Stonestreet Green Solar

Planning Statement

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Executive Summary

This Planning Statement has been prepared in relation to the Development Consent Order ('DCO') application for Stonestreet Green Solar ('the Project').

The Project comprises the construction, operation, maintenance, and decommissioning of solar photovoltaic ('PV') arrays and energy storage, together with associated infrastructure and an underground cable connection to the existing National Grid Sellindge Substation.

The Project will include a generating station (incorporating solar arrays) with a total capacity exceeding 50 megawatts ('MW'). The agreed grid connection for the Project will allow the export and import of up to 99.9 MW of electricity to the grid. The Project will connect to the existing National Grid Sellindge Substation via a new 132 kilovolt ('kV') substation constructed as part of the Project and cable connection under the Network Rail and High Speed 1 ('HS1') railway.

The Project is defined under the Planning Act 2008 (the 'PA 2008') as a Nationally Significant Infrastructure Project ('NSIP') on the basis that it comprises a generating station in England with a capacity exceeding 50 MW. The Project therefore requires a DCO to be granted by the Secretary of State (the 'SoS') for Energy Security and Net Zero.

This Planning Statement has been prepared on behalf of EPL 001 Limited ('the Applicant'), a wholly-owned subsidiary of Evolution Power Limited, to support the application being submitted for the Project for which development consent is being sought (the 'DCO Application'). This Planning Statement should be read in conjunction with the other documents submitted with the DCO Application.

The Project will help the Government to directly address the clear and urgent need for additional solar infrastructure, delivering a number of national benefits. The Government ensured that the UK was the first country to set legally binding carbon budgets under the Climate Change Act 2008[1]. This required the UK to cut emissions (versus 1990 baselines) by 34% by 2020 and by at least 80% by 2050. The Climate Change Act 2008 was amended in 2019 and there is now a legally binding commitment for the UK to achieve net zero carbon by 2050. The Project will contribute towards meeting these commitments.

In addition to meeting the urgent national need for secure and affordable low carbon energy infrastructure, solar schemes, such as the Project, also have the potential to deliver numerous other benefits.

In the case of the Project, these benefits include:

- A meaningful contribution to the UK's legally binding net zero commitment, with the Project able to generate an amount equivalent to 397% of the electricity currently (in 2022) generated from photovoltaics in Ashford, 225% of the electricity currently (in 2022) generated from photovoltaics in the areas of Ashford Borough Council ('ABC') and Folkestone and Hythe District Council, 35% of the electricity (2022) generated from solar in Kent and 1% of the

electricity (2022) generated from solar in the UK.

- An additional source of domestic energy security that reduces the market price of electricity by generating power so that more expensive and more carbon intensive generation (such as gas) are not required to generate as much, reducing the overall cost of electricity to consumers.
- Provision of battery energy storage, co-located with the solar generation which maximises the efficiency of land use and grid capacity and allows the Project to maximise the usable output from intermittent generation which will reduce the overall amount of generation capacity required whilst also providing the opportunity to deliver grid balancing to the local electricity network.
- A range of ecological enhancement measures that will result in a biodiversity net gain ('BNG') of at least 100% for habitat units and at least 10% for hedgerow and river units.
- Significant additional tree planting.
- A reduction in nitrate emissions to the East Stour River as a result of the removal of the Site from intensive arable agricultural use.
- The introduction of new public rights of way will be created to provide new facilities for active travel, recreation and links between communities and developments. The Project will provide new access routes that will support wider connections between Ashford and the Otterpool Park development on attractive and safe, well-maintained paths.
- An average of 132 direct full time equivalent ('FTE') jobs could be created over the 12-month construction period of which 98 are expected to be taken up by residents within the region. The direct construction employment would generate circa £6.2m in Gross Value Added ('GVA') within the regional construction economy (based on average GVA per head in the construction industry).
- It is anticipated that the decommissioning phase would require a similar level of employment and generate a similar scale and character of workforce spending and supply chain effects as the construction phase.
- The operational phase of the Project would support four direct FTE jobs consisting of operational and maintenance roles for the Project's PV panels and other structures, where relevant.

This Planning Statement provides a detailed assessment of the Project against the policies in the national policy statements ('NPSs') which have effect in relation to the DCO Application and other policies that are considered important and relevant to the SoS's decision. The Project's compliance against these policies is informed by the Environmental Statement and other documents which support the DCO Application.

The Project has evolved over time through a fully collaborative approach involving community engagement, public consultation and ongoing discussions with key stakeholders and authorities.

When considered against the relevant NPSs, the Project is considered to be wholly consistent with national policy. The principle of the need for new renewable energy, and that this need is urgent, is firmly established in the Overarching NPS for Energy EN-1 ('NPS EN-1')[2] and the NPS for Renewable Energy Infrastructure EN-3 ('EN-3')[3].

In accordance NPS EN-1, substantial weight should be given to the contribution which projects would make towards satisfying this need.

The Project benefits from up to date, authoritative policy support. Not only does national policy establish an urgent need for new, low carbon energy generation, it specifically identifies solar energy as a key part of the government's strategy for low-cost decarbonisation of the energy sector. The Project is also considered to be consistent with the National Planning Policy Framework and other important and relevant planning policies.

The Project is in the national interest. NPS EN-1 provides that the SoS should assess all applications for development consent for the types of infrastructure covered by the NPS (which includes the Project) on the basis that the government has demonstrated that there is a need for those types of infrastructure which is urgent. NPS EN-1 goes on to state that substantial weight should be given to this need. Paragraph 4.1.3 of NPS EN-1 states that the decision maker should "start with a presumption in favour of granting consent to applications for energy NSIPs".

In accordance with paragraph 4.1.5 of NPS EN-1, in considering any proposed development, the SoS should take into account:

- the potential benefits, including its contribution to meeting the need for energy infrastructure, job creation, environmental enhancements and any long term or wider benefits; and
- the potential adverse impacts, including on the environment and including any long term and cumulative adverse impacts as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy.

The development of the Project and delivery of necessary mitigation will be controlled through:

- identifying parameters within which certain works can be located and constructed;
- requiring construction, operation and decommissioning to be undertaken in accordance with plans and strategies which secure commitments identified in the Environmental Statement and other assessments; and
- other controls secured through the DCO.

The presumption in favour of granting consent applies to the Project, and the application should be determined in accordance with that presumption. Paragraph 4.1.7 of NPS EN-1 requires the applicant to mitigate any particular impact as far as possible, but in the event there would still be residual adverse effects after mitigation the SoS should weight those residual effects against the benefits of the proposed development.

Furthermore, NPS EN-1 further confirms that there is a Critical National Priority ('CNP') for the provision of nationally significant low carbon infrastructure, which includes renewable electricity generation. This provides an even greater basis of policy support, given the urgent identified national need for such infrastructure.

Paragraph 4.1.7 of NPS EN-1 states that "For projects which quality as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases."

This Planning Statement demonstrates that the Project will not cause any potential adverse effects that, considered individually, cumulatively or as a whole, are so severe that the decision maker should refuse the DCO Application and, moreover, that each aspect of the proposals is acceptable in planning terms when considered against the relevant national and local policies.

It is therefore concluded that the benefits of the Project, particularly the delivery of new solar generating renewable energy capacity, are overwhelmingly greater than the residual adverse effects. More specifically, recognising the Project's definition as CNP Infrastructure, the Project would benefit from the presumption defined at Paragraph 4.1.7 of NPS EN-1, as the need case of the Project demonstrably outweighs the limited residual effects of the Project. It is also clear that the residual impacts of the Project would not present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero.

There is a clear and compelling case in favour of the DCO being made.

The Project accords with the relevant NPSs which have effect. None of sections 104(4) to (8) of the PA 2008 apply. Accordingly, the DCO Application should be determined in accordance with the relevant NPSs by consent being granting.

1 Introduction

1.1.1 This Planning Statement has been prepared on behalf of EPL 001 Limited ('the Applicant') in relation to the Development Consent Order ('DCO') application for Stonestreet Green Solar ('the Project').

1.1.2 The application being submitted for the Project for which development consent is being sought (the 'DCO Application') is submitted to the Planning Inspectorate ('PINS') under section 37 of the Planning Act 2008 (the 'PA 2008'). The DCO Application seeks a DCO from the Secretary of State ('SoS') for Energy Security and Net Zero for the construction, operation and maintenance, and decommissioning of ground mounted solar photovoltaic ('PV') arrays, with a total capacity exceeding 50 megawatts ('MW'), and on-site energy storage, together with associated infrastructure and an underground cable connection to the existing National Grid Substation at Sellindge.

1.1.3 The location of the Project is shown on **ES Volume 3, Figure 1.1: Site Location Plan (Doc Ref. 5.3)**. The Project will be located within the Order limits (the land shown on the **Works Plans (Doc Ref. 2.3)** within which the Project can be carried out). The Order limits plan is provided as **ES Volume 3, Figure 1.2: Order Limits (Doc Ref. 5.3)**. Land within the Order limits is known as the 'Site'.

1.2 Legislative Context Overview

1.2.1 The Project is defined as a Nationally Significant Infrastructure Project ('NSIP') under sections 14(1)(a) and 15(2) of the PA 2008 as it is for the construction of an onshore generating station in England with a capacity exceeding 50 MW. The PA 2008 requires a DCO to be obtained for the development of NSIPs.

1.2.2 The PA 2008 prescribes that the SoS is responsible for determining an application for development consent, with the power to appoint an Examining Authority ('ExA') of appointed person(s) to manage and examine each application. The ExA, appointed through PINS, will make procedural decisions and examine an application. The ExA will make a recommendation to the SoS who will then decide whether to grant a DCO.

1.2.3 DCO applications are determined in accordance with section 104 of the PA 2008 where a relevant National Policy Statement ('NPS') is in place, or section 105 where one is not. NPSs set out the policy basis upon which NSIPs are determined.

1.2.4 Section 104(2) of the PA 2008 provides that in deciding a DCO application the SoS must have regard to any NPS which has effect in relation to development of the description to which the application relates, as well as any other matters which the SoS thinks are both important and relevant to their decision.

1.2.5 On 17 January 2024, the Overarching National Policy Statement for Energy EN-1 ('NPS EN-1'), National Policy Statement for Renewable Energy Infrastructure EN-3 ('NPS EN-3') and National Policy Statement for Electricity Networks Infrastructure EN-5 ('NPS EN-5')[4] came into force. These NPSs are the relevant NPSs that have effect in relation to the Project.

1.2.6 The main documents that may be considered important and relevant to the SoS's decision include:

- The adopted Development Plan and other relevant planning policy documents;
- National Planning Policy Framework[5] ('NPPF'); and
- Planning Practice Guidance.

1.2.7 Whilst the NPPF does not contain specific policies for projects consented under the DCO regime, it can be an important and relevant consideration under the PA 2008, such as in relation to biodiversity, geological conservation and the tests relevant when imposing requirements.

1.2.8 Paragraph 4.1.15 of NPS EN-1 states that:

"In the event of a conflict between [other] documents and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the infrastructure".

1.2.9 A more detailed explanation of the legislative and policy context of the Project is set out in Section 3 of this Planning Statement.

1.2.10 The Project is 'EIA development' as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations') which means that an Environmental Impact Assessment ('EIA') is required. An Environmental Statement ('ES') has been prepared and is submitted with the DCO Application.

1.2.11 A **Schedule of Other Consents and Licences (Doc Ref. 3.4)** has been submitted with the DCO Application which sets out the consents and licences to be sought in addition to the DCO.

1.3 Pre-Application Consultation

1.3.1 The Applicant has undertaken extensive consultation throughout the development of the Project up to the point of submission of the DCO Application. This is described in the **Consultation Report (Doc Ref. 6.1)** and includes the stages listed below.

Table 1: Key Pre-Application Consultation Milestones

Key Pre-Application Consultation Milestones	Dates
2022 Non-Statutory Consultation	25 March to 29 April 2022
2022 Statutory Consultation	25 October to 29 November 2022
2023 Statutory Consultation	12 June to 17 July 2023
2023 Targeted Consultation	13 November to 13 December 2023

Key Pre-Application Consultation Milestones	Dates
2024 Targeted Consultation	12 February to 12 March 2024

1.3.2 The Applicant has had regard to all feedback it has received in response to the above consultations when developing the Project. This is described in the **Consultation Report (Doc Ref 6.1)**.

1.3.3 **Planning Statement Appendix 3: Principal Areas of Disagreement Schedule (Doc Ref. 7.6)** sets out the position of the Applicant, ABC and KCC in respect of the Project. This document is intended to inform the preparation of Statements of Common Ground and Principal Areas of Disagreement Summary Statements, which would be provided following the submission of the DCO Application, in accordance with the Department for Levelling Up, Housing and Communities' guidance: 'Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects' (30 April 2024).

1.4 Purpose and Structure of Planning Statement

1.4.1 The purpose of this Planning Statement is to provide an overview of the Project, its effects and the DCO Application as a whole, in a way that is easy to understand. It considers and assesses the Project against relevant planning policy and other matters the Applicant considers are likely to be important and relevant to the SoS's decision.

1.4.2 The remainder of the Planning Statement is structured as follows:

- **Section 2** describes the Order limits, including a summary of the existing land uses and characteristics of the Site plus the surroundings and land affected by the powers of the DCO, including a review of relevant planning history and local plan designations.
- **Section 3** outlines the decision-making framework; the planning policy context for the Project; and other legislation and policy considered by the Applicant to be important and relevant.
- **Section 4** provides a summary of the Project and outlines how the design has evolved, including in response to consultation feedback and relevant planning policy.
- **Section 5** sets out the need for and the benefits of large-scale solar infrastructure projects and the specific benefits of the Project.
- **Section 6** provides a detailed planning assessment, explaining the Project's compliance with planning policy.
- **Section 7** considers the overall planning balance and presents the conclusions of this Planning Statement.

2 The Order Limits

2.1 Site Location and Extent

2.1.1 The Site is located approximately 6.5km to the south-east of Ashford Town Centre and approximately 13.7km to the west of Folkestone Town Centre, in the county of Kent. The Site is situated on land located to the north and west of the village of Aldington, centred at Ordnance Survey ('OS') National Grid Reference ('NGR') TR 05898 37766.

2.1.2 The Site is within the administrative boundaries of Ashford Borough Council ('ABC') and Kent County Council ('KCC').

2.1.3 The Site covers an area of approximately 192ha (approximately 474 acres) and is predominantly in agricultural use for arable crops and grazing.

2.2 Site Description

2.2.1 The Site comprises primarily agricultural fields delineated by hedgerows and tree belts.

2.2.2 As confirmed by **ES Volume 4, Appendix 16.1: Soils and Agricultural Land Report (Doc Ref. 5.4)**, approximately 80% of the Site's soil is non-agricultural or Grade 3b, which is not classified as Best and Most Versatile land. Around 19% is Grade 3a, none is Grade 1 and approximately 1% is Grade 2. **ES Volume 4, Appendix 16.1: Soils and Agricultural Land Report (Doc Ref. 5.4)** confirms that the land quality for the Site is lower than the average land quality in Ashford Borough.

2.2.3 **ES Volume 3, Figure 2.1: Field Boundaries and Site Area Plan (Doc Ref. 5.3)** provides a Field Boundaries and Site Area Plan. Areas where infrastructure development is proposed are identified by field numbers. For ease of reference, the areas of the Site where infrastructure development is proposed are subsequently referred to as follows:

- The South Western Area (Fields 1 to 9).
- The Central Area (Fields 10 to 19 and 23 to 25).
- The South Eastern Area (Fields 20 to 22).
- Northern Area (Fields 26 to 29).
- Project Substation (location of the Project Substation, in the north western section of Field 26).
- 'Cable Route Corridor' (export of electricity from the Project at 132 kilovolts ('kV') via underground cables (the 'Grid Connection Cable') to the Sellindge Substation).
- 'Cable Route Crossing' (use of an existing cable duct under the High Speed 1 / Channel Tunnel Rail Link ('HS1') railway or through Horizontal Directional Drilling ('HDD') beneath HS1 for the Grid Connection Cable).
- Sellindge Substation (location of the existing Sellindge Substation).

2.2.4 A description of the Project, including in the context of the areas of the Site noted above, is provided in Section 4 of this Planning Statement.

2.2.5 There are five road crossings (Goldwell Lane, Laws Lane, Station Road, Roman Road/Bank Road and Church Lane) and one byway crossing.

2.2.6 The East Stour River flows in an east to west direction through the Northern Area, and adjacent to Fields 25 and 19 within the Central Area as shown in **ES Volume 3, Figure 2.2: Environmental Designations (Doc Ref. 5.3)**. There are a number of unnamed drains (small open channel watercourses) running through the Site, which generally flow north/north west to drain into the East Stour River.

2.2.7 Existing National Grid 132kV transmission lines connecting to the Sellindge Substation cross the South Eastern Area.

2.2.8 Topographically, the Site is lowest at approximately 44m above Ordnance Datum ('AOD') within the Central Area and is highest within the South Eastern Area at circa. 76m AOD.

2.3 Site Surroundings: Land Uses

2.3.1 The predominant surrounding land use in all directions is agriculture.

2.3.2 The HS1 track bounds the Northern Area and the Cable Route Corridor and is operated by Network Rail High Speed. A railway line, operated by Network Rail, runs between Ashford and Westenhanger and is located immediately adjacent to the HS1 railway line. A section of the Site crosses the HS1 and Network Rail railway lines where existing ducts containing UKPN infrastructure cross under the railway lines. UKPN has confirmed that they expect the existing ducts will be suitable for the cable route crossing under the railway lines but additional land under the railway lines and next to the Sellindge Substation is included to either side of the existing UKPN infrastructure crossing ducts to allow for the installation of new ducting for grid connection cables if required.

2.3.3 The M20 motorway lies approximately 250m from the Site at its closest point to the north of the railway, with distance to the M20 increasing towards the west.

2.3.4 On the northern side of the railway line (south of the M20 motorway), there is Sellindge Substation (part of which forms part of the Site), HS1 feeder station and the Sellindge Sewage Treatment Works (located adjacent to the Sellindge Substation). To the north of the M20, west of Station Road, approximately 950m north of the Site, is the Caldecott School.

2.3.5 There is an existing circa 11MW solar project (Partridge Farm Solar Farm) located approximately 700m to the east of the Northern Area, directly south of Sellindge Substation which is accessed via Church Lane.

2.3.6 There is an existing UKPN 11kV substation and access track adjacent to Field 25 which does not form part of the Project or the Site.

2.3.7 The main residential area and other amenities (e.g. shops, pubs, open space) associated with the village of Aldington are located predominantly to the south and east of the Site. Visibility of the Site from Aldington is limited due to topography and existing vegetation.

2.3.8 There are a small number of residential properties close to the Site boundaries including to the south of the Site off Aldington Frith Road and at Roman Road/Bank Road, to the east off Goldwell Lane and Church Lane, and to the west along Coopers Lane and Flood Street.

2.4 Site Surroundings: Transport and Access

2.4.1 Vehicular access to the Site can be gained via the M20 and then the A20 (Hythe Road) to the north of the Site. Station Road / Calleywell Lane runs north to south centrally through the Site, connecting the A20 with Aldington village. Bank Road / Roman Road bisects the Central and South Western Areas of the Site.

2.4.2 There is a network of public rights of way ('PRoW') and byways which interact with the Site linking local villages as shown in **ES Volume 3, Figure 3.1: Existing Access Network (Doc Ref. 5.3)**. These include:

- AE 370 and AE 377 which run in a north west direction from Aldington to Mersham;
- AE 378, AE 428, AE 448, AE 431, AE 447 and AE 436 cross the Central Area of the Site adjacent to Station Road;
- AE 657 and AE 457 cross the Northern Area of the Site adjacent to the railway;
- AE 455, AE 475 and AE 454 cross the Site in the South Eastern Area;
- The AE 306 Byway runs south to north from Frith Road to Roman Roa;
- AE 474 runs from Goldwell Lane in the west in a south easterly direction to Church Lane. It is a well-established and direct, off-road route;
- AE 385 currently runs through the South Western Area between Frith Road in the south, crossing Laws Lane, and continuing to intersect with Bank Road just east of Coopers Lane;
- AE 396 crosses the South Western Area, a BOAT which connects Frith Road to Bank Road; and
- AE 380 stops at Roman Road adjacent to the South Western Area.

2.4.3 There is limited public transport access to the Site, with the nearest bus stops being located within Aldington village along Roman Road, approximately 420m south west of the Site boundary at the closest point and serve bus routes 125 to Ashford and HS2 to Tenterden. The closest railway station to the Site is Ashford International, approximately 5.7km north west and is served by both Southern Railway and Southeastern Railway.

2.5 Designations and Allocations

Landscape and Heritage

2.5.1 The Site is not subject to any national or local designations for landscape value. The Kent Downs National Landscape ('NL'), formally known as the Kent Downs Area of Outstanding Natural Beauty, is approximately 330m to the south and 3km north east of the Site.

2.5.2 The Site contains one designated heritage asset comprising the crash site of the Second World War aircraft Messerschmitt Bf109E-4 (HER DKE22255) which crashed on or near the Site (in the vicinity of Handen Farm). The crash site is a Protected Military Remains ('PMR') site under the Protection of Military Remains Act 1986. The Ministry of Defence granted a licence to the Applicant under the Protection of Military Remains Act 1986 which applies to a radius of 100m around OS grid reference TR 059374.

2.5.3 Designated heritage assets recorded within 1km of the Site include two Grade I Listed buildings, six Grade II* Listed buildings, seventy Grade II Listed buildings, two Conservation Areas and three further PMR sites.

2.5.4 The Site is not subject to any statutory designations for nature conservation. There is one statutory designated site of national importance for ecological interest within 2km of the Site: Hatch Park Site of Special Scientific Interest ('SSSI') which is located approximately 1.8km to the north of the Site. One statutory designated site of local importance, Poulton Wood Local Nature Reserve ('LNR'), is located approximately 470m south of the Site at its closest point. There are several non-statutory designated sites within 1km of the Site, including Backhouse Wood Local Wildlife Site ('LWS') (adjacent to the Northern Area), Aldington Sand Pit LWS (approximately 55m south east of the Site), Aldington Woods LWS (approximately 370m south of the Site), and Bilsington Woods and Pasture LWS (approximately 720m south west of the Site) (see **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)** for further details).

Biodiversity

2.5.5 The Site is not subject to any statutory designations for nature conservation including Special Areas of Conservation ('SAC'), Special Protection Areas ('SPA'), Ramsar sites, Sites of Special Scientific Interest ('SSSI'), National Nature Reserves ('NNR') or Local Nature Reserves ('LNR').

2.5.6 There is one statutory designated site of national importance for its ecological interest within 2km of the Site: Hatch Park SSSI which is located approximately 1.8km to the north of the Site boundary.

2.5.7 One statutory designated site of local importance, Poulton Wood LNR, is located 470m to the south of the Site boundary at its closest point. This LNR is known to support ancient and semi-natural woodland.

2.5.8 There are several non-statutory designated sites within 1km of the Site, including Backhouse Wood Local Wildlife Site ('LWS') (immediately adjacent to the Northern Area), Aldington Sand Pit LWS (approximately 55m south-east of the Site), Aldington Woods LWS (approximately 370m south of the Site), and Bilsington Woods and Pasture LWS (approximately 720m south west of the Site).

Air Quality

2.5.9 The Site is not located within an Air Quality Management Area ('AQMA'). The closest AQMA to the Site is over 30km west in the administrative area of Maidstone Borough Council.

Water Resources and Flood Risk

2.5.10 The Site lies within the East Stour River and Romney Marsh between Appledore and West Hythe surface water catchments; with approximately 99% within the East Stour River surface water catchment. Due to its proximity to the East Stour River, the Site is located across Flood Zones 1, 2 and 3. A large flood storage area and embankment, the Aldington Flood Storage Area ('AFSA'), is located in the Northern Area. The AFSA embankment is located to the east of Fields 24 and 25.

2.5.11 Environment Agency ('EA') Flood Mapping (**ES Volume 3, Figure 10.4: Flood Map For Planning (Doc Ref. 5.3)**) indicates that the majority of the Site is located within Flood Zone 1 (identified as having less than a 1 in 1,000 annual probability of river (fluvial) flooding, which is defined as 'low' probability). Sellindge Substation, the point of connection to the electricity grid, is located in Flood Zone 3 (identified as land having a 1 in 100 or greater annual probability of river flooding, which is defined as 'high' probability). Most of the Northern Area and areas within Fields 19 and 23 to 25 of the Central Area of the Site are classified by the EA as in Flood Zone 2 (identified as land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding, which is defined as 'medium' probability) and Flood Zone 3 (identified as land having a 1 in 100 or greater annual probability of river flooding, which is defined as 'high' probability). Parts of the Cable Route Corridor and Sellindge Substation are also located within Flood Zones 2 and 3.

2.5.12 ABC's SFRA25 was published in 2014, which provides more detailed flood mapping for the Site. This defines Fields 15, 16, 18, 19, and 23 to 25 as being partially or entirely within Flood Zone 3b. Fields 26 to 29 are partially or entirely within Flood Zone 3b.

2.5.13 A large flood storage area and embankment, the AFSA, is located in the Northern Area. The AFSA embankment is located to the east of Fields 24 and 25.

2.5.14 The majority of the bedrock beneath the Site is not considered to be an aquifer (i.e. holds no groundwater). There are however areas of the Site which are underlain by Principal Aquifer although there are no abstractions or private water supplies within 2km of the Site; and the Site is not within a Source Protection Zone ('SPZ').

2.5.15 Further details are provided in **ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2)**.

2.6 Relevant Planning History

2.6.1 As a largely agricultural site, the relevant planning history of the land within the Order limits is limited. The table below summarises relevant planning history within the Order limits. **Figure 1**: **Relevant Planning History** then provides the location of each of the schemes referred to in Table 2.

Table 2: Relevant planning history within the Order limits

App. Ref. (Planning Authority)	Location	Description	Status	Comments
21/02049/AS	Agricultural Barn, Bank Road, Mersham, Kent	Change of use and conversion of an existing poultry shed to provide 75 self-storage units (use class B8)	Granted subject to conditions. (21 March 2022)	Only the access track is within the Order limits
21/00002/EIA/AS	Land south of M20 and south of railway line to the east and west of, Church Lane, Aldington, Kent	Screening opinion for proposed solar farm with a rated capacity of up to 49.9 MW	Screening - EIA required. (17 August 2021)	There is a small overlap with the Cable Route Corridor in the Order limits
22/00668/AS	Land south of M20, Church Lane, Aldington, Kent	Installation of a solar farm with a generating capacity of up to 49.9 MW	Refused	There is a small overlap with the Cable Route Corridor in the Order limits

2.6.2 The table below refers to planning history in close proximity to the Order limits.

Table 3: Planning history in close proximity to the Order limits

App. Ref. (Planning Authority) and Cumulative Scheme reference number where relevant	Location	Description	Status	Comments
20/01072/AS Approx 0.1km from the Site	Camping Site, Woodleas Farm, Goldwell	Lawful development certificate - existing - use of the campsite/touring site for 5 leisure caravans	Lawful development certificate was granted	

App. Ref. (Planning Authority) and Cumulative Scheme reference number where relevant	Location	Description	Status	Comments
	Lane, Aldington, Ashford, Kent, TN25 7DX	/campervans and 5 tent pitches and associated campsite infrastructure	(28 August 2020)	
*20/00652/AS Approx 0km from the Site Cumulative Scheme ID No. 8	Land south west of Goldwell Court, Goldwell Lane, Aldington, Kent	Erection of 11 dwelling houses	Pending	
*PA/2022/2607 Approx 0km from the Site Cumulative Scheme ID No. 2	Goldwell Farm, Goldwell Lane, Aldington, TN25 7DX	Demolition of existing hay storage barn and erection of proposed dwelling (alternative to previously approved scheme 21/00253/AS)	Pending	
22/00278/AS Approx 0km from the Site	National Grid Co Plc, Church Lane, Aldington, Ashford, TN25 6AF	Lawful development certificate - proposed - Works to the fire effected components at the Interconnexion France-Angleterre (IFA1) Interconnector constituting a like for like replacement.	Lawful development certificate was granted (29 April 2022)	This is within the National Grid Substation
20/00154/AS Approx 0.1km from the Site	Land to the west of, Calleywell Lane, Aldington, Kent	Erection of 33 dwellings including the creation of access, green space, a communal green and landscaped areas and associated infrastructure	Appeal dismissed 28 July 2022	

App. Ref. (Planning Authority) and Cumulative Scheme reference number where relevant	Location	Description	Status	Comments
22/00151/AS Approx 0.1km from the Site	Bank Farm, Bank Road, Aldington, Ashford, Kent, TN25 7DF	Change of use of one building from catering company use (Use Class E(ii)) to distillery (Sui Generis)	Granted subject to conditions (25 May 2022)	
19/01542/AS Approx 0.1km from the Site	Sea Glympse, Frith Road, Aldington, Ashford, Kent, TN25 7DQ	Replacement chalet style dwelling and a detached garage (resubmission to 16/01649/AS - Erection of a replacement detached dwelling and detached garage).	Granted subject to conditions (20 December 2019)	
21/01136/AS Approx 0.1km from the Site	Land north west of Manitoba Cottages, Frith Road, Aldington, Kent	Wildlife pond for Great Crested Newts	Granted subject to conditions (4 August 2021)	

* These Cumulative Schemes are set out in **ES Volume 2, Chapter 17: Cumulative Assessment (Doc Ref. 5.2)**.

2.6.3 The cumulative effects of the Project in relation to other existing development and/or approved development in the surrounding area has been considered in **ES Volume 2, Chapter 17: Cumulative Assessment (Doc Ref. 5.2)**.

3 Legislative and Policy Context

3.1 Introduction

3.1.1 This section outlines the legislative framework and the planning policy context for the Project. Section 3.2 sets out the relationship of the Project with the PA 2008. Section 3.3 introduces the national and local planning policy and other documents that the Applicant expects to be important and relevant to the decision and that are considered in this Planning Statement. Section 3.4 introduces other legislation and national policy documents which the SoS may consider to be important and relevant to their decision.

3.2 Legislative Context

3.2.1 The PA 2008 provides the legislative basis and defines the application process under which consent for NSIPs is sought. The PA 2008 sets out that projects meeting certain defined criteria are classified as NSIPs. It provides that a DCO is required for development that is or forms part of an NSIP (section 31 PA 2008).

3.2.2 The Project is defined as an NSIP under sections 14(1)(a) and 15(2) of the PA 2008 by virtue of the facts listed below:

- The Project comprises the construction of a generating station (section 14(1)(a) of the PA 2008);
- It would be located in England (section 15(2)(a) of the PA 2008);
- It would not generate electricity from wind (section 15(2)(aa) of the PA 2008);
- It would not be an offshore generating station (section 15(2)(b) of the PA 2008); and
- Its capacity would be more than 50 MW (section 15(2)(c) of the PA 2008).

3.2.3 Section 115 of the PA 2008 provides that development consent may be granted for "development for which development consent is required" or for "associated development". In the case of the Project, the development which constitutes "development for which development consent is required" is described as Work No. 1 in Schedule 1 of the **Draft Development Consent Order ('DCO') (Doc Ref. 3.1)**. This constitutes the NSIP for which development consent is required, being a ground mounted solar PV generating station with a gross electrical output capacity of over 50 MW, including solar panels fitted to mounting structures and plant. The associated development for the Project is set out in Work Nos. 2 to 8 and the Site Wide Works as described in Schedule 1 of the **Draft DCO (Doc Ref. 3.1)**.

3.2.4 Of relevance to the Project, section 115(2) of the PA 2008 provides that for development to be considered 'associated development' it must be associated with the NSIP which is being granted development consent or any part of it, it must not consist of or include the construction/extension of dwellings and it must be located in one of the specified areas which includes England. The provisions of the PA 2008 do not provide a detailed framework for what type of development is capable of being associated development. However, guidance has been published to assist with this, namely 'Guidance on associated development applications for major infrastructure

projects' (former Department for Communities and Local Government April 2013) ('Associated Development Guidance'). It explains that it is for the SoS to decide on a case by case basis whether or not development should be treated as associated development, but in making this decision the SoS will take into account core principles as set out in Table 4 below.

3.2.5 The Associated Development Guidance sets out at Paragraph 6 that *"It is expected that associated development will, in most cases, be typical of development brought forward alongside the relevant type of principal development or of a kind that is usually necessary to support a particular type of project…".*

3.2.6 The Applicant considers that all works contained within Work Nos. 2 to 8 and the Site Wide Works are consistent with the principles set out in the Associated Development Guidance, as set out in the table below.

Table 4: Compliance with Associated Development Guidance

Guidance	Project compliance with guidance
There must be a direct relationship between associated development and the principal development. Associated development should therefore either support the construction or operation of the principal development, or help address its impacts.	The components of the Project considered to be associated development (Work Nos. 2-8 and the Site Wide Works) provide for two functions. The first function is to provide the infrastructure to enable the connection of the electricity generating station (the PV panels (Work No. 1), which is the NSIP component of the Project) to the national grid. The second function is to provide the mitigation of significant effects that would be likely to occur as a result of the Project, for example landscape proposals, areas of habitat creation and PRoW improvements.
Associated development should not be an aim in itself but should be subordinate to the principal development.	All of the associated development is subordinate – consent would not be sought for those elements in isolation without Work No. 1, which is the key Project component and principal development.
Development should not be treated as associated development if it is only necessary as a source of additional revenue for the applicant, in order to cross-subsidise the cost of the principal development.	None of the associated development is only necessary as a source of additional revenue for the Applicant. The Project seeks the use of a battery and energy storage system ('BESS') to store electricity generated before its release to the national grid. Whilst the BESS can

	cross-subsidise the Project its purpose is to increase efficiency and to perform grid balancing services; it is therefore considered associated development.
Associated development should be proportionate to the nature and scale of the principal development.	The agreed grid connection for the Project will allow the export and import of up to 99.9 MW of electricity to the grid. In light of this, it is considered that all associated development is proportionate in nature and scale to the principal development.

3.2.7 Following an amendment to the PA 2008 made in December 2020 by the Infrastructure Planning (Electricity Storage Facilities) Order 2020, the BESS does not qualify as an NSIP in its own right. However, the BESS is capable of being associated development under section 115 of the PA 2008.

3.2.8 A **Schedule of Other Consents and Licences (Doc Ref. 3.4)** has been submitted with the DCO Application which sets out the consents and licences to be sought in addition to the DCO.

3.3 Policy Context

Section 104 PA 2008

3.3.1 NPSs set out the policy basis for the preparation and determination of applications for NSIPs. NPSs are sector specific and provide policy for energy, transport, and water, wastewater and waste NSIPs. There are six Energy NPSs, each covering one of the following matters: overarching needs case for different types of energy infrastructure; natural gas electricity generation; renewable electricity generation; oil and gas infrastructure; electricity networks; and nuclear power generation.

3.3.2 The PA 2008 provides for two different decision-making procedures for NSIP applications; (i) where a relevant NPS has been designated and has effect (section 104); and (ii) where there is no designated NPS or there is a designated NPS, but it does not have effect (section 105).

3.3.3 On 17 January 2024, NPS EN-1, NPS EN-3 and NPS EN-5 came into force. These NPSs are the relevant NPSs that have effect thereby requiring the DCO Application for the Project to be determined under section 104 of the PA 2008.

3.3.4 Section 104 of the PA 2008 states that in deciding an application for a DCO, the SoS must have regard to:

- any NPS which has effect in relation to development of the description to which the application relates (section 104(2)(a));
- the appropriate marine policy documents (if any) (section 104(2)(aa));
- any local impact report (section 104(2)(b));

- any matters prescribed in relation to development of the description to which the application relates (section 104(2)(c)); and
- any other matters which the SoS thinks are both important and relevant to their decision (section 104(2)(d)).

3.3.5 There are no marine policy documents that apply to the Project under section 104(2)(aa) of the PA 2008.

3.3.6 The host authorities are ABC and KCC. Each of the host authorities will have the opportunity to prepare a local impact report following acceptance of the DCO Application pursuant to section 104(2)(b) of the PA 2008.

3.3.7 The prescribed matters referred to in section 104(2)(c) of the PA 2008 are set out in the Infrastructure Planning (Decisions) Regulations 2010 (as amended) (the 'Decisions Regulations'). The provisions within the Decisions Regulations that are of relevance to the Project are:

- Regulation 3(1) – When deciding a DCO application which affects a listed building or its setting, the SoS must have regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The Applicant considers that sufficient information on cultural heritage is included within the DCO Application to inform the SoS's decision on the DCO Application (please refer to **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)**).
- Regulation 3(2) – When deciding a DCO application relating to a conservation area, the SoS must have regard to the desirability of preserving or enhancing the character or appearance of that area. The Applicant considers that sufficient information on cultural heritage is included within the DCO Application to inform the SoS's decision on the DCO Application (please refer to **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)**).
- Regulation 3(3) – When deciding a DCO application which affects or is likely to affect a scheduled monument or its setting, the SoS must have regard to the desirability of preserving the scheduled monument or its setting. The Applicant considers that sufficient information on cultural heritage is included within the DCO Application to inform the SoS's decision on the DCO Application (please refer to **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)**).
- Regulation 7 – When deciding a DCO application the SoS must have regard to the United Nations Environmental Programme Convention on Biological Diversity of '992 ('1992 Convention'). The Applicant considers that sufficient information on biodiversity is included within the DCO Application to inform the SoS's decision on the DCO Application to comply with the 1992 Convention (please refer to **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)**).

3.3.8 The main documents that may be considered important and relevant to the SoS's decision pursuant to section 104(2)(d) of the PA 2008 include:

- The adopted Development Plan and other relevant planning policy documents;
- NPPF; and
- Planning Practice Guidance.

National Policy Statements

3.3.9 This section sets out the key policies in NPS EN-1, NPS EN-3 and NPS EN-5.

Overarching National Policy Statement for Energy EN-1 (NPS EN-1)

3.3.10 NPS EN-1 confirms that *"The Secretary of State should assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure which is urgent."* (Paragraph 3.2.6) and that *"the Secretary of State has determined that substantial weight should be given to this need when considering applications for development consent under the Planning Act 2008."* (Paragraph 3.2.7).

3.3.11 NPS EN-1 includes a policy presumption in favour of energy NSIPs. It states that *"Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the Secretary of State will start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused."* (Paragraph 4.1.3)

3.3.12 NPS EN-1 provides explicit and specific policy support for low carbon generation and associated infrastructure confirming that *"there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure"* (Paragraphs 3.3.62 and 4.2.4). Low carbon infrastructure for the purposes of NPS EN-1 is defined in paragraph 4.2.5 and includes "*...for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion (that is, renewable generation, including anaerobic digestion and other plants that convert residual waste into energy, including combustion, provided they meet existing definitions of low carbon; and nuclear generation), as well as natural gas fired generation which is carbon capture ready*".

3.3.13 NPS EN-1 is clear that the *"Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible."* (Paragraph 3.3.63).

3.3.14 NPS EN-1 explains that, in terms of planning balance, *"For projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases. This presumption, however, does not apply to residual impacts which present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk."* (Paragraph 4.1.7).

3.3.15 NPS EN-1 confirms *"…the Secretary of State will take as the starting point for decision making that [CNP] infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances."* (Paragraph 4.2.16).

3.3.16 It further explains that "*This means that the Secretary of State will take as a starting point that CNP Infrastructure will meet the following, non-exhaustive, list of tests:*

- *where development within a Green Belt requires very special circumstances to justify development;*
- *where development within or outside a Site of Special Scientific Interest (SSSI) requires the benefits (including need) of the development in the location proposed to clearly outweigh both the likely impact on features of the site that make it a SSSI, and any broader impacts on the national network of SSSIs;*
- *where development in nationally designated landscapes requires exceptional circumstances to be demonstrated; and*
- *where substantial harm to or loss of significance to heritage assets should be exceptional or wholly exceptional.*" (Paragraph 4.2.17).

3.3.17 Further consideration of NPS EN-1 policies and the Project's compliance with them is included in **Planning Statement Appendix 1: Policy Compliance Checklist (Doc Ref. 7.6)**.

National Policy Statement for Renewable Energy Infrastructure EN-3 (NPS EN-3)

3.3.18 NPS EN-3 refers to solar in paragraph 2.10.9 which recognises the Government's support for solar projects: *"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 by 2050. As such solar, is a key part of the government's strategy for low-cost decarbonisation of the energy sector."*

3.3.19 NPS EN-3 confirms the important role that solar needs to play in delivering the government's goals for greater energy independence, referring to the British Energy Security Strategy which states that the government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW) (paragraph 2.10.10).

3.3.20 This is justified in paragraph 2.10.13: *"Solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation."*

3.3.21 NPS EN-3 provides further clarity on suitable locations for solar, confirming *"…that government seeks large scale ground-mount solar deployment across the UK, looking for development mainly on brownfield, industrial and low and medium grade agricultural land."* (Paragraph 2.10.11).

3.3.22 NPS EN-3 also sets out the considerations for the SoS's decision making for solar PV projects (at paragraph 2.10.145 to paragraph 2.10.162). These include the following:

- Factors influencing site selection and design:
  - Agriculture land classification and land type
- Technical considerations:
  - Project lifetime and decommissioning
- Impacts:
  - Biodiversity, ecological, geological conservation and water management
  - Landscape, visual and residential amenity.

- Glint and glare
- Cultural heritage
- Construction including traffic and transport noise and vibration

3.3.23 Further consideration of NPS EN-3 and the Project's compliance is included in **Planning Statement Appendix 1: Policy Compliance Checklist (Doc Ref. 7.6)**.

National Policy Statement for Electricity Networks Infrastructure (NPS EN-5)

3.3.24 NPS EN-5 is the primary basis for decisions on NSIP applications for electricity networks infrastructure (paragraph 1.4.1), which paragraph 1.6.1 explains can be divided into two elements, comprising: (i) transmission systems and distribution systems and associated infrastructure, e.g. substations; and (ii) converter stations to convert DC power to AC power and vice versa.

3.3.25 Paragraph 1.6.2 explains that NPS EN-5 covers above ground electricity lines of 132kV or above whose length is more than 2km. This does not apply to the Project. However, paragraph 1.6.4 of NPS EN-5 states that "*In addition, this NPS will apply to other kinds of electricity networks infrastructure including… underground cables at any voltage, associated infrastructure as referred to above and lower voltage overhead lines, where that infrastructure becomes subject to the 2008 Act in the following circumstances: if it constitutes associated development for which consent is sought along with an NSIP…*"

3.3.26 The Project includes underground cables and associated infrastructure that includes a Project substation that are associated development to the solar generating station NSIP. NPS EN-5 therefore has effect in relation to these elements of the Project.

3.3.27 Further consideration of NPS EN-5 and the Project's compliance is included in **Planning Statement Appendix 1: Policy Compliance Checklist (Doc Ref. 7.6)**.

National Planning Policy Framework 2023

3.3.28 The current NPPF was last updated on 20 December 2023. Paragraph 5 of the NPPF confirms that it does not contain specific policies for NSIPs but that the NPPF may be a relevant matter in decision making. Whilst not specifically addressing NSIPs, the NPPF does set out its objectives to achieve sustainable development by pursuing economic, social and environmental objectives in development.

Local Planning Policy Context

3.3.29 While the primary basis for making decisions on applications for development consent is the relevant NPSs, other matters which the SoS may consider to be important and relevant in decision making may include the Development Plan policies of the host local authorities.

3.3.30 NPS EN-1 states in paragraph 4.1.12 that *"Other matters that the Secretary of State may consider both important and relevant to their decision-making may include Development Plan documents or other documents in the Local Development Framework"*. However, it must also be noted that paragraph 4.1.15 states that *"In the event of a conflict between these documents and an NPS, the NPS prevails for the*

purposes of Secretary of State decision making given the national significance of the infrastructure".

3.3.31 The Local Planning Authority is ABC and the County Council is KCC, both of which are host authorities for the purposes of the DCO Application. Development Plan Documents relevant to the Project comprise the following:

- Ashford Local Plan 2030 (adopted 2019)[6];
- Kent Minerals and Waste Local Plan (2016) ('KMWLP'); and
- Kent Minerals and Waste Early Partial Review (2020).

3.3.32 The Ashford Local Plan 2030 was adopted in February 2019 and forms the main statutory Development Plan for the borough. The review of the Ashford Local Plan 2030, including a Call for Sites exercise, concluded in November 2023. It is anticipated that the review of the Ashford Local Plan 2030 may be adopted in the third quarter of 2026.

3.3.33 Ashford Local Plan 2030 includes policy ENV10:

ENV10 Renewable and Low Carbon Energy

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.

3.3.34 Policy ENV10 relates to planning applications rather than development consent applications for NSIPs and the tests within it are considered to be in conflict with the policy set out in NPS EN-3. In accordance with paragraph 4.1.15 of NPS EN-1 where there is a conflict between a Local Plan and an NPS, then the NPS prevails for the purpose of SoS decision making given the national significance of the infrastructure.

3.3.35 Supplementary Planning Documents and other local guidance considered as being potentially important and relevant to the SoS's decision include the following:

- The Kent Downs AONB Management Plan 2021-2026[7]
- Ashford Borough Council Landscape Character SPD (April 2011); and
- Ashford Borough Council Dark Skies SPD (July 2014)[8].

3.3.36 The Ashford Borough Council Renewable Energy Planning Guidance Note 2: The Development of Large Scale (>50kW) Solar PV Arrays has been taken into consideration where relevant, however, the guidance is out of date and is not intended for NSIP scale development.

3.3.37 The Site is subject to two planning designations being mineral safeguarding areas containing sub-alluvial river terrace deposits (containing sand and gravel) and Limestone from the Hythe Formation, also known as Kentish Ragstone and used as a building stone and are subject to the KMWLP. Policy DM7 of the KMWLP sets out the circumstances where non-minerals development may be acceptable at a location within a Minerals Safeguarding Area.

3.4 Other Legislation and National Policy Documents

3.4.1 This section sets out other legislation and policy that the Applicant considers is likely to be important and relevant to the SoS's decision.

The Climate Change Act 2008

3.4.2 The Climate Change Act 2008 set up a framework for the UK to achieve its long-term goals of reducing greenhouse gas emissions and to ensure steps are taken towards adapting to the impact of climate change. The Act committed the UK to reducing its greenhouse gas emissions by 80% by 2050 compared to 1990 levels.

The Climate Change Act 2008 (2050 Target Amendment) Order 2019[9]

3.4.3 In June 2019 legislation was passed to amend the Climate Change Act 2008 requiring the UK to bring all greenhouse gas emissions to net zero by 2050 (i.e. a 100% reduction), compared with the previous level of 80% reduction from the 1990 levels.

The National Infrastructure Strategy (November 2020)[10]

3.4.4 The National Infrastructure Strategy ('NIS') set out plans to transform UK infrastructure in order to level up the country, strengthen the Union and achieve net zero emissions by 2050. The NIS was the Government's response to recommendations made by the National Infrastructure Commission ('NIC'), which was set up to provide impartial, expert advice to the government on long-term infrastructure priorities. In July 2018, the NIC published a National Infrastructure Assessment which provided the foundation for many of the measures included within the NIS. A Second National Infrastructure Assessment was later published in October 2023.

3.4.5 One of the aims of the NIS was to "Put the UK on the path to meeting its net zero emissions target by 2050". The Government acknowledged in the NIS that to deliver net zero, the share of generation from renewables needed to dramatically increase. It identified that this could be achieved by the provision of greater generation capacity from onshore wind and solar. As recommended by the NIC, the NIS set out plans to include solar PV in the next auction round (then 2021) for Contracts for Difference ('CfD'), which is the Government's main mechanism for supporting low-carbon electricity generation.

Design Principles for National Infrastructure, National Infrastructure Commission Design Group (February 2020)

3.4.6 The National Infrastructure Commission's Design Group has published its own Design Principles for National Infrastructure to guide the projects which will upgrade and renew the UK's infrastructure system. The document sets out four design principles which infrastructure projects should consider at their design stage, namely: (i) climate: mitigate greenhouse gas emissions and adapt to climate change; (ii) people: reflect what society wants and share benefits widely; (iii) places: provide a sense of identity and improve the environment; and (iv) value: achieve multiple benefits and solve problems. The guide explains how everyone involved should appreciate the wider context, engage meaningfully and continually measure and improve when considering the four design principles.

Project Level Design Principles, National Infrastructure Commission Design Group (May 2024)

3.4.7 The National Infrastructure Commission's Design Group has recently published Project Level Design Principles11. This provides guidance on developing and implementing design principles for major infrastructure projects and builds on the high level design principles (climate; people; places; and value) outlined above.

3.4.8 The guidance recommends project leaders:

- Make sure there is a genuine commitment from the most senior levels of the project to using a structured design process from the earliest stages.
- Put principles in place before taking any decisions – and once in place, ensure they become a key part of the governance framework, informing all decision making.
- Make sure that principles support the widest range of outcomes (not just operational functions) and that they are used to directly inform each design iteration.
- Keep revising the principles as new information comes to light and use them to manage an evolving project effectively.

Energy White Paper: Powering our Net Zero Future (December 2020)[12]

3.4.9 The Energy White Paper set out how the UK will clean up its energy system and reach net zero emissions by 2050. The Energy White Paper outlined a strategy to tackle emissions while ensuring secure and reliable supply and affordable bills for households and businesses. One of the three key aims included transforming the energy system. It identifies that a low cost, net-zero consistent energy system is likely to be comprised of predominantly wind and solar energy.

The Environment Act 2021[13]

3.4.10 The Environment Act 2021 gained Royal Assent on 9 November 2020. It provides targets, plans and policies for improving the natural environment. Of relevance to the Project is the aim to protect nature and improve biodiversity, including a requirement for 10% biodiversity net gain for developments consented under the Town and Country Planning Act 1990 and the PA 2008. Whilst this requirement came into force for major developments in February 2024 and for small sites in April 2024, it is not expected to become mandatory for NSIPs until late November 2025.

Net Zero Strategy: Build Back Greener (October 2021)[14]

3.4.11 This strategy sets out policies and proposals for decarbonising all sectors of the UK economy to meet our net zero target by 2050, including a commitment to decarbonise the electricity grid by 2035. To achieve this it sets out the Government's commitment to accelerate deployment of low-cost renewable generation, such as wind and solar, through the Contracts for Difference scheme.

British Energy Security Strategy (Updated April 2022)[15]

3.4.12 The Energy Security Strategy sets out the key actions to accelerate delivery of domestic clean energy, recognising its importance in delivering Britain's climate goals whilst providing energy security and securing greater energy independence.

3.4.13 In terms of solar renewable technology, the strategy sets out that the Government expects a 'five-fold increase in deployment' to 70 gigawatts ('GW') by 2035. The strategy confirms that the Government will continue to support the 'effective use of land by encouraging large scale projects to locate on previously developed, or lower value land, where possible'. The strategy also notes that the Government will support solar that is co-located with other functions, including storage.

