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To: [Cleve Hill Solar Park; Jones, Hefin](#)
Cc: [REDACTED]
Subject: EN010085 - Cleve Hill Solar Park - The Applicant's Deadline 3 Submission (email 6 of 7)
Date: 01 August 2019 23:20:11
Attachments: [REDACTED]

Dear Hefin,

EN010085 - Cleve Hill Solar Park - The Applicant's Deadline 3 Submission (email 6 of 7)

Please find attached the Applicant's Deadline 3 submission.

Please do not hesitate to get in touch if you have any queries.

Kind regards,

Mike

Michael Bird

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CLEVE HILL SOLAR PARK

WRITTEN SUMMARIES OF ORAL SUBMISSIONS OPEN FLOOR HEARINGS 1 AND 2

August 2019
Revision A

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CLEVE HILL
SOLAR PARK

1. Introduction

- 1.1 This document has been prepared following the Open Floor Hearings (OFH) held on 16 June and 22 June 2019 and sets out the Applicant's response to the issues raised by local residents and other Interested Parties.
- 1.2 A number of matters raised at the OFH have either been raised previously within relevant representations, written representations by Interested Parties during the Examination, or have been examined through the Issue Specific Hearings.
- 1.3 As a result, a number of the matters have been addressed in previous submissions made by the Applicant.
- 1.4 Table 1.1 below sets out the key themes of the matters raised at the OFH and either provides a response or identifies relevant documents where information or a response is provided (utilising the Cleve Hill Examination Library Titles and Reference Numbers). Where similar points were made by Interested Parties, the Applicant has only provided a response once in Table 1.1 below.
- 1.5 The Applicant notes that Swale Friends of the Earth made oral representations at the OFH in support of the Project.
- 1.6 The following abbreviations are used in this document:

Term	Abbreviation
Development Consent Order	DCO
Environment Agency	EA
Environmental Statement	ES
Examining Authority	ExA
Habitats Regulations Assessment	HRA
Landscape and Biodiversity Management Plan	LBMP
Report to Inform an Appropriate Assessment	RIAA

Table 1.1: Key themes of matters raised at the OFH held on 16 June and 22 June 2019

Matters Raised	Where relevant information/responses can be found:
Ecology and biodiversity	
Importance of the area for wildlife including ground nesting birds, marsh harriers Wildlife will be lost in perpetuity	The effects of the Development on habitats, birds and other wildlife are assessed in Chapter 8 – Ecology [APP-038] and Chapter 9 – Ornithology [APP-039] of the ES. The HRA documented in the RIAA [APP-026] provide an assessment of the potential effects of the Development on bird species, including the impact of the loss of functionally linked arable land. Mitigation and biodiversity enhancement measures included within the Development are described in the outline Landscape and Biodiversity Management Plan [APP-203]. The Development is expected to result in net gain for biodiversity [REP2-045].
Haven for wildlife	
Insufficient land left for birds Unreasonably high cost to wildlife	
Farmland used by birds for roosting and feeding Birds seen flying over the sea wall, unlikely to use habitat management area to the east Dykes used by birds Seen other Schedule 1 species, such as kingfishers Barn owls present on adjacent site, need voles and mice and food will not be available if Project goes ahead	
Special interaction with wildlife, especially birds	
Need for renewable energy needs to be balanced with concerns regarding biodiversity Adjacent to protected sites and enclosed by designations Site has similar characteristics to protected land Used by birds as habitats Negative impact on geese and marsh harriers	

Matters Raised	Where relevant information/responses can be found:
<p>Plenty of wildlife on the site Need to look after the wildlife Migrating birds will be affected by the glint</p>	<p>Glint and glare effects are assessed in Chapter 17 - Miscellaneous Issues of the ES [APP-047]. The reflectivity of solar panels is relatively low, comparable to still water and less than glass and steel. Migrating birds are very unlikely to be particularly affected by solar panels any more so than other features of the existing landscape.</p>
<p>European protected eels at present at the site Species is critically endangered and has declined by 98% Must safeguard existing population Need for drainage channels to have appropriate outfalls</p>	<p>The Applicant provided further information relating to European eels in its response to the ExA's first written question 1.1.47 [REP2-006].</p>
<p>Impact on bird breeding and feeding Habitat management area of 40ha is inadequate for the loss of such a huge open space</p>	<p>The arable reversion habitat management area is 55.5 ha in size with a functional area of 50.1 ha. The lowland grassland meadow habitat management area is 13.3 ha in size.</p>
<p>Managed realignment would be better for wildlife Unknown impact on wildlife beneath solar panels due to novel panel arrangement, lack of light below Managed realignment would be a better way of managing climate change due to carbon benefits of marshes, developing the site will result in the loss of these benefits</p>	<p>Technical Appendix A5.3 - Microclimate & Vegetation Desk-Based Study [APP-204] provides an assessment of the likely effect on soil temperature and moisture and vegetation responses. The EA has confirmed that they can delay managed realignment and still deliver their obligations under the Habitats Regulations.</p>
<p>Project must be designed to avoid environmental impacts</p>	<p>The environmental impact of the Development is assessed in the ES [APP-030 – APP-250]. The updated Mitigation Schedule submitted for Deadline 3 (document reference 7.2, revision C) sets out the measures that will be taken during the design, construction and operation of the Development to minimise and mitigate the environmental impacts.</p>
<p>Carbon benefits of marshes, development will increase in air pollution</p>	<p>Air quality has been assessed in Chapter 16 – Air Quality of the ES [APP-046] which does not identify any likely significant effects on air quality as a result of the Development during construction, operation or decommissioning. The Applicant has prepared a written representation on carbon dioxide offsetting and sequestration which has been submitted at Deadline 3 (document reference 11.4.5).</p>

