
Application Number	22/00001/NSIP/AS
Location	Land at Bank Farm opposite Becketts Green, Bank Road, Aldington, Kent
Grid Reference	00513/37642
Parish Councils	Aldington, Mersham & Smeeth
Wards	Saxon Shore, Mersham & Bircholt
Application Description	Solar photovoltaic array plus energy storage with associated infrastructure and grid connection, with a generating capacity of up to 99.9MW
Applicant	EPL 001 Limited (Evolution Power), 2nd Floor, Regis House, 45 King William Street, London, United Kingdom, EC4R 9AN
Agent	Ben Lewis, Stantec, Studio 117, The Creative Quarter, 8a Morgan Arcade, Cardiff, CF10 1AF
Site Area	189 ha

(a) - (b) - (c) -

Introduction

1. This report relates to the formal s.42 pre-application **consultation** by Evolution Power. The scheme would qualify as a Nationally Significant Infrastructure Project ('NSIP') and would, if an application is made, be determined under the separate NSIP procedure set out under s.37 the 2008 Planning Act (as amended).

2. Evolution Power ('EP') is intending to develop a renewable energy generating project, together with on-site energy storage, associated infrastructure and an underground cable grid connection, on land at Aldington, near Ashford. Known as 'Stonestreet Green Solar', the project would generate renewable energy through solar photovoltaic (PV) panels. The proposed solar farm would have an energy generating capacity of up to 99.9 MW.

3. Following a round of non-statutory consultation in March and April 2022, EP is now carrying out a statutory s.42 consultation on the proposals.

4. This pre-application consultation is one of the initial and important requirements of the NSIP process prior to submitting an application for development consent order ('DCO'): such applications are dealt with by the Planning Inspectorate ('PINS') on behalf of the Secretary of State, which in this case is the Secretary of State for Business, Energy and Industrial Strategy, who will make the final decision. Ashford Borough Council therefore does not determine the scheme but, along with others, is a consultee. A DCO that is granted is synonymous with the grant of planning permission.

5. The last NSIP proposal in the Borough was that relating to the proposed J10A scheme on the M20. My report therefore recaps the NSIP process and the Council's role and duties as a consultee. It describes the proposals based on the information provided. It assesses the main issues and proposes a Recommendation to Members as to the Council's response. Whilst the Planning Act 2008 requires a minimum of one s.42 consultation prior to an application for DCO being made, it does not prevent an applicant carrying out more than one round of consultation at this stage to deal with a scheme that might go through a number of iterations in response to consultation feedback.

Summary

6. Having considered the applicant's consultation material, my Recommendation is that the Council;-

(i) does not raise objection to the general principle of a renewable energy solar scheme subject to satisfactory mitigation to minimise scheme impacts being put in place, especially in a rural countryside location,

(ii) **raises a HOLDING OBJECTION** to the scheme as presented by the applicant in the s.42 consultation because the scheme does not yet, in my opinion, deliver the necessary mitigation needed in order to minimise its harm as far as possible on the rural countryside location and those matters that contribute to the character and quality of the countryside as it presently exists and is enjoyed, and,

(iii) invites the applicant to consider this Council's comments further and carry out a further s.42 consultation on an evolved scheme in response.

Important issues for the applicant to consider as part of the scheme are highlighted. Only a certain level of detail and information has, however, been provided at this first s.42 consultation stage and so my Recommendation is caveated that the Council will wish to provide further comments on outstanding detail and information when it becomes available and can be fully assessed.

Introduction

What is a Nationally Significant Infrastructure Project (NSIP)?

7. The Planning Act 2008 created a new decision making process regime for nationally significant infrastructure projects in the fields of energy, transport, water, waste water and waste. These projects are large scale developments both onshore and offshore such as new powers stations, large renewable energy projects, new airports, airport extensions and major road projects.

8. The aim is to streamline the decision making process for such projects making it fairer and faster for communities and developers alike. The Planning Act sets out the thresholds above which certain types of development are considered nationally significant and requires an application for development consent under the NSIP procedure. The Stonestreet Green Solar scheme has been held to be of such significance to be determined under this process due to its generating capacity being above the 50MW threshold in the Regulations.

9. The NSIP regime is a front loaded process and therefore pre-application consultation of the project by the applicant/promotor is a key and important requirement prior to the submission of the application for development consent to the Planning Inspectorate. A development consent order ('DCO'), if eventually granted by the Secretary of State, is meant to be a 'one stop shop' in that it not only provides planning consent for the project but incorporates other consents (if they are necessary) such as compulsory acquisition of land and any necessary listed building consent.

What are the stages of the NSIP process and how long will a decision take?

10. There are 6 key stages involved in the NSIP development consent regime. The pre-application consultation is the first stage of the process, a simplified version of which is shown in **Figure 1** below. The pre-application stage has no set time period beyond a minimum consultation period and can be carried out multiple times.

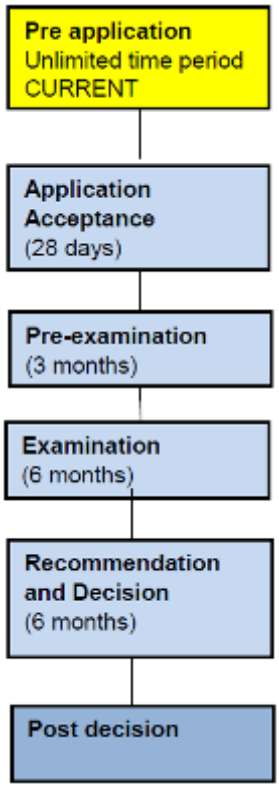


Figure 1: The NSIP Process

Pre-application (current stage)

11. Before submitting an application, the applicant is required to carry out extensive consultation on their proposals. This involves providing information about the proposals to various statutory and non-statutory bodies and the wider community, responding to questions, listening to suggestions, and taking these into account to influence and inform the application proposals ultimately submitted to PINS. This does not mean that the applicant has to either accept or agree with every comment or suggestion made but the requirement is that ultimately they must be shown to have been given proper consideration.

12. The pre-application stage is the best time to influence any changes to the project as once an application has been submitted to PINS the application then moves forward to be determined under a strict timetable. It is not normally possible for substantial changes to be made to an application once it has been submitted. It is therefore a matter of judgement by the scheme proposer how to long to stay at pre-application stage.

13. Before formal s.42 consultations are carried out the applicant is required to prepare a Statement of Community Consultation ('SOCC'), having consulted relevant local authorities beforehand. The SOCC details the consultation the applicant intends to undertake with the local community. A draft SOCC was submitted to Ashford Borough Council and comments were provided in

February and August 2022. The SOCC has subsequently been published by EP.

14. The length of the formal pre-application consultation is down to the applicant depending on the complexity of the scheme but must be at least a minimum of 28 days. In the case of the scheme subject of this report, the s.42 consultation ran between the 25th October and the 29th November 2022. However due to the timing of the Council's Planning Committee meetings, EP agreed on the 3rd November 2022 to extend the deadline for ABC's response to the s.42 consultation until 11.59.59pm on 8th December 2022 to allow the Council to consider the matter at the Planning Committee meeting of the 7th December.

Application stage (next stage)

15. Once the pre-application stage has been completed a formal application can be submitted to PINS who have 28 days to accept the application. If accepted, an Examining Authority (consisting of either a single Inspector or panel of Inspectors) is appointed to deal with the application for DCO. The public will be able to register with the Planning Inspectorate and provide their views on the scheme during the pre-examination stage that typically lasts for around 3 months.

16. The Planning Inspectorate then has 6 months to carry out the examination where consideration is given by the examining authority to all the important and relevant matters including representations. The Government has produced separate National Policy Statements ('NPS') for NSIPs which are used as the primary basis for making decisions.

17. After the examination PINS must prepare a report on the application to the Secretary of State within 3 months. The Secretary of State has 3 months to make the decision whether to grant or refuse development consent.

18. Once the decision has been issued there is a 6 week period in which the decision may be challenged in the High Court. The total application period lasts for approximately 15 months.

What level of information is required to be provided by the applicant at the pre-application consultation stage?

19. The Planning Act 2008 does not specify a set level of information/plans to be provided by the applicant at the pre-application stage. NSIP guidance recognises there is a 'balancing act' between consulting early but also having project proposals firm enough to enable consultees to comment and recognise and understand the impacts.

20. This scheme will require an Environmental Impact Assessment ('EIA') through the submission of an Environmental Statement ('ES'). The ES is not required to be submitted at the s.42 pre-application stage; instead applicants are advised to submit a Preliminary Environmental Information Report (PEIR) to

enable consultees to develop an informed view of the project. Conceptually, the PEIR might therefore best be viewed as a draft ES.

21. The information provided by the applicant is described later in this report but comprises a consultation questionnaire and a PEIR. The PEIR is divided into a number of sections that deal with a number of topics together with supporting plans and appendices.

22. The formal DCO application to PINS would require more detailed plans and information including a full ES. The Inspectorate would be responsible for deciding if the application and its supporting documents are satisfactory and capable of being examined within the statutory timescale.

<u>What are the duties/requirements of Ashford Borough Council as a local authority?</u>

23. Ashford Borough Council is a consultee giving its views on the scheme but, as the 'host' local authority for the prospective development, it has some wider duties and responsibilities under the process from the pre-application stage through to the post decision stage. The Council's participation is not obligatory but is strongly advised by PINS. A table showing the extent of a local authority's role in the process is shown in **Figure 2**, below.

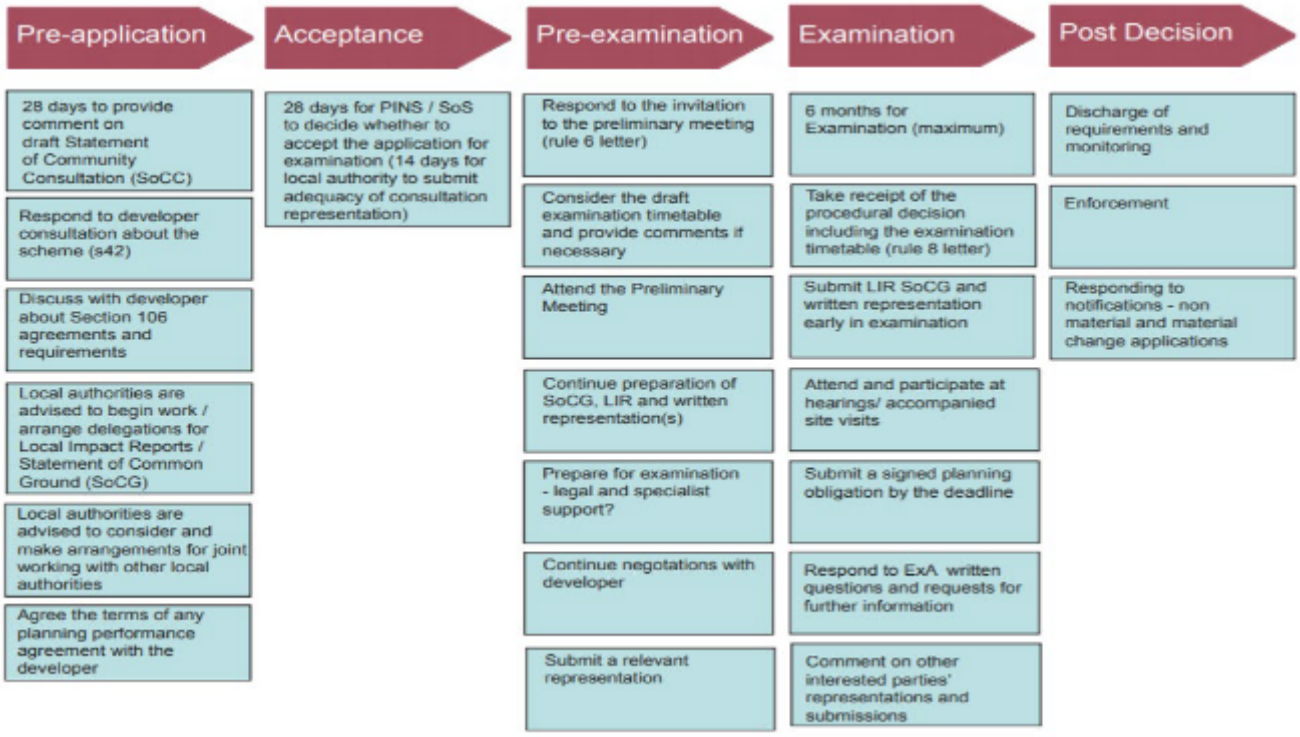


Figure 2: The Role of Local Authorities

24. The local authority's role includes commenting on the draft SOCC at the pre-application stage. At the application stage it must also comment to PINS on the adequacy of consultation, produce a Local Impact Report ('LIR') wherein the local authority sets out views on likely impacts of the development on their local area (this is separate from its formal s.42 response on the emerging scheme). The local authority is also responsible for responding to and agreeing to Statement(s) of Common Ground ('SoCG') with the applicant if it is able to. Local authorities are likely to also become responsible for discharging many of the requirements (akin to planning conditions) associated with an NSIP project if a Development Consent Order is granted together with subsequent monitoring and enforcement.

25. The Council is not responsible for the consultation that EP carries out in respect of its proposed scheme. A local authority and the local community are consultees in their own right and they provide responses to the prospective applicant. Whilst local authorities may have regard to points made by the wider community, it is not intended that they necessarily adopt all of the views they know of or might be put to them. In this context, local authorities in particular must take into account known NPS's any other relevant guidance when making a s.42 consultation response.

What is the significance of the pre-application views made by the Council and other consultees?

26. The aim of the pre-application consultation is to enable EP to take into account issues and concerns that may lead to improvements and amendments to the scheme prior to the submission of the formal DCO application to PINS.

27. The applicant is required to provide a Consultation Report alongside the formal DCO application. There are a number of requirements for this Report including setting out a summary of the responses to the consultations carried out, how the application has been informed and influenced by such responses with any changes made clearly outlined. An explanation is also required in the Report as to why responses advising on major changes to a project were not followed including advice from statutory consultees.

28. The Council can make comments as it sees fit at the current s.42 stage, although these need to be relevant to the scheme and have regard to the relevant NPS. The Council will have the opportunity to make further representations at the formal DCO application stage. The Council however does need to give a steer at this early stage in this emerging project as to how it views the principle of the scheme subject to matters of fine detail.

29. The s.42 consultation is the formal part of the pre-application process and liaison/negotiations between the applicant and local authority officers on issues can and should, continue beyond this.

Site and Surroundings

30. The site comprises a number of irregularly shaped agricultural fields approximately 189 hectares (ha) (467 acres) in size located outside of the confines of, and to the north and west of the village of Aldington. The site is currently primarily used for arable cropping and grazing. A small part of the site falls outside of the Ashford Borough within the District of Folkestone and Hythe.

31. The High Speed 1 Channel Tunnel Rail Link (HS1) is located immediately to the north of the site boundary. The M20 motorway lies a further 45m to the north of HS1. On the opposite side of the HS1 railway line to the site, located between HS1 and the M20, lies the UK Power Networks substation and National Grid substation (Sellindge Converter Station), and a sewage treatment works.

32. To the east of the site lies the existing 25ha Partridge Farm solar farm which has a generating capacity of approximately 11MW.

33. To the north of the site flowing in an east to west direction is the River East Stour which joins the River Great Stour further downstream. Across the site are a number of ditches and ponds. The majority of the site is located within the Stour Catchment area with a small portion falling within the Rother Catchment.

34. The majority of the site is located within Flood Zone 1 (i.e. low risk – defined as land having a less than 1 in 1,000 annual probability of flooding). Land located at the northern parts of the site falls within Flood Zones 2 and 3 (i.e. medium to high risk - land having between a 1 in 100 and 1 in 1,000 annual probability of flooding and land having a 1 in 100 or greater annual probability of flooding).

35. The site does not fall within any locally or nationally designated landscape areas but is located within the (10)East Stour Valley, (14) Bonnington Wooded Farmlands and (25) Aldington Ridgeline Character Areas as defined in the Council's Landscape Character Assessment SPD (Jacobs 2009).

36. The Kent Downs Area of Outstanding Natural Beauty (AONB) arcs around the valley of the East Stour River, such that its boundary is located as near as approximately 340m to the south and 2.7km to the north east of the site.

37. There is an extensive network of Public Rights of Ways (PRoW) within the site itself and the surrounding area.

38. The site is not located within any Conservation Areas and there are no listed buildings located within the site. Within 1km of the site, there is one Scheduled Monument, two Grade I listed buildings, six Grade II* listed

buildings, 69 Grade II listed buildings and the Clap Hill and Church Area Conservation Areas.

39. Parts of the site lie above areas safeguarded for two different types of minerals. The northern part of the site (on land generally alongside the M20 motorway) is safeguarded to protect –sub-alluvial river terrace deposits (i.e., sand and gravel). Parts of the southern sections of the site are safeguarded to protect limestone in the Hythe formation which is also known as Kentish Ragstone.

40. The applicant has submitted an Agricultural Land Classification ('ALC') report (appendix 2.4 of the PIER) following the completion of a detailed survey. In terms of agricultural land classification, the survey confirmed the grading of the agricultural land within the site to be predominantly non-BMV ('best & most versatile') quality land (142.01ha, 75.09%) comprising ALC Subgrade 3b; with smaller areas of BMV quality land (36.42ha or 19.26%) comprising ALC Grade 2 and Subgrade 3a; and a small area of not surveyed agricultural land in the area of the cable route (4.17ha, 2.20 %). The remaining land within the site boundary being non-agricultural land (6.52ha, 3.45%)

41. Station Road / Calleywell Lane runs north south within and adjacent to the central part of the site. Bank Road / Roman Road divides the central and western parts of the site. In terms of the relationship of residential dwellings to the site, these are located predominantly to the south and east. Residential dwellings within the area of Stonestreet Green are located adjacent to the east of the site.

42. **Figure 3**, below details the extent and location of the site.

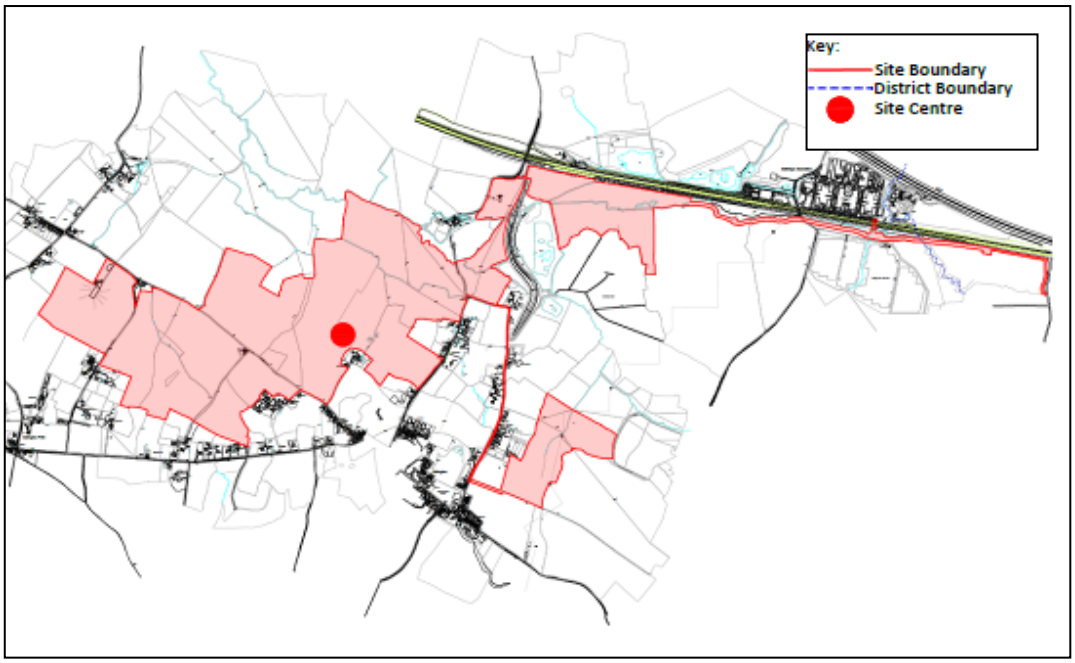


Figure 3: Proposed Site Location Plan

43. **Figure 4** below sets out the individual fields which have been numbered. This is useful for identifying the various parts of this large site.

Figure 4: Field boundaries plan

Proposal

44. The proposed scheme subject to this s.42 consultation includes the following key elements:

- Solar photovoltaic (PV) modules;
- PV module mounting structures;
- On site electrical stations including inverters, transformers and switchgear;
- On site and grid connection cabling with a maximum voltage of 132kV;
- Project substation, consisting of a private-side project owned substation and a UKPN adopted substation;
- On site energy storage;
- Two spare parts storage containers (proposed to be located within field 25, next to the Project Substation), both 12.2m (length) x 2.6m (height) x 2.4m (width);
- Boundary fencing and closed-circuit television (CCTV) security measures;

- Access tracks.
- Temporary compounds and access tracks (required during the construction and decommissioning phases).
- The applicant advises that the development would result in an improvement in local biodiversity, above the 10% national biodiversity net gain ('BNG') target or the 20% Kent BNG target.
- The project will provide a £40,000 per annum (inflation linked) community benefit fund for the lifetime of the project to be used locally for social and environmental projects.

45. The indicative site layout plan is shown in **Figure 5,** below (and also attached for clarity as **Annex 1** to this report).

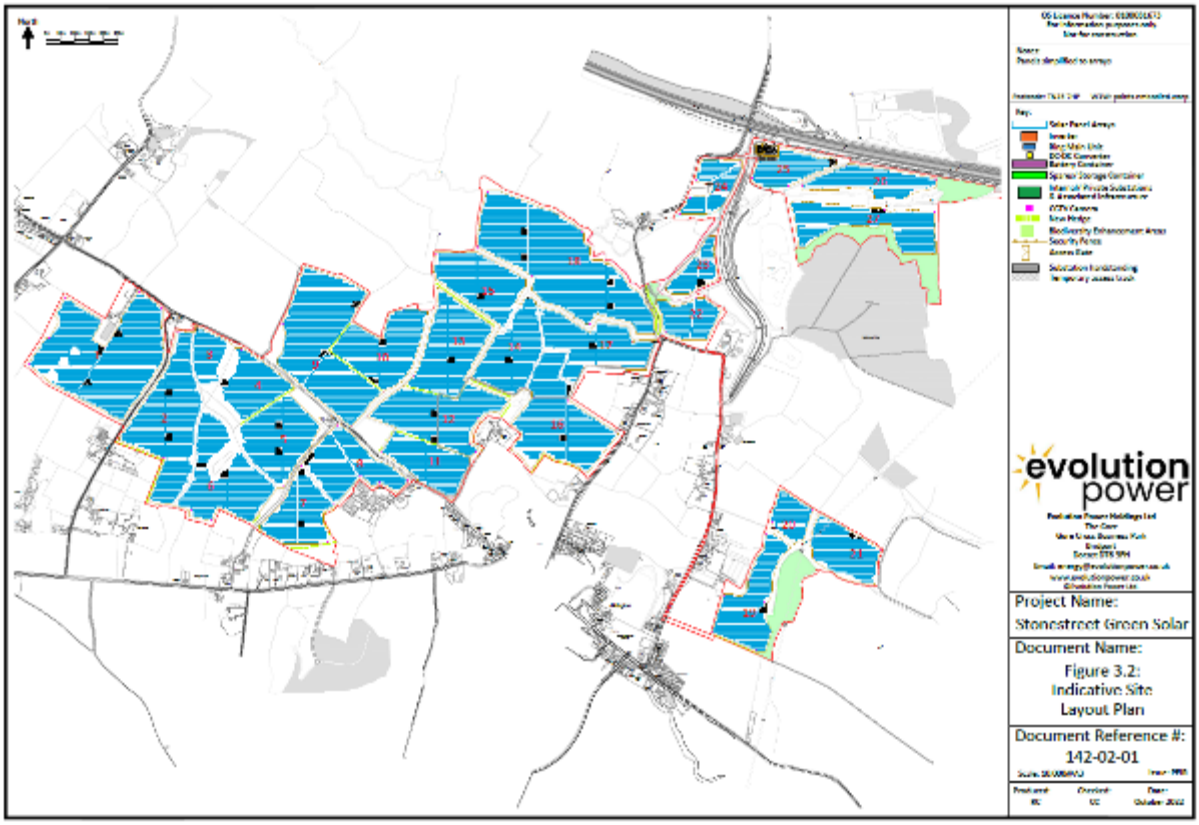


Figure 5: Indicative Site Layout Plan

46. Further details of each element of the proposed development is set out below.

Solar PV modules and mounting structures

47. Solar PV panels convert sunlight into direct electrical current (DC). Individual panels would typically be up to 2.5m long and 1.5m wide. The individual panels (indicatively totalling 246,000 for this proposal) would comprise mono-crystalline PV cells underneath a layer of heat strengthened glass. It is

suggested that these are likely to be dark blue or black in colour.

