



CLEVE HILL SOLAR PARK

THE APPLICANT'S RESPONSE TO THE RULE 17 LETTER

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CLEVE HILL
SOLAR PARK

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List of Abbreviations

AEoI	Adverse Effect on Integrity
AOD	Above Ordnance Datum
AR HMA	Arable Reversion Habitat Management Area
CEMP	Construction Environment Management Plan
CHSP	Cleve Hill Solar Park
CHSPL	Cleve Hill Solar Park Limited
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
dDCO	draft Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
ExQ	Examining Authority's Question
ExQ1	Examining Authority's First Written Questions
ExQ2	Examining Authority's Second Written Questions
FGM HMA	Freshwater Grazing Marsh Habitat Management Area
HGV	Heavy Goods Vehicle
HMA	Habitat Management Area
HMSG	Habitat Management Steering Group
HRA	Habitat Regulations Assessment
ISH	Issue Specific Hearing
KCC	Kent County Council
KWT	Kent Wildlife Trust
LBMP	Landscape and Biodiversity Management Plan
LGV	Large Goods Vehicle
MEASS	Medway Estuary and Swale Strategy
MMO	Marine Management Organisation
ODP	Outline Design Principles
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
PRoW	Public Rights of Way
RIAA	Report to Inform an Appropriate Assessment
RIES	Report on Implications for European Sites
SoCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest

1 INTRODUCTION

1. This document provides Cleve Hill Solar Park Ltd's (the Applicant's) response to the Rule 17 Letter published by the Planning Inspectorate (PINS) on 23 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 topics covered. The Applicant has responded to each of the relevant requests in Section 2 of this document.
3. References to the 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 Topics

PINS Reference	Topic
2.0	Statement of Common Ground
2.1	HRA
2.2	Outline Landscape and Biodiversity Management Plan
2.3	Draft DCO, Mitigation Route Map and other outline Management Plans
2.4	Outline Design Principles (ODPs)
2.5	Socio-economics
2.6	Traffic and Access
2.7	Miscellaneous Matters

2 EXAMINING AUTHORITY'S RULE 17 REQUEST AND THE APPLICANT'S RESPONSE

2.1 Statement of Common Ground

Table 2.1: Applicant's responses

Ref.	Question to:	Question	Applicant's Response
R17.1.1	The Applicant	The Applicant's Deadline 6 SoCG tracker [REP6-016] appears to suggest that several of the unsigned SoCGs will not be resubmitted as signed SoCGs. Does the Applicant believe that the ExA and Secretary of State should give equal weight to unsigned SoCGs as signed SoCGs?	<p>The Statement of Common Ground (SoCG) Tracker submitted at Deadline 7 (document reference 15.2.1) includes reference to the method of agreement. Some organisations have agreed SoCG by entering their name into the confirmation box in the SOCG (e.g., Lower Medway Internal Drainage Board), others have chosen not to agree a SoCG in the document itself but to issue a letter to support the agreement (e.g., Public Health England).</p> <p>The following SoCGs are considered to be agreed and the means of attestation of equal weight, whether that is confirmed via a signature, text entered into the confirmation box or any other means:</p> <ul style="list-style-type: none"> • Kent County Council • Swale Borough Council [REP4-037]; • Canterbury City Council [REP5-014]; • Natural England (Pre-submission) [APP-256]; • Natural England (Examination) [AS-050]; • Environment Agency [AS-017]; • Marine Management Organisation [AS-028]; • Historic England [REP4-039]; • Public Health England [AS-018]; • Lower Medway Internal Drainage Board [REP4-040]; • National Grid Electricity Transmission Plc [REP2-030]. <p>The only remaining SoCG which remains in negotiation and has not been finalised at Deadline 7 is with Kent Wildlife Trust (KWT). The version submitted at Deadline 3 [REP3-019] was representative of the status of agreement at the time, but the Applicant does not believe that the SoCG reflects the final position of KWT on all matters. A draft SoCG has been issued to KWT ahead of Deadline 7, and the Applicant will continue to discuss matters with KWT with a view to submitting a final agreed version reflecting the final agreed position before the end of the examination.</p>

2.2 HRA

Table 2.2: Applicant's responses

Ref.	Question to:	Question	Applicant's Response
R17.2.1	Applicant	In its response to ExQ2.1.5, [REP4-068], Kent Wildlife Trust considered that, should the establishment of the AR HMA not go according to expectations, construction should be halted until habitats have established. In response, at ISH6 and at paragraph 6.30 of its follow up submission [REP5-011], the Applicant noted that habitat loss during construction is already assessed in the ES as a temporary but not significant impact. Could the Applicant explain its view as to whether this also applies to the findings of its RIAA?	The Applicant's statement in [REP5-011] is also applicable to the conclusions on AEoI. Paragraphs 164 to 170 of the RIAA (Deadline 7 submission document reference 5.2, Revision B) set out that temporary loss of foraging resources during construction would not result in the conservation objectives being undermined, therefore no AEoI was concluded.
R17.2.2	Natural England	<p>The Applicant has added the creation of additional surface water features, including scrapes, to the operational management prescriptions for the FGM HMA in the updated outline LBMP at Deadline 6 (in table 2 on page 26 and at Appendix K [REP6-006]). The Applicant considers that the further details of the management of the FGM HMA in the SSSI are such that <i>'NE should be able to conclude no adverse effect on integrity with regards to lapwing and golden plover'</i> [REP6-015].</p> <p>However, the ExA notes that details of the constitution and status of the HMSG are yet to be added to the outline LBMP [REP6-006], as addressed in R17.3.2 below. Further to its view set out in [REP5-050], can Natural England confirm if the Applicant's assertion in [REP6-015] is correct and provide its current position on whether an Adverse Effect on Integrity (AEoI) of the Swale SPA and Ramsar site for brent goose, lapwing and golden plover can be excluded?</p>	This point is addressed in the SoCG between the Applicant and Natural England [AS-050] at line 15 of Table 5.