The Growth Plan (September 2022)[16]

3.4.14 The Growth Plan was delivered by the Chancellor of the Exchequer to Parliament on 23 September 2022. The Growth Plan set out an aim to invest in net zero to create new opportunities for economic growth and jobs across the country. The Growth Plan outlined the Government's intention to make significant interventions in the energy market, including in relation to planning reform to accelerate infrastructure delivery.

Powering up Britain: Energy Security Plan (March 2023)[17]

3.4.15 The plan sets out the steps the Department for Energy Security and Net Zero plans to take to ensure the UK is more energy independent, secure and resilient. The plan builds on the Government's ambitions set out in the British Energy Security Strategy to enable the transformation of the energy system so it is secure, low-cost and low-carbon. The plan sets out that the Government's aim is to move towards energy independence by targeting a doubling of Britain's electricity generation capacity by the late 2030s, and a five-fold increase in solar power to 70GW 2035, in line with the aim to fully decarbonise the power sector by 2035.

3.4.16 It confirms that ground-mounted solar is one of the cheapest forms of electricity generation and is readily deployable at scale. The plan confirms the Government seeks large scale ground-mount solar deployment across the UK, looking for development mainly on brownfield, industrial and low and medium grade agricultural land. The plan confirms that solar and farming can be complementary, supporting each other financially, environmentally and through shared use of land. It confirms that there is a strong need for increased solar deployment, as reflected in the latest Energy NPSs (as summarised above in this Planning Statement).

3.4.17 The plan was complemented by the Net Zero Growth Plan, which set out how the Department for Energy Security and Net Zero aims to enhance the UK's energy security, seize the economic opportunities of the transition, and deliver on our net zero commitments.

4 The Project

4.1 Introduction

4.1.1 This section describes the Project and its main components, describing the activities that will take place during the construction, operation and decommissioning phases.

4.1.2 All works that are part of the Project are listed in Schedule 1 of the **Draft DCO (Doc Ref. 3.1)**, which assigns 'work numbers' to a number of different packages described below.

4.2 Project Overview

4.2.1 The Project comprises the construction, operation, maintenance, and decommissioning of solar PV arrays and energy storage, together with associated infrastructure and an underground cable connection to the existing National Grid Sellindge Substation.

4.2.2 The Project will include a generating station (incorporating solar arrays) with a total capacity exceeding 50 MW. The agreed grid connection for the Project will allow the export and import of up to 99.9 MW of electricity to the grid. The Project will connect to the existing National Grid Sellindge Substation via a 132 kV substation constructed as part of the Project and cable connection under the Network Rail and HS1 railway.

4.2.3 The location of the Project is shown on **ES Volume 3, Figure 1.1: Site Location Plan (Doc Ref. 5.3)**. The Project will be located within the Order limits (the land shown on the **Works Plans (Doc Ref. 2.3)** within which the Project can be carried out). The Order limits plan is provided as **ES Volume 3, Figure 1.2: Order Limits (Doc Ref. 5.3)**. Land within the Order limits is known as the 'Site'.

4.2.4 It is anticipated that the Project will be operational for a 40-year period, and this has been assessed in the EIA and reported in the ES. Once the Project ceases to operate it will be decommissioned.

4.3 Main Components of the Project

4.3.1 The Order limits are approximately 192ha and are divided into Works that are defined by Schedule 1 of the **Draft DCO (Doc Ref. 3.1)**. A summary of the Works is set out below.

- **Work No. 1:** a ground mounted solar PV generating station with a gross electrical output capacity of over 50 MW;
- **Work No. 2:** balance of system and BESS;
- **Work No. 3:** project substation and associated works;
- **Work No. 4:** works to lay high voltage electrical cables and extend Sellindge Substation to facilitate grid connection;
- **Work No. 5:** associated works;

- **Work No. 6:** works to provide site access;
- **Work No. 7**: construction and decommissioning works;
- **Work No. 8:** works to create, enhance and maintain green infrastructure, boundary treatments and crossing structures; and
- **Site Wide Works:** further associated development in connection with and in addition to Work Nos. 1 to 8.

4.3.2 The location of the works listed above is shown on the **Works Plans (Doc Ref. 2.3)**.

4.3.3 A description of the proposed works is provided in **ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2)**.

4.4 Design Development

4.4.1 The design of the Project has evolved since 2020 as part of an iterative, mitigation by design process in accordance with the Guidelines for Landscape and Visual Impact Assessment (Third Edition, 2013) ('GLVIA3') and the NPSs. An iterative design process has been employed to identify a robust, proportionate and deliverable mitigation strategy as part of the Project. Mitigation measures have been developed in response to policy requirements, relevant guidance, the physical characteristics of the Site and views to and from the Site from the wider landscape.

4.4.2 **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)** and the **Design Approach Document (Doc Ref. 7.4)** provide further details regarding how the design evolved throughout the pre-application stage.

4.4.3 In summary, during an initial Project development stage from January 2020 to March 2022 (which included an initial landscape and visual appraisal of the Site in December 2021) opportunities and constraints of the Site were identified and considered alongside other aspects, including heritage, ecology, flood risk and transport. Several iterations of the layout were prepared between the inception of the Project and the launch of the non-statutory consultation in 2022 (see below), and the design of Project evolved during this period. Early decisions were made, principally surrounding the extent of the Site in consideration of the above.

4.4.4 Non-statutory consultation took place between 25 March and 29 April 2022 (the '2022 Non-Statutory Consultation'). The PRoW network was considered at this stage, with the layout of the Project designed to minimise the impacts on the PRoW network, where possible. The Project design in relation to the PRoW network developed with input from ABC, the KCC PRoW officer, the Kent Ramblers and local PRoW users and includes a number of improvements to the current PRoW network, providing new routes and increased connectivity. The location of the Project Substation, Primary Access Track and primary construction compounds was located in the north-east of the Site in favour of alternative sites. This location was selected as it is close to the Strategic Road Network (A20 Hythe Road) to the north and the C609/Station Road and therefore ensures construction and decommissioning traffic avoids local settlements, which will minimise disruption and safety risks.

4.4.5 Following feedback from the 2022 Non-Statutory Consultation, further survey and design work and other liaison with stakeholders, the design, boundary and layout of the Project evolved.

4.4.6 The first statutory consultation, which was carried out between 25 October and 29 November 2022 (the '2022 Statutory Consultation') included a number of changes to the PV panel design, including updates to accommodate PRoW related input, badger sett standoffs, and further landscape and visual impact input. PV panels were removed from some Northern Area fields, allowing Biodiversity Improvement Areas and landscape planting to be delivered. The scheme that was consulted on as part of the 2022 Statutory Consultation (the '2022 Consultation Scheme') included a range of measures to protect habitats and species and enhance biodiversity. Flood considerations resulted in the location of the Project Substation and other high voltage electrical infrastructure, at this stage of design iteration, being sited outside of Flood Zones 2 and 3, with the exception of parts of Fields 19, 24 and 29.

4.4.7 Following a lengthy process of iterative design, the 2022 Consultation Scheme included embedded landscape mitigation principles developed in close consultation with the Applicant's ecologist, heritage consultant and wider project team.

4.4.8 A second round of statutory consultation was undertaken between 12 June and 17 July 2023 (the '2023 Statutory Consultation'). Since the 2022 Statutory Consultation, the design of the emerging Project was refined having regard to all consultation responses received. In addition, the results and outputs of further study work and surveys fed into the design evolution exercise, including further ecological surveys and mitigation, viewpoint analysis, landscape improvements, archaeological redesign and PRoW refinement.

4.4.9 In summary, the refined Project:

- Included additional hedgerow and woodland planting and habitat creation to further reduce any impact and also increase biodiversity improvements;
- Included reconfigured proposed PRoW diversion layouts, lengths and routes to respond to local user and KCC feedback;
- Included increased and enhanced setbacks from residential dwellings to reduce visual amenity impacts;
- Provided additional habitat for wildlife, in particular skylark and yellowhammer, to mitigate impacts identified in the previous design; and
- Provided relocated electrical infrastructure and mitigation to reduce noise, visual amenity and archaeological impacts.

4.4.10 Further to this, targeted statutory consultation was carried out between 13 November and 13 December 2023 ('2023 Targeted Consultation') in order to consult on localised, minor amendments to the proposed Order limits.

4.4.11 The Applicant undertook a further targeted consultation ('2024 Targeted Consultation') between 12 February and 12 March 2024 in relation to a minor change to the Order limits to ensure the diverted PRoW AE 454 could connect to the existing PRoW 474 by being appropriately included within the Order limits.

4.4.12 The Project Order limits to which the DCO Application relates remain the same as those included in the 2024 Targeted Consultation.

4.5 Community Benefit Fund

4.5.1 The Applicant has also committed to providing a Community Benefit Fund. This is intended to help fund local social or environmental initiatives. Once the Project is operational the Applicant will provide a payment of up to £40,000 per annum (index-linked) during the operational life of the Project to be awarded in the form of grants.

4.5.2 The Community Benefit Fund does not form part of the DCO Application, and this funding is not required to mitigate the effects of the Project. Therefore, the SoS cannot, and should not, apply any weight to the Community Benefit Fund when balancing the positives and negatives of the Project. The Community Benefit Fund is therefore not taken into account in consideration of the planning balance within this Planning Statement.

5 Need and Benefits

5.1 Introduction

5.1.1 This section presents the need and benefits for solar projects and the specific benefits of the Project.

5.2 Need

5.2.1 The principle of the need for new renewable energy, and that this need is urgent, is firmly established in NPS EN-1 and NPS EN-3. In accordance with NPS EN-1, substantial weight should be given to the contribution which projects would make towards satisfying this need.

5.2.2 There is also a growing need for new renewable energy in the local area. KCC recognised the UK climate emergency at a County Council meeting on 23 May 2019, and agree to the setting and agreement of a target of Net Zero emissions by 2050 for Kent.

5.2.3 The Project benefits from up to date, authoritative policy support. Not only does national policy establish an urgent need for new, low carbon energy generation, it specifically identifies solar energy as a key part of the government's strategy for low-cost decarbonisation of the energy sector. The Project is in the national interest and national policy requires that substantial weight is to be given to the need for its development.

5.2.4 Given the level and urgency of need, paragraph 4.1.3 of NPS EN-1 states that the SoS should *"start with a presumption in favour of granting consent to applications for energy NSIPs"*. Paragraph 3.2.7 states that "*the Secretary of State has determined that substantial weight should be given to this need when considering applications for development consent under the Planning Act 2008".*

5.2.5 In accordance with paragraph 4.1.5 of NPS EN-1, in considering any proposed development, the SoS should take into account:

- the potential benefits, including its contribution to meeting the need for energy infrastructure, job creation, environmental enhancements and any long term or wider benefits; and
- the potential adverse impacts, including on the environment and including any long term and cumulative adverse impacts as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy.

5.2.6 Critically NPS EN-1 defines onshore renewable electricity generation (which includes solar) (Paragraph 4.2.5) as Critical National Priority ('CNP') infrastructure that is required to meet the Government's target to decarbonise the power system by 2035, to underpin its 2050 net zero ambitions (Paragraph 4.2.1).

5.2.7 Paragraph 3.3.63 provides further confirmation of the need stating the *"Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible."*.

5.2.8 Paragraph 4.2.8 of NPS EN-1 states that the CNP policy will influence how non-HRA and non-MCZ residual impacts are considered in the planning balance. The overall position is summarised at Paragraph 4.1.7 of NPS EN-1 which confirms "*For projects which quality as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases."*.

5.2.9 The principal need for large-scale solar projects is centred on the significant contribution they can make to the three important national energy policy aims:

- Decarbonisation – achieving net zero carbon emissions by 2050, requiring deployment of zero-carbon electricity generation at scale to decarbonise the power sector by 2035.
- Security of supply – delivering geographically and technologically diverse energy supplies.
- Affordability - providing large-scale generation at low cost which will provide an overall reduction in energy costs for end-use consumers.

5.2.10 The Project will make a meaningful contribution to the UK's legally binding net zero commitment, which is set out in further detail below.

5.2.11 Well-designed large-scale solar projects, such as this Project, are a critical part of the development of the UK's portfolio of renewable energy generation required to decarbonise its energy supply quickly and provide secure and affordable energy supplies.

5.3 Benefits

5.3.1 In addition to meeting the urgent national need for secure and affordable low carbon energy infrastructure the Project will also provide a number of additional benefits including.

- A meaningful contribution to the UK's legally binding net zero commitment, with the Project able to generate an amount equivalent to 397% of the electricity currently (in 2022) generated from photovoltaics in Ashford, 225% of the electricity currently (in 2022) generated from photovoltaics in the areas of ABC and Folkestone and Hythe District Council, 35% of the electricity (2022) generated from solar in Kent and 1% of the electricity (2022) generated from solar in the UK.
- An additional source of domestic energy security that reduces the market price of electricity by generating power so that more expensive and more carbon intensive generation (such as gas) are not required to generate as much, reducing the overall cost of electricity to consumers.
- Provision of battery energy storage, co-located with the solar generation which maximises the efficiency of land use and grid capacity and allows the Project to maximise the usable output from intermittent generation which will reduce the overall amount of generation capacity required whilst also providing the

opportunity to deliver grid balancing to the local electricity network.

- A range of ecological enhancement measures that will result in a biodiversity net gain ('BNG') of at least 100% for habitat units and at least 10% for hedgerow and river units.
- Significant additional tree planting.
- A reduction in nitrate emissions to the East Stour River as a result of the removal of the Site from intensive arable agricultural use.
- The introduction of new public rights of way will be created to provide new facilities for active travel, recreation and links between communities and developments. The Project will provide new access routes that will support wider connections between Ashford and the Otterpool Park development on attractive and safe, well-maintained paths.
- An average of 132 direct full time equivalent ('FTE') jobs could be created over the 12-month construction period of which 98 are expected to be taken up by residents within the region. The direct construction employment would generate circa £6.2m in Gross Added Value ('GVA') within the regional construction economy (based on average GVA per head in the construction industry).
- It is anticipated that the decommissioning phase would require a similar level of employment and generate a similar scale and character of workforce spending and supply chain effects as the construction phase.
- The operational phase of the Project would support four direct FTE jobs consisting of operational and maintenance roles for the Project's PV panels and other structures, where relevant.

5.3.2 National policy makes it clear that energy security is nationally important, whilst climate change is the single most important issue facing the planet. The scale and urgency of the challenge to the UK in meeting our zero carbon commitment is unparalleled. Renewable energy has an increasingly important role to play, but it is dependent on the diversification of the UK's energy market. The Project is in the national interest and national policy requires that substantial weight be given to the need for its development.

5.3.3 To enhance the overarching national benefit of delivering the Project, the Applicant has worked closely with stakeholders to develop a landscape and ecological enhancement scheme that would provide a significant benefit to the local area. These wider public benefits of the development are also considered to carry substantial weight.

6 Planning Assessment

6.1 Introduction

6.1.1 This section presents an appraisal of compliance of the Project with the main policy requirements that are applicable to the Project which emerge from a review of documents identified in Section 3 of this Planning Statement. Those policy requirements are listed below, along with the section of this Planning Statement in which they are addressed. In addition, **Planning Statement Appendix 1: Policy Compliance Checklist (Doc Ref. 7.6)** sets out an analysis of compliance with the NPS policies of EN-1, EN-3 and EN-5 as well as the NPPF and local policies.

6.1.2 As explained in Section 3 of this Planning Statement, NPS EN-1, NPS EN-3, and NPS EN-5 provide the primary policy basis for deciding the DCO Application. NPS EN-1 provides the overarching policy position and, specifically, confirms that onshore renewable electricity generation (which includes solar) is designated as CNP Infrastructure. NPS EN-3 sets out the considerations for the SoS's 'Decision Making for Solar Photovoltaic Generation'. Alongside the NPSs, the NPPF and local policies have also been used to assess the Project.

6.1.3 The areas considered in this assessment are as follows:

Overarching Considerations (NPS EN-1):

- Meeting the renewable energy need (Section 6.2)
- Alternative sites and site selection (Section 6.3)
- Good design (Section 6.4)
- Flood Risk (Section 6.5)
- Noise and Vibration (Section 6.6)
- Socio Economic (Section 6.7)

'Decision Making for Solar Photovoltaic Generation' Considerations (NPS EN-3):

- Agriculture land classification and land type (Section 6.8)
- Project lifetime and decommissioning (Section 6.9)
- Biodiversity, ecological, geological conservation and water management (Section 6.10)
- Landscape, visual and residential amenity (Section 6.11)
- Glint and glare (Section 6.12)
- Cultural heritage (Section 6.13)
- Construction including traffic and transport noise and vibration (Section 6.14)

6.1.4 The Planning Statement assesses each of these considerations in turn below.

6.1.5

6.2 Meeting the renewable energy need

6.2.1 The Project would make a direct contribution to the provision of low carbon generation capacity that is urgently required in order to meet the Government's objectives and commitments for the development of a secure, affordable and low carbon energy system.

6.2.2 The SoS has determined that substantial weight should be given to this need when considered applications for development consent under the PA 2008 (NPS EN-1, Paragraph 3.2.7). Helping meet this established urgent need should weigh heavily in favour of development consent being granted. It is acknowledged that there are environmental effects identified during the construction, operation and decommissioning stages, but such impacts must be balanced against the substantial weight which should be given to the need for renewable energy. These benefits are considered to demonstrably outweigh any limited harm that a project of this scale may give rise to.

6.2.3 Paragraph 4.1.2 of EN-1 emphasises the importance of the government's net zero target commitment and efforts to fight climate change, as well as the need to maintain a secure and reliable energy system.

6.2.4 Paragraph 4.1.3 of NPS EN-1 provides a policy presumption in favour of energy NSIPs. It states: "*Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the Secretary of State will start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused.*"

6.2.5 NPS EN-1 provides explicit and specific policy support for low carbon generation and associated infrastructure confirming that *"there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure"* (Paragraph 3.3.62). Low carbon infrastructure for the purposes of NPS EN-1 is defined in paragraph 4.2.5 and includes "*...for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion (that is, renewable generation, including anaerobic digestion and other plants that convert residual waste into energy, including combustion, provided they meet existing definitions of low carbon; and nuclear generation), as well as natural gas fired generation which is carbon capture ready".*

6.2.6 NPS EN-1 also states that *"Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible"* (Paragraph 3.3.63).

6.2.7 Paragraph 3.2.6 of NPS EN-1 states that the SoS should assess all DCO applications for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for such infrastructure which is urgent. Paragraph 3.2.7 of NPS EN-1 states that the SoS has determined that substantial weight should be given to this need when considering DCO applications. Paragraph 3.2.8 of NPS EN-1 also states that:

"The Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS."

6.2.8 NPS EN-1 paragraph 3.3.20 states that: *"Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar".*

6.2.9 Paragraph 2.3.3 of NPS EN-1 states that: "*Our objectives for the energy system are to ensure our supply of energy always remains secure, reliable, affordable, and consistent with meeting our target to cut GHG emissions to net zero by 2050, including through delivery of our carbon budgets and Nationally Determined Contribution. This will require a step change in the decarbonisation of our energy system*".

6.2.10 Listed below is how the Project contributes to these aims:

- Decarbonisation – the Government has a legal commitment to achieve net zero carbon emissions by 2050. To achieve this requires deployment of zero-carbon electricity generation at scale, to result in decarbonisation of the power sector by 2035. The Project will generate large-scale low carbon electricity and is expected be operational by 2027.
- Security of supply – delivering geographically and technologically diverse energy supplies. The Project provides geographical and technological diversification to balance the UK's progress in offshore wind. It also includes energy storage that allows electricity generated from the PV panels (or imported from the electricity grid during periods of high supply) to be stored and discharged when it is needed most, i.e. during periods of high demand. In addition to balance the Project's output the energy storage contributes to the overall balancing of the UK electricity grid, including ensuring energy generated during periods of high wind generation can be stored and efficiently used later.
- Affordability - providing large-scale generation at low cost which will provide an overall reduction in energy costs for end-use consumers. The Project will contribute to a reduction in the market price of electricity by generating power so that more expensive and more carbon intensive generation (such as gas) are not required to generate as much, reducing the overall cost of electricity to consumers.

6.2.11 NPS EN-3 sets out the Government's objectives and commitments for the energy system, providing planning policy for solar PV that is intended to facilitate the delivery of these objectives and meet the Government's legislative commitments.

6.2.12 In corroboration with NPS EN-1, NPS EN-3 refers to solar panels in paragraph 2.10.9 which recognises the Government's support for solar projects: *"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 by 2050. As such, solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector."*

6.2.13 Paragraph 157 of the NPPF also supports the transition to a low carbon future and expects the planning system to contribute to *"radical reductions in greenhouse gas emissions*" by supporting renewable and low carbon energy and associated infrastructure.

6.2.14 Paragraph 163 of the NPPF expects the decision-maker, when determining planning applications, to *"not require applicants to demonstrate the overall need for renewable or low carbon energy"* and to *"approve the application if its impacts are (or can be made) acceptable".* The NPPF does not state that there should be no significant environmental effects, but that those effects should be 'acceptable'.

6.2.15 The Project will deliver significant carbon savings. **ES Volume 2, Chapter 15: Climate Change (Doc Ref. 5.2)** states that the Project is anticipated to export a total of 155,794 MWh of renewable electricity in the opening year. Over the 40-year lifetime of the Project, the total expected electricity export is 5,714,836MWh. The Project will provide renewable electricity that would otherwise be generated via alternative means with higher carbon intensity. The electricity production from the Project is over 10 times more carbon efficient than the fossil fuel generated electricity that it aims to replace. Over the lifetime of the Project the effect is to save nearly 2 million tonnes of CO_2e compared to generation of that electricity from natural gas using Combined Cycle Gas Turbines.

6.2.16 Overall, therefore it is demonstrated that the Project will lead to net greenhouse gas emissions savings by replacing electricity currently generated by more carbon intensive methods such as natural gas using Combined Cycle Gas Turbines, and helping to enable the removal of fossil fuel generation from the UK electricity grid.

6.2.17 This section demonstrates the Project is making a significant contribution to meeting government objectives and therefore is compliant with national legislation and policy.

6.3 Alternative sites and site selection

6.3.1 The Applicant selected the Site because of its suitability for the Project as detailed in **ES Volume 4, Appendix 5.2: Site Selection Influencing Factors (Doc Ref. 5.4)**. Its location and characteristics mean that it can provide a large volume of renewable electricity generation with the ability to export this generation to the electricity grid, whilst avoiding impacts on nationally or internationally designated sites and minimising impacts on other sensitive receptors.

6.3.2 At paragraph 4.3.9 NPS EN-1 states: "*This NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option from a policy perspective.*"

6.3.3 However, NPS EN-1 at paragraph 4.3.15 states that: "*Applicants are obliged to include in their ES, information about the reasonable alternatives they have studied. This should include an indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility*."

6.3.4 NPS EN-1 paragraphs 4.3.16 and 4.3.17 further note that:

"In some circumstances, the NPSs may impose a policy requirement to consider alternatives."

"Where there is a policy or legal requirement to consider alternatives, the applicant should describe the alternatives considered in compliance with these requirements."

6.3.5 Paragraphs 4.3.22 – 4.3.29 of NPS EN-1 set out guiding principles for the SoS when considering alternatives.

6.3.6 NPS EN-1 paragraph 4.3.22 states that:

"Given the level and urgency of need for new energy infrastructure, the Secretary of State should, subject to any relevant legal requirements (e.g. under the Habitats Regulations) which indicate otherwise, be guided by the following principles when deciding what weight should be given to alternatives:

• the consideration of alternatives in order to comply with policy requirements should be carried out in a proportionate manner; and

• only alternatives that can meet the objectives of the proposed development need to be "considered."

6.3.7 Practically, the second point means that smaller scale solar projects should not be considered as reasonable alternatives to the Project, since they would not meet the objective of the Project to supply the maximum amount of renewable electricity to the grid and they would not deliver the same energy, climate change or environmental benefits as the Project.

6.3.8 NPS EN-1 paragraph 4.3.24 states that: "*The Secretary of State should not refuse an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site, and should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals.*"

6.3.9 NPS EN-1 paragraph 4.3.25 states that: "*Alternatives not among the main alternatives studied by the applicant (as reflected in the ES) should only be considered to the extent that the Secretary of State thinks they are both important and relevant to the decision.*"

6.3.10 There are certain circumstances where there is a requirement to consider alternatives, including:

a. Where a scheme would involve the compulsory acquisition of land or interests in land (NPS EN-1 paragraph 4.3.9).

b. Where a scheme would be located near a sensitive receptor site for air quality (NPS EN-1 paragraph 5.2.7).

c. Where a scheme would lead to significant harm to biodiversity and geological conservation interests (NPS EN-1 section 5.4).

d. Where a scheme would result in an adverse effect on the integrity of a European site that cannot be avoided (NPS EN-1 section 5.4.6).

e. Where a scheme would be located within, or partially within, Flood Zone 2 or Flood Zone 3 (NPS EN-1 section 5.8). In this case the Sequential Test should be undertaken. If following application of the Sequential Test, it is not possible for the project to be located in areas of lower flood risk the Exception Test can

be applied, which provides a method of allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. With regard to applying the Sequential Test, paragraph 5.8.23 of NPS EN-1 sets out that consideration of alternative sites should take account of the policy on alternatives described in section 4.3 of NPS EN-1.

f. Where a development would be located within a National Park, the Broads or an AONB (now National Landscape) (NPS EN-1 section 5.10).

6.3.11 With regard to point 'a', the DCO Application does seek compulsory acquisition powers. See the 'Land Availability' section below and the **Statement of Reasons** (**Doc Ref. 4.2)** regarding the consideration of alternatives.

6.3.12 With regard to point 'b', the Site is not located within an Air Quality Management Area ('AQMA'). The closest AQMA to the Site is over 30km west in the administrative area of Maidstone Borough Council.

6.3.13 With regard to point 'c', the Project would not give rise to likely significant effects on national biodiversity or geological designations. See **ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2)** and **Chapter 11: Land Contamination (Doc Ref. 5.2)** for further details. In terms of residual effects, there are some local significant adverse effects with regards to yellowhammer, skylark and brown hare during construction and skylark during the operational phase, but these effects have been mitigated as far as practically possible within the scope of the Project (see **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)**).

6.3.14 With regard to point 'd', an **Information for Habitats Regulations Assessment (Doc Ref. 7.19)** has been submitted with the DCO Application, which concludes that with mitigation in place the Project would not result in an adverse effect on the integrity of a European site, meaning that there is no requirement to consider alternatives.

6.3.15 With regard to point 'e', whilst the vast majority of the Order limits is located within Flood Zone 1 (as directed by NPS policy), sections of the Site are located within Flood Zones 2 and 3. **ES Volume 4, Appendix 10.2 Flood Risk Assessment (Doc Ref. 5.4)** explains that the Project will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. **Appendix 2: Sequential and Exception Test Report** of this Planning Statement sets out how the Sequential and Exception Tests have been met.

6.3.16 The Order limits are not located within a National Park, the Broads or an NL. Therefore, no alternative assessments are required to address point 'f'.

6.3.17 In considering alternatives and identifying and selecting the Site, the Applicant has been guided by the principles described above and also by the technical and environmental requirements of a large-scale solar project.

6.3.18 The following paragraphs assess the reasons that the Applicant identified and selected the Site from a technical, environmental and planning perspective, by reference to matters set out in Section 2.10.18–2.10.48 of NPS EN-3, "Factors influencing site selection and design" and relevant sections of NPS EN-1. The assessment comprises the following sections:

- Irradiance and site topography
- Proximity of a site to dwellings
- Agricultural land classification and land type
- Accessibility
- Public Rights of Way
- Network connection
- Land availability
- Landscape, Ecological and Geological Designations
- Summary

Irradiance and site topography

6.3.19 The south-east of England was identified by the Applicant as a suitable area for the Project for two key reasons:

- It has higher levels of solar irradiation relative to other parts of the UK, resulting in the amount of land required for the same renewable energy generation being less than other parts of the UK. According to the European Commission Photovoltaic Geographical Information System[18] yearly PV energy production in the south-east of England can be up to 1.3 times higher compared to other parts of England; and
- There are higher levels of regional energy net demand than elsewhere in the UK. The generation of additional renewable power within the same regional electrical area limits national imbalance, curtailment and transmission losses. Transmission losses occur when electrical currents travel in the network and some energy is dissipated (or lost) in heat form due to electrical resistance. Solar projects located in the south-east of England therefore provide much needed additional capacity.

6.3.20 The majority of the Site where solar arrays are proposed is within a 'bowl' in the landscape which aids in screening long range views. There are no views from the core areas of nearby villages due to topography and existing developed vegetation which screens views. The elevation changes within the Site area are gentle enough that there will be limited landscape shading to solar arrays within the Site. This limits the spacing distance required between panel rows and ensures land is used efficiently for renewable energy generation.

6.3.21 NPS EN-3 Paragraph 2.10.20 recognises that in order to maximise irradiance, applicants may choose a site and design its layout with variable and diverse panel types and aspects. The Site is suitable for a solar farm development in this regard, being located within an area of high irradiance and being of suitable topography.

Proximity of a site to dwellings

6.3.22 NPS EN-3 states at paragraph 2.10.27 that *"Utility-scale solar farms are large sites that may have a significant zone of visual influence. The two main impact issues that determine distances to sensitive receptors are therefore likely to be visual amenity and glint and glare."*

6.3.23 In identifying the Site the Applicant identified that it is remote from nearby villages with visibility constrained by a combination of landform and existing vegetation. Longer distance visibility of the Site diminishes rapidly to the south, east and west of the Site. To the north there is visibility but beyond the HS1 railway line, the Site rapidly disappears from view. There are only a small number of residential properties where visual impacts would result from the Project and the Applicant has consulted with impacted residents during the pre-application period and made adjustments to the design where possible, including introducing buffer zones to reduce visual impact.

6.3.24 In summary, the Project has suitably considered the Site's proximity to residential dwellings and assessed the potential impacts and is therefore consistent with NPS EN-3.

Agriculture land classification and land type

6.3.25 NPS EN-3 (paragraph 2.10.29) states "While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible. 'Best and Most Versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification".

6.3.26 The Applicant reviewed provisional land classification mapping published by Natural England that provides an indication of the agricultural land classification ('ALC') of an area and are stated to be suitable for strategic uses. The provisional mapping indicated the Site would be predominantly Grade 3 classification (noting that the provisional mapping does not differentiate between Grade 3a or Grade 3b classification). This compares favourably to the predominant land classification in the ABC area.

6.3.27 In summary, the Applicant considered ALC and sought to identify a Site that maximised the use of lower quality agricultural land and is therefore policy compliant.

Accessibility

6.3.28 NPS EN-3 states at paragraph 2.10.36 that *"Given that potential solar farm sites are largely in rural areas, access for the delivery of solar arrays and associated infrastructure during construction can be a significant consideration for solar farm siting."*

6.3.29 Accessibility for the delivery of solar arrays and associated infrastructure during construction / decommissioning and for operational maintenance purposes was a key factor in the Applicant's selection of the Site. The Site is accessible from the highway without requiring traffic to travel through the central area of Aldington village. Throughout the Project design process further changes have been introduced to reduce any impacts on the local highway network to the extent possible.

6.3.30 Consideration has been given to accessibility and the Project is therefore compliant with NPS EN-3.

Public Rights of Way

6.3.31 The Applicant identified the PRoW network within the Site at an early stage and has engaged proactively and regularly with ABC, the KCC PRoW Officer, Kent Ramblers and local PRoW users over a two year period to seek to minimise adverse impact on the PRoW network.

6.3.32 NPS EN-3 Paragraph 2.10.42 states that *"Applicants are encouraged to design the layout and appearance of the site to ensure continued recreational use of public rights of way, where possible during construction, and in particular during operation of the site."* Paragraph 2.10.43 of NPS EN-3 encourages applicants where possible to minimise the visual impacts of the development for those using existing PRoW, considering the impacts this may have on any other visual amenities in the surrounding landscape.

6.3.33 The Project design in relation to the approach to the PRoW network has developed through several iterations in close consultation with KCC. The submitted design provides a scheme that will ensure the vast majority of existing PRoWs remain open for recreational use, accepting that some minor diversions will be required to allow delivery of the Project.

6.3.34 Two PRoWs will be extinguished but these provide limited public amenity and the start/end points can be readily accessed by other routes. The Project will deliver 8 new PRoWs (including two extensions to existing PRoW), will provide a "riverside walk" and (subject to third party landowner agreement) a shared walking/ cycleway providing an off-road route between the villages of Aldington and Mersham. All of the above will increase connectivity.

6.3.35 During the construction phase some of the PRoWs that interact with the Site will experience change related to diversions and interactions with construction traffic where PRoWs are crossed/impacted intermittently by construction vehicles. The **Outline Construction Traffic Management Plan ('CTMP') (Doc Ref. 7.9)** contains measures to ensure the constraints and impacts on PRoW users during the construction phase are minimised as far as reasonably possible.

6.3.36 An **Outline Rights of Way and Access Strategy ('Outline RoWAS') (Doc Ref. 7.15)** provides details of PRoW to be diverted, extinguished or provided as new PRoW as part of the Project and confirms the Applicant will take responsibility for management of the PRoW network. This also includes a commitment to clearance of an overgrown Byway Open to All Traffic ('BOAT').

6.3.37 The Applicant, having regard to the consultation feedback from KCC, has taken a balanced approach to screening and openness with proposed new hedgerows to be added such that, in the majority of circumstances, PRoW will be screened or heavily filtered on one side. Proposed routes through the Order limits have been determined with legibility in mind – in some cases following tree and meadow planting, and new and/or historic hedgerows where practicable.

6.3.38 The PRoW strategy has taken account of user experience and amenity, in order to identify a balanced approach that retains accessibility, reduces severance and maintains (and where practicable) improves user experience across local links and the strategic network.

6.3.39 In summary, the Project has considered the PRoW network and accords with relevant policy in NPS EN-3.

Network connection

NPS EN-3 states that: "…availability of network capacity, and the distance from the solar farm to the existing network can have a significant effect on the commercial feasibility of a development proposal." (Paragraph 2.10.24) *and that "To maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs, applicants may choose a site based on nearby available grid export capacity."* (Paragraph 2.10.25)

6.3.40 The electricity grid is highly constrained in terms of its ability to connect new generation projects and cannot be easily or quickly expanded.

6.3.41 In order to meet the legislative commitments to net zero and the urgent national need for low carbon energy infrastructure in accordance with the objectives of NPS EN-1 and NPS EN-3, all sites that are available for renewable energy generation and storage projects are required.

6.3.42 The Applicant has secured a grid connection at the Sellindge Substation that provides a suitable point of connection ('POC') for the scale of solar generation and storage proposed. This grid connection capacity is secured for the Project and cannot be used by third parties.

Summary

6.3.43 In considering alternatives and identifying and selecting the Site, the Applicant has been guided by principles described above and also by the technical and environmental requirements of a large-scale solar development project. Thorough consideration has been undertaken for selecting the Site. The Applicant identified and selected the Site following a process to identify land which is suitable from a technical, environmental and planning perspective.

6.3.44 In summary, consideration of alternatives has been carried out in line with regulatory requirements and in the context of the clear and urgent need for the Project.

Land Availability

6.3.45 When carrying out the site selection process, the Applicant had regard to the availability of land, including whether compulsory acquisition powers may be required in connection with the land, and if so the potential for the exercise of those powers to interfere with human rights. In selecting the Site, the Applicant has carefully considered the balance to be struck between individual rights and the wider public interest.

6.3.46 The Applicant has acquired the necessary land interests in respect of the majority of the Site through option agreements and is in advanced negotiations with the remaining landowners of the Site. The Site is currently owned by only a small number of landowners. Other potential alternative sites could require contracting with a greater number of landowners to achieve a suitably sized site for the proposals including the grid connection, which would increase risks to the successful, urgent delivery of the Project.

6.3.47 Further information on the reasons why compulsory acquisition powers are required for the Project, the alternatives that have been considered and the status of land negotiations is provided in the **Statement of Reasons** (**Doc Ref. 4.2)** that has been submitted with the DCO Application.

Landscape, Ecological and Geological Designations

6.3.48 Paragraph 5.10.7 of NPS EN-1 sets out that National Parks and AONBs (now National Landscapes) have the highest status of protection in relation to landscape and natural beauty.

6.3.49 The Kent Downs NL (formerly AONB) is located to the north, east and south of the POC covering an area of 879km^2. The Kent Downs NL is located within 5km of the POC both to the north-east and south-west. Development of the scale proposed closer to the NL, for example to the south or east of the Site, is likely to have a greater impact than the selected location. The assessment within **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)** does not identify any significant effects on any landscape and visual receptors within the Kent Downs NL at any stage of the Project. Kent Downs AONB Unit noted in their response to the 2022 Statutory Consultation that the impact on the North Downs escarpment element of the NL would be minimal. Users of PRoW within/adjacent to the Site with open panoramic views towards the Kent Downs NL will experience moderate adverse effects during the construction phase, major to moderate adverse effects at Year 1 of operation and minor / moderate adverse effects at Year 15 (**ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)**).

6.3.50 By not being located within a National Park or the Kent Downs NL, the Project is compliant with the policy set out in NPS EN-1 (see **Appendix 1: Policy Compliance Checklist** of this Planning Statement for further detail).

6.3.51 The Site is not located within a designated landscape. No national or international nature or ecological designations are found on the Site, for example SACs, SPAs, SSSIs, Ramsar sites or NNRs.

6.3.52 There are four SSSI located within 5km of the POC, including Hatch Park SSSI to the north of the Site; Gibbin's Brook to the north-east of the Site; Otterpool Quarry to the east of the Site (geological); and Lympne Escarpment to the south-east of the Site. The **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** does not identify any significant effects on these sites from the Project.

6.3.53 The Project is consistent with paragraphs 5.4.8 of NPS EN-1. This sets out that development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.

6.3.54 The Site is not located within the Green Belt and there are no land use planning allocations or designations within the Site, aside from mineral safeguarding which will not be affected as the Project. With the exception of elements of Work No. 4 that are within the Sellindge Substation, any repairs, upgrades or replacements of/to the existing bridge / drain crossings and highway improvements, the Project is of a temporary nature that will be removed during the decommissioning stage and the land returned to a condition that does not prevent future mineral extraction. The minor

permanent works will not result in any new areas of mineral sterilisation. These were factors that the Applicant took into account when identifying the Site. The **ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2)** concludes that the overall effect of the Project on mineral resources is assessed to be negligible (not significant).

6.3.55 As confirmed at Section 2.6 of this Planning Statement, there is a small overlap between the Order limits for the DCO Application and an application for the installation of a solar farm with a generating capacity of up to 49.9 MW at land south of the M20, Church Lane (Application Ref. 22/00668/AS). However, this application will not prejudice the ability for the DCO Application to be consented and for the Project to be delivered.

6.3.56 By avoiding conflicts with Development Plan allocations and their purpose, the Site selected accords with the requirements of NPS EN-1 paragraph 4.1.13, which requires the SoS to take account of any such conflicts in their decision.

Summary

6.3.57 In considering alternatives and identifying and selecting the Site, the Applicant has been guided by principles described above and also by the technical and environmental requirements of a large-scale solar development project. Thorough consideration has been undertaken for selecting the Site. The Applicant identified and selected the Site following a process to identify land which is suitable from a technical, environmental and planning perspective. This has been detailed in **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref 5.2)** and **Appendix 2: Sequential and Exception Test Report** of this Planning Statement.

6.3.58 In summary, consideration of alternatives has been carried out in line with regulatory requirements and in the context of the clear and urgent need for the Project.

6.4 Good Design

6.4.1 The Project has been subject to a detailed and sensitive iterative design process. This has taken account of the context and features of the land within the Order limits, nearby sensitive receptors and assets, information from environmental surveys, feedback from stakeholders, and opportunities and constraints in order to develop a good design that balances the need to maximise the energy generation capacity of the Project, with the avoidance and mitigation of effects, and provision of environmental and other enhancements, where practicable.

6.4.2 NPS EN-1 (at paragraph 4.7.1) makes it clear whilst visual appearance is important, good design is a much broader consideration.

6.4.3 NPS EN-1 states that *"Applying good design to energy projects should produce sustainable infrastructure sensitive to place, including impacts on heritage, efficient in the use of natural resources, including land-use, and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged, however that the nature of energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area."* (paragraph 4.7.2).

6.4.4 Paragraph 4.7.3 states that *"Good design is also a means by which many policy objectives in the NPSs can be met, for example the impact sections show how good design, in terms of siting and use of appropriate technologies, can help mitigate adverse impacts such as noise."*

6.4.5 NPS EN-1 recognises the typical location of such projects and as such states that *"Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape"* (paragraph 5.10.5) and that *"All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites"* (paragraph 5.10.13).

6.4.6 Paragraph 5.10.6 of NPS EN-1 states that *"Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate".*

6.4.7 NPS EN-3 recognises the role that good design should play in the context of achieving the Government's urgent and overriding need for solar energy infrastructure.

6.4.8 Paragraph 2.10.60 states that *"As set out above applicants will consider several factors when considering the design and layout of sites, including proximity to available grid capacity to accommodate the scale of generation, orientation, topography, previous land–use, and ability to mitigate environmental impacts and flood risk."*

6.4.9 NPS EN-3 also states (at paragraph 2.10.61) that *"For a solar farm to generate electricity efficiently the panel array spacing should seek to maximise the potential power output of the site".*

6.4.10 NPS EN-3 confirms (at paragraph 2.10.98) that *"Applicants should follow the criteria for good design set out in Section 4.7 of EN-1 when developing projects and will be expected to direct considerable effort towards minimising the landscape and visual impact of solar PV arrays especially within nationally designated landscapes.*

6.4.11 In terms of project design and evolution, NPS EN-3 (paragraph 2.10.59) sets out that applicants should consider the criteria for good design set out in NPS EN-1 (Section 4.7) at an early stage when developing projects.

6.4.12 Good design is described in NPPF paragraph 131. It explains that *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

6.4.13 In summary, the aspiration for good design is central to policy, but importantly it is recognised that the contribution that energy infrastructure development is able to make to the enhancement of the quality of an area is limited by the nature of the type of project and that virtually all nationally significant infrastructure projects will have landscape and visual effects.

6.4.14 The Ashford Local Plan 2030 (adopted 2019) contains general policies on design. In particular, Policy SP6 (Promoting High Quality Design) sets out that development

proposals must be of high-quality design and demonstrate a careful consideration of and a positive response to a number of factors, including character of place, ease of movement, and flexibility. The policy explains how the project should show how it has responded positively to design policy and guidance, including national design guidance. Policy ENV3a (Landscape Character and Design) sets out that all development proposals in the Borough should demonstrate regard to landscape characteristics proportionately, according to the landscape significance of the site in question.

6.4.15 In accordance with NPS EN-1 section 4.7 and NPS EN-3 paragraphs 2.10.59 – 2.10.64, the Project is the result of an iterative design development process which commenced at an early stage and addresses the key opportunities and challenges of the Project and the context and setting within which it is located.

6.4.16 The Applicant's design team has worked collaboratively with a number of interested parties and has had regard to consultation feedback to provide an integrated and responsive design. Through the design process, the Applicant has taken account of the context and features of the land within the Order limits and its surroundings in order to develop a good design that meets the requirements and objectives of the policies described above.

6.4.17 The design decisions and objectives that will achieve these objectives and deliver good design are described below. The design process and basis of design decisions taken are described in **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)** and the **Design Approach Document (Doc Ref. 7.4)**. These inform the following paragraphs.

6.4.18 At an early stage the Applicant established an overall design vision to enable the Project to come forward and set out objectives provided in the **Design Approach Document (Doc Ref. 7.4)**, and summarised below.

Objective 1: Make a large contribution to the Government's commitment to Net Zero by 2050

6.4.19 The Project aims to optimise the amount of renewable energy that can be generated in the Site area to help decarbonise electricity generation and achieve net zero carbon emissions, in line with the Government's commitments.

6.4.20 The design of the Project has sought to generate a substantial amount of renewable energy, whilst carefully managing impacts on receptors, and delivering other benefits where opportunities are identified. The design of the Project ensures that the amount of energy generated is maximised with embedded mitigation included in the Project design to minimise residual adverse effects on the environment.

Objective 2: Sensitively locate the Project within the landscape

6.4.21 A key objective is that the Project will be sensitively sited in the landscape. The layout of the Project has undergone extensive review in order to respond to the landscape character baseline.

6.4.22 This includes the retention of virtually all existing vegetation on the Site and the re-establishment of historic hedgerows and reinforcement of woodlands. This provides

landscape benefits, but also cultural heritage (through the reinstatement of the historical field boundary landscape) and biodiversity (as a result of the extensive additional planting) benefits.

6.4.23 The Project will introduce new wetland habitats and tree planting along the East Stour River, providing landscape benefits and an enhanced experience for users of the proposed "river-walk" that the Project will deliver in this area.

6.4.24 The layout of the Project has been designed to avoid impacts on valuable landscape features through the incorporation of appropriate offsets from woodland, hedgerows, watercourses and PRoWs.

6.4.25 A number of the changes introduced by the Applicant were in direct response to consultation input provided by ABC and its specialist landscape advisers (Land Management Services). The Applicant has sought to respond positively to recommendations from ABC where these can be incorporated without materially impacting on the achievement of Objective 1, being the contribution of the Project to achieving net zero, and are consistent with NPS policy.

6.4.26 **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)** explains the changes that have been made to the proposals throughout the pre-application stage in order to ensure that the Project is sensitively located within the landscape.

Objective 3: Minimise impacts on views from people's homes and other viewpoints

6.4.27 Objective 3 is to seek minimise impacts on views from people's homes and other viewpoints.

6.4.28 Through the design development process, significant effort has been given to minimising the impact of the Project on residential and other sensitive receptors, including users of public rights of way and local views.

6.4.29 A careful approach has been taken to the proposed arrangement of PV Arrays close to residential properties with offsets introduced from residential properties where possible to minimise the potential for adverse change.

Objective 4: Enhance the local green infrastructure network

6.4.30 The Project provides the opportunity to enhance the local green infrastructure network and the approach to this has evolved during the pre-application design process.

6.4.31 The final design incorporates the enhancement of the local green infrastructure network, improving ecological and recreational connectivity across the Order limits. In addition, the Project includes new green infrastructure which is at the heart of the overall design. This facilitates an improvement in terms of the ecological and recreational connectivity both across the Site and between the Site and adjacent land.

Objective 5: Enhance local biodiversity

6.4.32 The Project aims to deliver a considerable enhancement of local biodiversity.

6.4.33 The Project will result in a BNG of at least 100% for habitat units and at least 10% for hedgerow and river units. A large number of habitats and species are recognised as experiencing significant beneficial effects as a result of the Project during the operational phase, with only skylarks experiencing a significant adverse effect during operation.

Objective 6: Minimise harm to heritage assets and their setting

6.4.34 The Project has been designed to minimise harm to heritage assets and their setting.

6.4.35 The Project Substation has been subject to pre-determination trial trenching to confirm that there is no significant archaeology present and other infrastructure, for example the Inverter Stations, have been relocated to avoid areas of archaeological potential (identified through the geophysical survey report) within Fields 8, 14 and 17.

6.4.36 There are no designated built heritage assets within the Site and appropriate buffers and screening have been introduced to minimise potential impacts on the setting of heritage assets that are outside the Site area.

6.4.37 Flexibility is being sought in the DCO to allow some of the infrastructure to be relocated or for alternative approaches to design to be taken if evidence of archaeology is identified as part of invasive surveys to be undertaken prior to construction. Work No. 2 set out on the **Works Plans (Doc Ref. 2.3)** allows for flexibility in arrangement if archaeological findings are present.

6.4.38 Where landscape features of archaeological interest are identified, the **Archaeological Management Strategy (Doc Ref. 7.17)** sets out the strategy for retention and mitigation.

Objective 7: Safeguard the water environment

6.4.39 Objective 7 seeks to safeguard the water environment, be safe from flooding and ensure that flood risk is not increased elsewhere, taking account of the impacts of climate change.

6.4.40 The Project design has evolved with input from stakeholders. Except for Sellindge Substation, which is already within Flood Zone 3, no hard standing or sensitive infrastructure is proposed within areas located in Flood Zone 2 or 3. The only operational elements of the Project proposed in Flood Zone 3a and 3b are as follows:

- PV panels – limited to locations whereby the design flood depth is below 0.8m, being the lowest height of the PV panels.
- Sellindge Substation – an existing National Grid substation where the design flood depth in this area is shallow and not sufficient to damage electric equipment which will be appropriately raised.
- Below ground electric cables which will extend through areas of Flood Zone 3a and 3b from the Project to Sellindge Substation. Once in place these will not be impacted by flooding and will not have any effect on flood risk.
- Security fencing – raised by 0.2m off of ground and with mesh sized >0.1m to minimise risk of conveyance impacts.
- Access tracks – 90% permeable and constructed at grade to avoid impact on

runoff and conveyance.

6.4.41 Habitat scrapes / ecological depressions and a wetland area are proposed within the AFSA, which will provide compensatory flood storage capacity for the Project and increase the available flood capacity within the AFSA.

6.4.42 An **Outline Operational Surface Water Drainage Strategy ('OSWDS') (Doc Ref. 7.14)** has been prepared to ensure that there is no increased risk of surface water flooding, on or off Site as a result of the Project.

Objective 8: PRoW Consideration

6.4.43 The Project design aims to retain existing PRoWs connectivity where possible and seeks opportunities to enhance the local network.

6.4.44 The Project design in relation to the PRoW network has developed through a number of iterations with input from ABC, the KCC PRoW officer, the Kent Ramblers and local PRoW users and includes a number of improvements to the current PRoW network, providing new routes and increased connectivity.

6.4.45 Responding to community input the Project will provide a “riverside walk” and (subject to third party landowner agreement) a shared walking/ cycleway providing an off-road route between the villages of Aldington and Mersham.

Objective 9: Access

6.4.46 The Project has been designed to provide safe access to the Site and avoid adverse impacts to the local highway network and its users (including pedestrians, cyclists and horse riders).

6.4.47 **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)** provides further details of how the Site is well situated to be accessible at construction, operation and decommissioning, including emergency access**.**

Conclusion

6.4.48 In conclusion, the Project delivers good design in the context of efficiently delivering large scale renewable energy infrastructure whilst providing an enhanced network of environmental features which deliver a range of ecosystem services, incorporating biodiversity, heritage, landscape and access.

6.4.49 As such it is considered that the Project fully accords with the requirements of good design as outlined in the NPS.

