



CLEVE HILL SOLAR PARK

THE APPLICANT'S RESPONSES TO SUBMISSIONS RECEIVED AT DEADLINE 6

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Revision A

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CLEVE HILL
SOLAR PARK

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List of Abbreviations

AR HMA	Arable Reversion Habitat Management Area
CPRE	Campaign to Protect Rural England
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
ExA	Examining Authority
GREAT	Graveney Rural Environment Action Team
HGV	Heavy Goods Vehicle
HMSG	Habitat Management Steering Group
KCC	Kent County Council
LGM HMA	Lowland Grassland Meadow Habitat Management Area
MEASS	Medway Estuary and Swale Strategy
PINS	Planning Inspectorate
PV	Photovoltaic
WR	Written Representation

1 INTRODUCTION

1. This document provides Cleve Hill Solar Park Ltd's (the Applicant's) response to the Written Representations (WRs) submitted to the Planning Inspectorate (PINS) by Deadline 6 on 4 October 2019, relating to the Development Consent Order Application (the DCO Application) for Cleve Hill Solar Park (the Development).
2. Table 1.1 lists the organisations and individuals who made submissions at Deadline 6. The Applicant has responded to the points raised by these stakeholders in Section 2 of this document.
3. References to other Application documentation are provided where necessary according to the reference system set out in the [Cleve Hill Solar Park Examination Library](#).

Table 1.1: List of Written Submissions at Deadline 6

PINS Reference	Written Representation Received from
REP6-023	Faversham and Oare Heritage Harbour Group
REP6-024	Faversham Creek Trust and Faversham & Oare Heritage Harbour Group
REP6-025	GREAT
REP6-026	GREAT
REP6-027	GREAT
REP6-028	GREAT
REP6-029	GREAT
REP6-030	GREAT
REP6-031	GREAT
REP6-032	Tom King
AS-041	Dr Tim Ingram

4. This response is supported by the following appendices (included within this document):
 - Appendix A - Topographic Survey
 - Appendix B - Meeting Notes with CPRE Kent

2 DEADLINE 6 SUBMISSIONS AND THE APPLICANT'S RESPONSES

2.1 REP6-023 Faversham and Oare Heritage Harbour Group, Comments on the Applicant's responses submitted at Deadline 5

5. The Faversham and Oare Heritage Harbour Group refers to four Deadline 5 submissions:
 - REP5-015 - The Applicant's Comments on Responses to the Examining Authority's Further Written Questions;
 - REP5-025 - Further Cross section from the Swale
 - REP5-019 - Topographical Survey Results
 - REP5-023 - Topographic Map of the Application Site
6. The Applicant provided the above information to address Faversham and Oare Heritage Harbour Group's previous submissions. The detailed results of the topographic survey of the Development site are appended as Appendix A to this document.
7. The Applicant does not have anything further to add in respect of previous submissions, other than to highlight that the topographical survey results submitted [REP5-019] relate to the construction traffic route, as set out on page 24 of the Applicant's Responses to Deadline 4 Submissions [REP5-016].

2.2 REP6-024 Faversham Creek Trust and Faversham & Oare Heritage Harbour Group, Concerns about the effect on wildlife - State of Nature Report

8. The Applicant is in agreement in respect of the general points set out in this submission. However, the Applicant disagrees with the statements made in the submission that the Development will have an adverse impact on bats and invertebrates. The Ecology assessment undertaken predicts benefits for invertebrates and also subsequently bats (sections 8.5.4.1, and 8.5.7.3 of Chapter 8 - Ecology of the ES [APP-038]), following the cessation of intensive arable cultivation of the land and the biodiversity enhancements (including the creation of a bat roost), as set out in the Outline Landscape and Biodiversity Management Plan (LBMP) [REP6-005].
9. The Applicant has also produced a report undertaking Biodiversity Metric calculations [REP4-052] according to the most up to date DEFRA methodology which predicts a 65% net gain in habitat biodiversity as a result of the Development proposals relative to the existing baseline.