Ref.	Question to:	Question	Applicant's Response
R17.2.3	Natural England and Kent Wildlife Trust	<p>At the Environmental Matters ISH (ISH6), the likelihood of marsh harriers using the habitat 'corridors' between array fields was discussed. The conservation interests thought that monitoring surveys, triggers and remedial measures were still needed to determine firstly if marsh harrier use is as predicted by the Applicant, and secondly to respond positively to a shortfall in predicted use, should it arise. (E.g. small mammal/ prey species monitoring as well as behavioural observations.) These points were reiterated in Natural England and Kent Wildlife Trust's Deadline 5 submissions [REP5-050] and [REP5-048].</p> <p>The Applicant's Deadline 6 version of the outline LBMP [REP6-005] includes behavioural monitoring/ flight surveys and small mammal sampling surveys (in relation to marsh harrier prey availability) to inform triggers and remedial actions. Do these updated proposals satisfy Natural England's and Kent Wildlife Trust's concerns in this respect?</p>	<p>This point is addressed in the SoCG between the Applicant and Natural England [AS-050] at Line 13 of Table 5.</p> <p>The Applicant will continue to discuss this point with KWT and intends to provide an update to the Examination through an agreed SoCG between the Applicant and KWT to be submitted prior to the close of the examination.</p>
R17.2.4	Applicant	<p>Using the context of the marsh harrier foraging habitat currently available within the Swale SPA designation together with the recognised functionally linked foraging habitat available to the Swale SPA population, can the Applicant provide two estimates of the proportion of the total foraging habitat that would be lost or affected to such an extent that it would effectively become unavailable as a result of the Proposed Development?</p> <p>The first estimate should assume that the Applicant's conclusion that the corridors of reedbed and grassland habitat between the solar array fields will be used post-construction by marsh harriers is correct. The second estimate should assume that marsh harriers do not use the corridors of reedbed and grassland habitat between the solar array fields</p>	<p>The Applicant has submitted a written representation on marsh harriers to the Examination (Deadline 7 submission document reference 15.6.2) that includes the requested estimates of the proportion of total foraging habitat that would be lost under the difference displacement scenarios. The written representation also demonstrates that there would be no AEoI if marsh harriers were displaced from the areas between solar array fields, such that additional remedial measures beyond those described in the Outline LBMP [REP6-006] are not required.</p> <p>A draft of the written representation was submitted to Natural England on 25/10/19 and was discussed at a meeting with Natural England on 28/10/19 (this draft is included in the SoCG as Appendix B). Together with the updated proposals added in Revisions D [REP6-006] and E (Deadline 7 submission document reference 6.4.5.2, Revision E) of the Outline LBMP, these satisfy Natural England's concerns in this respect (see Line 13 and 15 of Table 5 of the SoCG between the Applicant and Natural England [AS-050]). In summary NE concludes "The Applicant has also provided an additional written representation on Marsh Harrier to the examination at Deadline 7. NE's view is that this is</p>

Ref.	Question to:	Question	Applicant's Response
		<p>post-construction for behavioural reasons, as postulated by some IPs.</p> <p>Assumptions made regarding the suitability of the existing arable land that will be lost to the Proposed Development as favoured foraging habitat for marsh harrier should be clearly described and justified. Any assumptions about the current and predicted future use of the reedbeds and wetland habitats immediately to the south of the existing coastal defences by foraging marsh harriers should also be clear and justified.</p> <p>Please can these estimates be communicated to Natural England and Kent Wildlife Trust sufficiently in advance of Deadline 7 to allow them to provide the ExA with a response to the following question (R17.2.5)?</p>	<p><i>helpful in demonstrating the areas of foraging habitat with or without excluding marsh harriers from the solar array. <u>NE's position is that there is sufficient precaution built into the assumptions such that can advise that when a formal appropriate assessment is undertaken, the evidence before the Secretary of State is sufficient to support a conclusion of no adverse effect on the integrity of the SPA</u> [emphasis added]"</i></p> <p>The Applicant has prioritised agreement with Natural England on these points as the statutory nature conservation body (SNCB) with responsibility to advise the Secretary of State (SoS) on nature conservation matters. The Applicant has provided the necessary information, including Natural England's position to KWT on 12 November 2019, and will continue to discuss this point with KWT. The Applicant intends to provide an update on negotiations with KWT to the Examination through an agreed SOCG to be submitted prior to the close of the Examination.</p>
R17.2.5	Natural England and Kent Wildlife Trust	<p>Based on the Applicant's answer to question R17.2.4 above, can Natural England and Kent Wildlife Trust provide an opinion on the robustness of the estimates provided, and explain whether they consider each to represent such a high percentage loss or change in overall availability of foraging habitat that it could lead to a finding of AEoI relating to the marsh harrier population associated with the Swale SPA?</p> <p>Also, in each case, should you consider the estimated change to be small but the judged effect on integrity nevertheless adverse, would the Applicant's proposals to improve the remaining foraging habitats and foraging resource and to monitor and respond to any shortfall of use by marsh harriers combine to address any remaining uncertainties, such that the mitigated situation can be judged to be one of no AEoI?</p>	<p>This point is addressed in the SOCG between the Applicant and Natural England [AS-050] at Line 13 of Table 5.</p> <p>The Applicant will continue to discuss this point with KWT and intends to provide an update to the Examination through an agreed SOCG between the Applicant and KWT intended to be submitted prior to the close of the examination.</p>

Ref.	Question to:	Question	Applicant's Response
R17.2.6	Applicant	The Applicant's position [REP6-015] that further remedial measures for marsh harrier are not required to conclude beyond reasonable scientific doubt that there will not be an AEoI of the Swale SPA is noted. Notwithstanding this, in light of Natural England's suggestions regarding off-site habitat creation for marsh harrier [REP5-050], does the Applicant intend to pursue available mechanisms to deliver any additional land that might be required? How would any such additional land be secured through the DCO or other legal mechanism?	The Applicant does not intend to pursue mechanisms to deliver additional land as mitigation for foraging marsh harriers. The Applicant has submitted a written representation on marsh harriers to the Examination (Deadline 7 submission document reference 15.6.2), which demonstrates that there would be no AEoI if they are displaced from the areas between solar array fields, such that additional remedial measures beyond those described in REP6-006 and revision E of the Outline LBMP submitted at Deadline 7 are not required (document reference 6.4.5.2, Revision E). The updated proposals added in Revisions D [REP6-006] and E of the Outline LBMP satisfy Natural England's concerns in this respect (see Lines 13, 15, 17 of Table 5 of the SoCG between the Applicant and Natural England [AS-050]). In light of having reached consensus of no AEoI, even in the worst-case scenario, it is not necessary to pursue any mechanisms to deliver any additional off-site land.

2.3 Outline Landscape and Biodiversity Management Plan

Table 2.3: Applicant's responses

Ref.	Question to:	Question	Applicant's Response
R17.3.1	Applicant	In the updated outline LBMP provided at Deadline 4 [REP4-008], Table 3 in relation to the AR HMA had been removed, so the specification and control over this now relies on Appendix J of that document. This situation appears to remain in the Deadline 6 version [REP6-005]. The reference to the application of 12 tonnes of organic fertiliser per hectare per year to the AR HMA that previously appeared in Table 3 does not seem to be included in Appendix J, and so the commitment to this measure and the ability to secure it through the dDCO seems to have been lost. Please could the Applicant restore this commitment or provide a reasoned argument as to why it is no longer considered necessary?	This commitment has been reinstated in section 15.4.3 of the Outline LBMP (document reference 6.4.5.2, Revision E).
R17.3.2	Applicant	The outline LBMP provided at Deadline 6 [REP4-008] includes two sections about the HMSG (sections 1.4 and 19), but these are currently blank. Could the Applicant advise when the ExA will be provided with the information about the constitution and role of the HMSG, as agreed with the HMSG members, including how the essential mitigation and possible response measures that will be guided or decided by the HMSG will be secured through any DCO?	Sections 1.4 and 18 are now populated in the Deadline 7 version of the Outline LBMP (document reference 6.4.5.2, Revision E). The HMSG members and the three host local planning authorities were consulted on the wording prior to insertion, updates suggested were incorporated and agreed.
R17.3.3	Applicant	The outline LBMP provided at Deadline 6 [REP4-008] does not appear to include a section 17. Could the Applicant advise if anything is missing and, if not, renumber the sections following section 16 to avoid future confusion?	The omission of Section 17 was a formatting error, which has been corrected in the Deadline 7 version of the Outline LBMP (document reference 6.4.5.2, Revision E).
R17.3.4	Applicant	At ISH6, in response to an observation by an IP, Mr Gomes, the Applicant agreed to check the species of poplar to be used in the species mixes for woodland and shelterbelt planting. Table 9.1 (shelterbelt planting mix) of the Deadline s6 outline LBMP [REP6-005] still includes <i>Populus (sic)</i>	Tables 9.1 and 10.1 have been updated in the Deadline 7 version of the Outline LBMP (document reference 6.4.5.2, Revision E) to correct the spelling of <i>Populus</i> , the percentage for the mix and make adjustments for other species.