6.5 Flood Risk

6.5.1 Environment Agency (‘EA’) Flood Mapping **(ES Volume 3, Figure 10.4: Flood Map For Planning (Doc Ref. 5.3))** indicates that the majority of the Site is located within Flood Zone 1 (identified as having less than a 1 in 1,000 annual probability of river (fluvial) flooding, which is defined as ‘low’ probability).

6.5.2 ABC's Strategic Flood Risk Assessment, published in 2014, defines Fields 15, 16, 18, 19, and 23 to 25 as being partially or entirely within Flood Zone 3b. Fields 26 to 29 are partially or entirely within Flood Zone 3b.

6.5.3 A large flood storage area and embankment, the AFSA, is located in the Northern Area. The AFSA embankment is located to the east of Fields 24 and 25.

6.5.4 The only operational elements of the Project proposed in Flood Zone 3a and 3b are:

- PV panels, limited to locations where the design flood depth is below 0.8m, being the lowest height of the PV panels;
- Sellindge Substation, the existing National Grid substation where the design flood depth in this area is shallow and not sufficient to damage electric equipment which will be appropriately raised; and
- Below ground electric cables which will extend through areas of Flood Zone 3a and 3b. Once in place these will not be impacted by flooding and will not have any effect on flood risk.
- Security fencing – raised by 0.2m off of ground and with mesh sized >0.1m to minimise risk of conveyance impacts; and
- Access tracks – 90% permeable and constructed at grade to avoid impact on runoff and conveyance.

6.5.5 NPS EN-1 Paragraph 5.8.13 requires that *"A site-specific flood risk assessment should be provided for all energy projects in Flood Zones 2 and 3 in England".* Paragraph 5.8.14 explains *"This assessment should identify and assess the risks of all forms of flooding to and from the project and demonstrate how these flood risks will be managed, taking climate change into account."*

6.5.6 A site-specific flood risk assessment ('FRA') is provided at **ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref 5.4)**.

6.5.7 NPS EN-1 Paragraph 5.8.18 requires that *"Applicants for projects which may be affected by, or may add to, flood risk should arrange pre-application discussions before the official pre-application stage of the NSIP process with the EA or NRW, and, where relevant, other bodies such as Lead Local Flood Authorities, Internal Drainage Boards, sewerage undertakers, navigation authorities, highways authorities and reservoir owners and operators."*

6.5.8 The Applicant has held a number of discussions with the EA and the River Stour Internal Drainage Board during the pre-application stage. Key aspects of the Project design have been discussed and agreed with the EA including the location of the Project Substation and the installation of PV panels in flood risk areas and the fencing specification downstream of the AFSA to minimise the potential to create a barrier to flood flows.

6.5.9 NPS EN-1 Paragraph 5.8.18 states that *"Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites with medium risk areas and then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas."*

6.5.10 NPS EN-1 Paragraph 5.16.3 states that *"If, following application of the Sequential Test, it is not possible, (taking into account wider sustainable development objectives), for the project to be located in areas of lower flood risk the Exception Test can be applied as defined in https://www.gov.uk/guidance/flood-risk-and-coastal-change#table2. The test provides a method of allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available."*

6.5.11 The Applicant has provided its assessment of the Project in line with both the Sequential Test and the Exception Test in **Appendix 2: Sequential and Exception Test Report** of this Planning Statement. This confirms that the requirements of both tests have been satisfied in accordance with NPS EN-1.

6.5.12 NPS EN-1 Paragraph 5.16.3 states that *"Development should be designed to ensure there is no increase in flood risk elsewhere, accounting for the predicted impacts of climate change throughout the lifetime of the development. There should be no net loss of floodplain storage and any deflection or constriction of flood flow routes should be safely managed within the site. Mitigation measures should make as much use as possible of natural flood management techniques."*

6.5.13 NPS EN-1 Paragraph 5.8.7 states that *"Where new energy infrastructure is, exceptionally, necessary in flood risk areas (for example where there are no reasonably available sites in areas at lower risk), policy aims to make it safe for its lifetime without increasing flood risk elsewhere and, where possible, by reducing flood risk overall. It should also be designed and constructed to remain operational in times of flood."*

6.5.14 The FRA confirms that the Project would be safe from flood risk and will be able to operate without significant damage even during severe flood conditions. It also confirms that the Project will not detrimentally affect flood risk elsewhere but instead will result in a small net benefit on flood risk through the increases in the flood storage capacity available on Site.

6.5.15 NPS EN-1 Paragraph 5.8.41 states that *"Energy projects should not normally be consented within Flood Zone 3b[228], or Zone C2 in Wales, or on land expected to fall within these zones within its predicted lifetime. This may also apply where land is subject to other sources of flooding (for example surface water). However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage, and will not impede water flows."*

6.5.16 **ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref 5.4)** confirms that all major changes of ground level required will be in areas out of the floodplain. Minor losses of flood storage associated with the frame of PV Arrays will be more than offset by depression storage created as a part of the Project.

6.5.17 In summary, the Project accords with NPS EN-1 in respect of flood risk.

6.6 Noise and Vibration

6.6.1 NPS EN-1 paragraph 5.12.6 requires a noise assessment to be prepared where noise impacts are likely to arise, and sets out the methodology for this assessment. NPS

EN-1 paragraph 5.12.9 adds that for operational noise this should be assessed using the principles of the relevant British Standards and other guidance. **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** provides a noise assessment.

6.6.2 NPS EN-1 paragraph 5.12.17 states that the SoS should not grant development consent unless they are satisfied that the proposals will meet the following aims:

- avoid significant adverse impacts on health and quality of life from noise;
- mitigate and minimise other adverse impacts on health and quality of life from noise; and
- where possible, contribute to improvements to health and quality of life through the effective management and control of noise.

6.6.3 Part (e) of NPPF paragraph 180 outlines that planning decisions should *prevent "new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of…noise pollution"*. At paragraph 191(a) it also states that decisions should *"mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life"*.

6.6.4 With mitigation in place and adherence to phase specific management plans and best practice, the assessment has found that the Project is not likely to give rise to any significant noise effects during construction, operation or decommissioning as set out in the **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)**.

6.6.5 **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** sets out Embedded Mitigation that is included in the design in order to minimise and mitigate noise impacts on receptors as a result of the Project.

6.6.6 Construction noise levels will be controlled through the use of Embedded Mitigation including the **Outline Construction Environmental Management Plan ('CEMP') (Doc Ref. 7.8)**. The effects of construction traffic noise from traffic flows have been shown to be negligible (not significant) at all receptors. The effect of on-Site construction noise is a function of proximity to the development area. Predicted effects on noise sensitive receptors are predicted to be to be minor adverse to negligible (not significant). Construction effects on users of PRoWs at the Site have been identified as minor adverse to negligible (not significant). In small areas, closest to identified receptors, construction works will be required to use low noise techniques and undertake noise monitoring to ensure construction noise at all receptors is a minor adverse or negligible effect and not significant.

6.6.7 Noise emissions of plant associated with the Project, including the Inverter Stations, BESS Units, Intermediate Substations and Project Substation, have been predicted at the nearest human receptors within 300m of the Site boundary. An Operational Noise Mitigation and Monitoring Scheme ('ONMMS') will be prepared to provide details of the plant specification, noise mitigation measures and monitoring procedures and to demonstrate that with those measures in place the authorised development is not likely to result in any new or different noise effects from those assessed in **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)**. This is secured by a requirement in the **Draft Development Consent Order (Doc Ref. 3.1)**. The ONMMS will be submitted to the local planning authority for approval prior to the operation of Work No.s 2 or 3.

6.6.8 Based on current assumptions regarding the works required for the decommissioning phase, it is expected that the noise effects will be reduced in scale compared to the construction phase. Decommissioning noise levels will be controlled through the use of Embedded Mitigation including the **Outline Decommissioning Environment Management Plan ('DEMP') (Doc Ref. 7.12)**.

6.6.9 Potential vibration effects associated with all stages of the Project have been scoped out of further assessment, as explained in **ES Volume 2, Chapter 16 Other Topics (Doc Ref 5.2)**. Furthermore, measures to minimise and mitigate vibration effects during construction and decommissioning from all potential sources of vibration are included in the **Outline CEMP (Doc Ref. 7.8)** and **Outline DEMP (Doc Ref. 7.12)**.

6.6.10 In summary, the Project accords with NPS EN-1, specifically the policy aims of paragraph 5.12.17, and the NPPF, by avoiding significant adverse noise and vibration impacts on health and quality of life; mitigating and minimising other adverse impacts of noise and vibration through appropriate mitigation.

6.7 Socio Economic

Construction Phase

6.7.1 During the construction phase, the Project will support short term employment in the form of construction jobs. The Project will also have indirect effects through the local spending of construction workers and the potential for local businesses to supply the Project. While potentially positive, the UK's construction workforce is mobile, and the construction phase relatively short, so these effects are assessed as negligible to minor beneficial (not significant).

6.7.2 Construction activity at the Site, such as vehicle movements and works to prepare and install the Project, may lead to environmental effects on people, homes and health; how people experience the local area; and how community and recreational facilities are used. Given the measures that the Project has secured to manage these effects, this is not considered likely to result in any significant effects. Effects are assessed as negligible to minor adverse (not significant).

6.7.3 Changes to the land within the Site will result in diversions to PRoW and a change in the use of land from arable farming. Measures will be put in place to ensure that existing PRoW (or equivalent alternatives) remain open to minimise disruption to the people who use them. Effects are assessed as negligible to minor adverse (not significant).

Operational Phase

6.7.4 The Project will contribute to the UK's renewable energy output, supporting the transition towards a low carbon economy, and this is likely to be significant in the context of how much renewable energy is currently generated in Kent. This is assessed as a minor to moderate beneficial (significant) effect.

6.7.5 Changes to the land within the Site will result in changes to the PRoW network. Diversions – and in some cases new routes – have been designed to allow people to continue to access the Site and continue through it for recreation or to reach community facilities, settlements and businesses. In many cases these will provide

new facilities for active travel, recreation and links between communities and developments.

6.7.6 The **Outline RoWAS (Doc Ref. 7.15)** will ensure that diverted or new routes will be in place prior to the closure of existing routes, will be designed to high standards, and will be maintained throughout the operational phase to make them accessible, safe and attractive. Effects on PRoW users are assessed as not significant: either negligible or minor adverse (not significant), or negligible or minor beneficial where new routes or improved connectivity is provided.

Decommissioning Phase

6.7.7 Effects related to the decommissioning phase of the Project would be similar to the construction phase and not likely to be significant, being managed by similar measures that will reduce the likelihood of environmental change affecting community facilities, homes or residents' amenity.

6.8 Agriculture land classification and land type

6.8.1 National and local planning policy is consistent in seeking to minimise impact on Best and Most Versatile ('BMV') agricultural land. It also seeks to guide development away from BMV land where possible, except where its use is justified by other sustainability considerations. National and local policy also requires the use of BMV land to be justified.

6.8.2 NPS EN-1 paragraph 5.11.12 states:

"Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5)"

6.8.3 NPS EN-1 paragraph 5.11.34 states that the SoS:

> *"Should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. Where schemes are to be sited on best and most versatile agricultural land the Secretary of State should take into account the economic and other benefits of that land. Where development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality."*

6.8.4 NPS EN-3 states at paragraph 2.10.30 that the development of ground mounted solar arrays is not prohibited on BMV agricultural land. NPS EN-3 states at paragraph 2.10.31 that *"It is recognised that at this scale, it is likely that applicants' developments will use some agricultural land. Applicants should explain their choice of site, noting the preference for development to be on suitable brownfield, industrial and low and medium grade agricultural land."*

6.8.5 On the 15th May 2024, a new written statement was published by Government, titled 'Solar projects must fit in with food security'. This reaffirms the Government's commitment to solar, along with ensuring large solar projects avoid higher quality agricultural land where possible.

6.8.6 In consideration of the above ALC policy context, the following two objectives have been set by the Applicant:

a. Minimisation of the impact on BMV agricultural land.

b. Justification for the use of BMV land.

Objective a: Minimisation of the impact on BMV agricultural land

6.8.7 The Applicant has taken account of ALC rating and agricultural land productivity throughout the development of the Project design and has sought to minimise the amount of BMV land included in the Order limits.

6.8.8 **ES Volume 4, Appendix 16.2 Soils and Agricultural Land Report** confirms that the predominant ALC grading within the Site is Subgrade 3b (143.47 ha), with the remaining agricultural land comprising Subgrade 3a land (36.69 ha) and Grade 2 land (1.95 ha). The total area of BMV land within Site is 38.64 ha (i.e. approximately 20% of the total Site area). The remaining areas within the Site boundary comprise 9.43 ha of non- agricultural land. The BMV agricultural land within the Site (38.64 ha) represents 0.12% of all BMV agricultural land within Ashford Borough.

6.8.9 NPS EN-3 states at paragraph 2.10.29 that *"While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible."*

6.8.10 **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 BMV land included in the Order limits.

6.8.11 As set out in **ES Volume 2, Chapter 3: Project Description (Doc Ref 5.2)**, the decommissioning phase will require the removal of all physical infrastructure constructed as part of the Project (with the exception of elements of Work No. 4 that are within the Sellindge Substation, any repairs, upgrades or replacements of/to the existing bridge / drain crossings, PRoW footbridges and highway improvements) and the Site will then be returned to the control of the landowners. Following decommissioning, it has been assumed that the landowners will return those areas of the Site that are currently in arable use to its former arable use and that new habitats created by the Project, such as hedgerows and woodland, will be retained.

6.8.12 A summary of agricultural land within the Order limits is provided in Table 5 below.

Table 5 Summary of Agricultural Land within the Order limits

Stage	Agricultural Land (ha)			Non Agricultural Land
	Non BMV	BMV	Total	
Existing Baseline	143.47	38.64	182.11	9.43
Construction, Operation and Decommissioning	0*	0*	0*	9.43
Post Decommissioning	137.62	33.06	170.68	20.86**

* Assumes worst-case and no land being used for grazing
** The increase in non-agricultural land arises because of the increase in landscape and habitat land

6.8.13 The nature of the Project is such that it provides potential for the land beneath and around the PV panels to continue in, albeit altered, agricultural use during the Project's operational lifetime, with potential for agricultural grazing. However, assuming a worst-case scenario in which no land within the Site is used for grazing, the Project will result in a temporary loss during the Project lifetime of all BMV land within the Site (38.64 ha). As stated above, this represents 0.12% of all BMV agricultural land within Ashford Borough.

6.8.14 Post-decommissioning, there will be 33.06ha of BMV within the Site, meaning that the Project will result in the permanent loss of 5.58ha BMV land. This loss represents 14.4% of the BMV land within the Site and 0.017% of all BMV land within the Ashford Borough.

6.8.15 The loss of this BMV within the local area is not considered to have a material impact on the overall supply of 32,037 ha of BMV land in Ashford Borough, and therefore would not have a material impact on food security of the wider region.

6.8.16 In regard to soil impacts, standard good practice soil management measures, such as those set out in Defra's Code of Practice for the Sustainable Use of Soils on Construction Sites, will be prepared to ensure that the levels of loss and damage are minimised. This will ensure compliance with local and national planning policy regarding the protection and sustainable use of soil resources with mitigation for construction effects being outlined in the **Outline CEMP (Doc Ref. 7.8)** and mitigation for decommissioning effects being outlined in the **Outline DEMP (Doc Ref. 7.12**).

6.8.17 When considering the impact of the Project on BMV land, the Project would have a limited impact on the long-term agricultural resource.

6.8.18 The Project minimises impacts on agricultural land in line with national policy by: keeping the permanent loss of BMV land to a very low amount; retaining the ability to reinstate arable agriculture after decommissioning; and facilitating a continued agricultural use through making the land available for biodiversity management grazing throughout the operational life of the Project. There are no other alternative

sites within the search area (5km from the POC) that could fulfil the requirements of the Project that would have a lesser effect on BMV agricultural land.

Objective b: Justification for the inclusion of some BMV land within Order limits

6.8.19 As set out above, NPS EN-1 and NPS 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. Accordingly, the Applicant has sought to avoid the use of BMV land where possible, with preference given to the use of land in areas of poorer quality.

6.8.20 Although ALC was taken into account as one of the influencing factors in the site selection process, NPS EN-3 (paragraph 2.10.29) states that land type should not be a predominating factor in determining the suitability of the site location. Indeed, a recent High Court judgment made clear that national policy and guidance on BMV land does not mandate the consideration of alternatives or the adoption of a sequential assessment (Bramley Solar Farm Residents Group v SSLUHC [2023], paragraphs 179-180[19])

6.8.21 **Figure 2: BMV Land Loss Plan** shows the location of the Field boundaries used to describe the Site, along with the areas of BMV and the BMV that would be permanently lost. Fields 1, 2, 14, 15, 16, 18, 19, 21, 22, 24, 25, 27, 29 do not include BMV and therefore there are no temporary or permanent impacts to BMV. A temporary loss of BMV is associated with the proposed PV Panels located in Fields 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 17, 20 and 23, along with land needed for the creation of habitat enhancement areas, which together result in a temporary loss of BMV of 38.64ha (assuming a worst-case scenario in which no land within the Site is used for grazing during the Project's operational lifetime). Although a number of other parcels of land were considered for PV panels by the Applicant, these were discounted due to the potential for environmental effects such as landscape and visual impacts on surrounding properties. This has necessitated the use of the above fields which include BMV for the location of some of the proposed PV panels, rather than other areas of the Site.

6.8.22 The Project will result in the permanent loss of 5.58ha of BMV land. This loss is a result of the retention of habitat areas, hedgerows and woodland that have been proposed in Fields 4, 5, 6, 9, 13, 15, 17, 23 and 24.

6.8.23 The retention of these habitat areas, hedgerows and woodland areas are considered to be necessary and justified, and would more than outweigh the limited harm resulting from this loss. In particular, the Project will contribute a number of wider sustainability benefits, such as meeting the urgent need for low carbon energy infrastructure, delivering benefits at the national scale, in accordance with the objectives of NPS EN-1 and NPS EN-3.

Conclusion

6.8.24 The Project minimises impacts on agricultural land in line with national policy by minimising the use of BMV as far as is practicable. It is noted that the use of BMV land for the Site, in percentage terms, is significantly lower than the average BMV land percentage within Ashford Borough and therefore any other site selection would be likely to result in similar, or greater, impacts.

6.8.25 The temporary use of BMV land during the Project lifetime represents 0.12% of the total BMV land in Ashford Borough and the permanent loss of BMV land represents 0.017% of the total BMV land in Ashford Borough. The Project is therefore not considered to have a material impact on the overall supply of BMV land in Ashford Borough and would not have a material impact on food security of the area.

6.8.26 Overall, in consideration of objective b above, in accordance with national and local policy the inclusion of some BMV land within the Project is justified and the impacts on BMV land have been minimised by the nature of the Project and its design. The benefits of the Project outweigh the loss of BMV land, particularly noting that NPS EN-3 paragraph 2.10.29 states that land type should not be the predominating factor in determining the suitability of a site for solar development.

6.9 Project lifetime and decommissioning

6.9.1 Paragraphs 2.10.146 – 2.10.151 of NPS EN-3 set out decision-making considerations for the Project's lifetime and decommissioning. NPS EN-3 paragraph 2.10.147 states that DCOs should include a requirement securing a time-limit from the date the solar farm starts to generate electricity. The **Draft Development Consent Order (Doc Ref. 3.1)** includes requirements which provide that the authorised development must cease generating electricity on a commercial basis no later than the 40th anniversary of the first export date from Work No. 3 (the Project Substation) and that decommissioning works must commence no later than the 40th anniversary of the first export date from Work No. 3.

6.9.2 EN-3 paragraph 2.10.151 sets out that *"The Secretary of State should consider the period of time the applicant is seeking to operate the generating station, as well as the extent to which the site will return to its original state, when assessing impacts such as landscape and visual effects and potential effects on the settings of heritage assets and nationally designated landscapes."* The outline management plans submitted with the DCO Application provide a framework from which final, detailed management plans will be developed after the DCO is granted, to avoid, minimise or mitigate any likely significant effects on the environment. The management plans will be secured by DCO requirements.

6.9.3 This includes outline decommissioning plans (see the **Outline DEMP (Doc Ref. 7.12)** and the **Outline Decommissioning Traffic Management Plan (Doc Ref. 7.13)**), which will ensure the land will be restored to a suitable use in accordance with EN-3 paragraph 2.10.68 and 2.10.69.

6.9.4 Accordingly, the Project complies with NPS policy regarding the Project's lifetime and decommissioning.

6.10 Biodiversity, ecological, geological conservation and water management

6.10.1 Biodiversity, ecological, geological conservation and water management considerations have played a key role in the development of the Project.

6.10.2 Paragraph 2.10.154 of NPS EN-3 states that "*Water management is a critical component of site design for ground mount solar plants. Where previous management of the site has involved intensive agricultural practice, solar sites can deliver significant*

ecosystem services value in the form of drainage, flood attenuation, natural wetland habitat, and water quality management." **ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2)** considers the potential effects of the Project on the water environment.

6.10.3 The following are potential effects from the Project on the water environment during construction:

- Disruption / damage to existing field underdrainage, if present. This could lead to localised groundwater flooding;
- Disruption / blockage of watercourse and floodplain flow from temporary watercourse crossings leading to flooding;
- Changes in flow across the floodplain resulting from stockpiling, temporary access tracks, approaches to temporary watercourse crossings or other temporary ground level changes; and
- Changes in floodplain storage resulting from stockpiling or temporary changes in ground level.

6.10.4 An **Outline CEMP (Doc Ref. 7.8)** has been developed for the Project. Following the grant of the DCO, further detailed control measures including construction drainage arrangements will be set out in detailed CEMP(s) to be submitted to ABC for approval. The measures within that document will control construction phase risk to the water environment. This includes establishing baseline water quality prior to construction through water quality monitoring. This monitoring is secured through the **Outline CEMP (Doc Ref. 7.8)**.

6.10.5 The **Outline OSWDS (Doc Ref. 7.15)** effectively mitigates any potential impacts in relation to pollution and changes in storm runoff through the use of SuDS. The Site layout and design has been carefully developed to reflect the prevailing fluvial flood risk. This includes setting the location and height of key sensitive infrastructure and raising solar panels above the projected height of flooding.

6.10.6 Potential effects in the decommissioning phase are typically similar to construction. Similar practices undertaken during construction will be implemented during decommissioning through an appropriate DEMP, which must be in accordance with the **Outline DEMP (Doc Ref. 7.12)**.

6.10.7 Through careful design and embedding mitigation measures, the Project overall retains and enhances sufficient habitat to avoid significant adverse effects on the majority of ecological features. During construction, there are residual adverse significant effects remaining on yellowhammer, skylark and brown hare but these have been reduced as far as practically possible. There is a residual adverse significant effect on skylark as a result of the reduction in open habitat suitable for nesting during operation. This has been reduced as far as reasonably possible through the scope of the Project by Embedded Mitigation. It is also important to recognise the limited extent of these adverse effects, given that they are all identified as being adverse effects of local significance (i.e. low on the scale of significance). All other adverse effects are assessed as not significant.

6.10.8 In addition to protecting existing features of biodiversity value, the Applicant has also proactively taken opportunities to maximise the enhancement of the biodiversity value

of the Site, including within field margins, undeveloped areas set aside for biodiversity enhancement, and in the land between and below PV Arrays. As a result of this, the Project delivers at least 100% BNG for habitat units and at least 10% for hedgerow and river units, and represents a substantial improvement to the baseline of mostly intensively farmed agricultural fields.

6.10.9 Paragraph 5.4.39 of NPS EN-1 states that the SoS should have regard to the aims and goals of the government's Environmental Improvement Plan 2023. Paragraph 5.4.2 of NPS EN-3 recognises that failure to address the challenge of climate change will result in significant adverse impacts on biodiversity.

6.10.10 The NPPF within section 15 "Conserving and enhancing the natural environment", paragraph 180 states that planning policies and decisions should contribute to and enhance the natural and local environment. Furthermore, paragraph 185 sets the aim to protect and enhance biodiversity and geodiversity. **Appendix 1: Policy Compliance Checklist** of this Planning Statement addresses NPPF policies with regard to biodiversity and geodiversity.

6.10.11 In terms of local policy, Policy ENV1 of the Ashford Local Plan states that proposals *"that conserve or enhance biodiversity will be supported. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity."*

6.10.12 Paragraph 5.4.17 of NPS EN-1 states that projects should include an ES that clearly sets out any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity.

6.10.13 **ES Volume 2, Chapter 9: Biodiversity (Doc Ref 5.2)** sets out any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity.

6.10.14 **ES Volume 2, Chapter 9: Biodiversity (Doc Ref 5.2)** also outlines the studies and surveys undertaken to inform the DCO Application. These enabled the design to respond positively to sites of biodiversity and geological interest.

6.10.15 Paragraph 5.4.41 of NPS EN-1 states that the benefits of nationally significant low carbon energy infrastructure development may include benefits for biodiversity and geological conservation interests and these benefits may outweigh harm to these interests. The **Biodiversity Net Gain Assessment (Doc Ref. 7.1)** indicates that the Project will deliver habitat unit gains of 186.65%, hedgerow unit gains of 36.28% and river unit gains of 15.24%. **ES Volume 2, Chapter 9: Biodiversity (Doc Ref 5.2)** also concludes that the Project will result in residual significant beneficial effects at a local level for a total of 17 different ecological features.

6.10.16 Although the Project will result in a limited number of adverse biodiversity effects of local significance, these are substantially outweighed by the biodiversity benefits of the Project and, moreover, by the Project's contribution to meeting the urgent need for

low carbon energy infrastructure, delivering benefits at the national scale, in accordance with the objectives of NPS EN-1.

Internationally designated ecological sites

6.10.17 Paragraph 5.4.4 of NPS EN-1 sets out that *"The highest level of biodiversity protection is afforded to sites identified through international conventions. The Habitats Regulations set out sites for which an HRA will assess the implications of a plan or project, including Special Areas of Conservation and Special Protection Areas."*

6.10.18 The are no internationally designated ecological sites within the Order limits.

6.10.19 Three statutory designated sites of international importance, consisting of Wye and Crundale Downs SAC, Dungeness Romney Marsh and Rye Bay Ramsar and SPA and Folkestone to Etchinghill Escarpment SAC, are present within 10km of the Site. **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** does not identify any significant effects on these sites from the Project.

6.10.20 The Stodmarsh SPA, SAC, Ramsar and SSSI complex is located c. 23.5km from the Site but is sensitive to nutrient driven ecological effects arising from new development and is connected to the Site via the Stour River catchments (including the East Stour River catchment).

6.10.21 To support the SoS with their duties under the Conservation of Habitats and Species Regulations 2017 and in accordance with planning policy, an **Information for Habitats Regulations Assessment ('IHRA') (Doc Ref. 7.19)** has been prepared. The scope of the IHRA includes:

- Stage 1: a screening assessment to check if the proposal is likely to have a significant effect on a European site's conservation objectives, both alone or in combination with other plans or projects in the absence of mitigation; and
- Stage 2: an Appropriate Assessment to assess the implications of the proposal for the qualifying features of a European site, in view of the site's conservation objectives, and identify ways to avoid or minimise any effects.

6.10.22 The **IHRA (Doc Ref. 7.19)** concludes that the Project would not result in an adverse effect on the integrity of a European site.

6.10.23 **ES Volume 2, Chapter 9: Biodiversity (Doc Ref 5.2)** also assesses the impact of the Project on internationally designated biodiversity sites. Overall, no significant effect is predicted for any of the statutory designated sites during the construction, operation and decommissioning phases.

6.10.24 Overall, the Project accords with NPS EN-1, the NPPF and local planning policies by avoiding impacts on internationally designated nature conservation sites.

Nationally designated ecological sites

6.10.25 Paragraph 5.4.8 of NPS EN-1 states that *"Development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only*

exception is where the benefits (including need) of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs." This principle is also set out in paragraph 186 of the NPPF.

6.10.26 There are no SSSIs located within the Order limits.

6.10.27 There are four SSSI located within 5km of the Site, namely Hatch Park SSSI to the north west of the Site, Gibbin's Brook SSSI to the north-east of the Site, Otterpool Quarry SSSI to the east of the Site and Lympne Escarpment SSSI to the south-east of the Site.

6.10.28 **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** does not identify any significant adverse effects on the SSSI sites.

Locally designated sites

6.10.29 Paragraph 5.4.52 of NPS EN-1 states that: "*The Secretary of State should give due consideration to regional or local designations. However, given the need for new nationally significant infrastructure, these designations should not be used in themselves to refuse development consent."*

6.10.30 NPPF paragraph 180 states that *"Planning policies and decisions should contribute to and enhance the natural and local environment"*.

6.10.31 There are no locally designated sites within the Order limits.

6.10.32 There are four Local Wildlife Sites ('LWS') located within 1km of the Site being Backhouse Wood LWS adjacent to the Northern Area, Aldington Sand Pit to the south-east of the Central Area, Aldington Woods LWS to the south and Bilsington Woods and Pasture to the south-west.

6.10.33 **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** does not identify any significant adverse effects on locally designated sites. As the Project is not expected to lead to any significant effects on sites of local biodiversity and geological interest, it therefore complies with paragraph 5.4.52 of NPS EN-1 and paragraph 180 of the NPPF.

Protected species and habitats of importance

6.10.34 Many individual wildlife species receive statutory protection under a range of legislative provisions. Other species and habitats are also identified as being of principal importance for the conservation of biodiversity. Paragraph 5.4.48 of NPS EN-1 states that *"the Secretary of State should ensure that appropriate weight is attached to designated sites of international, national, and local importance; protected species; habitats and other species of principal importance for the conservation of biodiversity; and to biodiversity and geological interests within the wider environment."*

6.10.35 The Project has been designed so that adverse impacts upon important habitats (comprising woodland, grassland, hedgerow and ponds) are avoided or reduced, and that habitats are enhanced during the operational life of the Project where reasonably practicable. **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** gives full details

of important ecological features (sensitive receptors) that are identified and are assessed further within the chapter.

6.10.36 **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** identifies that in terms of residual effects, there are some local significant adverse effects on yellowhammer, skylark and brown hare during the construction phase and local significant adverse effects on skylark during the operational phase. However, there will be no residual significant adverse effects at the decommissioning phase. These effects are assuming the effective implementation of mitigation measures and therefore are unavoidable. It is also important to recognise the limited extent of these adverse effects, given that they are all identified as being adverse effects of local significance (i.e. low on the scale of significance). Three adverse effects of local significance are predicted during the construction phase on yellowhammer, skylark and brown hare but these are short-term, reversible effects. The identified significant adverse effects are not considered to amount to significant harm to biodiversity (paragraph 5.4.42 of EN-1).

6.10.37 During the operational phase one adverse effect of local significance has been identified on skylark due to the removal of arable monoculture cropland. Skylark nesting areas within set back zones within the PV Arrays have been included in the design and significant biodiversity improvement areas have been included, notably to the north of the East Stour River in Fields 26-29 with the habitats in these fields providing nesting opportunities for skylark and other ground nesting birds to mitigate the effects. A precautionary worst case position has been assumed in the ES such that a local significant adverse effect on skylark may remain, which is medium term and reversible.

6.10.38 17 beneficial effects of local significance have been identified during the operational phase, including on Backhouse Wood LWS, Backhouse Wood ancient woodland, notable habitats and plants and a range of species including great crested newt ('GCN'), reptiles, wintering and breeding birds and brown hare. No significant effects have been identified during decommissioning.

6.10.39 The Project includes suitable spacing at the bottom of the boundary fencing and mammal gates which maintain permeability and connectivity for small animals including brown hare and badger across the Site.

6.10.40 The Applicant proposes extensive biodiversity and landscape mitigation proposals as set out in **ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2)**. This includes at least 100% BNG for habitat units and at least 10% for hedgerow and river units as set out in the **Biodiversity Net Gain Assessment (Doc Ref. 7.1)**. The proposed biodiversity and landscape enhancements are considered appropriate to mitigate the effects of the Project.

6.10.41 Therefore in consideration of the above, the Project is in accordance NPS policy.

Ancient woodland and veteran trees

6.10.42 Paragraph 5.4.15 of NPS EN-1 seeks to protect ancient woodland and veteran trees. Paragraph 5.4.53 states that *"The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of any irreplaceable habitats, including ancient woodland, and ancient and veteran trees*

unless there are wholly exceptional reasons and a suitable compensation strategy exists."

6.10.43 Similarly, the NPPF at paragraph 186 part (c) directs the decision maker to refuse consent for development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

6.10.44 There are no areas of ancient woodland within the Order limits. The design of the Project includes a minimum buffer of 15 times the stem diameter or 5m beyond the tree crown spreads (whichever is greater) for veteran trees and of 15m from the canopy spread for ancient woodland. The effect of the Project on ancient woodland and veteran trees is considered by **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)**. It concludes that there would be no significant residual effects of the construction phase on Backhouse Wood LWS and ancient woodland. Operational residual effects include local beneficial significant effects on the Backhouse Wood LWS and ancient woodland. Decommissioning phase effects are similar to construction with no significant residual effects identified.

6.10.45 The Project therefore protects ancient woodland and veteran trees in accordance with paragraph 5.4.15 of NPS EN-1 and paragraph 186 part (c) of the NPPF.

Biodiversity net gain

6.10.46 NPS EN-1 Paragraph 4.6.3 confirms that achieving a BNG is currently not an obligation on applicants. However, NPS EN-1 Paragraph 4.6.6 encourages applicants to *"seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity, and the wider environment where possible."*

6.10.47 Furthermore, NPS EN-3 states in paragraph 2.10.90 that *"For projects in England, applicants should consider enhancement, management, and monitoring of biodiversity in line with the ambition set out in the Environmental Improvement Plan and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere."*

6.10.48 The NPPF requires at paragraph 186(d) that *"opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate"*.

6.10.49 From the outset the Applicant has worked with its ecologist to identify opportunities to deliver a significant level of BNG across the Site. This principle has played a fundamental part of the design development of the Project resulting in a number of changes throughout the pre-application period.

6.10.50 The **Biodiversity Net Gain Assessment (Doc Ref. 7.1)** confirms that the Project has committed to deliver a BNG of at least 100% for habitat units and at least 10% for hedgerow and river units, secured by DCO Requirement. This represents a substantial improvement to the baseline of the currently intensively farmed agricultural fields.

6.10.51 Therefore in consideration of the above, the Project's commitment to BNG is accordance with national policy.

Summary

6.10.52 **ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2)** and relevant management plans demonstrate diligent care towards water management on the Site. The measures in the management plans will control any risk to water management. This Project is therefore in accordance with NPS EN-3 paragraph 2.10.154.

6.10.53 NPS EN-1 Paragraph 5.4.41 is clear that *"The benefits of nationally significant low carbon energy infrastructure development may include benefits for biodiversity and geological conservation interests and these benefits may outweigh harm to these interests. The Secretary of State may take account of any such net benefit in cases where it can be demonstrated."*

6.10.54 Through careful and sensitive design, the Project has minimised significant adverse impacts. No adverse effects have been identified on internationally, nationally or locally designed ecological sites or on irreplaceable habitats.

6.10.55 Three adverse effects of local significance are predicted during the construction phase on yellowhammer, skylark and brown hare but these are short-term, reversible effects.

6.10.56 During the operational phase one adverse effect and 17 beneficial effects of local significance have been identified. The adverse effect relates to skylark and is due to the removal of arable monoculture cropland. Skylark nesting areas within set back zones within the PV Arrays are anticipated to mitigate the adverse effects. A precautionary worst case position has been assumed in the ES such that a local significant adverse effect on skylark may remain, which is medium term and reversible. The 17 beneficial effects include habitat and species benefits and include Backhouse Wood LWS, Backhouse Wood ancient woodland, notable habitats and plants and a range of species including GCN, reptiles, wintering and breeding birds and brown hare.

6.10.57 No significant effects have been identified during decommissioning. Habitat enhancements associated with the Project result in a BNG of at least 100% for habitat unit, and at least 10% hedgerow and water units.

6.10.58 The Project will avoid and mitigate any significant adverse effects on biodiversity, locally or nationally designated ecology sites, or important or protected habitats and species, save in respect of the residual locally significant adverse effects on yellowhammer, skylark and brown hare, which are all reversible. The effects have been reduced as far as practically possible within the scope of the Project by Embedded and Additional Mitigation.

6.10.59 The Project will result in a large number of locally significant beneficial effects and a BNG that substantially exceeds the requirements set out in the Environment Act 2021 (recognising this is not currently applicable to the Project).

6.10.60 The Project is therefore in accordance with NPS EN-1, NPS EN-3 and the NPPF relating to the protection and enhancement of biodiversity.

6.11 Landscape, visual and residential amenity

6.11.1 The design of the Project has taken detailed account of the landscape and landform in which it sits and has also given careful consideration to its impact on views from sensitive receptors. These have been factored into the design development at all stages, and the design has directly and effectively responded to potential impacts identified and consultation comments received in relation to landscape and visual impact.

6.11.2 As a result, the Project presented is sensitive to its location and, through Embedded Mitigation, has effectively minimised landscape and visual effects, resulting in relatively few significant residual effects being identified, considering its scale (that is needed to deliver the substantial renewable energy benefit). The benefits of the Project clearly outweigh the landscape and visual effects which would result, and it accords with relevant national and local planning policy.

6.11.3 The Site is not subject to any national or local landscape designations as assessed in **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)**. The Site is also not considered to be a "valued landscape" as defined by NPS EN-1 paragraph 5.10.12 and paragraph 180a of the NPPF.

6.11.4 The Kent Downs NL is located approximately 330m south and 3km north-east of the Site. An assessment of the Kent Downs NL has been included in **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)**. This confirms that the Project will be visible in medium range views from a very limited part of the NL to the south-east of the Site and in long range elevated views from the North Downs ridgeline. No significant effects on any landscape and visual receptors within the Kent Downs NL have been identified at any stage of the Project.

6.11.5 The Site benefits from existing hedgerows that help to minimise the visual impact of the Project from Aldington village and other local viewpoints.

6.11.6 As detailed in **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)**, the landscape and visual impacts of the Project have been assessed in accordance with NPS EN-1 section 5.10 and NPS EN-3 section 2.10. The assessment includes reference to the relevant landscape character assessments and any significant effects. In making the assessment a range of factors have been considered, including visibility, views, visual amenity, light pollution, local amenity, tranquillity and nature conservation.

6.11.7 The following sections present the outcome of the landscape and visual assessment and the Project's compliance with planning policy relating to the protection of landscape character and visual amenity. NPS EN-1 (paragraph 5.10.5) acknowledges the fact that virtually all NSIPs will have adverse effects on the landscape but that there may also be beneficial landscape character impacts arising from mitigation.

6.11.8 No significant effects on night-time receptors have been identified as a result of the Project.

6.11.9 No landscape receptors are anticipated to experience significant effects as a result of the construction phase of the Project. This is due to the scale of Landscape Character

Areas in relation to the Site, the lack of widespread, permanent and substantial changes to the physical fabric of the Site and the very short duration of effects relating to the construction and decommissioning phases. The level of effect on landscape receptors would be Negligible Adverse to Minor Adverse.

6.11.10 Once operational, at Year 1, three landscape receptors are considered likely to experience significant effects as a result of the Project. The Open Fields of the Site and the overall landscape Character of the Site will be subject to Major-Moderate Adverse (significant) effects, while the Aldington Ridge LCA will experience a Moderate Adverse (significant) effect. However, following establishment of proposed planting at Year 15, those three receptors are considered likely to experience a combination of moderate adverse and moderate beneficial effects which are significant. Two further landscape receptors (Hedgerows and Canopy Trees) will be subject to significant moderate beneficial effects following establishment of proposed planting.

6.11.11 No landscape receptors are anticipated to experience significant effects as a result of the decommissioning phase of the Project.

6.11.12 Three visual receptors are likely to experience moderate adverse (significant) effects during the construction phase of the Project, being users of PRoWs within/adjacent to the proposed PV Arrays (two receptor groups) and users of PRoW AE401, Collier's Hill.

6.11.13 At Year 1 of the operational phase, 19 visual receptors are considered likely to experience moderate adverse effects as a result of the Project, with one receptor judged to experience a moderate-major effect, all of which are significant. The majority of these receptors are in close proximity to, or within the Site. Following establishment of mitigation planting at Year 15, the number of visual receptors experiencing significant effects will reduce to four (being users of PRoW (within the Site), AE401 Colliers Hill and AE428 and people travelling on Bank Road), all of which are moderate adverse effects.

6.11.14 One receptor has been identified as likely to experience significant visual effects as a result of the decommissioning phase: users of PRoW AE401, Collier's Hill will be subject to a temporary moderate adverse visual effect.

6.11.15 Whilst some limited significant adverse effects have been identified, these are considered to be limited for a Project of this nature. NPS EN-1 recognises that virtually all NSIPs will have adverse impacts on the landscape. It is clear that the landscape strategy has sought to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate. Therefore, in consideration of the above, the Project is considered to be in accordance with NPS EN-1 and NPS EN-3.

6.12 Glint and glare

6.12.1 NPS EN-3 states within paragraph 2.10.158 that *"Solar PV panels are designed to absorb, not reflect, irradiation. However, the Secretary of State should assess the potential impact of glint and glare on nearby homes, motorists, public rights of way, and aviation infrastructure (including aircraft departure and arrival flight paths)."*

6.12.2 The **ES Volume 4, Appendix 16.2: Solar Photovoltaic Glint and Glare Study (Doc Ref. 5.4)** notes that solar reflections from the Project may be experienced but no residual significant effects are identified. Accordingly, the Project is in accordance with NPS EN-3 paragraph 2.10.158 – 2.10.159.

6.13 Cultural Heritage

6.13.1 The Project has been very carefully designed to take account of heritage assets and potential impacts on their settings. The Project has been designed so that the generation equipment and associated structures will be sited and mitigation included to minimise the effects of the Project on the setting of heritage assets. The Project has complied with relevant planning policy by minimising harm to heritage assets through sensitive design and protecting as much of their significance as practicable during the life of the Project. In addition, the Project will be decommissioned, and land restored in the future. After decommissioning, the Project would not have any significant effect on the significance of heritage assets, thereby helping to preserve them for future generations.

6.13.2 **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)** provides an assessment of the likely effects of the Project upon heritage assets, including a description of the significance of the heritage assets. It also considers the contribution of their setting to their significance and the results of archaeological desk-based and field investigations. The assessment is informed by consideration of representative visualisations, where appropriate. This accords with NPS EN-1 paragraphs 5.9.9 to 5.9.15 and NPS EN-3 paragraph 2.10.160.

Designated heritage assets

6.13.3 NPS EN-1 paragraph 5.9.28 states that: *"The Secretary of State should give considerable importance and weight to the desirability of preserving all heritage assets. Any harm or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification."*

6.13.4 Paragraph 5.9.24 of NPS EN-1 states that: *"In considering the impact of a proposed development on any heritage assets, the Secretary of State should consider the particular nature of the significance of the heritage assets and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal."*

6.13.5 NPS EN-3 confirms that solar developments may affect heritage assets (sites, monuments, buildings, and landscape) both above and below ground, and their impacts will require expert assessment in most cases. The NPS recognises, however, that *"solar PV developments may have a positive effect, for example archaeological assets may be protected by a solar PV farm as the site is removed from regular ploughing and shoes or low-level piling is stipulated"* (paragraph 2.10.110).

NPS EN-1 states that *"When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset's conservation. The more important the asset, the greater the weight should be"* (paragraph 5.9.27). In the context of the Project, there are no

designated built heritage assets within the Site. Designated heritage assets recorded within 1km of the Site include two Grade I Listed buildings, six Grade II* Listed buildings, seventy Grade II Listed buildings, two Conservation Areas and four PMR sites.

6.13.6 The **Heritage Statement** (**ES Volume 4, Appendix 7.2 (Doc Ref. 5.4)**) concludes that the Project would cause harm to designated heritage assets through introducing changes within their setting which will affect how the asset is experienced. It confirms that the identified harm would be less than substantial and at the lowest level of the spectrum for all of these assets save in respect of Grade II* listed Stonelees which would experience less than substantial harm at the lower end of the spectrum. The Project has been assessed in **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)** not to have any residual significant effect on designated heritage assets.

6.13.7 NPS EN-1 paragraph 5.9.32 states that: *"Where the proposed development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal".*

6.13.8 The limited harm to heritage assets is considered to be demonstrably outweighed by the substantial public benefits that would only be realised if the Project was delivered.

Non-designated heritage assets

6.13.9 NPS EN-1 paragraph 5.9.7 and paragraph 209 of the NPPF state that the decision maker should also consider the impacts on non-designated heritage assets. Paragraph 5.9.12 of NPS EN-1 sets out that the applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents. NPS EN-1 sets out at paragraph 5.9.33 that *"In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

6.13.10 NPS EN-3 states that: *"Solar farms are generally consented on the basis that they will be time-limited in operation. The Secretary of State should therefore consider the length of time for which consent is sought when considering the impacts of any indirect effect on the historic environment, such as effects on the setting of designated heritage assets."* (paragraph 2.10.160).

6.13.11 The **Heritage Statement** (**ES Volume 4, Appendix 7.2 (Doc Ref. 5.4)**) concludes that the Project would cause harm to a number of non-designated heritage assets in close proximity to the Site. The identified harm to significance would be less than substantial, at the lowest end of the spectrum. The Project has been assessed in **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)** not to have any residual significant effect on non-designated heritage assets, with effects being neutral or slight adverse. In accordance with NPS EN-1 paragraph 5.9.7 and NPS EN-3 paragraph 2.10.160, in considering a balanced judgement, this scale of effect on non-designated heritage assets is clearly not sufficient to outweigh the substantial benefits of the Project when considered alongside and in combination with all other effects.

6.13.12 The limited harm to non-designated heritage assets is considered to be demonstrably outweighed by the substantial public benefits that would only be realised if the Project was delivered.

6.14 Construction including traffic and transport noise and vibration

Construction Traffic

6.14.1 The **Outline CTMP (Doc Ref. 7.9)** will ensure construction vehicles are routed to avoid local villages. Any PRoW provided as diversions, replacements or alternatives to PRoW that are diverted or extinguished during the construction phase, as well as new PRoW to be provided, will be fully established and accessible during the operational phase ensuring no break in connectivity across the network.

6.14.2 Section 5.14 of NPS EN-1 discusses the requirements for considering the potential transport and traffic related impacts and mitigation of NSIPs. Paragraph 5.14.4 of NPS EN-1 explains the mitigation of such impacts is *"an essential part of Government's wider policy objectives for sustainable development"*. Paragraph 2.10.35 of NPS EN-3 sets out that solar NSIPs should consider the suitability of the access routes to the proposed site for both the construction and operation of the solar farm with the former likely to raise more issues.

6.14.3 The NPPF, at paragraph 108, also expects consideration and mitigation of transport impacts of development including the environmental impacts and impacts on transport networks. At paragraph 115, the NPPF also expects development to only be *"prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

6.14.4 NPS EN-1 and the NPPF require a transport assessment and travel plans to manage demand where development is likely to have significant transport implications.

6.14.5 In response to these policies the Applicant has considered the likely traffic generation from the Project and undertaken an assessment of the effects of construction phase traffic. The construction traffic effects of the Project have been assessed and set out in **ES Volume 2, Chapter 13: Traffic & Access (Doc Ref. 5.2).** This concludes that the residual effect of the Project is negligible or minor adverse.

6.14.6 The Embedded Mitigation measures to be implemented during the construction phase will be secured through the DCO by the **Outline CTMP (Doc Ref. 7.9)** as well as the **Outline CEMP (Doc Ref. 7.8)**. These contain measures in relation to Construction Vehicle Routing, Vehicular Access, Internal Haulage Road, Safety Management, Condition Survey and Public Engagement.

6.14.7 It was agreed through the EIA Scoping Opinion (**ES Volume 4, Appendix 1.2: Scoping Opinion (Doc. Ref. 5.4)**) that operation and decommissioning traffic of the Project could be scoped out of further assessment.

6.14.8 In summary, traffic generated by the Project is not expected to result in any significant adverse environmental effects upon strategic and local highway network users, including pedestrians, cyclists and users of public transport. It is also not expected to have a significant effect on the strategic or local highway networks in terms of their

capacity and highway safety. The Project is therefore in accordance with the transport and access policies of NPS EN-1 and NPS EN-3.

6.14.9 Paragraph 2.10.42 of NPS EN-3 encourages applicants to design the layout and appearance of their site to enable continued recreational use of PRoWs where possible during operation and construction. Paragraph 2.10.45 of NPS EN-3 sets out that an Outline PRoW management plan should be provided.

6.14.10 Effects on PRoWs, pedestrians and cyclists are assessed in **ES Volume 2, Chapter 13: Traffic & Access**; **Chapter 12: Socio-Economics**; **Chapter 8: Landscape and Views**; and **Chapter 14: Noise (Doc Ref. 5.2)**.

6.14.11 The Applicant has prepared an **Outline RoWAS (Doc Ref. 7.15)** to set out how the PRoWs will be managed during construction, operation and decommissioning. The Applicant seeks to minimise effects on PRoWs where practicable and where the works can be undertaken safely.

6.14.12 As set out in **ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2)**, the Project has taken account of the potential to accommodate existing PRoWs, or re-route them where it is not possible to accommodate them, taking consideration of feedback from stakeholders on usage of local networks. Two PRoWs will be extinguished but these provide limited public amenity and the start/end points can be readily accessed by other routes. **ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2)** draws on feedback from consultees including members of the public and groups such as Kent Ramblers.

6.14.13 The provision of new PRoW across the Site will provide a benefit to local recreational users by improving public access across the Order limits. The Project is therefore in accordance with the transport and access policies of NPS EN-1 and NPS EN-3.

6.14.14 In regard to residual effects, the **Outline CTMP (Doc Ref. 7.9)** will ensure the implementation and monitoring of the construction traffic mitigation, ensuring that the effects of the construction traffic on the local highway network and PRoWs network and their users will be minimised, particularly during the traditional network peak hours and drop-off/pick-up times at The Caldecott School.

Construction Noise and Vibration

6.14.15 NPS EN-3 paragraphs 2.10.120 to 126 set out impacts of construction including traffic and transport noise and vibration which it determines are relevant and important to its decision. **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** provides a noise assessment.

6.14.16 **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** sets out Embedded Mitigation that is included in the design in order to minimise and mitigate noise impacts on receptors as a result of the Project.

6.14.17 Construction noise levels will be controlled through the use of Embedded Mitigation including the **Outline CEMP (Doc Ref. 7.8)**. The effects of construction traffic noise from traffic flows have been shown to be negligible (not significant) at all receptors. The effect of on-Site construction noise is a function of proximity to the development

area. Predicted effects on noise sensitive receptors are predicted to be to be minor adverse to negligible (not significant). Construction effects on users of PRoWs at the Site have been identified as minor adverse to negligible (not significant). In small areas, closest to identified receptors, construction works will be required to use low noise techniques and undertake noise monitoring to ensure construction noise at all receptors is a minor adverse or negligible effect and not significant.

