

From: [REDACTED]
To: [Cleve Hill Solar Park](#)
Subject: Faversham Society's Deadline 7 Submission
Date: 13 November 2019 17:01:30
Attachments: [REDACTED]

Dear Sir/Madam

Attached is our submission for Deadline 7. Please, would you confirm receipt in due course?

Regards

Harold Goodwin

[REDACTED]
Chair of the Faversham Society

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The Faversham Society's Deadline 7 Submission

The Faversham Society supports solar power, along with wind power and other forms of renewable energy. We are accordingly dismayed that hundreds of new houses are being built around Faversham without any sustainable energy provision. The Society supports clean solar. However, the Cleve Hill proposal is for dirty solar: we have major concerns about the batteries, safety and security and decommissioning. These concerns have not been allayed by anything presented at Deadline 6 or subsequently.

Need

We do not consider that a strong enough case for need has been made to outweigh our concerns about the proposal from the developer. In our Deadline 5 submission (REP 5-053) we presented cogent arguments that in light of the rapid developments in small-scale localised solar PV it is impossible to establish that CHSP is needed to meet the requirements projected by the National Grid in their FES 19. This argument is reinforced by recent reports of potential growth in off-shore wind and 'floating' solar PV. The applicants in their submission to Deadline 6 (REP 6-015) unconvincingly seek to refute this argument by suggesting that the FES figures cannot be disaggregated between generation types and that the current proposals in planning are not an indication of projects which will materialise. We remain unconvinced since the disaggregation we used was that of the National Grid and it is clear that even if only about 60% of the projects in planning materialise, the FES 19 targets will be met without the need for CHSP. This argument coupled with the lack of National Planning Statements for Solar PV and BESS noted in our previous submission (REP 2-111) establish that it is perverse to proceed with a project on such unprecedented scale which is admitted to cause great harm and danger to communities, wildlife, environment and heritage.

Scale & Flood Risk

As the examination concludes, we remain concerned about the scale of this proposal that will industrialise an area larger than Faversham with major aesthetic and environmental impacts including reduced and degraded recreational space for this rapidly growing town.

As Tim Ingram's submission makes clear, the Environment Agency's MEASS demonstrates that they originally intended managed realignment for the site. The CHSPL proposal has raised the value of the land to the extent that the EA can no longer afford to purchase it. We share Graham Setterfield's concern that CHSPL has failed to prove that the risk of flooding in the town has not been increased by its proposed development.

Enforcement of the DCO

We argued in our verbal presentations at the last hearings, and our Deadline 5 submission that the local authority will struggle to exercise its ongoing responsibility for monitoring, discharge and enforcement of the requirements in the DCO within the eight-week time limit.

CHSPL's assertion [2.10.7] that the DCO includes Requirements offers no assurance. The Requirements are unclear and therefore very difficult if not impossible for Swale Borough Council to enforce.

In our submission at Deadline 5, the Faversham Society called for "enforceable requirements" to be included in the DCO and suggested those that we felt should be included in the construction and operational phases. We specified those agencies whose approval CHSPL should be required to obtain before their operational plan is presented to Swale Borough Council.

The permission granted in Part 2 2 (2) (c) of the DCO: “the outline design principles, or such variation thereof as may be approved by the relevant planning authority pursuant to requirement 19”, is very broad and will leave Swale with a large burden of oversight confronting a wealthy project undertaker. We seriously doubt the capacity of Swale or any other LPA adequately to secure the public interest in overseeing this development. The lawyers will have plenty of scope to challenge any attempt by Swale to enforce the DCO. We suggested that prior approval be required by the DCO. This has not been required.

There is no prior approval requirement in §19 and §20. The project undertaker is merely required to consult prior to application. They are not required to secure approval. The public interest would be better protected if the agencies - HSE, Public Health England, KFRS, the Ambulance Service and NHS, the Kent Police Service and the Environment Agency – were clearly included as “discharging authorities” alongside the LPA, Swale.

