



CLEVE HILL SOLAR PARK

**OTHER DEADLINE 5 SUBMISSIONS
UPDATED LPA MEETING NOTES 22 AUGUST 2019**

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Revision B

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CLEVE HILL
SOLAR PARK



Meeting Notes

Project: Cleve Hill Solar Park
Type: PPA Meeting
Date: Thursday 22nd 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 been approved by KCC / SBC after Deadline 4

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 30th 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 Bryan Geake in the County Minerals team. FP said he had briefly discussed this with Bryan 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 approval was required for any documents being submitted to the Planning Inspectorate. 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 Bryan Geake 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.
- GT explained that he thought the matters of net environmental benefit and mandatory biodiversity net gain were separate and be sending a response along these lines to the ExA.

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 (this is not within KCC remit to agree this)

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. FP agreed further discussions would be required with Tom Kennedy on the matter.

2.8.12 FP/MB agreed further discussions are required between Ben Dawson at Curtins and Alun (KCC Highways). There are a few outstanding small issues for discussion but no significant matters 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 which hearing was most appropriate for KCC Highways Officer to attend. It was agreed that the Environmental Matters Hearing was most likely as MB confirmed that the open floor hearing could be diverse in topic and are an opportunity for members of the public to speak.

Issue 2 Statements of Common Ground

Swale Borough Council

GT advised he was on leave from Friday 23rd to September 9th 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 23rd.

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 due to limited time and availability to review the SoCG. MB advised it would be get it sorted ASAP. FP thought there were not many concerns it is just a timescale issue for internal review processes.

Issue 3 Other Matters

LUC Landscape Report FP advised it has been reviewed by all the LPAS and agreed ahead of submission. 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 to be able to be provided to Members as required. EM explained there was a media statement prepared but not submitted that could be used for this purpose.

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 Bryan Geake 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 provide KCC response on the draft SOCG