Matters Raised	Where relevant information/responses can be found:
<p>360 pairs of breeding marsh harrier in the UK, scarcer than the golden eagle or red kite</p> <p>South east has 10% of national population with 24 pairs being located in the Swale SPA</p> <p>Not possible to mitigate impacts on marsh harriers</p> <p>Marsh harriers are wide ranging and have a wide spectrum of prey</p> <p>Frequently fly over the arable fields</p> <p>Not established what contribution arable land makes to food source</p> <p>Studies in East Anglia show that arable fields provide game birds, hares and rabbits and skylarks and starlings</p> <p>Project will result in food store being diminished</p> <p>Foraging range is up to 1000 hectares (5-8km) from nest site</p> <p>Seen crossing the Swale carrying prey both north and south</p> <p>Critical to maintain Swale population</p> <p>When hunting birds make broad lateral sweeps, vision will be impeded by solar panels as foraging height is approximately 10m</p> <p>Marsh harriers are very susceptible to disturbance, increasing use of sea wall by people has resulted in nesting in arable fields</p> <p>Nesting will be unsuitable due to maintenance activities</p> <p>Pre commencement surveys will be very time consuming, unclear how construction activities will prevent disturbance</p>	<p>The Applicant intends to respond in writing to the detailed written submissions made in respect of marsh harriers by Mr F R Gomes by Deadline 4.</p>
<p>An Issue Specific Hearing relating to Biodiversity and Nature Conservation was held on Thursday 25th July 2019. For further information, please see the summary of this hearing submitted at Deadline 3 (document reference 11.1.6).</p>	

Matters Raised	Where relevant information/responses can be found:
Landscape and visual	
<p>Tremendous views from Saxon Shore Way Only "wild place" on the North Kent coast Result in detrimental views, including views from the Isle of Sheppey</p>	<p>Visual impacts are assessed in Chapter 7 - Landscape and Visual Impact Assessment (LVIA) of the ES [APP-037]. In particular, section 7.6.2.2 refers to the assessment of visual effects on the Saxon Shore Way. The assessment is supported by figures [APP-054] and visualisations [APP-127 and APP-169].</p>
<p>Beautiful natural landscape Artificial landscape, would have been covered by sea but landscape created by man for salt works, sheep folds Ancient and historical landscape Development will result in an industrial landscape</p>	
<p>Tranquil site See for many miles from Graveney Churchyard and the views will be destroyed</p>	
<p>Moved to area for open countryside and solitude Views of wide open countryside and tranquillity from urban bustle</p>	
<p>Scale of project is unprecedented and will change nature of vistas and wide-open spaces</p>	
<p>Object to the size and location on a green field site Rural landscape with far reaching views along the Saxon Shore Way</p>	<p>Chapter 4 - Site Selection, Development Design and Consideration of Alternatives of the ES [APP-034] includes section 4.2 which sets out the site identification process for the Development.</p>