Ref.	Question to:	Question	Applicant's Response
		<i>nigra</i> / Black Poplar, but with no percentage figure for the mix. Similarly, the woodland mix in Table 10.1 includes <i>Populus (sic) nigra</i> / Black Poplar, but at 5%. Please could the Applicant provide clarification about the situation, and update the tables as necessary?	The Applicant has checked availability of this species with potential suppliers in the south of England and is content to include this species on the basis of availability of native (English grown stock).
R17.3.5	Applicant	In submission [REP5-024] the Applicant notes that the Environment Agency will need to be notified under the Eels Regulations prior to ditch removal to facilitate the construction of the electrical compound. The Applicant states that this will also be added to the updated outline LBMP at Deadline 6 [REP6-006]. Could the Applicant please indicate where in the document this has been done, and if not yet addressed, please submit an updated version of the outline LBMP that includes this detail?	This text has been added to the in the Deadline 7 version of the Outline LBMP (document reference 6.4.5.2, Revision E) at section 13.1, paragraph 308.
R17.3.6	Environment Agency	Assuming that the Applicant updates the outline LBMP in the manner set out in R17.3.5 above, is the Environment Agency able to provide final confirmation that it is content that the measures set out in the updated outline LBMP [REP-006] are sufficient to ensure compliance with the Eels Regulations 2009?	<p>The Outline LBMP sets out the broad approach in respect of the design, i.e., that the water control structures and culverts would be "eel friendly" in order to comply with the Eel Regulations 2009.</p> <p>For the culverts, an eel / elver / mammal friendly box culvert design is included in the Application documentation in the Outline CEMP [REP6-007] submitted at Deadline 6, for example at section 5.4, and Appendix C (Section 13).</p> <p>For water control structures, e.g., sluices, at this stage, we are not able to determine the specific measures to be implemented as the requirement for eel passes or similar and the specific type of intervention is yet to be determined. However, the relevant sections of the Outline LBMP (see below [REP6-005]) refer to these structures being designed to comply with the Eel Regulations 2009.</p> <p>The Applicant considers that the references above committing to complying with the Eel Regulations 2009 (as required by law) at the detailed design and implementation stage is appropriate and adequate to secure compliance at this stage.</p> <p>The Applicant's response to ExQ1.1.47 is set out below:</p> <p>"The detailed design for the culverts is yet to be undertaken however, the culverts will be designed to ensure safe passage in accordance with current EA guidance provided in</p>

Ref.	Question to:	Question	Applicant's Response
			<p>Appendix 10. Box culverts have also been put forward as these are open natured and will therefore allow continued access through them and therefore across the wider ditch network. Appropriate design of the culverts and timing of the construction activities will therefore ensure that there are no adverse effects or noncompliance with applicable legislation such as the Eel Regulations (2009)."</p> <p>Where the Outline LBMP referenced the eels / elver / mammal friendly nature of ditch interventions, we have also included specific references to the EA guidance referred to above [REP2-016] to further address R17.3.6. These references are included in the Outline LBMP submitted at DL7 (document reference 6.4.5.2, Revision F). This includes references to eel / elver friendly interventions at:</p> <ul style="list-style-type: none"> • Table 1; • Section 13.1; and • Section 13.3.2.4 Water Control Structures.
R17.3.7	Kent County Council	Does KCC consider the content of paragraph 283 of the updated outline LBMP [REP6-005] to be sufficient in terms of public or permissive rights of way?	<p>The relevant reference in the latest version of the Outline LBMP (Deadline 7 submission document reference 6.4.5.2, Revision E) is paragraph 296. There are several references to maintaining vegetation in relation to the public and permissive rights of way at paragraphs; 43, 52, 64, 96, 108 and 282.</p> <p>Agreement in respect of maintenance of the surfaces of PROW is reflected in the SoCG between the Applicant and KCC submitted at Deadline 7 (document reference 15.2.2).</p>
R17.3.8	Natural England and Kent Wildlife Trust	Do Natural England or Kent Wildlife Trust have any further comments or outstanding concerns on the updated outline LBMP provided by the Applicant at Deadline 6 [REP6-006] that are not covered elsewhere in your responses to these Rule 17 ExA questions?	<p>Natural England's agreement in respect of the Outline LBMP [REP6-005] is set out throughout the SoCG between the Applicant and Natural England [AS-050] in response to various aspects of the Development.</p> <p>The Applicant will continue to discuss matters with KWT with a view to reaching an agreed position and capturing this in a SoCG to be submitted prior to the close of the Examination.</p>

2.4 Draft DCO, Mitigation Route Map and other outline Management Plans

Table 2.4: Applicant's responses

Ref.	Question to:	Question	Applicant's Response
R17.4.1	Marine Management Organisation	In its SoCG with the Applicant [AS-028], MMO previously noted that amendments to the dDCO were required to enable the MMO to fulfil its obligations post-consent; for example, the inclusion of contact details for the Marine Pollution Response Team at Part 2, 5(1)(c). Is the MMO now content that all such requests have been met in the Deadline 6 version of the dDCO [REP6-003]?	The Applicant has incorporated all of the MMO's proposed amendments into the dDCO and is not aware of any outstanding MMO requests.
R17.4.2	Applicant	The Applicant's Mitigation Route Map [REP6-013] has been helpfully updated to provide a list of mitigation measures that were relied upon in the EIA and how these could be secured in any DCO. Does the Applicant believe that this document would benefit from similarly identifying measures relied upon in the RIAA? Does the Applicant further believe that it would be useful if the Mitigation Route Map could be comprehensively updated before the end of the Examination to reflect any further mitigation measures that have been agreed during the course of the Examination?	Section 2 of the Mitigation Route Map has been updated and submitted at Deadline 7 (document reference 7.2, Revision F) to address these points. The Mitigation Route Map includes additional mitigation measures that were agreed during the course of the Examination, such as updates to the Outline LBMP and the inclusion of reference to the Outline Battery Safety Management Plan.
R17.4.3	Applicant	Please could the Applicant remove the 'cut-and-paste' errors from the outline CEMP IRP [REP6-007] (references to SEPA and SNH, and any others that may occur)?	The Outline CEMP has been corrected and submitted at Deadline 7 (document reference 6.4.5.4, Revision F).
R17.4.4	Applicant	Could the Applicant advise if there is any text missing from Table 1.1 of the Deadline 6 outline Decommissioning and Restoration Plan [REP6-009], specifically from the entry at the intersection of the line referring to the flood protection bund and column 3 (removal works)? (This currently starts, 'Otherwise...')	There is missing text, referring to the decommissioning of the flood protection bund forming part of the electrical compound. This section should read: <i>"If appropriate for the use of the restored site and agreed with the land owner, the flood protection bund will remain. Otherwise the flood protection bund shall be demolished in its entirety."</i> This corrected text has been added to the Outline DRP submitted at Deadline 7 (document reference 6.4.5.5, Revision C).
R17.4.5	Applicant	Can the Applicant confirm that the definition of the documents and information that comprise the ES	The information required is included in the final dDCO (Deadline 7 submission document reference 3.1, Revision F) at Schedule 10.

