



CLEVE HILL SOLAR PARK

STATEMENT OF COMMON GROUND BETWEEN THE APPLICANT AND KENT COUNTY COUNCIL

November 2019
Revision A

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CLEVE HILL
SOLAR PARK

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Version	Issued by	Issued to	Date
V1	Clare Walters, Arcus	Francesca Potter, KCC	16/08/2019
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V8	Mike Bird, Arcus	Francesca Potter, KCC	29/10/2019
V9	Francesca Potter, KCC	Mike Bird, Arcus	30/10/2019
V10	Mike Bird, Arcus	Francesca Potter, KCC	30/10/2019

1 INTRODUCTION

1.1 Introduction

1. This Statement of Common Ground (SOCG) has been prepared in relation to an application (the Application) made to the Secretary of State (SoS) for the Department for Business, Energy & Industrial Strategy (BEIS), under section 37 of the Planning Act 2008, seeking a Development Consent Order (DCO) for the Cleve Hill Solar Park (hereafter referred to as the Development). The application was accepted on 14th December 2018.
2. This SOCG has been prepared as a means of clearly stating any areas of agreement and disagreement between the Applicant and Kent County Council (KCC), which are set out in section 2.

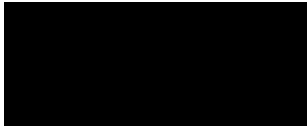
1.2 Summary

3. The Applicant and KCC are fully in agreement regarding the following matters:
 - Ecology and Ornithology (some aspects deferred to Natural England)
 - Hydrology and Flood Risk, as Lead Local Flood Authority (some aspects deferred to Environment Agency and Lower Medway Internal Drainage Board)
 - Archaeology and Built Heritage (some aspects deferred to Swale Borough Council and Historic England)
 - Access, Transport and Traffic, as Local Highway Authority
 - Climate Change and Energy Generation
 - Interrelationships between Effects
 - Public Rights of Way
4. The matters for which some aspects have not yet been agreed are as follows:
 - Impact on the Historic Landscape
 - Non-Motorised User Survey
5. The matters which KCC defers to other consultees are:
 - Noise and vibration;
 - Ecology and Ornithology impacts on designated sites and other aspects which fall within the remit of Natural England
 - Hydrology and Flood Risk impacts of relevance to the Environment Agency and Lower Medway Internal Drainage Board
 - Built heritage aspects of the historic environment which are within the remit of Historic England and Swale Borough Council.
 - Miscellaneous Issues including:
 - Glint and Glare
 - Human Health
 - Electric, Magnetic and Electromagnetic Fields
 - Telecommunications, Television Reception and Utilities

1.3 Agreement

6. Confirmation that Section 2 of this SoCG reflects the points of agreement at the date of this agreement, based on the information provided to date, is provided in Table 1.

Table 1: Confirmation of Agreement

Date	Signatory	Signature
13/11/19	Katie Stewart, Director of Environment, Planning and Enforcement	

2 MATTERS AGREED AND NOT AGREED

Issue	Applicant's Comments	KCC Response
2.1 Ecology and Ornithology		
Assessment	Chapters 8 and 9 of the ES provide a thorough assessment of the potential ornithological and ecological impacts of the Development.	Chapter 8 of the ES provides a thorough assessment of the potential ecological impacts of the Development.
Impact	The majority of non-arable habitats such as field margins and ditches will be retained within the development site and that, with the exception of ground nesting birds and birds associated with the designated sites, suitable habitat for protected and notable species will be enhanced and retained.	The County Council has deferred to NE about matters impacting the SPA/SSSI/Ramsar and this primarily is to do with the bird interest. Therefore, KCC is not able to comment on the suitability of the Ornithological surveys.
Mitigation	KCC has deferred to Natural England on this matter, given their role as statutory consultee for developments which impact SPA, SSSI and Ramsar Sites.	
2.2 Archaeology, Built Heritage and Historic Landscape		
Assessment	Chapter 11 of the ES and the supporting technical appendices provide comprehensive information on the archaeological and historical background and baseline conditions of the site.	Agreed
<i>Archaeology</i>		
Impact	The archaeological potential of the site and the direct effects of the Development on archaeology as described within the ES are acceptable.	Agreed - the study set out in the ES and its supporting documents has provided a good general understanding of the site's archaeological potential and the potential impacts of the proposed development. The direct effects as described are acceptable.

Issue	Applicant's Comments	KCC Response
Mitigation	Impacts on archaeology can be mitigated through a programme of archaeology as proposed in the Outline Written Scheme of Investigation (WSI) and agreed further in more detailed WSIs as the scheme develops post consent	It is agreed that the measures proposed in the Outline WSI are acceptable to mitigate impacts on archaeology and further detail can be agreed in a WSI, post consent.
<i>Built Heritage</i>		
Impact	No designated built heritage assets will be directly affected by the development proposal.	Agreed – No designated built heritage assets will be directly affected by the development proposal.
WWII pill box	A full record of the undesignated WWII pill box and its setting in will occur in advance of development works. The setting of the pill box will be affected by the erection of the solar panels but the indirect effect is reversible on decommissioning.	Agreed – Recording of the pillbox and its setting will be included in the WSI. The setting of the pill box will be affected by the erection of solar panels which can be reversed with removal of the development on decommissioning.
<i>Historic Landscape</i>		
Description	The description of the historic landscape character and historic landscape use of the area provided in Chapter 11 of the ES is appropriate.	Agreed
Drainage ditches and sea wall	The retention of the drainage ditches and sea wall will help to maintain the distinction between the marsh and the higher ground.	Agreed
<i>Outstanding matters</i>		
Pill Box	The Outline LBMP [REP3-005] includes a revised proposal for the use of the pill box which requires further discussion.	KCC is satisfied with the revised proposals as long as there is a management regime in place that ensures the control of the vegetation (ivy growth) as suggested in paragraph 304 bullet point 3 of the Outline Landscape and Biodiversity Management Plan.
Impact on the historic landscape	KCC has assessed that the level of impact of the Development on the character of the historic landscape may be higher than as described in the Environmental Statement. However, this impact would not be of a magnitude that would require refusal of the Application.	KCC is of the view that using the assessment methodology (which does not explicitly set out levels for historic landscape), the magnitude of effect must be at least Medium and possibly High, and the sensitivity potentially Medium given that the historic landscape is important to the setting of a number

Issue	Applicant's Comments	KCC Response
		of designated heritage assets. KCC has deferred to Historic England and the local authorities' Conservation Officers to consider the acceptability of effects on the setting of built heritage assets. Further, the effect on the Historic Landscape would be a consideration in the assessment of overall of landscape effects and that matter is deferred to the District Authorities.
2.3 Hydrology and Flood Risk		
Assessment	The assessment of the potential increase in surface water runoff associated with the proposed development and the drainage strategy to mitigate this potential increase as set out in Chapter 10 is appropriate.	Agreed
Mitigation	The proposed flood risk management and surface water drainage mitigation measures are acceptable.	Agreed
2.4 Access, Transport and Traffic		
Issues in relation to Access, Transport and Traffic have been addressed in a separate Statement of Common Ground between the Applicant and KCC Highways. This is provided at Appendix A2.		See Appendix A2.
2.5 Climate Change and Energy Generation		
Assessment	The findings of the Climate Change Impact Assessment in Chapter 15 of the ES are agreed.	Agreed
Impact	The impact of the Development in terms of clean, green, low carbon energy production would be positive and the Development has the potential to contribute to a reduction in UK carbon emissions and to provide a secure and stable energy source for over 25 years.	Agreed
Balance of Impacts	The positive impact on renewable energy generation should be balanced against the potential environmental impacts of the Development.	Agreed

Issue	Applicant's Comments	KCC Response
2.6 Minerals and Waste		
Impact on Mineral Resources and Waste Management	<p>The potential impacts of the development on Mineral Resources and Waste Management as assessed in Sections 3.4.10 and 6.1.10 of the Planning Statement are acceptable in principle.</p> <p>Procedurally KCC requires a separate technical document to be prepared dealing with the minerals safeguarding issues. This is included at Appendix A3.</p> <p>The Development would not have an impact on any safeguarded waste management facility or minerals processing or infrastructure.</p>	<p>The County Council does not have any objection to the proposal on mineral safeguarding grounds and has accepted that an exemption under the Kent Minerals and Waste Local Plan (2013-2030) Policy DM7 criterion (3) can be invoked.</p>
2.7 Socio-economics, Tourism and Recreation		
Agreement is not sought in relation to socio-economic, tourism and recreation issues other than Public Rights of Way as KCC has deferred to Swale Borough Council and Canterbury City Council on these matters.		Agreed
<i>Public Rights of Way</i>		
Site Layout	<p>The site layout of the Solar Park would accommodate the definitive alignments of existing Public Rights of Way (PRoW) which pass through or adjacent to the site (ZR484, ZR485, ZR488, ZR692, CW90, CW55 and ZR486) without the need for any diversions or extinguishments.</p>	Agreed
Retention of PRoW	<p>The Applicant's intention to keep PRoW which pass through the site open and accessible during the construction phase of the project, as set out in the Construction Traffic Management Plan (CTMP), is supported by KCC.</p>	Agreed
Impact on long distance users	<p>Long distance users of the Saxon Shore Way (or future ECP) are unlikely to be deterred by the Development as it would form part of a diverse coastline landscape.</p>	Agreed, though the development may deter short distance users of the Saxon Shore Way (or future ECP).
Maintenance	<p>The proposed maintenance of the grassed surfaces of PRoW ZR488 and ZR485 by the site operator is acceptable.</p>	Agreed. The site operator would also be expected to maintain the surface of any new permissive paths.