§18-§24 provides for appeals and we foresee threats of legal action becoming a regular feature of efforts by Swale to enforce a weak DCO in order to protect the public interest. We, therefore, request that the Planning Inspectorate ensure that the DCO is robust in securing the public interest. The provisions in §18-§24 may be reasonable for an infrastructure project using tried and tested technology, but the CHSP is not using a tried and tested technology and the risks of fire and subsequent explosion are great.

Batteries – Safety Risk

In 13.11 CHSPL asserts that its Outline Battery Fire Safety Management Plan has been reviewed by the “HSE and is currently being reviewed by Kent Fire and Rescue.” There has been very limited discussion with the KFRS, indeed CHSPL waited to be contacted by them before consulting with KFRS. It is clear that KFRS only contacted CHSPL after the Faversham Society raised its concerns with KFRS. CHSPL did not approach them and we regard this as unreasonable given the new hazards, and the scale of those hazards, that will result from the construction and operation of the batteries. In particular there is no evidence that KFRS have yet taken into account the fact that the proposed BESS at 700MWh is now over five times as large as the current largest in the world - the 129 MWh ‘giant battery’ built by Tesla at Hornsdale in Australia. Additionally, in their responses the applicants have failed to adequately reassure us that their proposed safety measures will be effective at this scale, given the repeated failure of these measures at sites around the world. **In these circumstances we suggest that the DCO require that full approval of the Safety Management Plan be secured from KFRS and the HSE before submission of the final plans to Swale Borough Council.**

The Outline Battery Fire Safety Management Plan will need to be revised when final decisions about batteries are made. That new plan should be approved by KFRS and the HSE **before** submission to Swale. The review of the Safety Management Plan for a very large installation using emergent and untested technology will not be a simple matter and it will take time. Swale will not have sufficient time, within the eight weeks, if there is not prior approval from KFRS and the HSE. Given the scale of the public safety risk we still regard it as essential that Public Health England, the NHS and the Ambulance Service approve the plan and risk mitigation.

The DCO requires 3 (4) that Swale “must consult with the Health and Safety Executive and Kent Fire and Rescue Service before determining an application for approval of the BSMP.” In 20 the undertaker is required merely to consult “another person or body prior to discharging a requirement” where the local authority is “required by this Order or other statute to consult with another person or body prior to discharging a requirement”. The developer is not required in the

DCO to secure prior approval from the regulatory public agencies which in our view should extend to HSE, Public Health England, KFRS, the Ambulance Service and NHS (they will need to have plans for a major incident), the Kent Police Service and the Environment Agency.

Security & Terrorism

In 2.13.1 CHSPL's response that it will address the terrorism risk by installing CCTV is derisory. If the solar power station were to be approved, the status of the Cleve Hill site should be formally reviewed via a Security Considerations Assessment¹ in particular because of the BESS and the significantly increased risks associated with it. CHSPL's response to concerns about terrorism suggests that they are not even aware of that need and raises the question of whether they've planned for the costs of enhanced security (including possible daily visits by security services) in their financial projections. Since there is no battery system anywhere in the world on the scale of the proposed BESS at Cleve Hill, CHSPL should provide explicit information on what parameters will be used to assess risk, who will shoulder security costs, at what stage that assessment will be conducted, to what extent the coastal location of CHSP exacerbates risk, and what the implications of the risk assessment are for insurance. If – as we believe likely – the security risk is assessed as being high, a final decision on whether the project should proceed should not be taken until the answers to these questions are known.

CHSPL has argued throughout the examination process that it will adopt the best available BESS. As the scale of the proposed system is unprecedented, the associated plans should be reviewed in fine detail by the relevant responsible agencies to ensure that they comply with the DCO, and that the DCO is sufficiently tightly written to ensure that environmental damage and health and safety risks are minimised, and that the development and its subsequent operation poses no threat to life. These conditions should be based on the precautionary principle, enforceable requirements and binding guarantees on decommissioning.

Consultations with a Lloyds Underwriter suggest that “no one's going to insure that”.² Is there no way that the adequacy of the insurance can be subject to regulatory oversight? Given the consequences of a fire and explosion should this development not be subject to much more robust oversight than a local planning authority §18-§24 can provide?

