



CLEVE HILL SOLAR PARK

STATEMENT OF COMMON GROUND BETWEEN THE APPLICANT AND SWALE BOROUGH COUNCIL

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Revision A

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CLEVE HILL
SOLAR PARK

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1 INTRODUCTION

1.1 Introduction

1. This Statement of Common Ground (SOCG) has been prepared in relation to an application (the Application) made to the Secretary of State (SoS) for the Department for Business, Energy & Industrial Strategy (BEIS), under section 37 of the Planning Act 2008, seeking a Development Consent Order (DCO) for the Cleve Hill Solar Park (hereafter referred to as the Development). The application was accepted on 14th December 2018.
2. This SOCG has been prepared as a means of clearly stating any areas of agreement and disagreement between the Applicant and Swale Borough Council (SBC), which are set out in section 2.

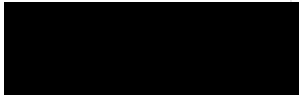
1.2 Summary

3. The Applicant and SBC are fully in agreement regarding the following matters:
 - Consultation
 - Relevant Local Planning Policy
 - EIA Methodology employed
 - Description of Development
 - Climate Change and Energy Generation
 - Glint and Glare
 - Air Quality
 - Noise and Vibration
4. SBC has deferred to Natural England and Kent County Council (KCC) in respect of several matters where they acknowledge SBC has no expertise.
 - Highway Safety (KCC)
 - Ecology and Ornithology in relation to the significance to The Swale SPA (Natural England)
 - Archaeology (KCC)
 - Hydrology and Flood Risk (EA and KCC)
 - Minerals and Waste (KCC)
5. The matters for which some aspects have not yet been agreed are as follows:
 - The relevance of National Planning Policy
 - Compliance with Local Planning Policy
 - Landscape and Visual Impact
 - Residential Amenity
 - Heritage Impacts
 - Public Rights of Way
6. Comments are also made in respect of ecology and ornithology, and highway safety and amenity with the caveat that they are not intended to repeat or contradict the views of KCC (or NE) who have expertise in these areas.

1.3 Agreement

7. Confirmation that Section 2 of this SoCG reflect the points of agreement at the date of this agreement, based on the information provided to date, is provided in Table 1.

Table 1: Confirmation of Agreement

Date	Signatory	Signature
23 August 2019	Graham Thomas	

2 MATTERS AGREED AND NOT AGREED

Table 2: Matters Agreed and Not Agreed

Issue	Agreement	Disagreement
2.1 Environmental Statement (General)		
Project Description set out in Chapter 5 of the ES [APP-035].	This chapter is acceptable to SBC.	
Rochdale Envelope Approach to the assessment as set out in Chapter 5 together with the parameters used for assessment	The Applicant's use of the Rochdale Envelope, and the parameters under it, are acceptable and appropriate.	
2.2 Relevant Legislation and Policy		
National Policy	National Policy Statement EN1 remains directly relevant and the National Policy Position is as set out in the Applicant's Written Representation on NSIP Policy and Procedure submitted in advance of Deadline 2 [REP2-026].	SBC notes that as there is no Technology Specific NPS for solar, there is a National Policy void and in these circumstances the Council's Local Impact Report and recently adopted Local Plan should carry additional weight.
Local Planning Policy	<p>The relevant Local Plans and Policies are those set out in Appendix A of this document.</p> <p>The Development complies with the Council's climate change policies and protection of best quality agricultural land policies.</p>	The Council's Local Impact Report sets out where the Council considers that the project is not compliant with adopted Local Plan policies.
Swale Local Plan Policy DM 20 Renewable and low carbon energy - Planning permission will be granted for the development of renewable and low carbon energy sources where: 1. Analysis of all impacts and methods to avoid and mitigate harm from these impacts is fully addressed in any planning application for such proposals; 2. Demonstrating how opportunities highlighted in the Borough's Energy Opportunities Map have been exploited, in particular in the	<p>It was agreed at ISH1 (on need) that the most relevant Swale Local Plan Policy was DM20. In relation to meeting the criteria of DM20 the following was agreed (as noted in paragraphs 3.12 to 3.15 of the Applicant's written summary of ISH1 [REP3-014]):</p> <p>1. Covered comprehensively by the DCO submission.</p> <p>2. Not relevant to NSIP.</p> <p>3. This favours use of previously developed land and is not complied with.</p> <p>4. Demonstrated the development is</p>	

