

From: [REDACTED]
To: [Cleve Hill Solar Park](#)
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Subject: Submissions for deadline 3
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Attachments: [REDACTED]

Hefin/Paige

Please find attached two papers from Faversham and Swale East Branch Labour Party requesting two additional Issue Specific Hearings in the week commencing 9th September. This request is based on the fact that there are proposed updates to the developer's Landscape and Biodiversity Management Plan and associated documents between deadlines 3 and 4 that would otherwise only be considered by the Habitat Management Steering Group and should be heard by in a more public forum. In addition, the issue of Cultural Heritage has been raised in documents but not aired in public and that this subject is important because this impact should be discussed as part of the equation in weighing the need for the development against the harm that it is likely to cause.

If you have any queries, please contact me

Regards

Anne Salmon MRTPI

Cleve Hill Solar Park Project Development Consent Order application

Submission for Deadline 3 requesting an Issue Specific Hearing in the week commencing 9th September 2019 on Cultural Heritage, with particular reference to the impact of the development on listed buildings and conservation areas in the Graveney area, in view of the differences of opinion on the level of impact and on the national planning guidance to be taken into account.

Anne Salmon BA MCD MRTPI comments as follows:

1. Historic England do not agree with the developer's calculations of the level of harm to the settings of the grade I and two grade II listed buildings and in my view are unlikely to change that view.

All Saints Church, Graveney is listed Grade I and is a part 12th and part 14th century structure described in 'The Buildings of England-Kent: North East and East' as a rarity in Kent as delightfully unrestored and worthwhile as architecture and contains objects beautiful in their own right. It is located within a group with Graveney Court, Grade II which is the main building of a farm adjacent to the church. Together, these are located within the Graveney conservation area. Sparrow Court is also listed Grade II and is located at Broom Street, Graveney at the immediate edge of Graveney marshes.

The settings of Graveney Church and Graveney Court and of Sparrow Court comprise parts of a village with scattered groups of buildings among a rural, farmed landscape adjacent to extensive marshland areas between the village and the sea wall. The asset with the highest significance is All Saints Church, Graveney.

The National Planning Policy Framework defines what constitutes substantial harm to heritage assets and also what may be treated as less than substantial harm. What is less than substantial harm can be graded by the severity of its impact. Since none of the listed buildings are intended to be demolished or altered as a result of the proposal, it is clear that the scheme would result in less than substantial harm. In all cases, it is the setting of the buildings that is affected.

Historic England argue that the level of harm to All Saints Church and to Graveney Court and Sparrow Court would be moderate while the developer defines that level of harm as minor. This is argued because the solar panels are only on two sides from the historic assets and not on all four sides, being only on the north and west sides. Since the panels and bund are on the flat marshes as set out in the revised scheme deleting field Y, this is inevitable, but it does not lessen the impact on the sides that are affected. The church tower overlooks the development site and the churchyard has extensive views over the site to the north and west, at present only partly screened by deciduous trees. The same applies at Graveney Court and Sparrow Court,

both of which are closer to the marshes. All three buildings are set among deciduous trees and their location can be seen from the marshes and the sea wall and beyond across the Swale at long distances. All these views would be dominated by views of solar panels, and in the case of Graveney Church and Graveney Court, also the extensive bund standing up from the marsh. This is the justification for the impact being more than minor.

2. Historic England also comment with regard to archaeology on the site that there is insufficient detail in the Written Statement of Investigation submitted by the Developer regarding the treatment of the World War II air crash site. This is another significant area of disagreement between HE and the developer. They consider that there should be a clearly set out mitigation strategy for this protected element on the site.

There is also concern from other representees about the extent to which piling across the site to construct the roadway and install the transformers, panels and fences and the construction of the bund and battery mountings would result in loss of the subterranean archaeology. Even if recorded to a level agreed in a Written Statement of Investigation, these works would still result in the permanent loss of the buried artefacts. The site is important as a very large, undeveloped area, rare in the south east of England over which such remains of its history and pre-history can be investigated.

3. The impact of the proposed landscaping and planting around the edges of the site is also important to the setting of the listed buildings. It is intended to provide new deciduous planting of trees and shrubs to the north and west to screen the views of the panels from the churchyard. This would have the effect of screening the churchyard from views of the fields themselves and of the church from across the marshes to the west including Harty Church and other locations on Sheppey and sites towards Sittingbourne. The same would apply at Graveney Court so that the marsh would be less visible from the property and the property from the marsh. It is the intervisibility between the buildings in the village and the marsh which is important to the setting. This would also apply at Sparrow Court. The existing views toward the Old Vicarage would remain, but views of the marsh and of the building from the marsh would be lost and these views make an important contribution to the appreciation of the setting.

The site visit on 24th July 2019 demonstrated that Graveney Churchyard has long views over the site and there are also views of parts of the site from Sparrow Court and the Old Vicarage which is an important building within the context of Broom Street and of Graveney as a whole. The site visit also passed Sandbanks Farm, also listed grade II and the same issues would apply that the building can be seen from the marshes and the marshes from it. The development, in particular large areas of panels screened by trees and hedges would have a substantial impact on the setting of the listed buildings. The views of the listed buildings and of the conservation area from the

marshes and their views to the marshes are an important part of their present character.

