creating a better place for
people and wildlife

Environment Agency

Ms Emily Park
Infrastructure Planning Comission
Alison Down
Temple Quay House (2 The Square)
Temple Quay
Bristol
Avon
BS1 6PN

Our ref: KT/2022/129574/01-L01
Your ref: EN010135-000006
Date: 26 May 2022

Dear Ms Park

Planning Act 2008 (as amended) and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations)– Regulations 10 and 11 application by Evolution Power Limited (The Applicant) for an order granting development consent for the Stonestreet Green Solar (The Proposed Development).

Scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested.

Land at Aldington, southeast of Ashford in Kent (Stonestreet Green Solar)

Thank you for consulting us on the above. We have the following comments to make.

Flood Risk

We are mostly satisfied with the scoping report in terms of flood risk and the flood risk assessment.

We would however highlight the following:

11.7.1 Likely Significant Effects:

This section should include an assessment of the proposal's impact on the Aldington Flood Storage Area. It is important that the development does not in any way compromise the function or efficacy of the FSA.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place on or within 8 metres of a main river (16 metres if tidal)

- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence

structure (16 metres if it's a tidal main river) and you don't already have planning permission

Applicants should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Groundwater and Contaminated Land

This site partly overlies a chalk aquifer and Secondary A aquifer. Any pathways for contamination must be strictly controlled to avoid pollution of the principal and secondary aquifers from any historic contamination identified on the site from any previous uses, including historic landfilling.

It is recommended that the requirements of the National Planning Policy Framework (NPPF) are followed. Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Therefore, in completing any risk assessments the applicant should assess the risk to groundwater and surface waters from contamination which may be present and where necessary propose appropriate remediation.

In making our response we have considered issues relating to controlled waters The evaluation of any risks to human health arising from the site should be discussed with the Environmental Health Department.

We recommend that the applicant:

- Refers to the Environment Agency Land Contamination: Risk Management guidance, which is based on the Model Procedures for the Management of Land Contamination (CLR 11);
- Uses BS 10175:2011 A2:2017BS 10175 2001, Investigation of potentially contaminated sites – Code of Practice as a guide to undertaking the desk study and site investigation scheme;
- Uses MCERTS accredited methods for testing contaminated soils at the site; and
- Consult our website at www.environment-agency.gov.uk for further information about any permissions that may be required.

The scope of the proposed EIA is acceptable in principle in that it outlines key issues of concern at this site. Risks associated with horizontal drilling (including information on all drilling fluids) should also be assessed as part of the ES (likely in the Water Environment chapter).

Fisheries, Biodiversity and Geomorphology

The submitted information indicates that the red line (site) boundary comes within 8m of the East Stour in several locations. This will require a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016, (as identified above).

In determining the flood risk activity permit for this development, we will assess its compliance with the South East River Basin Management Plan (RBMP). We will also consider how the development will affect water biodiversity and the wetland environment. The RBMP states that the water environment should be protected and enhanced to prevent deterioration and promote the recovery of water bodies.

An assessment is required to assess how the proposal will affect riparian species and habitats as well as assessing the potential impact on the hydromorphology of the East

Stour. The development must not have a negative effect on the river's natural processes. This assessment will need to demonstrate how this will risk will be controlled. Where possible, it should identify opportunities for environmental improvements. Until this is provided the risk posed by the proposed development is unacceptable.

Paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged.

The developer will need to carry out and submit ecological and hydromorphological assessments prior to the development of any detailed plans.

The survey and ecological assessment should:

- A detailed site plan, accurately illustrating the distance the proposed development will be from the top of river bank
- identify the impacts to the ecological and hydromorphological features of the river and determine if they may be at risk of deterioration
- identify any rare, declining, protected or otherwise important flora, fauna or habitats
- assess the importance of the above features at a local, regional and national level
- identify the impacts of the scheme on those features
- demonstrate how the development will avoid adverse impacts
- propose mitigation for any adverse ecological impacts or compensation for loss
- propose wildlife/habitat enhancement measures

If you have any queries, please do not hesitate to contact me.

Yours sincerely

Ms Jennifer Wilson
Planning Specialist

Direct e-mail kslplanning@environment-agency.gov.uk

End