Issue	Applicant's Comments	KCC Response
New permissive footpath	The creation of a new Permissive Path through the site connecting Public Footpaths ZR488 and ZR484 will be a useful addition to the existing PRoW network.	Agreed
<i>Outstanding matters</i>		
Non-Motorised User Survey	The Applicant and KCC will discuss the methodology for the Non-Motorised User survey of PRoW further.	For the reasons previously given by the KCC PRoW and Access Service, it is requested that electronic counters are installed at various locations across the development site to capture path use during the different phases of this project (Pre-construction, construction, operational, decommissioning).
Powers of closure	<p>The Applicant has incorporated a 'hierarchy of intervention' in the latest version of the Outline CTMP [REP4-014] which seeks the minimum impact in the first instance during construction.</p> <p>Section 3.1.3 of the Outline PRoW Management Plan in the Outline CTMP states: "Where a PRoW is affected by construction work, efforts will be made to minimise the impact on users following a simple decision-making process which sets out a hierarchy of actions. These include:</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 Kent County Council (KCC) PRoW Officers. 2) Managed closure of a PRoW – where construction activity requires PRoW users to be held for a short periods (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 	<p>Agreed.</p> <p>As set out in the Outline CTMP, The temporary closure of a PRoW should be a last resort. Where they are required, closures should be kept to a minimum, with suitable alternative routes provided to maintain network connectivity.</p>

Issue	Applicant's Comments	KCC Response
	PRoW along with the diversion route."	
Surfaces of PRoW	<p>The Applicant will undertake a photographic survey of the PRoW within the Development site prior to the start of construction to assess the condition of the existing PRoW through the site and enable the surface of the PRoW to be repaired to a standard that is the same, or better, than the condition recorded before the construction works began.</p> <p>This requirement will be included in the Outline PRoW Management Plan in the next version of the Outline CTMP submitted at Deadline 7 (Revision D).</p>	<p>Agreed.</p> <p>The applicant is reminded that there must be no disturbance of the surface of the PRoW, without the express consent of the KCC PRoW and Access Service (as the Local Highway Authority).</p>
Impact of Development on views for users of the PRoW network	KCC considers that the likely impacts of the Development on views for users of the PRoW network would be greater than assessed in Chapter 13 of the ES. However, KCC has not suggested that these effects would be sufficient to justify refusal of the Application.	Agree with this statement
HGV movements	The Applicant has provided an assessment of the level of impact of HGV movements along roads which link off-road PRoW during construction and decommissioning. Mitigation measures to reduce impacts on road users including pedestrians and cyclists are set out in the Outline CTMP [REP4-014].	<p>Agree with this statement.</p> <p>It is understood that the construction traffic route would not pass along Sandbanks Lane or Faversham Road (REP5-015 - Ref 2.8.1). The updated CTMP (August 2019 – Revision C – 6.4.14.1) has also identified the potential impact on NMUs and proposed mitigation measures. With regard to PRoW, these CTMP proposals are considered adequate in addressing KCC's concerns.</p>
New PRoW access and/or second permissive path	There is disagreement over whether the provision of new PRoW access and/or a second permissive path through the site would be desirable or achievable. Discussions are ongoing regarding the possibility of creating a new off-road footpath between PRoWs CW90 and CW55.	The creation of a new PRoW link between CW90 and CW55 is desirable and strongly supported, as this would provide a valuable, traffic free, alternative walking route to the Faversham Road. The KCC PRoW and Access Service would be happy to participate in future discussions with the applicant and relevant stakeholders to accelerate the delivery of this new footpath.

Issue	Applicant's Comments	KCC Response
		Considering the nature and character of a second permissive path through the solar park, the demand and desire for this new route is debatable.
2.8 Miscellaneous Issues		
Assessment	<p>The assessment of the following issues within Chapter 17 of the ES is acceptable:</p> <ul style="list-style-type: none"> • Human Health (section 17.3); • Electric, magnetic and electromagnetic fields (section 17.4); • Telecommunications, Television Reception and Utilities (section 17.5); • Major Accidents and Disasters (section 17.7). 	The County Council is deferring to the District Authorities on this matter
2.9 Other matters		
<p>KCC has deferred to Swale Borough Council and Canterbury City Council regarding the following matters:</p> <ul style="list-style-type: none"> • Design, Landscape and Visual Considerations • Residential Amenity • Noise and Vibration • Air Quality • Land Use and Agriculture • Socio-economics, Tourism and Recreation (with the exception of Public Rights of Way) • Glint and Glare <p>Agreement is therefore not sought with KCC on the above matters.</p>	These are matters not within the remit of KCC.	Agreed
2.10 DCO		
The wording of the DCO, in particular the requirements, is acceptable.		The County Council has provided comments on the DCO in REP4-054.

APPENDIX A**A1 List of Abbreviations**

BEIS	Department for Business, Energy & Industrial Strategy
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
KCC	Kent County Council
PRoW	Public Rights of Way
SPA	Special Protection Area
SoCG	Statement of Common Ground
SoS	Secretary of State
SSSI	Site of Special Scientific Interest
WSI	Written Scheme of Investigation
WWII	World War Two

A2 Highways Transport and Access SOCG



CLEVE HILL SOLAR PARK

DCO APPLICATION REFERENCE EN010085

STATEMENT OF COMMON GROUND (SOCG)

OCTOBER 2019

BETWEEN:

- 1) CLEVE HILL SOLAR PARK LTD; AND**
 - 2) KENT COUNTY COUNCIL - HIGHWAYS
(KCC HIGHWAYS)**
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1 INTRODUCTION

1. This Statement of Common Ground (SOCG) has been prepared in relation to an application (the Application) made to the Secretary of State (SoS) for the Department for Business, Energy & Industrial Strategy (BEIS), under section 37 of the Planning Act 2008, seeking a Development Consent Order (DCO) for the Cleve Hill Solar Park (hereafter referred to as the Development). The application was accepted on 14th December 2018. Application documentation is available online [here](#).
2. This SOCG has been prepared as a means of clearly stating any areas of agreement and disagreement between the Applicant and Kent County Council Highways (KCC Highways), which are set out in section 3.
3. The SoCG is supported by the following appendices:
 - Appendix A: KCC Highways Relevant Representations
 - Appendix B: 2019 Road Condition Survey Summary
 - Appendix C: Draft Section 278 Agreement
 - Appendix D: Abnormal Loads Route Assessment Report

2 AGREEMENT

4. Confirmation that Tables 2 and 3 of this SoCG reflect the points of agreement at the date of this agreement is provided in Table 1.

Table 1: Confirmation of Agreement

Date	Signatory	Signature
KCC Highways to complete	KCC Highways to complete	KCC Highways to complete

3 RELEVANT REPRESENTATION COMMENTS

Table 2: Relevant Representation Comments

KCC Highways RR Comments	Applicant Comments	Status (KCC Highways to complete)
<i>KCC Relevant Representation Comments (RR Reference in bold, KCC-X)</i>	<i>Applicant's response</i>	<i>E.g., Agreed / Not Agreed / N/A</i>
KCC-2 KCC has been engaged in discussions with Cleve Hill Solar Park Ltd on the highways and traffic measures for the project. The condition of the highway, as a result of additional HGV traffic, is likely to be affected by the deterioration and the overrunning of the carriageway edges and verges. Road condition surveys will be required by the applicant to identify where construction traffic has caused damage and the applicant will expected to rectify this.	<p>A detailed road condition survey methodology has been agreed with KCC. This includes surveying the carriageway surface, the carriageway edges and carriageway verges from the A299 to the site access.</p> <p>The condition surveys will be undertaken before construction works take place, during construction and when construction works have finished. All results will be included within the CTMP and shared with KCC Highways.</p> <p>A significant amount of data and information has been collected as part of the road condition surveys. The Applicant is in discussions to find the best method for summarising and sharing the data with KCC. It is noted that the proposed methodology for undertaking the surveys has been agreed.</p> <p>Post construction, any deterioration of the carriageway surface, the carriageway edges and carriageway verges attributable to the Proposed Development will be rectified.</p> <p>This will be secured via a S278 agreement which will be linked to the CTMP and completed prior to construction starting.</p>	Agreed.

KCC Highways RR Comments	Applicant Comments	Status (KCC Highways to complete)
<p>Within the proposed construction traffic and phasing, KCC agrees with the methodology used to predict the HGV and LGV traffic, using the known quantity of materials and activities planned in the construction phase. It also notes that the anticipated peak, of up to 80 two-way HGV movements, is significantly less than the 150 two-way HGV movements suggested at the PEIR (section 42) stage.</p>	<p>Acknowledged.</p>	<p>Agreed.</p>
<p>KCC agrees, after reviewing the Environmental Statement (Chapter 14), that the cumulative effects are unlikely to generate traffic on the local road network. The mitigation measures suggested are of an appropriate level, as discussed in the Outline Construction and Traffic Management Plan (CTMP). The final CTMP will need to be agreed with KCC prior to commencement of the project.</p>	<p>ES Technical Appendix A14.1 - Outline Construction Traffic Management Plan (PINS reference APP-245) has been produced as a 'live' document that is expected to be updated and agreed following further consultation with stakeholders including KCC.</p> <p>Agreement on the content of the final CTMP is the subject of Requirement 11 in the draft DCO.</p>	<p>Agreed.</p>
<p>Whilst not identified in the CTMP, the spread of vehicles arriving on site is likely to be influenced by the nature of the materials being delivered. The applicant should further explain how the components transported by sea are expected to arrive by convoy, as all the HGVs will disembark within a short period.</p>	<p>It is agreed that the spread of vehicles arriving at the site will be influenced by the nature of the material being delivered. Many of the deliveries made by sea will be held at the port of entry before onward transport to the site. It is expected that these deliveries can, therefore, be released from the port in a controlled manner.</p> <p>Reference to this will be included within the updated CTMP.</p>	<p>Agreed.</p>