Ref.	Question to:	Question	Applicant's Response
		will be updated in its final dDCO at Deadline 7, as suggested in paragraph 3.8 of [REP5-010]?	

2.5 Outline Design Principles (ODPs)

Table 2.5: Applicant's responses

Ref.	Question to:	Question	Applicant's Response
R17.5.1	Applicant	The ODPs [REP6-011] limit cable circuit depth in Work No. 4 and the grid connection cable depth in Work No. 5 to 2m (except in stated circumstances). There are no such parameter limits for the width of the associated trenching and none at all for the trenches for other types of undergrounded electrical cabling. Could the Applicant explain how the dimensions of these could be controlled and secured through any DCO?	<p>The variation in the cable trench depth does not affect the assessment of likely significant effects undertaken in the ES.</p> <p>The Applicant has incorporated the candidate design parameters into the Outline Design Principles (as explained further below) which provides more detailed parameters for the cable trenches where necessary, e.g., in Table 5.5 of Appendix B (Deadline 7 submission document reference 7.1, Revision F).</p>
		The ExA notes the Applicant's response to ExQ1.4.36 [REP2-006], which confirmed that the relevant dimensions that had been used in the EIA were those of the 'candidate design', and invites the Applicant to address the suggestion that these parameters need to be secured through the ODPs and any DCO.	<p>In order to control and secure the dimensions of the components of the Development prior to submission of the Application, the Applicant considered which elements of the proposal had the potential to increase the maximum adverse effect which was assessed in the ES. These elements were identified and controlled by the Outline Design Principles submitted with the Application [APP-251].</p> <p>The approach to the Rochdale Envelope, including the use of the candidate design and Outline Design Principles is set out clearly in the ES in Chapter 2 - EIA, at section 2.1.1 and Chapter 5 - Development Description at section 5.3.</p> <p>Chapter 2 - EIA refers to the consideration given to PINS advice note nine: Rochdale Envelope¹ in the preparation of the ES which states at paragraph 4.9:</p> <p><i>"If, in the course of preparing an ES, it becomes clear that it will not be possible to specify all the details of the Proposed Development, the ES must explain why and how this has been addressed. The ES will need to establish the relevant parameters for the purposes of the assessment. Where this approach is adopted the assessments in the ES should be undertaken on the basis of the relevant design parameters applicable to the characteristics of the Proposed Development included within the DCO. The assessment should establish those parameters likely to result in the maximum adverse effect (the worst case scenario) and be undertaken accordingly to determine significance."</i></p> <p>The Development is a simple proposal and therefore the relevant parameters for the purpose of assessment which are likely to result in the maximum adverse effect are also relatively simple and limited. The Outline Design Principles may therefore appear to be</p>

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/05/Advice-note-9.-Rochdale-envelope-web.pdf>

Ref.	Question to:	Question	Applicant's Response
			<p>limited in its scope, however the Applicant has been clear throughout that the parameters secured by the Outline Design Principles are those which are likely to result in the maximum adverse effect.</p> <p>Whilst the Applicant has incorporated suggestions for further limitations to be added to the Outline Design Principles, this is without prejudice to the Applicant's view that without these changes, there are sufficient controls through the Outline Design Principles, and the associated Requirement 2 which requires detailed design to be provided and accord with the Outline Design Principles, to ensure that the Proposed Development cannot exceed the maximum adverse effect assessed in the ES. It is not necessary to restrict the Development to all aspects of the candidate design in order to ensure sufficient control from an EIA perspective.</p> <p>PINS advice note nine at paragraph 4.16, states that:</p> <p><i>"At the time the application is submitted, the parameters within the DCO should not be so wide ranging as to represent an effectively different Proposed Development from that which was consulted on and assessed in the ES."</i></p> <p>The Applicant is confident that this scenario is not presented by the Development, i.e., that the parameters of the Development are sufficiently controlled that the 'as built' development would not be <i>"effectively different from that which was consulted on and assessed in the ES."</i> In other words, the additional text proposed to the ODPs is not required to ensure the Development complies with Advice Note 9.</p> <p>Notwithstanding the above, the Applicant has sought to address the ExA's comments through adding in the specific parameters from the candidate design in the ES into the Outline Design Principles at Appendix B. This includes additional detail (directly copied from ES Chapter 5) which was not previously captured in the document. Text has been added to the document at section 1.1, setting out that in order for the Applicant to discharge Requirement 2 of the DCO, the detailed design parameters of the final proposals must be directly compared to the detailed parameters set out in Appendix B and any exceedance of those parameters justified in respect of the ES assessments undertaken. If necessary, further information must be provided to demonstrate that an exceedance would not result in an increase in the maximum adverse effect assessed in the ES.</p> <p>The Applicant's view is that this exercise would need to be undertaken in any case, but it is agreed that setting out this approach in the ODPs secures the process, and would</p>

