



Stonestreet Green Solar

Consultation Report

Appendix M: Regard had to Consultation Responses Received Outside of Statutory Consultation

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June 2024

APFP Regulation 5(2)(q)

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009



Appendix M-1: Regard had to Consultation Responses Outside of Statutory Consultation

As explained in **Section 7.5** of the **Consultation Report (Doc Ref. 6.1)**, in early 2024, the Applicant received a number of representations from the Aldington and Mersham Support Group (the 'AMS Group') and members of the public regarding the adequacy of consultation undertaken in relation to the Project. The Applicant also received a letter from Ashford Borough Council ('ABC') in April 2024 which referenced a number of the points raised by the AMS Group.

Although these representations were received outside of the statutory consultation periods, the Applicant had regard to them. **Table 1** below sets out a summary of the responses received and the regard had to them by the Applicant. The table is divided into the following themes:

- [Theme 1: Consultation was not fair and open;](#)
- [Theme 2: Consultation on the Design and Evolution of the Project;](#)
- [Theme 3: Consultation on the Rated Capacity of the Site;](#)
- [Theme 4: Consultation on the BESS;](#)
- [Theme 5: Consideration of alternative land;](#)
- [Theme 6: Consultation on the impacts to the public rights of way \('PRoW'\) network; and](#)
- [Theme 7: Consultation on the flood risk impacts.](#)

Table 1: Summary of responses received outside of statutory consultation:

Theme 1: Consultation was not fair and open

Feedback	Change to the Project Design Y/N	How regard was given to the consultee's comment
The consultation was not undertaken in a fair and open way. The community were not provided with enough and proper information and evidence.	N	As explained throughout the Consultation Report (Doc Ref. 6.1) , the Applicant carried out comprehensive pre-application consultation on its proposals prior to submitting the DCO Application, including a five-week non-statutory

Theme 1: Consultation was not fair and open

Feedback	Change to the Project Design Y/N	How regard was given to the consultee's comment
<p>The consultation process has been a sham, unfair and unlawful process, expressly designed by the company to keep the community in the dark as to the true requirements and the significant adverse effects upon the environment of the Project.</p>		<p>consultation, two five-week statutory consultations and two four-week targeted consultations.</p> <p>The pre-application statutory consultation accorded with the requirements of the PA 2008, the APFP Regulations and the EIA Regulations and had regard to guidance issued under section 50(3) of the PA 2008. Preliminary environmental information on the Project was published in support of the statutory consultations, including non-technical summaries. In addition, the Applicant undertook non-statutory engagement throughout the pre-application stage.</p> <p>The Applicant consulted in a variety of ways to maximise consultee participation. A large number of consultees provided feedback and the Applicant has had careful regard to the consultation responses received when finalising the Project.</p> <p>As required by section 47(1) of the PA 2008, the Applicant prepared a statement of community consultation ('SoCC') setting out how it proposed to consult, about the proposed application, people living in the vicinity of the land. Regard was had to feedback on the draft SoCC received from the host authorities and the Applicant considers this was agreed with the host authorities. The SoCC was revised on two</p>

Theme 1: Consultation was not fair and open

Feedback	Change to the Project Design Y/N	How regard was given to the consultee's comment
		<p>occasions, in both cases in consultation with the host authorities. The SoCCs were made available for inspection by the public in accordance with section 47(6) of the PA 2008 and the consultation with the local community was carried out in accordance with the proposals set out in the SoCCs in accordance with section 47(7) of the PA 2008.</p> <p>The Applicant understands the AMS Group was formed in November/December 2023 but key members of the AMS Group have been active participants in the pre-application process since early 2022. The Applicant has undertaken extensive engagement with the key members of the AMS Group (and similar precedent groups) during the two-year pre-application stage, including discussions at multiple consultation events and responding to questions raised in a public forum at the November 2022 Aldington presentation. Key members of the groups have been frequent attendees at the Community Liaison Panel meetings that the Applicant has arranged and the Applicant has also met a number of the key members in separately organised individual meetings to discuss their concerns.</p>