48. Panels would be fixed to a mounting structure in groups known as ‘strings’ at an angle to the sun of 20-25 degrees. It is expected that the maximum height of the panels from the ground would be approximately 3.2m with the lowest point typically 800mm above ground level. As an example, **Figure 6** below shows PV panels attached to strings at the existing Partridge Farm solar farm in Aldington.

Figure 6: PV panels at Partridge Farm solar farm, Aldington

49. The panels would be installed as ‘fixed’ tilt (rather than utilising single axis trackers) so that once installed there would be no moving parts. Panels would be mounted individually on a metal frame attached to galvanized steel piles that would be driven up to 3m into the ground. Again, as an example, **Figure 7** below shows the underside of strings at the existing Partridge Farm solar farm in Aldington.

Figure 7: Underside of strings at Partridge Farm solar farm

50. The distance between each row of frames is proposed to be 3.2m - 5m to limit the impact of inter-row shading and there would be a border gap between

panels of approximately 10mm to 20mm. The applicant suggests that this would allow rain to pass through. **Figure 8** below shows the gaps between panels at Partridge Farm as an example of gaps between panels.

Figure 8: Gaps between panels at Partridge Farm solar farm

51. The electrical output from the groups of panels would be exported by low voltage cabling to dedicated stations that would include an inverter, transformer and switchgear, mounted on concrete foundations or piles. Inverter stations would either be containerised or would have the individual components (inverter, transformer and switchgear) installed in proximity to each other.

Inverters, transformers and switchgear

52. **Inverter**s are necessary to convert the DC electricity produced by the solar PV modules into alternating current (AC) so that this can be exported to the national grid. The applicant anticipates that approximately 34 central inverters would be required for the size of project that is proposed. These would be located at regular intervals amongst the solar PV modules. The dimensions of each inverter would be approximately 1.6m (w) x 2.4m (h) x 2.8m (d).

53. **Transformers** increase and control the voltage of the electricity produced. It is anticipated that approximately 34 on site transformers would be required and would be located adjacent to the inverters. The dimensions of each transformer would be approximately 1.6m (w) x 2.3m (h) x 2.2m (d).

54. **Switchgear** would be necessary and would include electrical disconnect switches, fuses and circuit breakers to control, protect and isolate electrical circuits and equipment. The dimensions of the switchgear would be approximately 1.5m (width) x 2.9m (height) x 1.0m (depth).

55. The electrical output from the solar panels would feed into the inverter stations and then will either be stored in an energy storage system (to be exported to the Grid at a later time) or exported to the Grid immediately to the

intermediate substations that would be approximately 8m (l) x 3.4m (h) x 4m (w) land and would be located in fields numbered 3, 14, 19 and 25 on the indicative project layout. An indicative arrangement is shown below as **Figure 9**.

Figure 9: Inverter, transformer and switchgear

56. From the intermediate on-site substations, the power would flow to the main project substation that would be located in a fenced compound (approximately 80m (l) x 45m (w)) located in the northern part of the site within field number 25. From that main substation, electricity would be exported to the National Grid.

Grid connection: two options

57. The site would connect to the National Grid via underground cabling with a voltage up to 132kV. The applicant advises that the grid connection route would be included in the DCO application and that it has accepted a grid offer from UKPN. UKPN has indicated that, subject to National Grid confirmation and the availability of existing ducts, the project would be able to connect to the Grid directly through the existing UKPN 132kV substation located at Sellindge. This is the preferred route and is shown in purple to the east of Fields 26 & 27 in **Figure 10** below.

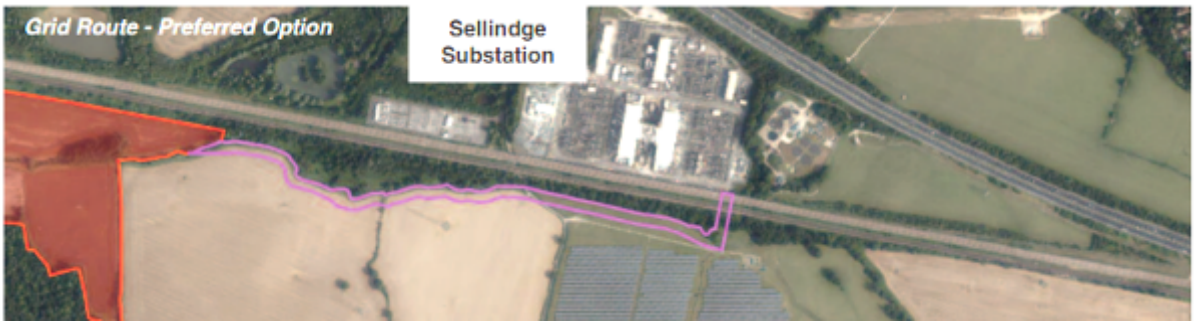


Figure 10: EP's preferred Grid connection route

58. The applicant states that UKPN owns and controls a number of existing ducts under the HS1 railway line and anticipates that these can be utilised for the project.

59. In the event that it is not possible to connect via the above-mentioned preferred route, the project would instead connect into the UKPN substation via an existing 132kV tower located on the south side of HS1 as shown in yellow on **Figure 11** below.

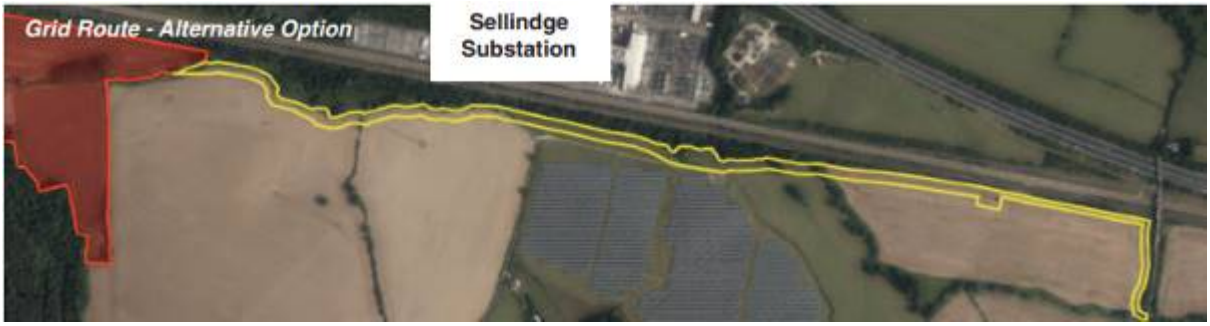


Figure 11: Proposed alternative cabling route for connection to the grid

60. In either case, all cabling to the point of connection would be underground but, subject to feedback from UKPN, it may be the case that the final few metres of cabling into the UKPN substation or the existing 132kV tower would be overground. If this is the case, the full details and an assessment of the impacts would be included in the ES which will be submitted with the DCO application.

61. If the preferred route for the grid connection is implemented, then the project would be solely within the Ashford Borough and no element would be within Folkestone and Hythe District. If the alternative route is required then approximately 350m of underground cabling, a switching station adjacent to the tower and an access track approximately 510m in length would be required to be located within the Folkestone and Hythe District. The applicant advises that that the dimensions of the switching station are being investigated and the full details and an assessment of its impacts would be included in the ES submitted with the DCO application.

Energy Storage

62. Energy storage is proposed to be provided within the site to allow the project to 'load-shift' generation from periods of low demand to high demand (in order to enable the maximum benefit to be obtained from the renewable energy produced) and to also provide grid balancing services to the National Grid.

63. It is expected that the Grid would typically be charged using electricity generated by the solar PV modules at the site but that it would also be possible to import electricity to charge the storage facilities using Grid supplied power when the solar PV modules are not generating sufficient power (for example, during the night).

64. The energy storage element of the project would be DC-coupled (charged using direct current) and accommodated in containerised units (approximately 13.75m (l) x 2.9m (h) x 3.8m (w)) which would be distributed throughout the

site located adjacent to the inverter stations. A heating, ventilation, and cooling (HVAC) system would be integrated into the containers to ensure efficiency and safe performance and the system would also include an integrated fire safety management system. An indicative image of energy storage is shown below as **Figure 12**.

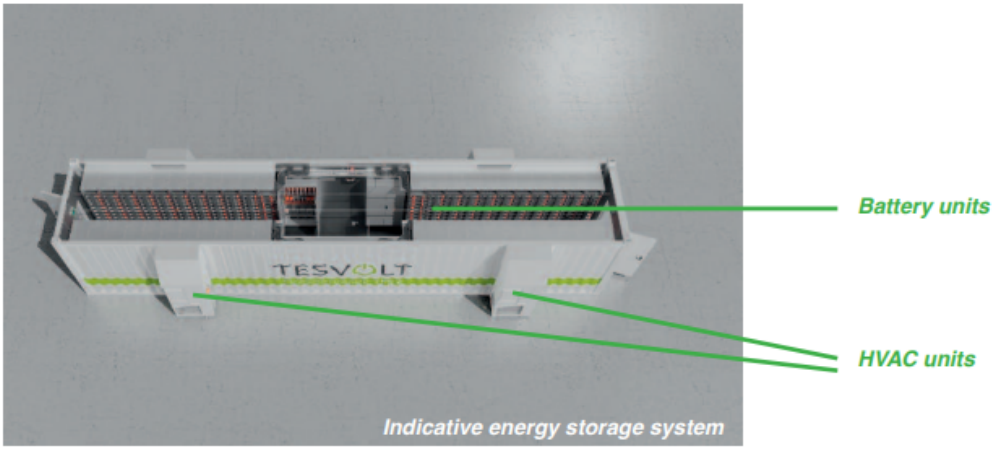


Figure 12: Indicative energy storage system

65. Electricity from the panels would directly charge the batteries via AC-DC convertors (approximately 1m (l) x 2.1m (h) x 0.85m (w)) located beside the energy storage units and inverter stations. The AC-DC convertors also enable the storage units and the inverters to interact.

66. Battery storage is proposed to be dispersed throughout the site rather than located all together and grouped together with inverters and converters. An example of this is shown below in **Figure 13**, which details the location of the energy storage containers in Field 1, a similar distribution arrangement is proposed throughout the site.

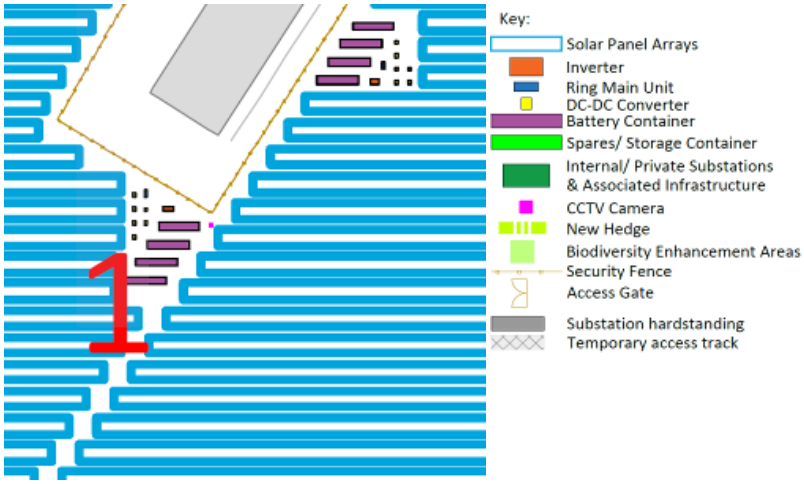


Figure 13: Example of energy storage location within the site

Fencing, CCTV & lighting

67. It is proposed that the project would be set within deer-proof fencing (post and wire), approximately 2.2m in height, and which would include appropriate clearance to allow continued animal movement.

68. The distance between the perimeter fencing and existing hedges is suggested as varying but at its minimum, the applicant expects this to be approximately 4.2m with a greater 'buffer zone' of at least 15m applied in instances where fencing would be adjacent to areas of ancient woodland.

69. The project main substation compound would be enclosed by palisade fencing, 2.4m in height.

70. CCTV systems would be placed on the edge of the operational elements of the project and all cameras would face into the site. Approximately 130 CCTV cameras would be located across the site located on poles of up to 3m in height. Cameras would use infrared at night-time and so would produce no visible light.

71. The project would not be permanently lit during the operational phase, with lighting limited to motion activated security lighting. Operational lighting would be installed for emergency purposes only.

72. Lighting would also be required during the construction and decommissioning phases of the development which are anticipated to last approximately 12 months. During these phases the potential sources of lighting are expected to comprise of headlights from construction traffic and plant, temporary fixed lighting associated with construction compounds including welfare facilities, motion activated security lighting and small scale task lighting for construction activities that occur outside of daylight hours. Construction and decommissioning activities are expected to be limited to 07:00 to 19:00 Monday to Saturday.

73. **Figure 14** below shows the expected timetable for the key activities taking place over the anticipated 12 month construction period.

1	Site setup	Month 1
2	Delivery of large electrical infrastructure	Months 1-2
3	Framing - piling and installation of framing	Months 2-4
4	Trenching & Underground Cabling	Months 3-8
5	Panel installation	Months 3-5
6	Electrical connection of panels	Months 8-10
7	Energisation	Months 11-12
8	Landscaping and planting	Months 12

Figure 14: Timetable of key activities during construction phase

The 'River Walk' and cycleway

74. The applicant is also exploring upgrades to existing footpaths, including the delivery of a new 'river walk' and an off-road cycleway that could become part of a future route between Aldington and Mersham.

The Preliminary Environmental Information report (PEIR)

Preliminary Environmental Report (PEIR) Summary (October 2022)

Introduction

75. The PEIR has been prepared by Stantec, on behalf of EPL 001 Limited (Evolution Power) in support of statutory pre-application consultation being undertaken in respect of a proposed application for development consent. The application, under s.37 of the Planning Act 2008, will seek a DCO for the Stonestreet Green Solar project. Volume 1 of the PIER contains the 'Non-Technical Summary' with the main text provided in Volume 2 and the Technical Appendices in Volume 3.

76. The PEIR sets out the preliminary information on the likely significant environmental effects of a proposed scheme to allow statutory bodies, the local community and the general public, to come to an informed view on the proposals. The structure of the PEIR follows that of an ES and contains the initial findings of the assessment of the likely significant environmental effects resulting from the (i) construction, (ii) operation and maintenance, and (iii) decommissioning phases of the proposed development, including measures necessary to mitigate any potential significant adverse environmental effects. The information contained within the PEIR is preliminary, reflecting the design of the proposals to date. It does not represent a final project design and the findings and conclusions contained within the PIER are also preliminary and subject to change.

77. The site is located approximately 2.4km to the south-east of Ashford and approximately 13.7km west of Folkestone town centre. The majority of the site falls within the administrative area of Ashford Borough Council, with the north eastern part of the site located within the administrative area of Folkestone and Hythe District Council.

78. The proposals comprise the construction, operation and maintenance, and decommissioning of a solar energy electricity generating project.

79. The applicant, EPL 001 Limited, is a wholly owned subsidiary of Evolution Power Limited which is a UK-based independent solar developer. The Directors of Evolution Power Limited have installed and/or financed more than 50 UK solar photovoltaic projects, including four of the five largest solar projects built in the UK during the renewable obligation certificate subsidy period.

EIA Methodology

80. Evolution Power submitted a Scoping Report in support of a formal request for a Scoping Opinion to the Secretary of State in April 2022. The Scoping Opinion was adopted on 30 May 2022 by PINS on behalf of the Secretary of State. In response to this PINS decision, the following topics have been 'scoped into' the ES i.e. included for detailed assessment:

- Cultural Heritage;
- Landscape and Views
- Biodiversity;
- Water Environment;
- Land Contamination;
- Socio-Economics;
- Traffic and Access;
- Noise; and
- Climate Change.

81. Human Health, Major Accidents and Disasters and Lighting have also been scoped into the ES but are considered within the topics areas set out above. The topics scoped out of the ES, i.e. those environmental aspects where significant effects are not anticipated as a result of the proposed development, are as follows:

- Agricultural Land and Soils;
- Air Quality;
- Vibration;
- Electric, Magnetic and Electromagnetic Fields;
- Telecommunications, Television Reception and Utilities;
- Wind Microclimate;
- Daylight, Sunlight and Overshadowing;
- Glint and Glare; and
- Minerals

82. The assessments in the PEIR identify, describe and assess the likely significant effects of the proposed development on the environment during the construction, operation and maintenance, and decommissioning phases. The

significance of each environmental effect identified is generally determined by two factors:

• The sensitivity, importance or value of the environment (such as people or wildlife); and
• The actual change taking place to the environment (i.e. the size or severity of change taking place).

83. Effects are largely classed as negligible, adverse or beneficial, where effects are minor, moderate or major. The duration and nature of the effect are also identified, and the assessment has considered cumulative effects with other relevant local development (including the EDF East Stour Solar farm proposal). Environmental effects have been evaluated with reference to definitive standards and legislation, where available. Where it has not been possible to quantify effects, qualitative assessments have been carried out, based on available knowledge and professional judgement.

84. The PEIR includes a description of the current environmental conditions known as the baseline conditions, against which the likely significant environmental effects of the proposed development have been assessed.

Consultation

85. Consultation responses will aid in refining the proposed development's design. The final design will be assessed for likely significant environmental effects in the ES to be submitted in support of the DCO application. The consultation process will also be used to continue to obtain information that will inform the final assessment of impacts which will be contained within the ES.

86. Feedback on the PEIR received from consultees, along with a summary of other relevant issues raised during consultation, will be recorded and referenced within the ES and the Consultation Report, to be submitted with the DCO application, which will also include commentary on how the feedback was considered and how it informed the evolution of the design of the development proposed.

The Proposals

87. The proposals relate to a renewable energy generating project with an operational lifespan of up to 40 years. Solar panel technology is rapidly evolving and the application will include flexibility to ensure the latest technology can be utilised at the point of construction to maximise benefits.

Grid Connection

88. The preferred route for the grid connection is to connect directly into the Sellindge Substation, subject to confirmation from the National Grid and the availability of existing ducts under the HS1 railway line. In the event that it is

not possible to connect via the preferred route, it is proposed that the development would instead connect into the Sellindge Substation via an existing nearby 132-kilovolt tower on the south side of the HS1 railway line.

Alternatives and Design Evolution

89. The south east of England was identified by EP as a suitable area for the development for two key reasons:

1. The higher levels of sunlight relative to other parts of the UK; and
2. High levels of local demand for electricity.

90. The key commercial requirement for a solar project is the ability to export the electricity generated. This can either be to the National Grid infrastructure or to a local energy user. The location near to an available grid connection at Sellindge Substation is a key advantage of the site.

91. A number of other factors were also considered at the stage of site selection. These included areas protected for landscape, ecological and cultural heritage importance, topography/visual impact, ability to access a site, flood risk, agricultural land value, and agricultural land availability. EP consider that the site represents a suitable area for solar and energy storage development, and that there is not another identifiable area that provided a better alternative site that could connect to the Sellindge Substation.

92. Not proceeding with the scheme would mean that the site would remain in agricultural use and the beneficial and adverse effects outlined in the PEIR relating to the proposed development would not occur. Further, there would be no contribution to the UK's requirement for renewable energy generation or storage and therefore reduce the probability of the UK achieving its stated policy goal of net zero by 2050. In addition, farm diversification and the anticipated biodiversity net gain would not be realised. As a result, the 'do nothing' alternative is not considered by the applicant to be a reasonable alternative.

Consideration of Alternative Designs

93. The design has evolved and will continue to do so following consultation. Changes made to the design from initial design drawings include amending the layout and PRoW corridors to provide a more cohesive PRoW network within the site and the creation of new routes.

94. Sections of panels have been removed from the proposed layout and replaced with biodiversity and landscaping planting. New hedges have been added to the layout, along the lines of historic hedgerows, to break up the visual impact of the larger fields. Fields and panels have also been removed from the layout to reduce the impact on visually sensitive receptors. The proposed layout has also changed in response to areas of flood risk.

Consideration of Alternate Technologies

95. In light of the nature of the area surrounding the Sellindge grid connection and the current national policy provisions for renewable energy technologies, it is considered that ground-mounted solar PV, together with energy storage, represents the most appropriate technology for this site.

96. Alternative onshore renewable energy technologies could include wind, small scale nuclear or pumped hydro storage. Onshore wind technology would have a greater visual impact on residential properties within close proximity, and is not currently supported by planning policy. The topography of the area does not allow for pumped hydro storage schemes. The available grid capacity is not sufficient to support small scale nuclear generation. As such, alternative onshore renewable and low carbon technologies are not considered by the applicant to be feasible options.

Construction and Decommissioning

97. If consent is granted the construction phase would be anticipated to start in 2025 and take approximately 12 months to complete.

98. During the construction phase, one or more temporary construction compounds would be required along with temporary access tracks. The compounds would be located within the site adjacent to entrances. Bridges would be located over watercourse crossings, where required. All compounds and temporary access tracks would be removed following completion of construction and the areas reinstated as appropriate.

99. On site activities during the construction phase would be as follows:

- Installation of temporary security and safety equipment;
- Ground clearance,
- Construction of the access points and laydown area;
- Compound and panel testing area creation;
- Setting out the positions for the inverters, substations, cable trenches and panel rows;
- Installation of the solar PV mounting frames (steel legs will be driven into ground using pile driver machinery) and the PV panels;
- Trenches dug for cables, including for the Point of Connection (POC);
- Fitting and connection of cabling between PV arrays;
- Laying and connection of DC cables;
- Installation of combiner boxes/ string inverters;

- Substation building activities including ground clearance and foundation pouring;
- Inverter groundworks, including foundation pouring and/or piling;
- Inverter build and associated high voltage, low voltage and communication system electrical works;
- POC electrical works;
- Pathway clearance and re-directions;
- Fencing and gate installations;
- Installation and connection of communications cabling and equipment; and
- CCTV installation
- Reinstatement and creation of habitat

100. An outline Construction Traffic Management Plan ('CTMP') will be submitted with the ES and will set out the methods that will be used to regulate the delivery of materials and movement of construction personnel to the site during the construction phase.

101. An outline Construction Environmental Management Plan ('CEMP') will also be submitted with the ES. The CEMP will work in parallel with the CTMP and will detail the environmental requirements relevant to the construction phase in order to ensure good construction practices and reduce the risk of accidents or potential for adverse, avoidable effects on the environment.

102. The final detailed CEMP and CTMP documents would be prepared following the grant of the DCO and submitted to ABC for approval prior to construction work starting and secured through appropriately worded DCO requirements.

103. Construction activities would be limited to Monday to Saturday 07:00-19:00. During winter months, some temporary lighting may be required.

104. Where possible, deliveries to the site would be timed to avoid HGV movements during the AM and PM traffic peak times (08:00-09:00 and 17:00-18:00).

105. Following cessation of energy production, all PV modules, mounting structures, cabling, and equipment would be removed and recycled or disposed of in accordance with good practice and market conditions available at that time.