2.3 REP6-025 GREAT, Concerns about the proposed battery storage installation

10. The Applicant wishes to repeat the confirmation given in the hearings that Leclanché has not been contractually retained in any capacity. The Applicant asked Leclanché to attend the hearings in an independent capacity, to assist the examination and respond to concerns raised over battery safety. Leclanché has also offered opinion on the draft Outline Battery Safety Management Plan as a gesture of goodwill and in keeping with its objective to improve safety in the industry. Leclanché sat next to the Applicant's team in the hearings for convenience and it was made clear that its representatives were not part of the Applicant's team. The ExA and all other parties were free to ask questions of Leclanché and indeed did so during the hearing unimpeded by the Applicant's team. The Applicant has not been disingenuous at all.
11. Other statements made in the submission relating to safety of batteries have been addressed in previous submissions, such as the Outline Battery Safety Management Plan [REP6-021], and sections 2.3 and 2.4 of the Applicant's Responses to Written Representations received at Deadline 5 [REP6-015].

2.4 REP6-026 GREAT, Comments on responses submitted at Deadline 5 - Concerns of the Arable Land that will be left undeveloped

12. This submission requests clarification of the area of the site that would be beneath solar panels. The two statements by the Applicant quoted in [REP6-026] are not contradictory. The first refers to the overall proportion of the arable land at the site that will be beneath solar PV modules, and the second refers to the proportion of the arable land that is proposed to be managed as grassland 'around the solar PV arrays' in the Arable Reversion Habitat Management Area (AR HMA) and Lowland Grassland Meadow Habitat Management Areas (LGM HMA), whilst discounting the inter-array grassland areas.
13. As set out in Table 5.1 of Chapter 5 - Development Description [APP-035] of the ES, the total area of solar PV modules is limited to 176.3399 hectares (this represents a worst case in respect of land directly beneath the arrays, as the angle of slope will reduce the total area directly beneath solar PV modules by approximately 1%), and the total existing area of arable land is 387.6 hectares. Using these areas, approximately 45.5% of the arable land would be beneath solar PV modules (i.e., less than half).
14. In the second point raised, the quotation refers to a response in the Applicant's Comments on Responses to ExQ2.1.15 [REP5-015]. In these comments, the Applicant was seeking to demonstrate the proportion of the existing arable land that would remain undeveloped and outside the envelope comprising the solar arrays and electrical compound (including flood protection bund). These areas comprise the AR HMA, LGM HMA and other lowland meadow grassland areas around the periphery of the developed area that will remain available to foraging harriers, irrespective of the perceived uncertainty regarding their use of the inter-array grassland areas between the solar panels in each field development parcel. The Applicant acknowledges that the arrival at a figure of 22.5% was not made explicit in the response to ExQ2.1.15 [REP-015].
15. The AR HMA is 55.5 hectares, the LGM HMA is 13.3 hectares and there is another 19.1 hectares of lowland meadow around the periphery of the developed area of the site, giving a total of 87.9 hectares. The total existing area of arable land is 387.6 hectares. This gives a proportion of 22.7 % of the total arable baseline area of the site that will remain outside the development envelope, that will be converted to grassland, either in the AR HMA, LGM HMA or other Lowland Meadow conversion; however, in the response, the approximate baseline arable area of 390 hectares was used, resulting in 22.5% of the site.
16. This number is indicative, and conservative, in that it assumes that all of the solar PV array fields would be developed across the whole of each field. Overall the Applicant considers the percentage given in the answer to ExQ2.1.15 (22.5%) to give a reasonable approximation of the percentage of the site which is entirely outwith the development envelope and would become more favourable grassland habitats for marsh harrier relative to the existing arable baseline.

2.5 REP6-027 GREAT, Comments on responses submitted at Deadline 5 - Involvement of Kent Fire and Rescue in the Proposed Development

17. The Applicant produced the Outline Battery Safety Management Plan [REP6-021] following dialogue with Kent Fire and Rescue Service. Kent Fire and Rescue Service are proposed as a consultee on the final version of the Battery Safety Management Plan at Section 1.4 of that document.