Theme 2: Consultation on the Design and Evolution of the Project

Feedback	Change to the Project Design Y/N	How regard was given to the consultee's comment
<p>The Applicant failed to consult on any aspect of the design and evolution. The Group believes that aspects such as panel size, panel position, panel alignment (i.e. other than south facing), total area and percentage of ground cover should have been consulted on.</p>	<p>N</p>	<p>As explained throughout the Consultation Report (Doc Ref. 6.1), the Applicant carried out comprehensive pre-application consultation on its proposals prior to submitting the DCO Application, including a five-week non-statutory consultation, two five-week statutory consultations and two four-week targeted consultations.</p> <p>The Project design has evolved throughout the pre-application stage. A number of the design changes to the Project design have been made in direct response to feedback received during the consultation process, both from statutory consultees and the local community.</p> <p>Throughout the pre-application process the Applicant has approached the Project with the aim of maximising the amount of renewable energy that can be generated from the Site area, whilst minimising any identified adverse environmental effects.</p> <p>Panel sizes are relatively standard across all manufacturers and the PEIR included indicative dimensions. The Applicant did not consider an east-west design would be technically deliverable for this Project and therefore only a south facing design was presented.</p>

Theme 2: Consultation on the Design and Evolution of the Project

Feedback	Change to the Project Design Y/N	How regard was given to the consultee's comment
		<p>Panel positioning, the total area of the Project and percentage of ground cover impacted by development has been clearly presented at each of the consultation events, including by inclusion on the main exhibition boards. The Site area during the 2022 Statutory Consultation was circa 189ha (as explained in paragraph 1.2.2 of the Non-Technical Summary of the Preliminary Environmental Information Report ('PEIR'), see Appendix F-1: Consultation Information Pack (Doc Ref. 6.2)). This increased to circa 200ha during the 2023 Statutory Consultation (as explained in paragraph 1.3.1 of the Non-Technical Summary of the PEIR Addendum, see Appendix G-1: 2023 Statutory Consultation Information Pack, Part 2 (Doc Ref. 6.2)) due to additional land being included in relation to the grid connection. Following further input from UK Power Networks the land area within Sellindge Substation was reduced and the DCO Application area has reduced to circa 192ha.</p> <p>Visualisations were provided as part of the consultation materials. These accurately represented the visual impact of the Project. In many cases there is limited visibility of the Project due to the Site topography and existing screening, both of which were part of the Applicant's rationale for</p>

Theme 2: Consultation on the Design and Evolution of the Project

Feedback	Change to the Project Design Y/N	How regard was given to the consultee's comment
		selection of this area. Battery assets are co-located with inverters (as opposed to a central location) and are typically located away from the Site boundary to minimise any visual or noise impacts.

Theme 3: Consultation on the Rated Capacity of the Site

Feedback	Change to the Project Design Y/N	How regard was given to the consultee's comment
The portrayal of 99.9MW as the rated capacity, combined with the non-disclosure of 165MW as the intended figure, blindsided the community in terms of the intended size and scale of the development. There is only one instance in the Statement of Community Consultation 3 where the project generating capacity of 165MW is stated. The Applicant is oversizing the	N	<p>In line with industry convention the consultation material generally described the Project by reference to the maximum electrical output that could be exported to the electricity grid. For the Project this is 99.9MW.</p> <p>As noted above the total area of the Project and percentage of ground cover impacted by development has been clearly presented during the consultation process; the acreage/hectarage figures have been provided and plans</p>

Theme 3: Consultation on the Rated Capacity of the Site

Feedback	Change to the Project Design Y/N	How regard was given to the consultee's comment
development with the aim of using low quality, cheaper panels with lower productivity.		<p>showing the extent of the Site area have been prominently included in consultation materials including the main exhibition boards. It is inaccurate to suggest that the “intended size and scale of the development” was not clear or accurately presented to the local community.</p> <p>The land included in the Order limits is reasonably required for the purpose of the development. The suggestion that the Applicant has oversized the land area required with the intention of utilising lower quality, cheaper panels is not accurate.</p> <p>The Applicant included a reference to 165MW in SoCC 3; this was added by the Applicant following a consultee request. References to 165MW were also included in the Climate Change chapters of both the PEIR and PEIR Addendum. These were included in the Climate Change chapters as the 165MW figure is directly relevant to the climate change assessment regarding the total volume of renewable energy generated and the resultant carbon saving.</p>