106. An outline Decommissioning Environmental Management Plan ('DEMP') and outline Decommissioning Traffic Management Plan ('DTMP') would be submitted with the ES. Similar to the CEMP, the DEMP will detail the environmental requirements relevant to the decommissioning phase in order to ensure good working practices and reduce the risk of accidents or potential for adverse, avoidable, effects on the environment.

107. The final detailed DEMP would be submitted to ABC for approval prior to decommissioning starting.

108. The decommissioning phase would be expected to take approximately 12 months. As with the construction phase, one or more temporary compounds would be required, as well as temporary access tracks. Again, as with the construction phase, compounds would be located next to entrances and all compounds and temporary access tracks would be removed once decommissioning is completed.

Cultural Heritage

Baseline

109. A history of the site has been informed through surveys, a walkover, and a review of published available information. The results, sectioned into archaeological time periods and with a focus on legally protected features, identified one designated asset (i.e. a protected feature) and 26 non-designated assets within the site.

110. The designated asset is the crash site of the Messerschmitt Bf109E-4 (identified as Protected Military Remains (PMR)) and is located close to the southern boundary of the site.

111. With regard to the likelihood for as yet unknown archaeology, the research has identified the potential for Palaeolithic and early medieval remains on site as low to negligible; the potential for prehistoric remains, and iron age, Romano-British remains as moderate; and the potential for Medieval, Post-Medieval, and Modern remains as moderate to high.

112. Within 1km of the site, there is one Scheduled Monument, two Grade I listed buildings, six Grade II* listed buildings, 69 Grade II listed buildings, two Conservation Areas and five further PMR sites. Stonelees, a Grade II* listed building is located approximately 65m to the south of the site.

Assessment

113. The assessment determined the potential for the development to impact physically upon buried archaeological remains and to indirectly impact upon the significance of designated heritage assets through change within their setting and identified a number of potential adverse effects.

114. During construction, direct effects on known and unknown archaeology would be slight adverse; direct effects from change to the historic landscape character of the area would be slight adverse, and direct effects from the reinstatement of hedgerows along historic boundaries would be slight beneficial. None of these effects are considered significant in EIA terms.

115. During the operational phase, effects on the setting of a listed building and on a farmhouse, a barn and two attached stable ranges in proximity to the site would be moderate adverse, also not significant (based on professional judgement). During decommissioning, effects on the same buildings would be neutral, and effects from the reinstatement of the historic landscape character of the area to its original agricultural use would be slight beneficial and also not significant in EIA terms.

Mitigation

116. Mitigation during construction could include a programme of archaeological works (if necessary). This would be delivered through a DCO requirement. Other construction mitigation comprises the use of native species for the reinstatement of hedgerows along historic boundaries. Operational mitigation comprises the management of proposed planting of hedgerows to screen views and remove the potential for glint from the solar panels. It is considered that no mitigation is required during decommissioning.

Residual Effects

117. After the implementation of mitigation, construction phase effects are considered slight adverse to slight beneficial. Operational effects are considered slight adverse and decommissioning effects are neutral to slight beneficial. None of these residual effects are considered to be significant EIA effects.

Landscape and Views

Baseline

118. In order to establish the baseline conditions desktop studies and field surveys were undertaken which identified that there are no areas on the site designated as protected landscape. However, the site is within the setting of the Kent Downs AONB, and there are Conservation Areas and several listed buildings within the immediate context of the site.

119. Backhouse Wood, which is an area of ancient woodland, directly abuts the site.

120. In terms of the nature of the landscape, the site comprises an extensive area of mixed farmland delineated by hedgerows and occasional tree cover and sub-divided by country roads with sporadic clusters of houses. The landform varies from gently undulating to rolling, with the site broadly occupying the

East Stour River valley and the Aldington Ridgeline. Fields are often large scale. In visual terms, the site is visible in open views from the extensive network of PRoWs that run across it, albeit these views are always partial. There are also close-range views of the site from a limited number of residential properties that lie adjacent. However, there are no views from the cores of local settlements, including the two Conservation Areas in Aldington. Visibility of the site diminishes rapidly to the south, east and west, due to a combination of landform and vegetation, with some exceptions.

Assessment

121. Assessment of the likely significant landscape and visual effects of the proposed development has been undertaken for the construction phase, Years 1 and 15 of the operational phase, and the decommissioning phase.

122. Mitigation to prevent significant adverse effects has been considered as part of the design of the proposed development and includes measures such as appropriate planting. Subsequently, the effects during construction and decommissioning will only relate to visual receptors and are considered to be of moderate adverse significance. Operational effects on features of the landscape and landscape character would be of moderate adverse significance and effects on visual receptors would be of major-moderate to moderate adverse significance. All identified effects are considered significant in EIA terms, prior to the implementation of additional mitigation measures.

Mitigation

123. Best practice measures would be undertaken during the construction and decommissioning phases and include an outline CEMP and outline DEMP, which will include protecting existing vegetation on the site, limiting hours of work on site, ensuring that all unloading/loading of materials and equipment is undertaken within the site boundary, and cleaning construction and decommissioning vehicles regularly to limit noise, dust and dirt levels.

124. Operational phase mitigation comprises the maintenance and management of the comprehensive landscape strategy, which would be outlined in a Landscape Environmental Management Plan (LEMP), and secured by a DCO requirement.

Residual Effects

125. Following the implementation of the additional mitigation, residual effects during construction and decommissioning will remain moderate adverse and significant, although these effects will be temporary and short term.

126. Residual effects on landscape features during the proposed development's operational phase are considered to be moderate to neutral beneficial, following the maturation of planting. There will be a moderate to minor

adverse effect on landscape character and visual receptors. These are still considered significant EIA effects.

Biodiversity

Baseline

127. The site supports a range of important ecological features that are broadly similar to the wider area of arable farmland within this part of Ashford Borough. The most important ecological features present are the adjacent Backhouse Wood ancient woodland (which is also a Local Wildlife Site (LWS)) and the on-site yellowhammer bird population.

128. Three sites of international ecological importance are within 10km of the site. These are the Wye and Crundale Special Area of Conservation (SAC), Dungeness, Romney Marsh and Rye Bay RAMSAR and Special Protection Area (SPA), and the Folkestone to Etchinghill Escarpment SAC. There is one nationally important site within 2km of the site, the Hatch Park Site of Special Scientific Interest (SSSI), and one site of local importance within 2km, the Poulton Wood Local Nature Reserve (LNR).

129. The Stodmarsh SPA, SAC, RAMSAR and SSSI site is located approximately 23km from the site. It is sensitive to nutrient-related ecological effects arising from new development and is connected to the site via the Stour River catchments.

Assessment

130. Prior to additional mitigation, there is an effect of international adverse significance anticipated on the Stodmarsh site resulting from nutrients. Effects of county adverse significance due to the risk (in the absence of mitigation) of damage to veteran trees, the loss of yellowhammer habitat, and harm to the otter population are also identified. All other construction effects, including on species such as badgers, great crested newts, and hazel dormouse, are considered to be of local adverse or negligible significance.

131. During operation, anticipated effects also include an effect of international adverse significance anticipated on the Stodmarsh site resulting from nutrients, prior to the implementation of additional mitigation measures. There are also effects of county adverse significance anticipated due to the sustained depletion of local food and habitat resources for yellowhammers, as well as due harm and disturbance for otters, and the damage of their habitat. Other effects, including on other species such as wintering birds, harvest mouse and bats, range from local beneficial-local adverse and negligible.

132. Similar to the construction phase, prior to the implementation of additional mitigation measures, anticipated decommissioning effects include effects of

international adverse significance on the Stodmarsh site, effects of county adverse significance due to veteran tree damage and harm to otters.

Mitigation

133. Construction phase mitigation would include the tankering of foul water to a location beyond the Stour River catchment, and the implementation of protection and pollution prevention measures outlined in a CEMP to avoid any impact on the Stodmarsh site. Suitable protection zones would be set up around veteran trees that are to be retained, and the adjacent Backhouse Wood ancient woodland, within which no construction activities would be undertaken. Further measures include the implementation of ecological 'watching briefs' (including to mitigate impacts on otter habitats), closure of badger setts (if required), translocation of animals if needed and the retention and enhancement of habitats. Following good practice lighting guidelines during construction is also proposed.

134. Operational phase mitigation also includes tankering of foul water to a location beyond the Stour River Catchment (to avoid impacts on the Stodmarsh site), as well as the creation of new habitats adjacent to Backhouse Wood and the East Stour River, the enhancement of existing habitats on site and the design, implementation and monitoring of appropriate habitat management. Other measures include the use of mammal gates / gaps under fences and following good practice lighting guidelines.

135. Decommissioning phase mitigation, such as measures to prevent and control the spread of invasive species during works, and following good practice lighting guidelines, will be included in the outline DEMP to be implemented.

136. It should be noted that the details of mitigation not available at the PEIR stage will be determined following surveys and assessment as part of the ES.

Residual Effects

137. A county adverse and significant effect is expected from the loss of yellowhammer habitat. There is a local adverse and significant effect on the loss habitat for skylark and brown hare. All other effects are not considered significant or are yet to be confirmed at this PEIR stage.

138. Operational residual effects include local beneficial and significant effects on the Backhouse Wood LWS and ancient woodland, notable river habitats, ponds and hedgerows, invertebrate species, the habitat expansion and enhancement of great crested newts, common toads, reptiles, breeding birds, wintering birds, hazel dormouse, badgers, otters, bats, hedgehogs, harvest mouse, and brown hare. There is a county adverse and significant effect on the sustained depletion of yellowhammer food and habitat, and a local adverse effect on the elevated predation risk on skylarks. Further investigation is ongoing on whether mitigation is possible for these impacts and will be

confirmed in the ES. All other effects are considered not significant or yet to be confirmed.

139. Residual effects during decommissioning are either negligible adverse and not significant, or to be confirmed in the ES, following surveys and assessments.

Water Environment

Baseline

140. The assessment of the water environment included consideration of the existing watercourses, risks of flooding and current drainage patterns. A review of the baseline conditions identified the East Stour River, within and adjacent to the northern boundary of the site; a number of unnamed ditches and ponds across the site and off-site lakes and streams. The site is located within two surface water catchments, with most of the site draining to the 'East Stour' surface water catchment, and a small area to the 'Romney Marsh between Appledore and West Hythe' surface water catchment. The majority of the site is located within Flood Zone 1 whilst some land in the northern parts of the site is classified as in Flood Zones 2 or 3.

Assessment

141. Potential effects on the water environment are those which may change the existing drainage patterns, and those which could cause pollution and a degradation in water quality. Mitigation incorporated into the design of the development has included standoff distances between proposed works and the East Stour River, ponds, lakes, and drains. Prior to the implementation of additional mitigation, during the construction, operational and decommissioning phases, degradation of water quality affecting surface or groundwater receptors was identified as resulting in moderate adverse effects (which are significant). Changes in the drainage regime were considered likely to be negligible, resulting in effects that are not significant.

Mitigation

142. Additional mitigation measures during construction is proposed to include adherence to the CEMP, which would put in place good working practices, such as minimising disruption to the natural flow regime of watercourses and drains within the layout, sediment capture, secure storing of all fuels, oils and polluting substances, and pollution incident response plans.

143. Operational mitigation would include a surface water drainage regime that accounts for a climate change uplift. The drainage proposals would ensure the existing greenfield (pre-development) rate of surface water runoff discharged to the adjacent watercourses is maintained and, in the long-term can take into account climatic changes. In addition, due to the potential for pollution from maintenance activities, there will be a requirement for vehicles and plant to carry a spill kit.

144. A DEMP will be prepared in accordance with the outline DEMP that would be secured through a DCO requirement. It is expected that the contents of the DEMP would be similar to those set out in the CEMP.

Residual Effects

145. Following additional mitigation measures, during construction, operation and decommissioning, residual effects on the water environment would be negligible with regard to the drainage regime and minor adverse with regard to degradation of water quality affecting receptors. Neither residual effect is considered significant.

Land Contamination

Baseline

146. The site comprises agricultural land or pasture with discrete areas of hardstanding located within the north and south west. There is also a large agricultural shed, four smaller agricultural sheds and two grain silos in the western part of the site and a substation and access track in the north eastern part of the site. Historically, surrounding land use has predominantly comprised agricultural land in all directions and has remained largely unchanged. Historical mapping indicates that a sewage treatment works to the north of the site boundary was first recorded in 1971, and further industrial land is recorded to the north of the site in 1985.

147. The geology of the site comprises thick Made Ground15 (up to 8m in depth), and the Weald Clay Formation (sedimentary rock) of mudstone, interbedded sandstone and limestone and sandy mudstone. The soils in the north-east and north of the site have been classified as a ‘Secondary A’ aquifer16. There are no records of active or recent landfill sites within the site or within 250m, nor are there records of unexploded ordnance on-site.

Assessment

148. Available reports and published information have been reviewed with the aim of identifying the ground conditions within and surrounding the site. This information has then been used to determine the likely sources of any contamination, the potential pathways for identified contamination, and any receptors that could be significantly affected. The assessment identified that during the construction, operation, and decommissioning phases of the proposed development, exposure of workers to contaminated land would be of moderate adverse significance, and contaminants from the construction works could result in minor adverse effects on the East Stour River and other relevant watercourses, prior to the implementation of mitigation measures.

Mitigation

149. Mitigation proposed for the construction phase includes the implementation of a CEMP, containing measures such as analysis of soil samples, collected from the shallow sub-surface and at depth to test for a range of contaminants, subsequent gas monitoring if ground gas is detected, a remediation strategy to be implemented if contamination is detected, dust generation to be minimised by damping down working areas and machinery, and the storage of fuel, oil, and chemicals within a secure bunded area or secondary containment. The CEMP would also include measures related to appropriate working methods and site management in accordance with current best practice and identification of appropriate PPE, which would be adhered to.

150. There are no proposed additional mitigation measures during the operational and decommissioning phases. However, mitigation measures beneficial to these phases implemented during the construction phase will remain in place.

151. Mitigation during decommissioning would be outlined in the DEMP.

Residual Effects

152. Following implementation of additional mitigation measures, effects on human health will be of minor adverse significance (not a significant effect in EIA terms) for all three phases (construction, operation and decommissioning). Effects on controlled waters will be minor adverse (not significant) also for all three phases of the development proposed.

Socio- Economic

Baseline

153. This assessment in the PEIR has focused on the proposed development's contribution to the local economy, as well as addressing effects on existing residential, community, tourism and recreation uses.

154. Two study areas have been defined for this assessment; the Local Study Area in the assessment has been defined as the residential communities of Aldington Parish, Mersham Parish and Smeeth Parish, whereas the Wider Study Area comprises the two local authorities of ABC and FHDC. The Local Study Area has a population of circa 3,700 people, with a younger age profile than the Wider Study Area. However, the Local Study Area has a marginally lower proportion of working age people (57% compared to 58%). The percentage of those considered economically active is 68% in the Local Study Area, lower than the wider area and national average of 71%. In regard to occupation, residents of the Local Study Area tend to be more skilled than compared to those of the Wider Study Area, as well as the national average. Overall, therefore, the Wider Study Area has a wide-ranging skill set to draw on.

155. The construction phase will result in the creation of 130 direct jobs, with the potential to increase to a peak of 199 direct jobs. A further 52 to 80 indirect

jobs could be supported through the supply chain (a minor beneficial effect, not significant); an economic contribution of between £8.4m and £12.9m during the 12-month construction phase (a minor beneficial effect, not significant); and workforce expenditure (i.e. the money the construction workforce will spend in the local area (a moderate beneficial effect, significant). Prior to the implementation of mitigation measures, moderate to negligible adverse (significant to not significant) noise and visual effects on local amenity are anticipated, as well as moderate adverse (significant) effects on the PRoW network. The decommissioning phase will generate similar effects to the construction phase.

156. During the operational phase, the effects of its contribution towards renewable energy has been identified as minor to major beneficial (significant). Similar to the construction and operational phases, prior to the implementation of mitigation measures, moderate to negligible adverse (significant to not significant) noise and visual effects on local amenity are anticipated, as well as moderate adverse (significant) effects on the PRoW network.

Mitigation

157. For the construction and decommissioning phases, measures set out in a CTMP and CEMP would be adhered to. For the operational phase, a LEMP would be implemented to manage the growth of planting proposals and their ongoing maintenance to mitigate visual impacts on local amenity. EP has engaged with Kent County Council to identify areas where improvements can be made to offset any impact on existing PRoWs.

Residual Effects

158. There is expected to be a moderate beneficial and significant residual effect on workforce expenditure during construction and decommissioning. All other residual effects during these phases are not significant.

159. The contribution towards renewable energy generation is considered to be minor to major beneficial residual effect (significant). All other residual effects during this phase are not significant.

Traffic and Access

Baseline

160. The site includes several existing access points, some of which are gated, and are used solely by agricultural equipment, except for those which also form public footpaths. Road side footways are not present in the vicinity of the site. The expected routing for construction traffic travelling in the direction of the site will exit the M20 motorway at junction 10a, travel south-east along the A20 Hythe Road, then turn right onto Station Road, continuing south and entering the site via Station Road. Traffic leaving the site will travel in the reverse direction. No construction traffic will pass through Aldington village.

Assessment

161. The scope of the traffic and access assessment has been limited to construction phase effects. An assessment of effects from operational phase and decommissioning phase traffic has been scoped out of further assessment as significant effects are considered unlikely. Prior to the implementation of mitigation measures, the construction phase is anticipated to result in negligible to minor adverse (not significant) effects on: severance; driver delay; pedestrian delay and amenity; fear and intimidation; accidents and safety; and hazardous/ dangerous and abnormal loads.

Mitigation

162. A CTMP will be prepared (and secured by DCO requirement) to ensure construction phase effects are avoided where possible and minimised. The CTMP will include measures to reduce the impact of construction traffic on the local highway network. These measures include hours of operation/access, provision of wheel washing facilities, mini-bus collection/drop-off arrangements and parking strategies for construction workers.

163. Construction traffic will start and end outside of the local network peak hours, minimising impacts in terms of traffic flow volume and highway network capacity.

164. EP has engaged (ongoing) with Kent County Council to identify areas where improvements can be made as part of the proposed development to offset any impact on existing PRoWs.

Residual Effects

165. Following the implementation of mitigation measures, all effects are expected to be negligible adverse (not significant).

Noise

Baseline

166. The existing baseline noise comprises local road traffic, rail traffic, aircraft, domestic noise, noise from a nearby school and natural sounds. To determine the likely significant noise effects of the development, receptors sensitive to noise were investigated. The baseline assessment identified 41 representative Noise Sensitive Receptors (‘NSR’) within 300m of the boundary of the site and these NSRs include residential properties, a hotel, and a school. As well as these NSRs, on the PRoWs which cross the site, the baseline noise level experienced by their users may change as a result of the development as they move along their chosen route. These have also been included in the assessment.

Assessment

167. To undertake an assessment of noise impact, a noise survey was undertaken at eight locations around the site. These locations were agreed with ABC and are considered representative of the noise conditions at the site, as experienced by the NSRs. Predictions of specific noise levels were made using computer noise modelling. The modelling assumed a typical noise emission from plant and machinery likely to be used during the construction, operation and decommissioning phases.

168. Construction and decommissioning effects on users of PRoWs at the site have been identified as negligible (not significant). Minor adverse/ negligible effects (not significant) from construction and decommissioning traffic noise on the road network and potentially moderate adverse/ minor adverse/ negligible effects (significant to not significant) from on-site construction and decommissioning noise are also anticipated, prior to the implementation of mitigation measures Operational effects from plant/ machinery noise during daytime and nighttime have been identified as minor adverse to negligible (not significant), prior to the implementation of additional mitigation measures.

Mitigation

169. Mitigation measures during the construction phase will be related to the management of plant and best working practices, which will form part of the CEMP. Measures will include regular maintenance of machinery to control noise and vibration, site staff will be made aware of where the nearest NSRs are located and will avoid unnecessary activities, and the occurrence of two noisy operations simultaneously in close proximity to the same NSRs will be avoided as far as possible.

170. During operation, where any plant is seen to develop a fault or otherwise emits non-typical noise, maintenance will be undertaken as soon as reasonably practical.

171. The DEMP for the decommissioning phase will be produced with a view to best practice mitigation measures being implemented throughout the decommissioning process. The measures implemented will be similar to those listed for the construction phase above.

Residual Effects

172. The transitory nature of the PRoW network will ensure noise impacts during construction and decommissioning on any users are negligible (not significant). Construction and decommissioning traffic noise residual effects resulting from the development will be minor adverse or negligible (not significant). Following the implementation of the mitigation measures as part of the CEMP, residual effects from construction noise due to on-site activities would be minor adverse or negligible (not significant). Similarly for the decommissioning phase, noise from on-site activities would be minor adverse or negligible (not significant), following the implementation of the measures as part of the DEMP.

173. Residual effects during operation will be minor adverse or negligible and not significant.

Climate Change

174. The two main approaches that can be taken to determine a project's climate change impact within EIA, and which have been addressed in the PIER assessment, involve identifying:

- The direct and indirect influence of the Proposed Development on climate change (climate change mitigation); and
- The vulnerability of the Proposed Development to climate change (climate change adaptation/ resilience).

Baseline

175. Regionally, the climate is warm and temperate, with significant rainfall all year round. Within the study area, annual average rainfall is 796.60mm, with the driest month being in March. The average annual maximum temperature is 14.40°C. August is the warmest month with an average of 21.48°C and January is the coldest month with temperatures averaging 7.85°C.

176. In Ashford Borough, carbon emissions have steadily declined in the period between 2005 and 2019. There has been a downward trend in the contribution of each of the four main sources of emissions, with commercial emissions seeing the greatest percentage decrease of 44.3% over the fourteen-year period. Per capita emissions have declined from 7.7 tonnes of carbon dioxide ('CO2') in 2005 to 4.3 tonnes CO2 in 2019.

Assessment

177. Carbon emissions arising from project construction vehicle emissions are anticipated to have a minor to moderate adverse effect locally, prior to the implementation of mitigation measures. This is considered significant, in line with best practice guidance on climate change impacts.

178. The generation of electricity from the solar farm will displace the generation of fossil fuel electricity generation. A carbon saving of approximately 34,500 tonnes of carbon dioxide equivalent ('CO2e') per year is predicted, which is a total saving of 1,380,000 tonnes of CO2e over the project lifespan. This is considered to be in keeping with the trajectory to net zero by 2050, resulting in a minor to major beneficial effect (not significant to significant) at the national level.

179. Anticipated effects from climate change adaptation are considered to be no more than minor adverse, which is not significant. The anticipated effects with regard to flood risk and drainage are minor beneficial (not significant), and

cloud cover are negligible to minor beneficial (not significant). This is due to flood risk mitigation incorporated into the design, and the projection of cloud cover reducing over time, enhancing the productivity of solar panels. Effects on biodiversity and noise are anticipated to be negligible (not significant).

180. Effects due to decommissioning traffic are expected to be minor to moderate adverse and significant. The disturbance of species at the site would likely reduce the resilience of the site to adapt to a changing climate, resulting in a minor adverse effect which is not significant.

Mitigation

181. A CEMP and CTMP will be submitted alongside the DCO application. With respect to minimising the number of vehicle movements and subsequent emissions, the CTMP will provide for measures to consolidate the delivery of materials, as well as ways to promote the most sustainable methods of construction workers to get to the site.

182. Operational climate resilience mitigation comprises a LEMP to detail habitat creation, enhancement and maintenance measures. The Drainage Strategy will also account for the projected increase in annual precipitation.

183. With respect to future impacts on climate resilience and the interface with species and habitats during the decommissioning phase, a detailed Ecological Mitigation and Enhancement Strategy will be submitted with the ES. This will include measures such as the monitoring of effects upon important ecological features. A DTMP will be secured by DCO requirement and will provide management procedures to the removal of materials on-Site.

