.e. 'infrastructure which has to be located in a flood risk area for operational reasons, including electricity generation') the Council does not agree that the development comprises essential infrastructure as it is not necessary (and is indeed unhelpful) that it is located next to the coast. As such the Council does not consider that this development complies with this policy.

Access, Transport and Traffic

DM 3 (Rural Economy) - is adequately summarised including reference to DM 6 and DM 26. The Council does not agree with the analysis that 'the development will not physically or as a result of traffic levels harm the character of rural lanes', however, the Council defers to the Highway Authority on matters of transport and traffic here and below.

DM 14 (General Development Criteria) – the Council agrees with the summary but not the conclusion that safe vehicular access will necessarily be achieved.

DM 6 (Managing transport demand and impact) is not included in the Planning Statement. It requires that 'where the residual cumulative impact of development on traffic generation would be in excess of the capacity of the highway network' that improvements to the network are ensured and that 'priority is given to the needs of pedestrians and cyclists'. Whilst the Council defers to the Highway Authority on this issue, it does not believe that the development, as currently proposed, achieves this.

Agricultural Land

DM 31 (Agricultural Land) whilst the Council agrees with the summary it is not so sure about the analysis. Whilst it may be beyond the control of the applicant, the need for renewable energy could be met on land within built-up area boundaries. The Council is also not convinced of the viability of sheep grazing alongside the development as proposed

Air Quality

DM 20 (Renewable and Low Carbon Energy) - is adequately summarised.

Socioeconomics

DM 3 (The Rural Economy) – the Council agrees with summary and understands that choosing a more suitable, available site of this scale may be beyond the control of the applicant. However, other sites (possibly more suitable) of smaller scale may well be available. Furthermore, the Council does not agree that the development complies with this policy in that it understands that it will result in significant harm to the historical, architectural, biodiversity, landscape and rural character of the area and will produce scales of traffic generation incompatible with the rural character of the area.

CP 1 (Building a strong, competitive economy) is not included within the Planning Statement. Point 9 of this policy aims to 'safeguard or enhance Swale's 'Principal Tourism Assets' and consolidate or widen the Borough's tourism potential, particularly where embracing principles of sustainable tourism'. The coast (including wild landscape and marshes), the countryside and built heritage are all included in the list of Swale's principal tourism assets. Point 10 of CP 1 aims to 'focus large scales of development where they utilise the strategic and primary road networks'. The Council does not consider that the development as proposed complies with these objectives.

Miscellaneous

DM14 (General Development Criteria) - is summarised, however the Council does not agree with analysis that the development reflects the positive characteristics and features of the site and locality, conserves and enhances the natural or built environment, is well sited and of a scale, design, appearance and detail that is sympathetic to the location and will cause not significant harm to amenity or achieve safe vehicular access.

One issue identified by CP 7 (Conserving and enhancing the natural environment) is that of ecosystems services (for example this could include the impact on soils during construction, operation, decommissioning) - this is not addressed in the Planning Statement, however it is an important issue in an analysis of the sustainability of this proposed development and it should be included.

APPENDIX B - NATURAL LOW DENSITY SCRUB DEVELOPMENT ONSITE

Plate 1 - Photograph taken on 31 May 2019 on the Saxon Shore Way at approximate National Grid Reference TR 024 637

