

Notes from Week 1 of Hearings

Open Floor Hearing 16 July 2019

Andrew Bowles (KCC Cllr) – Gave his background to his connection with Graveney. Has farmed most of his life in Graveney. Land is Whitstable clay. When farmed well can produce excellent crops. Wildlife – one of the first places marsh harriers came back to when reintroducing themselves. One of last few remaining natural places on north Kent coastline. Green tourism is growing industry in area. Will not be able to return land back to its current state in 40 years.

Brian Jefferys (local resident) – Disregard for local communities by applicants. Opportunity to open new cycle paths which avoid main roads.

Bruno Erasin (local resident) – Agricultural land classification report is incorrect. There is data missing and it has been wrongly assessed. Correct assessment is 3a or 2 based on 40 data points, not 3b as reported by applicants. He believes up to 75% of the land is Grade A listed land. Land very suitable for growing good crops. Needs to be reassessed as the application should never have got through. Assessments should be completed March/April and September/October for 10+ years. David Rose, lead examiner, commented that they had walked the boundary and had seen crops growing.

Cllr Ben J Martin (Faversham Council) – Concerns about the application outweigh the benefits of renewable energy. Solar panels should be on rooftops, not on beauty spots. The area should be returned to flood plain. Size of development is unprecedented. Loss of public amenity. Proposed mitigation will not suffice. Many concerns including CCTV, battery storage (toxicity), potential damage to archaeology, no business support, transport – cycle, school, air quality, biodiversity – SSSI, 24 pairs of marsh harriers, 1st in the UK.

George Bull (local resident) – objects to the size, location, health & wellbeing impact, natural facility. Should press for consideration to reduce environmental impact.

Dr Paul Wilkinson (Graveney Parish Council) – PhD on Port of Faversham. Archaeological report submitted not fit for purpose. Either the report has been manipulated, or content restricted as maps not included. Nagden Bump is a burial ground within the proposed development site, no evaluation undertaken to determine what is there. Needs to be evaluated before judgement is made – should have had a pre-application assessment completed. Due diligence not done – should have done survey pre-application. Described ‘sense of place’ in the area.

Marie King (GREAT) - In respect of this topic, it is important to note that the construction of the solar plant and battery storage are likely to be undertaken as two phases. Phase 1, the solar plant development, is expected to take around 24 months to complete and Phase 2, the energy storage facility, will potentially take another 6 months. This means that this project will take at least 2 and a half years to build – not 2 years as most people believe. This is an unreasonably long period of impact on villagers, businesses, walkers, cyclists and tourists and having two phases will add to the disruption.

The operational times have also been extended to 14 hours on weekdays, starting at 06:00 and finishing at 20:00, to provide time for site workers to prepare in the morning and clear up in the evening. There will also be an extra two hours for these purposes on Saturday mornings.

The primary route for traffic is from the top of Head Hill Road to the London Array substation access road - a distance of some 2 miles. The 'Sensitive Receptor' map produced by the applicants (Environment Statement Volume 2, Figures – Access and Traffic) identified just 6 receptors impacted by the development. Along this short distance there are actually 23 quite diverse local businesses that use this route (see map). They include a number of farms, a removal firm, a transport services company, the village school, two further educational care facilities, an equine centre, a holiday park, the Church, the village hall, London Array, National Grid and a skip company. All of these rely on good and unhindered access.

Many of these long established businesses have already experienced the inconvenience associated with the additional traffic during the London Array substation construction. However, the scale of both light and heavy goods vehicle movements associated with this application is unprecedented in its scale and intensity.

What has not been included on the applicants Sensitive Receptors map are the businesses beyond the London Array entrance which also use Headhill Road and Seasalter Road. This includes the Michelin star Sportsman restaurant, the Seasalter Chalet owners, Seasalter sailing club, Waldens shop, Forget Me Not café, Waldens caravan park, Alberta holiday park and the Oyster Pearl pub. Due to the low bridge in Seasalter all large vehicles bound for these businesses have to come through Graveney, including caravans being transported to and from the caravan parks.