Issue	Agreement	Disagreement
<p>delivery of district heating, where shown to be financially viable and technically feasible; 3. Priority will be given to development on previously developed land or buildings and proposals which incorporate renewable, decentralised and low carbon energy as integral to new commercial or residential schemes; 4. For schemes on agricultural land, it has been demonstrated that poorer quality land has been used in preference to higher quality. In exceptional cases, where schemes are demonstrated as necessary on agricultural land, that they fully explore options for continued agricultural use; 5. Opportunities to enhance biodiversity are exploited; 6. Landscape, visual and heritage impacts as well as impacts on geology, soils and flood risk, including cumulative impacts, are minimised and mitigated to acceptable levels; 7. Impacts on residential amenity and safety, including noise, air quality, tranquillity and transport are minimised and mitigated to acceptable levels; 8. Applications demonstrate evidence of local community involvement and/or leadership;</p>	<p>on lower quality agricultural land. 5, 6, 7 and 9 are Matters of technical judgement. 8 As an NSIP scheme the implemented scheme of consultation is above and beyond that envisaged by the policy. 10. Satisfied</p>	
<p>2.3 Ecology and Ornithology</p>		
<p>Delegation to KCC and Natural England</p>	<p>SBC has deferred to the comments provided by Natural England and KCC. Full Agreement on ecology ornithology and biodiversity issues has been reached with Natural England and KCC as per the separate SOCG submitted in advance of Deadline 3.</p>	<p>SBC has raised a question mark about the impacts on the development on biodiversity interests not directly linked to the SPA and does not agree that no negative impacts have been established.</p>

Issue	Agreement	Disagreement
2.4 Archaeology and Built Heritage		
Chapter 11 of the ES [APP-041] and the Heritage Statement [APP-257].	Chapter 11 and the Heritage Statement provide comprehensive information on the archaeological and historical background and baseline conditions of the site.	
Archaeology	SBC has deferred to the comments provided by KCC.	
Built Heritage	There will be no direct effects on any designated features or Conservation Areas.	SBC does not consider that indirect effects on heritage assets have been given proper weight and that there is potential for substantial harm to the setting of some heritage assets.
2.5 Hydrology and Flood Risk		
	SBC has deferred on Flood Risk and Hydrology to KCC. It is fully agreed with the EA and KCC that the proposed flood management and surface water drainage mitigation measures are acceptable. As such there are no outstanding matters on these issues to be agreed.	SBC has raised concern that the avoidance of flood risk has implications for visual amenity and landscape impacts of the development.
2.6 Access Traffic and Transport		
	SBC has deferred on highway safety issues and detailed design to KCC as Highways Authority.	SBC has raised concern about the number and nature of vehicular movements associated with construction traffic in relation to highway safety and amenity.
2.7 Climate Change and Energy Generation		
	The findings of the Climate Change Assessment in Chapter 15 of the ES are acceptable [APP-145]. The impact of the development would be positive in respect of low carbon energy production and the Development has the potential to contribute to a reduction in UK carbon emissions contributing to combating climate change. The need for renewable development	

