



The Planning Inspectorate

Planning Act 2008 – section 91

Application by Cleve Hill Solar Park Ltd for an Order granting Development Consent for the Cleve Hill Solar Park

Agenda for Issue Specific Hearing 1 dealing with matters relating to Need

In its letter dated 7 June 2019, the Examining Authority notified Interested Parties of its decision to hold an Issue Specific Hearing into the above matter on the following date:

Hearing	Date and time	Location
Issue Specific Hearing 1 Need	Wednesday 17 July 2019 10.00 am (Seating available from 09.30am)	Hempstead House Hotel, London Road, Bapchild, Sittingbourne, ME9 9PP

Participation, conduct and management of hearing

This is the first Issue Specific Hearing to be held in this Examination. It is being held because the Examining Authority wishes to question the Applicant about the approach it has taken to identifying and evaluating the need for the Proposed Development in the context of relevant planning policy, and the relevance of alternative sites, technologies and development designs.

The Agenda has a very specific focus. Oral submissions on other subject matters or from persons who are not Interested Parties may only be heard at the discretion of the Examining Authority. Interested Parties who wish to make representations on other issues are encouraged to bring these to an Open Floor Hearing where there is no subject-specific agenda and any important and relevant matters may be raised.

The Examining Authority invites and would particularly like to hear from the following Interested Parties during this Hearing:

- The Applicant;
- Swale Borough Council;
- Canterbury City Council;
- Kent County Council;
- GREAT;
- CPRE Kent;
- Stephen Ledger;
- Marine Management Organisation (MMO);
- The Faversham Society;
- Swale Green Party.

The named parties have been invited because they are:

- public bodies with policy and regulatory responsibilities associated with the subject matter;
- national and local authorities for the affected area; or
- persons or organisations with a related and relevant special interest.

Participation in the hearing is subject to the Examining Authority's power to control the hearing. Interested Parties may be invited to make oral representations at the hearing¹ (subject to the Examining Authority's power to control the hearing). Oral representations should be based on the Relevant Representations or Written Representations made by the person by whom (or on whose behalf) the oral representations are made².

However, representations made at the hearing should not simply repeat matters previously covered in a written submission. Rather, they should draw attention to those submissions in summary form and provide further detail, explanation and evidential corroboration to help inform the Examining Authority.

The Examining Authority may ask questions about representations or ask the Applicant or other party to comment or respond. The Examining Authority will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the hearing will therefore be led by a member of the Panel, supported by other Panel members.

This agenda is for guidance only. It is not designed to be exclusive or exhaustive. The Examining Authority may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration.

Any lack of discussion of a particular issue at a hearing does not preclude further examination of that issue, including through the inclusion of questions in the Examining Authority's Second Written Questions (if issued).

Should the consideration of the issues take less time than anticipated, the Examining Authority may conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. Some of the issues identified in the agenda are by their nature overlapping. It may be the case therefore that certain questions later in the agenda are answered by earlier questions. If this is the case the Examining Authority will acknowledge this at the time.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time, there may be a need to continue the session for longer on the day or at a subsequent sitting.

Breaks will be taken during the hearing as directed by the Examining Authority. All parties should note that the agenda given below is to provide a framework for this hearing and offer discussion points; it does not constrain the Examining Authority to specific topics. The Examining Authority may wish to raise other matters arising from

¹ s91 Planning Act 2008

² s91 Planning Act 2008

submissions and pursue lines of inquiry in the course of the discussions which are not included in this agenda.

References in square brackets [] are to the unique document identification number in the Examination Library. This document is found on the National Infrastructure Planning website at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010085/EN010085-000472-Examination%20Library%20Cleve%20Hill%20Solar%20Park%20PDF%20Version.pdf>

The hearing will have regard to submissions already set out in (amongst others):

- Relevant Representations and subsequent responses;
- Written Representations;
- Comments on the Applicant's response to the Planning Inspectorate's s51 advice;
- Responses to the Examining Authority's Written Questions;
- Needs Statement [APP-253];
- Statement of Need Addendum March 2019 [AS-008];
- Chapter 4 of the Environmental Statement [APP-034];
- Chapter 6 of the Environmental Statement [APP-036];
- Planning Statement [AP-254];
- Local Impact Report, Swale Borough Council [REP1-005];
- Local Impact Report, Canterbury City Council [REP1-002];
- Local Impact Report, Kent County Council [REP1-004].

During the hearing, the Examining Authority may additionally refer in particular to:

- NPS EN-1, the Overarching National Policy Statement for Energy, DECC, 2011;
- NPS EN-3, the National Policy Statement for Renewable Energy Infrastructure, DECC, 2011;
- NPS EN-5, the National Policy Statement for Electricity Networks Infrastructure, DECC, 2011.

These are available via a link on the 'Legislation and advice' page of PINS National Infrastructure website:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/national-policy-statements/>

- The National Planning Policy Framework, Ministry of Housing, Communities and Local Government, February 2019.

Available on the UK Government website at:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- Bearing Fruits 2031, The Swale Borough Local Plan 2017;
- The Canterbury District Local Plan 2017;
- The Kent Minerals and Waste Local Plan 2013-30.



Agenda

Title of meeting	Cleve Hill Solar Park Hearing on Need
Date	Wednesday 17 July 2019
Time	9.30am (open) for 10.00am
Venue	Hempstead House Hotel, London Road, Bapchild, Sittingbourne, ME9 9PP
Attendees	Invitees

- 1. Examining Authority's opening remarks**
- 2. Purpose of the Hearing and speakers' introductions**
- 3. The policy framework**
 - a) The Examining Authority's preliminary view on National Policy Statements;
 - b) The local planning authorities' and other Interested Parties' views on the relevance of the National Policy Statements (NPSs);
 - c) The local planning authorities' and other Interested Parties' views on the relevance of the National Planning Policy framework (NPPF);
 - d) The local planning authorities' and other Interested Parties' views on the relevance of the relevant local plans; and
 - e) Views on any other important and relevant policies.
- 4. 'Need', the location of the Proposed Development and the relevance of other sites or solutions**
 - a) The Applicant to address the need for the Proposed Development in the context of relevant policy;
 - b) The extent to which alternative renewable and other energy technologies and alternative sites and solutions are relevant to this Examination in relation to 'need'; and
 - c) The Applicant to explain the process of consideration of alternative sites that was pursued prior to the application, including where the EIA Regulations requirement to report information on the environmental effects of alternatives that were considered.
- 5. The design of the Proposed Development, including novel aspects and the Applicant's experience**
 - a) The Applicant to address this topic in the light of the issues and questions that have been raised by Interested Parties; to include the applicant's relevant project experience and design features such as the orientation of the panels, the density of panels, the height of the structures, and the relative immaturity of battery storage technologies on the proposed scale. The Applicant to explain the process of consideration of alternative technologies, designs and layouts that was pursued prior to the application.
- 6. Any other issues relating to 'need'**
- 7. Close of Hearing**