Matters Raised	Where relevant information/responses can be found:
<p>Site will be turned into industrial power station</p> <p>Permissive path will provide no views, users will only be able to look up and barely have fresh air</p>	<p>Recreational amenity effects are assessed in Chapter 13: Socio-economics, Tourism, Recreation and Land-Use of the ES [APP-043]. Section 13.5.1.4 addresses effects during construction and section 13.5.2.2 addresses operational effects. Public perception of renewable energy Development is discussed in section 13.2.4.4.</p>
<p>Wide and open landscape</p> <p>Solitude and remoteness</p>	<p>Section 7.3.2.4 of Chapter 7 - Landscape and Visual Impact Assessment (LVIA) of the ES [APP-037] refers to the assessment of visual effects on the existing landscape character.</p>
<p>Flat, extensive and remote landscape, wide open views and solitude</p> <p>Covering marshes will destroy the landscape</p> <p>Applicant has been dismissive of the open and wild landscape</p>	
<p>Quiet and open area</p> <p>Project will completely and permanently change the character of the area</p>	
<p>Atmospheric area, special valued landscape</p> <p>Marshes have a special allure</p> <p>Feeling of remoteness</p> <p>Dark skies</p> <p>Site has a public amenity element, positive contribution to local area</p>	<p>The LVIA considers the effects of lighting during construction (section 7.6.1.1) and operation (section 7.6.2.4).</p>
<p>Project will result in industrialised landscape and benefits of the area for future generations will be lost</p> <p>No regard for amenity value</p> <p>High quality area and should be encouraging people to use the area for walking</p>	<p>Visual impacts upon public amenity areas are assessed in Chapter 7 - Landscape and Visual Impact Assessment (LVIA) of the ES [APP-037]. Section 7.6.2.2 provides an assessment of visual effects on public rights of way users in the area.</p>
<p>Robs walkers of natural landscape</p>	

Matters Raised	Where relevant information/responses can be found:
An Issue Specific Hearing relating to landscape and visual amenity was held on Tuesday 23 rd July 2019. For further information, please see the summary of this hearing submitted at Deadline 3 (document reference 11.1.5).	
Socio economic	
Impact on green tourism, a growth industry Want to share the beautiful coastline and marshes Will not be an attractive place to visit with solar panels	Tourism and Socio-economic impacts are assessed in Chapter 13 -Socio-economics, Tourism, Recreation and Land-Use of the ES [APP-043]. Public perception of renewable energy Development is discussed in section 13.2.4.4.
Project will deter tourists who might want to walk the coastal path and spend money in Faversham	Visual effects on visitors to the area are assessed in Chapter 7 - Landscape and Visual Impact Assessment (LVIA) of the ES [APP-037].
Effect of construction on walkers and cyclists Applicant should provide enhancements to help tourism and local communities	Recreational amenity effects are assessed in Chapter 13: Socio-economics, Tourism, Recreation and Land-Use of the ES [APP-043].
No direct benefits for the local economy other than business rates	As well as the substantial business rate contribution of the Development, the draft DCO
Impact on businesses and tourism due to unreasonably long period of construction over two phases with long working hours Only six sensitive receptors have been identified by the Applicant but there are 23 businesses along the route and more beyond the London Array substation No meaningful benefits to the village All businesses consulted by GREAT said that there will be a negative impact on their business Impacts on tourism and cyclists	submitted at deadline 2 [REP2-003] includes Requirement 15, local skills supply chain and employment which requires that a skills, supply chain and employment plan is submitted ahead of construction. This plan will identify opportunities for individuals and businesses to access employment and supply chain opportunities associated with the construction, operation and maintenance of the Development. Local businesses and residential properties are identified as receptor groups in section 14.3.9 of Chapter 14 - Access and Traffic of the ES [APP-044], acknowledging that there are multiple businesses and dwellings along the route.
No benefit to local community	The permissive footpath has been proposed to provide local and wider benefits.

Matters Raised	Where relevant information/responses can be found:
<p>Need to consider economic value of tidal marshes including the ability of tidal marshes to store carbon, provide nutrients, waste cycling and support wildlife</p> <p>Tidal marshes are second most valuable resource, comparable to coral reef</p>	<p>The Applicant has prepared a written representation on carbon dioxide offsetting and sequestration which has been submitted at Deadline 3 (document reference 11.4.5).</p> <p>The effects of the Development on habitats, birds and other wildlife are assessed in Chapter 8 - Ecology, and Chapter 9 - Ornithology of the ES [APP-038 and APP-039].</p>
<p>Impacts on property prices</p>	<p>This is not a material consideration for the Secretary of State considering impacts of the Development [AS-009].</p> <p>The Applicant notes that compensation may be payable under the statutory Compensation Code in the event that the construction or operation of the development results in a depreciation in the value of property (see paragraph 11.2.1 of the Statement of Reasons [APP-019]).</p>
Health and wellbeing	
<p>Access to cycling and walking</p> <p>Lost opportunity to open up the site to the public</p> <p>Applicant should divert the National Cycle Network path off road within the site</p> <p>Permissive path could be closed, should be a proper public right of way</p> <p>Applicant should fund gates for disabled access</p>	<p>The effects of the Development on recreational receptors in the area and recreational amenity are assessed in Chapter 13 -Socio-economics, Tourism, Recreation and Land- Use of the ES [APP-043].</p> <p>All existing publicly accessible areas are proposed to remain accessible throughout the construction phase and during operation, and a new permissive footpath is also being created through the site during the operational phase.</p>
<p>Sense of place, unusual feeling and very special</p> <p>Need recreation and to immerse in the countryside</p>	
<p>Views lift spirits and have a positive effect on health and well being</p> <p>Lots of new housing developments in Faversham, new residents will want places to go for a walk</p> <p>Ruin area as people do not want to walk through an industrial estate</p> <p>Walking opportunities will be removed and these are needed to reduce obesity</p>	<p>Chapter 17 - Miscellaneous Issues [APP-047] of the ES includes an assessment of the effects of the Development on human health.</p> <p>Visual impacts upon public amenity areas are assessed in Chapter 7 - Landscape and Visual Impact Assessment (LVIA) of the ES [APP-037]. Section 7.6.2.2 provides an assessment of visual effects on public rights of way users in the area.</p> <p>Equality Impact Assessment [AS-025] has been produced to ensure the Development does not</p>