6.14.18 Potential vibration effects associated with all stages of the Project have been scoped out of further assessment, as explained in **ES Volume 2, Chapter 16 Other Topics (Doc Ref 5.2)**. Furthermore, measures to minimise and mitigate vibration effects during construction and decommissioning from all potential sources of vibration are included in the **Outline CEMP (Doc Ref. 7.8)**.

6.14.19 In summary, the Project accords with NPS EN-3, and the NPPF, by avoiding significant adverse construction traffic and transport noise and vibration effects through appropriate mitigation.

7 Planning Balance and Conclusions

7.1 Legislative and Policy Context

7.1.1 The DCO Application will be determined pursuant to section 104 of the PA 2008. On 17 January 2024, NPS EN-1, NPS EN-3 and NPS EN-5 came into force. These NPSs are the relevant NPSs that have effect. The main other documents that may be considered important and relevant to the SoS's decision include:

- The adopted Development Plan and other relevant planning policy documents;
- NPPF; and
- Planning Practice Guidance.

7.1.2 This Planning Statement explains how the Project complies with the relevant prescribed matters, relevant planning policy and other matters the Applicant considers are likely to be important and relevant to inform the SoS's decision as to whether to grant a DCO for the Project.

7.1.3 The Energy NPSs and other national energy policy set out the Government's objectives to provide secure and affordable energy supplies whilst decarbonising the energy system. This is necessary for the UK to achieve the legally binding commitments set out in the Climate Change Act 2008 (as amended) to reduce carbon emissions and achieve net zero carbon emissions by 2050, as well as providing a resilient and low cost energy network for the future.

7.2 Need and Benefits

7.2.1 The Government recognises that the need to deliver these aims and commitments is immediate and, as such, renewable energy NSIPs, including large scale solar projects, are considered to be a Critical National Priority that need to be delivered urgently.

7.2.2 The Project will contribute towards the delivery of these policy aims and commitments, providing a significant amount of low carbon electricity over its lifetime; and providing resilience, security and affordability of supplies due to its large scale and proposed integration of battery storage. The Project will be an important part of the national portfolio of renewable energy generation infrastructure that is required to decarbonise the UK's energy supply quickly whilst providing security and affordability to the energy supply.

7.2.3 It is clear that there is a compelling case for the need for the Project and that it will deliver national economic and social benefits in line with the Government's wider objectives of delivering sustainable development. In addition to meeting the urgent national need for secure and affordable low carbon energy infrastructure, solar schemes, such as the Project, also have the potential to deliver numerous other benefits.

7.2.4 In the case of the Project, these benefits include:

- A meaningful contribution to the UK's legally binding net zero commitment, with

the Project able to generate an amount equivalent to 397% of the electricity currently (in 2022) generated from photovoltaics in Ashford, 225% of the electricity currently (in 2022) generated from photovoltaics in the areas of ABC and Folkestone and Hythe District Council, 35% of the electricity (2022) generated from solar in Kent and 1% of the electricity (2022) generated from solar in the UK.

- An additional source of domestic energy security that reduces the market price of electricity by generating power so that more expensive and more carbon intensive generation (such as gas) are not required to generate as much, reducing the overall cost of electricity to consumers.
- Provision of battery energy storage, co-located with the solar generation which maximises the efficiency of land use and grid capacity and allows the Project to maximise the usable output from intermittent generation which will reduce the overall amount of generation capacity required whilst also providing the opportunity to deliver grid balancing to the local electricity network.
- A range of ecological enhancement measures that will result in a BNG of at least 100% for habitat units and at least 10% for hedgerow and river units.
- Significant additional tree planting.
- A reduction in nitrate emissions to the East Stour River as a result of the removal of the Site from intensive arable agricultural use.
- The introduction of new public rights of way will be created to provide new facilities for active travel, recreation and links between communities and developments. The Project will provide new access routes that will support wider connections between Ashford and the Otterpool Park development on attractive and safe, well-maintained paths.
- An average of 132 direct FTE jobs could be created over the 12-month construction period of which 98 are expected to be taken up by residents within the region. The direct construction employment will generate circa £6.2m in GVA within the regional construction economy (based on average GVA per head in the construction industry).
- It is anticipated that the decommissioning phase would require a similar level of employment and generate a similar scale and character of workforce spending and supply chain effects as the construction phase.
- The operational phase of the Project would support four direct FTE jobs consisting of operational and maintenance roles for the Project's PV panels and other structures, where relevant.

7.2.5 These benefits of the development are considered to carry substantial weight.

7.3 Planning Balance

7.3.1 The planning assessment provided in Section 6 of this Planning Statement has demonstrated that, alongside the need for the Project and the benefits it will provide, the Project is in accordance with relevant planning policy.

7.3.2 The Project has evolved over time through a fully collaborative approach involving community engagement, public consultation and ongoing discussions with key stakeholders and authorities.

7.3.3 The Project has been carefully considered and proposes Embedded Mitigation. Whilst there has been a strong commitment to mitigating effects of the Project and effects have been reduced as far as reasonably possible, the ES finds however that the Project will have residual significant adverse effects in two respects.

7.3.4 Firstly, with regard to landscape and visual effects, three visual receptors are considered likely to experience significant effects during the construction phase of the Project. These are users of PRoWs within/adjacent to proposed solar PV areas (two receptor groups) and users of PRoW AE401, Collier's Hill. At Year 1 of the operational phase, 19 visual receptors are considered likely to experience moderate adverse effects as a result of the Project, with one receptor judged to experience a moderate-major effect, all of which are significant. The majority of these receptors are in close proximity to or within the site. Following establishment of mitigation planting at Year 15, the number of visual receptors experiencing significant effects will reduce to four, all of which are moderate adverse effects. One receptor has been identified as likely to experience significant effects as a result of the decommissioning phase: Users of PRoW AE401, Collier's Hill will be subject to a temporary moderate adverse visual effect.

7.3.5 No landscape receptors are anticipated to experience significant effects as a result of the construction or decommissioning phases of the Project. However, once operational, at Year 1, three landscape receptors are considered likely to experience significant effects as a result of the Project. The open fields of the Site and the overall character of the Site will be subject to major-moderate adverse effects, while the Aldington Ridge LCA will experience a moderate adverse effect. However, following establishment of proposed planting at Year 15, those three receptors are considered likely to experience a combination of moderate adverse and moderate beneficial effects which are significant. Two further landscape receptors (Hedgerows and Canopy Trees) will be subject to significant moderate beneficial effects following establishment of proposed planting.

7.3.6 In terms of planning balance, NPS EN-1 states at paragraph 5.10.5 *"Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation".*

7.3.7 A comprehensive series of mitigation measures has been embedded in the design of the Project, with the aim of reducing adverse effects resulting from its introduction. The design of the Project has evolved as part of an iterative process and has been informed by the findings of the baseline landscape and visual amenity conditions. Once proposed planting is established, the number of receptors with significant effects rapidly decreases.

7.3.8 Furthermore, paragraph 5.10.14 states that "The Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project.". The national and local benefits of the Project are considered to outweigh the localised effects. Therefore, it is policy compliant with NPS EN-1.

7.3.9 Secondly, with regard to biodiversity, through careful and sensitive design, the Project has minimised significant adverse effects on biodiversity, with only three adverse

effects of local significance predicted during the construction phase on yellowhammer, skylark and brown hare but these are short-term, reversible effects. During the operational phase one adverse effect of local significance has been identified on skylark due to the removal of arable monoculture cropland. Skylark nesting areas within set back zones within the PV Arrays are anticipated to mitigate the adverse effects. A precautionary worst case position has been assumed in the ES such that a local significant adverse effect on skylark may remain, which is medium term and reversible. 17 beneficial effects of local significance have been identified, including on Backhouse Wood LWS, Backhouse Wood ancient woodland, notable habitats and plants and a range of species including GCN, reptiles, wintering and breeding birds and brown hare. No significant effects have been identified during decommissioning. Habitat enhancements associated with the Project will result in a BNG of at least 100% for habitat units, and at least 10% for hedgerow and water units.

7.3.10 The above demonstrates that the Project will avoid and mitigate any significant adverse effects on biodiversity, locally or nationally designated ecology sites, or important or protected habitats and species, save in respect of the residual local adverse significant effects on for yellowhammer, skylark and brown hare, which are all reversible. The effects have been reduced as far as practically possible. The Project will result in a number of significant beneficial effects and a BNG very substantially exceeding the requirement set out in the Environment Act 2021 (recognising this is not currently applicable for NSIPs). The Project is therefore in accordance with NPS EN-1, NPS EN-3 and the NPPF relating to the protection and enhancement of biodiversity.

7.3.11 NPS EN-1 is clear that substantial weight should be given to the need for the types of infrastructure covered by this NPS (paragraph 3.2.7) and that this need is urgent (paragraph 3.2.6).

7.3.12 Given the level and urgency of need, paragraph 4.1.3 of NPS EN-1 states that the SoS should *"start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the NPSs clearly indicate that consent should be refused"*. In the present case, there are no such policies which clearly indicate that consent should be refused. Accordingly, the presumption in favour applies and consent should be granted.

7.3.13 Further, in accordance with NPS EN-1, there is a Critical National Priority ('CNP') for the provision of nationally significant low carbon infrastructure (paragraph 3.3.62) which is defined in paragraph 4.2.5 to include onshore renewable electricity generation, which includes the Project. NPS EN-1 makes special provision for considering the residual impacts of CNP Infrastructure:

- Paragraph 3.3.63 of NPS EN-1 states: *"Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible."*
- Paragraph 4.1.7 of NPS EN-1 states: *"For projects which qualify as CNP*

Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases. This presumption, however, does not apply to residual impacts which present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk."

- Paragraph 4.2.15 of NPS EN-1 subsequently states: "*Where residual non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts".*

7.3.14 The residual impacts of the Project are not considered to be unacceptable in the terms of NPS EN-1, or which could warrant refusal of the application for development consent.

7.4 Conclusions

7.4.1 The Project benefits from up to date, authoritative policy support. Not only does national policy establish an urgent need for new, low carbon energy generation, it specifically identifies solar energy as a key part of the government's strategy for low-cost decarbonisation of the energy sector. The Project is also considered to be consistent with the NPPF and other important and relevant planning policies.

7.4.2 The presumption in favour of granting consent applies to the Project, and the application should be determined in accordance with that presumption by granting consent.

7.4.3 This Planning Statement demonstrates that the Project would not cause any potential adverse effects that, considered individually, cumulatively or as a whole, are so severe that the decision maker should refuse the application and, moreover, that each aspect of the proposals is acceptable in planning terms when considered against the relevant national and local policies.

7.4.4 It is therefore concluded that the benefits of the scheme, particularly the delivery of new solar generating capacity, are overwhelmingly greater than the residual adverse effects.

7.4.5 Furthermore, the Project is defined as being CNP Infrastructure so there is an even greater basis of policy support, given the urgent national need for such infrastructure. The residual impacts of the Project are not defined as being unacceptable risks in the terms of NPS EN-1 and, as is evidently clear, there is no basis for suggesting that the Project qualifies as a most exceptional case to warrant refusal of the application for consent.

7.4.6 There is a clear and compelling case in favour of the DCO being made.

7.4.7 The Project accords with the relevant NPSs which have effect. None of sections 104(4) to (8) of the PA 2008 apply. Accordingly, the application should be determined in accordance with the relevant NPSs by granting consent.

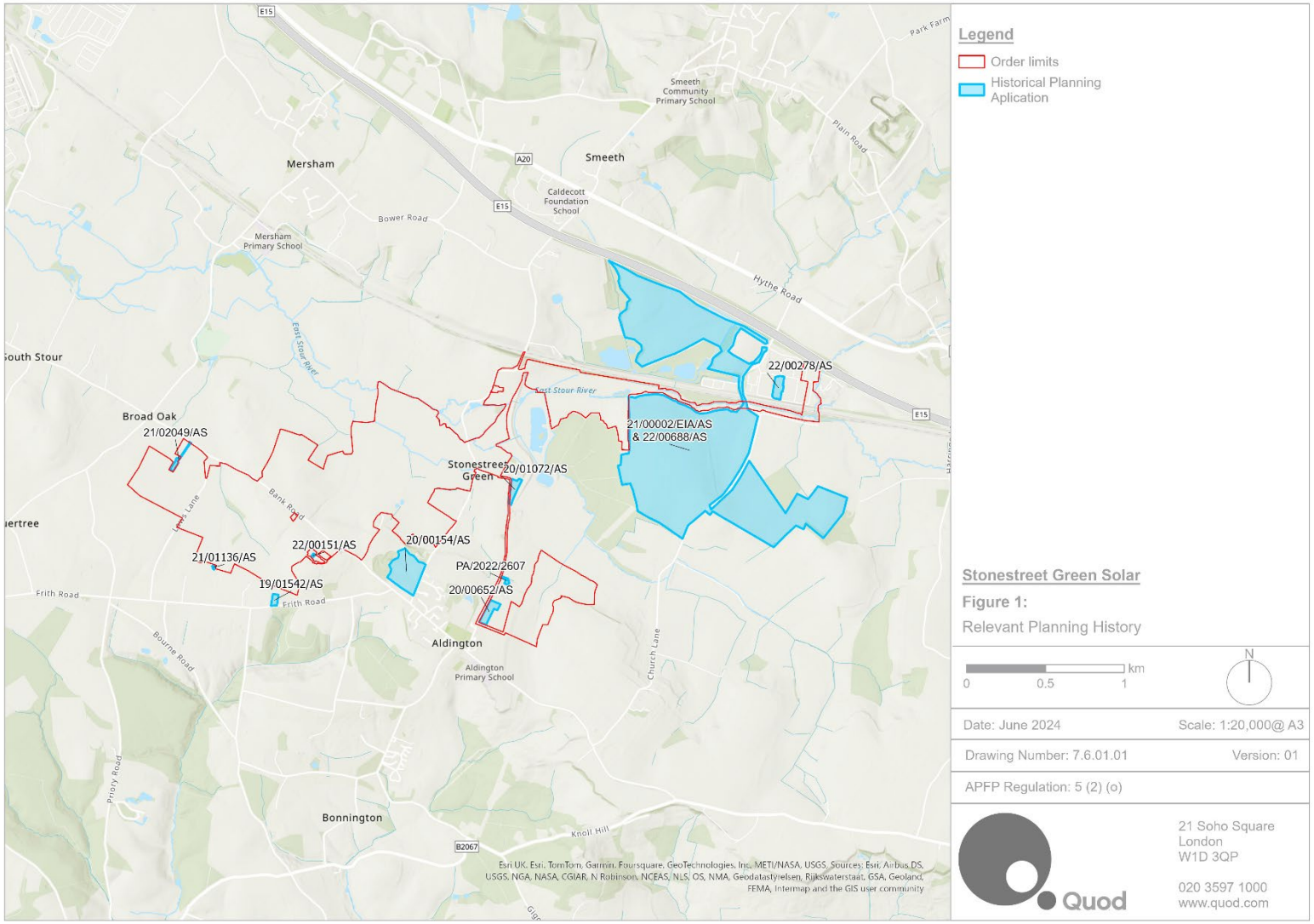

Figure 1 Relevant Planning History Map

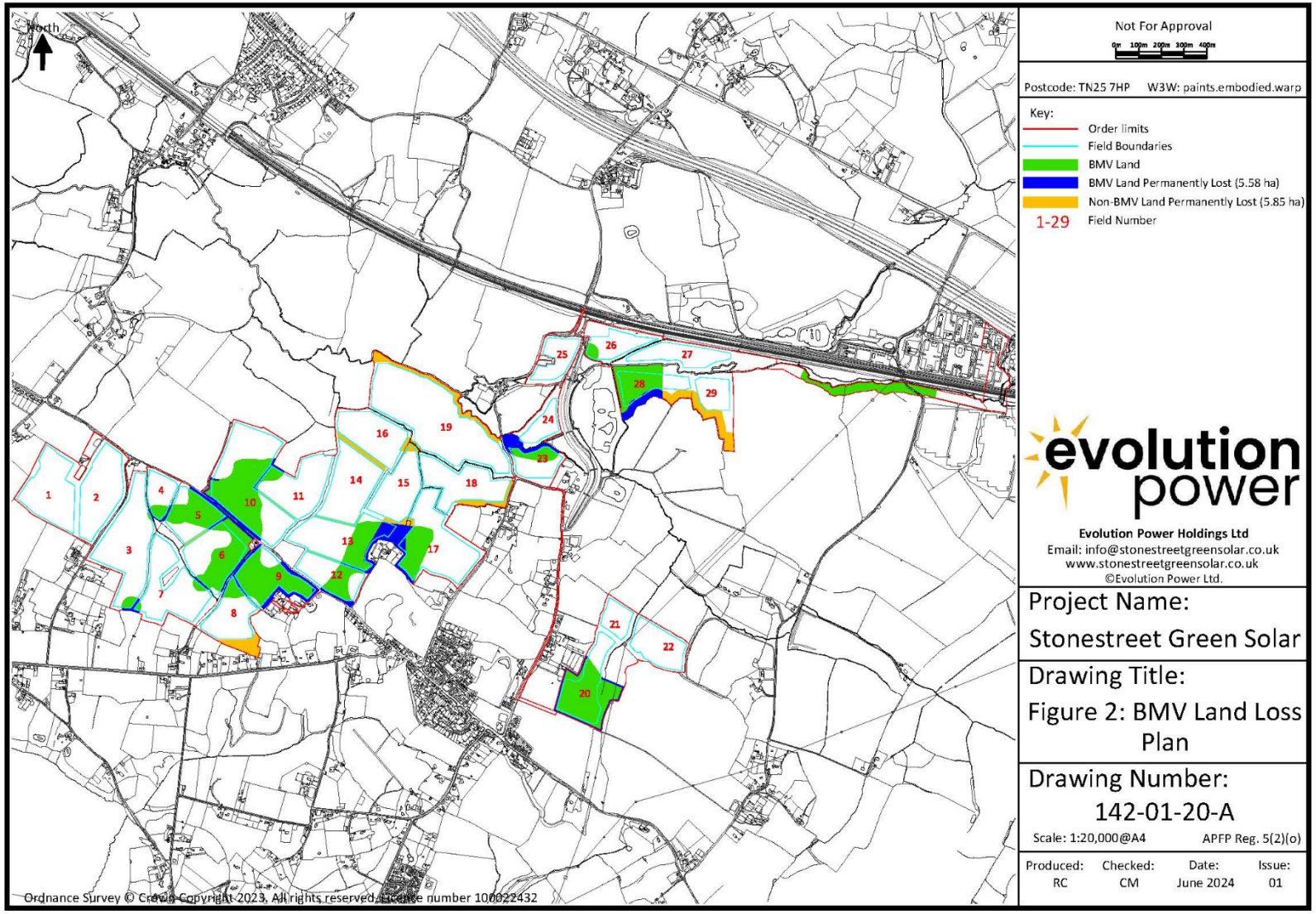

Figure 2 BMV Land Loss Plan

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Stonestreet Green Solar

Planning Statement
Appendix 1: Policy Compliance Checklist

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Appendix 1 – Policy Compliance Checklist

Table 1: Overarching National Policy Statement for Energy (EN-1) ('NPS EN-1')[1]

EN-1 Policy Text	Compliance with Policy
The Critical National Priority for Low Carbon Infrastructure	
Paragraph 4.2.10 Applicants for CNP infrastructure must continue to show how their application meets the requirements in this NPS and the relevant technology specific NPS, applying the mitigation hierarchy, as well as any other legal and regulatory requirements.	The Project comprises CNP Infrastructure. The DCO Application fully accords with the requirements of the relevant policy as set out in this appendix.
Paragraph 4.2.11 Applicants must apply the mitigation hierarchy and demonstrate that it has been applied. They should also seek the advice of the appropriate SNCB or other relevant statutory body when undertaking this process. Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced, or mitigated.	The mitigation hierarchy has been applied and all residual impacts are those that cannot be avoided, reduced, or mitigated. Details of the mitigation measures that have been proposed are set out in the **Environmental Statement (Doc Ref 5.1-5.4)**. The **Consultation Report (Doc Ref. 6.1)** details the regard had to statutory consultee comments. The Project is therefore in accordance with NPS EN-1.
Paragraph 4.2.12 Applicants should set out how residual impacts will be compensated for as far as possible. Applicants should also set out how any mitigation or compensation measures will be monitored, and reporting agreed to ensure success and that action is taken. Changes to measures may be needed e.g. adaptive management. The cumulative impacts of multiple developments with residual impacts should also be considered.	The **Environmental Statement (Doc Ref 5.1-5.4)** details the mitigation measures proposed, including monitoring. The cumulative effects of the Project with other existing and/or approved development have been assessed in **ES Volume 2, Chapter 17: Cumulative Assessment (Doc Ref. 5.2)**. The Project is therefore in accordance with NPS EN-1.

EN-1 Policy Text	Compliance with Policy
Paragraph 4.2.13 Where residual impacts relate to HRA or MCZ sites then the Applicant must provide a derogation case, if required, in the normal way in compliance with the relevant legislation and guidance.	Not applicable.
Paragraph 4.2.14 The Secretary of State will continue to consider the impacts and benefits of all CNP Infrastructure applications on a case-by-case basis. The Secretary of State must be satisfied that the applicant's assessment demonstrates that the requirements set out above have been met. Where the Secretary of State is satisfied that they have been met, the CNP presumptions set out below apply.	The DCO Application fully accords with the requirements of the relevant policy as set out in this appendix.
Generic Impacts – Air Quality and Emissions	
Paragraph 5.2.8 Where the project is likely to have adverse effects on air quality the applicant should undertake an assessment of the impacts of the proposed project as part of the ES.	Air quality impacts were scoped out of the Environmental Statement as they were determined to not be significant, due to the nature of the Project, and therefore an air quality assessment has not been undertaken. **ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2)**

EN-1 Policy Text	Compliance with Policy
Paragraph 5.2.9 The ES should describe: ▪ existing air quality levels and the relative change in air quality from existing levels; ▪ any significant air emissions, their mitigation and any residual effects distinguishing between the project stages and taking account of any significant emissions from any road traffic generated by the project; ▪ the predicted absolute emission levels of the proposed project, after mitigation methods have been applied; and ▪ any potential eutrophication impacts.	provides the information regarding the Project requested by the Planning Inspectorate in the Scoping Opinion **(ES Volume 4, Appendix 1.2: EIA Scoping Opinion (Doc Ref. 5.4))** with regard to air quality matters. The Project is therefore in accordance with NPS EN-1.

EN-1 Policy Text	Compliance with Policy
Paragraph 5.2.11 Defra publishes future national projections of air quality based on estimates of future levels of emissions, traffic, and vehicle fleet. Projections are updated as the evidence base changes and the applicant should ensure these are current at the point of an application. The applicant's assessment should be consistent with this but may include more detailed modelling and evaluation to demonstrate local and national impacts. If an applicant believes they have robust additional supporting evidence, to the extent they could affect the conclusions of the assessment, they should include this in their representations to the Examining Authority along with the source. Paragraph 5.2.16 The Secretary of State should generally give air quality considerations substantial weight where a project would lead to a deterioration in air quality in an area or leads to a new area where air quality breaches any national air quality limits or statutory air quality objectives. However, air quality considerations will also be important where substantial changes in air quality levels are expected, even if this does not lead to any breaches of national air quality limits or statutory air quality objectives.	
Paragraph 5.2.12 Where a proposed development is likely to lead to a breach of any relevant statutory air quality limits, objectives or targets, or affect the ability of a noncompliant area to achieve compliance within the timescales set out in the most recent relevant air quality plan/strategy at the time of the decision, the applicant should work with the relevant authorities to secure appropriate	

EN-1 Policy Text	Compliance with Policy
mitigation measures to ensure that those statutory limits, objectives or targets are not breached.	
Paragraph 5.2.13 The Secretary of State should consider whether mitigation measures are needed both for operational and construction emissions over and above any which may form part of the project application. A construction management plan may help codify mitigation at this stage. In doing so the Secretary of State should have regard to the Air Quality Strategy in England, or the Clean Air Plan for Wales in Wales, or any successors to these and should consider relevant advice within Local Air Quality Management guidance and PM2.5 targets guidance.	
Paragraph 5.2.17 The Secretary of State should give air quality considerations substantial weight where a project is proposed near a sensitive receptor site, such as an education or healthcare facility, residential use or a sensitive or protected habitat. Paragraph 5.2.18 Where a project is proposed near to a sensitive receptor site for air quality, if the applicant cannot provide justification for this location, and a suitable mitigation plan, the Secretary of State should refuse consent. Paragraph 5.2.19 In all cases, the Secretary of State must take account of any relevant statutory air quality limits, objectives and targets. If a project will lead to non- compliance with a statutory limit, objective or target the Secretary of State should refuse consent.	

EN-1 Policy Text	Compliance with Policy
Generic Impacts – Greenhouse Gas Emissions	
Paragraph 5.3.4 All proposals for energy infrastructure projects should include a GHG assessment as part of their ES (See Section 4.3). This should include: ▪ A whole life GHG assessment showing construction, operational and decommissioning GHG impacts, including impacts from change of land use. ▪ An explanation of the steps that have been taken to drive down the climate change impacts at each of those stages. ▪ Measurement of embodied GHG impact from the construction stage. ▪ How reduction in energy demand and consumption during operation has been prioritised in comparison with other measures. ▪ How operational emissions have been reduced as much as possible through the application of best available techniques for that type of technology. ▪ Calculation of operational energy consumption and associated carbon emissions. ▪ Whether and how any residual GHG emissions will be (voluntarily) offset or removed using a recognised framework. ▪ Where there are residual emissions, the level of emissions and the impact of those on national and international efforts to limit climate change, both alone and where relevant in combination with other developments at a regional or national	**ES Volume 2, Chapter 15: Climate Change (Doc Ref. 5.2)** includes a Greenhouse Gas ('GHG') assessment which assesses the likely significant effects of the Project on climate change through an assessment of the Project's lifecycle GHG footprint and determines its significance in the context of local, regional and national climate change policy. As well as a Climate Change Resilience ('CCR') assessment which assesses the resilience of the Project to future changes in climate projected to occur from climate change. **ES Volume 2, Chapter 15: Climate Change (Doc Ref. 5.2)** sets out the embedded mitigation measures that have been proposed for the construction, operation and decommissioning stages of the Project that seek to avoid adverse climate change impacts. For the construction stage, **Outline CTMP (Doc Ref. 7.9)** set out measures included to codify best-practice working measures to reduce environmental impacts. For the operational stage, the **Outline Operational Management Plan ('OMP') (Doc Ref 7.11)** sets out measures to minimise GHG emissions during the operational phase. The OMP is submitted in outline at the time of application, with a final, detailed version being subject to approval by ABC and secured by a DCO Requirement. Overall, **ES Volume 2, Chapter 15: Climate Change (Doc Ref. 5.2)** demonstrates that the Project will lead to net GHG savings by replacing electricity currently generated by more carbon intensive methods such as natural gas CCGT, and helping to enable the removal of fossil fuel generation from the UK electricity grid.

EN-1 Policy Text	Compliance with Policy
level, or sector level, if sectoral targets are developed.	The Climate Change assessment has considered the residual effects of the Project and no additional measures are proposed and therefore the residual effects remain as beneficial and significant. Therefore, this demonstrates the Project complies with NPS EN-1 policy.
Paragraph 5.3.6 Applicants should look for opportunities within the proposed development to embed nature-based or technological solutions to mitigate or offset the emissions of construction and decommissioning.	**ES Volume 2, Chapter 15: Climate Change (Doc Ref. 5.2)** notes that the Project will retain most of the existing grassland on the Site and the DCO Application includes a range of measures to retain and enhance habitats and biodiversity as discussed in **Section 9.6** 'Embedded Design Mitigation' of **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** and the **Outline LEMP (Doc Ref. 7.10)**. The result of these measures will be to help improve the carbon sequestration potential of the Site, although the net change relative to the baseline will be very small. Overall, the net change in emissions from land use will be inconsequential. The measures to minimise and offset emissions set out in the **Outline CEMP (Doc Ref. 7.8)**, **Outline CTMP (Doc Ref. 7.9)**, **Outline LEMP (Doc Ref. 7.10)** and **Outline OMP (Doc Ref 7.11)** are then secured by requirements in the **Draft Development Consent Order ('DCO') (Doc Ref. 3.1).** Therefore, this demonstrates the Project complies with NPS EN-1 policy.
Paragraph 5.3.7 Steps taken to minimise and offset emissions should be set out in a GHG Reduction Strategy, secured under the Development Consent Order. The GHG Reduction Strategy should consider the creation and preservation of carbon stores and sinks including through woodland creation, hedgerow creation and restoration, peatland restoration and through other natural habitats.	
Generic Impacts – Biodiversity and Geological Conservation	
Paragraph 5.4.2 In the 25 Year Environment Plan, the government set out its vision for a quarter of- a-century action to help the natural world regain and retain good health. A commitment to review the plan every 5 years was set into law in the Environment Act 2021. The Environmental Improvement Plan was published in 2023, which reinforces the intent of the 25 Year Environment Plan and sets out a plan to deliver on its framework and vision. The	As explained in the **Planning Statement (Doc Ref 7.6)**, the Project is capable of delivering large amounts of low-carbon electricity to help meet the UK's commitments to decrease carbon emissions and reach net zero by 2050. As noted by the policy, failure to address climate change will result in significant adverse impacts to biodiversity. Without the Project, a significant and vital opportunity to develop a large-scale low-carbon generation project will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.

EN-1 Policy Text	Compliance with Policy
government's policy for biodiversity in England is set out in the Environmental Improvement Plan 2023, the National Pollinator Strategy and the UK Marine Strategy. The aim is to halt overall biodiversity loss in England by 2030 and then reverse loss by 2042, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people. This aim needs to be viewed in the context of the challenge presented by climate change. Healthy, naturally functioning ecosystems and coherent ecological networks will be more resilient and adaptable to climate change effects. Failure to address this challenge will result in significant adverse impact on biodiversity and the ecosystem services it provides.	In addition, the Project will provide a BNG of at least 100% for habitat units and at least 10% for hedgerow and river units as set out in the **Biodiversity Net Gain Assessment (Doc Ref. 7.1)**. This demonstrates the that the Project proposes to mitigate and enhance ecology on Site. The Project therefore accords with the policy text in NPS EN-1.
Paragraph 5.4.4 The highest level of biodiversity protection is afforded to sites identified through international conventions. The Habitats Regulations set out sites for which an HRA will assess the implications of a plan or project, including Special Areas of Conservation and Special Protection Areas. Paragraph 5.4.5 As a matter of policy, the following should be given the same protection as sites covered by the Habitats Regulations and an HRA will also be required: (a) potential Special Protection Areas and possible Special Areas of Conservation; (b) listed or proposed Ramsar sites; and (c) sites identified, or required, as compensatory measures for adverse effects on any of the other sites covered by this paragraph.	**ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** identifies that the Site is not subject to any statutory designations for nature conservation including Special Areas of Conservation ('SAC'), Special Protection Areas ('SPA'), Ramsar sites, Sites of Special Scientific Interest ('SSSI'), Natural Nature Reserves ('NNR') or Local Nature Reserves ('LNR'). An **Information for Habitat Regulations Assessment (Doc Ref 7.19)** is submitted as part of the DCO Application. It is therefore considered that the Project is compliant with these policies in NPS EN-1.

EN-1 Policy Text	Compliance with Policy
Paragraph 5.4.7 Many SSSIs are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs not covered by an international designation, should be given a high degree of protection. Most National Nature Reserves are notified as SSSIs.	**ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** concludes that it is not anticipated that there will be any significant adverse effects on any SSSIs either alone or in combination with other projects. This policy therefore does not apply to this Project. Therefore, the Project accords with NPS EN-1 policy.
Paragraph 5.4.12 Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Wildlife Sites, are areas of substantive nature conservation value and make an important contribution to ecological networks and nature's recovery. They can also provide wider benefits including public access (where agreed), climate mitigation and helping to tackle air pollution. Paragraph 5.4.13 National planning policy expects plans to identify and map Local Wildlife Sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks.	There are four non-statutory designated sites located within 1km of the Site (refer to **ES Volume 3, Figure 9.2: Locations of Local Wildlife Sites Doc Ref 5.3**). The closest is Backhouse Wood Local Wildlife Site, which is located adjacent to the Northern Area. **ES Volume 2, Chapter 9: Biodiversity (Doc Ref 5.2)** concludes that during the 12-month construction phase, three adverse effects of local significance (significant in EIA terms) have been identified, being local effects on yellowhammer, skylark and brown hare. These are short-term, reversible effects. During the 40-year operational phase: ▪ One adverse effect of local significance (significant in EIA terms) has been identified on skylark due to the removal of arable monoculture cropland. The Project includes mitigation but there is some uncertainty around successful skylark nesting within PV Arrays and therefore a worst-case assumption has been taken in the assessment, in line with EIA requirements. ▪ A number of beneficial effects of local significance (all significant in EIA terms) have been identified, including on Backhouse Wood LWS, Backhouse Wood ancient woodland, notable habitats and plants and a range of protected and priority species including GCN, reptiles, wintering and breeding birds and brown hare. No significant effects have been identified during decommissioning.

EN-1 Policy Text	Compliance with Policy
	Habitat enhancements associated with the Project will result in a biodiversity net gain ('BNG') of at least 100% for habitat units, and at least 10% for hedgerow and river units, which is secured by a requirement in the **Draft Development Consent Order** (**Doc Ref. 3.1**). In overall terms, the Project clearly results in an improved biodiversity outcome relative to the current baseline position. Therefore, the Project accords with NPS EN-1 policy.
Paragraph 5.4.14 Irreplaceable habitats are habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. Paragraph 5.4.15 Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Keepers of Time, the government's policy for ancient and native trees and woodlands in England sets out the government's commitment to maintain and enhance the existing area of ancient woodland, maintain and enhance the existing resource of known ancient and veteran trees, excluding natural losses from disease and death, and to increase the percentage of ancient woodland in active management. Ancient and veteran trees found outside ancient woodland are also particularly valuable. Other types of irreplaceable habitats include blanket bog, limestone pavement, coastal sand dunes, spartina salt marsh swards, mediterranean saltmarsh, scrub, and lowland fen.	As stated in **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)**, the Project will not result in the loss of ancient woodland or veteran trees. The **Design Principles (Doc Ref. 7.5)** provide that a minimum buffer of 15 times the stem diameter or 5m beyond the trees crown spreads (whichever is greater) for veteran trees and of 15m from the canopy spread for ancient woodland will be maintained. These measures ensure that the Project will not lead to any significant adverse impacts to ancient woodland or veteran trees. Therefore, the Project accords with NPS EN-1 policy.
Paragraph 5.4.16 Many individual species receive statutory protection under a range of legislative provisions. Other species and habitats have	**ES Volume 2, Chapter 9: Biodiversity (Doc Ref 5.2)** sets out all the designated sites of ecological or geological conservation importance;

EN-1 Policy Text	Compliance with Policy
been identified as being of principal importance for the conservation of biodiversity in England and Wales, as well as for their continued benefit for climate mitigation and adaptation and thereby requiring conservation action.	protected species; and habitats and other species identified as being of principal importance for the conservation of biodiversity. The Site supports hedgerows, arable margins, woodland and ponds that qualify as habitats of principal importance ('HPIs') (i.e., 'priority habitats' under the NERC Act 2006) and Kent Biodiversity Strategy Priority Habitats[2]. The locations of HPI (priority) hedgerows, woodland and ponds are shown on the Habitat Prior to Development Plans that are provided in **ES Volume 4, Appendix 9.3: Arboricultural Impact Assessment (Doc Ref. 5.4)**. The locations of HPI habitats are shown on the Habitats of Principal Importance Plan provided in **ES Volume 3, Figure 9.8: Locations of Habitats of Principal Importance Plan (Doc Ref. 5.3)**. **ES Volume 2, Chapter 9: Biodiversity (Doc Ref 5.2)** sets out the expected effects on these receptors during the construction, operational phase and decommissioning phases of the Project. The Project is therefore in accordance with NPS EN-1 policy.
Paragraph 5.4.17 Where the development is subject to EIA, the applicant should ensure that the ES clearly sets out any effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats. Paragraph 5.4.18 The applicant should provide environmental information proportionate to the infrastructure where EIA is not required to help the Secretary of State consider thoroughly the potential effects of a proposed project.	The Site is not subject to any statutory designations for nature conservation including SAC, SPA, Ramsar sites, SSSI, NNR or LNR. One statutory designated site of local importance, Poulton Wood LNR, is located approximately 470m south of the Site boundary at its closest point. This LNR is known to support ancient and semi-natural woodland. There are several non-statutory designated sites within 1km of the Site, including Backhouse Wood Local Wildlife Site ('LWS') (adjacent to the Northern Area), Aldington Sand Pit LWS (approximately 55m south east of the Site), Aldington Woods LWS (approximately 370m south of the Site), and Bilsington Woods and Pasture LWS (approximately 720m south west of the Site). These are shown on **ES Volume 2, Figure 9.2: Local Wildlife Sites (Doc Ref. 5.3)**. **ES Volume 2, Chapter 9: Biodiversity (Doc Ref 5.2)** concludes that during the 12-month construction phase, three adverse effects of local significance (significant in EIA terms) have been identified, being local

EN-1 Policy Text	Compliance with Policy
	effects on yellowhammer, skylark and brown hare. These are short-term, reversible effects. During the 40-year operational phase: One adverse effect of local significance (significant in EIA terms) has been identified on skylark due to the removal of arable monoculture cropland. The Project includes mitigation but there is some uncertainty around successful skylark nesting within PV Arrays and therefore a worst-case assumption has been taken in the assessment, in line with EIA requirements. A number of beneficial effects of local significance (all significant in EIA terms) have been identified, including on Backhouse Wood LWS, Backhouse Wood ancient woodland, notable habitats and plants and a range of protected and priority species including GCN, reptiles, wintering and breeding birds and brown hare. No significant effects have been identified during decommissioning. The scope of the ES accords with NPS EN-1 policy.
Paragraph 5.4.19 The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.	The Project is committing to deliver a BNG of at least 100% for habitat units and at least 10% for hedgerow and river units, which is secured by a requirement in the **Draft Development Consent Order** (**Doc Ref. 3.1**). This demonstrates that the Project accords with NPS EN-1 policy.
Paragraph 5.4.20 Applicants should consider wider ecosystem services and benefits of natural capital when designing enhancement measures.	
Paragraph 5.4.21 As set out in Section 4.7, the design process should embed opportunities for nature inclusive design. Energy infrastructure projects have the potential to deliver significant benefits and	

EN-1 Policy Text	Compliance with Policy
enhancements beyond Biodiversity Net Gain, which result in wider environmental gains (see Section 4.6 on Environmental and Biodiversity Net Gain). The scope of potential gains will be dependent on the type, scale, and location of each project.	
Paragraph 5.4.22 The design of energy NSIP proposals will need to consider the movement of mobile / migratory species such as birds, fish and marine and terrestrial mammals and their potential to interact with infrastructure. As energy infrastructure could occur anywhere within England and Wales, both inland and onshore and offshore, the potential to affect mobile and migratory species across the UK and more widely across Europe (transboundary effects) requires consideration, depending on the location of development	Consideration on the expected impacts to species has been included in **ES Volume 2, Chapter 9: Biodiversity (Doc Ref 5.2)**. Through careful and sensitive design, the Project has minimised significant adverse effects on biodiversity, with only three adverse effects of local significance predicted during the construction phase on yellowhammer, skylark and brown hare but these are short-term, reversible effects. During the operational phase one adverse effect of local significance has been identified on skylark due to the removal of arable monoculture cropland. Skylark nesting areas within set back zones within the PV Arrays are anticipated to mitigate the adverse effects. A precautionary worst case position has been assumed in the ES such that a local significant adverse effect on skylark may remain, which is medium term and reversible. A number of beneficial effects of local significance have been identified, including on Backhouse Wood LWS, Backhouse Wood ancient woodland, notable habitats and plants and a range of species including GCN, reptiles, wintering and breeding birds and brown hare. No significant effects have been identified during decommissioning. Habitat enhancements associated with the Project will result in a BNG of at least 100% for habitat units, and at least 10% for hedgerow and water units. The above demonstrates that the Project will avoid and mitigate any significant adverse effects on biodiversity, locally or nationally designated ecology sites, or important or protected habitats and species, save in respect of the residual local adverse significant effects on yellowhammer, skylark and brown hare, which are all

EN-1 Policy Text	Compliance with Policy
	reversible. The effects have been reduced as far as practically possible within the scope of the Project by Embedded and Additional Mitigation. The Project will result in a number of significant beneficial effects and a BNG very substantially exceeding the requirement set out in the Environment Act 2021 (recognising this not currently applicable for NSIPs). This demonstrates that the Project accords with NPS EN-1 policy.
Paragraph 5.4.33 Applicants should consider any reasonable opportunities to maximise the restoration, creation, and enhancement of wider biodiversity, and the protection and restoration of the ability of habitats to store or sequester carbon as set out under Section 4.6.	The Project is committing to deliver a BNG of at least 100% for habitat units and at least 10% for hedgerow and river units as set out in the **Biodiversity Net Gain Assessment (Doc Ref. 7.1)** which is secured by a requirement in the **Draft Development Consent Order** (**Doc Ref. 3.1**). This demonstrates the that the Project proposes to mitigate and enhance ecology on Site and accords with this policy. Therefore, the Project accords with NPS EN-1 policy.
Paragraph 5.4.34 Consideration should be given to improvements to, and impacts on, habitats and species in, around and beyond developments, for wider ecosystem services and natural capital benefits, beyond those under protection and identified as being of principal importance. This may include considerations and opportunities identified through Local Nature Recovery Strategies, and national goals and targets set through the Environment Act 2021 and the Environmental Improvement Plan 2023.	
Paragraph 5.4.35 Applicants should include appropriate avoidance, mitigation, compensation and enhancement measures as an integral part of the proposed development. In particular, the applicant should demonstrate that:	Embedded mitigation measures of the kind set out in this policy are provided within the **Outline CEMP (Doc Ref 7.8)**, **Outline LEMP (Doc Ref 7.10)** and **Outline DEMP (Doc Ref 7.12)**. Management and maintenance of the Project will take into account the presence of habitats and species through measures to be specified within the

EN-1 Policy Text	Compliance with Policy
during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works the timing of construction has been planned to avoid or limit disturbance during construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements habitats will, where practicable, be restored after construction works have finished opportunities will be taken to enhance existing habitats rather than replace them, and where practicable, create new habitats of value within the site landscaping proposals. Where habitat creation is required as mitigation, compensation, or enhancement, the location and quality will be of key importance. In this regard habitat creation should be focused on areas where the most ecological and ecosystems benefits can be realised. mitigations required as a result of legal protection of habitats or species will be complied with.	Outline CEMP, Outline LEMP and Outline DEMP including timing of works to account for presence of protected species and review of results of operational phase ecological monitoring surveys. Production of a final CEMP, LEMP and DEMP are secured by way of a requirement in the **Draft Development Consent Order (Doc Ref. 3.1)**. The **Outline CEMP (Doc Ref 7.8)** and **Outline DEMP (Doc Ref 7.12)** include best practice measures and commit to Construction Method Statements to be provided as part of detailed CEMP(s) / DEMP(s) that set out the construction / decommissioning programme and layout, in accordance with this part of the policy. **ES Volume 2, Chapter 9: Biodiversity (Doc Ref 5.2)** outlines measures to reduce, avoid or offset such biodiversity effects that comply with this part of the policy. Therefore, the Project accords with NPS EN-1 policy.
Paragraph 5.4.38 To further minimise any adverse impacts on geodiversity, where appropriate applicants are encouraged to produce and implement a Geodiversity Management Strategy to preserve and enhance access to geological interest features, as part of relevant development proposals.	The Site is not subject to any international or national ecological or geological designations. The Project is not anticipated to give rise to likely significant effects on geological features. Therefore, the Project accords with NPS EN-1 policy.
Paragraph 5.4.42 As a general principle, and subject to the specific policies below, development should, in line with the mitigation hierarchy, aim to avoid significant harm to biodiversity and geological	**ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** identifies the mitigation measures that are proposed for the Project, demonstrating that the mitigation hierarchy has been followed. As

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conservation interests, including through consideration of reasonable alternatives (as set out in Section 4.3 above). Where significant harm cannot be avoided, impacts should be mitigated and as a last resort, appropriate compensation measures should be sought. Paragraph 5.4.43 If significant harm to biodiversity resulting from a development cannot be avoided (for example through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then the Secretary of State will give significant weight to any residual harm and consent.	set out in the Planning Statement, it is not anticipated that the Project will result in any significant harm to biodiversity. The Project is compliant with this policy in NPS EN-1.
Paragraph 5.4.44 The Secretary of State should consider what appropriate requirements should be attached to any consent and/or in any planning obligations entered into, in order to ensure that any mitigation or biodiversity net gain measures, if offered, are delivered and maintained. Any habitat creation or enhancement delivered including linkages with existing habitats for compensation or biodiversity net gain should generally be maintained for a minimum period of 30 years, or for the lifetime of the project, if longer.	The landscape and biodiversity mitigation and enhancements are secured by Requirement 8 (Landscape and Biodiversity) of Schedule 2 of the **Draft Development Consent Order (Doc Ref. 3.1)**. The **Outline LEMP** (**Doc Ref. 7.10)** sets out the embedded mitigation measures that the ES relies on, along with the overarching principles for the long-term management of existing and newly created habitats for the duration of the operational phase of the Project, which in excess of the 30 year minimum requirement. Requirement 8 then secures a BNG of at least 100% BNG for habitat units and at least 10% for hedgerow and river units as set out in the **Biodiversity Net Gain Assessment (Doc Ref. 7.1)**. Therefore, the Project accords with NPS EN-1 policy.
Paragraph 5.4.45 The Secretary of State will need to take account of what mitigation measures may have been agreed between the applicant and the SNCB and the MMO/NRW (where appropriate). The Secretary of State will also need to consider	As set out in **ES Volume 2, Chapter 9: Biodiversity (Doc Ref 5.2),** Letters of No Impediment ('LONI's) for protected species mitigation licencing have been discussed and agreed with Natural England. The LONI options were discussed based on the level of mitigation detail made available and next steps for submission of

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whether the SNCB or the MMO/NRW has granted or refused, or intends to grant or refuse, any relevant licences, including protected species mitigation licences.	draft licence applications and NE review of the supplied information. Updates to the great crested newt and badger draft licences were agreed and supplied to NE, with LONIs for these two species provided on 15 May 2024. The application for the dormouse LONI is well progressed with Natural England, with final changes being actioned to secure this final LONI. Further information in relation to protected species mitigation licences is set out within the **Schedule of Other Consents and Licences (Doc Ref. 3.4)**, and the **Outline LEMP (Doc Ref. 7.10)**.
Paragraph 5.4.46 Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. The Secretary of State should give appropriate weight to environmental and biodiversity enhancements, although any weight given to gains provided to meet a legal requirement (for example under the Environment Act 2021) is likely to be limited. Paragraph 5.4.47 When considering proposals, the Secretary of State should maximise such reasonable opportunities in and around developments, using requirements or planning obligations where appropriate. This can help towards delivering biodiversity net gain as part of or in addition to the approach set out at Section 4.6.	The Project is committing to deliver a BNG of at least 100% BNG for habitat units and at least 10% for hedgerow and river units as set out in the **Biodiversity Net Gain Assessment (Doc Ref. 7.1)** and as secured in the **Draft Development Consent Order (Doc Ref. 3.1)**. This demonstrates that the Project proposes to mitigate and enhance ecology on Site and accords with this policy. Therefore, the Project accords with NPS EN-1 policy.
Paragraph 5.4.48 In taking decisions, the Secretary of State should ensure that appropriate weight is attached to designated sites of	The Project is located on a site that does not have any national or international landscape designations.

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international, national, and local importance; protected species; habitats and other species of principal importance for the conservation of biodiversity; and to biodiversity and geological interests within the wider environment.	**ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** considers the potential impacts to local sites, priority habitats and species. The Project is therefore in accordance with this policy in NPS EN-1.
Generic Impacts – Dust, odour, artificial light, smoke, steam and insect infestation	
Paragraph 5.7.5 The applicant should assess the potential for insect infestation and emissions of odour, dust, steam, smoke, and artificial light to have a detrimental impact on amenity, as part of the ES. Paragraph 5.7.12 The Secretary of State should satisfy itself that: • an assessment of the potential for artificial light, dust, odour, smoke, steam and insect infestation to have a detrimental impact on amenity has been carried out • that all reasonable steps have been taken, and will be taken, to minimise any such detrimental impacts	The Project is not considered to give rise to likely significant effects as a result of infestation, odour, steam, smoke and artificial light. Standard mitigation measures to control dust generation impacts associated with the construction site activities are located in the **Outline CEMP (Doc Ref. 7.8)**. The **Outline CEMP (Doc Ref. 7.8)** will ensure construction practice is carried out to minimise impact on existing sensitive receptors and the environment in terms of air quality and dust impact such that there should be no significant air quality impacts and therefore no air quality monitoring will be required. The **Outline CEMP (Doc Ref. 7.8)** and **Outline DEMP (Doc Ref. 7.12)** provide an Outline Air Quality and Dust Management Plan which secures appropriate measures in line with the IAQM 'Assessment of dust from demolition and construction'[3] guidance (2024) V2.2. The measures include those set out in the Scoping Report (paragraphs 6.3.21 and 6.3.22) and other best practice measures line with the IAQM 'Assessment of dust from demolition and construction' guidance. Details of the lighting that will be required during the construction, operational and decommissioning phases are provided in **ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2)**. Measures to avoid or minimise lighting impacts are secured through the **Outline CEMP (Doc Ref. 7.8)** and **Outline DEMP (Doc Ref. 7.12**).
Paragraph 5.7.6 In particular, the assessment provided by the applicant should describe: ▪ the type, quantity and timing of emissions; ▪ aspects of the development which may give rise to emissions; ▪ premises or locations that may be affected by the emissions; ▪ effects of the emission on identified premises or locations; and ▪ measures to be employed in preventing or mitigating the	

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emissions.	Therefore, the Project accords with NPS EN-1 policy.
Generic Impacts – Flood Risk	
Paragraph 5.8.9 If, following application of the Sequential Test it is not possible, (taking into account wider sustainable development objectives), for the project to be located in areas of lower flood risk the Exception Test can be applied as defined in https://www.gov.uk/guidance/flood-risk-and-coastalchange#table2. The test provides a method of allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.	The Applicant has provided its assessment of the Project in line with both the Sequential Test and the Exception Test in **Planning Statement Appendix 2: Sequential and Exception Test Report (Doc Ref. 7.6)**. This confirms that the requirements of both tests have been satisfied in accordance with NPS EN-1.
Paragraph 5.8.10 The Exception Test is only appropriate for use where the Sequential Test alone cannot deliver an acceptable site. It would only be appropriate to move onto the Exception Test when the Sequential Test has identified reasonably available, lower risk sites appropriate for the proposed development where, accounting for wider sustainable development objectives, application of relevant policies would provide a clear reason for refusing development in any alternative locations identified. Examples could include alternative site(s) that are subject to national designations such as landscape, heritage and nature conservation designations, for example Areas of Outstanding Natural Beauty (AONBs), SSSIs and World Heritage Sites (WHS) which would not usually be considered appropriate.	