Ref.	Question to:	Question	Applicant's Response
			<p>reduce the administrative burden on Swale Borough Council by clearly and explicitly comparing the detailed design to the candidate design in the ES.</p> <p>The Applicant would like to reiterate the point that in any case, the parameters of the Development are sufficiently controlled by the ODPs, without the additional restrictions, that the 'as built' development would not be "<i>effectively different from that which was consulted on and assessed in the ES</i>".</p>
		Could the Applicant also comment on the apparent conflict between the dimensions that were provided for the EIA of the 'candidate design' and those in the ODPs.	<p>In general, the dimensions that were provided in the 'candidate design' were maxima, and particular attention was given to ensuring that parameters with the potential to affect significant effects were represented in the ODPs.</p> <p>For some parameters, typical, or indicative values were used, that represent a most likely design. One example is the panel arrangement: the maximum extent allowed in the ODPs is the areas in Work no 1, but no panel arrangement will fit exactly to these boundaries, so a realistic arrangement has been used in the candidate design; in another realistic arrangement, panels would be in a marginally different layout, still within Work no 1, but at any specific location may occupy land not shown in the candidate design. This type of variation is not considered to affect the worst-case assessed.</p> <p>The candidate design is fit for purpose, its purpose being to serve as a basis for identifying and assessing the likely significant effects. This approach has been robust, in that none of the assessments made in the submitted ES have required changes during the examination in response to the addition of more detailed design principles. Parameters that are not fully specified in the ODPs will not, in practice, increase the maximum adverse effects, and consequently the likely significant effects assessed, and will be specified at detailed design stage (in response to DCO Requirement 2).</p> <p>Appendix A of the ODPs, Field Data has been amended to reflect the areas in the amended works plan (Revision C). Whilst undertaking this exercise, the Applicant identified that some of the "Area of Field" measurements had been incorrectly entered. These have been updated in the Deadline 7 submission version of the ODPs (document reference 7.1, Revision F). This update has no impact on any other aspect of the Application, as the Work No. 1 areas in the Works Plan submitted at Deadline 7 (document reference 2.2, Revision C) have only reduced in size from earlier versions of the Works Plans, in response to further dialogue with National Grid regarding Protective Provisions.</p>

Ref.	Question to:	Question	Applicant's Response
R17.5.2	Applicant	<p>The ODPs [REP6-011] do not appear to include any parameters to limit the location, width or depth of works for the new site access road, the altered site access road or the internal access tracks, other than ensuring minimum 'pillar of support' clearance distances from the overhead line towers and a limit to the width of the spine road of 4m. Could the Applicant explain how these roads and tracks could be controlled and secured through any DCO?</p> <p>The ExA notes that the 'candidate design' [Table 5.4, APP-035] specifies the length of the spine road (Work No.4) as 2,160m and that the area of spine road and the estimated volume of stone are also included in 'candidate design' but not in ODPs. Similarly, the 'candidate design' [Table 5.4, APP-035] also specifies parameters for the northern and southern access routes (including length and width) that are not currently included in the ODPs. The Applicant is invited to address the suggestion that these parameters need to be secured through the ODPs and any DCO.</p>	<p>The variation in the access road parameters does not affect the assessment of likely significant effects undertaken in the ES.</p> <p>The Applicant has incorporated the candidate design parameters into the Outline Design Principles (as explained in the answer to R17.5.1) which provides detailed parameters for the road in Table 5.6 of Appendix B (Deadline 7 submission document reference 7.1, Revision F) for comparison.</p>
R17.5.3	Applicant	<p>The ODPs [REP6-011] do not appear to include any parameters to limit the location, dimensions or depth of works for the temporary construction compounds, other than to locate them at least 10m away from drainage ditches. Could the Applicant explain how these could be controlled and secured through any DCO?</p>	<p>The variation in the temporary construction compound parameters set out in R17.5.3 is not considered to affect the assessment of likely significant effects undertaken in the ES.</p> <p>The Applicant has incorporated the candidate design parameters set out in Chapter 5 - Development Description of the ES at section 5.5.3.2, into the design principle for the Temporary Construction Compounds in Table 5.1 of the ODPs (Deadline 7 submission document reference 7.1, Revision F).</p>
R17.5.4	Applicant	<p>During the Examination, the ExA has put several questions to the Applicant to explain the relationship between the ES 'candidate design' (on which the ES assessment of likely significant effects has been based) and the Outline Design Principles referenced in the dDCO. Despite the responses to these questions, concerns still exist about this relationship in the light of the</p>	<p>As set out in the answer to R17.5.1, the Applicant has taken steps to ensure that the maximum adverse effects of the Development have been assessed in the ES in order to identify and assess likely significant effects.</p> <p>The Rochdale Envelope approach has been utilised, and all design factors that could affect the maximum adverse effects of the development, and subsequently likely significant effects have been specified in the ODPs.</p>

Ref.	Question to:	Question	Applicant's Response
		fundamental principle of the assessment process – that what is allowed in the DCO must reflect what has been assessed.	<p>Further refining of the ODPs would not affect the assessment of likely significant effects in the ES.</p> <p>In order to give additional comfort that this approach does not allow a development to proceed under the DCO with a greater level of maximum adverse effect as assessed in the ES, the Applicant has included the candidate design from Chapter 5 - Development Description [APP-035] of the ES in the ODPs at Appendix B (Deadline 7 submission document reference 7.1, Revision F), in order to allow direct comparison of the final design with the candidate design at the time of discharge of Requirement 2 of the DCO.</p>
		In the absence of certainty, there remains a concern that the Applicant's current approach could result in an authorisation for development beyond what was assessed.	<p>The Applicant does not agree that without the additional detail requested, there is possibility of authorisation for development of greater maximum adverse effect than that which was assessed in the ES.</p> <p>However, in order to give additional comfort that this approach does not allow a development to proceed under the DCO with a greater level of maximum adverse effect as assessed in the ES, the Applicant has included the candidate design in the ODPs at Appendix B (Deadline 7 submission document reference 7.1, Revision F), in order to allow direct comparison of the final design with the candidate design at the time of discharge of Requirement 2 of the DCO.</p> <p>The Applicant hopes that when it comes to reporting its recommendation, the ExA reflects on the Applicant's approach and the explanations given throughout the examination such that it does not compromise flexibility in design unnecessarily by restricting the Development to parameters that have no bearing on the likely significant effects identified in the ES.</p>
		As a result, the ExA is inclined to include amended or additional Requirement(s) in the recommended DCO. Can the Applicant please provide a suitably drafted Requirement that secures these parameters and restricts any development beyond that which is presented in the 'candidate design' and assessed in the ES?	The addition of the candidate design parameters into the ODPs at Appendix B (Deadline 7 submission document reference 7.1, Revision F) addresses this requirement, as the detailed design is required (by Requirement 2 of the DCO) to <i>"accord with the outline design principles, or such variation thereof as may be approved by the relevant planning authority pursuant to requirement 19"</i> .
		In doing so, can the Applicant also address subsequent commitments that are reflected in the updated ODPs [REP6-011] but which do not appear in the 'candidate design' defined in ES	The Applicant's answer to R17.5.1 addresses this point. In summary, parameters that are not fully specified in the ODPs (Deadline 7 submission document reference 7.1, Revision F) will not, in practice, increase the maximum adverse effects, and consequently likely significant effects assessed, and will be specified at detailed design stage (in response to DCO Requirement 2).

Ref.	Question to:	Question	Applicant's Response
		Chapter 5 [APP-035] insofar as these are also relevant to the assessment as a whole?	
R17.5.5	Applicant	Can the Applicant provide further confirmation as to the height of the proposed security fencing to the electrical compound? The height of the bund is now potentially increased to 6.28m AOD; would the highest part of the security fencing still remain a maximum of 5.316m AOD?	The maximum bund height was included to address the ExA's request for a maximum parameter to be defined in the ODPs (Deadline 7 submission document reference 7.1, Revision F), whilst allowing for a normal level of imprecision in construction practice and meeting minimum flood protection heights, rather than to pre-empt an increase in the height of the bund. There is no need for the fence to also increase in maximum height; as set out in the ODPs it will be the same as or lower than the height of the bund under any scenario.