KCC Highways RR Comments	Applicant Comments	Status (KCC Highways to complete)
Additional Comments Received 12 April 2019		
<p>Chapter 14.2 Assessment Methodology Paragraph 69 – Traffic flows were previously listed at the PIER stage among the transport related environmental effects to be assessed, but has now been omitted from this part of the Environmental Statement. It is noted that it is still quoted under chapters 14.2.1.1 and 14.3.4 through paragraphs 73 to 76 and 114 to 123, although has not been included in Table 14.3 under chapter 14.2.1.9 to show the assessment criteria for Magnitude of Effect.</p>	<p>While a measure of the magnitude of effect, changes in traffic flows are not specifically an environmental effect. A traffic impact assessment, looking at the increases in traffic flows along key construction traffic routes, has been undertaken and is included within section 14.4.2 of Chapter 14 of the ES (PINS reference APP-044).</p> <p>This assessment sets out predicted percentage increases in traffic along proposed construction traffic routes due to the Development.</p> <p>This is consistent with the Institute of Environmental Assessment's (IEA) 'Guidelines for Environmental Assessment of Road Traffic' (1993) (the 'IEA Guidelines'). The assessment undertaken adequately addresses traffic flows.</p>	<p>Agreed.</p>
<p>Chapter 14.2 Assessment Methodology Paragraph 69 – It is considered that another transport related effect is the impact on the condition of the highway as a result of the additional HGV traffic using the local highway network. This is likely to manifest itself in deterioration of the integrity of the highway, accelerated wear and tear, and overrunning of the carriageway edges and adjacent verges where road widths are narrow. The condition surveys referred to elsewhere will be required to identify where construction traffic has caused damage and the development will be expected to rectify this.</p>	<p>A detailed road condition survey methodology has been agreed with KCC. This includes surveying the carriageway surface, the carriageway edges and carriageway verges from the A299 to the site access.</p> <p>The condition surveys will be undertaken before construction works take place, during construction and when construction works have finished. All results will be included within the CTMP and shared with KCC Highways.</p>	<p>Agreed.</p>

KCC Highways RR Comments	Applicant Comments	Status (KCC Highways to complete)
	<p>An initial road condition survey was undertaken on 19th March 2019 and the results shared with KCC.</p> <p>Post construction, any deterioration of the carriageway surface, the carriageway edges and carriageway verges attributable to the Proposed Development will be rectified.</p> <p>The remedial works will be secured via a S278 agreement which will be linked to the CTMP and completed prior to construction starting.</p>	
<p>Chapter 14.2.1.1 Traffic Flows – The roads listed for assessment in paragraph 73 are agreed, as these contain additions from those originally listed in the previous document submitted at the PIER stage.</p>	<p>Acknowledged. The following key links and their associated junctions have been considered within the traffic assessments:</p> <ul style="list-style-type: none"> • Sandbanks Lane; • Faversham Road; • Staple Street; • A2; • M2; and • A249. 	<p>Agreed.</p>
<p>Chapter 14.3.4 Traffic Flows – The methodology used to determine the Baseline Annual Average Daily Traffic Flows is acceptable, and it is considered that the dates of the surveys are appropriate. As noted in paragraph 122, the surveys undertaken during the summer holidays indicated traffic flows of circa 4% less than during the relevant traffic neutral month, so their exclusion from the assessment is agreed.</p>	<p>Acknowledged.</p>	<p>Agreed.</p>

KCC Highways RR Comments	Applicant Comments	Status (KCC Highways to complete)
Chapter 14.3.6 Personal Injury Accident Data – The PIA data does not suggest that there are any existing highway layout issues of conditions that would have been a contributing factor to the statistics, and the use of these roads as the construction route is therefore not considered to exacerbate an identified issue.	Acknowledged.	Agreed.
Chapter 14.4.1 Proposed Construction Traffic & Phasing – The vehicle movements for HGV and LGV traffic have been based on first principle methodology using the known quantity of materials and activities that will occur in line with the predicted construction phasing. I am content that the figures provided are robust, appreciating that these may be lower as some departing vehicles are in reality expected to transport waste away from the site, rather than leaving empty, and this could represent a 25% reduction in HGV movements than has been assessed. It is also noted that the anticipated peak of up to 80 two-way HGV movements is significantly less than the 150 two-way HGV movements suggested at the PIER stage.	Acknowledged.	Agreed.
Chapter 14.4.1 Proposed Construction Traffic & Phasing Paragraph 210 – Whilst it is suggested that a peak of 400 construction staff will be based at the site, no figures have been provided to give an indication of the traffic profile associated with staff movements throughout the construction period. It is noted that the Outline CTMP does refer to a large proportion of construction staff staying in local accommodation and traveling together by minibus, but no estimation of movements is given.	Construction staff movements have been included within the traffic generation figures described within Chapter 14 of the ES (PINS reference APP-044). A peak daily allowance of 50 two-way LGV movements has been allocated for staff movements by minibus. The profile of predicted LGV movements (including staff movements) throughout the construction programme is shown within Chapter 14 of the ES (PINS reference APP-044) Plate 14.3.	Agreed.

KCC Highways RR Comments	Applicant Comments	Status (KCC Highways to complete)
	<p>Further information on staff transport is provided within Appendix H of the Construction Traffic Management Plan – Travel Planning Statement (PINS reference APP-245).</p> <p>Core working hours are proposed to be between 07.00 until 19.00, Monday to Friday and 07.00 until 13.00 on a Saturday (unless in exceptional circumstances where need arises to protect plant, personnel or the environment).</p> <p>To maximise productivity within core hours, CHSP staff and contractors would require a period of up to one hour before and up to one hour after core working hours for start-up and closedown of activities.</p> <p>As such, the majority of staff traffic movements are expected to occur before 07.00 and after 19.00 on a weekday, and before 07.00 and after 13.00 on a Saturday.</p>	
<p>Chapter 14.4.2 Construction Traffic Effects – Based on the percentage change in HGV movements on the identified roads falling under the responsibility of the Local Highway Authority, it is accepted that Whitstable Road and the A299 do not require consideration within the assessment, as they fall under the 30% threshold quoted in the IEA Guidelines.</p>	<p>Acknowledged.</p>	<p>Agreed.</p>
<p>Chapter 14.4.2.1 Summary of Magnitude of Construction Traffic Effects - Following on from the comments above regarding Chapter 14.2 Assessment Methodology <i>Paragraph 69</i>, it is considered that traffic flows should be in Table 14.12.</p>	<p>While a measure of the magnitude of effect, changes in traffic flows are not specifically an environmental effect. A traffic impact assessment, looking at the increases in traffic flows along key construction traffic routes, has been undertaken and is included within section 14.4.2 of Chapter 14 of the ES (PINS reference APP-044).</p>	<p>Agreed.</p>

KCC Highways RR Comments	Applicant Comments	Status (KCC Highways to complete)
	<p>This assessment sets out predicted percentage increases in traffic along proposed construction traffic routes due to the Development.</p> <p>This is consistent with the Institute of Environmental Assessment's (IEA) 'Guidelines for Environmental Assessment of Road Traffic' (1993) (the 'IEA Guidelines'). The assessment undertaken adequately addresses traffic flows.</p>	
<p>Chapter 14.4.2.2 Evaluation of Significance of Traffic Effects – As per the comments above, traffic flows should be a type of effect included in Table 14.13.</p>	<p>While a measure of the magnitude of effect, changes in traffic flows are not specifically an environmental effect.</p> <p>A traffic impact assessment, looking at the increases in traffic flows along key construction traffic routes, has been undertaken and is included within section 14.4.2 of Chapter 14 of the ES (PINS reference APP-044).</p> <p>This assessment sets out predicted percentage increases in traffic along proposed construction traffic routes due to the Development.</p> <p>This is consistent with the Institute of Environmental Assessment's (IEA) 'Guidelines for Environmental Assessment of Road Traffic' (1993) (the 'IEA Guidelines'). The assessment undertaken adequately addresses traffic flows.</p>	<p>Agreed.</p>
<p>Chapter 14.4.3 Operation Phase Effects – Given the likely staffing level of 3 maintenance personnel attending the site per day, it is accepted that this will have a negligible impact and does not require any assessment.</p>	<p>Acknowledged.</p>	<p>Agreed.</p>

KCC Highways RR Comments	Applicant Comments	Status (KCC Highways to complete)
Chapter 14.4.4 Decommissioning Effects – It is agreed that a Decommissioning Traffic Management Plan should be produced and agreed with the relevant Highway Authorities prior to the site being decommissioned. This can reflect the mitigation and traffic management that will be appropriate at that time when the vehicle movements associated with that are known and can be tailored to the local conditions at that time.	Acknowledged.	Agreed.
Chapter 14.4.5 Cumulative Effects – The use of TEMPRO has been correctly applied to the 2022 assessment year to derive the baseline traffic volumes, and it is agreed that the committed developments would already be included within the growth factor used. In addition, the cumulative developments identified elsewhere in the ES are unlikely to generate traffic on the local road network being considered, so it is accepted that no cumulative construction traffic effects are anticipated.	Acknowledged.	Agreed.
Chapter 14.5 Mitigation – The principle of the mitigation measures suggested in paragraph 252 are considered to be likely to provide an appropriate level of actions, and it is appreciated that these are currently detailed further within the Outline CTMP that will need to be discussed and agreed to a Final CTMP version prior to commencement of the development	Acknowledged.	Agreed.
Construction Traffic Management Plan Comments		

KCC Highways RR Comments	Applicant Comments	Status (KCC Highways to complete)
Section 4.0 Routeing Strategy – The routes identified in this section and shown in Appendix C are considered the most appropriate to link the site to the wider highway network for LGVs and HGVs. However, it may be necessary for A299 HGV traffic to continue to the M2/A299 junction and use Whitstable Road, rather than Staple Street and Staple Street Road, in order that the timings of vehicle movements can be managed.	Acknowledged and agreed. HGV traffic will use the M2/A299 junction and use Whitstable Road, rather than Staple Street and Staple Street Road, in order that the timings of vehicle movements can be managed. This will be incorporated into the routing strategy included within the CTMP.	Agreed.
Paragraph 4.2.2 – Whilst the four locations where large HGV traffic will have difficulty passing each other, it is noted that the drawings contained in Appendix D are based on Ordnance Survey mapping. As such, the accuracy of the carriageway widths is likely to be unreliable, and this may alter the extent of the available forward visibility and swept path analysis. More accurate surveys will be needed to assess these instances.	Topographical surveys have been undertaken at several locations suggested by KCC. These have been used to update the swept path analysis and the results included within the CTMP.	Agreed.
Section 5.0 Signing Strategy & Core Working Hours – The placement of temporary signage as described in paragraphs 5.1.1 and 5.1.2 will be expected, and this will need to be agreed prior to commencement.	This is acknowledged, the Applicant will ensure that placement of temporary signage is agreed with KCC Highways prior to commencement; details of which will be included in the Construction Traffic Management Plan which is the subject of Requirement 11 of the draft DCO (PINS reference APP-016).	Agreed.
Section 6.0 Mitigation Measures <i>Paragraph 6.4 HGV Traffic Movement Restrictions</i> – The timing restrictions outlined are sensible in respect to the local road network, and it is accepted that these will not apply to the strategic road network, particularly as is intended to utilise laybys on these as holding areas prior to accessing the site.	Acknowledged.	Agreed.