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Paragraph 5.8.11 Both elements of the Exception Test will have to be satisfied for development to be consented. To pass the Exception Test it should be demonstrated that: ▪ the project would provide wider sustainability benefits to the community that outweigh flood risk; and ▪ the project will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.	The Exception Test has been applied to the Site in accordance with the NPS, NPPF and PPG to manage flood risk. This is located within **Planning Statement Appendix 2 Sequential and Exception Test Report (Doc Ref. 7.6).** This concludes that the Project would provide wider sustainability benefits to the community that outweigh flood risk; and that the Project will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and will result in a small net benefit on flood risk. Therefore, the Exception Test is satisfied for the Project. The Project is therefore compliant with NPS EN-1 policy.
Paragraph 5.8.12. Development should be designed to ensure there is no increase in flood risk elsewhere, accounting for the predicted impacts of climate change throughout the lifetime of the development. There should be no net loss of floodplain storage and any deflection or constriction of flood flow routes should be safely managed within the site. Mitigation measures should make as much use as possible of natural flood management techniques.	The design of the Project ensures that it will not detrimentally affect flood risk elsewhere but instead will result in a small net benefit on flood risk through the increases in the flood storage capacity available on Site as a result of the Project. Further details of the assessment, as well as mitigation measures, are set out within the **Flood Risk Assessment** (**ES Volume 4, Appendix 10.2 (Doc Ref 5.4)**). The Project is therefore compliant with NPS EN-1 policy.
Paragraph 5.8.13 A site-specific flood risk assessment should be provided for all energy projects in Flood Zones 2 and 3 in England or Zones B and C in Wales. In Flood Zone 1 in England or Zone A in Wales, an assessment should accompany all proposals involving: ▪ sites of 1 hectare or more ▪ land which has been identified by the EA or NRW as having critical drainage problems ▪ land identified (for example in a local authority strategic flood	The Flood Risk Assessment provides a site-specific flood risk assessment for the Project and is located at **ES Volume 4, Appendix 10.2 (Doc Ref 5.4)**. This identifies and assesses the risks of all forms of flooding to and from the Project and demonstrates how these flood risks will be managed, taking climate change into account. Therefore, the Project accords with NPS EN-1 policy.

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risk assessment) as being at increased flood risk in future ▪ land that may be subject to other sources of flooding (for example surface water) ▪ where the EA or NRW, Lead Local Flood Authority, Internal Drainage Board or other body have indicated that there may be drainage problems. Paragraph 5.8.14 This should identify and assess the risks of all forms of flooding to and from the project and demonstrate how these flood risks will be managed, taking climate change into account.	
Paragraph 5.8.15 The minimum requirements for Flood Risk Assessments (FRA) are that they should: ▪ be proportionate to the risk and appropriate to the scale, nature and location of the project; ▪ consider the risk of flooding arising from the project in addition to the risk of flooding to the project; ▪ take the impacts of climate change into account, across a range of climate scenarios, clearly stating the development lifetime over which the assessment has been made; ▪ be undertaken by competent people, as early as possible in the process of preparing the proposal; ▪ consider both the potential adverse and beneficial effects of flood risk management infrastructure, including raised defences, flow channels, flood storage areas and other artificial features, together with the consequences of their	**ES Volume 4, Appendix 10.2 Flood Risk Assessment (Doc Ref 5.4)** fulfils these requirements, as explained in Annex A: NPS Compliance of that appendix. The Project is therefore compliant with NPS EN-1 policy.

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failure and exceedance. ▪ consider the vulnerability of those using the site, including arrangements for safe access and escape; ▪ consider and quantify the different types of flooding (whether from natural and human sources and including joint and cumulative effects) and include information on flood likelihood, speed-of-onset, depth, velocity, hazard and duration; ▪ identify and secure opportunities to reduce the causes and impacts of flooding overall, making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management; ▪ consider the effects of a range of flooding events including extreme events on people, property, the natural and historic environment and river and coastal processes; ▪ include the assessment of the remaining (known as 'residual') risk after risk reduction measures have been taken into account and demonstrate that these risks can be safely managed, ensuring people will not be exposed to hazardous flooding. ▪ consider how the ability of water to soak into the ground may change with development, along with how the proposed layout of the project may affect drainage systems; ▪ consider how the ability of water to soak into the ground may change with development, along with how the proposed layout of the project may affect drainage systems. Information should include:	

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i. Describe the existing surface water drainage arrangements for the site. ii. Set out (approximately) the existing rates and volumes of surface water run-off generated by the site. Detail the proposals for restricting discharge rates. iii. Set out proposals for managing and discharging surface water from the site using sustainable drainage systems and accounting for the predicted impacts of climate change. If sustainable drainage systems have been rejected, present clear evidence of why their inclusion would be inappropriate. iv. Demonstrate how the hierarchy of drainage options has been followed. v. Explain and justify why the types of SuDS and method of discharge have been selected and why they are considered appropriate. vi. Explain how sustainable drainage systems have been integrated with other aspects of the development such as open space or green infrastructure, so as to ensure an efficient use of the site. vii. Describe the multifunctional benefits the sustainable drainage system will provide. viii. Set out which opportunities to reduce the causes and impacts of flooding have been identified and included as part of the proposed sustainable drainage system. ix. Explain how run-off from the completed development will be prevented from causing an impact elsewhere. x. Explain how the sustainable drainage system been designed to facilitate maintenance and, where relevant,	

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adoption. Set out plans for ensuring an acceptable standard of operation and maintenance throughout the lifetime of the development. ▪ detail those measures that will be included to ensure the development will be safe and remain operational during a flooding event throughout the development's lifetime without increasing flood risk elsewhere; ▪ identify and secure opportunities to reduce the causes and impacts of flooding overall during the period of construction; and ▪ be supported by appropriate data and information, including historical information on previous events.	
Paragraph 5.8.18 Applicants for projects which may be affected by, or may add to, flood risk should arrange pre-application discussions before the official pre-application stage of the NSIP process with the EA or NRW, and, where relevant, other bodies such as Lead Local Flood Authorities, Internal Drainage Boards sewerage undertakers, navigation authorities, highways authorities and reservoir owners and operators.	The preparation of the FRA and the ES have taken account of pre-application consultation discussions with the relevant consultees. The Project is therefore compliant with NPS EN-1 policy
Paragraph 5.8.21 The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites with medium risk areas	Whilst the majority of the Site lies within Flood Zone 1, northern parts of the Site are within Flood Zone 2 and Flood Zone 3. The **Flood Risk Assessment)** supporting the Project is provided in **ES Volume 4, Appendix 10.2 (Doc Ref 5.4)**. A Sequential Test and Exception Test have been applied to the Site in accordance with the requirements of this policy and can be found in **Planning Statement Appendix 2 Sequential and**

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and then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas. Paragraph 5.8.22 The technology specific NPSs set out some exceptions to the application of the Sequential Test. However, when seeking development consent on a site allocated in a development plan through the application of the Sequential Test, informed by a strategic flood risk assessment, applicants need not apply the Sequential Test, provided the proposed development is consistent with the use for which the site was allocated and there is no new flood risk information that would have affected the outcome of the test. Paragraph 5.8.23 Consideration of alternative sites should take account of the policy on alternatives set out in Section 4.3 above. All projects should apply the Sequential Test to locating development within the site. Paragraph 5.8.24 To satisfactorily manage flood risk, arrangements are required to manage surface water and the impact of the natural water cycle on people and property	**Exception Test Report (Doc Ref. 7.6).** This confirms that the requirements of both tests have been satisfied for the Project. The Site is not allocated in the development plan. The Project is therefore compliant with NPS EN-1 policy
Paragraph 5.8.25 In this NPS, the term SuDS refers to the whole range of sustainable approaches to surface water drainage management including, where appropriate: ▪ source control measures including rainwater recycling and drainage	The **Outline OSWDS (Doc Ref. 7.14)** describes the measures undertaken for sustainable surface water drainage management. The Project is therefore compliant with NPS EN-1 policy.

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▪ infiltration devices to allow water to soak into the ground, that can include individual soakaways and communal facilities ▪ filter strips and swales, which are vegetated features that hold and drain water downhill mimicking natural drainage patterns ▪ filter drains and porous pavements to allow rainwater and run-off to infiltrate into permeable material below ground and provide storage if needed ▪ basins, ponds and tanks to hold excess water after rain and allow controlled discharge that avoids flooding • flood routes to carry and direct excess water through developments to minimise the impact of severe rainfall flooding	
Paragraph 5.8.26 Site layout and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts.	Details of the sustainable surface water drainage system for operational phase of the Project are set out in the **Outline OSWDS (Doc Ref. 7.14)**. Drainage measures will be provided during the construction and decommissioning phases of the Project and will be secured by the **Outline CEMP (Doc Ref. 7.8)** and **Outline DEMP (Doc Ref. 7.12)** respectively. The **Outline OSWDS (Doc Ref. 7.14)** effectively mitigates any potential impacts in relation to pollution and changes in storm runoff through the use of SuDS. The Project is therefore compliant with NPS EN-1 policy.
Paragraph 5.8.27 The surface water drainage arrangements for any project should, accounting for the predicted impacts of climate change throughout the development's lifetime, be such that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed project, unless	Details of the sustainable surface water drainage system are set out in the **Outline OSWDS (Doc Ref. 7.14)**. This accounts for the predicted impacts of climate change throughout the development's lifetime, such that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed

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specific off-site arrangements are made and result in the same net effect.	project, unless specific off-site arrangements are made and result in the same net effect. The Project is therefore compliant with NPS EN-1 policy.
Paragraph 5.8.28 It may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration facilities or attenuation storage to be provided outside the project site, if necessary, through the use of a planning obligation	A surface water drainage strategy has been developed as part of the DCO application and this is set out in the **Outline OSWDS (Doc Ref 7.14)**. This details the proposed surface water management at the Site which will ensure there is no impact on runoff rates and flood risk as a result of the Project. The principles of the storm water drainage system as set out in the **Outline OSWDS (Doc Ref 7.14)** are designed to ensure that there is no uplift in peak rates. The strategy is also designed to accommodate volumes of storm water runoff for all events up to, and including, the 1% annual probability storm with a 45% allowance for climate change. The Project is therefore compliant with NPS EN-1 policy.
Paragraph 5.8.29 The sequential approach should be applied to the layout and design of the project. Vulnerable aspects of the development should be located on parts of the site at lower risk and residual risk of flooding. Applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood storage uses. Opportunities should be taken to lower flood risk by reducing the built footprint of previously developed sites and using SuDS.	Environment Agency ('EA') Flood Mapping **(ES Volume 3, Figure 10.4: Flood Map For Planning (Doc Ref. 5.3))** indicates that the majority of the Site is located within Flood Zone 1 (identified as having less than a 1 in 1,000 annual probability of river (fluvial) flooding, which is defined as 'low' probability). Sellindge Substation, the point of connection to the electricity grid, is located in Flood Zone 3 (identified as land having a 1 in 100 or greater annual probability of river flooding, which is defined as 'high' probability). Most of the Northern Area and areas within Fields 19 and 23 to 25 of the Central Area of the Site are classified by the EA as in Flood Zone 2 (identified as land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding, which is defined as 'medium' probability) and Flood Zone 3 (identified as land having a 1 in 100 or greater annual probability of river flooding, which is defined as

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	'high' probability). Parts of the Cable Route Corridor and Sellindge Substation are also located within Flood Zones 2 and 3. The Applicant has provided its assessment of the Project in line with both the Sequential Test and the Exception Test in **Planning Statement Appendix 2: Sequential and Exception Test Report (Doc Ref. 7.6)**. This confirms that the requirements of both tests have been satisfied in accordance with NPS EN-1. Impact to the water environment has been assessed in **ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2)**. The design of the Project does not compromise the function or efficacy of the flood management structure. Further details are set out within the **Flood Risk Assessment** (**ES Volume 4, Appendix 10.2)**. SUDS measures are described further within **the Outline OSWDS (Doc Ref. 7.14).** The Project is therefore compliant with NPS EN-1 policy.
Paragraph 5.8.34 The applicant should take advice from the local authority emergency planning team, emergency services and, where appropriate, from the local resilience forum when producing an evacuation plan for a manned energy project as part of the FRA. Any emergency planning documents, flood warning and evacuation procedures that are required should be identified in the FRA.	The **Flood Risk Assessment** (**ES Volume 4, Appendix 10.2)** has identified the requirements for emergency planning needed for the Project at construction, operational and decommissioning stages. The **Outline CEMP (Doc Ref. 7.8)** and the **Outline DEMP (Doc Ref. 7.14)** require that detailed CEMP(s) / DEMP(s) be produced, which must include an Emergency Flood Response Plan ('EFRP') that will set out actions that will be implemented in the event of flooding (fluvial or extreme rainfall) or the issue of a flood alert or warning during the works. The **Outline Operation Management Plan (Doc Ref. 7.11)** then secures the EFRP for the operational stage. The EFRPs would be prepared having regard to relevant feedback from the local authority, the Environment Agency, and Kent Fire and Rescue Services. The Project is therefore compliant with NPS EN-1 policy.

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Paragraph 5.8.36 In determining an application for development consent, the Secretary of State should be satisfied that where relevant ▪ the application is supported by an appropriate FRA. ▪ the Sequential Test has been applied and satisfied as part of site selection ▪ a sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk ▪ the proposal is in line with any relevant national and local flood risk management strategy ▪ SuDS (as required in the next paragraph on National Standards) have been used unless there is clear evidence that their use would be inappropriate ▪ in flood risk areas the project is designed and constructed to remain safe and operational during its lifetime, without increasing flood risk elsewhere (subject to the exceptions set out in paragraph 5.8.42) ▪ the project includes safe access and escape routes where required, as part of an agreed emergency plan, and that any residual risk can be safely managed over the lifetime of the development ▪ land that is likely to be needed for present or future flood risk management infrastructure has been appropriately safeguarded from development to the extent that development would not prevent or hinder its construction, operation or maintenance	The Flood Risk Assessment is provided in **ES Volume 4, Appendix 10.2 (Doc Ref 5.4)** in accordance with these requirements. The Sequential Test has been applied to the Site and details can be found in **Planning Statement Appendix 2 Sequential and Exception Test Report (Doc Ref. 7.6)**. SUDS measures are described within the **Outline OSWDS (Doc Ref. 7.14)**. The design of the Project ensures that it does not compromise the function or efficacy of the flood management structure. Further details are set out within the **Flood Risk Assessment** (**ES Volume 4, Appendix 10.2 (Doc Ref 5.4)**). **The Outline OMP (Doc Ref. 7.11)** includes appropriate measures to respond to flood events and the Applicant will register for flood warnings, so that panels and infrastructure can be shut down in advance of a flooding event. The Project is therefore compliant with NPS EN-1 policy.

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Paragraph 5.8.37 For energy projects which have drainage implications, approval for the project's drainage system, including during the construction period, will form part of the development consent issued by the Secretary of State. The Secretary of State will therefore need to be satisfied that the proposed drainage system complies with any National Standards published by Ministers under paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010. Paragraph 5.8.38 In addition, the Development Consent Order, or any associated planning obligations, will need to make provision for appropriate operation and maintenance of any SuDS throughout the project's lifetime. Where this is secured through the adoption of any SuDS features, any necessary access rights to property will need to be granted.	Environment Agency ('EA') Flood Mapping (**ES Volume 3, Figure 10.4: Flood Map For Planning (Doc Ref. 5.3)**) indicates that the majority of the Site is located within Flood Zone 1 (identified as having less than a 1 in 1,000 annual probability of river (fluvial) flooding, which is defined as 'low' probability). Sellindge Substation, the point of connection to the electricity grid, is located in Flood Zone 3 (identified as land having a 1 in 100 or greater annual probability of river flooding, which is defined as 'high' probability). Most of the Northern Area and areas within Fields 19 and 23 to 25 of the Central Area of the Site are classified by the EA as in Flood Zone 2 (identified as land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding, which is defined as 'medium' probability) and Flood Zone 3 (identified as land having a 1 in 100 or greater annual probability of river flooding, which is defined as 'high' probability). Parts of the Cable Route Corridor and Sellindge Substation are also located within Flood Zones 2 and 3. A Sequential Test and Exception Test have been applied to the Site; this can be found in **Planning Statement Appendix 2 Sequential and Exception Test Report (Doc Ref. 7.6).** Drainage will be provided during the construction and decommissioning phases of the Project and will be secured by the **Outline CEMP (Doc Ref. 7.8)** and **Outline DEMP (Doc Ref. 7.12)** respectively. The **Outline OSWDS (Doc Ref. 7.14)** effectively mitigates any potential impacts of the Project's operation in relation to pollution and changes in storm runoff through the use of SuDS. **ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2)** complies with National Standards published by Ministers under paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010. The Project is therefore compliant NPS EN-1 policy.

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Paragraph 5.8.42 Exceptionally, where an increase in flood risk elsewhere cannot be avoided or wholly mitigated, the Secretary of State may grant consent if they are satisfied that the increase in present and future flood risk can be mitigated to an acceptable and safe level and taking account of the benefits of, including the need for, nationally significant energy infrastructure as set out in Part 3 above. In any such case the Secretary of State should make clear how, in reaching their decision, they have weighed up the increased flood risk against the benefits of the project, taking account of the nature and degree of the risk, the future impacts on climate change, and advice provided by the EA or NRW and other relevant bodies.	The Flood Risk Assessment confirms the Project will not detrimentally affect flood risk elsewhere but instead will result in a small net benefit on flood risk through the increases in the flood storage capacity available on Site as a result of the Project **(ES Volume 4, Appendix 10.2 Flood Risk Assessment (Doc Ref. 5.4))**. The Project is therefore compliant with NPS EN-1 policy.
Generic Impacts – Historic Environment	
Paragraph 5.9.2 The historic environment includes all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, landscaped and planted or managed flora. Paragraph 5.9.3 Those elements of the historic environment that hold value to this and future generations because of their historic, archaeological, architectural or artistic interest are called 'heritage assets'. Heritage assets may be buildings, monuments, sites, places, areas or landscapes, or any combination of these. The sum of the heritage interests that a heritage asset hold is	Heritage assets as defined in this policy have been considered in **ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment and Appendix 7.2: Heritage Statement (Doc Ref. 5.4)**). The findings of these documents have been incorporated into the wider assessment that can be found in **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)**. **ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment and Appendix 7.2, Heritage Statement (Doc Ref. 5.4)**) have therefore identified a suitable baseline from which to assess the Project in relation to this policy. The Project is therefore compliant with NPS EN-1 policy.

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referred to as its significance. Significance derives not only from a heritage asset's physical presence, but also from its setting.	
Paragraph 5.9.4 Some heritage assets have a level of significance that justifies official designation. Categories of designated heritage assets are: ▪ World Heritage Sites ▪ Scheduled Monuments ▪ Protected Wreck Sites ▪ Protected Military Remains ▪ Listed Buildings ▪ Registered Parks and Gardens ▪ Registered Battlefields ▪ Conservation Areas ▪ Registered Historic Landscapes (Wales only).	All assets of the highest importance (Grade I, Grade II*, scheduled monuments, Conservation Areas) within 2km of the Site have been assessed in line with steps 2 and 3 of the Historic England guidance. Grade II listed buildings located within 2km of the Site which the Zone of Theoretical Visibility identifies as holding potential visibility have also been reviewed in line with Historic England guidance. The results of the assessment are in **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)**. The Project is therefore compliant with NPS EN-1 policy.
Paragraph 5.9.5 There are heritage assets that are not currently designated, but which have been demonstrated to be of equivalent significance to designated heritage assets of the highest significance. These are: ▪ those that the Secretary of State has recognised as being capable of being designated as a Scheduled Monument or Protected Wreck Site but has decided not to designate ▪ those that the Secretary of State has recognised as being of equivalent significance to Scheduled Monuments or	There are several non-statutory designated sites within 1km of the Site, including Backhouse Wood Local Wildlife Site ('LWS') (adjacent to the Northern Area), Aldington Sand Pit LWS (approximately 55m south east of the Site), Aldington Woods LWS (approximately 370m south of the Site), and Bilsington Woods and Pasture LWS (approximately 720m south west of the Site). These heritage assets have been considered as part of the assessment presented in **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2).** The assessment concludes that the Project is not expected to lead to significant adverse impacts.

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Protected Wreck Sites but are incapable of being designated by virtue of being outside the scope of the related legislation. ▪ those that have yet to be formally assessed by the Secretary of State, but which have potential to demonstrate equivalent significance to Scheduled Monuments or Protected Wreck Sites. Paragraph 5.9.6 Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments or Protected Wreck Sites should be considered subject to the policies for designated heritage assets . The absence of designation for such heritage assets does not indicate lower significance or necessarily imply that it is not of national importance. Paragraph 5.9.7 The Secretary of State should also consider the impacts on other non-designated heritage assets (as identified either through the development plan making process by plan-making bodies, including 'local listing', or through the application, examination and decision making process). This is on the basis of clear evidence that such heritage assets have a significance that merits consideration in that process, even though those assets are of lesser significance than designated heritage assets.	The Project is therefore compliant with NPS EN-1 policy.
Paragraph 5.9.10 As part of the ES the applicant should provide a description of the significance of the heritage assets affected by the proposed development, including any contribution made by their setting.	**ES Volume 4, Appendix 7.2, Heritage Statement (Doc Ref. 5.4)** provides a description of the significance of the heritage assets affected by the Project and the contribution of their setting to that significance.

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The level of detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the applicant should have consulted the relevant Historic Environment Record (or, where the development is in English or Welsh waters, Historic England or Cadw) and assessed the heritage assets themselves using expertise where necessary according to the proposed development's impact.	Consultation with the Kent Historic Environment Record ("HER") has been undertaken. **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)** summarises key stakeholder engagement undertaken to inform the assessment. It also summarises the key matters raised by consultees in relation to the EIA on the topic of Cultural Heritage and how these have been taken into consideration. The Project is therefore compliant with NPS EN-1 policy.
Paragraph 5.9.12 The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents. Studies will be required on those heritage assets affected by noise, vibration, light and indirect impacts, the extent and detail of these studies will be proportionate to the significance of the heritage asset affected.	**ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)**, together with its appendices, provides a description of the significance of the heritage assets affected by the Project and the contribution of their setting to that significance and assesses the impact of the Project on each heritage asset. The assessment in **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)** and **ES Volume 4, Appendix 7.2: Heritage Statement (Doc Ref. 5.4)** considered all forms of potential impacts including noise, light and indirect impacts. The **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)** concludes that the Project is not expected to lead to significant adverse impacts. Vibration has been scoped out of further assessment within the ES, as outlined within **ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2)**, as effects would not be significant. All built heritage receptors are of a distance from construction works that they would not be impacted from ground borne vibration, in addition, mitigation measures included within the **Outline CEMP (Doc Ref. 7.8)** and **Outline DEMP (Doc Ref. 7.12)** would mitigate impacts from ground borne vibration. As such, vibration is not considered further within **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)**. The Project is therefore compliant with NPS EN-1 policy.

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Paragraph 5.9.13 The applicant is encouraged, where opportunities exist, to prepare proposals which can make a positive contribution to the historic environment, and to consider how their scheme takes account of the significance of heritage assets affected. This can include, where possible: ▪ enhancing, through a range of measures such a sensitive design, the significance of heritage assets or setting affected ▪ considering how visual or noise impacts can affect heritage assets, and whether there may be opportunities to enhance access to, or interpretation, understanding and appreciation of, the heritage assets affected by the scheme	**ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)** assesses the impact of the Project on the historic environment. Each heritage asset has been assessed separately. Mitigation is detailed in both **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)** and **ES Volume 2 Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)** so that the Project will positively contribute to the historic environment. A key objective is that the Project will be sensitively sited in the landscape. The layout of the Project has undergone extensive review in order to respond to the landscape character baseline. This includes the retention of most of the existing vegetation on the Site and the re-establishment of historic hedgerows and reinforcement of woodlands. This provides landscape benefits, but also cultural heritage benefits (through the reinstatement of the historical field boundary landscape). The assessment in **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)** and **ES Volume 4, Appendix 7.2: Heritage Statement (Doc Ref. 5.4)** considered all forms of potential impacts including noise and visual impacts. The Project is therefore compliant with NPS EN-1 policy.
Paragraph 5.9.16 A documentary record of our past is not as valuable as retaining the heritage asset, and therefore the ability to record evidence of the asset should not be a factor in deciding whether such loss should be permitted, and whether or not consent should be given.	The **Archaeological Management Strategy (Doc Ref. 7.17)** sets out the strategy for retention and mitigation of any potential archaeological remains at the Site (desk-based and field evaluation) post DCO grant. This ensures compliance with NPS EN-1 policy.
Paragraph 5.9.17 Where the loss of the whole or part of a heritage asset's significance is justified, the Secretary of State will require the	**ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)**, together with its appendices, confirms there is no loss of any heritage assets.

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applicant to record and advance understanding of the significance of the heritage asset before it is lost (wholly or in part). The extent of the requirement should be proportionate to the asset's importance and significance and the impact. The applicant should be required to publish this evidence and to deposit copies of the reports with the relevant Historic Environmental Record. They should also be required to deposit the archive generated in a local museum or other public repository willing to receive it.	This ensures compliance with NPS EN-1 policy.
Paragraph 5.9.18 Where appropriate, the Secretary of State will impose requirements on the Development Consent Order to ensure that the work is undertaken in a timely manner, in accordance with a written scheme of investigation that complies with the policy in this NPS and which has been agreed in writing with the relevant local authority, and to ensure that the completion of the exercise is properly secured.	The programme of works is set out in a Written Scheme of Investigation ('WSI') for agreement with KCC's Senior Archaeological Advisor. Further details are in the Trial Trenching Report which is included at Annex 7 of the **Archaeological Desk-Based Assessment** (**ES Volume 4, Appendix 7.1 (Doc Ref 5.4)**). This ensures compliance with NPS EN-1 policy.
Paragraph 5.9.21 Where there is a high probability (based on an adequate assessment) that a development site may include, as yet undiscovered heritage assets with archaeological interest, the Secretary of State will consider requirements to ensure appropriate procedures are in place for the identification and treatment of such assets discovered during construction.	The **Archaeological Management Strategy (Doc Ref. 7.17)** sets out the strategy for retention and mitigation of any potential archaeological remains at the site (desk-based and field evaluation) post DCO submission. This ensures compliance with NPS EN-1 policy.
Paragraph 5.9.24 In considering the impact of a proposed development on any heritage assets, the Secretary of State should consider the particular nature of the significance of the heritage assets and the value that they hold for this and future generations. This	The **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)**, together with its appendices, provides a description of the significance of the heritage assets affected by the Project and the contribution of their setting to that significance and assesses the impact of the Project on each heritage asset.

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understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal.	The Project is therefore compliant with EN-1 policy.
Paragraph 5.9.25 The Secretary of State should consider the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution that their conservation can make to sustainable communities, including to their quality of life, their economic vitality, and to the public's enjoyment of these assets.	**ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)**assesses the impact of the Project on the historic environment. Each heritage asset has been assessed separately. Mitigation is detailed in both **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)** and **ES Volume 2 Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)** so that the Project will positively contribute to the historic environment. A key objective is that the Project will be sensitively sited in the landscape. The layout of the Project has undergone extensive review in order to respond to the landscape character baseline. This includes the retention of almost of the existing vegetation on the Site and the re-establishment of historic hedgerows and reinforcement of woodlands. This provides landscape benefits, but also cultural heritage benefits (through the reinstatement of the historical field boundary landscape). The Project is therefore compliant with this EN-1 policy.

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Paragraph 5.9.27 When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Paragraph 5.9.28 The Secretary of State should give considerable importance and weight to the desirability of preserving all heritage assets. Any harm or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Paragraph 5.9.29 Substantial harm to or loss of significance of a grade II Listed Building or a grade II Registered Park or Garden should be exceptional. Paragraph 5.9.30 Substantial harm to or loss of significance of assets of the highest significance, including Scheduled Monuments; Protected Wreck Sites; Registered Battlefields; grade I and II* Listed Buildings; grade I and II* Registered Parks and Gardens; and World Heritage Sites, should be wholly exceptional. Paragraph 5.9.31 Where the proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm to, or loss of,	**ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)**) confirms there are no residual significant effects on heritage assets. The **Heritage Statement** (**ES Volume 4, Appendix 7.2 (Doc Ref. 5.4)**) concludes that the Project will cause harm to heritage assets through introducing changes within their setting which will affect how the asset is experienced. It confirms that the identified harm will be less than substantial and at the lowest level of the spectrum for all of these assets save in respect of Grade II* listed Stonelees which will experience less than substantial harm at the lower end of the spectrum. The **Planning Statement (Doc Ref 7.6)** demonstrates that there is clear and convincing justification because it is necessary to achieve substantial public benefits, which would only come about with the Project, that outweigh the less than substantial harm. The above demonstrates that the Project is therefore compliant with NPS EN-1 policy.

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significance is necessary to achieve substantial public benefits that outweigh that harm or loss, or all the following apply: ▪ the nature of the heritage asset prevents all reasonable uses of the site ▪ no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation ▪ conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible ▪ the harm or loss is outweighed by the benefit of bringing the site back into use Paragraph 5.9.32 Where the proposed development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate securing its optimum viable use. Paragraph 5.9.33 In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.	
Paragraph 5.9.34 Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph	The **Heritage Statement** (**ES Volume 4, Appendix 7.2 (Doc Ref. 5.4)**) explains that the Project will cause harm to a number of Conservation Areas which will be less than substantial and at the lowest level of the spectrum. This limited harm is considered to be demonstrably outweighed by the substantial public benefits that would only be realised if the Project was delivered.

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5.9.30 or less than substantial harm under paragraph 5.9.32, as appropriate, considering the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.	
Paragraph 5.9.36 When considering applications for development affecting the setting of a designated heritage asset, the Secretary of State should give appropriate weight to the desirability of preserving the setting such assets and treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset. When considering applications that do not do this, the Secretary of State should give great weight to any negative effects, when weighing them against the wider benefits of the application. The greater the negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to justify approval.	**ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)**) confirms there are no residual significant effects on heritage assets. The **Heritage Statement** (**ES Volume 4, Appendix 7.2 (Doc Ref. 5.4)**) concludes that the Project will cause harm to heritage assets through introducing changes within their setting which will affect how the asset is experienced. It confirms that the identified harm will be less than substantial and at the lowest level of the spectrum for all of these assets save in respect of Grade II* listed Stonelees which will experience less than substantial harm at the lower end of the spectrum. The **Planning Statement (Doc Ref 7.6)** demonstrates that there is clear and convincing justification because it is necessary to achieve substantial public benefits, which would only come about with the Project, that outweigh the less than substantial harm. This ensures compliance with NPS EN-1 policy.
Generic Impacts – Landscape and Visual	
Paragraph 5.10.5 Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation. Paragraph 5.10.6	Good design has been a key consideration from the outset. The landscape and visual impact assessment ('LVIA') has informed the iterative design process, including taking account of published landscape character assessment guidance and fieldwork analysis. **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)** includes a full LVIA, including accurate visual representations.

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Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.	All of the buildings and structures needed for the Project have been sited so as to reduce the visual impact. **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)** sets out the evolution of the Project design, including a number of changes to the layout of the Project to ensure that infrastructure is located away from residential properties and that impacts are minimised where possible. The **Biodiversity Net Gain Assessment (Doc Ref. 7.1)** indicates an overall net gain of at least 100% for habitat units and at least 10% for hedgerow and river units and this reflects the beneficial impacts to the Site delivered by the Project. The Project therefore complies with these policies in NPS EN-1.
Paragraph 5.10.7 National Parks, the Broads and AONBs have been confirmed by the government as having the highest status of protection in relation to landscape and natural beauty. Each of these designated areas has specific statutory purposes. Projects should be designed sensitively given the various siting, operational, and other relevant constraints. For development proposals located within designated landscapes the Secretary of State should be satisfied that measures which seek to further purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development. Paragraph 5.10.8 The duty to seek to further the purposes of nationally designated landscapes also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. In these locations, projects should be designed sensitively given the various siting, operational, and	**ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)** assesses the landscape impacts on nearby designated landscapes, including the Kent Downs National Landscape ('NL'). This assessment concludes that the Project will be visible in medium range views from a very limited part of the NL to the south-east of the Site and in long range elevated views from the North Downs ridgeline. No significant effects on any landscape and visual receptors within the Kent Downs NL have been identified at any stage of the Project. The Project therefore complies with these policies in NPS EN-1.

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other relevant constraints. The Secretary of State should be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development.	
Paragraph 5.10.12 Outside nationally designated areas, there are local landscapes that may be highly valued locally. Where a local development document in England or a local development plan in Wales has policies based on landscape or waterscape character assessment, these should be paid particular attention. However, locally valued landscapes should not be used in themselves to refuse consent, as this may unduly restrict acceptable development.	The potential significant effects on the landscape and visual amenity have been identified and assessed in **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2).** The **Illustrative Landscape Drawings - Not for Approval (Doc Ref. 2.7)** have been prepared to assist in communicating the extent and vision of the landscape mitigation strategy. The Applicant proposes extensive landscape and biodiversity mitigation measures, including new hedgerows, new woodland planting and trees and new habitat and biodiversity areas to minimise the impacts to views. These are detailed in the **Illustrative Landscape Drawings - Not for Approval (Doc Ref. 2.7)** and approval of the detailed landscape design is secured by a requirement in Schedule 2 of the **Draft Development Consent Order (Doc Ref. 3.1)**, with the **Outline LEMP (Doc Ref. 7.10)** setting out details of the management of the landscape and ecological areas**.** The Project therefore complies with these policies in NPS EN-1.
Paragraph 5.10.13 All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. Paragraph 5.10.14 The Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project	**ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)** includes a full LVIA, including accurate visual representations. All of the buildings and structures needed for the Project have been sited so as to reduce the visual impact. Additionally, **ES Volume 2 Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)** sets out the evolution of the Project's design, including a number of changes to the layout of the Project

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	to ensure that infrastructure is located away from residential properties and that impacts are minimised where possible. As set out at **ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2)**, the Project has taken account of the potential to accommodate existing PRoW, or re-route them where it is not possible to accommodate them, taking consideration of feedback from stakeholders on usage of local networks. Two PRoWs will be extinguished, but these provide limited public amenity and the start/end points can be readily accessed by other routes. **ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2)** draws on feedback from consultees including members of the public and groups such as Kent Ramblers. It is not therefore considered that the localised visual effects predicted would outweigh the national benefits of the Project, outlined in detail in the Planning Statement. The Project therefore complies with these policies in NPS EN-1.
Paragraph 5.10.16 The applicant should carry out a landscape and visual impact assessment and report it in the ES, including cumulative effects (see Section 4.3). Several guides have been produced to assist in addressing landscape issues. Paragraph 5.10.17 The landscape and visual assessment should include reference to any landscape character assessment and associated studies as a means of assessing landscape impacts relevant to the proposed project. The applicant's assessment should also take account of any relevant policies based on these assessments in local development documents in England and local development plans in Wales.	**ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)** includes a full LVIA, including cumulative effects. The chapter indicates the relevant national, county and borough level published landscape character assessments. As demonstrated in the local policy sections of this Appendix below, the LVIA has taken account of relevant policies in local development documents. The Project therefore complies with these policies in NPS EN-1.

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Paragraph 5.10.20 The assessment should include the effects on landscape components and character during construction and operation. For projects which may affect a National Park, The Broads or AONBs the assessment should include effects on the natural beauty and special qualities of these areas. Paragraph 5.10.22 The assessment should also address the landscape and visual effects of noise and light pollution, and other emissions (see Section 5.2 and Section 5.7), from construction and operational activities on residential amenity and on sensitive locations, receptors and views, how these will be minimised.	An assessment of the potential landscape and visual impacts associated with the construction, operational and decommissioning of the Project, including in relation to Kent Downs NL, has been carried out and is presented in **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)**. This includes consideration of the landscape and visual effects of noise, light pollution and other emissions. The Project therefore complies with these policies in NPS EN-1.
Paragraph 5.10.21 The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include light pollution effects, including on dark skies, local amenity, and nature conservation	The assessment contained in **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)** includes the potential landscape and visual impacts associated with the construction, operational and decommissioning of the Project (including light pollution effects) on local amenity and nature conservation. The Project therefore complies with these policies in NPS EN-1.
Paragraph 5.10.26 Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function – for example, electricity generation output. There may, however, be exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in function. In these circumstances, the Secretary of State may decide that the	The Project has been subject to a detailed and sensitive iterative design process to develop a good design that balances the need to maximise the energy generation capacity of the Project with the avoidance and mitigation of effects, and provision of environmental and other enhancements, where practicable. The LVIA has informed the iterative design process, including taking account of published landscape character assessment guidance and fieldwork analysis. The Project has been designed to mitigate environmental impacts as far as possible. **ES Volume 2, Chapter 5: Alternatives and**

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benefits of the mitigation to reduce the landscape and/or visual effects outweigh the marginal loss of function.	**Design Evolution (Doc Ref. 5.2)** sets out the evolution of the Project design. The scale of the Project responds to the need to maximise the energy generation capacity of the Project and has been designed to respond sensitively to local context as described in the **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)**. The scale of the Project is considered to be sensitively accommodated within the landscape with appropriate measures incorporated to minimise visual effects. The Project therefore complies with NPS EN-1 policy.
Paragraph 5.10.37 The Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by appropriate mitigation. Paragraph 5.10.19 The applicant should consider landscape and visual matters in the early stages of siting and design, where site choices and design principles are being established. This will allow the applicant to demonstrate in the ES how negative effects have been minimised and opportunities for creating positive benefits or enhancement have been recognised and incorporated into the design, delivery and operation of the scheme. Paragraph 5.10.20 The assessment should include the effects on landscape components and character during construction and operation. For projects which may affect a National Park, The Broads or an	The potential significant effects on the landscape and visual amenity have been identified and assessed in **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)**. The **Illustrative Landscape Drawings - Not for Approval (Doc Ref. 2.7)** have been prepared to assist in communicating the extent and vision of the landscape mitigation strategy. The Applicant proposes extensive landscape and biodiversity mitigation measures, including new hedgerows, new woodland planting and trees and new habitat and biodiversity areas to minimise the impacts to views. These are detailed in the **Illustrative Landscape Drawings - Not for Approval (Doc Ref. 2.7)** and approval of the detailed landscape design is secured by a requirement in Schedule 2 of the **Draft Development Consent Order (Doc Ref. 3.1)**, with the **Outline LEMP (Doc Ref. 7.10)** setting out details of the management of the landscape and ecological areas**.** **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)** assesses the landscape impacts on nearby designated landscapes, including the Kent Downs National Landscape (‘NL’). This

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AONBs the assessment should include effects on the natural beauty and special qualities of these areas.	assessment concludes that the Project will be visible in medium range views from a very limited part of the NL to the south-east of the Site and in long range elevated views from the North Downs ridgeline. No significant effects on any landscape and visual receptors within the Kent Downs NL have been identified at any stage of the Project. The Project therefore complies with these policies in NPS EN-1.
Paragraph 5.10.27 Adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within its development site and wider setting. The careful consideration of colours and materials will support the delivery of a well-designed scheme, as will sympathetically landscaping and management of its immediate surroundings	Good design has been a key consideration from the outset. The LVIA has informed the iterative design process, including taking account of published landscape character assessment guidance and fieldwork analysis. **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)** includes a full LVIA, including accurate visual representations. All of the buildings and structures needed for the Project have been sited so as to reduce the visual impact. Additionally, **ES Volume 2 Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)** sets out the evolution of the Project's design, including a number of changes to the layout of the Project to ensure that infrastructure is located away from residential properties and that impacts are minimised where possible. The Project therefore complies with NPS EN-1 policy.
Paragraph 5.10.28 Depending on the topography of the surrounding terrain and areas of population it may be appropriate to undertake landscaping off site. For example, filling in gaps in existing tree and hedge lines may mitigate the impact when viewed from a more distant vista.	No offsite landscaping is required or proposed in relation to the Project. The Project therefore complies with NPS EN-1 policy.

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Paragraph 5.10.35 The scale of energy projects means that they will often be visible across a very wide area. The Secretary of State should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project.	The assessment presented in **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)** concludes that the Project would have some significant adverse effects on the landscape as a result of construction, operational phase and decommissioning. A comprehensive series of mitigation measures has been embedded in the design of the Project, with the aim of reducing adverse effects resulting from its introduction. The **Planning Statement (Doc Ref. 7.6)** considers the residual effects of the Project in the terms of NPS EN-1 and they are not considered to be so damaging that they are not offset by the benefits and need for the Project which are set out in the Planning Statement. The Project therefore complies with these policies in NPS EN-1.
Paragraph 5.10.36 In reaching a judgement, the Secretary of State should consider whether any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the Secretary of State considers reasonable.	Construction and decommissioning stage impacts will be for a relatively short duration, and operational effects beginning at year 1 will reduce over time as mitigation planting set out in **Outline LEMP (Doc. Ref 7.10)** establishes. The change to the landscape character, via the introduction of solar panels and associated infrastructure, is considered to be localised and would be reversed following decommissioning. The Project therefore complies with NPS EN-1 policy.
Generic Impacts – Land use including open space, green infrastructure and Green Belt	
Paragraph 5.11.3 Although the re-use of previously developed land for new development can make a major contribution to sustainable development by reducing the amount of countryside and	In order to achieve the objectives of the Project, it is not possible for the Project to re-use previously developed land given the form of energy infrastructure proposed. The Project therefore complies with NPS EN-1 policy.

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undeveloped greenfield land that needs to be used, it may not be possible for many forms of energy infrastructure.	
Paragraph 5.11.6 The government's policy is to ensure there is adequate provision of high quality open space and sports and recreation facilities to meet the needs of local communities. Connecting people with open spaces, sports and recreational facilities all help to underpin people's quality of life and have a vital role to play in promoting healthy living.	The Project is not anticipated to have any effect on open space or recreational facilities. **ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2)** considers how the Project has the potential to lead to effects on local people, community and recreational facilities, businesses and the economy, and PRoW and access as a result of construction activity and longer term changes to the land across the Site. Changes to the land within the Site will result in changes to the PRoW network. Diversions – and in some cases new routes – have been designed in order to allow people to continue to access the Site and continue through it for recreation or to reach community facilities, settlements and businesses. In many cases these will provide new facilities for active travel, recreation and links between communities and developments. The **Outline RoWAS (Doc Ref. 7.15)** ensures that diverted or new routes will be in place prior to the closure of existing ones, will be designed to high standards, and will be maintained throughout the operational phase to make them accessible, safe and attractive. **ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2)** concludes that given the measures secured there will be no significant environmental effects on people, homes and health, and how people experience the local area and how community and recreational facilities are used at any stage. The Project therefore complies with NPS EN-1 policy.
Paragraph 5.11.8 The ES (see Section 4.3) should identify existing and proposed land uses near the project, any effects of replacing an existing	**ES Volume 2, Chapter 2: Site and Context (Doc Ref. 5.2)** provides a description of the Site and its surrounding areas,

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development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan. The assessment should be proportionate to the scale of the preferred scheme and its likely impacts on such receptors. For developments on previously developed land, the applicant should ensure that they have considered the risk posed by land contamination and how it is proposed to address this.	including key features, designations and key sensitive receptor locations that may be affected by the Project. The cumulative effects of the Project with nearby existing and proposed projects have been assessed in **ES Volume 2, Chapter 17: Cumulative Assessment (Doc Ref. 5.2)**. **ES Volume 4, Appendix 11.2: Phase 1 Geoenvironmental and Geotechnical Desk Study (Doc Ref: 5.2)** concludes that there is a Very Low to Low risk classification for potential contamination at the Site. The Project therefore complies with NPS EN-1 policy.
Paragraph 5.11.9 Applicants will need to consult the local community on their proposals to build on existing open space, sports or recreational buildings and land. Taking account of the consultations, applicants should consider providing new or additional open space including green and blue infrastructure, sport or recreation facilities, to substitute for any losses as a result of their proposal. When considering proposals for green infrastructure, Applicant's should refer to the Green Infrastructure Framework.	The Project does not include any proposals to build on open space, sports or recreational buildings and land. The Project therefore complies with NPS EN-1 policy.
Paragraph 5.11.12 Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5).	The Project has sought to maximise the use of poorer quality agricultural land, with approximately 80% of the land having been assessed as being ALC Grade 3b or non-agricultural land. Around 19% is Grade 3a, none is Grade 1 and about 1% is Grade 2. This is lower than the average land in the area near to the Sellindge Substation where there is grid capacity to connect the Project. In regard to soil impacts, standard good practice soil management measures, such as those set out in Defra's Code of Practice for the Sustainable Use of Soils on Construction Sites, would be prepared

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	to ensure that the levels of loss and damage are minimised. This would ensure compliance with local and national planning policy regarding the protection and sustainable use of soil resources with mitigation for construction impacts being outlined in the **Outline CEMP (Doc Ref. 7.8)** and mitigation for decommissioning impacts being outlined in the **Outline DEMP (Doc Ref. 7.12**). The Project therefore complies with NPS EN-1. policy
Paragraph 5.11.14 Applicants are encouraged to develop and implement a Soil Management Plan which could help minimise potential land contamination. The sustainable reuse of soils needs to be carefully considered in line with good practice guidance where large quantities of soils are surplus to requirements or are affected by contamination.	The **Outline CEMP (Doc Ref. 7.8) and Outline DEMP (Doc Ref. 7.12)** include an outline soil management plan which sets out measures to ensure the sustainable use of soil in line with good practice and guidance. The Project therefore complies with NPS EN-1 policy.
Paragraph 5.11.19 Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place.	A **Minerals Safeguarding Assessment (ES Volume 4, Appendix 16.3 (Doc Ref. 5.4))** has been submitted with the DCO Application. The assessment addresses that parts of the Site lie above areas safeguarded for two different types of minerals. It demonstrates that the potential mineral resources found under limited sections of the Site can be temporarily sterilised, without detriment to the resource itself and the local construction market, by the non-mineral development Project. The Project will not permanently sterilise the mineral resource beneath the Site, taking into account the long-term potential of the land use after decommissioning has taken place. The Project therefore complies with NPS EN-1 policy.

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Paragraph 5.11.23 Although in the case of most energy infrastructure there may be little that can be done to mitigate the direct effects of an energy project on the existing use of the proposed site (assuming that some of that use can still be retained post project construction) applicants should nevertheless seek to minimise these effects and the effects on existing or planned uses near the site by the application of good design principles, including the layout of the project and the protection of soils during construction.	The Project has been subject to a detailed and sensitive iterative design process. This has taken account of the context and features of the land within the Order limits, nearby sensitive receptors and assets, information emerging from environmental surveys, feedback from stakeholders, and opportunities and constraints in order to develop a good design that balances the need to maximise the energy generation capacity of the Project with the avoidance and mitigation of impacts, and provision of environmental and other enhancements, where practicable. The design process and basis of design decisions taken are described in the **ES Volume 2 Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)**. The Project therefore complies with NPS EN-1 policy.
Paragraph 5.11.27 Existing trees and woodlands should be retained wherever possible. In the EIP, the Government committed to increase the tree canopy and woodland cover to 16.5% of total land area of England by 2050. The applicant should assess the impacts on, and loss of, all trees and woodlands within the project boundary and develop mitigation measures to minimise adverse impacts and any risk of net deforestation as a result of the scheme. Mitigation may include, but is not limited to, the use of buffers to enhance resilience, improvements to connectivity, and improved woodland management. Where woodland loss is unavoidable, compensation schemes will be required, and the long-term management and maintenance of newly planted trees should be secured	As stated in **ES Volume 2, Chapter 9: Biodiversity**, the Project will not result in the loss of ancient woodland or veteran trees. The impact of the Project on trees and woodland has been assessed in the **Arboricultural Impact Assessment (ES Volume 4, Appendix 9.3 (Doc Ref. 5.4))**, and measures will be implemented to protect veteran trees, ancient woodland and other vegetation to be retained. Preparation of an Arboricultural Method Statement detailing tree protective measures to be implemented during construction and decommissioning of the Project is secured via the **Outline CEMP (Doc Ref. 7.8)** and **Outline DEMP (Doc Ref. 7.12)**. Measures will be included to protect veteran trees, ancient woodland and other vegetation to be retained. The Project therefore complies with NPS EN-1 policy.
Paragraph 5.11.30 Public Rights of way, National Trails, and other rights of access to land are important recreational facilities for example for	The Applicant recognises the importance of PRoWs and they have been considered within **ES Volume 2, Chapter 12: Socio-economics (Doc Ref. 5.2)**.

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walkers, cyclists and horse riders. The Secretary of State should expect applicants to take appropriate mitigation measures to address adverse effects on coastal access, National Trails, other rights of way and open access land and, where appropriate, to consider what opportunities there may be to improve or create new access. In considering revisions to an existing right of way, consideration should be given to the use, character, attractiveness, and convenience of the right of way	An **Outline RoWAS (Doc Ref. 7.15)** has been produced to set out an appropriate mitigation strategy. This has been developed following engagement with KCC and taking on board feedback from stakeholders as well as relevant local and national design guidance to mitigate effects on the PRoW network and its users. The Project therefore complies with NPS EN-1 policy.
Paragraph 5.11.32 The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements or the Secretary of State determines that the benefits of the project (including need), outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities.	The Project does not affect any existing open space, sports and recreational buildings or land. The Project therefore complies with NPS EN-1 policy.
Paragraph 5.11.34 The Secretary of State should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. Where schemes are to be sited on best and most versatile agricultural land the Secretary of State should take into account the economic and other benefits of that land. Where development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.	The Project has sought to maximise the use of poorer quality agricultural land, with approximately 80% of the land having been assessed as being ALC Grade 3b or non-agricultural land. Around 20% is Grade 3a, none is Grade 1 and about 1% is Grade 2. This is lower than the average land in the area near to the Sellindge Substation where there is grid capacity to connect the Project. The Project therefore complies with NPS EN-1 policy.