2.6 Socio-economics

Table 2.6: Applicant's responses

Ref.	Question to:	Question	Applicant's Response
R17.6.1	Applicant	Can the Applicant provide an update of the discussion held with KCC regarding the 'hierarchy of actions' for the potential closures of PRoW?	<p>The Applicant has included the following hierarchy of actions within the Public Rights of Way Management Plan (Deadline 7 submission document reference 6.4.14.1, Appendix G, Revision D).</p> <ol style="list-style-type: none"> 1) Providing signage and information - If a PRoW is in proximity of construction work it is proposed to have appropriate signage which will advise of dates and hours of working. The signage will be developed in consultation with KCC PRoW Officers. 2) Managed closure of a PRoW – where construction activity requires PRoW users to be held for a short period (a few minutes) while vehicles pass or while construction activities are undertaken. 3) Full closure of PRoW – this would only be used if a managed closer was not considered possible. This would involve temporarily closing the PRoW for a period of time and providing a signed diversion route. Any closure would be agreed with KCC PRoW along with the diversion route. <p>The 'hierarchy of actions' has been discussed and agreed with KCC PRoW Officers. This agreement is confirmed in Section 2.7 under 'Powers of Closure' of the SOCG between the Applicant and KCC (Deadline 7 submission document reference 15.2.2).</p>
R17.6.2	Kent County Council	Does KCC consider the 'hierarchy of actions' for potential closures of PRoW to be satisfactory?	<p>This agreement is confirmed in Section 2.7 under 'Powers of Closure' of the SOCG between the Applicant and KCC (Deadline 7 submission document reference 15.2.2).</p>
R17.6.3	Kent County Council and Applicant	Can the Applicant provide an update on discussions with KCC regarding potential path closures and diversions? Does KCC consider the outcome of these discussion to be satisfactory?	<p>Those details discussed and set out within the Public Rights of Way Management Plan have been agreed with KCC Public Rights of Way Officers.</p> <p>It is the Applicant's intention to keep all of the identified PRoW open during construction of the Development, where practicable and safe to do so.</p> <p>No permanent closures or diversions are proposed.</p> <p>This agreement is confirmed in Section 2.7 under 'Site Layout' of the SOCG between the Applicant and KCC (Deadline 7 submission document reference 15.2.2).</p>

2.7 Traffic and Access

Table 2.7: Applicant's responses

Ref.	Question to:	Question	Applicant's Response
R17.7.1	Kent County Council and Applicant	The ExA notes KCC's request in [REP5-032] for further measures beyond those currently proposed in the outline Construction Traffic Management Plan [REP4-014] to manage HGV movements in a more controlled manner. The Applicant, in its submission at Deadline 6 [REP6-015], states at section 2.1.1 that it is committed to further discussions with KCC with regards to mitigation measures proposed within the Outline CTMP. Can both parties confirm if discussions have been held and whether the issues have been resolved to the satisfaction of KCC? If not, what matters remain outstanding and what further measures are intended with a view to seeking agreement.	<p>Further discussions have taken place with regards to HGV delivery management and additional measures agreed with KCC Highways.</p> <p>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.</p> <p>It is proposed that this is managed by the following measures:</p> <ul style="list-style-type: none"> • Predicting journey times from the port of entry (and other points of origin) to the site. This will be through vehicle GPS monitoring and using real-time traffic information and journey planning tools; • Having set times for vehicle arrivals and departures (e.g. This could be achieved by timing deliveries to arrive within the first 45mins of an hour and releasing vehicles in the last 15mins); • Holding vehicles internally within the site and releasing in a controlled manner; and • Not permitting vehicles to leave the strategic road network (including the A299) if they know they are going to miss a delivery window). <p>A further contingency measure will be introduced whereby inbound 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.</p> <p>These measures have been discussed and agreed with KCC Highways and are included within the updated Outline CTMP submitted at Deadline 7 (document reference 6.4.14.1, Revision D). Agreement on this matter is confirmed within the Highways SOCG between the Applicant and KCC Highways, Appendix A2 to the SOCG with KCC (Deadline 7 submission document reference 15.2.2).</p>
R17.7.2	Applicant	The ExA notes that if the energy storage facility was not constructed, or constructed at a later date, the average number of vehicle movements would reduce significantly throughout the 24-month construction period. Can the Applicant provide vehicle movement figures for both scenarios?	<p>If the energy storage facility were to be built outside of the proposed 24 month construction programme, construction traffic would be generated at a later date.</p> <p>As the majority of the civil engineering elements of the energy storage facility (creation of the bund and associated earthworks), would occur within the main construction phase under either scenario, it is expected that, if delayed to a separate phase 2, the final installation of</p>

Ref.	Question to:	Question	Applicant's Response
			<p>batteries would take up to six months to complete outside of the main 24 month construction window.</p> <p>The construction of the energy storage facility, removing those elements that would be expected to come forward in Phase 1, would generate on average 172 total two-way movements (142 LGVs and 30 HGVs) per day during the six-month construction window.</p> <p>This reduces the average two-way daily construction traffic during Phase 1 from 150 (90 LGVs and 60 HGVs) to circa 106 (54 LGVs and 52 HGVs).</p> <p>In summary:</p> <p>Scenario 1 – Energy storage built during 24 month construction phase – ES assessment worst case</p> <ul style="list-style-type: none"> Average two-way daily movements across 24 month period: 150 total movements (90 LGVs and 60 HGVs) <p>Scenario 2 – Energy storage not built</p> <ul style="list-style-type: none"> Average two-way daily movements across 24 month period: 106 total movements (54 LGVs and 52 HGVs). <p>Scenario 3 – Energy storage built at a later date</p> <ul style="list-style-type: none"> Average two-way daily movements across Phase 1 (24 Month Period): 106 total movements (54 LGVs and 52 HGVs) Average two way-daily movements across Phase 2 (6 Month Period): 172 total movements (142 LGVs and 30 HGVs)
R17.7.3	Kent County Council	Following the response by the Applicant in [REP6-015] regarding carriageway width constraints, can KCC confirm overhanging vegetation is cut by landowners at least twice a year?	KCC Highways confirmed verbally to the Applicant that the vegetation along Head Hill Road and Seasalter Road is cut back twice a year.
R17.7.4	Applicant	The ExA notes that it is proposed that HGV deliveries will not be able to enter or leave the site between 0830 and 0930 and 1500 and 1600 in order to avoid Graveney Primary School start and finish times. Has Graveney Primary School been consulted regarding the proposed timings?	<p>The proposed HGV timing restrictions reflect school start and finish times and mirror those proposed as part of the London Array Substation Construction Traffic Logistics Plan. This measure and timings have been proposed from the outset of the pre-application period.</p> <p>The Applicant has consulted on the traffic and transport elements of the Development iteratively throughout the consultation for the development, beginning with the Phase One consultation where the Applicant provided topic specific space for comments relating to</p>