KCC Highways RR Comments	Applicant Comments	Status (KCC Highways to complete)
<p>Paragraph 6.7 Timings of HGV Movements – The use of a Delivery Management System to manage and monitor HGV traffic is welcomed, and this will need further detailing to ensure adequate measures are in place to adhere to the restrictions. In particular, adhering to the 45 minute arrival window described in paragraph 6.7.7 should take into account the time travelling from the A299 to the site access, and vice versa for 15 minute departure window. It may be appropriate to require HGVs to book in to a remote location first before being permitted to continue to the site, in order to ensure there is no overlap in the timing of vehicles travelling along Seasalter Road, or abuse of the window.</p>	<p>Further details on the timing of HGV movements will be included within the CTMP once more detail is known on the origins and suppliers of goods, plant and materials.</p> <p>The CTMP has been updated to include details of measures that will be introduced to ensure inbound/outbound HGVs associated with the construction of the Solar Park will not meet along Head Hill Road and Seasalter Road.</p> <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>The CTMP forms Requirement 11 of the draft DCO (PINS reference APP-016) which means that no phase of the development may commence until written details of the construction traffic management plan has been submitted to and approved by the relevant authority.</p> <p>Vehicle timings will take account of the time travelling from the A299 to the site and the CTMP has been updated to make this clear.</p> <p>A remote HGV booking in area is not proposed as part of</p>	<p>Agreed.</p>
<p>Whilst not identified in the CTMP or Chapter 14, the spread of vehicles arriving to the site is likely to be influenced by the nature of the materials being delivered. The components transported by sea are expected to arrive by convoy as all the HGVs will disembark within a short period. Appreciation of how this can be accommodated should be given.</p>	<p>Further details on the timing of HGV movements will be included within the CTMP once more detail is known on the origins and suppliers of goods, plant and materials.</p> <p>This will include details on how vehicles will be expected to convoy to the site.</p> <p>The CTMP forms Requirement 11 of the draft DCO (PINS reference APP-016) which means that no phase of the development may commence until written details of the</p>	<p>Agreed.</p>

KCC Highways RR Comments	Applicant Comments	Status (KCC Highways to complete)
	construction traffic management plan has been submitted to and approved by the relevant authority.	
Section 6.9 Speed Limit Restrictions – The 20 mph restriction for construction traffic is considered to be an appropriate measure, as detailed on drawing 007 in Appendix E. It would be useful if the drawing could clearly distinguish between existing and proposed signage.	Acknowledged. The Indicative Traffic Signage Strategy (Drawing 007) has been updated in the CTMP.	Agreed.
Local Highway Issues and Constraints section of the CTMP appears to be misplaced with the text of section 4.4 Internal Roads. Paragraph 4.4.2 listing the common constraints/issues for construction traffic should also reference the impact on the condition of the road/adjacent verges, and potential damage caused to these.	<p>It is assumed that KCC Highways are referring to Table 4.1: Identified Constraints within the CTMP which addresses the issues associated with highway surface conditions.</p> <p>A detailed road condition survey methodology has been agreed with KCC. This includes surveying the carriageway surface, the carriageway edges and carriageway verges from the A299 to the site access.</p> <p>The surveys will be undertaken before construction works take place, during construction and when construction works have finished. All results will be shared with KCC Highways and included within the CTMP.</p> <p>An initial road condition survey was undertaken on 19th March 2019 and the full results will be shared with KCC.</p>	Agreed.

KCC Highways RR Comments	Applicant Comments	Status (KCC Highways to complete)
<p>Section 6.12 Cleaning of Vehicles – The use of a wheel wash and the length of the site access road should be sufficient to guard against the spread of mud onto the public highway. However, a contingency plan should also be in place to act should this not prove to be the case, and detail how occurrences of mud contamination will be adequately dealt with. For instance, the availability of a road sweeper may be required.</p>	<p>The comment is acknowledged. If mud/debris attributable to the Solar Park is found to be deposited on the highway this will be cleaned promptly by the Applicant. Details of this and the proposed contingency plan will be included within the updated CTMP.</p>	<p>Agreed.</p>
<p>Section 6.13 Highway Condition Surveys – Whilst mentioned in the Outline CTMP and Chapter 14, it may also be appropriate to secure this obligation outside of the CTMP to ensure that it does not get omitted from the Final CTMP.</p>	<p>A detailed road condition survey methodology has been agreed with KCC. This includes surveying the carriageway surface, the carriageway edges and carriageway verges from the A299 to the site access.</p> <p>The condition surveys will be undertaken before construction works take place, during construction and when construction works have finished. All results will be included within the CTMP and shared with KCC Highways.</p> <p>An initial road condition survey was undertaken on 19th March 2019 and the full results will be shared with KCC.</p> <p>Post construction, any deterioration of the carriageway surface, the carriageway edges and carriageway verges attributable to the Proposed Development will be rectified.</p> <p>This will be secured via a S278 agreement which will be linked to the CTMP and completed prior to construction starting.</p>	<p>Agreed.</p>

KCC Highways RR Comments	Applicant Comments	Status (KCC Highways to complete)
<p>Section 7.0 Management Structure – Paragraphs 7.4 and 7.5 deal with Compliance, Enforcement and Corrective Measures. In particular with regard to compliance and enforcement, measures should be identified how the speed restriction shall be monitored, and what measures will be taken to adequately address breaches.</p>		<p>Agreed.</p>

4 AREAS OF FURTHER DISCUSSION

Table 3: Areas of Further Discussion

Applicant Comments	Status (Applicant to complete)
<i>Applicant's areas of further discussion</i>	<i>E.g., Agreed / Not Agreed / N/A</i>
<p>Section 278 Agreement</p> <p>The Applicant is seeking permission to undertake remedial highways works along the construction traffic route from the A299 to the site.</p> <p>KCC has agreed that a S278 is the best mechanism to allow this. The exact wording of the S278 Agreement needs to be agreed.</p> <p>The S278 agreement will need to be signed prior to any construction traffic movements being permitted.</p> <p>A commitment to this has been included within the updated CTMP.</p>	<p>Agreed.</p> <p>It is agreed that a S278 agreement is the appropriate mechanism to be used to undertake highways works along the proposed construction traffic route.</p>
<p>Speed Restriction Monitoring</p> <p>CHSP will ensure that a qualified member of staff is employed to conduct surveys and monitor construction vehicle activity at specific locations on the construction route network to ensure contractors' obligations are met as well as adherence to the CTMP. This will include speed enforcement monitoring.</p>	<p>Agreed.</p>

Applicant Comments	Status (Applicant to complete)
<p>Cleaning of Vehicles</p> <p>The comment is acknowledged. If mud/debris attributable to the Solar Park is found to be deposited on the highway this will be cleaned promptly by the Applicant and their contractors. Details of this and the proposed contingency plan will be included within the updated CTMP.</p>	Agreed.
<p>OS Mapping Inaccuracies/Topographical Surveys</p> <p>Topographical surveys will be undertaken of the locations discussed in the CTMP where vehicles may have difficulty passing each other. The extents of the surveys were agreed with KCC Highways and the findings included within the CTMP.</p>	Agreed.
<p>Routeing Strategy</p> <p>The CTMP forms Requirement 11 of the draft DCO (PINS reference APP-016) which means that no phase of the development may commence until written details of the construction traffic management plan, including routeing details has been submitted to and approved by the relevant authority.</p>	Agreed.
<p>Timing of Construction Traffic Movements</p> <p>The CTMP forms Requirement 11 of the draft DCO (PINS reference APP-016) which means that no phase of the development may commence until written details of the construction traffic management plan, including details on the</p>	Agreed.

Applicant Comments	Status (Applicant to complete)
timing of traffic movements, has been submitted to and approved by the relevant authority.	