2.6 REP6-028 GREAT, Comments the Applicant's response to the Further Written Questions (2.1.15)

18. The Applicant refers to the Written Representation on Marsh Harrier submitted to the Examination (Deadline 7 submission document reference 15.6.2).

2.7 REP6-029 GREAT, Request the Examining Authority ensure that the conditions outlined in Network Rail's email to the Applicant on 21 June 2019 are mandatory for this application

19. Conditions agreed with Network Rail for movement of abnormal loads over Graveney Bridge will be adhered to. Reference to the Network Rail conditions is provided at paragraph 2.6.6 of the Outline Construction Traffic Management Plan (CTMP) [REP4-014].

2.8 REP6-030 GREAT, The Applicants' and KCC's comments about the connection of CW55 and CW90

20. The Applicant disagrees with this submission, and in particular the statement that the Applicant has never openly engaged with the local community regarding the offer of any meaningful community benefits.

21. Throughout the pre-application consultation phase of the Development, the Applicant consulted on a range of initiatives to provide local benefits and has included ideas for which support has been expressed through the consultation. As detailed in Chapter 10 of the Consultation Report [APP-022], comments were received suggesting improvements to tourism in the area through eco-tourism, or improvements or signing, pathways, cycleways and biodiversity. All comments at Phase One are provided in Appendix 2 of the Consultation Report [APP-023] and individually responded to by the Applicant. In response, the Applicant proposed additional permissive pathways across the site which were consulted on at Phase Two Section 47 consultation.

22. Owing to the withdrawal of Government subsidies for ground mounted solar PV, the Applicant is developing Cleve Hill Solar Park subsidy free. The Applicant believes that this is a significant benefit of the Development, delivering clean, renewable electricity at low cost to the consumer.

23. The Applicant has welcomed ideas or projects of interest that the Applicant could support on site. At Phase One Section 47 consultation, the Applicant asked consultees to:

"Please indicate if any of the following initiatives would be of interest to you or provide any further suggestions:

- *Improving land management practices to support biodiversity*
- *Enhancing public rights of way, including the Saxon Shore Way*
- *Organising educational visits*
- *Other"*

24. As shown in Figure 11 of the Consultation Report [APP-022], the feedback from the Phase One Section 47 consultation showed that 70% of respondents wanted to see improved land management practices to support biodiversity, 68% expressed a preference for enhancements to public rights of way, 36% suggested education visits to the site and 54% suggest other ideas as documented in Appendix 2 of the Consultation Report [APP-023].

25. Recognising the overwhelming preference for biodiversity improvements and PRow enhancements, the Applicant sought to consult on these ideas as part of its on-going engagement. Of particular note, the Applicant received comments on local initiatives from the Campaign to Protect Rural England (CPRE), Kent. The Applicant met with the CPRE Kent on March 22 2018 at Queen's Head House, Charing (Appendix B). The CPRE Kent enquired about community benefits and compensation for Graveney village and suggested a number of initiatives they would like to suggest, being:

- The creation of a 20-30 acre community orchard;
- Funds for education for local schools;
- An environmentally friendly village hall;