Ref.	Question to:	Question	Applicant's Response
			<p>traffic and transport in the feedback form which was made available in person at our events and online.</p> <p>As part of the Applicant's formal consultation held between 31 May - 13 July 2018, the Applicant consulted on a Preliminary Environmental Information Report (PEIR) which included information on the traffic and transport assessment in Chapter 14 Access and Traffic as well as a draft Construction Traffic Management Plan (CTMP) in Appendix 14.1. The PEIR and a non-technical summary (NTS) were made publicly available on the Applicant's project website, at community access points and at the community consultation events held between 13-16 June 2018.</p> <p>Graveney Primary School, along with all other stakeholders has had the opportunity to make representations and have been able to provide comments on the Application documents (including the CTMP) pre-submission, pre-examination and throughout the examination.</p> <p>Graveney Primary School has not provided the Applicant with comments in relation to the proposed HGV timing restrictions.</p>
R17.7.5	Applicant	In regard to the requested new public footpath between existing public footpath CW90 and CW55, further to the discussion at Issue Specific Hearing 6 [EV-027] can the Applicant confirm whether a response has been received from the relevant landowners regarding the correspondence sent on 19 August 2019?	The Applicant has continued to chase responses from the relevant landowners following the correspondence referred to (sent on 19 August 2019), but has not yet received further responses related specifically to this matter.
R17.7.6	Kent County Council and Applicant	In KCC Deadline 5 submission [REP5-032] it is stated that there would be costs associated with the creation of a new PRoW and that funding would be required to cover the legal costs of the Footpath Creation Agreement and any physical establishment works that may be required on the ground (such as signage, vegetation clearance and surfacing). KCC acknowledge that the act of dedication may be beyond the control of the Applicant. However, KCC requested whether the Applicant would be willing to cover these costs, potentially through a proposed Community Benefit Agreement.	<p>The Applicant's response to ExQ2.8.2 [REP4-020] set out that the potential provision of a new PRoW falls outside the remit of the DCO application, and this remains the Applicant's clear position.</p> <p>However, the Applicant will continue to pursue the necessary agreements outside of the DCO process as part of continuing engagement with the local community.</p> <p>The Applicant has not discussed this matter further with KCC in advance of receiving positive responses from the relevant landowners.</p> <p>The new public right of way would follow the route of an existing track. The Applicant does not consider resurfacing or vegetation clearance to be necessary or appropriate to establish the public right of way. However, the Applicant would in-principle and subject to contract (a Community Benefit Agreement) be willing to cover the reasonable costs of establishing the</p>

Ref.	Question to:	Question	Applicant's Response
		Please can parties confirm whether recent discussions have covered this topic? If not, please can the Applicant provide a response?	public right of way, e.g. through payment of reasonable legal costs and physical provision of signage and access gates, if found to be necessary following discussions with the relevant landowners and KCC (and agreed with relevant stakeholders). The Applicant would also be willing to contribute to the ongoing control of vegetation during operation of the solar park.
R17.7.7	Natural England	The ExA notes the response provide by Natural England to question ExQ2.8.17 in [REP4-069]. However, please can Natural England provide an updated response in regard of progress of the designation of the proposed England Coast Path?	The Applicant's understanding is that the Whitstable to Iwade section of the England Coast Path remains at the "Stage 4: Determine" stage, awaiting determination by the SoS ² .
R17.7.8	Applicant	The submission of the topographic survey data at Deadline 5 [REP5-019] is noted by the ExA. However, can the Applicant confirm whether the northern and southern access routes have undergone a physical assessment?	It is assumed that 'physical survey' refers to the measurements having been obtained onsite and this is the case. The northern and southern access routes (outside of the existing Cleve Hill Substation) were covered by the wider topographical survey of the Development site (Document Reference: 13.6.1, Revision A). It is now proposed, as set out in submissions to the examination in November 2019 (references [AS-043-049]) that only the southern access road proposals will be taken forward. The majority of the southern route is an existing private access road and passing places will be introduced at regular intervals along it. The access road design (including the passing places) has also been informed by swept path analysis undertaken.
R17.7.9	Applicant	At Deadline 4, Mr Tom King provided 25 measurements of the stretch of road from the junction between Whitstable Road and Head Hill Road to the entrance of the London Array substation [REP4-068]. The ExA notes the response by the Applicant at Deadline 5 [REP5-016] and the topographic survey data [REP5-019]. Can the Applicant confirm how the topographic data was sourced and whether or not it was by physical measurement and assessment – full supporting details are requested. If it was not by physical means, what steps does the Applicant intend to take to provide verifiable measurements in light of those supplied by Mr Tom King. Has the Applicant considered meeting Mr Tom King and/or KCC to provide a joint	<p>The topographical surveys (physical measurements of the carriageway taken onsite during site visits in July 2019) along Head Hill Road and Seasalter Road were undertaken onsite by a specialist survey company at specific locations agreed with KCC Highways. The results of the survey were published at Deadline 5 [REP5-019]. The width of Head Hill Road and Seasalter Road determined from the topographical survey data obtained is discussed within Section 4.2 of the Outline CTMP (Deadline 7 submission document reference 6.4.14.1, Revision D).</p> <p>Large vehicles and HGVs currently use the proposed construction traffic route, and the route was used by construction traffic associated with the construction of the existing Cleve Hill Substation. This demonstrates that the route is able to accommodate large vehicle movements.</p> <p>There is sufficient availability of locations within the public highway for two large vehicles to pass and a number of mitigation measures are set out within Section 6 of the Outline CTMP</p>

² <https://www.gov.uk/government/collections/england-coast-path-whitstable-to-iwade>

Ref.	Question to:	Question	Applicant's Response
		statement setting out an agreed position, or otherwise, regarding the width of the carriageway at the relevant points?	<p>that are designed to manage and mitigate the potential effect of HGVs meeting on the construction traffic route.</p> <p>A SoCG ((Deadline 7 submission document reference 15.2.2), Appendix A2) has been agreed with KCC Highways confirming that the appropriate topographical surveys have been undertaken at agreed locations and that the results have been used to update the swept path analysis and the results included within the Outline CTMP.</p>
R17.7.10	Kent County Council and Applicant	In the event of the 25 measurements referred to in R17.7.9 not being agreed by joint verification, and if the ExA was to base its consideration on the worst-case measurements, is the Applicant/KCC content with its assessment of traffic impacts and the adequacy of Head Hill Road/ Seasalter Road as the route for construction and related vehicles?	<p>The Applicant is content that regardless of the measurements used, the most appropriate construction traffic route has been selected and assessed. While the frequency of vehicles is predicted to temporarily increase during construction of the Development, the route is currently used by large vehicles, and has been used for other construction related development in the area (existing Cleve Hill Substation) and the Applicant therefore remains content in its assessment that the construction traffic route is considered to be adequate to accommodate construction related vehicles.</p> <p>The use of the route by HGVs has been discussed with KCC Highways during the pre-application phase in meetings held on 30th April 2018 and 18th September 2018.</p> <p>It has been agreed with KCC Highways that the proposed construction traffic routes are the most appropriate to access the site. This is detailed within the SoCG with KCC Highways which forms Appendix A2 to the main SoCG between the Applicant and KCC (Deadline 7 submission document reference 15.2.2).</p> <p>The width of the carriageway set out in the assessment and the variation in width across the construction traffic route has been consistently reported throughout consultation. The submission version of the Outline CTMP [APP-245] identified at paragraph 3.2.8 that the carriageway width varied from 4.5 m to 7.5 m, and at section 4.2.2 of that document, pinch points are identified.</p> <p>The parameters were updated within the Outline CTMP with the results from the topographical survey which did not change the conclusions of the assessment.</p> <p>The Outline CTMP concludes that while there are locations along the construction traffic route where large vehicles may not be able to pass other large vehicles (regardless of whether the Applicant or Mr Kings measurements are used [REP4-068]), there is good forward visibility and enough space within the public highway for a vehicle to wait to allow another to pass. As set out in the Applicant's response to R17.7.9, Section 6 of the Outline</p>