Residual Effects

184. During the construction and decommissioning phase, no significant adverse effects are expected.

185. With respect to climate resilience, no significant adverse effects are expected. Minor beneficial effects on the proposed development due to extreme weather events are anticipated. A minor to major beneficial effect is anticipated with respect to the offset of carbon emissions from renewable energy generation, which is considered significant.

Cumulative Effects

186. The PEIR has considered the potential for likely significant inter-project cumulative effects on the environment (i.e. those resulting from the proposed development combined with other relevant development in the area).

187. An EIA must assess the likely significant effects of a development that may arise cumulatively when combined with other relevant development in the area. One project has been identified for the assessment of likely significant

cumulative effects on the environment. This project is the East Stour Solar Farm proposal (Planning application 22/00668/AS).

188. The significant residual cumulative effects identified in the assessment are set out as follows:

Landscape and Views:

- Effects on Visual Receptors during construction and decommissioning of the proposed development (nil and not significant to moderate adverse and significant);
- Effects on Landscape Character during operation of the proposed development (moderate adverse and significant); and
- Effects on Visual Receptors during operation of the proposed development (moderate adverse and significant).

Biodiversity:

- Construction effects of the proposed development on yellowhammer: loss of habitat (county adverse and significant);
- Construction effects of the proposed development on skylark: loss of habitat (local adverse and significant);
- Operational effects of the proposed development on yellowhammer: sustained depletion of local food and habitat resource (county adverse and significant); and
- Operational effects of the proposed development on skylark: elevated predation risk (local adverse and significant).

Socio – Economics:

- Construction effects on workforce expenditure (moderate beneficial and significant);
- Operational effects on the contribution towards renewable energy generation (minor beneficial (not significant) to major beneficial (significant)); and
- Decommissioning effects on workforce expenditure (moderate beneficial and significant).

Climate change:

- Operational effects resulting from the proposed development's provision of renewable energy to the Grid in combination with the cumulative development (minor beneficial (not significant) to major beneficial (significant)).

Planning History

189. There is no relevant planning history associated with the site.

190. Whilst not directly associated with the Stonestreet Green Solar proposals itself, the following full planning application is considered relevant to the scheme due to the close proximity of the application site to the north east of the site subject of this s.42 consultation.

22/00668/AS – Installation of a solar farm comprising: ground mounted solar panels; access tracks; inverter/transformers; substation; storage, spare parts and welfare cabins; underground cables and conduits; perimeter fence; CCTV equipment; temporary construction compounds; and associated infrastructure and planting scheme.

191. Planning application 22/00668/AS was submitted on behalf of EDF Energy and is referred to as the East Stour Solar Farm. The planning application was submitted to the Council in April 2022 and subsequently made valid in June 2022 is currently still being considered. The proposed generating capacity of the EDF East Stour Solar Farm would be 49.9MW and so falls to the Local Planning Authority for determination rather than through the NSIP regime. **Figure 15**, below shows the location of the EDF proposal (in green) relative to the location of the NSIP proposal (in red).

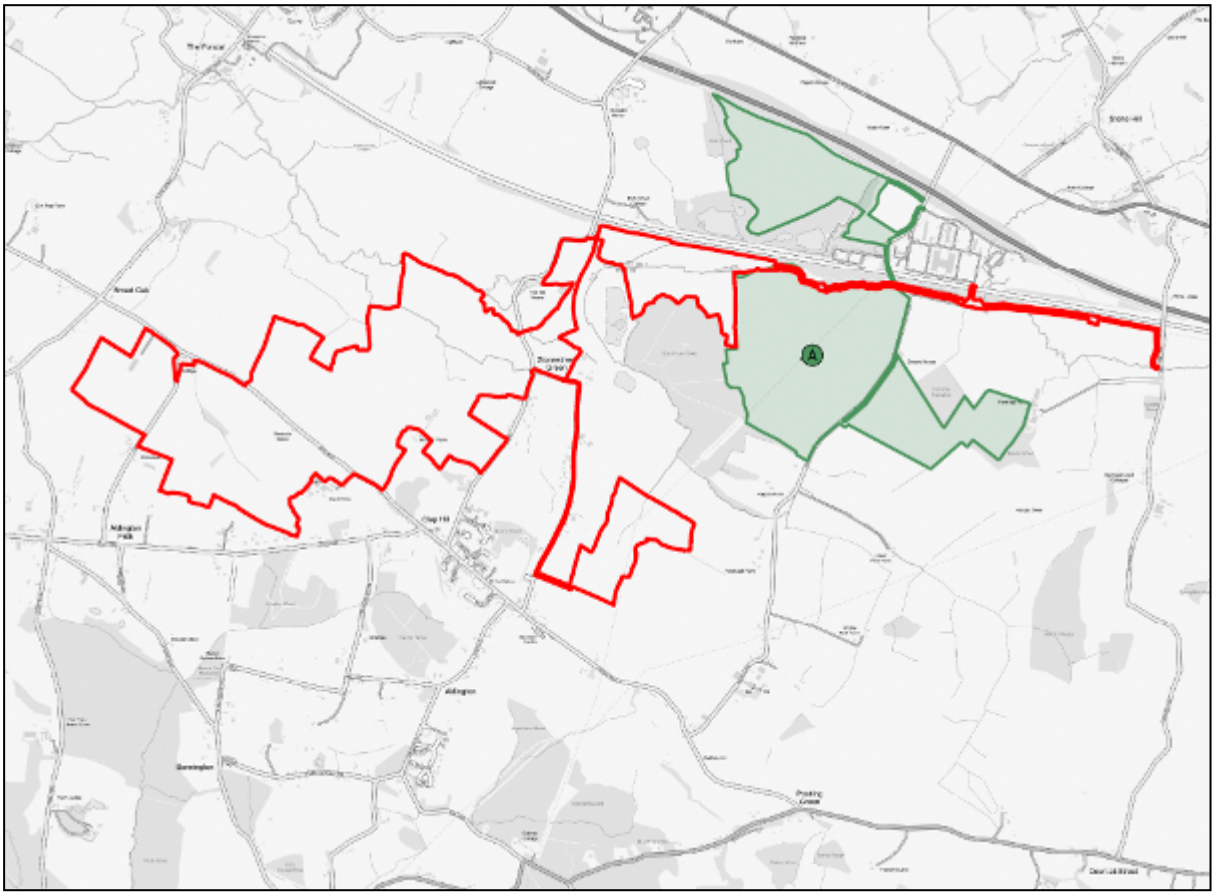


Figure 15: Location of proposed East Stour Solar proposal

Consultations

192. The consultation on the current proposal, as previously stated, is carried out by the applicant/promoter of the scheme (EP). Ashford Borough Council is a consultee and is not responsible for the consultation and responses are directly sent to EP at the pre-application stage. This includes statutory consultees such as the Environment Agency, Natural England and Highways England. These comments will be published by Evolution Power in the consultation report submitted to PINS. Ashford Borough Council has no access to these consultation comments at present.

193. The Council together with officers from KCC have been holding regular meetings with EP to informally discuss the progress of the scheme to date and to engage with some aspects of detail (such as highway and likely PROW impacts).

194. I have carried out internal consultation of other relevant ABC departments for input on the proposals. In addition, the Council has sought expert landscape and visual impact assessment consultancy advice from Landscape Management Services Ltd. KCC is a separate consultee and will respond to EP directly in relation to the s.42 consultation but, helpfully, has forwarded comments dealing with highways, historic environment, PRoW, ecology, the flooding/SuDS and minerals issues and these are summarised below.

Comments from ABC

Environmental Protection Unit

Land contamination

Phase 1 investigation (Groundsure) and site walkover draft of the preliminary conceptual site model have identified a low potential for land contamination for the current site and effects from construction, operation and decommissioning of the proposed development.

A watching brief must be maintained during construction and decommissioning works and reported to ABC Environmental Health before works continue.

Air quality

The report identifies a very low impact on air quality during use and low during construction and decommissioning (due to dust created).

Lighting

The site will not be permanently lit during operation with sensor lights used if night time work is required.

Noise

Noise levels are predicted to be low with a slightly significant effect during operation (usually with plant located away from the boundaries of the site) and short term lightly significant effect during construction and decommissioning. The proposed noise assessment will consider planning polices and local and national guidance, standards and documentation and use BS4142 and BS5228. The proposed assessments appear satisfactory for the proposed development.

Economic Development and Tourism Officers

This development does not provide a substantial economic benefit as set out in the application, and the main impacts are from construction of the site. Therefore, the benefits of this scheme lie elsewhere in the provision of energy.

From a tourism perspective, although there will be visual impact from the placement of the solar farm in this rural location, and that this may have an impact on some very local businesses that welcome guests that stay in the area, it is not considered that this would have a substantial impact on tourism within the area.

Conservation Officer

In terms of this submission and the impact on the built heritage, the assessment is not robust and is lacking on the scope and criteria of assessment. In particular the following is noted:-

1) Due to the scale of the development and the topography of the land, the development will have a visible impact on the landscape significantly beyond the site boundary. Many designated and non-designated heritage assets, including buildings, historic roadways, field patterns and boundaries and other man-made landscape features sit within this landscape and derive part of their special interest from this rural setting and they, in turn, make a valuable contribution to the sense of place and the character of the countryside. These heritage assets are mentioned in the PEIR but are yet not adequately identified and assessed, in line with the NPPF requirements.

2) Although the report mentions both Listed and non-designated heritage assets, it does not provide any meaningful assessment of these and their setting. This needs to be expanded to identify all of these buildings, their significance and their setting. The scope of setting can be far beyond the land in the ownership, or curtilage of the building and each needs to be assessed individually. Historic England provide guidance on how to assess setting.

3) If there has been an assessment of long-range views and visibility in the landscape, clear reference to it being applied to the built heritage appears missing. Some buildings, such as rural churches, which are often of the highest national significance, are an historic landscape feature and as such the setting of such buildings will likely be much wider than a mid-terraced cottage in a village setting, for example. Significant developments may therefore have a harmful impact on a building's setting, even though the development is some distance away. This impact therefore needs to be assessed. Each heritage asset should be assessed separately, based on a true understanding of the special character of the building/asset.

4) Of the few buildings that are identified, only a limited assessment of the impact on their setting has been made, hence the point made in respect of the robustness of the assessment. The impact is being assessed in a more quantitative way using *environmental assessment methodology and criteria outlined in the Design Manual for Roads and Bridges.* This has limited use when assessing historic buildings and structures above ground, as it provides no criteria for assessing value. The assessment of the impact on the built heritage should be a *qualitative* not a *quantitative* assessment. The professional expertise and experience asserted to be used to assess potential harm on the setting does not come across in this part of the PEIR. The assessment concludes that there will only be minor harm to the setting of Stonelees and Bank Farm – both of which lie directly adjacent to the site. This conclusion seems at best, unlikely, and raises questions about the methods of analysis used.

5) The document includes an assessment following the KCC HERS/archaeology consultation, but ABC's Heritage Strategy and national guidance from HE

about solar farms ('Commerical Renewable Energy Development and the Historic Environment' February 2021) do not appear to be part of any assessment to date. These two documents are relevant to this development and should have been considered.

6) The Barnwell Manor case is potentially relevant to this proposal, although it was for four wind turbines, rather than a solar farm. At appeal, the Planning Inspector concluded that the renewable energy benefits of the scheme outweighed any harm to the extent that planning permission could safely be given, but the High Court and the Court of Appeal did not accept the planning balance found by the Inspector. https://historicengland.org.uk/whats-new/news/wind-farm-blown-away-by-court-of-appeal/

7) In conclusion, a more thorough identification and *analysis* of the designated and non-designated heritage assets needs to be made, to include the impact on and the impact by, long-range views of the proposed development.

Open Spaces/Recreation Officer

1.1. The approach to mitigation using soft landscape elements is light touch, and not in proportionate scale to the significant scale of the development.

1.2. There is a lack of woodland block planting, with very little identified on site. Use of orchard planting will not provide the necessary scale, and we question the use of this landscape type in this location as it is does not form part of the local landscape character.

1.3. The proposal for additional hedgerow planting is welcomed. However we would like to see this combined with the use of individual trees (particularly oak), both within and independent of hedgerow, to reflect the local landscape character. Currently the schedule lists only wetland trees associated with the East Stour River, and no trees to the rest of the development.

1.4. Of particular concern with this development is the extensive use of security fencing, particularly when co-located with PRoW. The majority of PRoW through the fields of panels will experience a view of solar panels and security fencing, both of which are industrial elements within a rural context. This is illustrated by the photomontage of View 12.

1.5. Walking through a solar farm is not a particularly pleasant experience, and detracts from the recreational value. For users of any PRoW, it is not a typical landscape experience, it is unlikely to enhance the recreational experience and is unlikely to be a destination experience for a user looking to experience a walk within a rural location.

1.6. Solar panels have limited character, are imposing in scale at 3.2m in height, are combined with tall fencing of no character, and with CCTV cameras which are potentially intrusive to users of a PRoW.

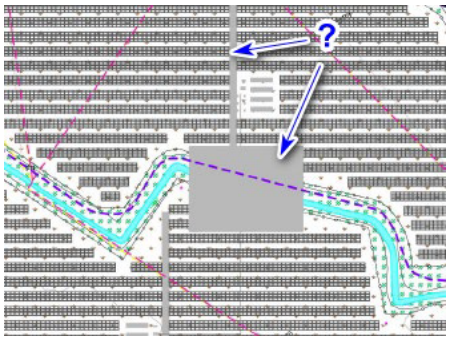
1.7. As such it is important that users of the PRoWs are sufficiently screened and separated from the Solar Farm, and that views of the Solar Farm are sufficiently mitigated for so as not to detract from the recreational value and landscape character of the location.

1.8. It would be preferable and feasible for PRoW to be co-located with buffers of tree planting / meadow, so as to improve landscape character and the experience for users of the PRoW. Providing some landscape with depth could potentially avoid the need for footpath diversions.

1.9. Fields 19, 20 and 21 are in a particularly open area, and will be highly visible from the PRoW, particularly long views from PRoW AF474. Significant screening is required – this is an example where orchard planting will be of insufficient scale.

1.10. Field 18 is also another open area, low lying with a network of ditches and sparse vegetation. The proposal here is to divert the PRoW to the edge of the ditch/drain. There is logic to this however the experience for the walker will be a view entirely of solar panels and security fence, with fields 14 to 18 all in view with no visual barriers and no proposed mitigation to improve the view and recreational experience.

1.11. The legend to the Landscape Strategy Plan does not identify the grey blocks. What is the purpose of the large rectangle?



1.12. Where proposed security fence is visible from public highway and footpaths, it should be screened or an alternative and more rural approach used. The landscape character assessment for East Stour Valley provides a guideline to ‘encourage sympathetic fencing types where necessary’. Given the area is graded with ‘high sensitivity’ in terms of landscape, the use of extensive industrial security fence will be a significant landscape detractor.

1.13. More consideration needs to be given to the impact on residential properties. A quick appraisal has picked up a lack of mitigation to the residential properties associated with Bank Farm, and to Becketts Green. Both these properties are along Roman Road, which is open and relatively flat in

character, allowing for long views. A detailed appraisal on all the residential properties impacted by the development is required.

1.14. The solar farm has a potential life span of 40 years, which is significant to residents impacted by the development. Those residents should have the opportunity to be able to make changes to their property over the 40 year duration, without experiencing a negative impact to their view – e.g. if they choose to build an extension or remove vegetation, mitigation should already be in place within the solar farm development to screen the potential new view.

1.15. Large structures will require mitigation, with a combination of appropriate colour finish and adjacent landscaping. It is noticeable that the current buildings associated with the existing Aldington array, which are white and pale grey in colour, are conspicuous within views of the wider landscape, and do not blend well.

Tree Officer

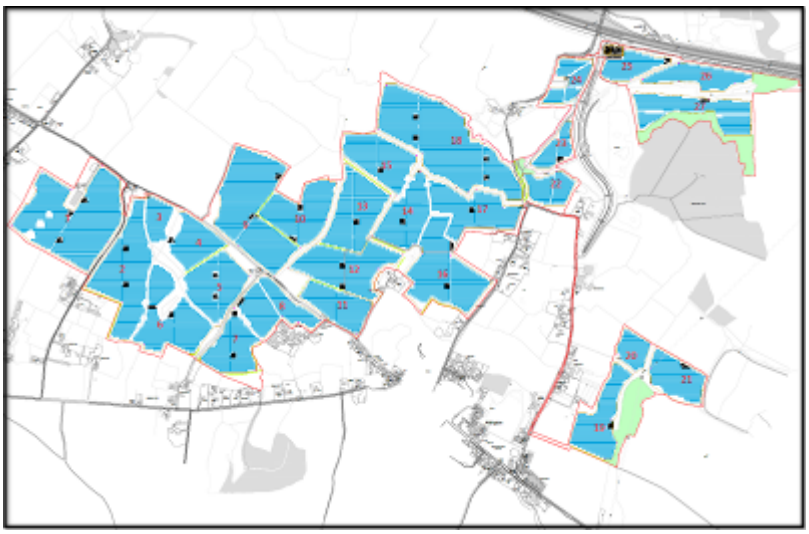
General comments relating to:

- Woodland/hedgerow enhancement and connectivity
- Footpath buffers and planting opportunities

1.0 Woodland/hedgerow enhancement and connectivity

When viewing the site layout plan the spatial distribution of the woodland has been assessed against the NE MagicMap to gauge whether any linkages may provide benefits.

Woodland and Ancient Woodland – MagicMap

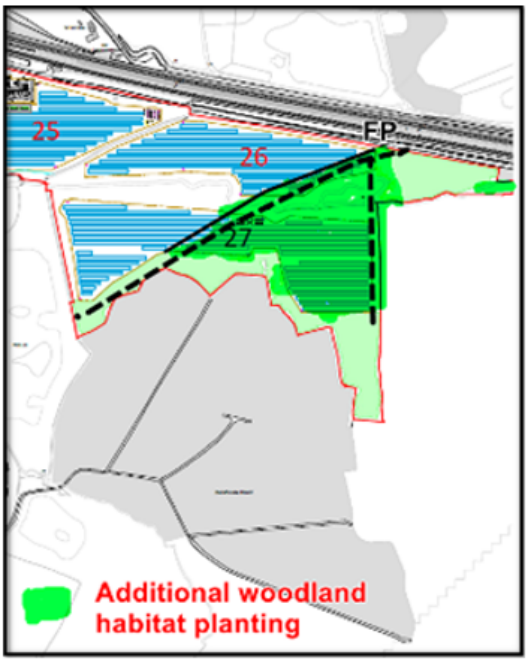


Site Layout

Woodland and hedge planting/strengthening opportunities

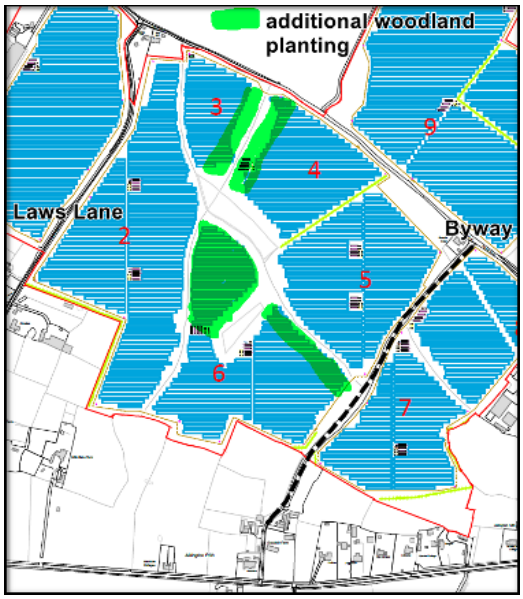
a) Backhouse Wood

There exists an opportunity in the north east quarter of the development to link the woodland adjacent to the railway line to provide a meaningful legacy and significant biodiversity benefit. In addition, the footpath experiences would be provided with an improved environment. There would be a small loss of panels for a large biodiversity gain.



(b) Land between Byway and Laws Lane

Opportunities exist in this area to provide an improved area of woodland long-term and to improve the quality of the biodiversity linkages as shown above. There would be a small loss of panels for a large biodiversity gain.



2.0 Footpath buffers and planting opportunities.

The experience of the footpath users on the many paths is likely to be compromised by the panels – this situation can be much improved by the planting of a minimum 7.5 metre buffer on each side of the footpath of native shrub and small tree species such as hawthorn, guilder rose, wayfaring tree, hazel and elder. This planting will provide a meaningful contribution for the biodiversity enhancement and improve the experience for footpath walkers.

The setting of listed buildings is likely to be impacted by the development, planting around such settings may assist in ameliorating the impact.

Access trackways and routes could be softened and screened by planting hedgerow buffers where space allows.

Conclusion

Very little of the site in terms of Ha2 will be used for planting/biodiversity enhancements and, to offset the development in a meaningful way, more area should be given over to improvements than is on offer.

Consultancy advice on the PEIR Landscape & Visual Impact Assessment

Landscape and Visual Impact Assessment (LVIA) Methodology

The proposed LVIA Methodology (PEIR Appendix 7.2) is consistent with guidance set out in 'Guidelines for Landscape and Visual Impact Assessment' (3rd Edition) (GLVIA3) prepared by the Landscape Institute and the Institute of Environmental Management and Assessment, and also additional guidance on landscape and visual matters set out in Technical Guidance Notes prepared by the Landscape Institute. Methodologies for the preparation of LVIAs will vary between Consultancies, but it is our view that the proposed Methodology provides an approach which should inform a comprehensive and reasonable assessment of the anticipated impacts and effects of the scheme on landscape character and visual amenity.

It is noted that the 37 Site Context Views have been agreed with ABC. We have undertaken an initial site visit and would agree that the 37 views provide a representative set of views to inform the assessment. It is also noted that views are predominantly winter views when views will be most open (although the Photomontages in Appendix 7.9 utilise summer views). For the full LVIA ES chapter it would be helpful to include both summer and winter views for each Context View.

Evidence is provided on the evolution of the design process through consultation and assessment and how views expressed during consultation have been considered, although we have not had sight of earlier iterations of the proposals.

Within the Landscape Policy Context the PEIR includes extracts from the current draft National Policy Statement for Energy NPS EN-1 (2021), in addition to the local policy context. This section also includes policy extracts from the Kent Downs AONB Management Plan. Although the land does not lie within the AONB, the proposals are potentially visible from the AONB and it is important to assess the potential impacts and effects on the setting to the AONB.

The PEIR largely follows the anticipated layout to a full LVIA and includes preliminary analysis of landscape and visual receptors, based on desk top and site assessments and anticipated impacts and effects. As noted above, the PEIR references amendments to the proposals informed by consultation and the Scoping exercise (much of this is described in Chapter 4 Alternatives) but details of the evolution of the scheme as informed by this process are not included in the PEIR. The role of LVIA in informing the design process is a clear requirement of GLVIA 3 (Paras 4.5 to 4.10) and an overview of this process should be included in the full LVIA.

The PEIR addresses the impacts and effects during the construction phase (anticipated 1 year), operational phase (anticipated 40 years) and de-commissioning (anticipated 1 year). This report focuses on the operational phase of the scheme. The landscape and visual receptors and anticipated impacts and effects are largely similar for each phase, although it is anticipated that there would be greater localised disruption with temporary noise, traffic and lighting impacts associated with the construction and de-commissioning phases. The PEIR also addresses night-time effects.

Cumulative impacts are not directly addressed in the landscape and visual chapter, but are identified in Chapter 15 of the PEIR. From a landscape and visual perspective it is essential that the LVIA considers the potential cumulative impacts associated with the neighbouring East Stour Solar Proposals. Whilst it is appreciated that there can be limitations on what can be assessed when considering cumulative impacts, given the combined extents and similarity of the schemes this is felt to be of particular importance in this instance and there is a full LVIA including photomontages available for the East Stour scheme.