The villages have not forgotten the disruption that London Array development brought some 10 years ago and, although many employment opportunities were promised, only 1 local engineer benefitted. The much more significant workforce planned for the Solar Park, a five-fold increase of some 400 people, is going to bring no meaningful employment benefits to the village. But the villagers will have to endure all the disruption associated with the workers commuting to and from the site along with the construction traffic.

The impact on the operation of the businesses can never be resolved and there will be clear conflicts with vehicular movements six days a week through the villages. For instance, Langdon Manor wholesale fruit farmers operate on a continuous basis and rely on easy passage to be able to store, refrigerate and have packed fruit collected by lorries all day long, every day of the week, in the season. Also their sizeable workforce needs to be moved from one field to another and from one task to another.

Hilderbrands removals are very concerned as the company operates HGVs and says it is already impossible to freely pass with one HGV and one car in the stretch of road from their depot to the top of Head Hill Road. They said this is particularly difficult on the 2 areas of road that narrow where there are double bends. They also pointed out that they only work 9 to 5 so as not to disturb the villagers - there is no such consideration from the developers who will be operating from 6 am to 8 pm. They expressed concerns that the road does not have capacity to take further traffic, particularly as it is further exacerbated when a traffic incident occurs on the A299 Thanet Way, resulting in complete chaos when diverted traffic funnels through the village.

The school recognises that the construction traffic will not impact on their start and finish time but they are very concerned about the air pollution, and the noise and vibration the construction traffic will bring. The other care and educational facilities are concerned about health and safety, and also about safeguarding their children.

All businesses consulted report that these construction phases will have a negative impact on their ability to run their businesses, both operationally and financially.

What also needs to be considered is the home to work traffic and home to school traffic. The operating hours and the length of this construction work will impact on all villagers who work and young people at school, college or university. This is not only related to their transport in the morning but also in the evening – and of course this continues on Saturdays when the construction workers will not finish until 2pm.

And of course there are the many 100's of tourists from far and wide that stay in the beach huts, the caravan parks and the many more 100's of tourists that walk the Saxon Shore Way, visit Whitstable, frequent the Sportsman restaurant, engage in bird watching, cycle on National Cycle Route number 1, and visit the touristic cities of Faversham and Canterbury. All of these will be hindered by the construction traffic and, for the walkers and cyclists, potentially put at increased risk. This will no doubt affect their experience of the area and may reduce future visits, leading to financial impacts on local businesses.

The inaccuracy of the Sensitive Receptors map also includes a public telephone in the village that no longer exists. If the traffic management plan is based on the applicant's incomplete and inaccurate information then the villagers should be given an explanation on who submitted this information, how it was obtained, and why it is so incomplete.

Professor Chris Wright (Faversham Society) – Heavy truck every 6 minutes. Access route unsuitable. School adjacent to road - lack of pedestrian pathways through village, air pollution, vibration, noise, dirt. Ongoing and long term legacy as will continue for maintenance and battery replacement.

Dr Patricia Reid (local archaeologist) – Historic landscape with lots of features, e.g. salt works, duck decoy, sheepfolds. Never been charted. Graveney boat example of what has been found there. Roman/Saxon landscape untouched. Faversham Creek is incredibly important. There is an emotional importance.

Matthew Hatchwell (local conservation expert) – Managed realignment will allow carbon sequestration which has recently been valued at \$194k per ha per year. Based on proposed site this would equate to \$39m per year if realignment went ahead. European glass eels – present on site. Critically endangered. Global populations declined by 98% since the 1970's and they must be safeguarded (drainage channels, outfalls complying with new regs, etc)

Victoria Osborne (Beach chalet owner) – Immoral for private company to take over flood defences. Noise issue as lithium batteries 'hum'.

Helen Whately (Local MP) – (statement read out by Alison Eardley) Environment strategy, Connected nature, etc. Application should be assessed against missed opportunities from managed realignment and carbon storage – national priority.