APPENDIX A – KENT COUNTY COUNCIL RELEVANT REPRESENTATIONS

KCC Highways & Transportation Response:

Relevant Representation

Thank you for consulting the Highway Authority on the above report. The observations and comments below are based on the information provided in the following documents dated November 2018:

Environmental Statement Volume 1; Chapter 14 – Access and Traffic

- Chapter 14.2 Assessment Methodology *Paragraph 69* – Traffic flows were previously listed at the PIER stage among the transport related environmental effects to be assessed, but has now been omitted from this part of the Environmental Statement. It is noted that it is still quoted under chapters 14.2.1.1 and 14.3.4 through paragraphs 73 to 76 and 114 to 123, although has not been included in Table 14.3 under chapter 14.2.1.9 to show the assessment criteria for Magnitude of Effect.
- Chapter 14.2 Assessment Methodology *Paragraph 69* – It is considered that another transport related effect is the impact on the condition of the highway as a result of the additional HGV traffic using the local highway network. This is likely to manifest itself in deterioration of the integrity of the highway, accelerated wear and tear, and overrunning of the carriageway edges and adjacent verges where road widths are narrow. The condition surveys referred to elsewhere will be required to identify where construction traffic has caused damage and the development will be expected to rectify this.
- Chapter 14.2.1.1 Traffic Flows – The roads listed for assessment in paragraph 73 are agreed, as these contain additions from those originally listed in the previous document submitted at the PIER stage.
- Chapter 14.3.4 Traffic Flows – The methodology used to determine the Baseline Annual Average Daily Traffic Flows is acceptable, and it is considered that the dates of the surveys are appropriate. As noted in paragraph 122, the surveys undertaken during the summer holidays indicated traffic flows of circa 4% less than during the relevant traffic neutral month, so their exclusion from the assessment is agreed.
- Chapter 14.3.6 Personal Injury Accident Data – The PIA data does not suggest that there are any existing highway layout issues or conditions that would have been a contributing factor to the statistics, and the use of these roads as the construction route is therefore not considered to exacerbate an identified issue.
- Chapter 14.4.1 Proposed Construction Traffic & Phasing – The vehicle movements for HGV and LGV traffic have been based on first principle methodology using the known quantity of materials and activities that will occur in line with the predicted construction phasing. I am content that the figures provided are robust, appreciating that these may be lower as some departing vehicles are in reality expected to transport waste away from the site, rather than leaving empty, and this could represent a 25% reduction in HGV movements than has been assessed. It is also noted that the anticipated peak of up to 80 two-way HGV movements is significantly less than the 150 two-way HGV movements suggested at the PIER stage.

- Chapter 14.4.1 Proposed Construction Traffic & Phasing *Paragraph 210* – Whilst it is suggested that a peak of 400 construction staff will be based at the site, no figures have been provided to give an indication of the traffic profile associated with staff movements throughout the construction period. It is noted that the Outline CTMP does refer to a large proportion of construction staff staying in local accommodation and traveling together by minibus, but no estimation of movements is given.
- Chapter 14.4.2 Construction Traffic Effects – Based on the percentage change in HGV movements on the identified roads falling under the responsibility of the Local Highway Authority, it is accepted that Whitstable Road and the A299 do not require consideration within the assessment, as they fall under the 30% threshold quoted in the IEA Guidelines.
- Chapter 14.4.2.1 Summary of Magnitude of Construction Traffic Effects - Following on from the comments above regarding Chapter 14.2 Assessment Methodology *Paragraph 69*, it is considered that traffic flows should be in Table 14.12.
- Chapter 14.4.2.2 Evaluation of Significance of Traffic Effects – As per the comments above, traffic flows should be a type of effect included in Table 14.13.
- Chapter 14.4.3 Operation Phase Effects – Given the likely staffing level of 3 maintenance personnel attending the site per day, it is accepted that this will have a negligible impact and does not require any assessment.
- Chapter 14.4.4 Decommissioning Effects – It is agreed that a Decommissioning Traffic Management Plan should be produced and agreed with the relevant Highway Authorities prior to the site being decommissioned. This can reflect the mitigation and traffic management that will be appropriate at that time when the vehicle movements associated with that are known and can be tailored to the local conditions at that time.
- Chapter 14.4.5 Cumulative Effects – The use of TEMPRO has been correctly applied to the 2022 assessment year to derive the baseline traffic volumes, and it is agreed that the committed developments would already be included within the growth factor used. In addition, the cumulative developments identified elsewhere in the ES are unlikely to generate traffic on the local road network being considered, so it is accepted that no cumulative construction traffic effects are anticipated.
- Chapter 14.5 Mitigation – The principle of the mitigation measures suggested in paragraph 252 are considered to be likely to provide an appropriate level of actions, and it is appreciated that these are currently detailed further within the Outline CTMP that will need to be discussed and agreed to a Final CTMP version prior to commencement of the development.

Environmental Statement Volume 4; Technical Appendix A14.1 – Outline Construction Traffic Management Plan

- Section 4.0 Routeing Strategy – The routes identified in this section and shown in Appendix C are considered the most appropriate to link the site to the wider highway network for LGVs and HGVs. However, it may be necessary for A299 HGV traffic to continue to the M2/A299 junction and use Whitstable Road, rather than Staple Street and Staple Street Road, in order that the timings of vehicle movements can be managed.

- Paragraph 4.2.2 – Whilst the four locations where large HGV traffic will have difficulty passing each other, it is noted that the drawings contained in Appendix D are based on Ordnance Survey mapping. As such, the accuracy of the carriageway widths is likely to be unreliable, and this may alter the extent of the available forward visibility and swept path analysis. More accurate surveys will be needed to assess these instances.
- Section 5.0 Signing Strategy & Core Working Hours – The placement of temporary signage as described in paragraphs 5.1.1 and 5.1.2 will be expected, and this will need to be agreed prior to commencement.
- Section 6.0 Mitigation Measures *Paragraph 6.4 HGV Traffic Movement Restrictions* – The timing restrictions outlined are sensible in respect to the local road network, and it is accepted that these will not apply to the strategic road network, particularly as is intended to utilise laybys on these as holding areas prior to accessing the site.
- Paragraph 6.7 Timings of HGV Movements – The use of a Delivery Management System to manage and monitor HGV traffic is welcomed, and this will need further detailing to ensure adequate measures are in place to adhere to the restrictions. In particular, adhering to the 45 minute arrival window described in paragraph 6.7.7 should take into account the time travelling from the A299 to the site access, and vice versa for 15 minute departure window. It may be appropriate to require HGVs to book in to a remote location first before being permitted to continue to the site, in order to ensure there is no overlap in the timing of vehicles travelling along Seasalter Road, or abuse of the window.

Whilst not identified in the CTMP or Chapter 14, the spread of vehicles arriving to the site is likely to be influenced by the nature of the materials being delivered. The components transported by sea are expected to arrive by convoy as all the HGVs will disembark within a short period. Appreciation of how this can be accommodated should be given.

- Section 6.9 Speed Limit Restrictions – The 20 mph restriction for construction traffic is considered to be an appropriate measure, as detailed on drawing 007 in Appendix E. It would be useful if the drawing could clearly distinguish between existing and proposed signage.
- Local Highway Issues and Constraints section of the CTMP appears to be misplaced with the text of section 4.4 Internal Roads. Paragraph 4.4.2 listing the common constraints/issues for construction traffic should also reference the impact on the condition of the road/adjacent verges, and potential damage caused to these.
- Section 6.12 Cleaning of Vehicles – The use of a wheel wash and the length of the site access road should be sufficient to guard against the spread of mud onto the public highway. However, a contingency plan should also be in place to act should this not prove to be the case, and detail how occurrences of mud contamination will be adequately dealt with. For instance, the availability of a road sweeper may be required.
- Section 6.13 Highway Condition Surveys – Whilst mentioned in the Outline CTMP and Chapter 14, it may also be appropriate to secure this obligation outside of the CTMP to ensure that it does not get omitted from the Final CTMP.

- Section 7.0 Management Structure – Paragraphs 7.4 and 7.5 deal with Compliance, Enforcement and Corrective Measures. In particular with regard to compliance and enforcement, measures should be identified how the speed restriction shall be monitored, and what measures will be taken to adequately address breaches.

I trust the above comments are of use.

APPENDIX B - DRAFT S278 AGREEMENT



Developer Address

Kent County Council
Ashford Highway Depot
4 Javelin Way
Henwood Industrial Estate
Ashford
Kent
TN24 8AD

Email: **Highway.officer@kent.gov.uk**
Telephone: **03000 XXXXXX**
Ask for: **Highway Officer**
Our Ref: **SW003196**
Date: **22 July 2019**

Dear Sir / Madam

Title: Site Address

Section 278 Letter of Agreement Highway Works:

I refer to Planning Permission ref **XXXXXX** dated **XXXXXXXX** for development comprising **XXXXXXXXXXXXXXXXXXXX** (the "Development") which requires certain works to the Highway to be constructed in connection with the Development.

It is hereby agreed between Kent County Council (the Highway Authority) and **XXXXXX** (the Developer) that such Highway works comprising the provision of **XXXXXXXX** as identified on drawings numbered – **XXXXXXXX** (the "Works") may be carried out by the Developer subject to the terms and conditions set out in this letter which constitutes an Agreement pursuant to Section 278 of the Highways Act 1980.

The terms of this Agreement are as follows:

- i. The Developer will submit a full Stage 2 design submission, including a Safety Audit in accordance with GG 119 Road Safety Audit, to the Highway Authority for approval. The developer remains responsible for the design and any defects arising from it together with the construction workmanship until such time that the Second Certificate is issued. Please note that under this Section 278 Agreement the Developer also acts as Street Manager under NRSWA 1991 and therefore is responsible for any damage or defect to the existing Highway within the S278 works area until the Second Certificate is issued.
- ii. The Developer will pay the costs incurred by the Highway Authority in the audit of the design, project management and audit site inspection of the works including during the maintenance period of 1 year following their completion ("the Fees"). For these Works the Fees are 10% of the cost of the works with a minimum fee of £1,000 which must be paid in advance before any Stage 2 Audit assessment can be carried out by the Highway Authority.
- iii. The estimated cost of the construction works is £**XXXXXX** and the Developer will pay this sum plus the Fees £**XXXXXX** (10% of the cost of the Works) minus the initial fee of £1,000 totalling £**XXXXXX** to the Highway Authority before this Agreement is signed (see also the fixed sum consultancy Fee to be paid under clause xiv). No works must start until all fees have been paid and this Letter of Agreement is signed by both parties. Upon the issue of the First Certificate 75% of the estimated construction sum (£**XXXXXX**) will be repaid to the Developer. Upon the issue of the

Second Certificate the remainder of the estimated construction sum (£XXXXXX min) will be repaid to the Developer plus any accrued interest;