Matters Raised	Where relevant information/responses can be found:
Negative impact on mental and physical wellbeing	discriminate against any group of people.
Landscape is good for mental and physical wellbeing Buzz or hum from battery storage will have impacts on health, such as heart disease and obesity	
Quality of life concerns Discrimination, significant proportion of retired people (over 100) in villages Access to nature and countryside is good for physical and mental wellbeing Unreasonably high cost to health and wellbeing	
Long term cost to wellbeing and contrary to Government 25-year plan to conserve and enhance the natural environment	The outline LBMP [APP-203] outlines objectives to enhance the landscape on site.
Traffic and transport	
Two years of construction will have major impacts Narrow country lanes with schools and cyclists Air pollution from construction traffic	Access and traffic impacts including effects on sensitive receptors and highway safety are assessed in Chapter 14 - Access and Traffic of the ES [APP-044]. Air Quality, including impacts as a result of increased traffic volumes has been assessed in Chapter 16 – Air Quality of the ES [APP-046] which does not identify any likely significant effects on air quality as a result of the Development during the construction, operation or decommissioning.

Matters Raised	Where relevant information/responses can be found:
<p>Village has not forgotten disruption caused by construction of London Array</p> <p>Potential for vehicle conflict with fruit farms and refrigerated vehicles</p> <p>Not enough space for two HGVs to pass</p> <p>Not enough capacity to take construction traffic</p> <p>School will suffer from air pollution, noise and vibration and health and safety impacts of construction traffic</p> <p>Inaccurate list of receptors, includes public telephone which does not exist</p>	<p>In the ES the primary school is classed as a high sensitivity receptor to changes in road traffic. Measures proposed to manage construction traffic, including in the vicinity of the school are described within the outline Construction Traffic Management Plan, Technical Appendix A14.1 of the ES [APP-245] which has been updated at Deadline 3.</p> <p>Noise and vibration impact from construction traffic are assessed in section 12.5.3 of Chapter 12 - Noise and Vibration of the ES [APP-042].</p> <p>Chapter 17 – Miscellaneous Issues [APP-047] of the ES includes an assessment of health and safety considerations.</p>
<p>Noise, vibration and emissions will hinder learning of school children</p>	
<p>Construction traffic will pass school playing fields and use roads where there is no pavement for pedestrians</p> <p>HGVs every six minutes during school hours for over two years</p> <p>Construction traffic will cause air pollution, noise, vibration, dirt, casualty risk for pedestrians, visual intrusion and change rural feel of village</p> <p>Collision risk with cyclists</p> <p>HGVs throughout lifetime of development for maintenance and battery replacement</p>	<p>HGV deliveries would avoid Graveney Primary School start and finish times. It is expected that there would be suitable gaps in traffic for movement of supervised children across Seasalter Road to the school playing field.</p> <p>Measures proposed to manage construction traffic, including in the vicinity of the school are described within the outline Construction Traffic Management Plan, Technical Appendix A14.1 of the ES [APP-245]. Measures include restrictions on HGV movements to avoid school opening / closing time and a construction vehicle speed limit of 20 mph past the school.</p> <p>Section 5.5.2.1 of ES Chapter 5 - Development Design [APP-035], sets out a commitment to limit the number of HGV movements during the construction phase to a maximum of 80 per day (equivalent to 40 vehicles travelling to and from the site in 1 day).</p> <p>The proposed management, mitigation and monitoring of construction traffic is described within the outline Construction Traffic Management Plan [APP-245]. Drivers will be appropriately briefed with regards to the road conditions and potential road users such as cyclists. The Outline CTMP includes a Construction Traffic Incident Management Plan (Appendix F) which sets out measures and procedures for what should happen if a road traffic incident occurs on routes leading to site.</p>