Anna Stanford (Swale FoE) – Supports project. Wants reassurance on balance environmentally. Only on basis positive impact on local biodiversity. Would prefer south facing design.

Richard Knox-Johnston (Kent CPRE) – Highlighted heritage points that applicant got wrong. Climate change and sequestration of carbon – scientific evidence not looked by FoE. Need report for impacts under panels. Air quality – challenged in an application in Newington, went to High Court and declined.

Richard Filipzak (local resident and footpath warden) – Objects to size, location, traffic, impacts on footpaths.

Penelope Gaigen (local resident) – lived in area for 8 years, everything she came here for is being eroded. Large housing developments in Faversham with no solar panels – outrageous and immoral.

Gareth Williams (legal counsel for applicant) – Will respond to points raised by deadline 3 (1 August). The MEASS plan is with DEFRA pending approval – asked ExA to write and ask when they attend to adopt plan. ExA responded that they will 'reflect' on this.

Compulsory Acquisition Hearing 16 July 2019

- Application is a development consent order to 'own, operate and maintain'. Is this accurate as there is an intention to sell in the future?
- All affected parties were notified of hearing. Those with strong objections were invited to attend, including London Array and National Grid. None attended.
- ExA checked that Public Interest, Human Rights Convention and Planning Act complied with to assess the application.
- Application to demonstrate that all areas are needed, other alternatives have been explored and funds are available.
- 3 hurdles to clear before Secretary of State can be convinced that compulsory acquisition need proved.
- Applicant has to demonstrate works represent development and convince the SoS that the works will pass the tests for compulsory acquisition.
- The applicant confirmed this was the case – the ExA responded that “we understand you believe that, we need to be convinced.”
- ExA: Maintenance of existing coastal defence – how is compulsory acquisition justified? App: EA had said they would not maintain defences, existing infrastructure (pylons, substation etc) so had to look at assuming responsibility.
- Freshwater grazing marsh and habitat area – applicant advised designated land added later. Habitat Management Steering Group recommended this area added in??? Water management controls on east and west where water drains into water system at Seasalter Road.
- ExA: Clarification on mitigation and enhancement, how is the above mitigation? App: Told by Natural England that they can't claim improvements to SSSI so they must consider new land.
- ExA: Lowland grassland meadow management area – originally identified for panels but then removed. App: Final design for slopes of Cleve and Graveney Hill. Landscaping proposes screening plus lowland grass and meadow for church, Sparrow Court and Graveney Court.
- ExA: Why didn't you just move the boundary back? Why is it still included in the development site? There is no meadow being lost so this is not mitigation, it is enhancement.
- Access route – London Array have lease over substation. Blue Transmission London Array own and operate cables. Negotiations have been agreed, documents to be produced and approved by 1 August. National Grid not yet part of these discussions.
- ExA: Has the Human Rights Act been considered? App: Yes, public benefits of scheme outweigh personal loss.
- Equality Act 2010 – App referred to questioning at Prelim Meeting about Equality Impact Assessment not being done. Have now completed this – to depersonalise assessment it has been done at group level rather than individual level. No impacted groups / classifications. Aware that particular residents around site have special needs – not referred to them in document. Negotiations continue with these to provide mitigation.