Generic Impacts – Noise and vibration

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Paragraph 5.12.1 Excessive noise can have wide-ranging impacts on the quality of human life and, health such as annoyance, sleep disturbance, cardiovascular disease and mental ill-health. It can also have an impact on the environment and the use and enjoyment of areas of value such as quiet places and areas with high landscape quality. Paragraph 5.12.2 The Government's policy on noise is set out in the Noise Policy Statement for England. It promotes good health and good quality of life through effective noise management. Similar considerations apply to vibration, which can also cause damage to buildings. In this section, in line with current legislation, references to "noise" below apply equally to the assessment of impacts of vibration.	**ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** recognises and assesses the impacts of noise of the Project on health and quality of life. Potential vibration effects associated with all stages of the Project have been scoped out of further assessment within the ES as agreed with PINS via the **ES Volume 4, Appendix 1.2: Scoping Opinion (Doc Ref. 5.4)**. Measures to minimise and mitigate noise and vibration effects during construction and decommissioning are included in the **Outline CEMP (Doc Ref. 7.8)** and **Outline DEMP (Doc Ref. 7.12)** respectively. The Project therefore complies these policies in NPS EN-1 policy.
Paragraph 5.12.4 Noise resulting from a proposed development can also have adverse impacts on wildlife and biodiversity. Noise effects of the proposed development on ecological receptors should be assessed by the Secretary of State in accordance with the Biodiversity and Geological Conservation section of this NPS at Section 5.4. This should consider underwater noise and vibration especially for marine developments. Underwater noise can be a significant issue in the marine environment, particularly in regard to energy production.	**ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** includes an assessment of the likely impacts and effects of noise on relevant ecological features. The Project therefore complies with NPS EN-1 policy.
Paragraph 5.12.5 Factors that will determine the likely noise impact of a proposed development include: ▪ the inherent operational noise from the proposed	**ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** and its supporting appendices explain the noise assessment methodology which has considered the factors identified by this policy.

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development, and its characteristics ▪ the proximity of the proposed development to noise sensitive premises (including residential properties, schools and hospitals) and noise sensitive areas (including certain parks and open spaces) ▪ the proximity of the proposed development to quiet places and other areas that are particularly valued for their soundscape or landscape quality. ▪ the proximity of the proposed development to sites where noise may have an adverse impact on protected species or other wildlife, including migratory species. ▪ the potential presence of unexploded ordnance on the seabed	**ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** includes an assessment of the likely impacts and effects of noise on relevant ecological features. The Project therefore complies with NPS EN-1 policy.
Paragraph 5.12.6 Where noise impacts are likely to arise from the proposed development, the applicant should include the following in the noise assessment: ▪ a description of the noise generating aspects of the development proposal leading to noise impacts, including the identification of any distinctive tonal characteristics, if the noise is impulsive, whether the noise contains particular high or low frequency content or any temporal characteristics of the noise. ▪ identification of noise sensitive receptors and noise sensitive areas that may be affected. ▪ the characteristics of the existing noise environment ▪ a prediction of how the noise environment will change with	**ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** contains the information required to comply with NPS EN-1 policy.

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the proposed development. ▪ in the shorter term, such as during the construction period ▪ in the longer term, during the operating life of the infrastructure ▪ at particular times of the day, evening and night (and weekends) as appropriate, and at different times of year ▪ an assessment of the effect of predicted changes in the noise environment on any noise-sensitive receptors, including an assessment of any likely impact on health and quality of life / well-being where appropriate, particularly among those disadvantaged by other factors who are often disproportionately affected by noise-sensitive areas. ▪ if likely to cause disturbance, an assessment of the effect of underwater or subterranean noise ▪ all reasonable steps taken to mitigate and minimise potential adverse effects on health and quality of life	
Paragraph 5.12.8 Applicants should consider the noise impact of ancillary activities associated with the development, such as increased road and rail traffic movements, or other forms of transportation	**ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** provides a description of the likely significant environmental noise effects of construction, operation, maintenance and decommissioning of the Project including traffic and transport noise. The Project therefore complies with NPS EN-1 policy.
Paragraph 5.12.9 Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards and other guidance. Further information on assessment of	**ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** assesses operational noise with respect to human receptors in accordance with relevant British Standards. The Project therefore complies with NPS EN-1 policy.

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particular noise sources may be contained in the technology specific NPSs. In particular, for renewables (EN-3) and electricity networks (EN-5) there is assessment guidance for specific features of those technologies. For the prediction, assessment and management of construction noise, reference should be made to any relevant British Standards and other guidance which also give examples of mitigation strategies.	
Paragraph 5.12.10 Some noise impacts will be controlled through environmental permits and parallel tracking is encouraged where noise impacts determined by an environmental permit interface with planning issues (i.e. physical design and location of development). The applicant should consult the EA and/or the SNCB, and other relevant bodies, such the MMO or NRW, as necessary, and in particular regarding assessment of noise on protected species or other wildlife. The results of any noise surveys and predictions may inform the ecological assessment. The seasonality of potentially affected species in nearby sites may also need to be considered.	The Applicant has taken account of advice from the EA and Natural England throughout the preparation of the ES. The **Consultation Report (Doc Ref 6.1)** details regard had to consultation responses. **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** takes account of noise in its assessment of the impact of the Project on protected species and other wildlife. The Project therefore complies with NPS EN-1 policy.
Paragraph 5.12.12 Applicants should submit a detailed impact assessment and mitigation plan as part of any development plan, including the use of noise mitigation and noise abatement technologies during construction and operation. Paragraph 5.12.15 The project should demonstrate good design through selection of the quietest or most acceptable cost-effective plant available; containment of noise within buildings wherever possible, taking into account any other adverse impacts that such containment	As detailed in **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)**, embedded mitigation measures for the operational phase have been considered with reference to this policy. This includes moving noise generating infrastructure further away from nearby residential properties (typically Heating, Ventilation and Air Conditioning elements of inverters/energy storage). Additionally, acoustic fencing is proposed in certain locations to minimise potential noise impacts to nearby receptors. Furthermore, **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)**, also details embedded and enhanced mitigation measures for the construction phase.

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might cause (e.g. on landscape and visual impacts; optimisation of plant layout to minimise noise emissions; and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission).	Please see **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** for further information. The Project therefore complies with these policies in NPS EN-1.
Paragraph 5.12.13 The Secretary of State should consider whether mitigation measures are needed both for operational and construction noise over and above any which may form part of the project application. In doing so the Secretary of State may wish to impose mitigation measures. Any such mitigation measures should take account of the NPPF or any successor to it and the Planning Practice Guidance on Noise.	Given the outcome of the noise assessment for the Project and the proposed mitigation, it is not anticipated that the Secretary of State will need to consider additional mitigation measures above those already embedded in the design of the Project and those set out within the **Environmental Statement (Doc Ref. 5.1-5.4)**, the **Outline CEMP (Doc Ref. 7.8)**, **the Outline OMP (Doc Ref. 7.11)** and mitigation for decommissioning impacts outlined in the **Outline DEMP (Doc Ref. 7.12**). The Project therefore complies with NPS EN-1 policy.
Paragraph 5.12.14 Mitigation measures may include one or more of the following: ▪ engineering: reducing the noise generated at source and/or containing the noise generated ▪ lay-out: where possible, optimising the distance between the source and noise sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose-built barriers, or other buildings ▪ administrative: using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise limits/noise levels, differentiating as appropriate between different times of day, such as evenings and late at night, and taking into account seasonality of wildlife in nearby designated sites	Given the outcome of the noise assessment for the Project and the proposed mitigation, it is not anticipated that the Secretary of State will need to consider additional mitigation measures above those already embedded in the design of the Project and those set out within the **Environmental Statement (Doc Ref. 5.1-5.4)**, the **Outline CEMP** (**Doc Ref. 7.8)**, **the Outline OMP (Doc Ref. 7.11)** and mitigation for decommissioning impacts outlined in the **Outline DEMP (Doc Ref. 7.12**). The Project therefore complies with NPS EN-1 policy.

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▪ insulation: mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.	
Paragraph 5.12.17 The Secretary of State should not grant development consent unless they are satisfied that the proposals will meet the following aims, through the effective management and control of noise: ▪ avoid significant adverse impacts on health and quality of life from noise ▪ mitigate and minimise other adverse impacts on health and quality of life from noise ▪ where possible, contribute to improvements to health and quality of life through the effective management and control of noise	**ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** concludes that there are no anticipated significant adverse effects on health and quality of life arising from the noise or vibration impacts from the construction, operation or decommissioning of the Project, including effects on health and quality of life from noise. It also sets out mitigation measures to be incorporated into the Project to mitigate and minimise noise impacts. No existing noise issues that the Project could contribute to improving have been identified. The Project complies with NPS EN-1 policy.
Generic Impacts – Socio-economic	
Paragraph 5.13.2 Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES (see Section 4.3).	**ES Volume 2, Chapter 12: Socio-economics (Doc Ref. 5.2)** includes an assessment of socio-economic impacts at local and regional levels, including employment, the local economy, users of PRoW, residential properties, business properties and community facilities. The Project therefore complies with NPS EN-1 policy.
Paragraph 5.13.3 The applicant is strongly encouraged to engage with relevant local authorities during early stages of project development so	**ES Volume 2, Chapter 12: Socio-economics (Doc Ref. 5.2)** has been informed by engagement with ABC, KCC, Kent Ramblers and other users of PRoW and assesses all relevant socio-economic impacts of the Project.

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that the applicant can gain a better understanding of local or regional issues and opportunities. Paragraph 5.13.4 The applicant's assessment should consider all relevant socio-economic impacts, which may include: ▪ the creation of jobs and training opportunities. Applicants may wish to provide information on the sustainability of the jobs created, including where they will help to develop the skills needed for the UK's transition to Net Zero the contribution to the development of low-carbon industries at the local and regional level as well as nationally. ▪ the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities ▪ any indirect beneficial impacts for the region hosting the infrastructure, in particular in relation to use of local support services and supply chains. ▪ effects (positive and negative) on tourism and other users of the area impacted. ▪ the impact of a changing influx of workers during the different construction, operation and decommissioning phases of the energy infrastructure. This could change the local population dynamics and could alter the demand for services and facilities in the settlements nearest to the construction work (including community facilities and physical infrastructure such as energy, water, transport and waste). There could also be effects on social cohesion depending on how populations and service provision	The Project therefore complies with NPS EN-1 policy.

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change as a result of the development. ▪ cumulative effects - if development consent were to be granted for a number of projects within a region and these were developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region	
Paragraph 5.13.5 Applicants should describe the existing socio-economic conditions in the areas surrounding the proposed development and should also refer to how the development's socio-economic impacts correlate with local planning policies.	The current socio-economic baseline conditions of the study area have been described in **ES Volume 2, Chapter 12: Socio-economics (Doc Ref. 5.2)**. The Project's compliance with local planning policies is considered in this Appendix below. The Project therefore complies with NPS EN-1 policy.
Paragraph 5.13.8 The Secretary of State should consider whether mitigation measures are necessary to mitigate any adverse socioeconomic impacts of the development. For example, high quality design can improve the visual and environmental experience for visitors and the local community alike	Primary mitigation measures are embedded within the Project, these measures are described in the respective chapters of **Environmental Statement (Doc Ref. 5.1-5.4)**, to reduce effects of the Project (such as noise, air quality, transport and landscape) which in turn will mitigate the effects on the local community and existing facilities from a socio-economic and land use perspective. **ES Volume 2, Chapter 12: Socio-economics (Doc Ref. 5.2)** concludes that no additional mitigation, monitoring or enhancement measures are anticipated to be required. The Project therefore complies with NPS EN-1 policy.
Paragraph 5.13.11 The Secretary of State should consider any relevant positive provisions the applicant has made or is proposing to make to mitigate impacts (for example through planning obligations) and any legacy benefits that may arise as well as any options for phasing development in relation to the socio-economic impacts.	Primary mitigation measures are embedded within the Project, these measures are described in the respective chapters of **Environmental Statement (Doc Ref. 5.1-5.4)**, to reduce effects of the Project (such as noise, air quality, transport and landscape) which in turn will mitigate the effects on the local community and existing facilities from a socio-economic and land use perspective.

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Paragraph 5.13.12 The Secretary of State may wish to include a requirement that specifies the approval by the local authority of an employment and skills plan detailing arrangements to promote local employment and skills development opportunities, including apprenticeships, education, engagement with local schools and colleges and training programmes to be enacted.	**ES Volume 2, Chapter 12: Socio-economics (Doc Ref. 5.2)** concludes that no additional mitigation, monitoring or enhancement measures are anticipated to be required. The benefits of the Project to the local community (other than the generation of a substantial amount of renewable energy) are described in the **Planning Statement (Doc Ref. 7.6)**, including job creation and the introduction of new PRoW. The Project therefore complies with NPS EN-1 policy.
Paragraph 5.13.8 The Secretary of State should consider whether mitigation measures are necessary to mitigate any adverse socioeconomic impacts of the development. For example, high quality design can improve the visual and environmental experience for visitors and the local community alike.	Primary mitigation measures are embedded within the Project, these measures are described in the respective chapters of **Environmental Statement (Doc Ref. 5.1-5.4)**, to reduce effects of the Project (such as noise, air quality, transport and landscape) which in turn will mitigate the effects on the local community and existing facilities from a socio-economic and land use perspective. **ES Volume 2, Chapter 12: Socio-economics (Doc Ref. 5.2)** concludes that no additional mitigation, monitoring or enhancement measures are anticipated to be required. The Project therefore complies with NPS EN-1 policy.
Generic Impacts – Traffic and Transport	
Paragraph 5.14.5 If a project is likely to have significant transport implications, the applicant's ES (see Section 4.3) should include a transport appraisal. The DfT's Transport Analysis Guidance TAG) and Welsh Governments WelTAG provides guidance on modelling and assessing the impacts of transport schemes.	**ES Volume 2, Chapter 13: Traffic & Access (Doc Ref. 5.2)** assesses the impact of the Project on traffic and transport. The Project therefore demonstrates full compliance with these policies in NPS EN-1.
Paragraph 5.14.7	The **Outline Construction Traffic Management Plan ('CTMP') (Doc Ref. 7.9)** and the **Outline Decommissioning Traffic**

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The applicant should prepare a travel plan including demand management and monitoring measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by active, public and shared transport to: ▪ reduce the need for parking associated with the proposal. ▪ contribute to decarbonisation of the transport network. ▪ improve user travel options by offering genuine modal choice. Paragraph 5.14.8 The assessment should also consider any possible disruption to services and infrastructure (such as road, rail and airports).	**Management Plan ('DTMP') (Doc Ref. 7.13)** outline measures that will be included in the final CTMP and DTMP to mitigate transport impact, manage demand, and improve and encourage Project staff to access the Order limits by public transport, cycling and reduce car transport to, and parking at, the Order limits. The Project therefore demonstrates full compliance with these policies in NPS EN-1.
Paragraph 5.14.11 Where mitigation is needed, possible demand management measures must be considered. This could include identifying opportunities to: ▪ reduce the need to travel by consolidating trips ▪ locate development in areas already accessible by active travel and public transport ▪ provide opportunities for shared mobility. ▪ re-mode by shifting travel to a sustainable mode that is more beneficial to the network. ▪ retime travel outside of the known peak times. ▪ reroute to use parts of the network that are less busy.	Management of construction traffic is set out in the **Outline CTMP (Doc Ref. 7.9)**, including specifications of the appropriate routes to the Site. Detailed CTMP(s) for the Project's phases are secured by a DCO Requirement as set out in the **Draft Development Consent Order (Doc Ref. 3.1)**, which will ensure that construction traffic keeps to the identified construction routes, the agreed hours of construction are adhered to, and interaction with PRoW and highway users is managed safely and effectively. The construction traffic impacts of the Project have been assessed and are set out in **ES Volume 2, Chapter 13: Transport & Access (Doc Ref. 5.2)**. This ES Chapter concludes that there are no predicted significant impacts on the local highway network. The Project therefore demonstrates full compliance with these policies in NPS EN-1.

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Paragraph 5.14.12 If feasible and operationally reasonable, such mitigation should be required, before considering requirements for the provision of new inland transport infrastructure to deal with remaining transport impacts. All stages of the project should support and encourage a modal shift of freight from road to more environmentally sustainable alternatives, such as rail, cargo bike, maritime and inland waterways, as well as making appropriate provision for and infrastructure needed to support the use of alternative fuels including charging for electric vehicles.	Given the context of the Order limits and the requirements for construction deliveries, rail and water borne transports are not considered to be appropriate methods of transport. The Project therefore demonstrates full compliance with these policies in NPS EN-1.
Paragraph 5.14.15 The Secretary of State should have regard to the cost-effectiveness of demand management measures compared to new transport infrastructure, as well as the aim to secure more sustainable patterns of transport development when considering mitigation measures.	Traffic generated by the Project during its operational phase will not be of a level that requires management. No new transport infrastructure is therefore proposed as part of the Project. During construction and decommissioning, traffic management measures are proposed that will be implemented at sections of the construction/decommissioning traffic route. These include the use of 'stop/go' boards where the haulage road crosses Station Road and Bank Road, and escort vehicles will be used to help larger delivery vehicles to safely navigate the bend on Goldwell Lane. **The Outline CTMP (Doc Ref. 7.9)** and **Outline DTMP (Doc Ref. 7.13)** set out these measures that would ensure any disruption on the local highways is minimised. The Project therefore demonstrates full compliance with these policies in NPS EN-1.
Paragraph 5.14.18 A new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure and the Secretary of State should therefore ensure that the applicant has sought to mitigate	**ES Volume 2, Chapter 13: Traffic & Access (Doc Ref. 5.2)** outlines the embedded design mitigation measures in relation to traffic and transport, including HGV deliveries and staff vehicles.

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these impacts, including during the construction phase of the development and by enhancing active, public and shared transport provision and accessibility. Paragraph 5.14.19 Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the Secretary of State should consider requirements to mitigate adverse impacts on transport networks arising from the development, as set out below. Paragraph 5.14.20 Development consent should not be withheld provided that the applicant is willing to enter into planning obligations for funding new infrastructure or requirements can be imposed to mitigate transport impacts. In this situation the Secretary of State should apply appropriately limited weight to residual effects on the surrounding transport infrastructure. Paragraph 5.14.21 The Secretary of State should only consider refusing development on highways grounds if there would be an unacceptable impact on highway safety, residual cumulative impacts on the road network would be severe, or it does not show how consideration has been given to the provision of adequate active public or shared transport access and provision.	**ES Volume 2, Chapter 13: Traffic & Access (Doc Ref. 5.2)** states that there are anticipated to be no significant adverse effects on vehicle travellers, Non-Motorised Users ('NMUs') or public transport users as a result of the construction, operation or decommissioning of the Project. **ES Volume 2 Chapter 3: Project Description (Doc Ref. 5.2)** provides additional information of relevance to traffic and access, including a more detailed description of construction access arrangements. The Project therefore demonstrates full compliance with these policies in NPS EN-1.
Paragraph 5.14.14 The Secretary of State may attach requirements to a consent where there is likely to be substantial HGV traffic that: ▪ control numbers of HGV movements to and from the site in a specified period during its construction and possibly on	**ES Volume 2, Chapter 13: Traffic & Access (Doc Ref. 5.2)** states that there are no anticipated significant adverse effects on the wider transport network as a result of the construction, operation or decommissioning of the Project following the implementation of the mitigation measures.

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the routing of such movements ▪ make sufficient provision for HGV parking, and associated high quality drive facilities either on the site or at dedicated facilities elsewhere, to support driver welfare, avoid 'overspill' parking on public roads, prolonged queuing on approach roads and uncontrolled on-street HGV parking in normal operating conditions ▪ ensure satisfactory arrangements for reasonably foreseeable abnormal disruption, in consultation with network providers and the responsible police force	Management of construction traffic is set out in the **Outline CTMP (Doc Ref. 7.9)**. Therefore, it is considered that there is not likely to be a need to attach additional requirements to the DCO.
Generic Impacts – Waste Management	
Paragraph 5.15.2 Sustainable waste management is implemented through the waste hierarchy, which sets out the priorities that must be applied when managing waste. These are (in order): ▪ prevention ▪ preparing for reuse ▪ recycling ▪ other recovery, including energy recovery ▪ disposal	Waste management is addressed within the following management plans: **Outline CEMP (Doc Ref. 7.8)** **Outline OMP (Doc Ref. 7.11)** **Outline DEMP (Doc Ref. 7.12)** Opportunities to re-use material resources will be sought where practicable. Where re-use and prevention are not possible, waste arisings will be managed in line with the Waste Hierarchy. The Project therefore demonstrates full compliance with these policies in NPS EN-1.
Paragraph 5.15.4 All large infrastructure projects are likely to generate some hazardous and non-hazardous waste. The EA's Environmental Permit regime incorporates operational waste management requirements for certain activities. When an applicant applies to	Waste management is addressed within the following management plans: **Outline CEMP (Doc Ref. 7.8)** **Outline OMP (Doc Ref. 7.11)**

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the EA for an Environmental Permit, the EA will require the application to demonstrate that processes are in place to meet all relevant Environmental Permit requirements.	**Outline DEMP (Doc Ref. 7.12)** These meet the EA's Environmental Permitting requirements. The Project therefore demonstrates full compliance with these policies in NPS EN-1
Paragraph 5.15.8 The applicant should set out the arrangements that are proposed for managing any waste produced and prepare a report that sets out the sustainable management of waste and use of resources throughout any relevant demolition, excavation and construction activities. Paragraph 5.15.9 The arrangements described and a report setting out the sustainable management of waste and use of resources should include information on how re-use and recycling will be maximised in addition to the proposed waste recovery and disposal system for all waste generated by the development. They should also include an assessment of the impact of the waste arising from development on the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation. Paragraph 5.15.10 The applicant is encouraged to refer to the Waste Prevention Programme for England: Maximising Resources Minimising Waste and 'Towards Zero Waste: Our Waste Strategy for Wales and should seek to minimise the volume of waste produced and the volume of waste sent for disposal unless it can be demonstrated that this is the best overall environmental outcome. Paragraph 5.15.11	Waste management is addressed within the following management plans: **Outline CEMP (Doc Ref. 7.8)** **Outline OMP (Doc Ref. 7.11)** **Outline DEMP (Doc Ref. 7.12)** These include an Outline Site Waste Management Plan ('Outline SWMP'). The Outline SWMP sets out the arrangements for the sustainable management of waste and use of resources throughout relevant demolition, excavation and construction activities. The Applicant has committed to minimise and manage waste in line with the waste hierarchy as confirmed within the Outline CEMP (Doc Ref. 7.8) and Outline DEMP (Doc Ref. 7.12). They also include a commitment to design, construct and implement the Project in such a way as to minimise the creation of waste. The Outline SWMP (part of the **Outline CEMP (Doc Ref. 7.8) and Outline DEMP (Doc Ref. 7.12))** aims to implement best practice to ensure materials are reused or recycled on-site where possible in line with the waste hierarchy. It is not anticipated that there would be a significant effect on waste during the construction, operation or decommissioning of the Project. The Project is therefore considered to be compliant. The Project therefore demonstrates full compliance with these policies in NPS EN-1.

EN-1 Policy Text	Compliance with Policy
If the applicant's assessment includes dredged material, the assessment should also include other uses of such material before disposal to sea, for example through re-use in the construction process.	
Paragraph 5.15.12 The UK is committed to moving towards a more 'circular economy'. Where possible, applicants are encouraged to source materials from recycled or reused sources and use low carbon materials, sustainable sources and local suppliers. Construction best practices should be used to ensure that material is reused or recycled onsite where possible.	Waste management is addressed within the following management plans: **Outline CEMP (Doc Ref. 7.8)** **Outline OMP (Doc Ref. 7.11)** **Outline DEMP (Doc Ref. 7.12)** Opportunities to re-use material resources will be sought where practicable. Where re-use and prevention are not possible, waste arisings will be managed in line with the Waste Hierarchy. The Project therefore demonstrates full compliance with NPS EN-1.
Paragraph 5.15.14 The Secretary of State should consider the extent to which the applicant has proposed an effective system for managing hazardous and non-hazardous waste arising from the construction, operation and decommissioning of the proposed development.	Waste management is addressed within the following management plans: **Outline CEMP (Doc Ref. 7.8)** **Outline OMP (Doc Ref. 7.11)** **Outline DEMP (Doc Ref. 7.12)** The **Outline CEMP (Doc Ref. 7.8)** and **Outline DEMP (Doc Ref. 7.12)** secure details of the Site Waste Management Plan for the construction and decommissioning stages. The **Outline OMP (Doc Ref. 7.11)** then secures a commitment to minimise and manage waste in line with the waste hierarchy. It is not anticipated that there would be a significant effect on waste during the construction, operation or decommissioning of the Project. The Project therefore demonstrates full compliance with these policies in NPS EN-1.

EN-1 Policy Text	Compliance with Policy
Generic Impacts – Water Quality and Resource	
Paragraph 5.16.3 Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment, and how this might change due to the impact of climate change on rainfall patterns and consequently water availability across the water environment, as part of the ES or equivalent (see Section 4.3 and 4.10).	Impact to the water environment has been assessed in **ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2)**. This presents the existing status of the water environment and the likely effects of the Project upon it. This concludes that the layout of the Project and Design Principle details have been developed to avoid effects on the water environment. With mitigation in place and adherence to phase specific management plans and good practice, the assessment has found that the Project is not likely to give rise to any significant effects during construction, operation or decommissioning. The Project therefore demonstrates full compliance with these policies in NPS EN-1.
Paragraph 5.16.5 Where possible, applicants are encouraged to manage surface water during construction by treating surface water runoff from exposed topsoil prior to discharging and to limit the discharge of suspended solids e.g. from car parks or other areas of hard standing, during operation	The **Outline Operational Surface Water Drainage Strategy ('OSWDS') (Doc Ref. 7.14)** sets out the measures to address surface water runoff from hardstanding within the Project. There are no predicted significant effects on surface water runoff arising from the activities within the construction phase. The Project therefore demonstrates full compliance with these policies in NPS EN-1.
Paragraph 5.16.7 The ES should in particular describe: ▪ the existing quality of waters affected by the proposed project and the impacts of the proposed project on water quality, noting any relevant existing discharges, proposed new discharges and proposed changes to discharge. ▪ existing water resources affected by the proposed project	**ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2)** provides an assessment of the baseline that complies with this policy. **ES Volume 4 Appendix 10.3 Water Framework Directive ('WFD') Assessment (Doc Ref. 5.4)** assesses impacts on water bodies or protected areas under the WFD. **ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2)** has been assessed in accordance with projected changes in baseline condition associated with climate change. **ES Volume 4,**

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and the impacts of the proposed project on water resources, noting any relevant existing abstraction rates, proposed new abstraction rates and proposed changes to abstraction rates (including any impact on or use of mains supplies and reference to Abstraction Licensing Strategies) and also demonstrate how proposals minimise the use of water resources and water consumption in the first instance. ▪ existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed project and any impact of physical modifications to these characteristics. ▪ any impacts of the proposed project on water bodies or protected areas (including shellfish protected areas) under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 and source protection zones (SPZs) around potable groundwater abstractions. ▪ how climate change could impact any of the above in the future ▪ any cumulative effects	**Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4)** and the **Outline OSWDS (Doc Ref. 7.14)** have been developed using the most recent appropriate climate change allowances as published and updated by the Environment Agency in May 2022. **ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2)** states that cumulative impacts on the water environment are only considered to occur when impacts are non-negligible. The Project therefore demonstrates full compliance with these policies in NPS EN-1.
Paragraph 5.16.8 The Secretary of State should consider whether mitigation measures are needed over and above any which may form part of the project application. A construction management plan may help codify mitigation at that stage.	Mitigation measures during the construction of the Project will be according to Best Practical Means that are included within the **Outline CEMP (Doc Ref. 7.8)**. The Project therefore demonstrates full compliance with these policies in NPS EN-1.
Paragraph 5.16.12 The Secretary of State will need to give impacts on the water environment more weight where a project would have an	**Volume 4 Appendix 10.3 WFD Assessment (Doc Ref 5.4)** provides a WFD Assessment. This concludes that the Project is compliant with the objectives of the WFD: it would not cause

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adverse effect on the achievement of the environmental objectives established under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. Paragraph 5.16.13 The Secretary of State must also consider duties under other legislation including duties under the Environment Act 2021 in relation to environmental targets and have regard to the policies set out in the Government's Environmental Improvement Plan 2023.	deterioration in status of the water bodies and would not prevent the water bodies achieving Good Ecological Status. The Project also contributes to the delivery of WFD objectives. The **Planning Statement (Doc Ref 7.6)** assesses the Project against duties under the Environment Act 2021 in relation to environmental targets and the policies set out in the Government's Environmental Improvement Plan 2023. The Project therefore demonstrates full compliance with these policies in NPS EN-1.

Table 2 National Policy Statement for Renewable Energy Infrastructure (EN-3) ('NPS EN-3')[4]

EN-3 Policy Text	Compliance with Policy
Part 2.4 Climate change adaptation	
Paragraph 2.4.11 Solar photovoltaic (PV) sites may also be proposed in low lying exposed sites. For these proposals, applicants should consider, in particular, how plant will be resilient to: ▪ increased risk of flooding; and ▪ impact of higher temperatures	The Flood Risk Assessment ('FRA') in **ES Volume 4, Appendix 10.2 (Doc Ref. 5.4)** explains how the Project design considers flood risk to the PV Arrays and how the development will remain safe throughout its lifetime. The FRA has been prepared in compliance with the requirements of section 5.7 of NPS EN-1 and part 2.4 of NPS EN-3. The impact of extreme temperatures (heatwaves) to the renewable energy infrastructure (including PV Arrays) has been assessed in **ES Volume 2, Chapter 15: Climate Change (Doc Ref. 5.2)**. To mitigate impacts from extreme temperatures, the Project proposes equipment rated to withstand higher temperatures and cooling capacity. The assessment found there would be no significant impacts to the Project from extreme temperatures. In consideration of the above the Project is compliant with NPS EN-3.
Part 2.5 Consideration of Good Design for Energy Infrastructure	
Paragraph 2.5.1 Section 4.7 of EN-1 sets out the criteria for good design that should be applied to all energy infrastructure.	Please refer to Table 1 above in respect of compliance with NPS EN-1.
Paragraph 2.5.2 Proposals for renewable energy infrastructure should demonstrate good design, particularly in respect of landscape and visual amenity, opportunities for co-existence/co-location with other marine and terrestrial uses, and in the design of the	The Applicant has sought to create a scheme that minimises the impacts on the surrounding environment whilst delivering important benefits at the local and national level. The delivery of a sensitive, high-quality scheme is central to the strategic approach to the design of the Project.

EN-3 Policy Text	Compliance with Policy
project to mitigate impacts such as noise and effects on ecology and heritage.	Good design has been a key consideration from the outset. The Applicant will deliver its vision for the Project by achieving a series of Design Objectives. The **Design Approach Document (DAD) (Doc Ref 7.4)** describes the Design Objectives, how they have been identified and how they will be achieved and secured. The DAD also identifies how the design of the Project aligns itself with policy and guidance, including the Government's requirement to achieve good design. In consideration of the above, the Project is compliant with NPS EN-3.
2.6 Flexibility in the project details	
Paragraph 2.6.1 Where details are still to be finalised applicants should explain in the application which elements of the proposal have yet to be finalised, and the reason why this is the case.	The approach to flexibility for the application is set out in **ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2)**. A Rochdale Envelope approach was used for the purposes of the EIA to provide flexibility in the ES and the DCO. This is in line with the Planning Inspectorate Advice Note Nine: Rochdale Envelope. The Rochdale Envelope approach involves assessing the maximum (and, where relevant, the minimum) parameters for the Project where flexibility needs to be retained. This approach was considered appropriate as the technologies proposed to be included within the Project are rapidly evolving and flexibility is required in the DCO to take account of changes in technology at the time of construction (as set out in Schedule 1 of the **Draft Development Consent Order (Doc Ref. 3.1)**, the **Works Plans (Doc Ref 2.3)** and the **Design Principles (Doc Ref. 7.5)**). The Project also includes flexibility within the final design to respond to archaeological features which may be identified during the programme of archaeological mitigation post grant of the DCO as outlined within **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)**. **ES Volume 2, Chapter 6: EIA Methodology (Doc Ref. 5.2)** confirms each technical assessment in the ES assumed a notional 'likely worst
Paragraph 2.6.2 Where flexibility is sought in the consent as a result, applicants should, to the best of their knowledge, assess the likely worst case environmental, social and economic effects of the proposed development to ensure that the impacts of the project as it may be constructed have been properly assessed.	
Paragraph 2.6.3 Full guidance on how applicants and the Secretary of State should manage flexibility is set out in Section 4.3 of EN-1.	

EN-3 Policy Text	Compliance with Policy
	case' scenario with respect to the envisaged construction and decommission methods, location and timing of the Project. In consideration of the above, the Project is compliant with NPS EN-3.
Part 2.10 Solar Photovoltaic Generation – Applicant Assessment	
Paragraph 2.10.20 In order to maximise irradiance, applicants may choose a site and design its layout with variable and diverse panel types and aspects, and panel arrays may also follow the movement of the sun in order further to maximise the solar resource.	**ES Volume 4, Appendix 5.2: Site Selection Influencing Factors (Doc Ref. 5.4)** explains the reasons why the Site was selected by the Applicant, in accordance with NPS EN-3. The factors include solar irradiance and site topography. **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)** explains how the Applicant has considered the siting and design of the Project to maximise the irradiance of the Site. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.22 Many solar farms are connected into the local distribution network. The capacity of the local grid network to accept the likely output from a proposed solar farm is critical to the technical and commercial feasibility of a development proposal.	The Applicant has a grid connection agreement with UK Power Networks Limited to connect to Sellindge Substation for up to 99.9MWe. The Site is located close to the Sellindge Substation, which ensures that the grid connection is feasible. Further information about the grid connection is in the **Grid Connection Statement (Doc Ref. 7.3)**. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.23 Larger developments may seek connection to the transmission network if there is available network capacity and/or supportive infrastructure.	
Paragraph 2.10.24 In either case the connection voltage, availability of network capacity, and the distance from the solar farm to the existing network can have a significant effect on the commercial feasibility of a development proposal.	

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Paragraph 2.10.25 To maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs applicants may choose a site based on nearby available grid export capacity.	**ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)** explains the Site was selected by the Applicant based on a series of influencing factors including the available electricity grid connection. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.26 Where this is the case, applicants should consider the cumulative impacts of situating a solar farm in proximity to other energy generating stations and infrastructure.	The cumulative effects of the Project with nearby existing and proposed projects have been considered and assessed in **ES Volume 2, Chapter 17: Cumulative Assessment (Doc Ref. 5.2)**. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.28 Solar is a highly flexible technology and as such can be deployed on a wide variety of land types	**ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)** explains the Site was selected by the Applicant based on a series of influencing factors including the available electricity grid connection. This Chapter also explains the alternative sites considered for the Project. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.29 While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of “Best and Most Versatile” agricultural land where possible. ‘Best and Most Versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification.	The Project has sought to maximise the use of poorer quality agricultural land, with approximately 80% of the land having been assessed as being Agricultural Land Classification ('ALC') Grade 3b or non-agricultural land as set out in **ES Volume 4, Appendix: 16.1 Soils and Agricultural Land Report (Doc Ref. 5.4)**. The Project has also included on-Site energy storage, which seeks to maximise the use of the land. **ES Volume 2, Chapter 5: Alternatives & Design Evolution (Doc Ref. 5.2)** includes details of the consideration of alternatives undertaken in relation to the project requirements, selection process and influencing factors in identifying the Site for the Project.
Paragraph 2.10.30	In consideration of the above, the Project is compliant with NPS EN-3.

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Whilst the development of ground mounted solar arrays is not prohibited on agricultural land classified 1, 2 and 3a, or sites designated for their natural beauty, or recognised for ecological or archaeological importance, the impacts of such are expected to be considered and are discussed under paragraphs 2.10.73 – 92 and 2.10.107 – 2.10.126.	
Paragraph 2.10.31 It is recognised that at this scale, it is likely that applicants' developments will use some agricultural land. Applicants should explain their choice of site, noting the preference for development to be on suitable brownfield industrial and low and medium grade agricultural land.	
Paragraph 2.10.32 Where sited on agricultural land, consideration may be given as to whether the proposal allows for continued agricultural use and/or can be co-located with other functions (for example, onshore wind generation, storage, hydrogen electrolysers) to maximise the efficiency of land use.	The Project includes an on-site Battery Energy Storage System, which seeks to maximise the use of the land**.** In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.33 The Agricultural Land Classification (ALC) is the only approved system for grading agricultural quality in England and Wales and, if necessary, field surveys should be used to establish the ALC grades in accordance with the current, or any successor to it, grading criteria and identify the soil types to inform soil management at the construction, operation, and decommissioning phases in line with the Defra Construction Code.	The assessment of soil and agricultural land quality is set out in **ES Volume 4, Appendix: 16.1 Soils and Agricultural Land Report (Doc Ref. 5.4)**. In consideration of the above, the Project is compliant with NPS EN-3.

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Paragraph 2.10.34 Applicants are encouraged to develop and implement a Soil Resources and Management Plan which could help to use and manage soils sustainably and minimise adverse impacts on soil health and potential land contamination. This should be in line with the ambition set out in the Environmental Improvement Plan to bring at least 40% of England's agricultural soils into sustainable management by 2028 and increase this up to 60% by 2030.	The **Outline CEMP (Doc Ref. 7.8)** and **Outline DEMP (Doc Ref. 7.12)** include soil management measures and the commitment to produce a soil management plan. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.35 Applicants will need to consider the suitability of the access routes to the proposed site for both the construction and operation of the solar farm with the former likely to raise more issues.	Suitability access routes in terms of access to the Site during construction and operation have been considered in **ES Volume 2, Chapter 13: Traffic & Access (Doc Ref 5.2)** and agreed with KCC as Highway Authority. The **Outline CTMP (Doc Ref. 7.9)** will help to minimise the impact of construction traffic by employing best-practice measures. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.36 Given that potential solar farm sites are largely in rural areas, access for the delivery of solar arrays and associated infrastructure during construction can be a significant consideration for solar farm siting.	
Paragraph 2.10.37 Developers will usually need to construct on-site access routes for operation and maintenance activities, such as footpaths, earthworks, or landscaping.	The Project includes onsite access, internal access tracks and proposes to access the Site from the existing public road network**.** In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.38 In addition, sometimes access routes will need to be constructed to connect solar farms to the public road network.	

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Paragraph 2.10.39 Applications should include the full extent of the access routes necessary for operation and maintenance and an assessment of their effects.	The proposed access network is shown on **Street, Rights of Way and Access Plans (Doc Ref. 2.5)**. **ES Volume 4, Appendix 1.2: EIA Scoping Opinion (Doc. Ref. 5.4)** confirmed that operational phase impacts of the Project for traffic and access are agreed to be scoped out. This is because once operational, the Project would generate no more than 2 x two-way trips per day, which would be associated with maintenance. This would not exceed relevant thresholds of effect and would therefore not result in any cumulative traffic effects. Such trips will be made by 4x4 vehicles (pick-up trucks) and LGVs. HGVs will only require infrequent access to the Site, such as for maintenance, servicing or to deliver replacement equipment, across the lifetime of the Project. Operational traffic is therefore not likely to give rise to any significant effects and has been scoped out of the assessment. In consideration of the above, the Project is compliant with NPS EN-3.
Part 2.10 Solar Photovoltaic Generation – Technical Considerations	
Paragraph 2.10.41 Public rights of way may need to be temporarily closed or diverted to enable construction, however, applicants should keep, as far as is practicable and safe, all public rights of way that cross the proposed development site open during construction and protect users where a public right of way borders or crosses the site.	The **Outline CTMP (Doc Ref. 7.9)** and **DTMP (Doc Ref. 7.13)** set out the proposed safety measures to ensure users of PRoW are safe during the construction and decommissioning phases of the Project. Additionally, an **Outline Rights of Way and Access Strategy ('RoWAS') (Doc Ref. 7.15)** has been produced to set out how the PRoWs will be managed. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.42 Applicants are encouraged to design the layout and appearance of the site to ensure continued recreational use of public rights of way, where possible during construction, and in particular during operation of the site.	The Applicant recognises the importance of PRoWs and they have been thoroughly considered within the **ES Volume 2, Chapter 12: Socio-economics (Doc Ref. 5.2)**. Additionally, an **Outline RoWAS (Doc Ref. 7.15)** has been produced to set out how the PRoWs will be managed.

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	The Project also includes measures to improve the network for recreational and connectivity purposes, creating a new circular walk riverside walk along the East Stour River and extensive biodiversity and landscape enhancements as set out in **ES Volume 2 Chapter 3: Project Description (Doc Ref. 5.2)**. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.43 Applicants are encouraged where possible to minimise the visual impacts of the development for those using existing public rights of way, considering the impacts this may have on any other visual amenities in the surrounding landscape.	The Applicant recognises the Project will be, in some cases, visible when using the PRoWs. The Applicant has proposed an extensive landscape and biodiversity strategy to screen views where appropriate. It is not appropriate to screen the views of some PRoWs with open views of the fields as discussed with KCC's Countryside Services Officer. The proposed landscape strategy for the Project has been enhanced during the design process in response to landscape and visual analysis and consultation feedback and is detailed in **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2), Illustrative Landscape Drawings - Not for Approval (Doc Ref. 2.7)** and **Outline LEMP (Doc Ref. 7.10).** In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.44 Applicants should consider and maximise opportunities to facilitate enhancements to the public rights of way and the inclusion, through site layout and design of access, of new opportunities for the public to access and cross proposed solar development sites (whether via the adoption of new public rights of way or the creation of permissive paths), taking into account, where appropriate, the views of landowners.	The Applicant recognises the importance of PRoWs and they have been thoroughly considered within the **ES Volume 2, Chapter 12: Socio-economics (Doc Ref. 5.2)**. The Applicant proposes a comprehensive strategy to mitigate the impacts of the Project to the PRoW network, as detailed in the **Outline RoWAS (Doc Ref. 7.16)**, **Outline CTMP (Doc Ref. 7.9)**, **Outline CEMP (Doc Ref. 7.8)** and the **Outline LEMP (Doc Ref. 7.10)**. This includes new PRoW, as well as diversions with improved amenity e.g. vegetated buffers and/or screening to all pathways and a new river walkway. In consideration of the above, the Project is compliant with NPS EN-3.

EN-3 Policy Text	Compliance with Policy
Paragraph 2.10.45 Applicants should set out detail on how public rights of way would be managed to ensure they are safe to use in an outline Public Rights of Way Management Plan.	An **Outline RoWAS (Doc Ref. 7.15)** explains how PRoW will be managed to ensure they are safe to use. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.46 Security of the site is a key consideration for developers. Applicants may wish to consider not only the availability of natural defences such as steep gradients, hedging and rivers but also perimeter security measures such as fencing, electronic security, CCTV and lighting, with the measures proposed on a site-specific basis. Paragraph 2.10.47 Applicants should assess the visual impact of these security measures, as well as the impacts on local residents, including for example issues relating to intrusion from CCTV and light pollution in the vicinity of the site.	The Project includes CCTV across the Site. The **Design Principles (Doc Ref. 7.5)** set controls for the height of CCTV poles to a maximum of 3m above ground level. The requirement for the detailed design to be in accordance with the **Design Principles (Doc Ref. 7.5)** is secured by Requirement of the **Draft Development Consent Order (Doc Ref. 3.1)**. The **Outline OMP (Doc Ref. 7.11)** includes information about security arrangements within the Order limits. The **Outline OMP (Doc Ref. 7.11)** sets out the nature of security risk management threat assessments to be undertaken, detection wiring on fences, alarm response systems and the material and appearance of cabling, doors and gates. The **Design Principles (Doc Ref. 7.5)** include the fencing arrangements for the Site boundaries and specific areas within the Site such as the Project Substation. The **Design Principles (Doc Ref. 7.5)** sets out the proposed security measures for the Project. The **Draft Development Consent Order (Doc Ref. 3.1)** includes a Requirement for the detailed design of the Project, including proposed security measures, to be submitted to the local planning authority for approval prior to commencement of the Project. CCTV will be infrared and so will not be visible during daylight or hours of darkness. In consideration of the above, the Project is compliant with NPS EN-3.

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Paragraph 2.10.61 For a solar farm to generate electricity efficiently the panel array spacing should seek to maximise the potential power output of the site. The type, spacing and aspect of panel arrays will depend on the physical characteristics of the site such as site elevation.	As set out in the **Design Approach Document (Doc Ref 7.4)** the design of the Project ensures that the amount of energy generated is maximised, whilst minimising any identified adverse effects. The detailed design for the Project will be confirmed following the grant of the DCO for the Project. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.63 It is likely that underground and overhead cabling will be required to connect the electrical assets of the site, such as from the substation to the panel arrays or storage facilities.	**ES Volume 2 Chapter 3: Project Description (Doc Ref. 5.2)** details cabling for the Site. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.64 In the case of underground cabling, applicants are expected to provide a method statement describing cable trench design, installation methodology, as well as details of the operation and maintenance regime.	**ES Volume 2 Chapter 3: Project Description (Doc Ref. 5.2)** details cabling for the Site. The **Outline CEMP (Doc Ref. 7.8)** sets out that the detailed CEMP(s) will contain Construction Method Statements ('CMS') outlining specific activities and procedures necessary for completing construction works. The **Outline OMP (Doc Ref. 7.11)** provides details of maintenance during operation. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.69 Applicants should set out what would be decommissioned and removed from the site at the end of the operational life of the generating station considering instances where it may be less harmful for the ecology of the site to keep or retain certain types of infrastructure for example underground cabling, and where there may be socio-economic benefits in retaining site infrastructure after the operational life, such as retaining pathways through the site or a site substation.	Decommissioning is expected to take approximately 12 months, and for the purposes of the assessment is expected to occur after 40 years of operation of the Project. The **Draft Development Consent Order (Doc Ref. 3.1)** includes a requirement that then secures the restoration of the Site, with works undertaken in accordance with the **Outline DEMP (Doc Ref. 7.12)** and **Outline DTMP (Doc Ref. 7.13). ES Volume 2 Chapter 3: Project Description (Doc Ref. 5.2)** details what will be decommissioned and removed from the Site at the end of the operational life of the generating station.

EN-3 Policy Text	Compliance with Policy
Paragraph 2.10.76 The applicant's ecological assessments should identify any ecological risk from developing on the proposed site.	**ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** identifies any ecological risk from developing on the proposed site. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.80 Applicants should consider earthworks associated with construction compounds, access roads and cable trenching.	**ES Volume 4, Appendix 16.1 Soils and Agricultural Land Report (Doc Ref. 5.4)** and **ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2)** provide information and assessment of effects to agricultural land and soils. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.82 Applicants should consider how security and lighting installations may impact on the local ecology. Where pole mounted CCTV facilities are proposed the location of these facilities should be carefully considered to minimise impact. If lighting is necessary, it should be minimised and directed away from areas of likely habitat.	Lighting during construction and decommissioning will be subject to controls in the **Outline CEMP (Doc Ref. 7.8)** and **Outline DEMP (Doc Ref. 7.12)**. Project lighting during operation will be limited to emergency and overnight maintenance lighting only. If required to be used, lighting will be directed within the Order limits away from sensitive receptors and will include features to reduce light spill beyond the areas required to be lit as secured in the **Design Principles (Doc Ref 7.5)**. Lighting is therefore unlikely to lead to ecological effects on bats and other nocturnal wildlife. The PV panels will be set within security fencing comprising deer-proof fencing (wooden posts, metal fencing) with a maximum height of 2.5m AGL. Security fence gates will be provided for maintenance, habitat management, passage of mammals, security purposes and fire response access. As set out in the **Design Principles (Doc Ref. 7.5)**, CCTV cameras will be located throughout the Work No. 5 area up to a maximum height of 3m AGL and will be infrared and will be directed towards the Order limits and its immediate environs, or away from residential properties. A typical distribution and frequency of CCTV poles is shown on the **Illustrative CCTV Specifications** provided within the **Illustrative Project Drawings - Not for Approval (Doc Ref. 2.6)**).

EN-3 Policy Text	Compliance with Policy
	In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.104 When a quantitative glint and glare assessment is necessary, applicants are expected to consider the geometric possibility of glint and glare affecting nearby receptors and provide an assessment of potential impact and impairment based on the angle and duration of incidence and the intensity of the reflection. Paragraph 2.10.105 The extent of reflectivity analysis required to assess potential impacts will depend on the specific project site and design. This may need to account for 'tracking' panels if they are proposed as these may cause differential diurnal and/or seasonal impacts. Paragraph 2.10.106 The potential for solar PV panels, frames and supports to have a combined reflective quality may need to be assessed, although the glint and glare of the frames and supports is likely to be significantly less than the panels. Paragraph 2.10.134 Applicants should consider using, and in some cases the Secretary of State may require, solar panels to comprise of (or be covered with) anti-glare/antireflective coating with a specified angle of maximum reflection attenuation for the lifetime of the permission. Paragraph 2.10.135	**ES Volume 4, Appendix 16.2: Solar Photovoltaic Glint and Glare Study (Doc Ref. 5.4)** addresses these policy requirements. In consideration of the above, the Project is compliant with NPS EN-3.

EN-3 Policy Text	Compliance with Policy
Applicants may consider using screening between potentially affected receptors and the reflecting panels to mitigate the effects. Paragraph 2.10.136 Applicants may consider adjusting the azimuth alignment of or changing the elevation tilt angle of a solar panel, within the economically viable range, to alter the angle of incidence. In practice this is unlikely to remove the potential impact altogether but in marginal cases may contribute to a mitigation strategy.	
Paragraph 2.10.107 The impacts of solar PV developments on the historic environment will require expert assessment in most cases and may have effect both above and below ground.	**ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment** assesses impacts on archaeological deposits. **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)**) confirms there are no residual significant effects on heritage assets. The **Heritage Statement** (**ES Volume 4, Appendix 7.2 (Doc Ref. 5.4)**) concludes that the Project would cause harm to heritage assets through introducing changes within their setting which will affect how the asset is experienced. It confirms that the identified harm would be less than substantial and at the lowest level of the spectrum for all of these assets save in respect of Grade II* listed Stonelees which would experience less than substantial harm at the lower end of the spectrum. The **Planning Statement (Doc Ref 7.6)** demonstrates that there is clear and convincing justification because it is necessary to achieve substantial public benefits, which would only come about with the Project, that outweigh the less than substantial harm. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.108 Above ground impacts may include the effects on the setting of Listed Buildings and other designated heritage assets as well as on Historic Landscape Character.	
Paragraph 2.10.109 Below ground impacts, although generally limited, may include direct impacts on archaeological deposits through ground disturbance associated with trenching, cabling, foundations, fencing, temporary haul routes etc.	
Paragraph 2.10.110 Equally, solar PV developments may have a positive effect, for example archaeological assets may be protected by a solar PV farm as the site is removed from regular ploughing and shoes or low-level piling is stipulated.	