Matters Raised	Where relevant information/responses can be found:
<p>HGVs pass house all the time, agricultural traffic and buses</p> <p>Impacts on bridge</p> <p>Need for escort vehicles</p> <p>Impact on school run</p> <p>Impact when A229 is closed and route is used as a diversion, solid traffic for hours</p> <p>Exhaust fumes</p> <p>Risk to cyclists and pedestrians, no pavement</p> <p>Permissive path can be closed for maintenance</p>	<p>The proposed management, mitigation and monitoring of construction traffic is described within the outline Construction Traffic Management Plan [APP-245]. Drivers will be appropriately briefed with regards to the road conditions and potential road users such as cyclists.</p> <p>Other than the abnormal loads (5 anticipated, see para 211 of Chapter 14 - Access and Traffic of the ES [APP-044]) it is not considered necessary for escort vehicles to be used, as the vehicles will be similar in nature to existing HGV traffic that uses the route unescorted.</p>
<p>Narrow bridge over railway line next to school</p> <p>Should construct access roads within the site</p> <p>Impacts during operational phase, panels will need replacing</p> <p>Decommissioning will take place at a time when there is even more traffic</p> <p>No suitable passing places</p> <p>Buses use the road, no place where a bus can pass an HGV so will delay buses</p> <p>Dangerous for walkers due to lack of pavements</p> <p>Not suitable for quiet country lane</p>	<p>Section 3.2 of the Outline Construction Traffic Management Plan (see Deadline 3 submission document reference 6.4.14.1, revision B) sets out the widths of the local road network. Seasalter Road and Head Hill Road varies in width between 4.5 and 7.5 m so a bus is expected to be able to pass an HGV, as can occur in the existing baseline scenario when HGVs utilise the same route.</p>
<p>Traffic impacts of new housing developments</p> <p>Roads unsuitable</p>	<p>Vehicle routes are also discussed within the outline Construction Traffic Management Plan, Technical Appendix A14.1 of the ES [APP-245]. The Applicant considers these roads to be suitable for construction vehicles.</p>

Matters Raised	Where relevant information/responses can be found:
<p>London Array increased traffic generally and HGVs permanently damaged verges and road surfaces</p> <p>Restricted width along route</p> <p>Humped back bridge with poor visibility</p> <p>Impact of HGVs on cyclists</p> <p>Residents, particularly the elderly, will be unable to travel at will</p> <p>Not yet presented with a credible traffic management plan</p>	<p>The outline Construction Traffic Management Plan [APP-245] has been produced as a 'live' document which will continue to be updated on an ongoing basis through consultation with stakeholders during examination of the Application. This will then form the basis of a final CTMP to be approved by the relevant local authority.</p>
<p>No footpath and no space for children</p> <p>Small businesses use large lorries and there is no further capacity</p> <p>Route for diversion of the A229, traffic at a standstill when diversion in place</p> <p>Have to pull in if meet a bus causing damage to verges</p> <p>Passing places not suitable</p> <p>Traffic survey undertaken by GREAT, broadly similar to the Applicant's surveys for most roads.</p> <p>Cannot understand how figures in Table 14.6 of the ES have been derived from raw data</p> <p>Information in ES is misinterpreted or omitted, in particular relating to Head Hill Road South and North and Seasalter Road</p> <p>Figures in Table 14.6 over inflated and distorts impact</p> <p>ES refers to the removal of farm traffic as a result of the Project but farm traffic is part of a thriving rural community</p>	<p>As set out in Table 14.6 of Chapter 14 [APP-044], 2018 baseline Annual Average Daily Traffic (AADT) flow data for HGVs on Head Hill Road (north) and Seasalter Road are 123 HGVs and 65 HGVs respectively, daily.</p> <p>The raw traffic data collected and used in the assessment has been submitted to the examination at Deadline 3 (see document reference 11.4.4).</p>

Matters Raised	Where relevant information/responses can be found:
Cultural heritage	
<p>Desk based archaeological assessment is not fit for purpose</p> <p>Key maps are not there</p> <p>Nagden Hill is first shown on ordnance survey in 1795, it was a feature on the landscape consisting of a burial ground with a point that was demolished in the 1950s for the flood defence</p> <p>No intrusive archaeological surveys have been undertaken within the Order limits</p> <p>Need to understand archaeology, some projects don't go ahead as a result of the archaeology</p>	<p>Chapter 11 – Cultural Heritage and Archaeology of the ES [APP-041] assesses the impact of the Development on heritage assets. A Heritage Statement is also provided [APP-257] which provides conclusions on heritage impacts in planning terms.</p> <p>The outline Written Scheme of Investigation [APP-233] sets out mitigation measures to be applied to undesignated archaeological sites.</p>
<p>Two metres below surface is Roman/Saxon</p> <p>Faversham Creek was incredibly important, ships coming into the Creek</p>	
<p>Applicant states that NPPF doesn't have any effect</p> <p>NPS was issued prior to the NPPF and prior to high court cases</p> <p>Cannot rely on assessment as missed out two heritage assets on Isle of Sheppey</p>	<p>The Planning Statement [APP-254] submitted as part of the Application provides a detailed assessment of the Development against the policies identified in Chapter 4 - Planning of the ES [APP-034].</p> <p>A written representation has also been submitted by the Applicant on Heritage Policy [AS-027].</p>