- iv. The Developer will need to have obtained prior approval for their proposed dates to work on the Highway from the Roadworks Co-ordination Team and complied with any statutory notices and notice periods. Please note that there may be an additional admin fee applied by the Roadworks Coordination Team for processing the permit application and on some roads a Lane Rental payment may also apply. In addition the Developer will give 10 working days notice to the Agreements Team of its intention to commence work on the highway (in order that a pre-start meeting may be arranged, and audit inspections programmed) and to complete the Works within a period of XXXXXXXX weeks, using a contractor from the County Council's list of approved highway contractors;
- v. Before commencement of the Works the Developer will obtain such consents, licences or permissions as may be required for the purposes of carrying out the Works and shall comply with these. This refers mainly to the usual requirements of the New Roads and Street Works Act as well as obtaining a permit to work on the highway under the Kent Permit Scheme and consulting with statutory undertakers;
- vi. The Developer shall not commence the Works until the Stage 2 design submission and Construction Health and Safety Plan has been approved; the fees/costs referred to at (iii) above and (xiv) below have been paid; and the requirements of (iv) and (v) above have been complied with;
- vii. Upon completion of the Works, if required by the Highway Authority the Developer will carry out a Stage 3 Safety Audit and implement any issues raised. Once all works are completed to the satisfaction of the Highway Authority and the As Built Drawings and the Health and Safety File for the specific S278 Works have been provided, the First Certificate will be issued. The Developer will then maintain the Works for a minimum period of 12 months following the issue of the First Certificate (the "Maintenance Period"). At the end of the Maintenance Period, provided that any revised As Built Drawings and the Health and Safety File have been provided and Land Transfers pursuant to clause (viii) below have been completed, and all the Works have been completed to the satisfaction of the Highway Authority, the Second Certificate will be issued releasing the Developer from its obligations and this Agreement;
- viii. Following the issue of the First Certificate the Developer will transfer the area of land (shown coloured pink on drawing no XXXXXXXX) to the Highway Authority and will pay the Highway Authority's legal fees incurred in connection with the transfer and registration of the said land; if applicable,
- ix. The Developer will indemnify the Highway Authority from and against all third party actions, costs, claims, demands charges and expenses whatsoever arising or which may arise out of or be incidental to the execution of the Works save where the same arise as a result of any wilful or negligent default by the Highway Authority and provided that the Highway Authority shall have first notified the Developer of any such actions, costs, claims, demands, charges or expenses and given due regard to any comments made by the Developer about the same;
- x. The Developer will pay the costs and expenses incurred by the Highway Authority in any necessary testing of any materials and in making and implementing any Traffic Regulation Order necessitated by the Works and whether made or implemented prior to, during or up to the issue of the Second Certificate ;
- xi. The Developer will provide the Highway Authority with PDF copies of the As Built Drawings and the Adoption Drawing. A number of paper copies of the drawings may also be required and will be requested as required by the Agreements Engineer for the S278 scheme.
- xii. Where the Works fall within the Construction (Design and Management) Regulations 2015 the Developer will provide the name of the Principal Designer and a copy of the F10 prior to the Letter of Agreement being signed. The F10 must be specific to the S278 works and not any adjacent private or S38 works.
- xiii. If the construction of the works shall not have commenced within 12 months from the date hereof, this agreement shall cease to have effect.

- xiv. In addition to the Fees mentioned in iii above the developer will also pay a fixed sum consultancy Fee of £XXXXXX in respect of the highway management and transportation advice and assistance given to the Developer prior to Stage 1 Approval. This Fee will be set by the Agreements Team and will be based on the estimated cost of the works.
- xv. The Developer will be responsible for any claims for compensation made pursuant to Part 1 of the Land Compensation Act 1973. The Developer may be required to provide a Bond or Performance Security payment to indemnify the Highway Authority in respect of any claims under Part 1 of the Land Compensation Act 1973 arising out of, in connection with or incidental to, the carrying out of the Works and their subsequent use, other than those arising out of or in consequence of any negligent act, default or omission of the Highway Authority. The indemnification will be agreed separately between the Developer and the Highway Authority through Invicta Law Limited.

The indemnification includes:

- a) all fees incurred by claimants which the Highway Authority is obliged to pay, and those of the Highway Authority or its agents or Contractor, in negotiating any claims (together with VAT payable on the claimant's professional adviser's fees);
 - b) statutory interest payments to claimants and their professional advisors; and
 - c) the Highway Authority's reasonable and proper legal costs in making the compensation, fees and interest payments.
- xvi. The developer via their contractor are required to notify KCC of any near miss incidents or any time lost due to accidents/injury on site to enable KCC to monitor the Health & Safety of any works on the Public Highway.

Yours faithfully

Jamie Hare.
(Development Agreements Manager)
For and on behalf of Kent County Council

Terms and Conditions agreed on behalf of: XXXXXXXXDEVELOPERXXXXXXXX

Director of Company:(signature)

.....(name)

Dated:

A3 Minerals Assessment

A3 Minerals Assessment

1.0 Introduction

This Minerals Assessment supports the application (the Application) made to the Secretary of State (SoS) for the Department for Business, Energy & Industrial Strategy (BEIS), under section 37 of the Planning Act 2008, seeking a Development Consent Order (DCO) for the Cleve Hill Solar Park (hereafter referred to as the Development).

This assessment has been prepared in response to issues raised in the Local Impact Report [REP1-004](#) submitted by Kent County Council (KCC) in relation to the safeguarding of mineral resources and the impact that the Development will have on future supply and to address questions raised by the ExA (ExQ 2.0.2 and 2.0.3 published 9 August 2019) in relation to the environmental impacts on mineral reserves (ExQ2.02) and the impact of the proposed coastal managed realignment (ExQ2.03).

2.0 Minerals Policy Background

The Kent Minerals and Waste Local Plan (2013-2030) was adopted in July 2016 and outlines the vision for minerals provision in Kent until 2030 as well as safeguarding mineral resources from sterilisation for use by future generations. Kent County Council Minerals team are in the process of undertaking a review of the Plan targets and safeguarded areas.

It is of note that the Development site is not identified as an active area of mineral extraction or a site where mineral extraction has been included in County-wide mineral extraction targets for the plan period. It is also of note that no interest in minerals extraction has been shown in the site by commercial mineral extraction companies even though it has been identified for possible mineral extraction in the Minerals Plan for the last 3 years. The site is not under Legal Option for minerals development and does not have planning permission for minerals development.

The Kent County Council Minerals and Waste Local Plan (2013-30) does however contain a number of minerals policies which are considered to be relevant to the Development.

Policy CSM 5 Land-won Mineral Safeguarding seeks to protect land-won mineral resources from unnecessary sterilisation through the designation of Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs). The accompanying Mineral Safeguarding Policies Maps indicate that the Site lies partially within two MSAs which safeguard sub-alluvial river terrace deposits and brickearth (Faversham-Sittingbourne Area). Figure 1, appended, identifies the safeguarded areas' as they apply to the site.

Policy DM 7 Safeguarding Mineral Resources states that permission will be granted for non-mineral development that is incompatible with minerals safeguarding, where it is demonstrated that either:

1. The mineral is not of economic value or does not exist; or
2. That extraction of the mineral would not be viable or practicable; or
3. The mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or
4. The incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or
5. Material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or

6. It constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions; or
7. It constitutes development on a site allocated in the adopted development plan.

Policy DM 8 Safeguarding Minerals, Management, Transportation, Production & Waste Management Facilities sets out seven criteria for development that is incompatible with safeguarded minerals management, transportation or waste management facilities. It advises that permission will be granted for incompatible development where it is demonstrated that it is for a temporary period and will not compromise its potential in the future for minerals transportation.

3.0 Planning Policy Assessment

The Development is assessed against the relevant minerals policies in the Kent County Council Minerals and Waste Local Plan as follows.

3.1 Policy CSM 5

Policy CSM 7 safeguards the development site for brick earth and sub alluvial river terrace deposits. The supporting text to the policy is clear that no assessment of the availability or the economic viability of extracting the mineral deposits in the safeguarded location has been undertaken, safeguarding is based on strategic level geological mapping. The Plan also sets out in supporting text how Kent intend to meet their minerals targets providing a justification for safeguarding, commenting as follows in respect of brick earth and sub alluvial deposits:

Brick earth (Paragraph 5.2.30 onwards)

There is a need to identify sufficient reserves to provide brick earth to the two remaining brickworks to ensure the continued manufacture of the yellow London stock bricks associated with the Faversham area. A stock of at least 25 years is needed. The Adopted plan indicates the current extraction sites with planning permission would meet the 25-year target, however the review of the safeguarded areas now being undertaken by the minerals team (but not yet consulted on or otherwise published) indicates that the supply level is around 22 years. As Figure 1 demonstrates, the brick-earth safeguarded area on the Development site is very small and neighbouring safeguarded land would be needed for any viable minerals extraction The Development site is also part of a wider safeguarded area so is not the only alternative safeguarded site available.

Sub Alluvial River Deposits

Targets for aggregates are based on annual sales from Kent quarries. The supporting paragraphs 5.2.9 – 5.2.25 set out the assessment of aggregate allocations. This shows rapidly declining sales with sharp sand and gravel sales falling from 908,000 tonnes in 2004 to 273,000 tonnes in 2013 with soft sand also falling from 780,000 tonnes to 483,000 tonnes over the same period. In parallel during a similar time period Kent enhanced its status as the UK's largest importer of aggregates via wharves and rail and has increased its use of secondary and recycled aggregates produced on industrial sites which are viewed as more sustainable than extracting primary won aggregates.

During the Plan period Kent intends to meet its aggregate targets with existing extraction sites and additional sites put forward by mineral extraction companies as part of the call to sites process. It is acknowledged that there would need to be a change in economic viability for other sites to come forward and any shortfall will be met from marine extractions and recycled aggregates which are anticipated to contribute increasingly to the market. The Minerals team at Kent County Council consider that if a viable gravel site were to come forward on the Development site it could contribute to their required 7 year supply requirement during the plan period however no evidence

is presented to demonstrate that viable gravel extraction is an option other than the geological safeguarding. It is of note that the applicant's site investigation works in the vicinity of the proposed substation location identified clay rather than river alluvium. Clay is not a safeguarded mineral. As with brick-earth the alluvial safeguarding on the Development site is part of a much wider area covering large areas of Kent so it is not the only safeguarded site available.