Project Extents

The proposed Stonestreet scheme extends to a total area of an estimated 189ha (467 acres) located mainly to the north west and west of the village of Aldington. The majority of the project area extends over an irregularly shaped area running south west to north east across the Aldington Ridgeline and into the shallow, broad Upper/East Stour Valley. The northern limit to the scheme is defined by the HS1 railway line and higher ground to the north west in the vicinity of Mersham and The Forstal. The bulk of the scheme comprising Fields 1 to 18 (Figure 3.2) would form a largely unbroken, continuous area of solar panels interspersed with hedges and (in the context of the scale of the development area) small areas of woodland and other landscape infrastructure. The northern most part of the scheme (Fields 22 to 27) is more fragmented and set within a more wooded existing landscape pattern. There is also a smaller, more isolated area (Fields 19 to 21) to the north east of Aldington on the lower slopes of the Aldington Ridge. All of the panels are largely located within the existing field pattern, minimising impacts on vegetation, in particular hedges.

The main physical change to features in the local landscape would be the proposed diversion of public rights of way (PRoW) within the main site area. The local area benefits from an extensive and relatively dense network of PRoW, in particular within the Stour Valley. The current proposals are to divert the majority of the PRoW within the site area to field perimeters.

Plans and Figures

The plans and figures included in the PEIR cover the relevant baseline landscape and visual information.

The Topography Plan (Figure 7.3) covers the wider study area. From our site visit it is apparent that subtle and relatively minor variations in topography at a more local scale are important in understanding the site and immediate surroundings. The scheme runs across the Aldington Ridgeline and into the shallow valley of the upper Stour. The land rises gently on the northern side of the valley towards Mersham.
Contours are shown on the Site Appraisal Plan (Figure 7.5), but are difficult to read. It is suggested that a more localised topography plan or 3D modelling covering the extents of Figure 7.5 could be included in the full LVIA in order to better understand the subtleties of the local topography.

Landscape Character

The baseline description of landscape character is informed by a combination of the published landscape character assessments and site visits. Breaking down the site into a series of parcels (Figure 7.5) is helpful both in the description of the landscape character of such a large site and in the interpretation of the Photomontages, identifying which parts of the site are potentially visible from each viewpoint.

The published landscape character context is relatively complex with the scheme running across landscape character areas at a national, county and local level. The nature of the development is such that it is agreed that the impacts on landscape character are predominantly associated with the physical impact of the scheme on the local landscape resource. There are, however, important perceptual aspects (closely linked to visual amenity) in terms of the impacts on the more elevated character areas, principally the Aldington Ridge or Ridgeline.

The approach to limit the impact assessment to those Landscape Character Areas (LCA)s directly affected by the proposals is agreed (principally the Aldington Ridge/Ridgeline and the Upper/East Stour Valley and a small part of the Old Romney Shoreline Wooded Farmland). It is noted that the LCA descriptions combine the ABC Character Areas or the KCC Character Areas as the basis for the assessment. Tables 7.2 and Appendix 7.4 draw on both assessments, which could be confusing. In our view, where possible utilising the more recent ABC Character Areas, where possible, would seem more appropriate.

The LVIA methodology does not specifically address the impacts and effects on the setting to the local villages (principally Aldington and to a lesser degree

Mersham, The Forstal and Broad Oak). Impacts and effects are addressed principally through reference to landscape and visual receptors, which include wider landscape character areas and features and visual receptors such as roads, public rights of way (PRoW) and residential properties. With a development of this scale it is felt important to consider the effects of the scheme on the setting to local villages as well as individual properties.

Viewpoints

The 37 Context Views provide a reasonable and representative set of viewpoints to inform the visual assessment. There are a number of medium distance viewpoints from which it is anticipated that the Stonestreet scheme would potentially be seen in association with the neighbouring East Stour Scheme. Viewpoints 19, 28 and 31 are highlighted as locations from which it is considered there could be a substantial cumulative impact in medium distance views north across the Stour valley, but there are other locations from which it is anticipated both schemes would be visible. It should be noted that the East Stour Solar Farm ES LVIA Chapter is considered to be severely lacking in terms of provision of representative views.

The Visual Effects Table (Appendix 7.7) which is set out by visual receptors references both the site context (viewpoints) and site appraisal (character) views to inform the assessment.

The combination of visual receptor types, in particular PRoW (Visual Receptor for PRoW within the site covers 15 PRoW) does tend to over simplify the assessment. The Table summarises the value of many PRoW visual receptors (in particular those within the site) as very low which, although consistent with the methodology, seems to undervalue the character and appearance of these open, predominantly rural views from PRoW within the Stour Valley.

Landscape Effects

The assessment of landscape effects identifies two anticipated significant adverse effects. These are:

- The Character of the Site – Minor-Moderate Adverse effect;
- LCA Aldington Ridge – Minor-Moderate Adverse effect.

Large parts of the scheme also lie within the Upper Stour Valley LCA. Adverse effects are identified but the PEIR concludes that limited intervisibility and landscape mitigation will reduce the effects to minor adverse.

A key consideration in the PEIR assessment is that the solar project will not directly impact on characteristic features ie the landscape pattern and features will be retained and that the changes are reversible (the Landscape Duration and Reversibility criteria set out in Table 5 identifies 40 years as the limit for a medium assessment, which conveniently ties in with the anticipated operational timeframe). In our view a timeframe of 15 to 25 years would be a more reasonable ceiling to a medium timeframe. The importance of these considerations is that these inform the overall judgement on the assessment of effects.

In terms of the physical landscape resource, the assessment predicts that there will be a significant adverse effect as a consequence of the loss of open fields, but that implementation of the landscape proposals will have an anticipated beneficial impact on hedgerows, trees and woodlands. The existing hedgerow pattern within the Stour Valley is somewhat fragmented. Some (but not all) of the proposed hedges appear to re-establish former hedgelines (historic mapping is included in the Cultural Heritage PEIR Chapter). In all cases a moderate beneficial effect is identified which seems high in particular in relation to trees and woodland (Appendix 7.4 identifies only 360 trees to be planted of which 260 are orchard trees, whilst new woodland is largely limited to shelter belts). The Landscape Effects Table in Appendix 7.4 identifies an 'ample' scale change in relation to both canopy trees and woodland at year 15, which is described as 'likely be change to a high proportion of the landscape receptor, which will likely result in a noticeable change in the integrity of the landscape or the key characteristics of an extended geographic area'. The Landscape Strategy Plan (Figures 7.8 to 7.10) shows that the extent of landscape planting or green infrastructure is dwarfed by the scale and extent of the land under solar panels. The conclusions drawn in the PEIR as to the contribution of the Landscape Strategy to the landscape resource and overall landscape character are felt to over emphasise the benefits of such limited proposals in the context of the scale of the project as a whole.

Visual Effects

These are assessed in Appendix 7.7. The viewpoints from which a significant (moderate adverse or greater) effect is anticipated at Year 15, ie once landscape planting has established, are listed in paragraph 7.7.11. Twelve of the thirty nine visual receptors are anticipated to experience a significant adverse effect. These significant residual adverse effects can broadly be grouped as follows:

- Users of public rights of way within the site;
- Locations on Bank Road, PRoW 370, AE377, AE396 and Handen Farm located on the Aldington Ridgeline;

- Viewpoint on PRoW AE401 on Colliers Hill;
- Viewpoints on PRoW AE370 and AE428 and Residents in The Forstal and Mersham on the northern side of the Stour valley.

The assessment identifies significant moderate adverse effects on many PRoW visual receptors, but it is felt that because the value of the view is considered very low this underestimates the effects of the proposals on some views/visual receptors. For instance it is difficult to understand why the assessments for Viewpoints 12 and 16 at Year 1 could be concluded as anything other than major adverse as opposed to moderate (Appendix 7.9). Viewpoints 12 and 16 provide a useful comparison in terms of locations where mitigation is or is not proposed which would ultimately provide a degree of screening. Although shown on the Landscape Strategy Plans it would be useful to have further information on locations, in particular lengths of PRoW which would run adjacent to panels with or without associated landscape mitigation.

The visual assessment describes winter views when the panels would be most visible. The descriptions of the selected landscape visualisation viewpoints (Appendix 7.9), includes identification of those locations which it is anticipated would be visible by reference to the land parcels shown on Figure 7.5. This is helpful in seeking to identify which locations or elements of the scheme are visible in longer distance views. It is noted that the Photomontages in Appendix 7.9 include summer views only, when screen planting would be most effective. As noted above, it would be helpful to include both summer and winter views for each Context View in the full LVIA.

The significant adverse effects on residential visual amenity identified in relation to residents on Bank Road, Handen Farm, The Forstal and Mersham should be of particular concern bearing in mind the 40 year life of the scheme and subject to further review to explore opportunities to provide mitigation.

Comments from Kent County Council

Kent Highways and Transportation

1. It is noted that EP has revised the construction delivery routing proposal to avoid the problematic section of Station Road at Evegate Mill.

2. HGV's and deliveries would be unloaded within the site compound and transferred to the other parts of the proposal site via tractor and trailer - mainly via internal haul roads. In order to reach fields 19, 20 and 21 the tractor and trailer arrangement will need to take a route along Station Road south from the site access crossing and Goldwell Lane to the existing site access just north of Goldwell Close. The initial part of the construction vehicle access

route to reach the main site compound on Station Road is considered acceptable however there are some concerns related to HGVs taking the left turn into the gate. Vegetation will need to be cleared on the verge on the western side of Station Road. Warning signs will also be required.

3. The two locations where full crossing points are located (Station Road and Roman Road) can be safely implemented by traffic control holding approaching traffic in both directions to allow site traffic to emerge and cross. Details will need to be agreed by KCC.

4. Construction vehicle routing via Goldwell Lane – vehicle tracking shows that the tractor and trailer will take up the entire width of the road at the bend. The supporting information details potential traffic control or escort vehicle. An escort vehicle would be more appropriate. The OS drawing used for the vehicle tracking does not appear accurate. If overrun does occur, remedial works may be required to prevent further damage to the verge and damage to the edge of the carriageway.

5. Even though daily vehicle movements would be low, there will still be occasions when the construction related vehicles have to pass other traffic on the network. There is a chance that in manoeuvring (long vehicles) to allow vehicles to pass there may be overrun onto the highway verge. A highway condition survey should therefore be carried out prior to commencement of works and post completion to ensure any damage is rectified at the cost of the developer. Damage to the highway, should be rectified as soon as practical at the cost of the developer.

6. A mechanised street sweeper should be used to ensure that any material dragged from the site onto the highway is cleared as soon as possible so as to prevent a hazard to highway users.

7. Site access points show that adequate visibility is available from the main site access on Station Road. In terms of the highway crossings on Station Road and Roman Road, if these accesses are required to be used outside of traffic control, then visibility splays must be provided for approval by KCC.

8. During the construction phase the predicted number of HGV’s arriving per day is 9, with an uplift buffer of +25% which brings the daily HGV deliveries to 12 vehicles. Spread across the working day and timed to avoid network and school related peaks, this is not of a level that could be considered severe in its impact.

9. The traffic associated with the operational phase would be minimal. The supporting information has now demonstrated that the associated traffic during the construction period by routing or volume would not be considered a point of objection by the Local Highway Authority.

Kent Countryside and Access Service (PRoW)

The value of the PRoW network is in providing the means for residents and visitors to access and appreciate landscapes for personal health and wellbeing, enhancing community connectivity and cohesion, reducing local traffic congestion for economic benefit and improvement in air quality, and much more. The existence of the PRoW are a material consideration.

There are eighteen 18 Public Footpaths and 1 Byway Open to all Traffic affected and within the site boundary. Public Footpaths: AE385, AE442, AE370, AE377, AE378, AE448, AE447, AE431, AE438, AE657, AE457, AE656, AE454, AE475, AE455, AE474, AE436 (Ashford) & HE436 (Folkestone & Hythe). Byway Open to all Traffic: AE396 (Ashford).

The substantial size of this development will have an adverse impact on the PRoW network, through visual impact, and loss of amenity over a significant period of time and therefore appropriate measures will need to be taken to help mitigate this impact. Sustainable Active Travel as well as recreational activity across both the development and the wider area connectivity must be future-proofed.

The amount of use of a PRoW is not a factor as a PRoW has public rights regardless of use. There is also the cumulative effect of this development, The East Stour solar development and Otterpool Park leading to wide and long-term disruption to the PRoW network.

KCC and ABC are involved in ongoing discussions regarding opportunities to in some way address the impact on the area, in terms of creating a green corridor connecting these sites into Ashford to the West as significant mitigation. These discussions involve other stakeholders. The public benefits of such work would help to compensate for the level of disruption caused by the construction and long-term operation of this site and the associated negative effects on the PROW network.

KCC welcome continued engagement with the Applicant and other relevant stakeholders to progress a detailed PRoW Management Plan as part of the application. Negotiations and responses between all parties should therefore be seen as ongoing and evolving. KCC would therefore recommend that further consultation is undertaken in respect of the PRoW proposals.

PEIR: Chapter 7 - Landscape and Views

KCC does not agree with the conclusions reached within Table 7.4: Receptor Summary – Visual Appraisal - the long-term scale of the impact on user experience from all receptors should be regarded as high (as is the North Downs Way) due to the loss of recreational walks within open countryside.

In respect of paragraph 7.5.10 – from ongoing discussions, KCC understands that PRoW diversions will be minimalised and agreed accordingly. The applicant should ensure that there are no “dog leg” right angles which are not convenient for the user, or that routes are diverted as a matter of course to field edges. It is also essential that connectivity of the network is maintained.

Wider area PRoW connectivity is also part of ongoing discussions with the applicant and KCC requests further details on this matter. Considerations include:

- Whether the landownership has been addressed.
- What is the proposed status/rights of the proposed routes, and therefore has consideration been made as to the legal processes?
- Will new PRoW be recorded – if so, consideration is necessary for future maintenance costs to avoid impact on public expenditure; if not, are they to be permissive paths with landowner permission only, which questions the future use once the solar farm is decommissioned, also future maintenance costs as would not be covered by KCC.

It should be noted by the applicant that mitigation measures in the form of landscaping and planting is not sufficient to address the impact of such a project and these points and request ongoing discussions on this matter.

During the construction phase, working hours will be 0700-1900 Monday to Saturday. This will have major impact on PRoW given use largely during daylight hours.

In respect of the decommissioning phase – KCC requests further engagement in respect of legacy for the PRoW network improvements proposed and how the network in this area will be futureproofed.

East Stour Solar Farm (planning reference: 22/00668/AS) as noted in section 7.8 Cumulative Effects – KCC requests continued engagement between both applicants over mitigation and connectivity between the two sites that again amounts to more than landscaping and planting which takes a long time to realise and mature.

PEIR: Chapter 12 – Traffic and Access

KCC appreciates the research and user surveys carried out, however, it should be recognised that the duty of KCC is to protect and enhance the rights of PRoW regardless of level use.

The County Council also requests the consideration of PRoW within the Construction Environmental Management Plan (CEMP) and the Decommissioning Environment Management Plan (DEMP)

PEIR: Chapter 16 – Summary and Residual Effects

KCC disagrees with the conclusion that the direct effects on the PRoW network will be negligible and would welcome further engagement with the applicant to discuss and agree appropriate mitigation to reduce the level of impact where possible.

Kent Biodiversity

1. Justification is required for the onsite mitigation areas for brown hare, yellowhammer and skylark habitat as the onsite mitigation areas proposed do not provide optimum habitat.

2. A Biodiversity Net Gain assessment should be submitted with the DCO application and KCC would recommend further engagement on this matter.

3. ABC are providing landscape and visual impact advice and it is understood that there may be opportunities to further mitigate the impacts and effects identified in the PEIR to provide wider benefits in terms of landscape enhancement, access to the countryside and to local communities. Further engagement on this matter to minimise the landscape and visual impacts arising from this proposal would be welcomed.

Kent Heritage Conservation

The County Archaeologist makes the following comments:

The PEIR heritage assessment is reasonable and provides currently acceptable assessment of archaeology, notwithstanding this, KCC welcomes the archaeological landscape assessment but requests this is broadened and recommends that a specialist, separate report on archaeological landscapes in view of the scale and visibility of this scheme is provided.

KCC also recommend that a specialist report is submitted on geo-archaeological and Palaeolithic potential as it is considered that there is

potential for important geo-archaeological information and Palaeolithic remains to survive towards the northern part of this scheme.

The proposed retention of historic landscape features such as hedgerows is welcomed as are the considerations of preservation of archaeological landscape features if currently visible. Flexibility with the scheme is encouraged to accommodate the retention of archaeological landscape features as the scheme progresses.

The archaeological assessment includes a geophysical survey however, the consideration of the results and interpretation of the data is limited and more detailed assessment is required to inform appropriate mitigation.

This geophysical survey has highlighted anomalies many of which may be archaeological remains. No targeted archaeological work has taken place so these anomalies are undated and their significance is not known. Some may be of significance and merit preservation in situ.

It is essential that preliminary archaeological works are undertaken in time to influence the detailed scale and nature of groundworks. Preliminary targeted trenching could provide data to inform slight adjustment of design and location of groundworks, avoiding unnecessary disturbance of significant and/or sensitive archaeology.

The very brief and generalised mitigation approach is not acceptable and more detail is required. Mitigation needs to consider the nature and character of the archaeological site within its landscape setting. For example, Aldington Mount may be a barrow and other barrows may be identified. Barrow Hill further to the east could also be a sensitive area and it may be visibly impacted by glare. Some of the geophysical anomalies may reflect a ritual landscape and these areas should not be covered with solar panels.

It is not just burial mounds themselves which should be mitigated but the views of them and the specific landscape they rest in as well as their character. Ritual landscapes should be given particularly sensitive consideration.

The mitigation approach should consider all forms of potential impact including groundworks, visual and noise. When considering mitigation for archaeology, all ground works need to be included.

Archaeological mitigation will include a complex phased programme of archaeological works including intrusive fieldwork and safeguarding

measures. In view of the potential for Palaeolithic remains, there is a need for a separate programme of geoarchaeological mitigation. A separate programme for archaeological landscape features is also required.

In summary, the archaeological assessment is detailed and reasonable however KCC would welcome engagement and further detail. KCC welcomes the inclusion of the archaeological landscape assessment but would welcome further mitigation for archaeological landscape features.

KCC considers that many archaeological issues can be covered by specific requirements and would request dialogue with the applicant to agree conditions relating to the following:

- Geo-archaeological field evaluation works and investigation and a programme of post excavation assessment.
- Archaeological landscape survey works and safeguarding measures to ensure preservation in situ of important archaeological landscape features and/or further investigation and recording.
- Archaeological field evaluation works, safeguarding measures to ensure preservation in situ of important remains and/or further investigation and recording.
- Post excavation publication work to an agreed timetable.

Kent Flood and Water Management

1. The Outline Surface Water Management Plan ('OSWP') will be produced as part of the ES. Surface water runoff will be discharged by infiltration, where feasible to do so, alternatively, surface water runoff will be discharged at a restricted rate to the local watercourses. Any discharge off-site will be restricted to greenfield runoff rates. There are no objections to this approach.

2. The OSWP should consider not only how surface water from the ancillary structures will be dealt with, but also how rainfall upon arrays will be managed. Concentration of water can create flows that can erode the soil and allow a greater volume of overland flow to enter watercourses or flow to adjacent areas at a greater rate than in greenfield conditions. Surface water runoff should not be increased to safeguard neighbouring areas of land.

3. To minimise any potential risk of overland flows, additional measures of runoff protection should be looked at. Such as:

- Incorporating bunds, filter drains or other measures to interrupt flows of water between rows of solar arrays to disperse water flows over the surface and promote infiltration into the soils.
- Incorporating wide grassed filter strips at the downstream side of blocks of solar arrays and maintaining the grass at a long length to interrupt water flows and promote infiltration.
- Incorporating gravel filled filter drains or swales at the downstream side of blocks of solar arrays to help infiltrate run-off (where ground conditions allow).
- Vegetated strips through a combination of wildflowers and or grass along with buffer strips around the perimeter of the field's buffer strips will be left uncut to capture any runoff leaving the site.

4. The vegetated buffer strips and planting around the panels must be maintained throughout the operational phase to avoid increased runoff/ erosion and suitable maintenance regime is required to ensure erosion and runoff are controlled.

5. The following conditions/ advisories are recommended:

The detailed drainage scheme should demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- *that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.*
- *appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.*

Upon completion of the work a Verification Report, pertaining to the surface water drainage shall also be submitted. The Report shall demonstrate that the drainage system constructed is consistent with that which was ultimately approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the

submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Planning Policy

National Planning Policy

Energy White Paper Powering our Net Zero Future (December 2020)

195. The Energy White Paper sets out the Government's goal of a shift from fossil fuels to clean energy, in power, buildings and industry, whilst creating jobs, growing the economy and keeping energy bills affordable. It also explains that a four-fold increase in clean electricity generation could be required by 2050, due to the retiring of existing carbon intensive and nuclear capacity and the potential doubling of demand from increased electrification (e.g. vehicles and heating).

196. The White Paper does not target a particular mix of energy generation technologies to meet the 2050 target, stating that the market should determine the best solutions for very low emissions and reliable supply at a low cost to consumers. It states however that a low-cost, net zero consistent system is likely to be composed predominantly of wind and solar.

197. The White Paper also announced that the Government would review the energy NPS's in order to reflect the policies and broader strategic approach set out in the White Paper and to ensure that the planning policy framework supports the infrastructure required for the transition to net zero.

National Policy Statements (NPS)

198. The government has produced National Policy Statements (NPS's) which set out the need for and Government polices to deliver the development of nationally significant infrastructure projects. NPSs are 'designated' following compliance with consultation, publicity and parliamentary requirements: designation is therefore broadly analogous with 'adoption'.

199. Section 104 of The Planning Act 2008 promotes NPS's above the Development Plan for NSIP proposals stating that the SoS must have regard to any NPS which has an effect in relation to development of the description to which the application relates. The Examining Authority must also have regard to;-

(i) any local impact report (within the meaning given by section 60(3) i.e. a report that details of the likely impact of the proposed development on the authority's area) submitted to the SoS,

(ii) any matters prescribed in relation to development of the description to

which the application relates, and

(iii) any other matters that the SoS thinks are both important and relevant to the decision.

200. However, there is currently no NPS specifically for solar energy or battery storage projects and, instead, more general NPS including the Overarching National Policy Statement for Energy (EN-1), the National Policy Statement on Renewable Energy (EN-3), and the National Policy Statement for Electricity Networks (EN-5). EN-3 does not provide any guidance on solar energy or battery storage installations, whilst EN-5 principally relates to new overhead electricity lines and associated infrastructure.

201. As such, whilst the proposal is a 'Nationally Significant Infrastructure Project' as defined in sections 14 and 15 of the Planning Act 2008 by virtue of being an onshore generating station with a generating capacity of greater than 50MW, there is no NPS for energy infrastructure in effect which explicitly covers solar powered electricity generation or battery storage such as is proposed by EP.

202. In the absence of a specific NPS that is applicable to the proposed development, the provisions of section 104 of the Planning Act 2008 provide the basis for decision-making in this case and the SoS must have regard to the matters that are detailed in that section.

203. NPS EN-1 whilst being a general document does apply to electricity generating stations with a generating capacity of more than 50MW (although not this particular type of generating station). Notwithstanding this, policies in EN-1 are matters which are both important and relevant to his decision on whether to grant or withhold consent for the development.

204. NPS EN-1 does set the stage for promotion of low carbon energy production facilities and a reduction in greenhouse gas emissions. To that extent EN-1 is relevant and supportive of the principle behind this proposal, but the NPS also supports reducing energy demand, greater interconnection of systems and decentralised and community energy systems. The NPS sees most scope for new renewable energy to be from wind, wave, waste and biomass systems.

205. EN-1 recognises that virtually all NSIP projects will have landscape effects stating that projects need to be designed carefully, taking account of the potential impact on the landscape. Schemes should also have regard to siting, operational and other relevant constraints with the aim being to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.