Matters Raised	Where relevant information/responses can be found:
<p>Heritage assets are integral to the fabric of the area</p> <p>Graveney Court and Sparrow Court have an entitlement to protection</p> <p>Project will have a detrimental effect on the setting and value of heritage assets</p> <p>Graveney Church is unique and of great local significance due to its atmosphere and distinct setting</p> <p>Project will have a detrimental impact on long distance views from the church</p> <p>Assessment carried out by the Applicant contradicts views of GREAT and Historic England</p> <p>Project will destroy historic legacy of villages and marshes</p>	<p>The impacts of the Development on Grade I listed Graveney Church (and Graveney Church Conservation Area), Grade II listed Sparrow Court and Grade II listed Graveney Court are assessed in Chapter 11 - Cultural Heritage and Archaeology of the ES [APP-041]. The Heritage Statement concludes at section 3.3 that the harm to the significance of the listed building is less than substantial.</p> <p>Landscape impacts are assessed in Chapter 7 - Landscape and Visual Impact Assessment (LVIA) of the ES [APP-037]. The assessment is supported by figures [APP-054] and visualisations [APP-127 and APP-169].</p>
<p>Unreasonably high cost to heritage</p>	
<p>Medieval in age</p> <p>Archaic landscape that has not yet been recorded</p> <p>A Graveney boat could be there undiscovered</p> <p>Below 2m is Roman</p> <p>Must be protected and investigated prior to piling and flooding</p> <p>WW2 German plane remains</p> <p>Historic artefacts lost as a result of pile driving</p>	<p>The outline Written Scheme of Investigation [APP-233] sets out mitigation measures to be applied to undesignated archaeological sites.</p>

Matters Raised	Where relevant information/responses can be found:
Land use	
<p>ACL assessment is not correct and should be redone</p> <p>Carried out assessment in accordance with guidelines and using observations of the site and meteorological data - classification is 3b to 3a, 75% is 3a</p> <p>Land is very suitable for growing valuable crops</p> <p>Applicant should reassess the agricultural success of the farm</p>	<p>The ALC survey and reporting was undertaken in accordance with the MAFF guidelines, which are referred to in the ALC report, provided as Technical Appendix A13.1 of the ES [APP-244].</p> <p>Chapter 4 - Site Selection, Development Design and Consideration of Alternatives of the ES [APP-034] includes section 4.2 which sets out the site identification process for the Development. The chapter is supported by a sequential test report which considers the availability of lower quality agricultural land in the area [APP-201].</p>
Site selection	
<p>Why are green fields being used instead of brownfield sites</p> <p>Existing power station sites could be used as have electricity connection</p> <p>Do the economies of scale outweigh the impacts</p> <p>Advantages to dividing into smaller sites</p> <p>Threat to security of supply if damage caused to entire site, for example due to an aircraft</p>	<p>Chapter 4 - Site Selection, Development Design and Consideration of Alternatives of the ES [APP-034] includes section 4.2 which sets out the site identification process for the Development. The Statement of Need [APP- 253] submitted with the DCO Application, and its March 2019 Addendum, set out the benefits of generating electricity at the scale proposed. Additionally, an issue specific hearing regarding Need was held on Wednesday 17th July 2019. For further information, please see the summary of this hearing submitted at Deadline 3 (document reference 11.1.3).</p> <p>Chapter 17 – Miscellaneous Issues [APP-047] of the ES includes an assessment of the potential for the development to cause major accidents or disasters at section 17.7, as well as an assessment of other health and safety considerations. Security considerations are addressed in section 17.3.6.</p>
<p>Size needs to be greatly reduced</p> <p>Site should be turned into a country park</p>	
<p>Does not make sense to locate a solar park on tidal marshes and may result in the EA selecting a less preferable site for managed realignment</p>	
<p>Object to size and location</p>	
<p>Solar panels should be put on houses instead</p>	