EN-3 Policy Text	Compliance with Policy
Paragraph 2.10.102 Generic historic environment impacts are covered in Section 5.9 of EN-1.	**ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)** summarises key stakeholder engagement undertaken to inform the assessment. It also summarises the key matters raised by consultees in relation to the EIA on the topic of Cultural Heritage. Information has been sought from the HER and used to establish the current baseline conditions. Following engagement with KCC's Senior Archaeological Officer the Applicant undertook a programme of targeted pre-submission archaeological evaluation (trial trenching) for the area of the proposed Project Substation and along the alignment of Roman Road to the southwest of the Site. The programme of works was set out in a WSI for agreement with KCC's Senior Archaeological Advisor. Further details are in the Trial Trenching Report which is included in Annex 7 of the **Archaeological Desk-Based Assessment (ES Volume 4, Appendix 7.1 (Doc Ref 5.4)**) and in the WSI appended to the **Archaeological Management Strategy (Doc Ref. 7.17)**. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.112 Applicant assessments should be informed by information from Historic Environment Records (HERs) or the local authority.	
Paragraph 2.10.113 Where a site on which development is proposed includes, or has the potential to include heritage assets with archaeological interest, the applicant should submit an appropriate desk-based assessment and, where necessary, a field evaluation. These should be carried out using expertise where necessary and in consultation with the local planning authority, and should identify archaeological study areas and propose appropriate schemes of investigation, and design measures, to ensure the protection of relevant heritage assets.	
Paragraph 2.10.114 In some instances, field studies may include investigative work (and may include trial trenching beyond the boundary of the proposed site) to assess the impacts of any ground disturbance, such as proposed cabling, substation foundations or mounting supports for solar panels on archaeological assets.	Following engagement with KCC's Senior Archaeological Officer the Applicant undertook a programme of targeted pre-submission archaeological evaluation (trial trenching) for the area of the proposed Project Substation and along the alignment of Roman Road to the southwest of the Site. The programme of works was set out in a WSI for agreement with KCC's Senior Archaeological Advisor. Further details are in the Trial Trenching Report which is included in Annex 7 of the **Archaeological Desk-Based Assessment (ES Volume 4, Appendix 7.1 (Doc Ref 5.4)**) and in the WSI appended to the **Archaeological Management Strategy (Doc Ref. 7.17)**.
Paragraph 2.10.115 The extent of investigative work should be proportionate to the sensitivity of, and extent of proposed ground disturbance in, the associated study area.	

EN-3 Policy Text	Compliance with Policy
Paragraph 2.10.116 Applicants should take account of the results of historic environment assessments in their design proposal.	In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.117 Applicants should consider what steps can 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.	**ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)** assesses the impact of the Project on the historic environment. Each heritage asset has been assessed separately. Mitigation has been put in place and detailed in both **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)** and **ES Volume 2 Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)** so that the scheme will positively contribute to the historic environment. **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)** confirms there are no residual significant effects on heritage assets. The **Heritage Statement** (**ES Volume 4, Appendix 7.2 (Doc Ref. 5.4)**) concludes that the Project would cause harm to heritage assets through introducing changes within their setting which will affect how the asset is experienced. It confirms that the identified harm would be less than substantial and at the lowest level of the spectrum for all of these assets save in respect of Grade II* listed Stonelees which would experience less than substantial harm at the lower end of the spectrum. The **Planning Statement (Doc Ref 7.6)** demonstrates that there is clear and convincing justification because it is necessary to achieve substantial public benefits, which would only come about with the Project, that outweigh the less than substantial harm. Therefore, this demonstrates the Project is in accordance with NPS EN-3.
Paragraph 2.10.118 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 which depending on their scale, design and prominence, may cause substantial harm to the significance of the asset.	
Paragraph 2.10.119 Applicants may need to include visualisations to demonstrate the effects of a proposed solar farm on the setting of heritage assets.	Mitigation is detailed in both **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)** and **ES Volume 2 Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)** so that the scheme will positively contribute to the historic environment.

EN-3 Policy Text	Compliance with Policy
	Relevant visualisations are included at Annex 2 of **ES Volume 4, Appendix 7.2, Heritage Statement (Doc Ref. 5.4)**. Therefore, this demonstrates the Project is in accordance with NPS EN-3.
Paragraph 2.10.120 Modern solar farms are large sites that are mainly comprised of small structures that can be transported separately and constructed on-site, with developers designating a compound on-site for the delivery and assemblage of the necessary components.	An overview of the Project, as well as construction programme and activities, can be found in **ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2)**. Therefore, the Project is compliant with NPS EN-3 policy.
Paragraph 2.10.121 Many solar farms will be sited in areas served by a minor road network. Public perception of the construction phase of solar farms will derive mainly from the effects of traffic movements, which is likely to involve smaller vehicles than typical onshore energy infrastructure but may be more voluminous.	The Applicant has undertaken a review of the local highway network to identify suitable construction routes to the Site, informed by traffic accident data (summarised at **ES Volume 4, Appendix 13.5: Accident Data and Plots (Doc Ref. 5.4)**). Management of construction traffic is set out in the **Outline CTMP (Doc Ref. 7.9)**, including specifications of the appropriate routes to the Site. Detailed CTMP(s) for the Project's phases are secured by a DCO Requirement as set out in the **Draft Development Consent Order (Doc Ref. 3.1)**, which will ensure that construction traffic keeps to the identified construction routes, the agreed hours of construction are adhered to, and interaction with PRoW and highway users is managed safely and effectively. Therefore, the Project is compliant with NPS EN-3 policy.
Paragraph 2.10.122 Generic traffic and transport impacts are covered Section 5.14 of EN1.	Please refer to Table 1 above.

EN-3 Policy Text	Compliance with Policy
Paragraph 2.10.123 Applicants should assess the various potential routes to the site for delivery of materials and components where the source of the materials is known at the time of the application and select the route that is the most appropriate. Paragraph 2.10.124 Where the exact location of the source of construction materials, such as crushed stone or concrete is not be known at the time of the application applicants should assess the worst-case impact of additional vehicles on the likely potential routes. Paragraph 2.10.125 Applicants should ensure all sections of roads and bridges on the proposed delivery route can accommodate the weight and volume of the loads and width of vehicles. Although unlikely, where modifications to roads and/or bridges are required, these should be identified, and potential effects addressed in the ES.	The Applicant has undertaken a review of the local highway network to identify suitable construction routes to the Site, informed by traffic accident data (summarised at **ES Volume 4, Appendix 13.5: Accident Data and Plots (Doc Ref. 5.4)**). Management of construction traffic is set out in the **Outline CTMP (Doc Ref. 7.9)**, including specifications of the appropriate routes to the Site. Detailed CTMP(s) for the Project's phases are secured by a DCO Requirement as set out in the **Draft Development Consent Order (Doc Ref. 3.1)**, which will ensure that construction traffic keeps to the identified construction routes, the agreed hours of construction are adhered to, and interaction with PRoW and highway users is managed safely and effectively. The Applicant has investigated the weight limits of the two bridges on the construction traffic route (M20 bridge and rail bridge, both on Station Road) and both can accommodate the weight of the forecast abnormal loads. **ES Volume 2, Chapter 13: Traffic & Access (Doc Ref. 5.2)** states that there is sufficient width for such vehicles to pass on all sections of roads and bridges on the proposed delivery route. As part of the measures secured by the **Outline CTMP (Doc Ref. 7.9)**, the Applicant will carry out pre and post completion condition surveys, and surveys at regular intervals, of the construction traffic route and highway structures. Therefore, the Project is compliant with NPS EN-3 policy.

EN-3 Policy Text	Compliance with Policy
Paragraph 2.10.131 Applicants should consider the potential to mitigate landscape and visual impacts through, for example, screening with native hedges, trees and woodlands.	A comprehensive series of mitigation measures has been embedded in the design of the Project from the outset, with the aim of reducing adverse effects resulting from its introduction. The design of the Project has evolved as part of an iterative process and has been informed by the findings of the baseline landscape and visual amenity conditions (further details are within **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)**). The **Illustrative Landscape Drawings – Not for Approval (Doc Ref. 2.7)** show the landscape strategy. This includes substantial increases in the planting of trees and hedgerows. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.132 Applicants should aim to minimise the use and height of security fencing. Where possible applicants should utilise existing features, such as hedges or landscaping, to assist in site security or screen security fencing.	The heights of the Project components are limited by the **Design Principles (Doc. Ref. 7.5)**; security fencing will have a maximum height of 2.5m AGL. **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)** states that screening planting has been included where possible, the mitigation strategy has focused on the improvement of the hedgerow network both through reinforcement of existing hedgerows and the introduction of new hedgerows, where this is in accordance with landscape character guidance. Also of note is that proposed security fencing will comprise timber post and wire deer fencing, of a type typically used for forestry schemes. This type of fencing is highly visually permeable and not incongruous in a rural environment. In consideration of the above, the Project is compliant with NPS EN-3

EN-3 Policy Text	Compliance with Policy
Paragraph 2.10.133 Applicants should minimise the use of security lighting. Any lighting should utilise a passive infra-red (PIR) technology and should be designed and installed in a manner which minimises impact.	Lighting during construction and decommissioning will be subject to controls in the **Outline CEMP (Doc Ref. 7.8)** and **Outline DEMP (Doc Ref. 7.12)**. No permanent lighting is proposed during the operational stage of the Project (with the exception of the Sellindge Substation Extension for which lighting is assumed to be consistent with the lighting approach for the existing Sellindge Substation infrastructure). Project lighting will be limited to emergency and overnight maintenance lighting only. If required to be used, lighting will be directed within the Order limits away from sensitive receptors and will include features to reduce light spill beyond the areas required to be lit as secured in the **Design Principles (Doc Ref. 7.5)**. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.143 Once consent for a scheme has been granted, applicants should liaise with the relevant local highway authority (or other coordinating body) regarding the start of construction and the broad timing of deliveries. Applicants may need to agree a planning obligation to secure appropriate measures, including restoration of roads and verges.	Detailed CTMP(s) and DTMP(s) will be submitted for approval prior to the commencement of construction and decommissioning, respectively. The detailed CTMP(s)/DTMP(s) will ensure that construction/decommissioning deliveries keeps to the agreed hours of construction/decommissioning. Submission of detailed CTMP(s) and detailed DTMP(s) is secured by requirements in the **Draft Development Consent Order (Doc Ref. 3.1)**. Therefore, the Project is compliant with NPS EN-3 policy.
Paragraph 2.10.144 Further it may be appropriate for any non-permanent highway improvements carried out for the development (such as temporary road widening) to be made available for use by other subsequent solar farm developments.	This is not appropriate for the Project.

EN-3 Policy Text	Compliance with Policy
Paragraph 2.10.147 Where the consent for a solar farm is to be time limited, the DCO should impose a requirement setting that time-limit from the date the solar farm starts to generate electricity	The **Draft Development Consent Order (Doc Ref. 3.1)** includes a Requirement that decommissioning works must commence no later than the 40th anniversary of the first export date from Work No. 3 and that prior to commencement of decommissioning works a DEMP and DTMP in accordance with the **Outline DEMP (Doc Ref. 7.12)** and **Outline DTMP (Doc Ref. 7.13)** must be approved by the local planning authority. In consideration of the above, the Project is compliant with NPS EN-3.
Paragraph 2.10.137 The ability of the applicants to microsite specific elements of the proposed development during the construction phase should be an important consideration by the Secretary of State when assessing the risk of damage to archaeology.	Fence posts or poles, for fencing, lighting and CCTV etc., can be positioned anywhere within the Work No. 5 area. Thus, flexibility is included within the **Works Plans (Doc. Ref. 2.3)** to respond to archaeological features which may be identified during further archaeological evaluation following granting of the DCO and avoid significant adverse effects on features of archaeological value. Therefore, this demonstrates the Project is in accordance with NPS EN-3.
Paragraph 2.10.138 Where requested by the applicant, the Secretary of State should consider granting consents which allow for the micro siting within a specified tolerance of elements of the permitted infrastructure so that precise locations can be amended during the construction phase if unforeseen circumstances, such as the discovery of previously unknown archaeology, arise.	
Paragraph 2.10.139 In some cases, the local highway authority may request that the Secretary of State impose controls on the number of vehicle movements to and from the solar farm site in a specified period during its construction and, possibly, on the routing of such movements particularly by heavy vehicles. Paragraph 2.10.140 Where the Secretary of State agrees that this is necessary, requirements could be imposed on development consent.	Not applicable therefore the Project is compliant with NPS EN-3 policy.

EN-3 Policy Text	Compliance with Policy
Paragraph 2.10.141 Where cumulative effects on the local road network or residential amenity are predicted from multiple solar farm developments, it may be appropriate for applicants for various projects to work together to ensure that the number of abnormal loads and deliveries are minimised, and the timings of deliveries are managed and coordinated to ensure that disruption to residents and other highway users is reasonably minimised. Paragraph 2.10.142 It may also be appropriate for the highway authority to set limits for and coordinate these deliveries through active management of the delivery schedules through the abnormal load approval process.	With reference to **ES Volume 4, Appendix 6.1: Long List of Cumulative Schemes (Doc Ref. 5.4)**, the scale and location of the cumulative schemes from a traffic perspective have been considered in relation to the study area, which forms the zone of influence for this assessment. As set out in the **Outline CTMP (Doc Ref. 7.9)**, in the event that the Project construction programme overlaps with the construction programme for the other cumulative schemes the undertaker and/or the principal construction contractor will liaise with the developers of these other schemes to seek to align deliveries to minimise impacts where overlap is identified. Therefore, the Project is compliant with NPS EN-3 policy.

Table 3: National Policy Statement for Electricity Networks Infrastructure (EN-5) ('NPS EN-5')[5]

EN-5 Policy Text	Compliance with Policy
Part 2.2 - Factors influencing site selection and design	
Paragraph 2.2.8 There will usually be a degree of flexibility in the location of the development's associated substations, and applicants should consider carefully their location, as well as their design.	The Applicant has carefully considered the suitability of the Site for the Project as well as the design. This information is set out in **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)**, **ES Volume 4, Appendix 5.2: Site Selection Influencing Factors (Doc Ref. 5.4)** and the **Design Approach Document (Doc Ref. 7.4)**.
Part 2.3 – Climate change adoption and resilience	
Paragraph 2.3.1 Section 4.10 of EN-1 sets out the generic considerations that applicants and the Secretary of State should take into account in order to ensure that electricity networks infrastructure is resilient to the effects of climate change. Paragraph 2.3.2 As climate change is likely to increase risks to the resilience of some of this infrastructure, from flooding for example, or in situations where it is located near the coast or an estuary or is underground, applicants should in particular set out to what extent the proposed development is expected to be vulnerable, and, as appropriate, how it has been designed to be resilient to: • flooding, particularly for substations that are vital to the network; and especially in light of changes to groundwater levels resulting from climate change; • the effects of wind and storms on overhead lines;	The Applicant has undertaken a climate change resilience assessment for the Project, including identifying vulnerable parts of the Project in **ES Volume 2, Chapter 15: Climate Change (Doc Ref. 5.2)**. The assessment found the Project is resilience to likely climatic changes within its lifetime and the effects are not significant. The Project design has also been developed to ensure that the development does not exacerbate flood risk and includes measures to reduce flood risk overall. Further, the Applicant has proposed measures to ensure the development, including the substation, will be safe for its lifetime taking account of the vulnerability of its users in **ES Volume 4, Appendix 10.2 Flood Risk Assessment (Doc Ref 5.4)**. The impact of extreme temperatures (heatwaves) to the renewable energy infrastructure (including PV Arrays) has been assessed in **ES Volume 2, Chapter 15: Climate Change (Doc Ref. 5.2)**. To mitigate impacts from extreme temperatures, the Project proposes equipment rated to withstand higher temperatures and cooling capacity. The assessment found there would be no significant impacts to the Project from extreme temperatures.

EN-5 Policy Text	Compliance with Policy
• higher average temperatures leading to increased transmission losses; • earth movement or subsidence caused by flooding or drought (for underground cables); and • coastal erosion – for the landfall of offshore transmission cables and their associated substations in the inshore and coastal locations respectively.	The Applicant has assessed the potential earth movement of the Site in **ES Volume 4, Appendix 11.5: Land Stability Statement (Doc Ref. 5.4)**. The assessment found there are no significant risks to the stability of the ground, either within or adjacent to the Project throughout its lifetime. The Project is not located on the coast and there is no risk of coastal erosion. In consideration of the above, the Project is compliant with NPS EN-5 policy.
Paragraph 2.3.3 Section 4.9 of EN-1 advises that the resilience of the project to the effects of climate change must be assessed in the Environmental Statement (ES) accompanying an application. For example, future increased risk of flooding would be covered in any flood risk assessment (see Sections 5.8 in EN-1).	
Part 2.4 Consideration of good design for energy infrastructure	
Paragraph 2.4.1 The Planning Act 2008 requires the Secretary of State to have regard, in designating an NPS, and in determining applications for development consent to the desirability of good design. Paragraph 2.4.2 Applicants should consider the criteria for good design set out in EN-1 Section 4.6 at an early stage when developing projects.	The **Design Approach Document (Doc Ref. 7.4)** describes the Design Objectives for the Project, how they have been identified and how they will be achieved and secured. The DAD also identifies how the design of the Project aligns with policy and guidance, including the Government's requirement to achieve good design. **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref 5.2** explains how the design of the Project has changed. In consideration of the above, the Project is compliant with NPS EN-5 policy.
Paragraph 2.4.3 However, the Secretary of State should bear in mind that electricity networks infrastructure must in the first instance be	The **Design Principles (Doc Ref. 7.5)**, **Outline OMP (Doc Ref. 7.11)**, **Outline CEMP (Doc Ref. 7.8)** and the **Outline Battery Safety**

EN-5 Policy Text	Compliance with Policy
safe and secure, and that the functional design constraints of safety and security may limit an applicant's ability to influence the aesthetic appearance of that infrastructure. Paragraph 2.4.4 While the above principles should govern the design of an electricity networks infrastructure application to the fullest possible extent – including in its avoidance and/or mitigation of potential adverse impacts (particularly those detailed in Sections 2.9 below) – the functional performance of the infrastructure in respect of security of supply and public and occupational safety must not thereby be threatened.	**Management Plan ('BSMP') (Doc Ref. 7.16)** set out how the Project will be constructed and operated in a safe and secure way. In particular, the **Outline BSMP (Doc Ref. 7.16)** has been prepared in consultation with Kent Fire and Rescue to ensure that an appropriate management plan will be put in place before commencement of the BESS within Work No. 2. In consideration of the above, the Project is compliant with NPSEN-5 policy.
Part 2.6 Land Rights and Land Interests	
Paragraph 2.6.5 The applicant may also seek the compulsory acquisition of land. This will not normally be necessary where lines and cables are installed but may be sought where other forms of electricity networks infrastructure (such as new substations) are required.	The DCO Application does seek compulsory acquisition powers which are necessary for the Project. Powers of compulsory acquisition are required to ensure that the Applicant is able to acquire the land and interests required to deliver the Project. The Applicant has acquired land interests in respect of the majority of the Site and is in advanced negotiations with the remaining landowners of the Order limits. Where agreement has been reached, powers of compulsory acquisition are retained in case the owners (where agreement has been reached) do not grant a lease in accordance with the completed option agreements and to ensure that third party private rights across the Site can be extinguished to the extent that it is necessary to do so. Further information is provided in the **Statement of Reasons (Doc Ref. 4.2)**.
Part 2.8 Strategic Network Planning	

EN-5 Policy Text	Compliance with Policy
Paragraph 2.8.4 The Secretary of State should also take into account that Transmission Owners (TOs) and Distribution Network Operators (DNOs) are required under Section 9 of the Electricity Act 1989 to bring forward efficient and economical proposals in terms of network design.	Noted.
Paragraph 2.8.5 TOs and DNOs are also required to facilitate competition in the generation and supply of electricity, and electricity distributors have a statutory duty to provide a connection where requested.	Noted.
Part 2.9 Application Assessment	
Paragraph 2.9.10 Cumulative adverse landscape, seascape and visual impacts may arise where new overhead lines are required along with other related developments such as substations, wind farms, and/or other new sources of generation.	A cumulative assessment of the potential landscape and visual impacts associated with the construction, operational phase and decommissioning of the Project has been carried out and is presented in **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)**. It is noted the Project does not include proposals for new overhead lines. In consideration of the above, the Project is compliant with NPS EN-5 policy.
Paragraph 2.9.37 Audible noise effects can also arise from substation equipment such as transformers, quadrature boosters and mechanically switched capacitors.	As detailed in **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)**, embedded mitigation measures for the operational phase have been incorporated into the design in accordance with this policy. This includes locating noise generating infrastructure away from nearby residential properties (typically Heating, Ventilation and Air Conditioning elements of inverters/energy storage). Additionally, acoustic fencing is proposed in certain locations to minimise potential noise impacts to nearby receptors. Please see **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** for further information.

EN-5 Policy Text	Compliance with Policy
	With mitigation in place and adherence to management plans and best practice, the assessment has found that the Project is not likely to give rise to any significant noise effects during construction, operation or decommissioning. In consideration of the above, the Project is compliant with NPS EN-5 policy.
Paragraph 2.9.46 All overhead power lines produce EMFs. These tend to be highest directly under a line and decrease to the sides at increasing distance. Although putting cables underground eliminates the electric field, they still produce magnetic fields, which are highest directly above the cable. EMFs can have both direct and indirect effects on human health.	Impacts from electric, magnetic and electromagnetic fields ('EMFs') were scoped out of the ES on the basis that the Project would not require cables and infrastructure exceeding 132 kilovolts ('kV') in accordance with the Planning Inspectorate Scoping Opinion (**ES Volume 4, Appendix 1.2: Scoping Opinion (Doc Ref. 5.4)**). The **Design Principles (Doc Ref. 7.5)** confirm the maximum voltage of the Project Substation will be 132 kV. The Grid Connection Cable which connects the Project Substation to Sellindge Substation would also be a maximum of 132kV. All other infrastructure and cabling used on-Site would be below 132kV. Page 5 of guidelines published by the International Commission on Non-Ionizing Radiation Protection ('ICNIRP')[6] state that *'Overhead power lines at voltages up to and including 132kV, underground cables up to and including 132kV and substations at and beyond the publicly accessible perimeter'* are not capable of exceeding the ICNIRP guidelines for exposure to EMF. All cable voltages and infrastructure for the Project are therefore below the ICNIRP reference limits for magnetic and electric fields and no significant effects are likely. As such no further assessment is required. It is therefore considered this policy requirement is not applicable to the Project.
Paragraph 2.9.47 The direct effects occur in terms of impacts on the central nervous system resulting in its normal functioning being affected. Indirect effects occur through electric charges building up on the surface of the body producing a micro shock on contact with a grounded object, or vice versa, which, depending on the field strength and other exposure factors, can range from barely perceptible to being an annoyance or even painful.	

Table 4: National Planning Policy Framework[7]

NPPF Policy Text	Compliance
Paragraph 8 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): 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	The Project achieves the three objectives of sustainable development. As set out in the **Planning Statement (Doc Ref. 7.6)** the need for large-scale ground-mounted solar is established in national planning policy (NPS EN-1 and NPS EN-3). In consideration of the above, the Project is compliant with policy in the NPPF.

NPPF Policy Text	Compliance
mitigating and adapting to climate change, including moving to a low carbon economy.	
Paragraph 85 Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential. Paragraph 88 Planning policies and decisions should enable: … b) the development and diversification of agricultural and other land-based rural businesses.	**ES Volume 2, Chapter 12: Socio-economics (Doc Ref. 5.2)** demonstrates that the Project will support: ▪ An average of 132 direct full time equivalent ('FTE') jobs over the 12-month construction period, which could increase to a peak of 199 direct jobs, which is likely to support a total potential (direct) employee expenditure of around £395,000 over the 12-month construction phase. ▪ The direct construction employment supported during the construction phase will generate around £6.2m in Gross Added Value ('GVA') within the regional construction economy (based on average GVA per head in the construction industry). ▪ It is anticipated that the decommissioning phase would require a similar level of employment and generate a similar scale and character of workforce spending and supply chain effects as the construction phase. ▪ The operational phase of the Project would support four direct FTE jobs consisting of operational and maintenance roles for the Project's PV panels and other structures, where relevant. In consideration of the above, the Project is compliant with policy in the NPPF.
Paragraph 104 Planning policies and decisions should protect and enhance public rights of way and access, including taking	The Applicant proposes a comprehensive mitigation strategy to mitigate the impacts of the Project to the PRoW network, as detailed in the **Outline RoWAS (Doc Ref. 7.15)**. These measures include new

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opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.	PRoW, as well as diversions with improved amenity e.g. vegetated buffers and/or screening to all pathways and a new river walkway. In consideration of the above, the Project is compliant with NPPF policies.
Paragraph 108 Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: a) the potential impacts of development on transport networks can be addressed; b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; c) opportunities to promote walking, cycling and public transport use are identified and pursued; d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and	The construction traffic impacts of the Project have been assessed and are set out in **ES Volume 2, Chapter 13: Traffic & Access (Doc Ref. 5.2)**. This ES Chapter demonstrates that the residual effects are minor adverse to negligible. Management of construction traffic is set out in the **Outline CTMP (Doc Ref. 7.9)**, including specifications of the appropriate routes to the Site. Detailed CTMP(s) for the Project's phases are secured by a DCO Requirement as set out in the **Draft Development Consent Order (Doc Ref. 3.1)**, which will ensure that construction traffic keeps to the identified construction routes, the agreed hours of construction are adhered to, and interaction with PRoW and highway users is managed safely and effectively. Opportunities to promote walking are within the DCO Application with particular consideration of the area's PRoWs: the DCO Requirements secure the implementation of a RoWAS which must be generally in accordance with the **Outline RoWAS (Ref. 7.15)** that accompanies the DCO Application. Appropriate measures to avoid and/or minimise effects during the construction and decommissioning stages of the Project on PRoW and other access users are also included in the **Outline CEMP (Doc Ref. 7.8)**, **Outline DEMP (Doc Ref. 7.13)**, **Outline CTMP (Doc Ref. 7.9)** and **Outline DTMP (Doc Ref. 7.13)**. **ES Volume 4, Appendix 1.2: EIA Scoping Opinion (Doc. Ref. 5.4)** confirmed that operational phase transport impacts of the Project are agreed to be scoped out. This is because once operational, the Project

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e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Paragraph 115 Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.	would generate no more than 2 x two-way trips per day. Significant effects on public transport (bus / rail) are not expected due to the nature of the Project and its location. Operational traffic is therefore not likely to give rise to any significant effects and has been scoped out of the assessment. **ES Volume 4, Appendix 1.2: EIA Scoping Opinion (Doc. Ref. 5.4)** confirmed that decommissioning phase impacts of the Project are agreed to be scoped out, subject to the preparation of detailed DTMP(s) that will set out mitigation measures and will be secured by DCO Requirement. The **Outline DTMP (Doc Ref. 7.13)** includes traffic calculations associated with waste removal which are not expected to be higher than the construction stage which are predicted as not significant. As for decommissioning traffic, this is therefore also not likely to give rise to any significant effects and has been scoped out of the assessment. In consideration of the above, the Project is compliant with policy in the NPPF.
Paragraph 131 The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.	Good design has been a key consideration from the outset. The Applicant has sought to create a scheme that minimises the impacts on the surrounding environment whilst delivering important benefits at the local and national level. The delivery of a sensitive, high-quality scheme, with appropriate regard to good design, is central to the strategic approach to the design of the Project. The Applicant will deliver its vision for the Project by achieving a series of Design Objectives. The **Design Approach Document(Doc Ref 7.4)** describes the Design Objectives, how they have been identified and how they will be achieved and secured. The DAD also identifies how the design of the Project aligns itself with policy and guidance, including the Government's requirement to achieve good design.

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Paragraph 135 Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime	**ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)** explains the design evolution of the Project and how it has changed in response to consultee feedback and to sensitive receptors. The **Consultation Report (Doc Ref. 6.1)** demonstrates early, proactive and effective engagement with consultees. In consideration of the above, the Project is compliant with policy in the NPPF.

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and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Paragraph 137 Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot. Paragraph 139 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design55, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any	

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local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.	

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Paragraph 157 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. It 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. Paragraph 159 New development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.	The Applicant has undertaken a climate change resilience assessment for the Project, including identifying vulnerable parts of the Project in **ES Volume 2, Chapter 15: Climate Change (Doc Ref. 5.2)**. The assessment found the Project is resilience to likely climatic changes within its lifetime and the effects are not significant. The Project design has also been developed to ensure that the development does not exacerbate flood risk and includes measures to reduce flood risk overall. Further, the Applicant has proposed measures to ensure the development will be safe for its lifetime taking account of the vulnerability of its users in **ES Volume 4, Appendix 10.2 Flood Risk Assessment (Doc Ref 5.4)**. The **Planning Statement (Doc Ref. 7.6)** provides details on the need for the Project to help reduce greenhouse gas emissions, noting that the need for large-scale ground-mounted solar is established in national planning policy (NPS EN-1 and NPS EN-3). In consideration of the above, the Project is compliant with policy in the NPPF.

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Paragraph 163 When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; b) approve the application if its impacts are (or can be made) acceptable58. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; …	Whilst not required by paragraph 163(a), the **Planning Statement (Doc Ref. 7.6)** does provide details on the need for the Project, noting that the need for large-scale ground-mounted solar is established in national planning policy. The **Planning Statement (Doc Ref. 7.6)** demonstrates that the Project would not cause any potential adverse effects that, considered individually, cumulatively or as a whole, are so severe that the decision maker should refuse the application and, moreover, that each aspect of the proposals is acceptable in planning terms when considered against the relevant national and local policies. It is therefore concluded that the benefits of the scheme, particularly the delivery of new solar generating capacity, are overwhelmingly greater than the residual adverse effects. In consideration of the above, the Project is compliant with policy in the NPPF.
Paragraph 165 Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.	Environment Agency mapping indicates that while the majority of the Site is within Flood Zone 1 (low probability), some land within the northern parts of the Order limits is located in areas identified as Flood Zones 2 and 3 (medium and high probability); associated with fluvial flooding along the East Stour River. The only elements of the Project proposed in Flood Zone 3a and 3b are as follows: ▪ PV panels – limited to locations where the design flood

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Paragraph 167 All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below; b) safeguarding land from development that is required, or likely to be required, for current or future flood management; c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.	depth is below 0.8m, being the lowest height of the PV panels. ▪ Sellindge Substation – an existing National Grid substation where the design flood depth in this area is shallow and not sufficient to damage electric equipment which will be appropriately raised. ▪ Below ground electric cables which will extend through areas of Flood Zone 3a and 3b. Once in place these will not be impacted by flooding and will not have any effect on flood risk. ▪ Security fencing – raised by 0.2m off of ground and with mesh sized >0.1m to minimise risk of conveyance impacts. ▪ Access tracks – 90% permeable and constructed at grade to avoid impact on runoff and conveyance. A Sequential Test and Exception Test have been applied to the Site and can be found in **Planning Statement Appendix 2 Sequential and Exception Test Report (Doc Ref. 7.6)**. This has not identified any sequentially preferable alternatives to the Site that would meet the project requirements for the Project. Furthermore, it is the only site that is also large enough to maximise the economic and environmental benefits of the Project and, in turn, maximise the Project's contribution towards meeting the urgent national need for low carbon energy infrastructure in accordance with the objectives of NPS EN-1 and NPS EN-3. Therefore, it can be concluded that the Site is sequentially preferable.

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Paragraph 168 The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. Paragraph 169 If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3. 49 Paragraph 170 The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:	The Project is considered to provide significant wider sustainability benefits to the community that outweigh the limited flood risk. **ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref 5.4)** has demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and will result in a small net benefit on flood risk. Therefore, the Project meets the Exception Test requirements in national policy. In consideration of the above, the Project is compliant with policy in the NPPF.

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a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Paragraph 171 Both elements of the exception test should be satisfied for development to be allocated or permitted. Paragraph 173 When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment59. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;	

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b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan	
Paragraph 180 Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological	The specific characteristics of the Order limits and the surrounding area have been carefully considered to ensure that the design of the Project can respond appropriately. An appraisal of the baseline conditions in the context of design issues is presented in **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)**. Furthermore, the **Design Approach Document (Doc Ref 7.4)** sets out the existing character analysis which informed the design objectives for the Project. The Site is not considered to be a “valued landscape” as defined by paragraph 180a. The potential significant effects on the landscape and visual amenity have been identified and assessed in **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)**. The **Illustrative Landscape Drawings - Not for Approval (Doc Ref. 2.7)** have been prepared to assist in communicating the extent and vision of the landscape mitigation strategy. **ES Volume 2, Chapter 9: Biodiversity (Doc Ref 5.2)** outlines the studies and surveys undertaken to inform the DCO Application.

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networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;	These enabled the design to respond positively to sites of biodiversity and geological interest. Although the Project will result in a limited number of adverse biodiversity effects of local significance, these are substantially outweighed by the biodiversity benefits of the Project and, moreover, by the Project's contribution to meeting the urgent need for low carbon energy infrastructure, delivering benefits at the national scale, in accordance with the objectives of NPS EN-1. Habitat enhancements associated with the Project will result in a BNG of at least 100% for habitat units, and at least 10% for hedgerow and water units. The Project minimises impacts on agricultural land in line with national policy by: keeping the permanent loss of BMV land to a very low amount; retaining the ability to reinstate arable agriculture after decommissioning; and facilitating a continued agricultural use through making the land available for biodiversity management grazing throughout the operational life of the Project. As demonstrated above, there are no other alternative sites within the search area (5km from the point of connection) that could fulfil the requirements of the Project that would have a lesser effect on BMV agricultural land. In respect of paragraph 180(e), with mitigation in place and adherence to phase specific management plans and best practice, the assessment has found that the Project is not likely to give rise to any significant noise effects during construction, operation or decommissioning as set out in the **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)**. In regard to soil impacts, standard good practice soil management measures, such as those set out in Defra's Code of Practice for the Sustainable Use of Soils on Construction Sites, would be prepared to ensure that the levels of loss and damage are minimised. Mitigation

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	for construction impacts is outlined in the **Outline CEMP (Doc Ref. 7.8)** and mitigation for decommissioning impacts is outlined in the **Outline DEMP (Doc Ref. 7.12**). The Applicant has assessed the potential earth movement of the Site in **ES Volume 4, Appendix 11.5: Land Stability Statement (Doc Ref. 5.4)**. The assessment found there are no significant risks to the stability of the ground, either within or adjacent to the Project throughout its lifetime. Following the grant of the DCO, further detailed control measures including construction drainage arrangements will be set out in a detailed CEMP to be submitted to ABC for approval. The measures within that document will control construction phase risk to the water environment. This includes establishing baseline water quality prior to construction through water quality monitoring. This monitoring is secured through the **Outline CEMP (Doc Ref. 7.8)**. Air quality impacts were scoped out of the ES as they were determined to not be significant, due to the nature of the Project, and therefore an air quality assessment has not been undertaken, see **ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2)** for further details. In consideration of the above, the Project is compliant with policy in the NPPF.
Paragraph 182 Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas,	The Site is not located within a designated landscape. The Project will not directly affect the landscape character of the Kent Downs NL. Indirect impacts on the setting of the Kent Downs NL have been assessed in **ES Volume 4, Appendix 8.8: Landscape Effects Table (Doc Ref. 5.4)**. This states that whilst the Project is likely to be theoretically visible within the setting of the LCA, the intervening distance and location of the Site is such that effects at all stages are judged to be not significant.

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and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.	In consideration of the above, the Project is compliant with policy in the NPPF.
Paragraph 185 To protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 186	The Applicant proposes extensive landscape and biodiversity mitigation measures. The Project is committing to deliver a BNG of at least 100% for habitat units and at least 10% for hedgerow and river units as set out in the **Biodiversity Net Gain Assessment (Doc Ref. 7.1)**. Through careful and sensitive design, the Project has minimised significant adverse effects on biodiversity, with only three adverse effects of local significance predicted during the construction phase on yellowhammer, skylark and brown hare but these are short-term, reversible effects. During the operational phase one adverse effect of local significance has been identified on skylark due to the removal of arable monoculture cropland. Skylark nesting areas within set back zones within the PV Arrays are anticipated to mitigate the adverse effects. A precautionary worst case position has been assumed in the ES such that a local significant adverse effect on skylark may remain, which is medium term and reversible. A number of beneficial effects of local significance have been identified, including on Backhouse Wood LWS, Backhouse Wood ancient woodland, notable habitats and plants and a range of species including GCN, reptiles, wintering and breeding birds and brown hare. No significant effects have been identified during decommissioning. The above demonstrates that the Project will avoid and mitigate any significant adverse effects on biodiversity, locally or nationally

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When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons67 and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design,	designated ecology sites, or important or protected habitats and species, save in respect of the residual local adverse significant effects on yellowhammer, skylark and brown hare, which are all reversible. The effects have been reduced as far as practically possible within the scope of the Project by Embedded and Additional Mitigation. The Project will result in a number of significant beneficial effects and a BNG very substantially exceeding the requirement set out in the Environment Act 2021 (recognising this is not currently applicable for NSIPs). In consideration of the above, the Project is compliant with policy in the NPPF.

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especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.	
Paragraph 191 Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.	No part of the Project will be continuously lit during operations (with the exception of the Sellindge Substation Extension for which lighting is assumed to be consistent with the lighting approach for the existing Sellindge Substation infrastructure). Lighting will be limited to emergency and overnight maintenance lighting only at Inverter Stations, Intermediate Substations and the Project Substation. If required to be used, lighting will be directed within the Order limits away from sensitive receptors and will include features to reduce light spill beyond the areas required to be lit. This is secured by the **Design Principles (Doc Ref. 7.5)** and the **Outline OMP (Doc Ref. 7.11)**. Lighting during the construction and decommissioning phases will be limited in extent and directed within the Order limits. The **Outline CEMP (Doc Ref. 7.8)** and **Outline DEMP (Doc Ref. 7.12)** provide further details on this. **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** provides an assessment of the likely significant effects on Noise arising from the construction, operational phase and decommissioning of the Project. Mitigation measures are identified, where appropriate, to avoid, reduce or offset any significant adverse effects identified and/or enhance likely beneficial effects. The nature and significance of the likely residual effects are reported as minor adverse or negligible. In consideration of the above, the Project is compliant with policy in the NPPF.
Paragraph 192	Air quality impacts were scoped out of the ES as they were determined to not be significant, due to the nature of the Project, and therefore an air quality assessment has not been undertaken, see **ES Volume 2,**

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Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.	**Chapter 16: Other Topics (Doc Ref. 5.2)** for further details. The **Outline CEMP (Doc Ref. 7.8)** and **Outline DEMP (Doc Ref. 7.12)** provide an Outline Air Quality and Dust Management Plan which secures appropriate measures in line with the IAQM 'Assessment of dust from demolition and construction' guidance (2024) V2.2. In consideration of the above, the Project is compliant with policy in the NPPF.
Paragraph 200 In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local	Heritage assets as defined in this policy have been considered and where relevant assessed in **ES Volume 2, Chapter 7, Cultural Heritage (Doc Ref. 5.2)**. The **Archaeological Management Strategy (Doc Ref. 7.17)** sets out the strategy for retention and mitigation of any potential archaeological remains at the Site (desk-based and field evaluation) post DCO grant. Mitigation has been put in place and detailed in **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)** so that the scheme will positively contribute to the historic environment. In consideration of the above, the Project is compliant with policy in the NPPF.

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planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 201 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 202 Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.	

Table 5: Ashford Local Plan 2030[8]

Ashford Local Plan 2030 Policy Text	Compliance
SP1 Strategic Objectives To deliver the 'Vision', a number of strategic objectives have been identified. They form the basis of this Local Plan's policy framework, as well as providing the core principles that planning applications are expected to adhere to. a. To focus development at accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible and makes best use of suitable brownfield opportunities; b. To conserve and enhance the Borough's natural environment including designated and undesignated landscapes and biodiversity and promote a connected green infrastructure network that plays a role in managing flood risk, delivers net gains in biodiversity and improves access to nature; c. To conserve and enhance designated and non-designated heritage assets and the relationship between them and their settings in a way that promotes distinctive places, proportionate to their significance. Place-based heritage will be a key principle underpinning design and spatial form of development; d. To create the highest quality design, which is sustainable, accessible, safe and promotes a positive sense of place through the design of the built form, the relationship of	The Project is considered to be consistent with the Core Principles. The **Design Approach Document (Doc Ref 7.4)** sets out how the Project has evolved through carefully developing the design in response to the baseline analysis and the opportunities identified. The Project responds positively to its location, delivers substantial benefits, keeps negative impacts to the minimum and makes valuable enhancements to the local area. The design of the Project has evolved in the context of the urgent need for additional solar infrastructure which is clearly set out in the NPSs. Therefore, the Project is compliant with local policy.

Ashford Local Plan 2030 Policy Text	Compliance
buildings with each other and the spaces around them, and which responds to the prevailing character of the area; e. To ensure development is supported by the necessary social, community, physical and e-technology infrastructure, facilities and services with any necessary improvements brought forward in a co-ordinated and timely manner; f. To promote access to a wide choice of easy to use forms of sustainable transport modes including bus, train, cycling and walking to encourage as much non-car based travel as possible and to promote healthier lifestyles; g. To provide a mix of housing types and sizes to meet the changing housing needs of the Borough's population including affordable homes, self build and custom build properties, specialist housing for older and disabled people, accommodation to meet the needs of the Traveller community, spacious, quality family housing and for newly forming and downsizing households; h. To provide a range of employment opportunities to respond to the needs of business, support the growing population and attract inward investment; and, 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.	

Ashford Local Plan 2030 Policy Text	Compliance
SP3 Strategic Approach to Economic Development Job growth and economic prosperity will be supported in order to enable the achievement of a sustainable economy with the intention to deliver 63 hectares of new employment land and a total of 11,100 jobs in the Borough between 2014-30. This will be achieved by the following measures:- a) The promotion and development of the employment locations identified within this Local Plan; b) The retention of the existing industrial/commercial/ business land, premises and estates in accordance with policy EMP2; c) The maximisation of town centre employment opportunities in accordance with the strategic approach to the town centre set out in this Local Plan; d) Taking a positive approach to economic development; e) Promoting rural employment opportunities in sustainable locations in accordance with policies EMP3, EMP4 and EMP5; and, f) Improving skills in the workforce.	**ES Volume 2, Chapter 12: Socio-economics (Doc Ref. 5.2)** demonstrates that the Project will support: ▪ An average of 132 direct FTE jobs over the 12-month construction period, which could increase to a peak of 199 direct jobs, which is likely to support a total potential (direct) employee expenditure of around £395,000 over the 12-month construction phase. ▪ The direct construction employment supported during the construction phase will generate around £6.2m in GVA within the regional construction economy (based on average GVA per head in the construction industry). ▪ It is anticipated that the decommissioning phase would require a similar level of employment and generate a similar scale and character of workforce spending and supply chain effects as the construction phase. ▪ The operational phase of the Project would support four direct FTE jobs consisting of operational and maintenance roles for the Project's PV panels and other structures, where relevant. Therefore, the Project is compliant with local policy.
SP6 Promoting High Quality Design Development proposals must be of high quality design and demonstrate a careful consideration of and a positive response to each of the following design criteria:	The Applicant has sought to create a scheme that minimises the impacts on the surrounding environment whilst delivering important benefits at the local and national level. The delivery of a sensitive, high-quality scheme is central to the strategic approach to the design of the Project.

Ashford Local Plan 2030 Policy Text	Compliance
a) Character, distinctiveness and sense of place b) Ease of movement c) Legibility d) Mixed use and diversity e) Public safety and crime f) Quality of public spaces and their future management g) Flexibility and liveability h) Richness in detail i) Efficient use of natural resources Development proposals should show how they have responded positively to the design policy and guidance, including national and local design guidance, relevant Neighbourhood Plans, Village Design Statements and site specific development briefs. Developers are strongly encouraged to participate in the Council's 'Quality Monitoring Initiative' which works to make sure that the approach agreed to design quality when planning permission is given is delivered on site.	The Applicant will deliver this vision for the Project by achieving a series of Design Objectives. The **Design Approach Document (Doc Ref 7.4)** describes the Design Objectives, how they have been identified and how they will be achieved and secured. The DAD also identifies how the design of the Project aligns itself with policy and guidance, including the Government's requirement to achieve good design. Therefore, the Project is compliant with local policy.
TRA7 The Road Network and Development Page Developments that would generate significant traffic movements must be well related to the primary and	The construction traffic impacts of the Project have been assessed and are set out in **ES Volume 2, Chapter 13: Traffic & Access (Doc Ref. 5.2)**. This ES Chapter concludes that

Ashford Local Plan 2030 Policy Text	Compliance
secondary road network. New accesses and intensified use of existing accesses onto the road network will not be permitted if a clear risk of road traffic accidents or significant traffic delays would be likely to result. Proposals which would generate levels and types of traffic movements, including heavy goods vehicle traffic, beyond that which local roads could reasonably accommodate in terms of capacity and road safety will not be permitted. Applicants must demonstrate that traffic movements to and from the development can be accommodated, resolved, or mitigated to avoid severe cumulative residual impacts. In some cases, this may require exploring the delivery of mitigation measures prior to the occupation of a development. Consideration of mitigation and impact will be assessed through the fulfilment of the requirements of Policy TRA8. TRA8 Travel Plans, Assessments and Statements Planning applications will be supported by either a Transport Statement, or a Transport Assessment depending on the nature and scale of the proposal and the level of significant transport movements generated. Where appropriate, the Council will liaise with the relevant authority in relation to what sort of evidence is required. The recommendations of these studies, including Travel Plans, will be required to be delivered prior to or as part of the development and will be secured through condition or S106 agreement.	there are no predicted significant impacts on the local highway network. Therefore, the Project is aligned with local policy.
ENV1 Biodiversity	**ES Volume 2, Chapter 9: Biodiversity (Doc Ref 5.2)** demonstrates the Project will avoid and mitigate any significant

Ashford Local Plan 2030 Policy Text	Compliance
Proposals that conserve or enhance biodiversity will be supported. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. In particular, development should take opportunities to help connect and improve the wider ecological networks. Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats, including BAP (Priority) habitats, and networks of ecological interest, including ancient woodland, water features, ditches, dykes and hedgerows, as corridors and stepping stones for wildlife. Development that will have an adverse effect on the integrity of European protected Sites, including the Wye and Crundale Special Area of Conservation and the Dungeness, Romney Marsh and Rye Bay Ramsar and SPA sites, alone or in combination with other plans or projects, will not be permitted. Any proposal capable of affecting designated interest features of European sites should be subject to Habitats Regulations Assessment screening. Development that will have an adverse effect on nationally designated sites, including the borough's Sites of Special Scientific Interest and National Nature Reserves, will not be permitted unless the benefits, in terms of other objectives including overriding public interest, clearly outweigh the impacts on the special features of the site and broader nature conservation interests and there is no alternative acceptable solution. Development should avoid significant harm to locally identified biodiversity assets, including Local Wildlife Sites, Local Nature Reserves and the Ashford	adverse effects on biodiversity, locally or nationally designated ecology sites, or important or protected habitats and species, save in respect of the residual local adverse significant effects on yellowhammer, skylark and brown hare, which are all reversible. The effects have been reduced as far as practically possible within the scope of the Project by Embedded and Additional Mitigation. The Project will result in a number of significant beneficial effects and a BNG very substantially exceeding the requirement set out in the Environment Act 2021 (recognising this is not currently applicable for NSIPs). The **Information for Habitat Regulations Assessment (Doc Ref. 7.19)** concludes that the Project would not result in an adverse effect on the integrity of a European site. The Project is not within or adjoining the Ashford Green Corridor. Therefore, the Project is aligned with local policy.

Ashford Local Plan 2030 Policy Text	Compliance
Green Corridor as well as priority and locally important habitats and protected species. The protection and enhancement of the Ashford Green Corridor is one of the key objectives of the Plan and therefore all proposals coming forward within or adjoining the Ashford Green Corridor should comply with Policy ENV2 in the first instance. Where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in line with a timetable to be agreed with the Local Authority. Normally any mitigation measures will be required to be delivered on-site, unless special circumstances dictate that an off-site model is more appropriate. A financial contribution - in lieu of on-site mitigation - will only be considered in very exceptional circumstances and where it is demonstrated that the proposed mitigation is deliverable and effective. Opportunities for the management, restoration and creation of habitats in line with the opportunities identified for the Biodiversity Opportunity Areas (BOAs) and targets set out in the Kent Biodiversity Strategy will be supported.	
ENV3a Landscape Character and Design All proposals for development in the borough shall demonstrate particular regard to the following landscape characteristics, proportionately, according to the landscape significance of the site: a) Landform, topography and natural patterns of drainage; b) The pattern and composition of trees and woodlands;	The specific characteristics of the Order limits and the surrounding area has been carefully considered to ensure that the design of the Project can respond appropriately. A detailed appraisal of the baseline conditions in the context of design issues is presented in **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)**. Furthermore, the **Design Approach Document(Doc Ref 7.4)** sets out the existing character analysis which informed the design objectives for the Project.

Ashford Local Plan 2030 Policy Text	Compliance
c) The type and composition of wildlife habitats; d) The pattern and composition of field boundaries; e) The pattern and distribution of settlements, roads and footpaths; f) The presence and pattern of historic landscape features; g) The setting, scale, layout, design and detailing of vernacular buildings and other traditional man made features; h) Any relevant guidance given in the Landscape Character SPD; i) Existing features that are important to and contribute to the definition of the local landscape character shall be retained and incorporated into the proposed development; and, j) Any non-designated, locally-identified, significant landscape features justified in a Parish Plan or equivalent document. ENV3b – Landscape Character and Design in the AONBs The Council shall have regard to the purpose of conserving and enhancing the natural beauty of the Kent Downs and High Weald AONBs.	In regard of ENV3b, the Site is not located within a designated landscape. The Project will not directly affect the landscape character of the Kent Downs NL. Indirect impacts on the setting of the Kent Downs NL have been assessed in **ES Volume 4, Appendix 8.8: Landscape Effects Table (Doc Ref. 5.4)**. This states that whilst the Project is likely to be theoretically visible within the setting of the LCA, the intervening distance and location of the Site is such that effects at all stages are judged to be not significant. **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)** takes into consideration the Kent Downs AONB Management Plan. Therefore, the Project is compliant with local policy.