Specific Issue Hearing – Need 17 July 2019

- Question around the policy framework. Graham Thomas highlighted that National Policy Statements are not designed to support this technology.
- Application adamant that EN1, EN3 and EN5 are relevant and consistent with advice from the National Inspectorate from the outset.
- Applicant highlighted Net Zero report on climate change: demand up by 5% by 2030 and up 30-50% by 2050. Contradicts our experts report.
- SBC DM20 policy has 10 criteria for large scale solar farms.
- Graham Thomas stated that they had previously agreed with applicant's assessment of land quality as they didn't have any other evidence. Bruno's report sent to SBC.
- ExA stated they needed to demonstrate evidence of community involvement.
- Reason for location – available grid capacity, higher irradiation levels, poor quality land.
- Reason for size – lack of availability with all necessary characteristics for smaller sites, cost (cheaper!)
- This is the first NSIP with a specific issue session on need!
- Applicant's policy expert stated that NPPF does not require applicant to prove need. The presumption is in favour of the development.
- Applicant confirmed they would go ahead with development without battery storage if needed.
- Alternative sites weren't originally included in documentation but have now looked at suggestions made in representations, including Kingsnorth. Details in Chapter 4 of Environment Statement – 4.4.5.1 p1.1.5
- ExA asked about applicant's experience: Hugh Brennan (Hive) developers, Simon McCarthy (Wirsol) constructors. Wirsol stated that E-W orientation doesn't work on all sites and that they graze sheep on all sites (check Dutch E-W site). Only one site with E-W panels (30MW) and only one battery storage in Australia (25MW). ExA asked if this site was on a floorplain – Wirsol responded that it's in a desert!!
- If DCO approved, design then has to be approved and conditions managed / applied by SBC (Marine Management Org for offshore parts). Right of appeal if applicant not happy with SBC decisions with SoS.
- Applicant has included heat map on panel heights in latest document.
- E-W design included to get as much energy as possible generated (profit) despite E-W panels not being as efficient as south facing.

Issue Specific Hearing – DCO 18 July 2019

- DCO – outline application for permission with design to be provided later for approval by SBC
- Following challenge by ExA, pre-commencement works have now been changed to show they will be approved before they start.
- 3.4 Article 5 – have to seek consent of SoS to transfer DCO to another developer. Applicant referred to 2 other developments in document but ExA highlighted that neither of these went through the SoS!
- Document includes reference to the discretion of the SoS to be overturned by arbitration. ExA asked for clarification.
- Tree Preservation Order Article 38 states date before or after 16 November 2018. ExA pointed out that this excludes any trees with a TPO awarded on 16 November so needs to be changed. Shows level they've reviewed document at!!
- David Melville questioned proposed flexibility in deciding whether they have battery or PV on site. Stated that if battery not included then extension of PV not a problem as it's a well known technology. However, if they have more battery storage this is a dangerous, untried and untested technology.
- DM Concerned that no specifications of battery included in documentation. Applicant argue they want to have flexibility on having the latest technology rather than tying themselves down with current technology. DM pointed out that the same thing applied to Solar PV panels yet they've included full details on that!
- Applicant confirmed they will pay for any repairs needed to the sea defences (potentially with contributions from London Array, National Grid etc). The EA and public will not pay.
- ExA: General concern about the environment statement where minor / significant impacts not being carried through to mitigation, e.g. identified traffic and footpath without mitigation. App struggled to answer – said there were some that can't be mitigated. They will respond in writing by deadline 3.
- ExA: Concerns that mitigation schedule not substantial enough - needs to have detailed mitigation plans in document, e.g. mitigation route map
- ExA: Concerns re Rochdale envelope – not included everything, e.g. depth of piles, width of permissive path, etc. Wants assurance that all set – parameters to be included. App to audit why some are included and others are not.
- DM highlighted shortcomings on battery storage in Rochdale envelope section. Believes this emerging technology is not relevant / appropriate for inclusion in Rochdale envelope.
- DM pushed for more design / plans on battery storage – “disingenuous” – it's known to be dangerous etc. Need a starting point - not valid to say design is emerging so not wanting to include it as the same applies to PC but full details included.
- ExA: Asked for details of financial arrangements for decommissioning. App: not necessary to put aside funds. ExA: what happens at end of life and companies no longer exist? App: SBC could take criminal prosecution against company and personal officers if they didn't follow through with plans.
- App: Project will only be closed down and decommissioned **if** MEASS implemented. 40 years lease its in with MEASS timetable. Reviews with EA at 35 years and every 5 years after to review MEASS plans. There is a possibility that a small part of the development may continue following MEASS plans which would continue alongside managed realignment – this is expected only to go up to pylons and around substation so they think battery storage element could continue.
- App: there will be consultation with EA at decommissioning on what is needed to fit with managed realignment.

- App: Safety of battery storage – Requirement 2, 2.1 will be extended to include safety measures.