3.2 Policies DM7 and DM8

Given the location of the Site partially within Minerals Safeguarding Areas, the Development can be considered as 'incompatible with minerals safeguarding' for the purposes of **Policies DM 7 and DM 8**.

The installation of solar panels and associated infrastructure is a surface development which will not affect the availability of sub surface mineral reserves but it will prohibit extraction taking place whilst the Development is on site. Solar is also a form of development that can easily be reversed without sterilising mineral resources

DM 7 provides criteria which if satisfied would allow development on the safeguarded minerals areas. Assessment against DM 7 criteria 1-5 is provided below:

1. The mineral is not of economic value or does not exist

This has not been proven either way; no conclusive testing has been done by any party to show whether minerals of economic value exist at the site. The applicant's site investigation works in the vicinity of the proposed substation location identified clay rather than river alluvium. Clay is not a safeguarded mineral.

2. That extraction of the mineral would not be viable or practicable

The commercial viability of extraction of minerals at the site cannot be tested because, as noted above, the economic value of any minerals at the site has not been established. The Minerals team at Kent County Council consider that if a viable gravel site were to come forward on the Development site it could contribute to their required 7-year supply requirement during the plan period, however, no evidence has been presented by Kent County Council to demonstrate that viable gravel extraction is an option other than the geological safeguarding.

The term "viability and practicability" also includes consideration of whether extraction of minerals could be achieved in accordance with relevant policy and environmental protections; i.e., without unacceptable environmental effects. These have been assessed at high level below.

The Development site lies immediately adjacent to the Swale, designated as a Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site. The Swale Estuary is also a Marine Conservation Zone (MCZ) and parts of it are a National Nature Reserve (NNR). The Development site also encompasses part of the South Bank of the Swale Local Nature Reserve (LNR).

Any large-scale mineral extraction would not be compatible with these designations, whether undertaken prior to the Cleve Hill Solar Park or otherwise. The high-level assessment in Table 1.1 below outlines why this would be the case, along with considering other potential effects. The principal effects and receptors only have been considered; other types of effect, and effects on other receptors, are also anticipated, but are assessed as being lesser than the effects assessed in Table 1.1.

For the purposes of this assessment, it is assumed that "mineral extraction" would be of a spatial and temporal scale so as to provide a meaningful contribution to Kent's mineral supply. This is assumed to mean that excavation would occur across a substantial part of the site, such as 100 ha, over a period of 5 to 10 years. It is this scale of excavation, undertaken in phases, which has been assumed and considered below.

Table 1.1: High-level environmental assessment of minerals extraction at the Development site.

Receptor	Mineral extraction characteristic	Impact description	Acceptability
Ecological designations: Swale SPA, Ramsar site, SSSI, and the bird species that are qualifying interests of these designations	Noise, site movement, on-site traffic involving heavy plant, excavators and potentially explosives.	Disturbance to birds of species that are part of the designations	<u>Likely unacceptable:</u> Mineral extraction at the site would displace birds from the site, and potentially the surrounding designated areas too, which would be unacceptable.
Ecological designations: Swale SAC, SSSI, Ramsar, NNR, including both the tidal parts outside the sea wall and the brackish/freshwater parts inside the sea wall. Water vole (a protected species)	Soil disturbance and landform alteration	Creation of elevated levels of suspended solids in surrounding ditch network, which drain into the Swale, affecting the macroinvertebrates and habitat for qualifying species of the designations	<u>Likely unacceptable:</u> Given mineral extraction is an extreme form of soil disturbance, an increase in suspended solids could be expected, incapable of feasible mitigation such that their effect on designations would be unacceptable.
Protected species and those they rely on: invertebrates, great crested newt, bats, water vole, reptiles; and bird species that are qualifying interests of the Swale designations	Land-take during excavations	Loss of habitat that is used by these species	<u>Likely unacceptable:</u> Given the likely area of the site disturbed by extraction, and surrounding working areas, it is unlikely that adequate land could be reserved for habitat, and even if it could the noise and other effects of extraction, would not be conducive to species readily inhabiting such areas.
Coastal management, estuarine ecology and flood risk: the strategy by the Environment Agency for Managed Coastal Realignment, in the soon to be adopted Medway Estuary and Swale Strategy (MEASS)	Permanent landform alteration	Gravel pits (lakes) and surrounding minerals extraction heritage issues would form the starting point for the MEASS, compared to the current baseline of arable farmland.	<u>Likely unacceptable:</u> With MEASS, the site would become a marine environment, in the inter-tidal zone (at least at very high tides). The presence of gravel pits has not been considered in devising the MEASS, however it is unlikely to be compatible, with shallow wetlands being replaced by large areas of deeper water.

Receptor	Mineral extraction characteristic	Impact description	Acceptability
Area of High Landscape Value - Kent Level', as referred to within Policy DM24 of The Swale Borough Council Local Plan	Permanent landform alteration, temporary (5-10 years) mineral extraction operations	Permanent slight change to the landscape character, with gravel pits (lakes) replacing arable farmland. Temporary loss of openness, remoteness and tranquillity from the excavation activity	Potentially acceptable: The designation is local, and may well be considered to be a secondary consideration to that of mineral extraction, depending on a comparative assessment with alternative sites for equivalent mineral extraction, and the residual landform on the site.
Landscape character effect on areas off-site	Permanent landform alteration, temporary (5-10 years) mineral extraction operations	Permanent slight change to the landscape character of adjacent areas	Likely acceptable: The only off-site landscape designations are at some distance from the site. Adjacent areas are not subject to landscape designations.
Visual receptors: footpath users, residents, road users	Permanent landform alteration, temporary (5-10 years) mineral extraction operations	Permanent slight change to views, with gravel pits (lakes) replacing arable farmland. During excavation, a temporary loss of openness, remoteness and tranquillity within c. 1-2 km of the excavation activity	Likely acceptable: Effects would be localised, with substantial effects within 1-2 km of the excavation only, limiting the number of receptors substantially affected and the extent of the effect.
Unknown archaeological remains within the site, and unscheduled known remains	Land-take during excavations	Physical loss of any remains within the areas excavated	Potentially acceptable: Subject to a programme of survey or watching brief, and recording of any remains found, effects on archaeological remains are likely to be acceptable.

Receptor	Mineral extraction characteristic	Impact description	Acceptability
Noise receptors: footpath users, residents	Excavation noise: blasting, mobile machinery, digging, extracting and driving off-site	Substantial and continuous (during working hours) noise within c. 1-2 km of the excavation activity	Potentially acceptable: The effect is likely to be of high magnitude, affecting a small number of residents and small sections of the Saxon Shore Way and local footpaths. This may be considered acceptable, given that if mineral extraction has to occur, then carrying it out in an area of low population density is the least bad option.
Residents living along, or using regularly, Seasalter Road and Head Hill Road	Import to the site of equipment and staff, and export from the site of the minerals	Elevated levels of traffic, and particularly HGVs, for the duration of the extraction and restoration phases. Associated effects of, principally, noise, severance, driver delay, fear and intimidation, pedestrian delay, cycle amenity and highway safety.	Potentially acceptable: The effect is likely to be of high magnitude, affecting a local population of residents and a short section of national cycle route 1. It is possible that this may be considered acceptable, given that if mineral extraction has to occur, then effects on a short section of the local road network are likely to occur in most locations where mineral extraction is possible.

In conclusion, mineral extraction at the site would have effects on the Swale ecological designations, its qualifying interests and some protected species, which are assessed as being "likely unacceptable". In addition, mineral extraction at the site is likely unacceptable to the aims of the MEASS, in terms of managed coastal realignment.

On this basis, extraction of any mineral at the site would not be viable or practicable, and criterion 2 is met.

3. The mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development;

Policy DM9 states planning permission for, or incorporating, mineral extraction in advance of development will be granted where the resources would otherwise be permanently sterilised provided that: 1. the mineral extraction operations are only for a temporary period; and, 2. the proposal will not cause unacceptable adverse impacts to the environment or communities.

This third bullet point of Policy DM 7 has two parts: firstly, that part in bold, requiring that the viability or deliverability of the non-minerals development would not be adversely affected by

preceding it with mineral extraction; and secondly, by reference to Policy DM9, requiring that the mineral extraction could be temporary and without unacceptable adverse impacts to the environment or communities. These two parts are taken in turn below.

1. Mineral extraction compatibility with preceding the Development. This should be considered in terms of: (a) temporal; and (b) physical, compatibility.

(a) Temporal compatibility

The National Policy Statements for Energy, as supplemented by the Applicant's evidence on need for the Cleve Hill Solar Park before this examination, clearly set out an urgent need for energy, security of supply (achieved through a diverse mix of generating technologies), and decarbonisation (net carbon zero). To postpone implementation of the project for an indefinite period whilst mineral extraction is exploited would be incompatible with that national policy and urgent need, and progress towards decarbonisation. If indeed the hypothetical extraction of minerals on the site were feasible and viable, this operation could go on for a decade or more and prevent the Cleve Hill Solar Park from making a significant contribution towards those targets.

(b) Physical Compatibility

As the site is flat, substantial excavation of mineral material from the site would alter the landform, creating lower-lying areas that would exist in perpetuity following cessation of extraction of the minerals. That new landform would be incompatible with the development of the site for a solar project.

Given the site is less than 5 m above sea level, these lower lying areas would be below the water table. Without mitigation those areas could become full of water, and would form irregular shaped lakes or ponds (commonly referred to as "gravel pits"). That landform too would not be compatible with solar development.

Therefore in both scenarios the site would be left in a condition incompatible with the subsequent development of the Cleve Hill Solar Park.

2. Mineral extraction deliverability without unacceptable environmental effects. This is assessed above, for Policy DM 7, point 2.

In conclusion, mineral extraction at the site would have effects on the Swale ecological designations, its qualifying interests and some protected species, which are assessed as being "likely unacceptable".

