



Meeting note

Project name	Cleve Hill Solar Park
File reference	EN010085
Status	Final
Author	The Planning Inspectorate
Date	30 April 2018
Meeting with	Cleve Hill Solar Park
Venue	Telecon
Attendees	The Planning Inspectorate Chris White – Infrastructure Planning Lead Karl-Jonas Johansson - Case Officer Emma Cottam - EIA and Land Rights Advisor Karen Wilkinson - EIA and Land Rights Advisor The Applicant Hugh Brennan – Cleve Hill Solar Park Emily Marshall – Counter Context Mike Bird – Arcus Consultancy Services Gareth Phillips – Pinsent Masons LLP
Meeting objectives	Project update meeting
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Non-statutory consultation

The Applicant gave an update regarding its ongoing discussions with the relevant local planning authorities. The main issue discussed was the Applicant's intention to extend the red line boundary to the east (to incorporate additional land to the east for ecological mitigation purposes) and around the flood defences which protect the site. The latter of these changes is subsequent to discussions with the Environment Agency (EA) regarding uncertainty associated with the future maintenance of the flood defences. The Applicant also has upcoming meetings with Kent County Council with regard to traffic impacts. The Applicant stated that the discussions with the relevant local authorities were progressing well.

The Applicant has had several meetings with various stakeholders such as the National Fruit Collection with regard to the possibility of setting up a community orchard, and the owners of a local holiday park to discuss traffic impacts and how to best engage with the users of the holiday park (as some are seasonal visitors to the area).

The Applicant has had a further meeting with the habitat management steering group to discuss the draft Biodiversity and Landscape Management Plan.

The Applicant has engaged further with Gordon Henderson, the MP for Sittingbourne and Sheppey with regard to the consultation conducted on the Isle of Sheppey. It was suggested that Harty would be a better location for any further consultation events.

Statutory Consultation

The Applicant informed the Inspectorate that the s42, s47 and s48 consultation is planned to start on 31 May 2018 and would run for 6 weeks.

Flooding

The Applicant is continuing dialogue with the EA, particularly with regards to flood management and the Medway Estuary and Swale Strategy (the MEASS). The EA is currently compiling the consultation responses relevant to the MEASS and will publish its implementation plan in late summer 2018. The Applicant noted that the EA has indicated it would stop maintaining the flood defences around the application site if the proposed development gets constructed. In addition to extending the red line boundary to encompass the flood defences and the inclusion of powers and rights within the DCO to undertake works to the flood defences, the Applicant will continue to work with the EA in relation to the future maintenance of them. The Applicant advised the Inspectorate that the EA does not object to the approach taken by the Applicant. The Applicant intends to produce a position statement between itself and the EA before the examination starts. The Applicant confirmed that the EA was content with the Applicant's approach to addressing '1 in a 1000 year flood events'.

The Applicant confirmed that the red line boundary would now extend into the marine area and is therefore likely to make the Marine Management Organisation (MMO) a statutory consultee. The Applicant intends to start non-statutory consultation with the MMO as soon as it has confirmation that the MMO would be impacted by the change.

Battery storage

The Applicant confirmed that the electrical compound would contain a battery storage unit with an anticipated capacity of 350MW. The Applicant clarified that due to rapid changes in this technology, it would use the "Rochdale envelope" approach when assessing the battery storage unit in the ES, to ensure that the battery storage is future-proofed.

Surveys

The Applicant stated that the preliminary data from the geophysical surveys indicated that it would be able to use soil excavated from the application site to form the earth bund. This will be confirmed on receipt of the final survey results.

The Applicant confirmed that it had now completed its suite of ornithological surveys.

The Applicant advised that some of the baseline survey data would not be available for inclusion in the Preliminary Environmental Impact Report. It was confirmed that it would be included in the application documentation.

Habitats Regulation Assessment (HRA)

The Applicant informed the Inspectorate that it depended on the outcome of consultations with Natural England as to whether it will produce a No Significant Effects Report or provide information to inform an Appropriate Assessment (AA).

The Inspectorate highlighted the recent European Court of Justice judgement (C-323/17 - People Over Wind, Peter Sweetman v Coillte Teoranta (2018) (12/04/18)), which has implications for UK practice of considering mitigation at the screening stage of HRA in determining whether AA is required. It was agreed that the Inspectorate would provide the Applicant with the details of this ruling. The Applicant is aware of this case and will factor it into its HRA considerations.

Transboundary Screening

The Inspectorate informed that it was in the process of conducting a transboundary screening to consider whether the proposed development is likely to have a significant effect on the environment in another European Economic Area (EEA) State. To support the Inspectorate in making a decision regarding the potential for significant effects in other EEA States, the Inspectorate explained that it required some additional information (further to that provided in the Scoping Report) with regards to migratory species which are qualifying features of the Swale Special Protection Area and Ramsar site. It was agreed that the Inspectorate would email the Applicant with specific details of the information required.

Compulsory acquisition

The Applicant stated that it had identified and approached additional landowners that may be impacted by the change in the redline boundary. The Applicant confirmed that the Order would seek compulsory acquisition powers over approximately 10 plots. The Applicant indicated that there might be an impact on Crown Land if the redline boundary is extended.

Draft documents review

The Applicant confirmed that it would like to use the service but stated that this depended on whether the review could be carried out within their overarching project programme. The Inspectorate advised that it could conduct a targeted review on any novel drafting of the Development Consent Order if requested and confirmed that this review period would potentially be shorter than a full-scale draft documents review.

Anticipated submission date

The Applicant indicated that it was looking to submit the application in August 2018. The Applicant advised that the extension of the redline boundary might cause the submission date to slip if it identified new issues and or consultees. Likewise the issues around the maintenance of flood defences might impact the submission date. It was agreed that the Applicant would update the Inspectorate if it became aware of any changes to the submission date.

Next Meeting

It was agreed to hold the next meeting after the statutory consultation had ended and that the Applicant would provide the Inspectorate with potential meeting dates.

Any other business

The Applicant advised the Inspectorate that it would need further discussion regarding the drainage needed for the site. It was confirmed that Sustainable Drainage Systems (SuDS) would not be suitable for the site.

The Applicant has been discussing the possibility of disallowing legislation relating to the EA.

Specific decisions/ follow-up required?

- The Applicant will send the Inspectorate its consultation newsletter.
- The Inspectorate to send the Applicant information about the recent judgment European court ruling C-323/17 - People Over Wind, Peter Sweetman v Coillte Teoranta (2018).
- The Inspectorate to send the Applicant details of the additional information required to support the transboundary screening.