4. The setting of the listed buildings and the conservation areas at Graveney are an important planning consideration. The regard to be had to historic buildings and their settings is set out in section 66 (1) of the Planning (listed Buildings and Conservation Areas) Act 1990 and the similar regard to be had to the setting of conservation areas is set out in section 72 of the same Act. The requirements of the National Planning Policy Framework with regard to listed buildings and their settings are also relevant in this case. Swale Borough Council in their Local Impact Report refers to the Barnwell Manor case with regard to what constitutes less than substantial harm and how this should be weighed against need for a development. The developer is of the opinion that these requirements about special regard to the harm to the listed buildings and their setting do not apply to Nationally Significant Infrastructure Projects but only a weaker version specifically designed for NSIPs, the Infrastructure Planning (Decisions) Regulations 2010. This matter needs to be clarified together with its implications for this case.

5. All of these aspects of harm to the cultural assets including the listed buildings, conservation areas and their settings and archaeological remains at present undisturbed should be weighed with other factors such as impact on biodiversity and landscape against the need for the scheme. This should be looked at in the context that the development has to be removed (with the possible exception of the bunded battery enclosure) within 40 years because of managed retreat of the sea wall and that in this case, the scheme would not be providing a long-term contribution to England's power supply.

Anne Salmon BA MCD MRTPI

On behalf of Faversham and Swale East Branch Labour Party

Cleve Hill Solar Park Project Development Consent Order application

Submission for Deadline 3 requesting an Issue Specific Hearing in the week commencing 9th September 2019 on Biodiversity including birds, with particular reference to the additional information arising from the amendments to the Landscape and Biodiversity Management Plan, Construction Noise Management Plan, Decommissioning Management Plan and other documents that would clarify whether the scheme would result in harm to the International Sites and therefore the requirement for the applicant to demonstrate an over-riding need for the scheme

Anne Salmon BA MCD MRTPI comments as follows:

1. The discussion at the hearing on Thursday 25th July relating to biodiversity included many references to an update to the Landscape and Biodiversity Management Plan to be submitted at deadline 3 to be discussed with the Habitat Management Steering Group before deadline 4. This includes habitat loss or damage during the construction period. Both of these deadlines are before the start of the week commencing 9th September. Since these changes are expected to affect how Natural England, the RSPB and Kent Wildlife Trust view the impact of the development on the International and Nationally important habitats at the site, having a public hearing after these stages of discussion would enable other bodies to contribute to the discussion on these matters. The subject of the impact on habitats and particular protected species, for which the RAMSAR/Special Protection Area site is designated, is of great importance regarding whether the scheme should be granted or not and whether over-riding need has to be established as required by stages 3 and 4 of People Over Wind.
2. Within this, the question of impact on the whole assemblage of birds for which the RAMSAR site is designated needs to be considered. There are several other wader species than just golden plover and lapwing including black tailed godwit and curlew and also duck species which visit the Swale in internationally important numbers and use the functionally linked land. The issue of whether the ARHMA is sufficient for all three species of named birds was not fully resolved in the hearing including the possibility of extra land being required elsewhere on the site. One of the studies for Brent geese was dated 1994 which is already 25 years ago and not at all recent while other bird surveys were mostly 4-5 years ago. The question of farmland birds on the site was not fully discussed during the 25th July hearing and these birds including yellow wagtail and skylark are birds which use arable crops in which to nest and feed and are nationally declining species. The scheme would result in the loss of all arable uses on the site, leaving only narrow strips of ditch vegetation and along the footpaths and grazed areas under the panels. The grazing regime has also not been fully discussed. In the areas close to footpaths, birds are likely to suffer from some disturbance from humans and

dogs whereas if they were in an arable field, they would have more space to nest safely.

3. The question of the period over which the ARHMA should be monitored for its effectiveness needs to be considered. At present this would only be for the first five years, but is this including the two years of construction or the first five years of operation? If it includes the construction period, then only the first three years of operation would be monitored. This was discussed briefly on 25th July and the developer agreed to update the LBMP on this matter. It is likely that over the next 20-30 years, there would be significant climate effects which may affect the way that the species of vegetation to be planted will perform. Also, there may be increasing numbers of other bird species such as little egret and avocet which have already changed their breeding and feeding habits over the last few years. This may require alternative and more extensive habitats to be formed which may result in the need for the open areas to be extended or moved.
4. Further, it has not been demonstrated that marsh harriers would use the site with panels and only narrow corridors along ditches and two footpaths. That these raptors would use narrow corridors has been doubted strongly by a local expert who spent a number of years working at a nearby RSPB reserve. The footpaths ZR484 and the permissive path would extend the full width of the site and represent two of the widest corridors but despite their enclosed nature are still likely to be used by humans and dogs to traverse the site to reach the sea wall which is part of a national trail, the England Coast Path.
5. The NPPF and new national environmental guidance referred to during the hearing on the 25th July together with the Swale Local Plan do not seek simply no net loss of wildlife species. Planning policies in the Local Plan expect proposals to enhance the ecology of sites rather than just no net loss. The increase in species promised mostly arises from new habitat being created in the new hedges and woodland around the site. If the development results in the loss of existing species on the site that are already getting rarer, this is not a benefit to the biodiversity of the area. An assessment of the impact on species already present on the site across its whole area would be helpful.
6. It is important that the Development Consent Order should include what measures are to be taken to protect species that are important at a European level as well as nationally important species. This is partly because the development is expected to be in place for forty years and most people who are dealing with it now are likely to have retired or passed on. However, another concern is that nationally and internationally important species may vary over time. In addition, the DCO may need updating to meet changed circumstances such as changes to local government and the management of national infrastructure such as the environment agency's role, electricity and energy management or countryside management. These elements all have

an impact on the relationship between the developer and the public and could also affect the attitude to maintaining and improving habitats on and around the site for biodiversity. These issues should be considered at a public hearing.

Anne Salmon BA MCD MRTPI

On behalf of Faversham and Swale East Branch Labour Party