- Solar panels for local residents;
 - Creation of a footpath for the main road;
 - Bridlepaths around the site; and
 - A nature reserve run by the village.
26. Where relevant to nature conservation issues, these ideas were discussed with the Habitat Management Steering Group (HMSG) on 18 April 2018 (see Appendix A of the pre-submission statement of common ground with Natural England [APP-256]), where concerns were raised by members of the HMSG relating to the potential impact to wildlife from increased usage of bridleways and cycle paths.
27. As part of the on-going engagement the Applicant undertook with a range of stakeholders, including near neighbours to the site, the Applicant has noted in Table 21 of the Consultation Report [APP-022] the general support received for increasing permissive pathways through the site to improve connectivity for walkers. In response, the final layout for the Development site presented at Phase Two Section 47 consultation included the creation of a substantial, new permissive footpath of approximately 1.8 km across the site facilitating a "round walk" from Seasalter Road / Faversham Road.
28. In response to the feedback received to the Phase One Section 47 consultation and the suggestions from CPRE Kent, in addition to the biodiversity and land management improvements included in the latest version of the Outline Landscape and Biodiversity Management Plan [REP6-005], the Applicant also consulted on proposals for a community orchard on the area at Cleve Hill where field parcels of panels had been removed from the proposals following feedback from the community on views of the panels on the elevated ground (formally Field Z, see Figure 2 of the Consultation Report [APP-022]). The Applicant thoroughly researched this option including consulting with and visiting the Brogdale Collections in Faversham and holding a conference call with The Orchard Project¹.
29. The Applicant consulted on the inclusion of pathways, cycleways and bridlepaths at Phase Two Section 47 consultation and support for a community orchard at Cleve Hill. 88% of respondents wanted to see more pathways in the area of the Development site. However 66% of respondents stated that they wouldn't be interested in visiting and supporting a community orchard (see Figures 16 and 17 of the Consultation Report, [APP-022]). When discussed with residents, this opposition was largely based on concerns for the management of the orchard and security at that area of the site. Therefore this proposal was not taken forward.

2.9 REP6-031 GREAT, GREAT's request for clarification of the time-scale of the development

30. This submission requested clarification on the timescales of the Development.
31. The timescales for the operational phase are limited by Requirement 17 (Decommissioning) of the draft DCO [REP6-003]. Requirement 17 allows the Development to operated for up to 40 years, if the Environment Agency decide to proceed with managed realignment and meet certain conditions in Requirement 17(2) at that time, or potentially beyond 40 years (to be reviewed on a 5 yearly basis) if that is not the case.
32. GREAT also seeks clarification about the decommissioning period. The latest version of the Outline Decommissioning and Restoration Plan [REP6-009] (also in the original version [APP-206]) sets out in section 2 that decommissioning is expected to take approximately 12 months.

¹ <https://www.theorchardproject.org.uk/>

2.10 REP6-032 Tom King Response to Applicant's comments Written Representation in relation to the Outline Construction Traffic Management Plan

2.10.1 Abnormal Load Movements

33. All abnormal load movements will be undertaken in line with all legal and statutory procedures, licences and permissions. Conditions agreed with Network Rail for movement of abnormal loads over Graveney Bridge will be adhered to. Reference to the Network Rail conditions is provided at paragraph 2.6.6 of the Outline Construction Traffic Management Plan (CTMP) [REP4-014].
34. Highway licences and permissions will not be granted to move the abnormal loads without consent (and associated conditions) to cross any bridges or other structures along the route.

2.10.2 Carriageway Width

35. The width of the Head Hill Road and Seasalter Road is discussed within Section 4.2 of the Outline CTMP [REP4-014] as well as the Applicant's responses to submissions received at Deadline 5 [REP6-015].

2.10.3 Road Condition

36. The commitment and proposed methodology for undertaking road condition surveys and resulting remedial works are set out within Section 6.13 of the Outline CTMP [REP4-014]. The surface condition of the Head Hill Road and Seasalter Road carriageway will be monitored throughout construction of the Development.
37. Any remedial works required to the carriageway as a result of the construction traffic generated by the Development will be paid for by the Applicant.