Matters Raised	Where relevant information/responses can be found:
Better alternatives such as brownfield sites or roof tops of new houses	
Wrong site as needed for managed realignment	The EA has confirmed that they can delay managed realignment and still deliver their obligations under the Habitats Regulations.
Flooding	
Flood risk to Faversham Should be returned to flood plain	A Flood Risk Assessment is provided as Technical Appendix A10.1 of the ES [APP-227]. No part of the Site acts as a functional floodplain as the agricultural land is protected by engineered flood defences, as outlined in section 10.3.1 of Chapter 10 - Hydrology, Hydrogeology, Flood Risk and Ground Conditions of the ES [APP-040] and 1.3 of the FRA [APP-227]. As such, tidal waters do not flow into the site and no floodplain storage is offered by the site.
EA long term plans for managed realignment	<p>The Applicant has engaged with the EA in detailed discussion since September 2017 including responding to the EA's consultation on the MEASS. As a result, the Applicant and the EA have taken each other's positions into account. The MEASS is expected to include solutions under either scenario of the Development going ahead or not, and the Applicant is working to ensure that the drafting of the DCO allows for managed realignment to take place on the site if the EA are able to demonstrate that it can be delivered in Epoch 2 (2039 to 2069).</p> <p>The drafting of the DCO on this topic was discussed further at the DCO issue specific hearing on 18th July 2019. For further information, please see the summary of this hearing (submitted at Deadline 3 as document reference 11.1.4).</p> <p>A Statement of Common Ground has been agreed between the Applicant and the Environment Agency in May 2019 [AS-017] which reflects the current status of discussions.</p>
Immoral for a private company to be responsible for maintaining flood defence which protects Faversham	The draft Development Consent Order submitted with the Application [APP-016] includes the powers and rights necessary for the Applicant to maintain the existing flood defences throughout

Matters Raised	Where relevant information/responses can be found:
<p>Applicant should put money aside to pay for maintenance of flood defence</p> <p>If EA still obliged to repair damage then it will be taxpayers who foot the bill</p>	<p>the operational lifetime of the Development.</p> <p>A Statement of Common Ground has been agreed between the Applicant and the Environment Agency in May 2019 [AS-017] which reflects the current status of discussions.</p>
<p>Increased flood risk in the area</p> <p>1953 flood due to high tides, atmospheric pressure, north wind and recent heavy rain</p> <p>2013 record high tide but no recent heavy rains otherwise would have overtopped sea defence</p> <p>Global climate emergency with predicted sea level rises and high tides becoming the new normal</p> <p>Managed realignment would absorb water in high tide events saving towns of Whitstable and Faversham</p> <p>EA had said that managed realignment would take place in 5-10 years</p> <p>If Project proceeds, EA will need to find an additional 200 hectares of land for flooding</p> <p>Who is going to pay for the flood defence</p> <p>Applicant could wriggle out of obligations so should be a condition to establish a flood defence fund</p>	<p>Climate change allowances are considered in the ES Technical Appendix A10.1 – FRA [APP-227]. The parameters for flood modelling were agreed with the EA prior to the assessment.</p>
Safety	
<p>Risk of fire from battery storage</p> <p>Highly toxic chemicals and acid released in the event of a fire</p>	<p>Chapter 17 - Miscellaneous Issues [APP-047] of the ES includes an assessment of the potential for the development to cause major accidents or disasters at section 17.7, as well as an assessment of other health and safety considerations.</p>
<p>Dubious safety record for battery storage</p>	<p>A written representation has been submitted by the Applicant at Deadline 3 which addresses electrical safety (document reference 11.4.1).</p>

Matters Raised	Where relevant information/responses can be found:
<p>Hazards associated with batteries</p> <p>Little track record of this scale</p> <p>Very little guidance</p> <p>Insurance company guidelines – significant information required that is not included in the Application</p> <p>Thermal runaway can result in serious fires</p> <p>No formal guidelines for protection</p> <p>No public test data</p> <p>Limited accident data</p> <p>No information on prevention methods for thermal runaway</p> <p>No information relating to fire response</p> <p>Battery fires in Hawaii and Arizona caused significant damage and exact cause of fires is unknown, had fire protection systems but failed to contain the fire</p> <p>Hazards not fully known or understood</p> <p>Intense fire will cause toxic emissions</p> <p>No information provided in the Application relating to adequate emergency response, how to handle damaged batteries, difference between extinguishment and cooling and spacing and access of units etc</p>	<p>At the end of their operational life, the batteries may be classified as hazardous waste and would therefore be dealt with under the applicable regulations at the time. Other potentially hazardous waste which could be generated by the energy storage facility includes waste effluent from the welfare facilities within the electrical compound.</p> <p>As of June 2019¹ there was approximately 700 MW of battery storage installed in the UK with projected capacity by the end of the year potentially 1.2 GW. Battery storage is not therefore considered by the Applicant to be an untested technology.</p>

¹ https://www.solarpowerportal.co.uk/blogs/uk_battery_storage_capacity_could_reach_70_growth_in_2019_as_business_model