Ref.	Question to:	Question	Applicant's Response
			<p>CTMP includes additional measures, agreed with KCC Highways in the SOCG (Deadline 7 submission document reference 15.2.2) that further mitigate the potential for this effect to occur by avoiding large vehicles associated with the Development meeting on Head Hill Road and Seasalter Road.</p> <p>Therefore, the submissions made by Mr King [REP4-068] do not alter the overall assessment conclusions.</p> <p>The numbers of construction vehicles assessed are based on robust and conservative estimates and the volumes are expected to reduce. Furthermore, the route was used by construction traffic for the existing Cleve Hill substation and the findings of the traffic assessments (particularly with regards to geometry) for that development are consistent with that of CHSP.</p>

2.8 Miscellaneous Matters

Table 2.8: Applicant's responses

Ref.	Question to:	Question	Applicant's Response
R17.8.1	Kent County Council and Applicant	Can parties provide an update with regard to discussions in relation to the proposed Minerals Assessment? Can the Applicant confirm whether this is going to be submitted into the Examination and, if so, when?	The Minerals Assessment is agreed and is included in the Deadline 7 SoCG agreed between the Applicant and KCC (Deadline 7 submission document reference 15.2.2).
R17.8.2	Applicant	<p>As part of the ES the Applicant undertook a Human Health Impact Assessment (contained within Ch17, section 17.3 of the ES [APP-047]) and also submitted an Equality Impact Assessment [AS-025]. In terms of the health assessment, the conclusion states that the development is unlikely to negatively affect people's health and wellbeing in its widest sense. The Equality Impact Assessment concluded that only one aspect had been found to have the potential to affect groups of people with protected characteristics differently to the general population, that being traffic and transport effects with respect to Graveney Primary School during the construction phase of the Development.</p> <p>The Applicant will, however, be aware of [RR-364] and the writer's concerns about the effect of the Proposed Development. The Applicant, during the course of the Examination, indicated discussions were on-going and the ExA would be updated. Could the Applicant clarify the current position, and any agreement reached. The ExA understands the sensitive and confidential nature of such matters and the Applicant should have regard to these in its response. The ExA has the duty (General Data Protection Regulation 2018) to redact any information necessarily provided which should otherwise be kept private and confidential.</p>	<p>The Applicant met with the interested party at their property on 27 February 2019 and has continued to be in dialogue with them since this date.</p> <p>The Applicant has stated to the interested party that they will be proactive, communicate regularly.</p> <p>In addition to this, in letters on 11 March 2019 and 12 June 2019, the Applicant has proposed a series of additional mitigation measures for the consideration of the interested party, beyond those already included in the Application, in the event that the solar park has a greater impact on the interested party over and above what has been predicted due to the additional level of sensitivity which has been explained to the Applicant.</p> <p>The potential additional measures in relation to noise and vibration (e.g., traffic movements during construction) are summarised below, and have been added to the Outline CEMP submitted at Deadline 7 as Section 17, Appendix G (document reference 6.4.5.4, Revision F):</p> <ul style="list-style-type: none"> • Application of additional acoustic insulation to buildings. • Erection of acoustic barriers at the property boundary (temporary or permanent). • Relocation of school rooms within the property curtilage during construction. • Timing construction works in fields closest to the property at a 'preferred time'. • Relocation of the family during peaks of construction activity/works closest to the property. <p>Further suggestions were made following further consultation and review of literature provided by the interested party:</p> <ul style="list-style-type: none"> • A Senior Manager responsible for community liaison on site and available throughout the construction phase to respond swiftly to any concerns. • A direct point of contact throughout the operational period of the solar park to respond to any concerns.

Ref.	Question to:	Question	Applicant's Response
			<ul style="list-style-type: none"> Guaranteed response to enquiries as soon as practicably possible, and in all cases within 48 hours. CHSPL will always make itself available for face-to-face meetings. If any email or telephone response from CHSPL are deemed not be satisfactory, a face to face meeting will be held. CHSPL will give at least two weeks' notice of the date of commencement of construction in the fields nearest to the property. <p>CHSPL has also committed to continue to maintain mitigation a dialogue with the family on their preferred proposals. This includes any practicable and reasonable adjustments to the CEMP.</p> <p>All of this information is under consideration by the interested party, and dialogue remains open between all parties.</p>
R17.8.3	Applicant	The Applicant's summary of its oral submissions at ISH6 [REP5-011] advised that the Environment Agency's Medway Estuary and Swale Strategy ('MEASS') has been finalised and will be published soon. The Applicant confirmed that the MEASS had been shared with the Applicant on 10 September and suggested that the Environment Agency's view was that there are no substantive changes from the consultation version in relation to the proposed Cleve Hill Solar Park proposals. The Applicant further advised that, once published, the MEASS will be submitted to the Examination with the Applicant's comments. Does the Applicant intend to submit all or part of the published MEASS into the Examination and to provide any comments on it, further to those set out in [REP5-001]?	<p>The Applicant has submitted the MEASS to the Examination in November 2019, and expects the MEASS to form an additional submission in the Examination Library.</p> <p>The EA confirmed in correspondence on 9 September 2019 that: "There are no changes really to the parts that affect your project, or any major in general to the plan since the last draft."</p> <p>The Applicant undertook a review of the MEASS documentation to identify references to the Cleve Hill site and confirm that there were no changes to the MEASS that would affect previous statements made by the Applicant as agreed with the EA in the SoCG [AS-017]. This review has been submitted at Deadline 7 (document reference 15.6.3).</p> <p>The only update to the Application documentation required has been to update the RIAA (Deadline 7 submission document reference 5.2, Revision B) to refer to the MEASS as it is now an adopted strategy. This is also addressed in the Applicant's Response to the RIES (Deadline 7 submission document reference 15.4.1).</p> <p>The Deadline 5 cover letter [REP5-001] is therefore considered to be an adequate summary of the position with regard to the MEASS.</p>