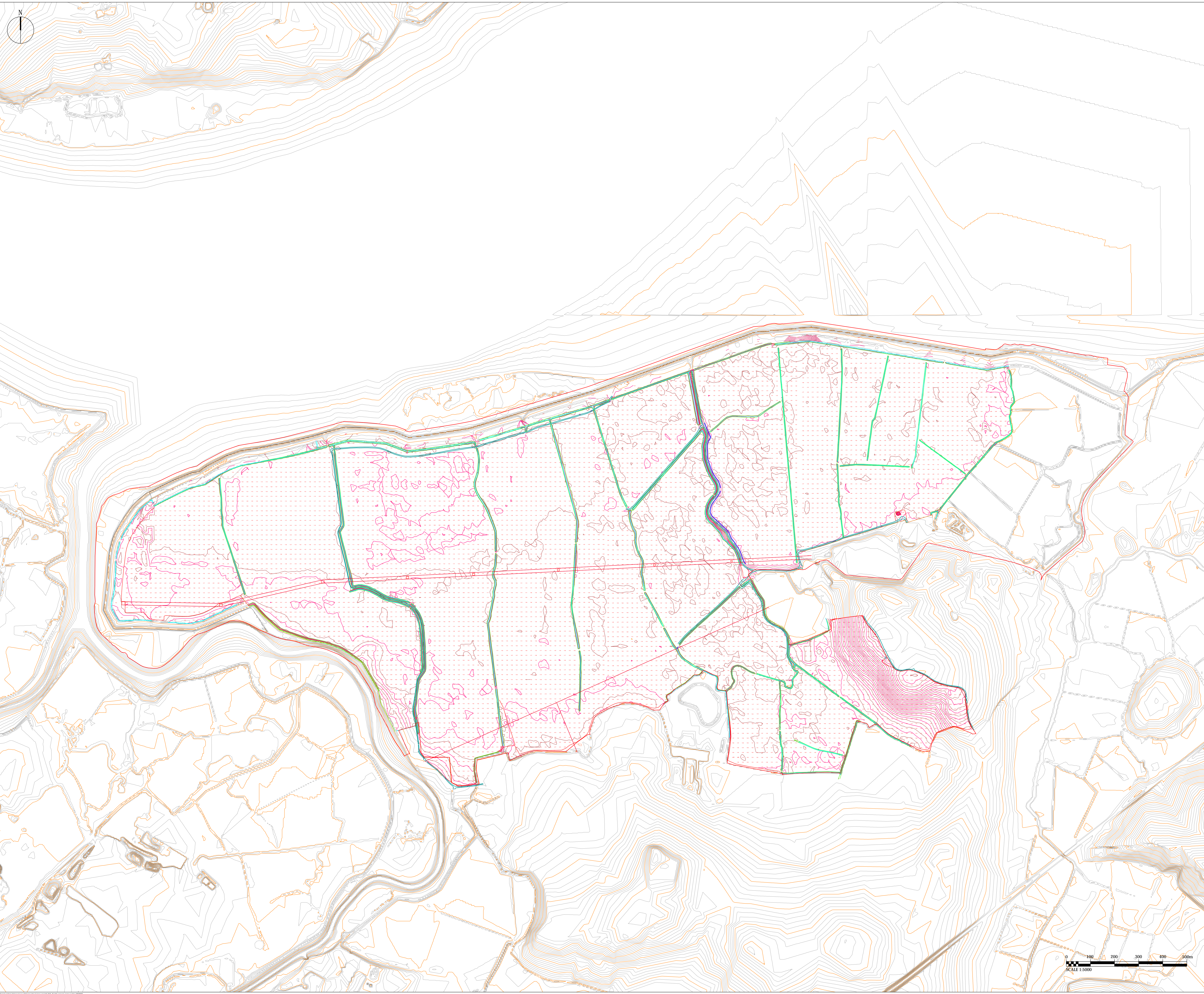
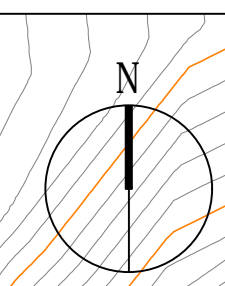
2.10.4 Laybys and Services

38. As part of delivery management process, measures will be introduced to ensure that inbound/outbound HGVs associated with the construction of the Solar Park will not meet along Head Hill Road and Seasalter Road.
39. Following further discussions with Kent County Council Highways Department, an additional management measure has been introduced whereby inbound Heavy Goods Vehicles (HGVs) will use the laybys in proximity of the site to call ahead to ensure they will not meet outbound vehicles traveling along Head Hill Road and Seasalter Road.
40. This is further discussed in Section 6.6 of the updated Outline CTMP submitted at Deadline 7 (document reference 6.4.14.1, Revision D).