Matters Raised	Where relevant information/responses can be found:
<p>Significant risk from battery storage</p> <p>Very little detail provided</p> <p>Researching aspects of toxicity based on the amount of hydrogen fluoride in one unit of battery storage and then extrapolated to larger scale</p> <p>Carried out simulation based on moderate wind speeds etc and emissions in a catastrophic event would have an impact on surrounding population</p> <p>Would result in exceedance of exposure limits at nearest residential properties for example at 4.5km from the site the limit would be exceeded by 2440 times, 1333 times at 7.8km and 55 times at 10km</p> <p>Human health risk to population</p> <p>Battery storage should be located at least 15km from residential properties</p>	<p>A written representation has been submitted by the Applicant at Deadline 3 which addresses electrical safety (document reference 11.4.1).</p> <p>Locating battery storage at least 15 km from residential properties is not considered to be practicable in the UK.</p>
<p>No information provided regarding how much battery storage or how many kWh it would provide</p> <p>Limited science and experience for battery storage</p> <p>Consider impacts of other serious fires such as at Buncefield and Grenfell Tower</p> <p>Fire and pollutants could spread for a long way and affect population</p>	<p>Chapter 5 – Development Description [APP-035] of the ES clearly sets out the design parameters for the energy storage facility including an indication of MWh capacity.</p>
Consultation and engagement	
<p>Disregard for local community</p> <p>Relationship has broken down</p> <p>No enhancements being offered for local community</p> <p>Comments ignored during consultation regarding public access</p>	<p>The consultation was undertaken in accordance with the Statement of Community Consultation provided as an appendix [APP-023] to the Consultation Report [APP-022] and the Planning Act 2008. The local planning authorities within which the Development is situated all confirmed adequacy of consultation at the time of acceptance of the Application.</p>

Matters Raised	Where relevant information/responses can be found:
<p>Questions raised in community consultation relating to the impact on people and never received a response</p> <p>Purely a tick box exercise</p>	<p>The Applicant has consistently sought to go beyond the statutory consultation requirements throughout the consultation period.</p>
<p>Decommissioning</p>	
<p>Impossible to fully decommission due to piling, site will never return to its current state</p>	<p>Removal of piles is a straightforward process, similar to their initial insertion.</p> <p>An outline decommissioning and restoration plan is provided with the application [APP-206].</p>
<p>Funding</p>	
<p>Outstanding concerns relating to ability to deliver Project</p> <p>In 2016 Wirsol developed a 60MW project in Scandinavia, first project since 2013 and described by Wirsol as a "fresh start"</p> <p>Between 2013 and 2014 Wirsol undertook an insolvency process for a number of subsidiaries</p> <p>Applicant should provide full details of how this situation arose</p>	<p>The corporate structure of the Applicant, its ownership, and ability to fund the authorised development is set out in the Funding Statement [APP-020]. The Applicant, and its joint venture owners, Hive Energy Limited and Wirsol Energy Limited remain confident that funds exist to meet compensation claims and other costs of the project.</p> <p>The insolvency process referred to relates to a previous and now unrelated entity that used the name "Wirsol" that being Wirsol Solar AG, a company previously registered in Germany.</p> <p>Like many German solar Engineering Procurement Contractors ("EPC"), Wirsol Solar AG were unfortunate to fall foul of a change in strategy of German banks during 2012 / 2013. In Wirsol Solar AG's case the strategic change was driven by Deutsche Bank who were the lead in a syndicate of four banks providing Wirsol Solar AG's corporate banking facility. Wirsol Solar AG never posted a loss and whilst always profitable, the syndicated loans provided by the banks were not renewed. Owing to the nature of the German lending market at that time, the company was unable to secure an alternative facility, which lead to it entering administration.</p> <p>Dietmar Hopp* subsequently acquired several assets of Wirsol Solar AG, which included the brand name "Wirsol". Mr Hopp formed an entirely new company, Wircon GmbH, of which his family has majority control. It is assumed by the Applicant that this is the "fresh start" referred to in the article.</p> <p>Since the formation of Wircon GmbH in 2013, the company has established entities in the UK (e.g. Wirsol Energy Limited, the part owner of the Applicant) and Australia. Those entities have built multiple solar and wind projects across the world, with a combined value in excess of €1bn</p>

Matters Raised	Where relevant information/responses can be found:
	<p>over the past four years, trading predominantly in UK, Europe and Australia.</p> <p>*The financial status of Dietmar Hopp is publically available on various online sources. In summary, Mr Hopp has an estimated net worth of \$14.9billion, generated through software business and subsequent investments. He left IBM with four colleagues in 1972 to launch German software company SAP (Systems, Applications, Products). Mr Hopp served as co-CEO from 1988, the year SAP went public, to 1998 and then as chairman of the supervisory board until 2003. In 1996, he transferred most of his SAP shares to a foundation. Those shares are included in his net worth calculation, as he still controls them. That entity, Dietmar Hopp Stiftung, supports sports, medicine, education and social programs, and has distributed over \$700 million since its start (source: Forbes @ 01/08/19).</p>