206. EN-1 highlights the need for decisions to have regard to habitats and to consider whether a project may have a significant effect on a European site, consider alternatives, seek good design and minimise flood risk by not consenting development is flood zones 2 or 3 unless the sequential (and

exception) test is applied. In terms of flood risk, the advice is to locate more vulnerable parts of the development in areas of least flood risk.

207. EN-1 also refers to the impact on tourism and on rights of way, stating that Rights of way, National Trails and other rights of access to land are important recreational facilities for example for walkers, cyclists and horse riders. Applicants are therefore expected to take appropriate mitigation measures to address adverse effects on rights of way.

208. EN-3, which should be read in conjunction with EN-1, applies to the types of renewable energy infrastructure listed in paragraph 1.8.1. of the NPS. That list does not include solar, and paragraph 1.8.2 confirms that the NPS does not cover other types of renewable energy generation that were not, at that time in 2011, technically viable over 50MW. It goes on to state that:

'When it appears that other renewables technologies will be economically and technically viable over 50MW, the Government will further consider either revisions to this NPS or separate NPSs to cover such technologies.'

209. Subsequently, the Government published for consultation a number of **draft revised energy NPSs (EN-1 to EN-5) in September 2021**. Consultation concluded in November 2021.

210. **Draft EN-1** recognises the UK's target to cut greenhouse gas emissions to net zero by 2050. Paragraph 3.3.20 confirms that there is an urgent need for new electricity generating capacity to meet the UK's energy objectives.

211. Paragraphs 3.3.21 to 3.3.23 of the draft EN-1 identify the role of solar (and wind) in meeting that need. The draft NPS states that solar is one of the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply. UK government analysis demonstrates that a secure, reliable, affordable and net zero consistent system in 2050 is likely to be composed predominantly of wind and solar. The draft NPS recognises that this will require sustained growth in the capacity of solar in the next decade.

212. Alongside the development of wind and solar, paragraphs 3.3.24 to 3.3.25 of the draft NPS highlight the need for energy storage to maximise the usable output from intermittent low carbon generation (e.g. solar and wind), reduce the total amount of generation capacity needed on the system, provide a range of balancing services, and reduce constraints on the networks to help defer or avoid the need for costly network upgrades as demand increases.

213. **Draft NPS EN-3** Covers renewable energy infrastructure comprising solar PV above 50MW in England. The draft NPS at paragraph 2.47.1 recognises solar farms as one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation worldwide. It provides support for large scale solar development, by stating that:

'the government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions. As such solar is a key part of the government's strategy for low cost decarbonisation of the energy sector'.

214. The draft NPS outlines a number of factors that can influence the siting of a solar project including: irradiance and site topography; proximity of a site to dwellings; capacity of a site; grid connection; agricultural land classification and land type and accessibility. It also goes on to state at paragraph 2.48.13 that:

'land type should not be a predominating factor in determining the suitability of the site location'

and at paragraph 2.48.15 that:

'the development of ground mounted solar arrays is not prohibited on sites of agricultural land classified 1, 2, 3a'.

215. **Draft EN-3** sets out matters to be considered in the decision-making process and these include:

- Access tracks;
- Site layout, design, and appearance (including any flood risk);
- Security and lighting;
- Project lifetimes;
- Flexibility (to account for technology types and advancements);
- Biodiversity and nature conservation;
- Landscape, visual and residential amenity;
- Glint and glare;
- Cultural heritage; and
- Construction impacts including traffic and transport noise and vibration.

216. **Draft EN-5** relates to any above ground electricity line where nominal voltage is expected to be 132kV or above with a length greater than 2km which is not a replacement line and not exempted. However, similar to NPS EN-5 paragraph 1.6.2 states that other kinds of electricity infrastructure (including underground cables at any voltage and associated infrastructure such as substations and converter stations) will be covered by this NPS if it constitutes associated development for which consent is sought along with an NSIP such as a generating station.

217. The relevance of the draft NPSs to the determination of applications for development consent for large-scale solar projects has been confirmed by the SoS's decision on the Little Crow Solar Park project located in north Lincolnshire (Ref: EN010101 April 2022) Paragraph 4.3 of the decision letter states:

'Although the new NPSs are in draft form and have not been designated, the Secretary of State considers them to be important and relevant matters for the purpose of section 105 of the 2008 Act.' (my emphasis)

218. Clearly, the draft revised NPSs will therefore be important and relevant matters to be taken into account for the purposes of decision making in respect of NSIP proposals.

219. Once designated, the revised draft energy NPSs will replace the existing NPSs EN-1 to EN-5. The draft overarching NPS for Energy (EN-1) states that:

'The 2021 amendments will… have effect only in relation to those applications for development consent accepted for examination after the designation of those amendments.'

Paragraph 1.6.3 goes on to state that any emerging draft NPSs (or those designated but not yet having effect) are potentially capable of being 'important and relevant considerations' in the decision-making process.

220. EP has confirmed that the DCO application for the proposed development is expected to be submitted in early 2023, by which date the draft NPSs may have been designated. If so, the new NPS EN-1, EN-3 and EN-5 will have effect in relation to a decision in respect of the proposed development. If the draft NPSs have not been designated by the date on which the DCO application is submitted, or that the final version of the revised NPSs differ from that consulted on, the ES that is submitted will have to make appropriate references to the existing relevant NPSs and the emerging drafts.

221. In conclusion, it is clear from the above that both the current and draft NPSs are significant material considerations that will shape the consideration of the proposals by the Examining Authority.

National Planning Policy Framework (NPPF)

222. The National Planning Policy Framework (NPPF) contains no specific policies for NSIP development, meaning that the NPSs, are the main source of specific national policy in relation to the development proposal.

223. Paragraph 8 of the NPPF sets out the planning system has 3 key overarching objectives in order to achieve sustainable development. These are:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open

spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

224. Paragraph 152 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. The planning system should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

225. Paragraph 155 states that in order to help increase the use and supply of renewable and low carbon energy and heat, local authority plans should:

a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);

b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development;

c) and identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

226. Whilst not strictly relevant to the determination of an NSIP proposal, but importantly highlighting the Government's overall direction of travel in relation to renewable and low carbon energy proposals, paragraph 158 of the NPPF also states that, local planning authorities should (when they are determining planning applications for renewable and low carbon development) approve the application if its impacts are (or can be made) acceptable.

Ashford Borough Local Plan

227. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

228. Aldington and Bonnington Parish Council submitted a request to designate the parishes of Aldington and Bonnington as a neighbourhood area on 7 November 2019. In accordance with Regulation 5A of The Neighbourhood Planning (General) Regulations 2012 (as amended), the Borough Council has exercised its powers under section 61G of the Town and Country Planning Act 1990 to designate the neighbourhood area without consultation. The parishes of Aldington and Bonnington are now designated as a neighbourhood area.

229. Aldington and Bonnington Parish Council are currently drafting their Regulation 14 (draft) with consultation expected in early 2023. Given that the Neighbourhood Plan is in its early stage of preparation it should not be afforded any weight at this time.

230. The relevant policies from the Development Plan relating to this proposal are as follows:-

SP1 - Strategic Objectives

SP3 - Strategic Approach to Economic Development

SP6 - Promoting High Quality Design

SP7 - Separation of Settlements

EMP5 - New employment premises in the countryside

EMP11 - Tourism

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3a - Landscape Character and Design

ENV5 - Protecting important rural features

ENV6 - Flood Risk

ENV9 - Sustainable Drainage

ENV10 - Renewable and Low Carbon Energy

ENV13 - Conservation and Enhancement of Heritage Assets

ENV15 - Archaeology

COM1 - Meeting the Community's Needs

IMP1 - Infrastructure Provision

231. The following supplementary planning guidance documents are also material considerations.

- Landscape Character Assessment SPD 2011 (including Ashford Landscape Character Assessment (Jacobs, June 2009)
- Sustainable Drainage SPD 2010
- Dark Skies SPD 2014
- The Ashford Heritage Strategy (2017)
- ABC Renewable Planning Guidance Note 2: The development of large scale (>50MW) Solar PV Arrays (2013)

232. **'Renewable Energy Planning Guidance Note 2: The development of large scale (>50MW) Solar PV Arrays' (2013)**

This document is summarised below.

The guidance acknowledges that the greatest irradiation is within the south of England and therefore the greatest solar electricity potential for the UK and covers tariff / financial subsidy towards solar PV in place at the time.

In terms of government guidance, reference is made to advice in the NPPF in respect of commitment to sustainable development as a core planning principle through support to a low carbon future in a changing climate and encouragement of the use of renewable resources including renewable energy. Reference is made to *'Planning practice for renewable and low carbon energy'* produced by DCLG in 2013**.** This highlighted a number of factors that the Council's Planning Guidance Note identifies will be relevant factors to be considered and addressed in respect of any large scale solar farm that is proposed in the Borough. The Note therefore aligns with the approach in paragraph 158 of the NPPF in respect of the acceptability of impacts.

The factors from the DCLG publication are numbered (1 – 8) below;-

(1) Agricultural Use & biodiversity alongside solar development: encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays,

(2) Temporary Use & Restoration: that solar farms are normally temporary

structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use,

(3) Glint & Glare: the effect on landscape of glint and glare (see guidance on landscape assessment at paragraphs 39-40) and on neighbouring uses and aircraft safety

(4) Moving Arrays: the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun

(5) Security Impacts: the need for, and impact of, security measures such as lights and fencing

(6) Heritage Impacts: great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset.

(7) Landscape & Visual Impact Mitigation & Cumulative Impact:

(A) the potential to mitigate landscape and visual impacts through, for example, screening with native hedges.

(B) In terms of cumulative landscape impacts, these are the effects of a proposed development on the fabric, character and quality of the landscape and the degree to which a proposed renewable energy development would become a significant or defining characteristic of the landscape.

(C) In terms of cumulative visual impacts, these are the degree to which proposed renewable energy development would become a feature in particular views (or sequences of views), and the impact this would have upon the people experiencing those views. Such cumulative visual impacts may arise where two or more of the same type of renewable energy development would be visible from the same point, or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites would be visible from the proposed development site, the proposal would not create any cumulative impacts.

(8) Energy Generating Potential: the variance from latitude and aspect**.**

The Council's Energy Planning Guidance Note 2 then addresses these matters in further detail as per the issues set out as 9-27 below;-

(9) Site Levelling: any necessary levelling works due to existing site contours would need to be identified (enabling these to be taken into account in terms

of landscape and visual impacts),

(10) Avoiding Sensitive landscapes / areas of particular interest: although ideally, large scale solar PV arrays should be directed towards previously developed land / brownfield sites, contaminated land, industrial land, there are few sites of appropriate status and size in Ashford Borough. It is therefore likely that such development will look to land currently in agricultural use. Large scale solar PV arrays should avoid (i) landscapes designated for their natural beauty and (ii) sites of acknowledged/recognised ecological/archaeological importance/interest.

(11) Impacts on agricultural land & its classification: the guidance points to NPPF guidance that, when it is demonstrated necessary to use agricultural land, the preference should be to use of areas of poorer quality, rather than high quality, land. The presence of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) will therefore be a significant issue in the determination of applications to be taken into account alongside other sustainability considerations.

The Guidance Note acknowledges that readily available maps do not identify whether grade 3 land is grade 3a or 3b. In respect of Grade 3a, the Guidance Note identifies the need for **'**additional information' and suggests that;-

(i) the developer provided an explanation for the need for location on such land and not land of a lesser agricultural value (Grade 3b, 4 and 5),

(II) the developer provide information on the impact of the proposal on the local area's supply of Grade 3a land that would be lost as a result of the proposal,

(iii) for schemes involving part development of a farm, the developer to provide information on the viability of the farm to continue to function as an agricultural unit with the solar farm in situ, and

(iv) consideration will be needed in respect cumulative impact of solar PV arrays on the supply of Grade 3a land across the local area.

For Grades 3b, 4 & 5 land, no such additional information is identified unless the existing agricultural use on that land would be lost (rather than sit alongside) due to solar PV development and the existing use makes a special environmental or local economy contribution.

(12) Ground Maintenance: maintenance considerations will need to be considered to avoid sites to become overgrown or have noxious weeds both of which might impact on a long term return to agricultural use. Spraying to be avoided. Grazing under solar arrays is encouraged, particularly in the aisles separating arrays to avoid overshadowing. Arrays designed at a height to allow cattle, rather than sheep, to graze underneath are not recommended.

(13) Construction stage compound: temporary construction compounds should be carefully located in order to minimise environmental or amenity impacts Topsoil and subsoil should be stripped from such areas and stored on site for replacement following the completion of construction works. Details of such soil stripping, storage and replacement should be set out together with the anticipated life of the construction compound.

(14) Soil stripping, storage and replacement: besides compounds, installation stage may require access roads and cable trenching. Again, topsoil and subsoil should be stripped, stored and replaced separately in order to minimise soil damage and to provide optimal conditions for site restoration: a methodology for such can be secured by planning condition.

(15) Access tracks: The installation and use of access tracks should be kept to a minimum to minimise landscape/visual impacts and long terms impacts at the end of scheme life stage (removable/reversible vs permanent). Access tracks between rows of solar panels will generally not be acceptable. Agricultural vehicles, including tractors, quad bikes and 4WD, should be capable of servicing facilities without the need to construct access tracks. Buffer strips of 5m+ between hedges and solar arrays have scope for solar maintenance purposes as well as hedge management and biodiversity.

(16) Security fencing / lighting / CCTV: security measures need to be balanced against the need to avoid unacceptable landscape/visual impacts. Applicants should;-

(i) minimise the use and height of security fencing and, where necessary consider close-welded mesh panel fencing has a relatively low landscape/visual impact while providing good site security.
(ii) utilise existing features, such as hedges or landscaping, to screen security fencing;
(iii) use natural features, such as vegetation planting, to assist in site security;
(iv) minimise the use of security lighting with any lighting that is required using passive infra-red technology and being designed and installed in a way which minimises glare, light pollution and impacts on biodiversity,
(v) Ensure that appropriate measures are in place to facilitate continued access by larger mammals, such as badgers and foxes,
(vi) Site any pole-mounted CCTV sensitively to reduce impacts.

(17) Ground anchors and tracking arrays:

(A) where arrays are developed on agricultural land they should be reversible. Intrusive development, such as trenching and foundations, should therefore be minimised and the use of concrete should be avoided. Solar PV arrays should be installed using 'pile' driven or screw foundations, or pre-moulded

concrete blocks (shoes), that are capable of easy removal. Pile driven foundations must not exceed statutory noise levels for sensitive receptors.

(B) Arrays that are designed to move to track the path of the sun (or are manually moved in to a series of static positions at certain dates in the year will need careful landscape/visual impact consideration.

(18) Grid connection & switchgear / inverter buildings:

(A) The capacity of the electrical grid network in Ashford Borough may be one of the greatest constraints to the development of solar PV farms. Such development is likely to be attracted to suitable sites within 2km of an existing electrical substation with sufficient capacity to accommodate the additional electrical supply. There is likely to be considerable interest in some areas and electricity substations may be unable to accommodate all development interest. It is likely that developers will have approached the relevant power distribution network provider to evaluate sites as part of the pre- application process. Application proposals should provide a broad indication of the route of connectivity to the electrical grid. Such connectivity should avoid areas of high landscape, ecological or archaeological sensitivity.

(B) Any buildings required to house switchgear / inverters should be designed and constructed to help minimise their landscape and visual impacts. Agricultural style clad in timber or vernacular materials is suggested.

(19) Landscape & visual impacts / field boundaries / trees / screening mounds:

(A) this is likely to be one of the most significant impacts. South facing slopes, where solar gain is greatest are likely to be attractive to a solar developer but equally such land may be of Grade3a land and above and may be more visible in the wider landscape.

(B) The removal of existing field boundaries and hedges to accommodate solar arrays as a long term but still temporary use of land will not be acceptable given the irrevocable damage that would arise. The development will need to have regard in both its design layout and future maintenance plans for the retention of growth of vegetation on these important boundaries, including the opportunity for individual trees within the boundaries to grow on to maturity.

(C) The landscape/visual impact must be considered with great care at the pre-application stage and mitigation measures proposed wherever necessary. Existing hedges and established vegetation, including mature trees, should be retained wherever possible. Trees and hedges should be protected during construction. The impact of the proposed development on established trees and hedges should be informed by a tree survey (to BS 5837) and/or a hedge assessment as appropriate. Careful consideration should be given to the

impact of existing or proposed vegetation in order to ensure that any resultant shading of solar panels does not result in the future pruning or felling of such vegetation.

(D) Mounds less than 2m high can sometimes assist in reducing landscape and visual impacts but care is needed to avoid the creation of a feature that itself has an unacceptable impact.

(20) Ecology:

(A) Solar arrays could have implications for habitat loss, fragmentation and modification and for displacement of species. The nature of impacts will depend on the ecological characteristics and features of the site and their sensitivity to proposed changes. Schemes may reduce habitat and habitat suitability for some species, but may also be capable of integrating different uses of land and delivering environmental gains that contribute to wider aims such as in Biodiversity Action Plans (BAPs). The NPPF sets out the national approach to conserving and enhancing the natural environment. It will be important to consider the ecological impacts that could take place through the construction, operation and decommissioning stages of a scheme.

(B) Location will be key. Intensively managed agricultural land is likely to be of least ecological interest and therefore most suitable, in ecological terms, for solar PV farms. Design should be informed and influenced by ecological assessments (phase 1 habitat surveys, protected species surveys etc) and desk-studies of ecological records. The main biodiversity impacts with solar farms is likely to be;
- lighting impacts on hedges / woodland. Scrub and on bats
- the need for overground or underground cables
- construction breaking linear habitat such as hedges and thus impacting on dormice and reptiles
- pile driving affecting badgers nearby
- fencing location to allow connectivity for badgers, reptiles, other fauna but containing any grazing animals
- fencing design to allow small mammal and reptiles access through a combination of small gaps at the base and larger height gaps/gates for badgers at intervals

(C) Solar PV farms have the potential to increase the biodiversity value of a site if the land was previously intensively managed. Sheep grazing or an autumn cut with removal of grass cuttings could increase the botanical diversity of the site. An ecological management regime taking into account shading impacts of arrays of panels should be prepared. Hedges should be managed appropriately and could be laid to reduce gaps. Proposed enhancements should build upon and extend existing habitats or create new important habitats e.g.: cultivated strips/plots for rare arable plants, rough grassland margins, bumble bee plant mixes, wild bird mixes, etc. An ecological monitoring programme should be secured to monitor impacts upon the flora of the site and upon any particular features (e.g. bats, wintering birds). Results of the monitoring can then inform any changes needed to the

management/grazing regime.

(21) Historic environment:

(A) Above ground impacts may include the effects of applications on the setting of Listed Buildings and Scheduled Monuments as well as on the Historic Landscape Character of the area.

(B) Below ground impacts may include direct impacts on archaeological deposits through ground disturbance associated with trenching, foundations, fencing, temporary haul routes etc.

(C) Proposals should be informed by KCC's Historic Environment Record (HER) and should identify the presence of designated and undesignated heritage assets which might be affected. Schemes should take account of the results of historic environment assessments in the design, how affected assets might be better managed or how settings of designated sites might be improved.

(22) Drainage & surface water run-off:

(A) A flood risk assessment will be needed to consider any impacts on drainage. On sloping sites, the concentration of run-off from panels could lead to run-off caused by the formation of gullying which, as a process, is more likely where the underlying soils are not naturally free draining, the site is steep and the arrays are installed up-and-down the slope, rather than along its contours. Simple Sustainable Drainage Urban Drainage Systems (SUDS) drainage techniques, such as shallow swales or infiltration trenches, should be adopted to overcome this. These should aim to disperse the run-off at regular intervals to allow it to soak into the natural ground and prevent drainage paths forming straight down a slope. To avoid the concentration of surface water flows, trenches and shallow swales should not necessarily be linked through the site but can be a series of short, contoured features. Access tracks, where required, should have a permeable surface and run-off be controlled by appropriate SUDs techniques.

(B) Given the temporary nature of solar farms, they should be configured or selected to avoid the need to impact on existing drainage systems and watercourses. Culverting existing watercourses/drainage ditches should generally be avoided. Where culverting for access is unavoidable, it should be demonstrated that no reasonable alternatives exist and where necessary only temporarily for the construction period.

(23) Glint & glare:

(A) Solar panels are designed to absorb, not reflect, irradiation. However the sensitivities associated with glint and glare, and the landscape/visual impact and the potential impact on aircraft safety, should not be underestimated.

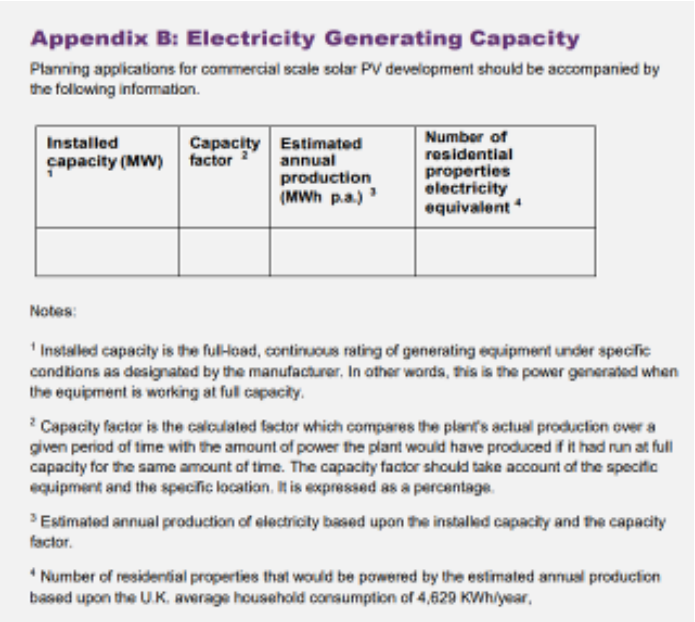
(B) Glint may be produced as a direct reflection of the sun in the surface of the PV solar panel. It may be the source of the visual issues regarding distraction to the viewer. Glare is a continuous source of brightness, relative to diffused lighting but is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint.

(C) All applications should include a glint and glare assessment. The potential for PV panels, frames and supports to have a combined reflective quality should be assessed. This assessment needs to consider the likely reflective capacity of all of the materials used in the construction of a solar farm.

(24) Community involvement: Community involvement should be considered as an integral part of the development process. The local community should be engaged, by the developer, at the pre-design, conceptual stage, ideally utilising a local exhibition/presentation where community views can be sought and recorded. A second exhibition/presentation should be arranged, by the developer, some weeks prior to submission of the planning application. This second consultation should allow sufficient time to seek community views/opinions, and take them into consideration, prior to the submission of any final planning application. Any planning application should detail the exhibitions/presentations, any views/representations received and how any planning application was influenced/amended to accord with such representations. The developer may also wish to undertake an exhibition/presentation following the submission of a planning application.

(25) Aviation impacts: The Civil Aviation Authority (CAA) is seeking to develop its policy on the installation of solar photovoltaics in respect of their possible impacts on aviation.

(26) Electricity generating capacity: Planning applications for commercial scale solar PV development should clearly indicate the installed capacity (MW) of the proposed facility. While it is accepted that the performance of the solar panels may degrade over time the initial installed capacity should be provided. The 'capacity factor' and estimated annual production (MWh p.a.) should also be provided together with the number of residential properties electricity equivalent for UK, south east and Ashford properties. A pro forma table, explaining these terms, is attached in the Guidance Note as Appendix B. This information will allow a clear understanding of the generating capacity of the proposed facility.



Appendix B: Electricity Generating Capacity

Planning applications for commercial scale solar PV development should be accompanied by the following information.

Installed capacity (MW) [1]	Capacity factor [2]	Estimated annual production (MWh p.a.) [3]	Number of residential properties electricity equivalent [4]

Notes:

[1] Installed capacity is the full-load, continuous rating of generating equipment under specific conditions as designated by the manufacturer. In other words, this is the power generated when the equipment is working at full capacity.

