



# CLEVE HILL SOLAR PARK

## **THE APPLICANT'S RESPONSES TO EXQ2 - APPENDICES** **Appendix 4 - LPA Meeting Notes - 22 August 2019**

August 2019  
Revision A

Document Reference: 12.1.5  
Submitted: Deadline 4

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**CLEVE HILL**  
SOLAR PARK



## Meeting Notes

Project: Cleve Hill Solar Park  
Type: PPA Meeting  
Date: Thursday 22<sup>nd</sup> August 2019  
Time: 15.00 - 17.00  
Location: Swale Borough Council, Swale House, Sittingbourne, Kent  
Attendees: **Graham Thomas (GT)**, Swale Borough Council  
**Francesca Potter (FP)** Kent County council  
**Simon McCarthy (SM)** Cleve Hill Solar Park Ltd  
**Peter Cole (PC)** Pinsent Masons  
**Alex Howard (AH)** Counter Context  
**Emily Marshall (EM)** Counter Context  
**Mike Bird (MB), Clare Walters (CW)** Arcus Consultancy Services

***NB - This version of the notes has not been approved by KCC / SBC following the meeting due to lack of availability***

**CW** gave an overview of the Agenda and asked if anyone had additional items for inclusion. It was explained that the intention was to get through a discussion of ExQ2 responses required for Friday 30<sup>th</sup> August, discuss Statements of Common Ground and then the following issues:

- LUC Landscape Report.
- Requirement 16 Decommissioning.
- Minerals Assessment
- Rights of Way
- Ecology/Heritage WWII Pillbox
- Outline Archaeological WSI

### Item 1 ExQ2 questions

MB introduced each of the ExA questions.

**2.0.3 Minerals Assessment** FP explained this was being dealt with by Brian Geek in the County Minerals team. FP said he had briefly discussed this with Brian and he agreed with the draft baseline produced by the Applicant in their minerals assessment included with the SOCG but did not agree with some of the assumptions about levels of requirements going forward. FP also explained that the Authority required approval for any documents being issued so offering a formal view in advance of formal sign off would be difficult. It was agreed that a joined up approach between the Applicant and Kent CC would be preferred so CW was given an action to call Brian Geek directly to discuss the minerals response to be submitted at Deadline 4.

**2.1.1** GT raised issues and asked for clarification around biodiversity metric calculations. GT said he understood that this was not strictly relevant to NSIP projects. Reference was made to potential



conflict between Gov guidance issued in NPPG and NPPF. MB explained his understanding with reference to the government response to the Net Gain consultation as follows:

- Biodiversity metric calculations although not strictly required for NSIP development have been produced and as such can still be submitted as a consideration in the determination of the application.
- Environmental Net Gain is a developing area, but there is not yet a consistent approach to determining environmental net gain which includes ecosystem services across areas such as air quality and flood risk. DEFRA / Natural Capital Coalition are working to provide guidance in the near future – potentially complex, and not yet mandatory.

**2.3.1** Simon Mason in the Heritage team at KCC is comfortable with the revised proposals for the WWII pillbox set out in the LBMP submitted at Deadline 3, but would like additional vegetation controls to be included.

**2.3.4** FP confirmed the Written Scheme of Investigation approach is acceptable to KCC.

**2.4.10** Decommissioning GT confirmed wording has been agreed with Pinsent Masons (Gareth Phillips) to cover decommissioning

**2.7.2** All parties happy with operational noise controls

**2.8.1** FP confirmed Tom Kennedy is on leave in the KCC Public Rights of Way team. MB tabled the Cleve Hill development plan and explained that Faversham Road and Sandbank Lane were not on the CHSP construction route so there was potentially some disagreement about impacts. There would be a need to differentiate between direct impacts and wider impacts on network connectivity to provide clarity. FP agreed to discuss with Tom Kennedy.

**2.8.6** MB confirmed that a route for securing the permissive path had been identified but this now needed further discussion. Ideal scenario would be an agreement could be created. FP agreed.

**2.8.12** FP/MB agreed Ben Dawson at Curtins in discussion with Alan at KCC. There are a few outstanding small issues for discussion but no big issues remain to be resolved.