Issue	Agreement	Disagreement
	needs to be balanced against the environmental and local impacts of the scheme.	
2.8 Minerals and Waste		
	SBC has deferred on Minerals and Waste to KCC.	
2.9 Socioeconomics, Tourism and Recreation		
ES Chapter 13 [APP-043]	It is agreed that the methodology used to assess socioeconomic, tourism and recreation impacts as set out in Chapter 13 is appropriate.	SBC does not agree with the findings of the socioeconomic chapter in respect of impacts on wildlife tourism and impact on the PROW network.
PROW network	The existing PROW network would be retained without the need for diversions or extinguishments.	
	Impacts on the PROW network as set out in Chapter 13 are agreed with the exception of ZR484/ZR485 and the Saxon Shore Way.	SBC considers that the impacts on users of the ZR484/ZR485 path and the Saxon Shore Way would be greater than that assessed in Chapter 13 with a wider impact on wildlife tourism.
2.10 Landscape and Visual Assessment		
ES Chapter 7 Landscape and Visual Assessment [APP-037]	It is agreed that the methodology used in the preparation of the LVIA assessment is appropriate. It is further agreed that the characteristics assessed and landscape designations taken into account as the baseline for the preparation of the Chapter are appropriate and consistent with the issues raised in respect of Landscape in the Swale LIR.	SBC do not agree with the assessment of impact provided in Chapter 7 and consider the impacts to be greater given the scale of the development. However, the report by LUC submitted jointly on behalf of SBC, KCC and CCC sets out the outstanding concerns with regards LVIA.
General Observations	It is agreed as per Swale Written representation Paragraph 12 that the Development site is not marshland and it is of poor condition with regards to the lack of representation of the landscape type. The Landscape is also impacted by pylons which re a feature of the Swale Marshland Character Area.	SBC also say in paragraphs 13 to 19 of their Written Representation dated 26 June 2019 that the development does not adequately recognise the sensitivity of the landscape or seek to minimise its impact either in terms of the siting of the sub-station or the proposals for the northern access route.

Issue	Agreement	Disagreement
2.11 Residential Amenity		
Residential Amenity Assessment/mitigation [APP-210]	<p>The methodology used in the preparation of the residential amenity assessment is appropriate.</p> <p>The baseline of residential properties assessed is also agreed.</p>	SBC do not agree with the assessment of impact on residential amenity and does not believe that completely screening views of the development from certain residential properties by new planting preserves their amenities.
2.12 Other Issues		
<ul style="list-style-type: none"> • [APP-042] ES Chapter 12 Noise and Vibration • [APP-046] ES Chapter 16 Air Quality • [APP-047] ES Chapter 17 Misc Issues • [APP-032] ES Chapter 2 EIA • [APP-033] ES Chapter 3 Consultation • [APP-246] Glint and Glare 	The methodology and findings of each of the identified ES Chapters is agreed.	
DCO		
Schedule 1	Agreed	
Schedule 1 Part 2 Requirements	<p>Requirements agreed in principle.</p> <p>The proposed amendments to requirement 16 (Decommissioning) submitted at deadline 3 are acceptable and in line with SBC's comments at ISH 2 [REP3-003]</p> <p>Revision required to ensure the Applicant is required to consult with Statutory Consultees in advance of any discharge of requirements being required by SBC.</p>	Disagreement about whether some matters such as working hours should be requirements or in the main DCO Documentation.

APPENDIX A

A1 List of Abbreviations

BEIS	Department for Business, Energy & Industrial Strategy
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
KCC	Kent County Council
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
SBC	Swale Borough Council
SoCG	Statement of Common Ground
SoS	Secretary of State
WSI	Written Scheme of Investigation
WWII	World War Two

A2 Agreed Local Plan and Policy List

Swale Borough Council adopted *Bearing Fruits 2031; The Swale Borough Local Plan* on 26 July 2017. It contains a number of relevant planning policies, including;

- Policy ST 1 Delivering Sustainable Development in Swale
- Policy ST 7 The Faversham Area and Kent Downs Strategy
- Policy CP 1 Building a strong, competitive economy
- Policy CP 4 Requiring Good Design
- Policy CP 5 Health and wellbeing
- Policy CP 7 Conserving and enhancing the natural environment – providing for green infrastructure
- Policy CP 8 Conserving and enhancing the historic environment
- Policy DM 3 Rural Economy
- Policy DM 6 Managing transport demand and impact
- Policy DM 14 General Development Criteria
- Policy DM 19 Sustainable Design and Construction
- Policy DM 20 Renewable and Low Carbon Energy
- Policy DM 21 Water, Flooding and Drainage
- Policy DM 22 The Coast
- Policy DM 23 Coastal Change Management
- Policy DM 24 Conserving and Enhancing Valued Landscapes
- Policy DM 26 Rural Lanes
- Policy DM 28 Biodiversity and Geological Conservation
- Policy DM 29 Woodland, Trees and Hedges
- Policy DM 30 Enabling development for landscape and biodiversity enhancement
- Policy DM 31 Agricultural Land
- Policy DM 32 Development involving listed buildings
- Policy DM 33 Development affecting a conservation area
- Policy DM 34 Scheduled Monuments and archaeological sites