[2] Capacity factor is the calculated factor which compares the plant's actual production over a given period of time with the amount of power the plant would have produced if it had run at full capacity for the same amount of time. The capacity factor should take account of the specific equipment and the specific location. It is expressed as a percentage.

[3] Estimated annual production of electricity based upon the installed capacity and the capacity factor.

[4] Number of residential properties that would be powered by the estimated annual production based upon the U.K. average household consumption of 4,629 KWh/year,

(27) Duration of permission & use of planning conditions: Reference is made to the Feed in Tariff for solar PV applying for a period of 25 years. Solar farms should normally be regarded as a temporary use of land, and hence the need for 'reversibility', and the ability for all structures to be removed and the land returned to its original use. Planning conditions can be used to limit the time period for the use and remove equipment and restore the land.

Ashford Borough Council Corporate Plan 2022-2024

233. The Corporate Plan sets out the Council's priorities to achieve the ambition for the borough that being:

…to be a thriving, productive and inclusive borough in 2030 and beyond; a vital part of Kent and the South East where local businesses, social enterprises, communities and the public sector provide collective leadership to promote shared prosperity, happiness and wellbeing.

234. The 'Ashford Ambition' is supported by three priority themes, one of which is 'Green Pioneer' with the long term aim being that every community and individual plays their part in becoming a carbon neutral borough, through a **more sustainable way of life and that the natural environment is protected.**

235. The Plan recognises that there are a challenges to achieving these aims such as tackling climate change by achieving carbon neutrality, enabling development whilst protecting the environment and ensuring that no one is disadvantaged as the Council reduces the carbon footprint of its services and operations. Objective GP1 of the Corporate Plan specifically relates to energy

and reducing reliance on fossil fuels in line with the Council's carbon neutral targets. GP1 states that the aim is for homes and buildings to be as energy efficient as possible, cheaper to heat, for more energy to come from renewable sources and for fewer local car journeys to be made as opportunities to cycle, walk and use public transport increase. Further, the Plan confirms that the Council is committed to increase renewable energy generation and, through the local plan process seek opportunities for renewable energy generation and energy efficient homes.

236. Sitting directly beneath the Corporate Plan are the Council's Climate Change Strategy and related Action Plan, the Economic Development Strategy and the Local Plan all of which are considered to be key drivers in delivering the stated Ashford Ambition.

Ashford Borough Council Climate Change Strategy June 2022 and Climate Change Action Plan 2022 – 2024

237. In May 2021, the Council made a commitment to carbon net zero targets within its own estate by 2030 and to support the Government's national agenda to reach net zero carbon more widely in the borough by 2050. The Council's Climate Change Advisory Committee (CACC) ensures the commitment to act, achieve and collaborate to meet this agenda.

238. Climate change is considered as the golden thread that runs through all Council policy considerations. The Council's climate change strategy sets out how the Council will take a systemic approach to achieving net zero with a two-pronged approach. Firstly, through leadership and example, ensuring that sustainability considerations, action and accountability are ingrained into all that the Council does and, secondly, to enable, support and advise all partners, communities and stakeholders to contribute to these shared goals. The Council envisages that a consultative and problem-solving approach will help in understanding and tackling any barriers to change and to ensure that all communities join together in this vital work to secure natural balance, embrace innovation and drive a new green economy.

239. The Climate Change Action Plan sets out the Council's 8 priorities aimed at meeting the targets for reducing emissions. Priority 3 is of particular relevance to this report and states the following:

Priority 3: Reduce reliance on fossil fuel for energy by increasing renewable energy generation and consumption.

Objective 3.1.1 of Priority 3 seeks to increase the number of sites suitable for renewable energy generation by ensuring renewable energy is included within the 'call for sites' for the next Local Plan. Further objectives, include assessing all Council owned assets for potential to host solar PV panels and installing panels where viable. In addition, the Plan sets out the Council's own aspirations to explore the potential to deliver a solar farm as set out in Objective 3.2.4 which states that the Council will complete a feasibility study

to determine the viability of building a solar farm and to implement where/if appropriate.

240. Also of relevance are the following:

- Kent County Council Strategic Delivery Plan 2020 -2023
- Kent Minerals and Waste Local Plan (2020)
- Kent Minerals and Waste Safeguarding SPD 2017

Assessment

General Overview

241. The purpose of this report is to provide the Council's response to the formal s.42 pre-application consultation on EP's Stonestreet Green Solar NSIP proposals.

242. This is not yet a formal DCO application and the level of information and plans provided at this consultation stage is down to the applicant. The Council and other consultees can only respond to what is in front of them even though some of the details and information are outstanding. The Council's consultation response therefore needs to be caveated accordingly but I consider a steer should be given at this stage as to whether the Council supports the principle of the proposals subject to details and impacts being clarified for further Council assessment and comment.

243. As identified elsewhere in this report, how long a prospective NSIP applicant wishes to stay at the pre-application stage taking into account s.42 consultation response feedback and then refining an emerging scheme is necessarily a matter of judgement for the applicant.

244. An inherent tension exists between consultation too early when proposals are insufficiently firm enough to the able meaningful consultation responses to be made. In this regard, an iterative, phased consultation consisting of two or more stages is encouraged by Government advice, especially for large projects. Furthermore, such advice suggests that the timing and duration of consultation is likely to vary from project to project depending on its size and complexity and that whilst the 2008 Act provides for a minimum 28 day period (which might be sufficient for straightforward and uncontroversial projects) this may need to be considerably longer for larger projects that are not straightforward and are controversial: in my view, the proposals fall into the latter category for the reasons that I set out further in this Assessment section.

245. Clearly, if there is an objection in principle to a scheme from the Council as the host authority then it is unlikely that an applicant would wish to stay at this pre-application stage longer than necessary, especially if the applicant

considers (i) that the scheme is one where the planning benefits of the proposal in terms of NPSs and other relevant and important considerations would outweigh planning harms and (ii) that the approach to mitigation of scheme impacts is well-reasoned, would be effective, would be deliverable and that this could be demonstrated to the Examining Authority.

246. In the alternative scenario where an objection as a matter of principle is not made but there are concerns with the emerging scheme to the point of a s.42 consultation response effectively constituting a 'holding objection' then it will be open for the prospective applicant receiving such a response to;-

(i) progress without further consultation or further changes to the scheme, or

(ii) carry out another formal s.42 consultation on a further refined scheme making extensive changes (given that there is no limit on the number of such formal consultations), or

(iii) if the changes made by an applicant in response to s.42 consultation are considered of a more minor nature in extent or affecting only part of the development to further consult on a more informal basis communicating to all parties the nature of the changes made and giving an opportunity to comment further.

247. How to proceed in relation to (ii – formal route) and (iii – informal route) above will be a matter of judgement for an applicant as ultimately, when an application for DCO is made, the applicant will need to be able to demonstrate the adequacy of its approach to community consultation bearing in mind that a scheme cannot be materially changed at that advanced stage of the process.

248. Relating the above to the scheme subject of this report, my preference is for any scheme changes seeking to address the Council's s.42 response to be the subject of further formal s.42 consultation.

249. My assessment below covers the following:

a) The principle of the proposed development.

b) The potential environmental effects and other issues that the Council wishes to highlight on the current proposals based on the information provided.

c) The future delegation arrangements for the development consent application.

a) The principle of the proposed development

250. In terms of renewable energy, designated NPS EN-1 is clear that there is a need for this type of infrastructure and that the scale and urgency of the need means that that there must be no upper limits placed on capacity. Decision makers must therefore give substantial weight to the contribution NSIP

projects will make towards satisfying this need. Designated NPS EN-1 is also clear that meeting these targets requires major investment in new technologies, electrification of much of the heating, industry and transport, prioritisation of sustainable energy and cleaner power generation. Key to unlocking this is the ability to provide power when it is most required, i.e. at night and winter months. It is noted that the battery element of the EP scheme would, enable the transition to low carbon energy production by storing energy and releasing it into the system when it is most required.

251. Whilst designated NPS EN-3 provides assessment and technology-specific information on certain renewable energy technologies it does not include solar PV development. The reason for this appears to be that at the time of drafting EN-3, the Government did not consider other forms of renewable energy generation to be viable over the relevant NSIP threshold. However, draft NPS EN-3 confirms this is no longer the case, stating that solar farms are one of the most established renewable energy technologies in the UK and the cheapest form of electricity generation worldwide. Further, it states that solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large scale solar is now viable in some cases to deploy subsidy free and at little to no extra cost to the consumer.

252. Draft NPS EN-1 sets out the Government's up to date objectives and commitments for the energy system, providing planning policy for NSIPs that is intended to facilitate the delivery of these objectives and meeting the Government's commitments.

253. Paragraph 2.3.2 in the draft sets out that the Government's three objectives of the energy system. These are to:

a) Ensure security and reliability of energy supply;
b) Provide affordable energy to consumers; and
c) Cut greenhouse gas emissions, delivering carbon budgets and achieving net zero by 2050.

254. The same paragraph sets out that "This will require a step change in the decarbonisation of our energy system", and paragraphs 2.3.3 to 2.3.4 go on to set out that a significant amount of energy infrastructure, including of large scale, will need to be delivered and the volume and proportion of energy supplied from low carbon sources will need to be "dramatically" increased.

255. Paragraph 2.3.5 of draft NPS EN-1 summarises the challenges facing the energy system:

"we need to transform the energy system, tackling emissions while continuing to ensure secure and reliable supply, and affordable bills for households and businesses".

256. Paragraph 3.3.21 of draft NPS EN-1 sets out that, along with wind, the government expects solar to form the majority of generation capacity in a net zero, secure and cost-efficient energy system:

"Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply. Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar".

257. Whilst draft NPS EN-1 paragraph 3.3.13 acknowledges the role that smaller scale developments would have in helping to achieve the government's objectives and commitments for the energy system, it states that this, alone, will not be enough and that;

"the government does not believe they will replace the need for new large-scale electricity infrastructure to meet our energy objectives".

258. Paragraph 3.3.14 goes on to set out that large-scale centralised electricity generating facilities have numerous economic and other benefits, including the more efficient bulk transfer of power, which enables surplus generation capacity in one area to be used to cover shortfalls elsewhere.

259. Paragraph 1.1.1 of draft NPS EN-3 sets out that electricity generation from renewable sources of energy is an essential element of the transition to net zero, stating that analysis suggests that demand for electricity is likely to increase significantly over the coming years and could more than double by 2050 – requiring a fourfold increase in low carbon energy generation with most of this likely to come from renewable sources.

260. In summary, draft NPS EN-1 sets out that the delivery of a large amount of renewable generation capacity is required for delivery of the government's energy objectives and commitments. Further, draft NPS EN-1 sets out that the delivery of a large amount of solar generation capacity, in particular, is an essential element required for the delivery of the Government's energy objectives and legally binding net zero commitments.

261. Draft NPS EN-1 sets out at paragraphs 4.1.2 and 3.1.2, that the basis for any decision on an application for an energy NSIP, including a solar farm NSIP, should be:

- a presumption in favour of granting development consent, and that;
- substantial weight should be given to the established need for energy infrastructure.

262. Government planning guidance set out within the NPPF recognises the responsibility on all communities to contribute to energy generation from renewable and low carbon sources. Local planning authorities are required to have a positive strategy to promote energy from renewable and low carbon

sources as it helps ensure a secure more sustainable supply of energy that reduces carbon emissions minimising the impact of climate change.

263. In terms of dealing with Climate Change, paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate and should support renewable and low carbon energy and associated infrastructure

264. When determining planning applications for renewable energy local planning authorities are advised to approve schemes if the impacts are acceptable or can be made acceptable.

265. At a local level chapter 2 of the ABLP sets out the vision for Ashford borough in 2030. Part of this vision relates to the need to adapt to and mitigate against, the effects of climate change stating that a positive approach will be secured by (amongst other things) promoting sustainable energy technologies.

266. Policy SP1 of the ABLP sets out the strategic vision for the borough and form the basis of the local plan policy framework as well as providing the core principles that planning applications are expected to adhere to. Of particular relevance is criterion i) which states (with my emphasis) that:

i) to ensure new development is resilient to, and mitigates against the effects of climate change by reducing vulnerability to flooding, promoting development that minimises natural resource and energy use, reduces pollution and incorporates sustainable construction practices including water efficiency measures.

267. Policy ENV10 of the ABLP sets out how proposals for renewable and low carbon energy generation will be considered by the Council. Policy ENV10 states the following:

> Planning applications for proposals to generate energy from renewable and low carbon sources will be permitted provided that:
>
> a) The development, either individually or cumulatively does not result in significant adverse impacts on the landscape, natural assets or historic assets, having special regard to nationally recognised designations and their setting, such as AONBs, Conservation Areas and Listed Buildings;
>
> b) The development does not generate an unacceptable level of traffic or loss of amenity to nearby residents (visual impact, noise, disturbance, odour);
>
> c) Provision is made for the decommissioning of the infrastructure once operation has ceased, including the restoration of the site to its previous use; and,

d) Evidence is provided to demonstrate effective engagement with the local community and local authority.

A statement should be submitted alongside any planning application illustrating how the proposal complies with the criteria above and any mitigation measures necessary and be informed by a Landscape and Visual Impact Assessment.

268. ABC's Corporate Plan in objective GP1 sets out the Council's commitment to reducing the reliance on fossil fuels in line with the Council's carbon neutral targets. The Council's Carbon Neutral Strategy and Action Plan further endorses this objective by stating in Priority 3 that this would be achieved by increasing renewable energy generation and consumption.

269. In the preamble to policy ENV10, reference is made to the renewable energy planning guidance notes that have been approved by Cabinet. These guidance notes were prepared to assist applicants in bringing forward domestic and medium scale solar PV arrays, as well as large scale solar PV arrays, such as solar farms. Guidance Note 2 relates to larger scale solar projects with a generating capacity in excess of 50kW.

270. It is clear from all of the above that the Government has committed to sustained growth in solar capacity in the UK to ensure the promise to achieve net zero emissions can be met and that solar is a key part of the strategy for low cost decarbonisation of the energy sector. The emerging NPS's support the principle of large scale (>50MW) solar photovoltaic generation whilst recognising that developments of this scale will inevitably have impacts, particularly if they are located within rural areas.

271. In addition, local plan policy and adopted guidance together with the Council's Corporate Plan, Carbon Neutral Strategy and Action Plan all recognise the need for, and support the principle of, renewable energy generation subject to appropriate mitigation against significant adverse impacts (to be considered in subsequent sections of this report). How well a large solar scheme mitigates its impacts in a rural location is therefore key and I turn to that in the following section of this report.

272. Therefore, in the light of the above I consider that there is a demonstrable and overarching policy drive from both planning and other legislative documents to deliver renewable energy on an increasingly larger scale as a matter of principle. Furthermore, the urgency by which this needs to be delivered should be given weight in the decision making process and any adverse impacts of the development must be considered against this comprehensive and pressing need to deliver energy capacity in the form of renewable sources. Accordingly, my Recommendation is that the Council does not raise objection to the proposal as a matter of fundamental principle.

b) <u>The potential environmental effects and other issues that the Council wishes to highlight on the current proposals based on the information provided</u>

<u>Cultural Heritage</u>

273. National planning policy contained within Draft NPS EN-1 sets out the matters to be considered in the assessment of any likely significant heritage impacts. It states that the construction, operation and decommissioning of energy infrastructure has the potential to result in adverse impacts on the historic environment above, at, and below the surface of the ground

274. Draft NPS EN-3 confirms that large scale solar proposals may affect heritage assets (sites, monuments, buildings, and landscape) both above and below ground, and their impacts will require expert assessment in most cases.

275. The Ashford Heritage Strategy (adopted 2017) sets out a positive strategy for the conservation and enjoyment of the borough's rich historic environment and seeks to ensure that heritage assets will be sustained and enhanced so as to best meet the needs of the present without compromising the ability of future generations to appreciate their significance.

276. Policy ENV13 of the ABLP relates to the conservation and enhancement of heritage assets. The policy states that development will not be permitted where it would cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered to outweigh the harm or loss. It further sets out that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, or where a non-designated heritage asset is likely to be impacted, harm will be weighed against the public benefits.

277. Policy EN15 of the ABLP further deals with archaeology stating that the archaeological and historic integrity of Scheduled Monuments and other important archaeological sites, together with their settings, will be protected and where possible enhanced.

278. EP's PIER contains an assessment of the potential impacts of the project on archaeological and cultural historic assets (such as listed buildings). There are no listed buildings within the site. Within 1km of the site, there is one Scheduled Monument, two Grade I listed buildings, six Grade II* listed buildings, 69 Grade II listed buildings and the Clap Hill and Church Area Conservation Areas.

279. The PIER confirms that there is a potential impact on the setting of nearby listed buildings but it is expected to be limited. Mitigation measures, including hedgerow planting are proposed to seek to minimise any cultural heritage

impacts. A geophysical assessment has been undertaken for the project and the applicant advises that this has identified some limited areas where there could be potential for belowground archaeological remains although there are not expected to be any significant adverse effects on these unknown remains if present.

280. A protected World War 2 Messerschmitt crash site is located within the boundary of the site although the remains appear to have been removed from the site at the time of the downing.

281. The Council's Conservation Officer in reviewing the PIER has raised a number of concerns concerning the robustness of the applicant's assessment of the impact of the proposed development upon the built heritage. I agree that the applicant's assessment should contain a more thorough assessment of all listed and non-designated heritage assets including a separate, meaningful assessment of their individual significance and setting. The assessment needs to actively take into account Historic England 2021 guidance.

282. Concerns are raised about the applicant's methodology for assessing impact upon setting. The applicant's conclusion that there would only be minor harm to the setting of Stonelees and Bank Farm – both of which lie directly adjacent to the site - is disputed and raises questions about the methods of analysis used.

283. I recommend that more thorough identification and analysis of the designated and non-designated heritage assets needs to be made, to include the impact on and the impact by, long-range views of the proposed development to ensure that the development would not result in significant adverse effects.

Landscape and Views

284. Designated NPS EN-1 sets out that "virtually all nationally significant energy infrastructure projects will have effects on the landscape" (paragraph 5.9.8). They should therefore be designed carefully to minimise (my emphasis) harm to the landscape, providing reasonable mitigation where possible and appropriate. The existing character and quality of the local landscape, how highly it is valued and its capacity to accommodate change should all be considered in judging the impact of the proposed development.

285. Designated NPS EN-1, section 5.9 provides detailed guidance for the assessment of landscape and visual effects. The applicant should carry out a landscape and visual assessment and report it in the ES. The LVIA should include reference to any landscape character assessment and associated studies as a means of assessing landscape impacts relevant to the proposed

project. The assessment should also take account of any relevant policies based on these assessments in local development documents in England.

286. Draft NPS EN-1 (paragraph 5.10.9) relates to landscape impact stating that projects need to be carefully designed, taking account of potential landscape impacts. The guidance states that having regard to siting, operational and other relevant constraints the aim should be to minimise (my emphasis) harm to the landscape, providing reasonable mitigation where possible and appropriate.

287. In terms of mitigation related to large scale solar proposals, draft NPS EN-1 recognises that reducing the scale of a project can help to mitigate the landscape and visual effects. However, it also recognises that reductions in scale or other amendments may result in a significant operational constraint and reduction in function.

288. Draft NPS EN-3 recognises that given the likely extent of solar sites, it is likely that schemes may affect PRoW's. Notwithstanding this, applicants are encouraged to design layouts to ensure continued recreational use of PRoW's both during construction/decommissioning and operational phases and to minimise, as much as possible, the visual outlook from existing footpaths. It is also noted that there may also be opportunities for upgrades and enhancements to existing PRoW's or the creation of new routes.

289. Policy ENV3a of the ABLP relates to landscape character and design and requires that all proposals within the borough shall demonstrate particular regard to the landscape characteristics of the site, to ensure that landscape is not compromised. Where a site is located within the setting of an AONB, the development must also conserve and where appropriate enhance or restore the character of the landscape.

290. The Council's Guidance Note 2 which specifically sets out the Council's approach in dealing with planning applications for large scale solar farms acknowledges that the landscape and visual impact of a solar farm is likely to be one of the most significant impacts of such development. The guidance states that the removal of existing vegetated field boundaries, including hedges will not be permitted as this will irrevocably alter the landscape character of the site. It further sets out that the development would need to have regard in both its design layout, and future maintenance plans for the retention and growth of vegetation on these important boundaries, including the opportunity for individual trees within the boundaries to grow on to maturity. In addition, existing hedges and established vegetation, including mature trees, should be retained wherever possible. Trees and hedges should also be protected during construction.

291. An LVIA has been carried out by the applicant and will form part of the ES submitted with the DCO application. The LVIA has identified areas where the site is most visible, including from homes and businesses, PRoW, roads and long distance viewpoints and also parts of the scheme where landscape and visual mitigation (planting) would be required.

292. The Council's Landscape consultants have undertaken a review of the LVIA methodology and are satisfied that it provides an approach which should inform a comprehensive and reasonable assessment of the anticipated impacts and effects of the scheme on landscape character and visual amenity.

293. The site is not designated in landscape terms, however it is within the setting of the Kent Downs Area of Outstanding Natural Beauty. The site is also partially within an area designated as a dark sky zone.

294. The proposed development would be of a significant scale, located mainly to the north west and west of Aldington. The majority of the site would extend over an irregularly shaped area running south west to north east across the Aldington Ridgeline and into the shallow, broad Upper/East Stour Valley.

295. The northern limit to the site is defined by the HS1 railway line and higher ground to the north west in the vicinity of Mersham and The Forstal. The bulk of the scheme comprising Fields 1 to 18 would form a largely unbroken, continuous area of solar panels interspersed with hedges and small areas of woodland and other landscape infrastructure. The northern most part of the scheme (Fields 22 to 27) would be more fragmented and set within a more wooded existing landscape pattern. There would also be a smaller, more isolated area (Fields 19 to 21) to the north east on the lower slopes of the Aldington Ridge. All of the panels are largely located within the existing field pattern, minimising impacts on vegetation i.e. hedges which would be in accordance with the Council's recommended approach in guidance note 2.

296. The main physical change to features in the local landscape would be the proposed diversion of PRoW within the main site area within which there is an extensive network of footpaths. EP currently proposes to divert the majority of the PRoW within the site area to field perimeters.

297. The concentration of solar panels (in particular when considered in association with the neighbouring proposed East Stour project and the existing Partridge Farm solar farm), will have a substantial impact on the landscape character, visual amenity and people's enjoyment of this part of the Kent countryside. The principal concerns are therefore as follows:

- Impact on medium/longer distance views from the elevated areas across the Stour Valley from the Aldington Ridgeline (Viewpoints 7, 11, 10, 12

and 28) to a lesser extent from the northern fringes of the scheme (Viewpoints 18, 30 and 31). The views from the Aldington ridgeline north towards the North Downs are identified as a characteristic feature of the LCA;

- Impact on public enjoyment of the local PRoW network. Where routes run through the scheme itself these will be diverted to field edges. The photomontages from Views 12 and 16 illustrate how the character of PRoW within the site will be affected. Hedge planting will mitigate impacts in some cases, but this in itself will create a more enclosed character to the path network and it is questioned whether planting will be as effective as suggested by the summer view of Viewpoint 16 after 15 years;

- Impact on the character and appearance of the site itself and the Aldington Ridgeline and Upper/East Stour LCAs;

- Impacts on residential visual amenity as identified in the PEIR.

298. The majority of these anticipated impacts and effects are identified in the PEIR and in most cases are recognised as a significant (moderate adverse) residual impact. As set out above, some of these effects would more reasonably be judged as major adverse residual effects, in particular where these relate to the site itself and visual amenity within the site, but the PEIR does nonetheless identify significant adverse effects on both landscape character and visual amenity.