Ashford Local Plan 2030 Policy Text	Compliance
Major development proposals within the AONBs will only be permitted in exceptional circumstances and where it is demonstrated they are in the public interest. All proposals within or affecting the setting of AONBs will also only be permitted under the following circumstances: ▪ The location, form, scale, materials and design would conserve and where appropriate enhance or restore the character of the landscape. ▪ The development would enhance the special qualities, distinctive character and tranquillity of the AONB. ▪ The development has regard to the relevant AONB management plan and any associated guidance. ▪ The development demonstrates particular regard to those characteristics outlined in Policy ENV3a, proportionate to the high landscape significance of the AONB.	
ENV4 Light pollution and promoting dark skies. Proposals will be permitted provided that the lighting proposed is: the minimum appropriate for its purpose; is designed such that lighting is directed downwards, with a beam angle below 70 degrees and; that no significant adverse effects individually or cumulatively will result to the character of the area, the residential amenity of local residents, the safety of vehicle users and pedestrians or the	No part of the Project will be continuously lit during operations (with the exception of the Sellindge Substation Extension for which lighting is assumed to be consistent with the lighting approach for the existing Sellindge Substation infrastructure). Lighting will be limited to emergency and overnight maintenance lighting only at Inverter Stations, Intermediate Substations and the Project Substation. If required to be used, lighting will be directed within the Order limits away from sensitive receptors and will include features to reduce light spill

Ashford Local Plan 2030 Policy Text	Compliance
diurnal/seasonal rhythms of the Borough's biodiversity assets. The correlated colour temperature (CCT) of outdoor lighting should not exceed 3000 Kelvins in order to limit the effects of known environmental hazards associated with short-wavelength visible light. Proposals where external lighting is required should include a full lighting scheme that provides information about layout and beam orientation, a schedule of the light equipment proposed including luminaire type, mounting height, aiming angles and lumen unit levels. Schemes will be expected to comply with ILP technical guidance in relation to the Environmental Zone in which an application is proposed. Within the area proposed to be designated as a 'dark sky zone', proposals will only be permitted where they adhere to the above requirements and where they can demonstrate that there will be no significant adverse effects on the visibility of the night sky or its intrinsically dark landscapes. All proposals will be expected to demonstrate clear regard to the guidance and requirements set out in the Council's Dark Skies SPD (2014).	beyond the areas required to be lit. This is secured by the **Design Principles (Doc Ref. 7.5)** and the **Outline OMP (Doc Ref. 7.11)**. Lighting during the construction and decommissioning phases will be limited in extent and directed within the Order limits. This is secured by the **Outline CEMP (Doc Ref. 7.8)** and **Outline DEMP (Doc Ref. 7.12)**. Construction, operational and decommissioning phase lighting impacts on ecology are assessed in **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)**. No significant effects are identified. The Site is partially within an area proposed to be designated as a Dark Sky Zone. Lighting impacts on the existing character of the night-sky are assessed in **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2)**. No significant effects are identified. Therefore, the Project is in accordance with local policy.
ENV5 Protecting important rural features All development in the rural areas of the Borough shall protect and, where possible, enhance the following features: a) ancient woodland and semi-natural woodland;	No ancient woodland or semi-natural woodland is identified within the Site, however there is ancient woodland directly abutting the Site (albeit approximately 240m from any

Ashford Local Plan 2030 Policy Text	Compliance
b) River corridors and tributaries; c) Rural lanes which have a landscape, nature conservation or historic importance; d) Public rights of way; and, e) Other local historic or landscape features that help to distinguish the character of the local area.	proposed built infrastructure). The **Design Principles (Doc Ref. 7.5)** secure protection of ancient woodland. The East Stour River runs through and adjacent to the Site. The **Design Principles (Doc Ref. 7.5)** secure appropriate protections for the river. The Applicant proposes a comprehensive mitigation strategy to mitigate the impacts of the Project to the PRoW network, as detailed in the **Outline RoWAS (Doc Ref. 7.15)**. These measures include new PRoW, as well as diversions with improved amenity e.g. vegetated buffers and/or screening to all pathways and a new river walkway. The Project has had regard to local historic or landscape features that help to distinguish the character of the local area. A detailed appraisal of the baseline conditions in the context of design issues is presented in **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)**. Furthermore, the **Design Approach Document(Doc Ref 7.4)** sets out the existing character analysis which informed the design objectives for the Project. The Applicant has looked to develop a scheme that shows due sensitivity to its surroundings and to mitigate impacts as far as reasonably possible. Parameters are set for elements such as buffers, heights and size and are secured by the **Design Principles (Doc Ref. 7.5)**. The layout and distribution of the Project are secured by the **Works Plans (Doc Ref. 2.3)**. Therefore, the Project is compliant with Local Policy.
ENV6 Flood Risk Proposals for new development should contribute to an overall flood risk reduction.	**ES Volume 4, Appendix 10.2 Flood Risk Assessment (Doc Ref 5.4)** considers the risk of flooding to the Project in line with national planning policy and practice. The FRA also considers the impact of the Project on the risk of flooding elsewhere. This

Ashford Local Plan 2030 Policy Text	Compliance
Development will only be permitted where it would not be at an unacceptable risk of flooding on the site itself, and there would be no increase to flood risk elsewhere. The sequential test and exception tests established by the National Planning Policy Framework will be strictly adhered to across the Borough, with new development preferably being located in Flood Zone 1. Where it is demonstrated development is unable to take place in an area of lower flood risk, essential transport or utility infrastructure, or other development may be allowed as per an exception test if the development is designed to be compatible with potential flood conditions, and: a) Suitable flood protection and mitigation measures are incorporated into the development appropriate to the nature and scale of risk; b) Comprehensive management and maintenance plans are in place for its effective operation during the lifetime of the development (taking account of climate change allowances); c) Adoption arrangements are secured (where applicable) with the relevant public authority or statutory undertaker; d) The development would make a significant contribution to the overall sustainable development objectives of the Local Plan, such that the wider sustainability benefits of the development outweigh the flood risk; and,	concludes that the Project will not detrimentally affect flood risk elsewhere but instead will result in a small net benefit on flood risk through the increases in the flood storage capacity available on Site as a result of the Project. A Sequential Test and Exception Test have been applied to the Site, which can be found in **Planning Statement Appendix 2 Sequential and Exception Test Report (Doc Ref. 7.6).** This concludes that there is no reasonable alternative site with a lower probability of flooding and that the benefits of the Project outweigh flood risk. Therefore the Project is compliant with local policy.

Ashford Local Plan 2030 Policy Text	Compliance
e) It can be demonstrated to the satisfaction of the Council and the Environment Agency that adequate resistance and resilience measures have been put in place to avoid any increase in flooding either on site or elsewhere. A site-specific Flood Risk Assessment (FRA), endorsed by the Environment Agency, appropriate to the scale and nature of the development and the risks involved will be required in line with Planning Practice Guidance and in particular where the Strategic Flood Risk Assessment or Surface Water Management Plan, indicates there are records of historic flooding or other sources of flooding. In all cases, development that would harm the effectiveness of existing flood defences or prejudice their maintenance or management will not be permitted.	
ENV9 Sustainable Drainage All development should include appropriate sustainable drainage systems (SuDS) for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality, and to mimic the drainage from the pre-developed site. On greenfield sites, development should discharge at a maximum of 4l/s/ha, or 10% below current greenfield rates for the existing 1:100 storm event, whichever is lower. There must be no increase in discharge rate from less severe rainfall events, with evidence submitted to demonstrate this principle. On Previously Developed Land, development must endeavour to achieve 4 l/s/ha runoff or seek to achieve 50% reduction of existing peak runoff rates for the site where existing discharge rates can be established.	The proposed sustainable surface water drainage strategy is set out in the **Outline OSWDS (Doc Ref. 7.14)**. The **Outline OSWDS (Doc Ref. 7.14)** includes measures to effectively mitigate any potential impacts in relation to pollution and changes in storm runoff through the use of SuDS. This ensures the Project accords with the policy's requirements for greenfield sites.

Ashford Local Plan 2030 Policy Text	Compliance
On smaller sites (less than 0.25ha), development should achieve a maximum discharge of 2l/s. Any SuDS scheme must demonstrate regard to the adopted Sustainable Drainage SPD and any subsequent revisions. SuDS features should always be the preferred option and provided onsite wherever practicable. All development proposals will be required to: a) Ensure all new developments are designed to reduce the risk of flooding, and maximise environmental gain, such as: water quality, water resources, biodiversity, landscape and recreational open space; b) Ensure that all new developments are designed to mitigate and adapt to the effects of climate change; c) Lower runoff flow rates, reducing the impact of urbanisation on flooding; d) Protect or enhance water quality. Incorporating appropriate pollution control measures, to ensure there are no adverse impacts on the water quality of receiving waters, both during construction and in operation; e) Be sympathetic to the environmental setting and the needs of the local community; f) Incorporate a SuDS scheme that is coherent with the surrounding landscape and/or townscape;	

Ashford Local Plan 2030 Policy Text	Compliance
g) Provide a habitat for wildlife in urban watercourses; and encourage natural groundwater recharge (where appropriate); h) Demonstrate that opportunities have been taken to integrate sustainable drainage with biodiversity enhancements through appropriately designed surface water systems, as well as contribute to amenity and open spaces; i) Demonstrate that the first 5mm of any rainfall event can be accommodated and disposed of on-site; and, j) Demonstrate that clear arrangements have been established for the operation and maintenance of the SuDS component for the lifetime of the development.	
ENV10 Renewable and Low Carbon Energy 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;	Policy ENV10 relates to planning applications rather than development consent applications for NSIPs and the tests within it are considered to be in conflict with the policy set out in NPS EN-3. In accordance with paragraph 4.1.15 of NPS EN-1 where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the infrastructure.

Ashford Local Plan 2030 Policy Text	Compliance
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.	
ENV12 Air Quality All major development proposals should promote a shift to the use of sustainable low emission transport to minimise the impact of vehicle emissions on air quality. Development should be located where it is accessible to support the use of public transport, walking and cycling. Development proposals that might lead to a significant deterioration in air quality or national air quality objectives being exceeded, either by itself, or in combination with other committed development, will require the submission of an Air Quality Assessment to be carried out in accordance with the relevant guidance. This should address:	Air quality impacts were scoped out of the ES as they were determined to not be significant, due to the nature of the Project, and therefore an air quality assessment has not been undertaken. **ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2)** provides the information regarding the Project requested by the Planning Inspectorate in the Scoping Opinion **(ES Volume 4, Appendix 1.2: EIA Scoping Opinion (Doc Ref. 5.4))**, with regard to air quality matters. The Project is therefore in accordance with local policy.

Ashford Local Plan 2030 Policy Text	Compliance
a) The cumulative effect of further emissions; and, b) The proposed measures of mitigation through good design and offsetting measures that would prevent the National Air Quality Objectives being exceeded or reduce the extent of the air quality deterioration. Proposals which will result in National Air Quality Objectives being exceeded will not be permitted.	
ENV13 Conservation and Enhancement of Heritage Assets Proposals which preserve or enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported. Proposals that make sensitive use of heritage assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate and viable use consistent with their conservation, will be encouraged. Development will not be permitted where it will 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 that outweigh the harm or loss. Where a development proposal will 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 of the proposal, including securing the optimum viable use of the heritage asset. All applications with potential to affect a heritage asset or its setting should be supported by a description of the asset's historic,	Cultural heritage has been assessed in **ES Volume 2, Chapter 7 Cultural Heritage (Doc Ref. 5.2)**, along with an assessment of all relevant heritage assets set out in **ES Volume 4, Appendix 7.2, Heritage Statement (Doc Ref. 5.4)**. The **Heritage Statement** (**ES Volume 4, Appendix 7.2 (Doc Ref. 5.4)**) concludes that the Project would cause less than substantial harm to designated heritage assets through introducing changes within their setting which will affect how the asset is experienced. The limited harm to heritage assets is considered to be demonstrably outweighed by the substantial public benefits that would only be realised if the Project was delivered. The **Heritage Statement** (**ES Volume 4, Appendix 7.2 (Doc Ref. 5.4)**) concludes that the Project would cause harm to a number of non-designated heritage assets in close proximity to the Site. The identified harm to significance would be less than substantial, at the lowest end of the spectrum. The Project has been assessed in **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)** not to have any residual significant effect on non-designated heritage assets, with

Ashford Local Plan 2030 Policy Text	Compliance
architectural or archaeological significance with an appropriate level of detail relating to the asset and the likely impact of the proposals on its significance.	effects being neutral or slight adverse. In considering a balanced judgement, this scale of effect on non-designated heritage assets is clearly not sufficient to outweigh the substantial benefits of the Project when considered alongside and in combination with all other effects.
ENV15 Archaeology The archaeological and historic integrity of Scheduled Monuments and other important archaeological sites, together with their settings, will be protected and where possible enhanced. Development which would adversely affect such designated heritage assets will be assessed in line with Policy ENV13. In addition, where the assessment outlined in Policy ENV13 reveals that important or potentially significant archaeological heritage assets may exist, developers will be required to arrange for field evaluations to be carried out in advance of the determination of planning applications. Where the case for development affecting a site of archaeological interest is accepted, any archaeological remains should be preserved in situ as the preferred approach. Where this is not possible or justified, appropriate provision for preservation by record may be an acceptable alternative dependent upon their significance. Any archaeological recording should be by an approved archaeological body and take place in accordance with a specification and programme of work to be submitted to and approved by the Borough Council in advance of development commencing.	Archaeological mitigation was informed by the results of targeted pre-submission evaluation fieldwork (trial trenching), the results of which are included within **ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref. 5.4)**. The **Archaeological Management Strategy (Doc Ref. 7.17)** sets out the strategy for retention and mitigation of any potential archaeological remains at the site (desk-based and field evaluation) post DCO grant. Therefore, the Project is compliant with local policy.

Table 6: Local Supplementary Planning Documents

Local Supplementary Planning Documents Policy Text	Compliance with Policy
<u>Ashford Borough Council Landscape Character SPD</u> Policy TRS17 - Landscape Character and Design Development in the rural areas shall be designed in a way which protects and enhances the particular landscape character area within which it is located, and, where relevant, any adjacent landscape character area. Proposals shall have particular regard to the following: a) Landform, topography and natural patterns of drainage; b) The pattern and composition of trees and woodlands; c) The type and composition of wildlife habitats; d) The pattern and composition of field boundaries; e) The pattern and distribution of settlements, roads and footpaths; f) The presence and pattern of historic landscape features; g) The setting, scale, layout, design and detailing of vernacular buildings and other traditional man made features, and h) Any relevant guidance given in an AONB Management Plan or in a Landscape Character SPD	The Project has had regard to the requirements of this policy. The specific characteristics of the Order limits and the surrounding area has been carefully considered to ensure that the design of the Project can respond appropriately. A detailed appraisal of the baseline conditions in the context of design issues is presented in **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)**. Furthermore, the **Design Approach Document (Doc Ref 7.4)** sets out the existing character analysis which informed the design objectives for the Project. The Applicant has sought to develop a scheme that shows due sensitivity to its surroundings and to mitigate impacts as far as reasonably possible. Parameters are set for elements such as buffers, heights and size and are secured by the **Design Principles (Doc Ref. 7.5)**. The layout and distribution of the Project are secured by the **Works Plans (Doc Ref. 2.3)**. Therefore, the Project is compliant with the local policy.

Local Supplementary Planning Documents Policy Text	Compliance with Policy
Existing features that are important to the local landscape character shall be retained and incorporated into the proposed development. For the purpose of this policy, the Kent Downs Area of Outstanding Natural Beauty and the High Weald Area of Outstanding Natural Beauty are to be treated as landscape character areas.	
Ashford Borough Council Landscape Character SPD Policy TRS18 – Important Rural Features Development in the rural areas shall protect and where possible, enhance the following features: a) ancient woodland and semi-natural woodland; b) river corridors and tributaries; c) rural lanes which have a landscape, nature conservation or historic importance; and d) public rights of way.	No ancient woodland or semi-natural woodland is identified within the Site, however there is ancient woodland directly abutting the Site (albeit approximately 240m from any proposed built infrastructure). The **Design Principles (Doc Ref. 7.5)** secure protection of ancient woodland. The East Stour River runs through and adjacent to the Site. The **Design Principles (Doc Ref. 7.5)** secure appropriate protections for the river. The Applicant proposes a comprehensive mitigation strategy to mitigate the impacts of the Project to the PRoW network, as detailed in the **Outline RoWAS (Doc Ref. 7.15)**. These measures include new PRoW, as well as diversions with improved amenity e.g. vegetated buffers and/or screening to all pathways and a new river walkway. Therefore, the Project is in accordance with local policy.
Ashford Borough Council Dark Skies SPD (July 2014) Design Guidance for Lighting	No part of the Project will be continuously lit during operations (with the exception of the Sellindge Substation Extension for which lighting is assumed to be consistent with the lighting approach for the existing Sellindge Substation infrastructure). Lighting will be limited to emergency and overnight maintenance lighting only at Inverter Stations, Intermediate Substations and the Project Substation. If required to be used, lighting will be directed within the Order limits away from sensitive receptors and will include features to reduce light spill beyond the areas required to be lit. This is secured by the **Design Principles (Doc Ref. 7.5)** and the **Outline OMP**

Local Supplementary Planning Documents Policy Text	Compliance with Policy
	(Doc Ref. 7.11). Lighting during the construction and decommissioning phases will be limited in extent and directed within the Order limits. This is secured by the **Outline CEMP (Doc Ref. 7.8)** and **Outline DEMP (Doc Ref. 7.12)**. Therefore, the Project is in accordance with local policy.
<u>Ashford Borough Council Renewable Energy Planning Guidance Note 2: The Development of Large Scale (>50kW) Solar PV Arrays</u> This Guidance note provides more information for potential developers and explains the approach to handling applications that Ashford Borough Council will take.	The Project is an NSIP, meaning that it has a generating capacity of more than 50MW. The Ashford Borough Council Renewable Energy Planning Guidance relates to small scale solar projects and is not considered to be relevant to the Project.

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Stonestreet Green Solar

Planning Statement
Appendix 2: Site Sequential Report

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1 Introduction

1.1 Purpose of this Report

1.1.1 This Sequential and Exception Test has been prepared on behalf of EPL 001 Limited ('the Applicant') in relation to the Development Consent Order ('DCO') application for Stonestreet Green Solar ('the Project').

1.1.2 This should be read in conjunction with **ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref 5.4)** and **Appendix 5.2 Site Selection Influencing Factors (Doc Ref 5.4)**.

1.1.3 This report addresses the requirements of the National Policy Statements ('NPS'), and Planning Practice Guidance ('PPG') for a Sequential Test and Exception Test to be undertaken.

1.2 The Project

1.2.1 The Project comprises the construction, operation, maintenance, and decommissioning of solar photovoltaic ('PV') arrays and energy storage, together with associated infrastructure and an underground cable connection to the existing National Grid Sellindge Substation.

1.2.2 The location of the Project is shown on **ES Volume 3, Figure 1.1: Site Location Plan (Doc Ref. 5.3)**. The Project will be located within the Order limits (the land shown on the **Works Plans (Doc Ref. 2.3**) within which the Project can be carried out). The Order limits plan is provided as **ES Volume 3, Figure 1.2: Order Limits (Doc Ref. 5.3)**. Land within the Order limits is known as the 'Site'.

1.3 The Project and Flooding

1.3.1 Environment Agency mapping indicates that while the majority of the Site is within Flood Zone 1 (low probability), some Fields within the northern part of the Order limits are located in areas identified as Flood Zones 2 and 3 (medium and high probability); associated with fluvial flooding along the East Stour River.

1.3.2 ABC's SFRA[25] was published in 2014, which defines Fields 15, 16, 18, 19, and 23 to 25 as being partially or entirely within Flood Zone 3b. Fields 26 to 29 are partially or entirely within Flood Zone 3b.

1.3.3 The only operational elements of the Project proposed in Flood Zone 3a and 3b are as follows:

- PV panels – limited to locations whereby the design flood depth is below 0.8m, being the lowest height of the PV panels.
- Sellindge Substation – an existing National Grid substation where the

design flood depth in this area is shallow and not sufficient to damage electric equipment which will be appropriately raised.

- Below ground electric cables which will extend through areas of Flood Zone 3a and 3b from the Project to Sellindge Substation. Once in place these will not be impacted by flooding and will not have any effect on flood risk.
- Security fencing – raised by 0.2m off of ground and with mesh sized >0.1m to minimise risk of conveyance impacts.
- Access tracks – 90% permeable and constructed at grade to avoid impact on runoff and conveyance.

1.3.4 A large flood storage area and embankment, the Aldington Flood Storage Area ('AFSA'), is located in the Northern Area. The AFSA embankment is located to the east of Fields 24 and 25.

1.3.5 The built components of the Project are classed as 'Essential Infrastructure', which is then subject to the Sequential and Exception Test when located in areas designated as Flood Zone 3a and 3b.

2 Planning Policy Context

2.1.1 The key policies and guidance relevant to the preparation of this Sequential and Exception Test Report are set out below.

2.2 National Policy Statements

2.2.1 The Overarching NPS for Energy EN-1[1] ('NPS EN-1') includes solar PV in a list of technologies within the scope of the NPS and paragraph 3.3.61 states that "*The need for all these types of infrastructure is established by this NPS and a combination of many or all of them is urgently required for both energy security and Net Zero, as set out above."* The National Policy Statement for Renewable Energy Infrastructure EN-3[2] ('NPS EN-3') states *"the Secretary of State ('SoS') should act on the basis that the need for infrastructure covered by this NPS has been demonstrated"* (paragraph 2.1.6). Due to the scale of need required, NPS EN-3 (paragraph 2.3.9) states that there are no limits on the need established in Part 3 of NPS EN-1.

2.2.2 The Government has therefore established that there is a compelling and urgent need for the delivery of solar infrastructure to support the national target of achieving net zero, energy affordability and security. The relevant policy context is set out in the **Planning Statement (Doc Ref. 7.6)** that accompanies the DCO Application.

2.2.3 NPS EN-3 (paragraph 2.4.11) states that solar PV sites may be proposed on low lying exposed sites and for these proposals the applicant should consider in particular how plant will be resilient to increased risk of flooding and impact of higher temperatures.

2.2.4 NPS EN-1 section 5.8 sets out the preference for locating projects in areas of the lowest flood risk (paragraph 5.8.6) and states that where new energy infrastructure is, exceptionally, necessary in flood risk areas (for example where there are no reasonably available sites in areas at lower risk), policy aims to make it safe for its lifetime without increasing flood risk elsewhere and, where possible, by reducing flood risk overall (paragraph 5.8.7).

2.2.5 NPS EN-1 (paragraph 5.8.9) states that if, following application of the Sequential Test, it is not possible (taking into account wider sustainable development objectives) for the project to be located in areas of lower flood risk the Exception Test can be applied, which provides a method of allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

2.2.6 Paragraph 5.8.10 explains that it would only be appropriate to move onto the Exception Test when the Sequential Test has identified reasonably available, lower risk sites appropriate for the Project where, accounting for wider sustainable development objectives, application of relevant policies would provide a clear reason for refusing development in any alternative locations identified.

2.2.7 Where the Exception Test does apply, NPS EN-1 (paragraph 5.8.11) states that *"To pass the Exception Test it should be demonstrated that:*

• the project would provide wider sustainability benefits to the community that outweigh flood risk; and

• the project will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall."

2.2.8 NPS EN-1 (paragraph 5.8.21) states that where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites with medium risk areas and then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.

2.2.9 NPS EN-1 (paragraph 5.8.22) recognises that the technology specific NPSs set out some exceptions to the application of the Sequential Test.

2.3 National Planning Policy Framework ('NPPF')[3]

2.3.1 The NPPF is relevant to the Project, as paragraph 5.8.36 of the NPS EN-1 advises that the SoS should be satisfied in determining an application for development consent that the Sequential Test has been applied and satisfied as part of the site selection.

2.3.2 The NPPF provides details on the sequential test at paragraph 168, which advises that the aim the Sequential Test is to *"steer new development to areas with the lowest risk of flooding from any source"*.

2.3.3 The Exception Test is defined at paragraph 170 of the NPPF:

"The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

2.4 Planning Practice Guidance: Flood Risk and Coastal Change[4]

2.4.1 The Planning Practice Guidance ('PPG') provides a definition of "Reasonably available sites" which are to be considered those:

"in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development"

2.4.2 The PPG contains a table of flood risk vulnerability classification for different uses. These are categorised into essential infrastructure, highly vulnerable, more vulnerable, less vulnerable and water-compatible development, as shown below.

Table 1 Paragraph: 079 Reference ID: 7-079-20220825

Table 2: Flood risk vulnerability and flood zone 'incompatibility'

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	X	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	X	X	X	✓ *

Key:

✓ Exception test is not required

X Development should not be permitted

2.4.3 NPPF Annex 3 defines Solar Farms as "Essential Infrastructure". Therefore, as demonstrated in the above table an Exception Test is required for essential infrastructure located in flood zone 3. This confirms that an Exception Test is relevant to be applied to the Project.

2.5 Local Planning Policy

2.5.1 The Site is within the administrative area of Ashford Borough Council ('ABC'). The Local Plan was adopted in February 2019 ('Adopted ABC Local Plan'[5]). The Adopted ABC Local Plan aims to provide a policy and delivery framework which will guide matters relating to planning and land use in line with ABC's aims from 2011 to 2030. Relevant policy in relation to flood fisk is stated below:

"Policy ENV6 – Flood Risk

Proposals for new development should contribute to an overall flood risk reduction.

Development will only be permitted where it would not be at an unacceptable risk of flooding on the site itself, and there would be no increase to flood risk elsewhere.

The sequential test and exception tests established by the National Planning Policy Framework will be strictly adhered to across the Borough, with new development preferably being located in Flood Zone 1. Where it is demonstrated development is unable to take place in an area of lower flood risk, essential transport or utility infrastructure, or other development may be allowed as per an exception test if the development is designed to be compatible with potential flood conditions, and:

a) Suitable flood protection and mitigation measures are incorporated into the development appropriate to the nature and scale of risk;

b) Comprehensive management and maintenance plans are in place for its effective operation during the lifetime of the development (taking account of climate change allowances);

c) Adoption arrangements are secured (where applicable) with the relevant public authority or statutory undertaker;

d) The development would make a significant contribution to the overall sustainable development objectives of the Local Plan, such that the wider sustainability benefits of the development outweigh the flood risk; and,

e) It can be demonstrated to the satisfaction of the Council and the Environment Agency that adequate resistance and resilience measures have been put in place to avoid any increase in flooding either on site or elsewhere.

A site-specific Flood Risk Assessment (FRA), endorsed by the Environment Agency, appropriate to the scale and nature of the development and the risks involved will be required in line with Planning Practice Guidance and in particular where the Strategic Flood Risk Assessment or Surface Water Management Plan, indicates there are records of historic flooding or other sources of flooding.

In all cases, development that would harm the effectiveness of existing flood defences or prejudice their maintenance or management will not be permitted."

3 Sequential Test

3.1 Project Requirements

3.1.1 Connection can be to a viable POC either on the national grid infrastructure or to a local energy user. Securing a viable POC is a critical factor when developing renewable energy schemes.

3.1.2 The national grid is highly constrained in terms of its ability to connect new generation projects. National Grid Electricity System Operator confirm that large areas of the Kent network are unable to accept any further grid connections for a project of the scale of that proposed by the Applicant without significant reinforcement works. Reinforcement works are required to upgrade the UK's legacy infrastructure as it was not designed to meet the UK's current and future clean energy requirements. These works would take a number of years which would not meet the UK's urgent need for renewable energy.

3.1.3 The Applicant identified available capacity at the Sellindge Substation and has secured an agreement that provides a suitable POC for the scale of solar generation and storage proposed by the Project. No alternative network connection locations were therefore considered by the Applicant.

3.1.4 As noted in NPS EN-3, it is necessary for energy generation projects to have a connection point with sufficient capacity in close proximity. Paragraph 2.10.25 of NPS EN-3 states that *"To maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs applicants may choose a site based on nearby available grid export capacity."* This is therefore a relevant consideration that has an important influence over site selection.

3.1.5 The Applicant determined that a maximum distance of 5km from the POC at Sellindge Substation is likely to be at, or beyond, the limit of feasibility for a POC to the national grid for the scale of the Project. Beyond the 5km distance, the environmental and social effects are likely to increase. More land (which may necessitate the use of compulsory acquisition powers) would be required and the Project would become less economically viable.

3.1.6 Considering the above, a distance of 5km from the POC was used as the area of search (the 'Search Area') for potential alternative sites that would meet the requirements of the Project, with the ability to connect to existing infrastructure at the Sellindge Substation. No alternative distances for the POC to achieve the network connection were considered.

3.1.7 The Applicant's operational and environmental objectives, and associated requirements for the Project which are relevant to the consideration of alternatives, are as follows ('Project Requirements'):

- A single, large-scale solar scheme which makes a meaningful contribution to the UK's urgent requirements for renewable energy capacity and onshore energy security with an export capacity to the national grid of up to 99.9MW of electricity that enables the full utilisation of the available grid capacity at Sellindge;
- The ability to host a battery energy storage system within the Site area to maximise the energy generated and exported and provide further resilience to the electricity network through utilisation of the 99.9MW import and export rights held by the Project;
- Sufficient land for PV panels, battery energy storage system, supporting infrastructure, landscape planting and biodiversity to ensure the Project can be delivered with minimal local and environmental impacts (required to achieve the above objective and make the best use of the available capacity); and
- A feasible, proximate and available connection to the electricity grid network.

3.2 Approach to the Sequential Test

3.2.1 As set out in Figure 1, the Search Area relates to potentially developable land within 5km of the POC. Examination of the Search Area was based upon the Project Requirements, set out above.

3.2.2 NPS EN-1 paragraph 5.8.10 notes that it would only be appropriate to move onto the Exception Test when the Sequential Test has identified *"reasonably available, lower risk sites appropriate for the proposed development where, accounting for wider sustainable development objectives, application of relevant policies would provide a clear reason for refusing development in any alternative locations identified"*. It goes on to note examples that would provide a clear reason for refusing development such as *"alternative site(s) that are subject to national designations such as landscape, heritage and nature conservation designations, for example Areas of Outstanding Natural Beauty (AONBs), SSSIs and World Heritage Sites (WHS) which would not usually be considered appropriate"*.

3.2.3 Figure 1 demonstrates that the Search Area is highly constrained, and a summary of the relevant constraints is set out below:

- **Brownfield land**: There are no brownfield sites of sufficient scale to meet the Project Requirements in the Search Area.
- **Transport infrastructure**: High Speed 1 and the M20 cross the Search Area from east to west, limiting development in these areas.
- **Residential settlements**: The main residential area and other amenities associated with the village of Aldington are located predominantly to the south and east of the Site.
- **National Landscape**: The Kent Downs National Landscape is located in close proximity to the Site; due to the shape of the designation, its boundary is located as near as approximately 330m to the south and 3km north-east of the Site.

- **Heritage assets**: There are a number of scheduled monuments within the Search Area, largely located to the east of the POC. There are also a number of Grade I and Grade II* designated assets, with greater numbers to the north of the M20, with clusters to the south and east of the POC.
- **Ecological sites**: There are four SSSIs within the Search Area.
- **Registered Park and Gardens**: Hatch Park Registered Park and Gardens is located within the Search Area.

3.2.4 Further details of the overarching site selection process for the Project are provided in **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)** and **ES Volume 4, Appendix 5.2: Site Selection Influencing Factors (Doc Ref. 5.4).**

3.3 Sequential Test Analysis

3.3.1 Figure 1 shows the constraints within the Search Area. A review of potentially suitable land has confirmed that there would be no suitable land which is on the open market, or where the owner or occupier has confirmed they would be willing to sell or lease the land, or land that is free of restrictions that would not prevent the sale or lease of land, such as restrictive leases, or option agreements. This demonstrates that there are no suitable and reasonably available alternative sites.

3.3.2 Potentially suitable land that has a lower risk of flooding has been considered as part of this analysis. It is noted that Sellindge Substation (the POC to the electrical grid) is located in Flood Zone 3 and therefore elements of any development that connected to Sellindge Substation would still include elements of the development in higher risk flood zone areas.

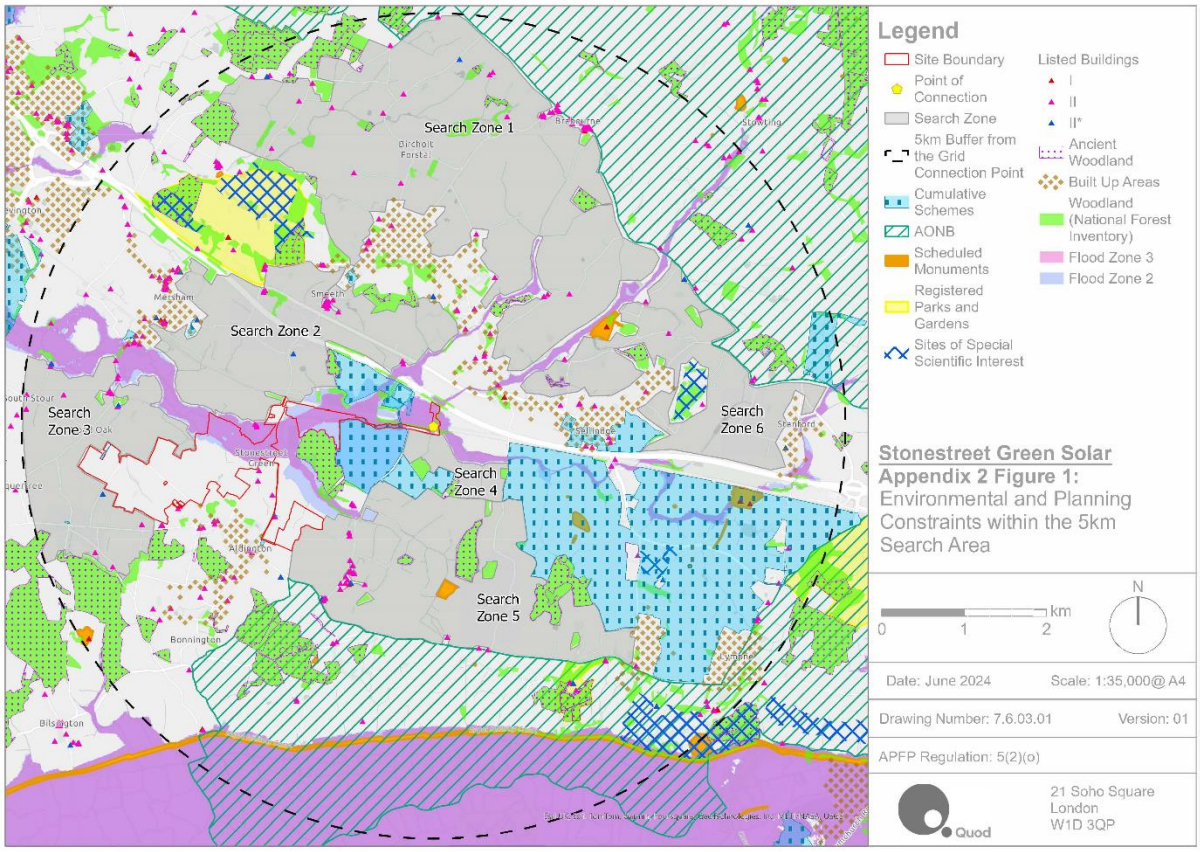
3.3.3 The below summarises the Applicant's review of the potentially suitable search zones, as identified in Figure 1.

Table 1 Search Zones

Search Zone	Suitability	Constraints	Available?
Search Zone 1	Land within this area has a lower risk of flooding	▪ Proximity to the Kent Downs National Landscape (and in particular the North Downs Way National Trail) ▪ Impact on Hatch Park Registered Park and Gardens	No. Land of sufficient scale is not on the open market or otherwise considered to be reasonably available.

Search Zone 2	Land within this area has a lower risk of flooding	▪ Land is bisected by HS1 and the M20.	No. The land is not on the open market or otherwise considered to be reasonably available.
Search Zone 3	Land within this area has a lower risk of flooding	▪ Land would have greater landscape visual effects.	No. The land is not on the open market or otherwise considered to be reasonably available.
Search Zone 4	Land within this area has a lower risk of flooding	▪ N/A	No. The land is not on the open market or otherwise considered to be reasonably available.
Search Zone 5	Land within this area has a lower risk of flooding	▪ Parts of the land would be visible from the National Landscape. ▪ There are a number of heritage assets within the site.	No. The land is not on the open market or otherwise considered to be reasonably available.
Search Zone 6	Land within this area has a lower risk of flooding	▪ Parts of the land would be visible from the National Landscape. ▪ There are a number of ecological assets within the site.	No. The land is not on the open market or otherwise considered to be reasonably available.

Figure 1 Environmental and Planning Constraints within the 5km Search Area



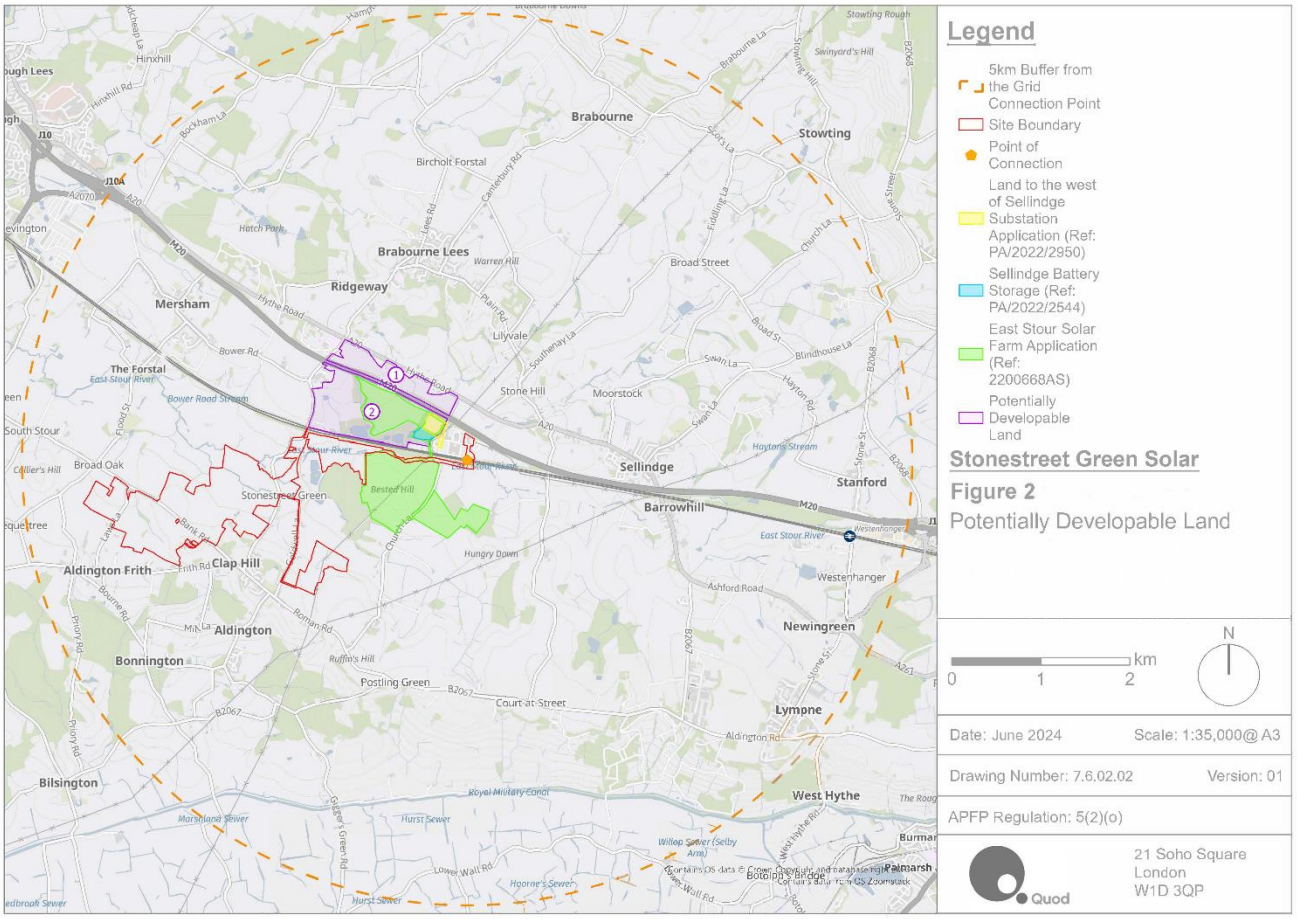
3.4 Sites Suggested during Consultation

3.4.1 Two areas of land have been highlighted in consultation responses received during statutory consultations as potentially developable land ('PDL'). Nether site is considered to meet the Project Requirements, but they have been considered in further detail. The sites are:

- PDL 1; and
- PDL 2

3.4.2 Industrial areas on the outskirts of Ashford were also suggested in consultation responses. However, these are outside of the Search Area for the Project and were therefore discounted by the Applicant and not considered further.

Figure 2 Potentially Developable Land



3.4.3 The analysis for each site is summarised in Table 3 below.

Table 2 Sites suggested during consultation

Potentially Developable Land	Size	Flood Risk (fluvial and surface water flood risk)	Suitable?	Available?
PDL 1	32ha	Not sequentially preferable	No, the site has a higher risk of flooding and is too small.	No. The land is not on the open market or otherwise considered to be reasonably available.
PDL 2	85ha	Not sequentially preferable	No, the site has a higher risk of flooding and is too small.	No, partially within the planning application boundaries of the Pivot Power Battery Storage Facility (Ref: PA/2022/2544, Permission Granted) and Walsh Power's Synchronous

Potentially Developable Land	Size	Flood Risk (fluvial and surface water flood risk)	Suitable?	Available?
				Condenser Project (Ref: PA/2022/2950, Permission Granted) therefore it is not reasonably available. It is also within the boundary of the planning application for the EDF East Stour Solar Farm (Ref: 220668AS), however that has been refused.

3.5 Conclusion of Sequential Test Analysis

3.5.1 The above Sequential Test analysis demonstrates that there are no suitable and reasonably available sites appropriate for the Project in areas with a lower risk of flooding and therefore the Sequential Test is satisfied.

4 Exception Test

4.1.1 NPS EN-1 (paragraph 5.8.9) states that if, following application of the Sequential Test, it is not possible (taking into account wider sustainable development objectives) for the project to be located in areas of lower flood risk the Exception Test can be applied, which provides a method of allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

4.1.2 There are two criteria which should be met, as set out in NPS EN-1 paragraph 5.8.11, for the Exception Test to be passed. These are:

- the project would provide wider sustainability benefits to the community that outweigh flood risk; and
- the project will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.

4.2 Wider Sustainability Benefits

4.2.1 NPS EN-1 paragraph 5.8.11 includes footnote 216 in relation to community benefits which confirms *"These would include the benefits (including need), for the infrastructure set out in Part 3".*

4.2.2 The wider sustainability benefits to the community are considered to be substantial, and explained in detail in the **Planning Statement (Doc Ref. 7.6)**.

4.2.3 It is therefore considered that the Project provides wider sustainability benefits to the community that outweigh flood risk and that this limb of the Exception Test is satisfied.

4.3 Site Specific Flood Risk Assessment

4.3.1 As confirmed in **ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref 5.4)** the Project would be safe from flood risk and would not increase flood risk elsewhere for the lifetime of the development. **ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref 5.4)** considers the potential impact of the Project on the flood risk elsewhere and describes the measures included in the Project to reduce the flood risk overall.

4.3.2 **ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref 5.4)** demonstrates that the Project can be made safe throughout its anticipated lifetime. It will not detrimentally affect flood risk elsewhere but instead will result in a small net benefit on flood risk through the increases in the flood storage capacity available on Site as a result of the Project.

4.3.3 The Project layout has been informed by detailed hydraulic modelling of the East Stour River undertaken by SLR Consulting. Based on the results from this, design principles have been adopted to ensure that the Site will be able to operate without significant damage even during severe flood conditions.

4.3.4 Emergency Flood Response Plans will be implemented during each phase of the Project. These will adopt the EA Flood Alert and Warning system and Met Office severe weather warnings, with evacuation protocols in place as necessary.

4.3.5 It is therefore considered that the Project satisfies this limb of the Exception Test.

5 Conclusion

5.1.1 As demonstrated in this report, the Sequential Test has not identified any sequentially preferable alternatives to the Site that would meet the project requirements for the Project.

5.1.2 Furthermore, it is the only site that is also large enough to maximise the economic and environmental benefits of the Project and, in turn, maximise the Project's contribution towards meeting the urgent national need for low carbon energy infrastructure in accordance with the objectives of NPS EN-1 and NPS EN-3. Therefore, it can be concluded that the Site is sequentially preferable.

5.1.3 The Project is considered to provide significant wider sustainability benefits to the community that outweigh the limited flood risk. **ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref 5.4)** has demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and will result in a small net benefit on flood risk.

5.1.4 Therefore, the Project meets the Exception Test requirements in NPS EN-1.

References

[1]Department of Energy Security & Net Zero (2023). Overarching National Policy Statement for Energy (EN-1). https://assets.publishing.service.gov.uk/media/65a7864e96a5ec0013731a93/overarching-nps-for-energy-en1.pdf. (Accessed January 2024)

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Stonestreet Green Solar

Planning Statement
Appendix 3: Principal Areas of Disagreement Schedule

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1 Introduction

1.1 Introduction

1.1.1 This Principal Areas of Disagreement Schedule has been prepared on behalf of EPL 001 Limited (‘the Applicant’) in relation to the development consent order ('DCO') application (‘the DCO Application’) for Stonestreet Green Solar (‘the Project’).

1.1.2 It provides details of the principal areas of disagreement regarding the Project between the Applicant, Ashford Borough Council ('ABC') and Kent County Council ('KCC') that have been identified by the Applicant and discussed during a meeting between the parties on 21 March 2024.

1.1.3 This document has been prepared following a programme of engagement between the Applicant, ABC and KCC. The parties will continue the productive discussions held to date in order to seek to reach agreement on the outstanding matters.

1.2 Purpose of this Document

1.2.1 The purpose of this document is to set out the position of the Applicant, ABC and KCC in respect of the Project. The Applicant considers that this document will be useful in informing the preparation of Statements of Common Ground and Principal Areas of Disagreement Summary Statements after the DCO Application has been submitted in accordance with the Department for Levelling Up, Housing and Communities' guidance: 'Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects' (30 April 2024).

1.2.2 The Applicant has carried out extension pre-application consultation (both statutory and non-statutory) on the Project, as described in the **Consultation Report (Doc Ref. 6.1)**. The Applicant has had careful regard to the consultation feedback received and has made changes to the Project where appropriate to seek to address that feedback throughout the Project's design evolution, as explained in **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)**. As a result, the Applicant considers that there are relatively limited outstanding areas of disagreement with the key stakeholders and that those listed in this document represent the remaining principal areas of disagreement.

1.2.3 This document does not seek to replicate information which is available elsewhere within the DCO Application documents.

1.3 Structure

1.3.1 Chapter 2 provides a schedule which details the position on relevant matters between the parties, including any matters where discussions are ongoing.

2 Position of the Parties

2.1.1 This section provides an overview of the position of the parties and any further actions planned.

Table 2.1: Ashford Borough Council

Area of Disagreement	Summary of Topic	Applicant Response	Further Action Required?	Status
Scale of the Project	ABC supports the principle of the Project, but considers that the size of the Project should be smaller, which would result in a reduction in the generating capacity of the site.	The need for large-scale solar projects is set out in the **Planning Statement (Doc Ref. 7.6)** and is established in the Overarching National Policy Statement for Energy EN-1 ('NPS EN-1') and the National Policy Statement for Renewable Energy Infrastructure EN-3 ('NPS EN-3'). A significant reduction to the scale of the Project is not considered to be a reasonable alternative. Further detail on this is set out in **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)**.	The Applicant responded to ABC on these matters in August and November 2023 and awaits a response from ABC.	The Applicant awaits a response.
Analysis informing good design	ABC considers that, to date, there is a lack of understanding as	A set of project requirements were established at the outset of the	The Applicant responded to ABC on these matters in	The Applicant awaits a response.

Area of Disagreement	Summary of Topic	Applicant Response	Further Action Required?	Status
	to the role of the landscape and visual assessment to inform the design process.	Project, taking policy requirements into account. These have been embedded in the Site design and explained in the **Design Approach Document (Doc Ref. 7.4)** and **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)**. ABC and its landscape consultant raised a number of suggestions as part of the 2022 Statutory Consultations and changes were made to the Project to accommodate the majority of these. Following ABC's s42 consultation response the Applicant sought further engagement with ABC to understand ABC's specific design concerns but these remain unclear. Further details are provided in **ES Volume 2,**	August and November 2023 and awaits a response from ABC.	

Area of Disagreement	Summary of Topic	Applicant Response	Further Action Required?	Status
		Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2) and the **Design Approach Document (Doc Ref. 7.4).**		
No fundamental changes to the scheme	ABC questioned whether there had been any 'fundamental changes' to the emerging scheme between the material presented at the 2022 Statutory Consultation and the material subsequently presented at the 2023 Statutory Consultation.	There were notable changes to the Project made after the 2022 Statutory Consultation and the Applicant undertook further engagement with ABC to explain the Project. **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)** describes the changes to the Project together with the **Design Approach Document (Doc Ref. 7.4)** which explains the approach taken and the decisions made to arrive at the final Project design. Following ABC's s42 consultation response the Applicant sought further engagement with ABC to understand the	The Applicant responded to ABC on these matters in August and November 2023 and awaits a response from ABC.	The Applicant awaits a response.

Area of Disagreement	Summary of Topic	Applicant Response	Further Action Required?	Status
		specific 'fundamental changes' ABC was seeking but these remain unclear.		

Table 2.2: Kent County Council

Area of Disagreement	Summary of Comment	Applicant Response	Further Action Required?	Status
Archaeology	KCC considers that additional field intrusive investigations are needed to verify the geophysical survey results and to provide suitable data upon which to base mitigation.	The approach to pre-submission archaeological trial trenching has been discussed with KCC on a number occasions and the Applicant has also encouraged KCC to discuss the approach with the Planning Inspectorate. The Applicant has completed desk-based assessment and field evaluation, including a full geophysical survey and targeted trail trenching. The trail trenching focussed on the Project Substation area and high potential areas identified by the desk-based assessment and geophysical survey. A Written Scheme of Investigation was agreed with KCC. The Applicant notes the approach is in accordance with the requirements set out in NPS	Yes. The Applicant continues discussions with KCC on this matter.	Position to be reviewed once KCC has considered the DCO Application, including the Environmental Statement.

Area of Disagreement	Summary of Comment	Applicant Response	Further Action Required?	Status
		EN-1 (paragraph 5.9.10-5.9.12) and NPS EN-3 (paragraph 2.10.113 – 2.10.115), in particular in relation to ensuring the level of detail and extent of investigative work is proportionate to the importance and sensitivity of the heritage asset. It is also noted that the assessment (see **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2)**) concludes that no significant effects are likely. The Applicant has submitted an **Archaeological Management Strategy (Doc Ref. 7.17)** that will ensure any archaeological assets are protected and as part of this has agreed to undertake further trial trenching post DCO grant, prior to commencement.		