**2.9.1** FP confirmed will be dealt with via CTMP

**2.9.4** Traffic flows submission no outstanding issues

FP - asked if any outstanding technical issues would be dealt with at the Open floor Hearing or the Environmental Matters Hearing? MB responded that the open floor hearings was typically an opportunity for members of the public to speak so most likely the Environmental Matters Hearing.

## **Issue 2 Statements of Common Ground**

### **Swale Borough Council**

GT advised he was on leave from Friday 23<sup>rd</sup> to September 9<sup>th</sup> so there needed to be a quick turn around on any documents. GT felt the document circulated was too detailed and needed to be simpler with agreed and disagreed issues. GT had returned an initial draft to the Applicant however this just set out agreement or disagreement by headline topic. CW/PC outlined that more detail would be required.



CW agreed to provide a revised version with agreed and disagreed columns ASAP. GT agreed to review and see what was possible by close of play on 23<sup>rd</sup>.

#### **Kent CC**

FP asked for a version control box on the front of the SOCG.

With regard to the WWII pill box FP advised Heritage and Ecology have reached a balanced agreement this can therefore be agreed in the main document.

Minerals as per the earlier comments.

FP advised it would not be possible for KCC to turn around the SOCG for Deadline 4 as they needed internal sign off and authorisation. MB advised it would be get it sorted ASAP. FP thought there were not many concerns it is just a timescale issue for internal sign off.

#### **Issue 3 Other Matters**

**LUC Landscape Report** FP advised it has been reviewed by all the LPAS and each has their own view which will be communicated. GT/FP did not have all the detail. MB advised the Applicant intended to respond initially to the report as part of the Deadline 4 submission.

**Requirements** Requirement 16 Decommissioning GT advised wording agreed. PC advised this had been submitted to PINS as an Additional Submission.

#### **Other requirement issues**

GT was keen to see some form of insertion in the DCO that the Applicant will be required to consult with consultees prior to seeking to discharge the requirements with Swale. PC advised this could be accommodated and agreed to provide revised wording.

GT was also keen in the interests of keeping things public to have more of the controls in the DCO so for example working hours. PC explained it was usual to have such issues in the detailed reports pertaining to requirements (such as the Construction Traffic Management Plan) as this allowed greater flexibility. If there was too much detail on the face of the DCO, any change to the detail within the boundaries of the Environmental Statement would require, potentially, an application for a material amendment to the DCO which would involve hearings and a mini examination. As such it is simpler to keep restriction in the requirements in separate documents, which were equally enforceable by virtue of the requirements that state the development must be in accordance with them. In addition, these could be more nuanced and provide detail for third parties. GT thought this was too complicated for members of the public who would have to find the DCO the relevant requirement and the relevant report. PC advised it was usual for DCO applications to be dealt with in this fashion. GT advised he thought his approach made more sense as it made enforcement simpler. CW/GT agreed we'd have to agree to differ on this point.

Other matters already discussed in the context of EXQ2 and SOCG.

#### **AOB**

EM provided a brief media update and the Bruno Erasin report submitted to the media was discussed.



GT said he had seen the report but it was unclear if it has been formally submitted. MB advised the applicant intended to respond to it and deal with the safety and noxious gas issue. SM advised the intention to try to get input from the Swiss battery provider (Leclanché) Technical Lead who might attend the next Hearing.

MB advised discussions had been ongoing with Kent Fire and Rescue Service who continued to develop their strategy and an Outline Safety Plan would be submitted for Deadline 4.

FP asked if we would produce an NTS for this as it was a complex issue and whilst had not to date been raised by Members. EM explained there was a media statement prepared but not submitted that could be used for this purpose. EM agreed that updated FAQs would be made available on the project website together with a non-technical factsheet for Members if requested.

GT asked if the Applicant was responding to Bruno Erasin's other report on Agricultural Land. MB confirmed this was the case.

GT asked about the TV coverage of EM from the site visit. EM advised this was not a news piece but part of a series on climate change implications. EM agreed to find out and advise when it was being broadcast.

PM asked about progress with the PPA legal agreement FP advised it was almost agreed they were just waiting on a figure for inclusion.

### **Key Actions**

CW to call Brian Geek re Minerals

CW to add front end to Kent SOCG

CW to send revised SOCG to GT/GT to turn document round prior to going on leave.

FP to advise on timescales for SOCG