Theme 4: Consultation on the BESS

Feedback	Change to the Project Design Y/N	How regard was given to the consultee's comment
<p>The Applicant has failed to explain the purpose and functionality of the battery energy storage system.</p> <p>The Applicant has failed to consult on the how the batteries will operate, their location, fire risk, noise, and visual impact.</p>	<p>N</p>	<p>Both the 2022 and 2023 Statutory Consultation material included information on battery storage. In both cases, the PEIR / PEIR Addendum, Consultation Booklet and the exhibition boards explained that battery storage would allow the batteries to be charged by the solar PV panels but could also provide grid balancing services.</p> <p>The battery units / energy storage was shown on the plans located within the solar PV panels, adjacent to inverters, as opposed to located in a central area. Details of the battery housing within shipping containers were also provided.</p> <p>The Consultation Booklet for the 2022 Statutory Consultation (Appendix F-1: Consultation Information Pack (Doc Ref. 6.2)) explained that a heating, ventilation, and cooling ('HVAC') system would be integrated into the containers to ensure efficiency and safe performance and that the system would also include an integrated fire safety management system. The Consultation Booklet for the 2023 Statutory Consultation (Appendix G-1: 2023 Statutory Consultation Information Pack, Part 2 (Doc Ref. 6.2)) explained that the Applicant recognised that there is interest in how health and safety will be managed. It explained that the Applicant had already engaged with the Health and</p>

Theme 4: Consultation on the BESS

Feedback	Change to the Project Design Y/N	How regard was given to the consultee's comment
		<p>Safety Executive and the Kent Fire and Rescue Service on the design of the Project, and on the safe construction and operation of the energy storage units to ensure that the management of health and safety was built in from the start. Changes to the Project design were incorporated in response to consultation feedback.</p> <p>Noise and visual impacts were considered by the Applicant in the pre-application stage. Identified effects regarding noise and visual impact were presented as part of the PEIR and PEIR Addendum.</p>

Theme 5: Consideration of alternative land

Feedback	Change to the Project Design Y/N	How regard was given to the consultee's comment
The Applicant has failed to consider alternative land.	N	Both the PEIR and the PEIR Addendum contained Alternatives and Design Evolution chapters that provided

Theme 5: Consideration of alternative land

Feedback	Change to the Project Design Y/N	How regard was given to the consultee's comment
		<p>details of the alternatives that had been considered by the Applicant.</p> <p>Three specific alternatives were suggested by the local community as part of the consultation process. These were considered by the Applicant and not progressed for reasons including that they are not of a sufficient scale to deliver the Project requirements, were outside the 5km search area, or were not commercially available (one area is largely contracted for the East Stour Solar Project). The Applicant's position on these was communicated in the PEIR Addendum.</p> <p>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref 5.2) sets out the site selection process for the Site which carefully considered minimising best and most versatile ('BMV') land included in the Order limits. The Applicant's site selection has avoided the use of BMV where possible.</p>

Theme 6: Consultation on the impacts to the PRow network

Feedback	Change to the Project Design Y/N	How regard was given to the consultee's comment
There has been a failure to properly acknowledge and consult on the significance of the PRow system or to address its unique role and characteristics both within the community and onwards into the network beyond.	N	The Applicant has fully acknowledged and consulted on the potential changes to the PRow network through the pre-application process. Details of the proposed impacts on PRow were provided throughout the PEIR and PEIR Addendum and changes to the Project design were incorporated in response to consultation feedback.

Theme 7: Consultation on the flood risk impacts

Feedback	Change to the Project Design Y/N	How regard was given to the consultee's comment
The Applicant has failed to consider or consult regarding potential flood risk to residential properties and over a substantial distance downstream. Specific concerns are raised regarding Spring and Bow cottages.	N	The 2022 Statutory Consultation and 2023 Statutory Consultations considered and consulted on flood risk as a result of the Project. Both the PEIR and the PEIR Addendum contained Water Environment chapters that considered flood risk and changes to the Project design were incorporated in response to consultation feedback.

Theme 7: Consultation on the flood risk impacts

Feedback	Change to the Project Design Y/N	How regard was given to the consultee's comment
		<p>ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4) includes a consideration of the NPPF and the risks of climate change on flood events, along with the policies set out within the Overarching National Policy Statement for Energy.</p> <p>The Applicant is aware that these cottages are both currently located near to existing agricultural drains and currently are at risk of surface water flooding. The Flood Risk Assessment confirms that the Project will not increase the risk of flooding.</p>