The extraction of minerals at the Development site therefore fails both tests:

- It would render the Development undeliverable, were the Development to follow mineral extraction; and
- It would likely involve unacceptable effects on the environment.

The extraction of minerals prior to the Development is therefore not consistent with this policy.

4. The incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed

The installation of solar panels and associated infrastructure is a surface development which will not affect the availability of sub surface mineral reserves but it will prohibit extraction taking place whilst the Development is on site. Solar is also a form of development that can easily be reversed without sterilising mineral resources. At the end of its operational lifespan, the Development will be decommissioned and will not affect the viability of any future extraction of minerals. Draft DCO Requirement 16 sets out a process for determining the decommissioning of the Development having regard to the Environment Agency's proposals for managed realignment of the flood defence along the northern boundary of the Development site. That process allows for a minimum

operational phase of the Development of 40 years. Whilst Kent would wish to include mineral extraction from the site in their targets is a viable site came forward there is no evidence to suggest that the safeguarded minerals from Cleve Hill would be required within this period as there are wide areas of alternative safeguarded sites.

The Impact of Coastal Managed Realignment

The Development site is included within the area identified by the Environment Agency for Managed Coastal Realignment. The adopted Medway Estuary and Swale Strategy (MEASS) could result in the removal of sea defences and the flooding of the Development site, or part of the Development site. If the Development is permitted this will happen at the earliest after 40 years' commercial operation of the Development.

If the development does not proceed the realignment could be implemented from 20 years (2039) onwards. If the site were to be flooded as part of managed realignment it will become a marine environment and the safeguarded minerals would be permanently sterilised in the context of the Kent Minerals and Waste Plan which provides for land based mineral extraction.

The timescales for managed realignment and permanent sterilisation of the minerals does raise the issue of the relevance of the Minerals allocation (and as such the required minerals assessment) as the minerals will potentially be lost irrespective of the development in 20 years' time (2039), i.e., within the plan period. However, even with managed realignment and the potential for permanent sterilisation of the minerals resource this minerals assessment remains a valid consideration as it demonstrates that the safeguarded minerals are not required during the Development timeframe, demonstrating compliance with the Kent Minerals and Waste Plan policies DM7 and DM8.

5. Material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction

There has been extensive discussion and evidence presented in relation to the need for the development at the National level to meet national energy targets. A full need case for the development was submitted with the application as Document APP-253 and was heard at Issue Specific Hearing 1 (17th July 2019). It is the Applicant's view that if the need case as presented is accepted then the development would clearly satisfy this criterion and would allow temporary sterilisation of the safeguarded minerals.

3.3 Policy Assessment Summary

In conclusion the need for the development is considered to override the minerals safeguarding policy, prior extraction of the minerals without detrimental environmental impacts on the neighbouring SPA could not be achieved there is, no evidence that the minerals are required within the next 40 years and the Development is fully reversible and does not sterilise the land the Development therefore accords with Criteria 2, 3, 4 and 5 of **Policy DM 7 and Policy DM 8**, which both indicate that permission will be granted where there is an overriding need where prior extraction is not possible or incompatible development of a temporary nature which can be returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed.

4.0 Environmental Assessment

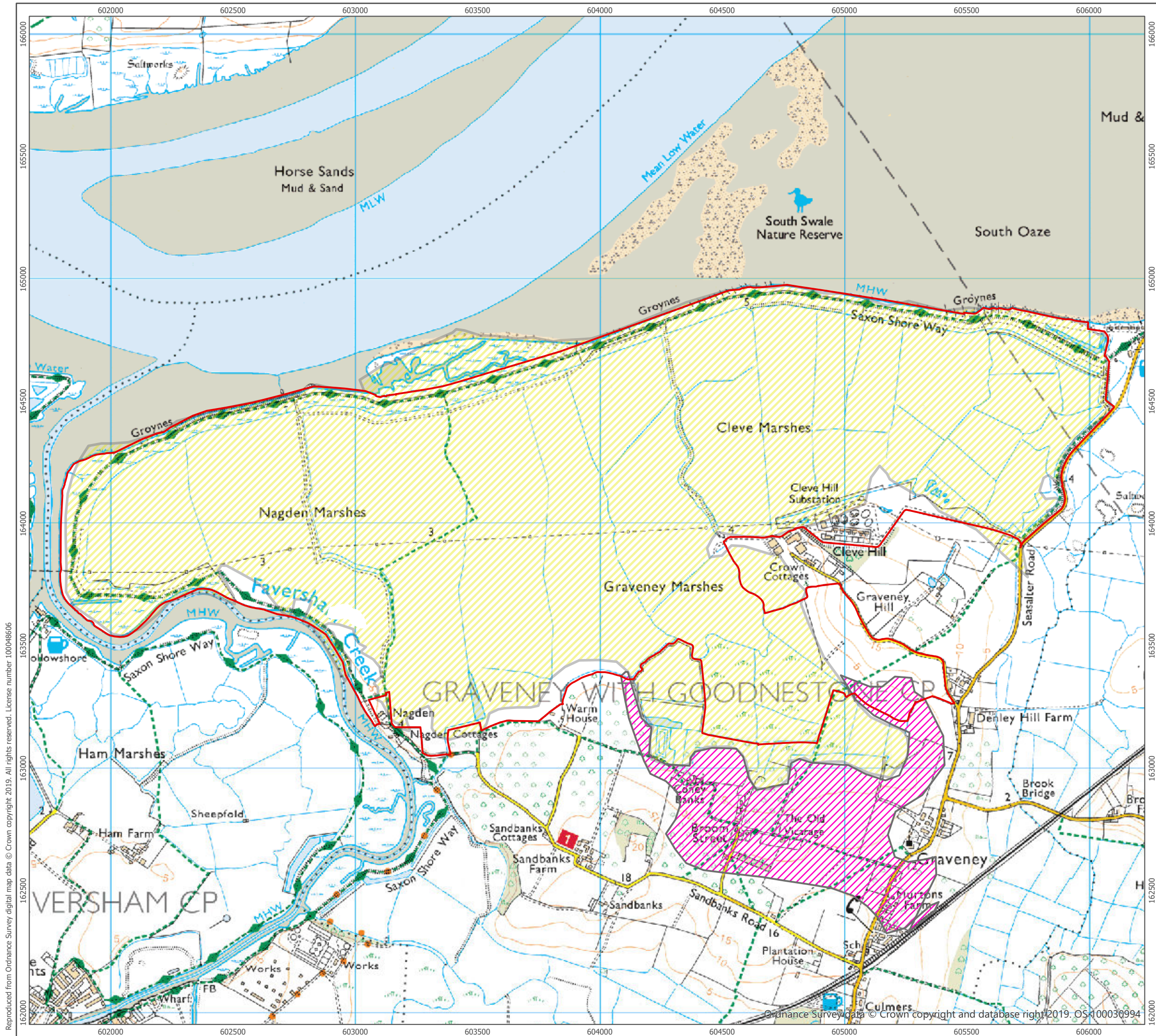
This section assesses the potential effect of the Development on the supply of minerals for which the Development site has been safeguarded.

The Cleve Hill Solar Park (the Development) site lies entirely within an area identified in the Kent Minerals and Waste Local Plan 2013-30 ('the KMWLP') as being safeguarded for Brick-earth and "Sub - Alluvial River Terrace Deposits" (sands and gravels). The Development will not affect the mineral resource, but would for its lifetime, prevent extraction of the minerals within the Development site boundary. The only potential for impact is if there may be a desire to extract minerals from the site during the lifetime of the Development, therefore.

Site investigation as part of the CHSP application preparation has indicated that the underlying geology contains clays, and thus the minerals at the site have the potential to be usable for brick making, depending on specific characteristics. The KMWLP identifies that *"5.2.30 At the time of plan preparation, Kent only has one operational brickworks near Sittingbourne, which is supplied by brickearth extracted from sites in the Sittingbourne to Faversham area to make yellow London stock bricks. Brickearth extracted from another site in north Kent provides the raw materials for a brickworks in East Sussex. National planning policy requires the provision of a stock of permitted reserves of at least 25 years for brick clay. There is a need to identify sufficient sites to provide brickearth for these two brickworks to ensure that the locally characteristic yellow London stock bricks can continue to be manufactured."* The Development site lies outside the "Sittingbourne to Faversham area". KMWLP Policy CSM 2 notes that *"Sites will be identified in the Mineral Sites Plan for the supply of brickearth by providing a stock of permitted reserves of at least 25 years to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment. The stock of existing planning permissions for clay for brick and tile making is sufficient for the plan period."*

Clays can also be used for engineering purposes. The KMWLP notes that *"5.2.37 Clay is also abundant in Kent. Other than uses in brick manufacture, the principal use for extracted clay is for land engineering purposes. Since there are no specific requirements for engineering clay for bulk fill, waterproof capping or flood defences there is no requirement to make specific provision."*

The area identified as safeguarded for "Sub - Alluvial River Terrace Deposits" within Kent is large; the Development site occupies a very small proportion of the total identified in Kent. On this basis, the magnitude of impact on "Sub - Alluvial River Terrace Deposits" is low. Given the demand for sands and gravels (which may arise from Sub-Alluvial River Terrace Deposits) are declining (as noted above) and that supplied from offshore sea-bed extraction is increasing, the sensitivity of the demand for sands and gravels from the Development site is low. As the sensitivity of the demand is low and the magnitude of change in potential extraction areas is low, the potential impact is assessed as being of minor significance, in accordance with the significance matrix in Table 2.1 of Chapter 2 – EIA of the ES [APP-032], and is not significant in terms of the EIA Regulations.



- Cleve Hill Solar Park Boundary
- Sub - Alluvial River Terrace Deposits
- Brickearth (Faversham - Sittingbourne Area)



Produced By: LM	Ref: 2238-PUB-102
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Kent Council Minerals Assessment
Figure 1

Cleve Hill Solar Park
Minerals Assessment

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