Traffic and Transport

We are unconvinced by the applicant's Traffic Plans and remain concerned that such huge volumes of HGV and other construction traffic will, during the construction phase over a period of 2-3 years, be passing within a few metres of the primary school playground and classrooms with only minutes between vehicles. The impacts on young children of noise, pollution and danger should not be understated and in our view the applicant's mitigation proposals are totally inadequate. Regular monitoring will be essential with a facility to stop the traffic if unacceptable levels are reached or when children are required to use the road, for example to cross from the school to their playing field.

Traffic disturbance will also continue throughout the lifetime of the plant, associated with regular maintenance as well as damaged and spent battery replacement. Li-ion batteries which have failed are likely to be highly toxic and dangerous and the applicants acknowledge this in their (still) Outline

¹ https://www.cpni.gov.uk/system/files/documents/04/71/Security_Considerations_Assessment_v4_2019-06.pdf

² <https://www.favershameye.co.uk/post/cleve-hill-a-small-problem-of-insurance>

Battery Management Safety Plan submitted for Deadline 6 (REP 6-021). The Faversham Society and local parents and teachers are deeply concerned that their children will be exposed to regular traffic which is acknowledged by the applicant to be subject to mandatory rules based on UN guidance concerning the 'International Carriage of Dangerous Goods by Road (ADR) 2019' as well as the UK Government's guidance on the transport of dangerous goods 'Moving dangerous goods, Guidance'.

Further, we are dismayed that the applicants have dismissed our concerns, and those of others, regarding the width of the road through Graveney village, the lack of pavements and the impossibility of passing vehicles for much of the route. We assert that the traffic associated with this proposal makes passing places and pavements essential and that, were the project to go ahead, the applicants should be required to fund the necessary land acquisitions to ensure these.

Environmental Impacts

The coastal landscape in which the proposed CHSP would be located is characterised by populations of iconic British wildlife species including marsh harriers, Brent geese, golden plover, lapwing, the critically endangered European eel, water voles and dormice to mention just a few. The neighbouring Swale Ramsar site, Special Protection Area and Marine Conservation Zone, as well as the Oare Marshes reserve, were established to protect those species and their coastal habitat and in recent years have become increasingly popular attractions for visitors to the area and as amenities for local residents.

Because of its unprecedented scale, apart from its inevitable negative visual impacts the long-term effects of the proposed CHSP on species and habitat cannot be accurately predicted. As a result, most conservation organizations oppose the project and, if it does go ahead, have urged CHSPL to adopt a precautionary approach where wildlife is concerned. While the current low-grade agricultural land at the Cleve Hill site is not ideal for wildlife, the Environment Agency's proposal (in its draft Medway Estuary and Swale Strategy, MEASS) to allow over 200 hectares of the site to revert to tidal saltmarsh via managed realignment would have had multiple and profound benefits not only via improved wildlife habitat but also in the form of other ecosystem services including carbon sequestration, coastal protection and provision of nutrients for marine organisms. By its own admission, the alternative site to Nagden Marsh that was adopted by the EA in the final version of the MEASS – Chetney Marsh – is not suitable for managed realignment because of the presence of nationally-critical infrastructure so has been earmarked instead for the lesser intervention of "habitat adaptation." The **opportunity cost** of deferring managed realignment at Nagden Marsh by at least 40 years is therefore very substantial. Saltmarshes constitute the second most valuable ecosystem for humans after coral reefs, providing benefits to society valued in 2014 at just under US\$193,000 per hectare per year – i.e. roughly £30m every year.

On that basis, the Faversham Society's position is that – if other problems such as the BESS, security concerns, etc., can be overcome – the project should be relocated to an alternative site where the benefits of a renewable energy project could be achieved without the unacceptably high opportunity costs. The EA's reasons for stepping away from managed realignment at Nagden Marsh should be questioned, an independent study conducted of any increased risk of coastal flooding as a result of that decision, and the entire matter revisited if permission for the CHSP is declined and the price of purchasing the land for reversion to saltmarsh returns to a normal market level.

Harold Goodwin
Chair of the Faversham Society