2.11 AS-041 Dr Tim Ingram (Further to my previous submission, reference AS-038)

41. This submission predominantly relates to the Medway Estuary and Swale Strategy (MEASS), and flood risk in Faversham. These issues have been covered in detail in previous submissions, notably:
- REP6-015 - The Applicant's Response to Deadline 5 Submissions, Section 2.7.3;
 - AS-017 - Statement of Common Ground between the Applicant and the Environment Agency, Table 2; and
 - REP5-001 - Cover Letter, Medway Estuary and Swale Strategy (Environment Agency, September 2019).
42. Relevant sections of the MEASS has been submitted to the examination at Deadline 7 (document reference 15.6.3).

APPENDIX A - TOPOGRAPHIC SURVEY RESULTS



REVISION SCHEDULE

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TITLE: Topography

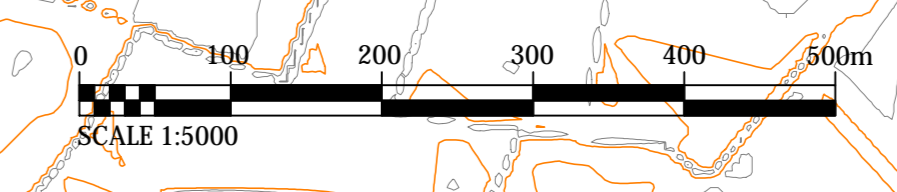
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APPENDIX B - MEETING NOTES WITH CPRE KENT



Minutes of meeting concerning the proposed Cleve Hill Solar Farm held on Tuesday, March 22, 2018, at Queen's Head House, Charing

Present:

Cleve Hill Solar Farm: Mike Bird (Arcus Consultancy Services Ltd), Hugh Brennan, Emily Marshall (Counter Context)

CPRE Kent: Julie Davies (planner), David Mairs (PR & communications), Vicky Ellis (chair), Graham Warren

GREAT – Lut Stewart (vice-chair)

Apologies:

Paul Bolas, Richard Francis, Geoff Meaden, Hilary Newport, Gary Thomas (all CPRE Kent)

VE welcomed HB, MB and EM, the three of them representing Cleve Hill Solar Farm, and thanked them for responding to her invitation to the meeting.

HB said he only had limited time so asked that the meeting consider just the bigger points of the proposed development.

VE asked about the relativity of the grazing area.

HB confirmed the proposed solar panels would have an east-west orientation, citing the Delft solar farm in The Netherlands as an example of such an orientation, as well as Bordeaux and roof-mounted sites. The developer's property in Hampshire had 40-50 such panels.

The main benefit of east-west orientation was the provision of a broader curve, said MB.

HB said grassland could be retained on the site to allow grazing by sheep. Work was being done with Lancaster University concerning the amount of light reaching the grassland and how eco-culture could be maintained. Sheep would not be on site throughout the year because of potentially wet conditions.

Two-thirds of the site would be covered by panels, said HB.

VE asked when a planning application might be made.

HB replied 'July-ish'. This didn't leave a lot of time for study, but Lancaster University – regarded as an expert authority on solar farms – was carrying out work on such issues as humidity and creating a stable environment.

VE asked about the proposed new bund north-west of the electricity substation.

HB replied that this would protect the new substation serving the solar farm.

VE expressed surprise, saying she didn't know a new substation would be necessary.

HB replied the bund would be necessary to protect the solar farm's £200 million worth of equipment, while the National Grid also had spare capacity.

It was not known how big the new substation would be, but experts in Glasgow were working this out.