299. The principal reason for these substantial adverse impacts and effects is the largely unbroken swathe of solar panels which form the core area of the scheme (Fields 1 to 18). The landscape treatment within this core area is largely limited to the perimeters of fields in the form of hedge planting and occasional shelter belts. Whilst this might eventually screen near views at a similar level e.g. from adjoining PRoW or roads, it will have a minimal effect in breaking up longer distance views over the scheme from the north and south. The diversion of PRoW to field edges bordering the scheme will also impact significantly on public enjoyment of the network within the scheme area.

300. The northern parts of the scheme (Fields 22 to 27) are less prominent and have less of an impact on landscape character, due to the more fragmented layout with larger swathes of open land between blocks of panels.

301. From a landscape perspective, a development of this scale in the countryside would normally be required to incorporate a far greater element of green infrastructure in order to break up the scheme extents and associated impacts and effects. The introduction of larger swathes of green infrastructure, perhaps with a reduction in the extent of the many minor interventions

currently proposed, could potentially be more effective in reducing the impact of the scheme in longer distance views. It is recognised that the opportunities for tree planting are limited due to the nature of the scheme (and may not be appropriate to the character of the Stour Valley LCA), but broader, open green corridors would help reduce the massing and scale of the panels in longer distance views and would potentially provide opportunities to retain or divert PRoW within broader green corridors, set back from the main banks of solar panels.

302. The longer distance views (in particular views 29 and 30) and views from the Aldington Ridgeline should be analysed in more depth to identify which elements of the scheme are visible and whether these could be further mitigated. The Visual Effects table submitted with the PEIR helpfully identifies broadly which locations and elements of the scheme are visible by reference to the land parcels. In some cases (for instance Viewpoint 14), a minor change to the site layout could potentially remove all panels from view. The close proximity of panels to other longer distance views from Bank Road and PRoW on the ridgeline (such as Viewpoint 12) will result in the loss of open expansive views. Drawing the panels back a little from these locations would help to retain these open views.

303. The proposed inclusion of Fields 19, 20 and 21 creates an isolated block of panels which are of particular importance in considering cumulative impacts associated with the East Stour Scheme.

304. Overall, I consider that the proposed development has potential to largely conserve the immediate landscape setting to Aldington. There would be limited glimpsed views from the edge of the village towards the main area of the scheme (for instance Fields 8 and 11 on Bank Road and Field 16 on Calleywell Lane) on the approaches to the village. The block of panels in Fields 19, 20 and 21 would be located between the main village and the Conservation Area and therefore has the potential to impact more directly on the setting to the main village and the Conservation Area. Significant adverse effects on residential visual amenity are identified in relation to residents on Bank Road, Handen Farm, The Forstal and Mersham and these should be reviewed further to identify opportunities for more effective mitigation.

305. One Photomontage is included to demonstrate views from the Kent Downs AONB (Viewpoint 34). Whilst the scheme can be glimpsed in this view it is considered that the impact of the scheme on the setting to the AONB would be negligible.

306. In conclusion, I consider that from a landscape and visual impact perspective, the scheme as currently proposed by EP would cause significant harm to local landscape character and visual amenity and the public perception and

enjoyment of the local countryside and that greater efforts to minimise such harmful impacts, as per the guidance in draft NPS EN-1, are needed.

307. With this in mind, I recommend that the provision of stronger landscaping and additional green infrastructure should be incorporated into the scheme in order to break it up from longer distance views as well as provide an improved experience for PRoW users. Greater green infrastructure has the ability to provide the connection and linkage ideas suggested by the Council's Tree Officer through planting opportunities yielding biodiversity gains. At the very least, these ideas should be explored with EP to understand their viability in the context of operational requirements, economics and energy outputs required from the scheme.

308. As per the Council's Guidance note 2, the importance of colour will be important in respect of the supporting infrastructure to the proposed solar panels in order to minimise the impact of these industrial elements within the landscape setting. The scheme is not yet at a stage where such fine detail is known but colour will be important because without care it has the potential to undermine the benefits that would arise from an enhanced landscape infrastructure approach.

Biodiversity

309. The PEIR outlines that there are valuable habitats and species present of nature conservation importance which could be affected by the proposed scheme. I agree with the view of the KCC biodiversity officer that further information is required relating to the justification for the onsite mitigation areas for brown hare, yellowhammer and skylark habitat. Further I agree that a Biodiversity Net Gain assessment is submitted with the DCO application.

310. Natural England is a statutory consultee and will be providing direct comments to EP.

Water Environment

311. The Environment Agency is a statutory consultee and will be providing direct comments to EP.

312. KCC as the Lead Local Flood Authority have provided comments in response to this s.42 consultation which are summarised in the consultation section of this report. I recommend that the Council fully support these comments.

313. The Ashford Borough Council Sustainable Drainage SPD is a fundamental local planning policy and should be considered throughout the design phase of the project to ensure that the scheme is in line with these requirements.

Land contamination

314. The PEIR outlines that an assessment of baseline data including a Phase 1 Geoenvironmental and Geotechnical Desk Study and environmental searches has been undertaken. A conceptual model has been devised to identify potential sources of contamination, pathways, and receptors with an assessment of the significance of contamination impacts which could be associated with the project completed.

315. Consideration has been given to the site's historical use, as well as its environmental setting. Through the implementation of proposed detailed Environmental Management Plans ('DEMP') during the construction and decommissioning phases, EP advises that no potential significant impacts have been identified.

316. The Council seeks to ensure all potential sources of contamination are properly mitigated. The Phase 1 investigation (Groundsure) and site walkover draft of the preliminary conceptual site model have identified a low potential for land contamination for the site and effects from construction, operation and decommissioning of the proposed development. The Council's Environmental Health Officer advises that a watching brief must be maintained during construction and decommissioning works and reported to ABC Environmental Health before works continue.

Socio-economics

317. The applicant suggests that, the 12 month construction period would create an approximately 130 direct jobs (across a number of construction disciplines) with an expected peak level of 199 direct jobs during the most active construction months. The applicant also states that a further 52 to 80 indirect jobs could be supported through the supply chain. It is anticipated that 76% of the jobs created would provide employment for residents of the Wider Study Area and that it is estimated that in total, the jobs created during the 12-month construction period would create a combined Gross Value Added of between £8.4m and £12.9m

318. The developer also suggests that the direct workforce of the project would generate additional expenditure in the Local Study Area through using local shops and businesses for purchasing convenience goods such as food and drink. It is therefore anticipated that the direct workforce could generate between £38,350 and £58,705, increasing workforce expenditure in the Local Study Area by a minimum of 4.3%.

319. This development would not provide a substantial economic benefit as set out in the application, and the main socio-economic impacts are from construction of the site. Therefore, the overall benefits of this scheme lie elsewhere in the provision of energy during the operational phase.

320. Impacts on tourism are likely to be much localised and as such it is not considered that the development would have a substantial impact on tourism within the area. Nevertheless, it is important to recognise that by minimising landscape impacts as per draft NPS EN-1 the scheme can help retain the attractiveness of the location generally for tourism and that any enhanced connections between people and places that the scheme could facilitate and/or create could have benefits for tourism that, to date, remain untapped in this part of the County.

Traffic and Access

321. Access to the site would be from M20 junction 10a, via the A20 and then the C609/Station Road. The applicant states that no construction vehicles would pass through Aldington village.

322. The number of traffic movements is expected to be approximately seven 2-way trips per hour, with two of these being HGVs. Where possible, deliveries to the site would be coordinated to avoid HGV movements during the traditional morning (AM) peak hour (08:00- 09:00) and afternoon (PM) peak hour (17:00-18:00).

323. The main construction compound would be located to the north east of the site within field 25. This would be the primary location for unloading and sorting of construction materials as well as their storage. This location has been selected due to its proximity to the Station Road/A20 junction which would help limit the travel distance after exiting the A20 trunk road. It is proposed that there would be three secondary construction compounds (in fields 8, 19, and 22). Transport from the main construction compound to the secondary compounds in field 8 and field 22 would be via the proposed internal haulage road in order to limit construction traffic on local roads (the only impact being crossing points). Connection to the secondary compound in field 19 would involve limited traffic movements, suggested to be less than 10% of the total traffic from the south west of field 23 along Goldwell Lane.

324. KCC as the Local Highway Authority have provided comments in response to this s.42 consultation which are summarised in the consultation section of this report. I recommend that the Council fully support these comments.

Noise

325. During the operational phase, the activities would generally be minimal and amount to limited maintenance activities, including servicing of plant and equipment, cleaning of solar PV panels, and vegetation management, including management of sheep grazing activities.

326. Once operational, solar and energy storage farms generate very little noise. The only sources of noise at this stage are the transformers (which produce a ‘low hum’ at close distance) and the HVAC units which control the temperature of the inverters and energy storage units.

327. The transformers, inverters and energy storage are proposed to be located in small compounds (approximately 34 across the site) in order to limit any potential noise impacts. The main project substation (which would contain the main transformer) would be located adjacent to HS1.

328. During construction and decommissioning, some traffic and noise would be generated. This would vary over time and measures to reduce potential noise impacts at these phases would be proposed by EP as part of the DCO application.

329. Given that noise levels are predicted to be low with plant located away from the boundaries of the site and the proposed noise assessment will consider planning polices and local and national guidance, standards and documentation and use BS4142 and BS5228, the Council's Environmental Health Officer is satisfied with the information provided within the PEIR and raises no objections and I concur with that position

Climate change

330. Draft EN-1 sets out how applicants and the SoS should take the effects of climate change into account when developing or consenting infrastructure because if new energy is not resilient to the possible impacts of climate change, it will be unable to satisfy the energy requirements to meet the Governments objectives.

331. In line with EIA requirements EP has as part of the PEIR assessed the potential effects of the proposed development on climate change. The assessments looks at the effects of the development on climate change together with the vulnerability of the development to climate change.

332. The NPS sets out that climate change is likely to mean that the UK will experience hotter, drier summers and warmer wetter winters. As a result there is an increased likelihood of flooding, drought, heatwaves, and intense rainfall events. As such, adaption is necessary to deal with potential impacts. Renewable and low carbon energy is seen as an adaptive measure to address climate change. The guidance encourages developers to consider if nature based solutions can provide a basis for adaption as this can result in biodiversity benefits as well as carbon capture.

333. The construction phase CO2 emissions would be generated from direct and indirect sources such as emissions resulting from construction vehicles. However, it is expected that this would not be significant following implementation of standard construction mitigation measures to be set out in the CTMP.

334. During the operational phase, there will be a potential carbon saving resulting from the export of renewable electricity to the grid, in lieu of other sources of

energy which include fossil fuels , anticipated to be approximately 34,500 tonnes of CO2e per year.

335. From a design perspective (including mitigation measures such as biodiversity enhancements and drainage strategy) EP conclude within the PEIR that the development would be resilient to projected climate change.

Cumulative effects

336. The requirement for a cumulative effects assessment ('CEA') is set out in the EIA regulations.

337. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. As such it should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts.

338. Designated NPS-1 states that when considering cumulative effects, the ES should provide information on how the effects of the applicant's proposal would combine and interact with the effects of other development (including projects for which consent has been sought or granted, as well as those already in existence).

339. The East Stour Solar Farm planning application (application 22/00668/AS) is currently being considered by the Council. The East Stour proposals are for a smaller (up to 49.9MW) solar farm. The East Stour solar farm would be located directly to the east of the proposed development, both proposals are proposing to utilise a Grid connection to the Sellindge Converter station.

340. Whilst EP have considered the impact of the adjacent proposed scheme in chapter 15 of the PEIR (in terms of landscape, biodiversity, climate change and socio-economics) cumulative impacts are not directly addressed in the landscape and visual chapter. From a landscape and visual perspective I consider that it is essential that the LVIA considers the potential cumulative impacts associated with the neighbouring East Stour Solar proposals. Given the combined extents and similarity of the schemes this is considered to be of particular importance in this instance and there is a full LVIA including photomontages available for the East Stour scheme as well as layout plans.

Other Matters

Minerals Safeguarding

341. Part of the site falls within a minerals safeguarding area. Draft EN-1 paragraph 5.11.21 states that where development has an impact upon a Mineral Safeguarding Area (MSA), the SoS should ensure that appropriate mitigation measures have been put in place to safeguard mineral resources.

342. The County Council is the Minerals and Waste Local Planning Authority. The adopted Minerals and Waste Local Plan includes areas identified for minerals extraction and waste disposal in the county and also identifies MSAs where economically viable minerals deposits may be found. Applicants for non-minerals development should have regard to the presence of MSAs when preparing planning applications and seek to address any issues with the County Council in accordance with the relevant policies of the Minerals and Waste Local Plan and the associated Minerals Safeguarding SPD. This will be a material consideration for the Borough Council in its determination of planning applications for non-minerals development.

343. Given that minerals safeguarding is a County matter and KCC will provide comments directly to EP.

Agricultural Land and Soils

344. Draft NPS EN-1 and EN-3 include a preference for development of non-agricultural land over agricultural land, and when unavoidable, for development of agricultural land to be directed towards land of the lowest available quality. EN-3 does confirm, however, that 'the development of ground mounted solar arrays is not prohibited on sites of agricultural land classified 1, 2 and 3a'.

345. Section g) of ABC's guidance note 2 seeks to steer large scale solar developments to previously developed land/brownfield sites, contaminated land or industrial land. However, it acknowledges that there are few sites of appropriate status and size within the borough. The guidance states that large scale solar PV arrays should therefore seek to avoid landscapes designated for their natural beauty, sites of acknowledged/recognised ecological/archaeological importance/interest whilst recognising that it is likely that such development will look to land currently in agricultural use. The guidance does not place an embargo on the use of agricultural land. Rather, it seeks that development is located on poorer quality land.

346. Section h) of the Guidance note goes further to state that the Council will not normally support development that results in the loss of grade 1 and 2 agricultural land stating that the best quality agricultural land should be used for the purposes of agriculture. If development is proposed on grade 1 and 2 agricultural land the applicant must provide clear justification demonstrating the benefits the development would have for the land to be taken out of full agricultural use.

347. The applicants Agricultural Land Classification (ALC) survey identifies 75.09% of the site as comprising as grade 3b agricultural land (poorer quality) with 19.26% comprising grade 2 and subgrade 3a. A small area of land totalling 2.20% of the site was not surveyed (given that it would be the cable route and

could remain in agricultural use), the remaining land totalling 3.45% is not agricultural land. Given the lack of blanket prohibition in draft NPS EN-3 to solar development on Grade 3a land and above, I do not consider that the relatively small % of such land that would be involved with the EP scheme is an issue that could be sustained as an objection. However, given my comments in respect of minimisation of landscape and visual impacts through changes to the layout in terms of green structure a reduction in land take of Grade 3a land and above may be possible and could be viewed as a benefit.

348. The nature of the proposed development is such that it provides potential for the land beneath and around the solar panels to continue in a form of agricultural use during the operational lifetime of the solar farm, with potential for agricultural grazing. The Council's guidance note 2 states that grazing should be encouraged where practicable.

349. Permanent grassland cover for the lifetime of the development would be beneficial to the health of the soil structure, as it would protect the soil from wind erosion when dry, scour erosion due to runoff from the panels, and damage from trafficking and surface water runoff during periods of wet weather. Further, the applicant suggests that if managed as unimproved grassland, there would also be no requirement for annual fertiliser applications over the lifetime of the development, which will have an environmental benefit and allow the soils to return to their normal nutrient levels and promote the growth of native grass species.

c) <u>The future delegation arrangements for the development consent application</u>

350. I have outlined elsewhere in this report the various stages of the NSIP process and the role of the Council as the host local authority. If no further pre-application consultation (whether formal or informal in nature) is carried out by EP then the next stage will be the formal submission of the DCO application. If accepted by PINS, the Council will be able to comment further on the proposals.

351. I have full delegated powers to respond in relation to the Planning Act 2008 and I will need to be able to exercise these as otherwise I am unlikely to meet strict deadlines set during the examination period. However, I am mindful that Members are likely to have continued interest in the proposals and so I will keep senior members including the Portfolio Holder briefed of issues. For the avoidance of doubt, I have outlined what matters I will be responding to under delegated powers.

<u>Adequacy of consultation</u>

352. Once a DCO application is accepted by PINS the Council has 14 days to submit an adequacy of consultation representation. This is whether the

Council considers that the applicant has complied with its duties of consultation. The Council is not, however, being asked for its views on the merits of the application at that stage.

Relevant representation submission/further representations

353. Once the application is accepted there will be a meeting with the examining authority and interested parties including the Council. A timetable for the Examination will be finalised.

354. The Council will be invited to submit a relevant representation. This is a summary of what it agrees and/or disagrees with in the application, what it considers the main issues to be as well as their impact. The comments made in the relevant representation are used by the Examining Authority to help inform the initial assessment of the principal issues for assessment. There is a minimum period of 28 days to submit this.

355. The Council, as with other registered interested parties, would have the opportunity to submit a written representation during the Examination which can elaborate on the matters raised in a relevant representation. The Examining Authority is likely to ask the Council a number of questions during the examination period that it will need to respond to in a strictly time limited period.

Local Impact Report (LIR)

356. The Council will be invited to submit this to an agreed timetable. The LIR gives details of the likely impacts of the development in their area but does not replicate the environmental statement. It is distinct from the local authority's representation on the merits of the scheme. It includes issues such as relevant development plan policies and planning applications. The LIR should contain a statement of positive, neutral and negative impacts but does not need to contain a balancing exercise which is a matter for the examination panel.

Statements of Common Ground/Planning Obligation Agreement

357. Statements of common ground between the local authority and applicant can be prepared as early at the pre-application stage. The examining authority will find these useful to identify matters agreed, matters subject to negotiation and matters not agreed. The Council can also enter into section a 106 planning obligation agreement with the applicant if required: this might, for example, be used to secure any community benefits that are proposed by an applicant (such as an inflation linked Community Benefit Fund and any upgrades to PRoW to create enhanced connections between Aldington and Mersham).

Human Rights Issues

358. I have also taken into account the human rights issues relevant to this application. In my view, the “Assessment” section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Conclusion

359. I consider that there is compelling case in principle for renewable electricity generation and it is clear from NPSs that solar is a key part of the government’s strategy to meet its carbon net zero targets. The Council’s own planning policy and guidance supports the principle of large scale solar development within the Borough provided that the impacts can be satisfactorily mitigated.

360. With this in mind, I recommend that the Council does not raise objection to the principle of the proposed large scale solar farm development but does raise a **holding objection** relating to the emerging scheme subject of this s.42 consultation on the basis that more work is considered necessary in order to minimise scheme impacts on the rural countryside location including the assets that contribute to the character and quality of the countryside as it presently exists and is enjoyed.

361. This report highlights that some additional information is required and should be submitted with the DCO application and there are also a number of issues for EP to consider. In order to overcome these concerns material changes would be required to the proposed development and as such I recommend that EP continue to work with the Council (and other statutory consultees) and that the proposed development be subject to a further formal s.42 consultation.

Recommendation

(A) Ashford Borough Council makes the following comments to Evolution Power in response to the s.42 pre-application consultation:

1. The Council is committed to reducing the reliance on fossil fuels and accepts that there is a compelling need, as a matter of principle, to increase renewable energy generation and consumption in order to support the Government’s national agenda to reach net zero carbon by 2050. The Council therefore does not raise objection to the principle of large scale solar photovoltaic generation within the Borough subject to the appropriate mitigation of any significantly harmful impacts that would arise from such development being put in place with mitigation tailored specifically and sensitively to matters of location and related

context in order to minimise the impacts of development as far as possible, especially for solar schemes in a rural countryside location.

2. The Council;-

(i) raises a **HOLDING OBJECTION** to the emerging proposal as detailed in the EP s.42 consultation for the reasons set out in this report and detailed further below relating to inadequate mitigation to minimise the impacts of the proposal on the rural countryside location and those matters that contribute to the character and quality of the countryside as it presently exists and is enjoyed, and

(ii) invites EP to consider the Council's concerns further and work pro-actively with officers to refine and amend the emerging solar scheme, and

(iii) invites EP to then carry out a further s.42 consultation in respect of an updated scheme that seeks to address the concerns that have been raised as far as possible.

Cultural Heritage

1. Each heritage asset needs to be assessed separately, based on a true understanding of the special character of the building/asset,

2. Assessment of setting - The impact is being assessed in a quantitative way using *environmental assessment methodology and criteria outlined in the Design Manual for Roads and Bridges.* This has limited use when assessing historic buildings and structures above ground, as it provides no criteria for assessing value. The assessment of the impact on the built heritage should be a *qualitative* not a *quantitativ*e assessment.

3. The full ES must reference and consider the Ashford Heritage Strategy (2017) and national 2021 guidance from HE about solar farms. These two documents are relevant to this development and must be considered.

Landscape and Views

1. The LVIA ES chapter should include both summer and winter views for each Context View.

2. The PEIR largely follows the anticipated layout to a full LVIA and includes preliminary analysis of landscape and visual receptors, based on desk top and site assessments and anticipated impacts and effects. The PEIR references amendments to the proposals informed by consultation and the scoping exercise but details of the evolution of the scheme as informed by this process are not included in the PEIR. The role of LVIA in informing the design process is a clear requirement of GLVIA 3 (Paras 4.5 to 4.10) and an overview of this process should be included in the full LVIA.

3. The approach to mitigation using soft landscape elements is not of a proportionate scale to the significant scale of the development. Insufficient landscape screening is proposed to be provided, particularly in open areas with long range views.

4. There is a lack of woodland block planting. Use of orchard planting will not provide the necessary scale, and the use of this landscape type in this location does not form part of the local landscape character.

5. The reinstatement of historic hedgerows and additional hedgerow planting is welcomed. Hedges should be combined with individual trees (such as oak) within and independent of hedgerow, to reflect the local landscape character. Currently the schedule lists only wetland trees associated with the East Stour River, and no trees to the rest of the development.

6. Security fencing, particularly when located next a PRoW could be better screened.

7. The provision of deeper landscaped buffers of tree planting / meadow adjacent to PRoWs, would improve landscape character and the experience for users of the PROW.

8. More consideration needs to be given to the impact on residential properties. There is a lack of mitigation proposed to the residential properties associated with Bank Farm, and to Becketts Green. Both these properties are along Roman Road, which is open and relatively flat in character, allowing for long views. A detailed appraisal on all the residential properties impacted by the development should be provided.

Biodiversity

1. The Council fully endorses the s.42 consultation response of the KCC biodiversity officer.

Water Environment

1. The Council fully endorses the s.42 consultation response of KCC in respect of matters related to the water environment.

Land contamination

A watching brief must be maintained during construction and decommissioning works and reported to ABC Environmental Health before works continue.

Socio-Economics

No comments.

Traffic and Access

1. The Council fully endorses the s.42 consultation response of KCC Highways and Transportation in respect of traffic and access matters.

Noise

1. Given that noise levels are predicted to be low with plant located away from the boundaries of the site and the proposed noise assessment will consider planning polices and local and national guidance, standards and documentation and use BS4142 and BS5228, the Councils Environmental Health Officer is satisfied with the information provided within the PEIR and raises no objections.

Climate Change

No comments

Cumulative Effects

1. Cumulative impacts are not directly addressed in the landscape and visual chapter. The LVIA should consider the potential cumulative impacts associated with the neighbouring East Stour Solar Proposals (planning application reference 22/00668/AS). Given the combined extents and similarity of the schemes this is considered to be of particular importance in this instance and there is a full LVIA including photomontages available for the East Stour scheme.

(B) Delegated Powers

That authority be delegated to the Strategic Development and Delivery Manager or the Assistant Director Planning and Development, to make any necessary adjustments to the Council's comments as detailed above as may, in their opinion, be required.

Background Papers

The s.42 consultation documents referred to in this report are currently published on EP's website www.stonestreetgreensolar.co.uk

Contact Officer: Alex Stafford
Email: alex.stafford@ashford.gov.uk
Telephone: (01233) 330-248

Annex 1

Ashford Borough Council - Report of the Head of Planning and Development
Planning Committee ****insert date****

Annex 1

1.101