Questioned about how the proposed development would look, MB said visualisation would be established in May. To mitigate against landscape damage, the panels would be of varying heights.

VE asked how landscape damage could be justified in designated areas.

HB said that as this was a nationally important infrastructure project, things were regarded differently.

EM added that this needed to be worked out and the development justified in that context; there was a difference in national and local designations.

VE raised the issue of overtopping by water and subsequent flooding.

HB said it wasn't an issue if the panels got wet, as they could be got working again quite quickly, while an awful lot of clever people were coming up with an awful lot of solutions that were being analysed.

He added there was a one-in-a-thousand-year risk of a catastrophic flood. Even then the deepest water would be less than 1m, with the panels higher than this.

VE asked about the impact of lorry movements.

HB said this was being worked on at the moment. He believed all the fuss was about construction – this would go away when the solar farm was built.

Further, HB said the site comprised muddy fields and that the solar farm would increase biodiversity, for example with increased numbers of bees, which were a big problem across the country. Lots of work was being done with lots of people, such as Kent Wildlife Trust and bird experts.

DM said that although HB had described the site as muddy fields, these comprised an important part of a far wider landscape. Birds of prey such as marsh harriers needed extensive areas in which to hunt and could not be constrained within limited areas.

VE questioned whether the depth of the planned ditches was great enough for such species of bird.

HB said he suspected a request for monitoring would be made as ditches could be managed in different ways.

DM asked if specific targets for biodiversity had been set.

MB replied that they had not.

HB added that this would be looked at if people felt it was necessary.

VE commented that the pattern of planting had been changed recently, with winter crops – so important for birds – not now being available. The set-aside area had effectively been moved.

HB said there had been no conversation with the farmer and the company had no influence over the farmer regarding land management. He did not know why any change had occurred.

HB confirmed that there could be up to a million solar panels on the site; there would not be any panels on the easternmost point or on a hill.

VE asked where the entrance to the proposed site would be.

MB replied that this would be through the existing London Array site.

HB said that 98 per cent of the site was Grade 3b agricultural land, with just a tiny bit of Grade 2.

The operational design life of the site would be 25 years, with the option of a further 15. The site was being leased from the landowner.

Asked if this in fact meant indefinitely, MB said a decision on this would have to be made at a later date. It was relatively easy to unscrew solar panels and also to screw them back.

HB said there were no other comparisons to be made with the planned development other than with regard to storage. He added that, where panels (which would each measure 1m x 2m) had previously cost some £100, they now cost in the region of £1.

LS asked about the asset value of the planned solar farm.

HB replied that it was a voyage of discovery, although the company would make its money by providing the cheapest electricity; there was the fear of regulatory pricing for fossil fuels.

Loss of subsidies meant there were no guarantees of set income, said HB.

Although solar was not the perfect way of producing energy, it was better than a lot of ways. The bigger the site, the cheaper the electricity would be.

He added that that feedback at consultation events had not been overtly negative.

VE asked about potential compensation for villagers and community benefits such as educational facilities, a 20- to 30-acre orchard, an environmentally-friendly village hall, a footpath by the side of the main road, cycle paths and a bridal path.

HB said there was no pot of gold but there could be discussion on this.

DM referred to the website of Hive Energy (one of the developers behind the Cleve Hill proposal), where it is stated that the developers would usually ask that the land was not in or next to a designated protected area.

He said that Cleve Hill adjoined a Site of Specific Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site, contradicting the claims on the website.

HB accepted this was inconsistent but that 'usually ask' meant the statement was not categorical.

As for mitigation, the grazed grassland would provide for this, said HB, adding there was a commercial reason for using sheep as they would negate the need for mowers.

Deer fencing would be put up, although people would still be able to get in if they wanted to.

GW asked about water run-off and reduced evaporative losses.

HB said work was being carried out on this subject.

Finally, HB said he thought the planned date of July 18 for a planning application would slip, concluding that all decisions relating to the site would be made on a national basis.

VE thanked everyone for attending and the meeting closed.