



# Stonestreet Green Solar

## Environmental Statement Volume 2: Main Text Chapter 4: Consultation

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APFP Regulation 5(2)(a)

Planning Act 2008

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



## Table of Contents

4	Consultation _____	4-2
4.1	Introduction _____	4-2
4.2	DCO Consultation Requirements _____	4-2
4.3	Pre-application Consultation _____	4-3
	References _____	4-10

## List of Tables

None.

## Figures

None.

## Appendices

None.

## 4 Consultation

### 4.1 Introduction

- 4.1.1 Consultation is an integral part of the DCO process. Consultation is undertaken with statutory consultees, the local community and the general public with the aim to inform design development and to identify specific issues that need to be addressed prior to submission of the DCO Application.
- 4.1.2 The **Consultation Report (Doc Ref. 6.1)** sets out the consultation activities undertaken in the pre-application stage of the Project, but a summary in relation to the EIA is set out below.

### 4.2 DCO Consultation Requirements

#### Planning Act 2008

- 4.2.1 Consultation within the DCO process is prescribed within the PA 2008<sup>1</sup>, which sets out a number of requirements in accordance with which consultation must be undertaken:
- Section 42 requires the Applicant to consult with ‘prescribed persons’ (including statutory bodies such as Historic England and the Environment Agency and relevant statutory undertakers), local authorities and people who fall within one or more of the categories within section 44 of the PA 2008;
  - Section 47 requires the Applicant to consult with the local community. This includes the preparation of a Statement of Community Consultation (the ‘SoCC’) which is drafted following consultation with the relevant local authorities and publicised in a local newspaper;
  - Section 48 requires the Applicant to publicise the proposed Application in the ‘prescribed manner’ by publishing a notice in a national newspaper, the London Gazette and local newspapers within the vicinity of the Site; and
  - Section 49 requires the Applicant to have regard to any relevant responses to the consultation and publicity undertaken.
- 4.2.2 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (‘APFP Regulations’)<sup>2</sup> provide further requirements for consultation in relation to DCOs. These are supported by Government guidance on the pre-application process.

#### Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

- 4.2.3 The EIA Regulations<sup>3</sup> allow applicants to request a scoping opinion from the SoS and if so they must submit a scoping report in support of that request setting out the likely topics to be contained in the ES. PINS, on behalf of the SoS, undertake

consultation and provide a scoping opinion in response to the applicant. Whilst the applicant is not legally obliged to apply for a scoping opinion, where one has been adopted, the ES must be based on the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion).

- 4.2.4 A Scoping Report for the Project was submitted by the Applicant on 19 April 2022 (**ES Volume 4, Appendix 1.1: EIA Scoping Report (Doc Ref. 5.4)**), and the subsequent Scoping Opinion was adopted by PINS on 30 May 2022 (**ES Volume 4, Appendix 1.2: EIA Scoping Opinion (Doc Ref. 5.4)**).
- 4.2.5 The EIA Regulations also contain requirements for the pre-application consultation, including in relation to consultation on preliminary environmental information and the sending of the notice publicised under section 48 of the PA 2008 to the consultation bodies.

### 4.3 Pre-application Consultation

#### Overview

- 4.3.1 The Applicant has undertaken a multi-stage approach to consultation, with an initial stage of non-statutory consultation undertaken in spring 2022 (the '2022 Non-Statutory Consultation') followed by statutory consultation in autumn 2022 (the '2022 Statutory Consultation') and summer 2023 (the '2023 Statutory Consultation'). Rounds of targeted consultation were undertaken in November to December 2023 (the '2023 Targeted Consultation') and in February to March 2024 (the '2024 Targeted Consultation').
- 4.3.2 The issues that have been raised across the stages of consultation and how regard has been had to these and addressed within the design and assessment of the Project are set out in the **Consultation Report (Doc Ref. 6.1)**.
- 4.3.3 A number of meetings with interested parties have taken place during the pre-application stage, including with the following:
- PINS;
  - ABC;
  - KCC;
  - FHDC;
  - High Speed 1 Ltd;
  - Network Rail;
  - National Grid;
  - UK Power Networks;
  - The Environment Agency;
  - EDF Renewables;

- Natural England;
- Landowners (and those with land interests);
- The Community Liaison Panel;
- Community groups;
- Otterpool Park LLP;
- Kent Wildlife Trust; and
- Historic England.

### 2022 Non-Statutory Consultation

- 4.3.4 An initial series of stakeholder briefings were held in spring 2022, in advance of the 2022 Non-Statutory Consultation. A SoCC was prepared following consultation with the relevant local authorities and made available for public inspection from 22 March 2022. Non-statutory consultation was undertaken between 25 March and 29 April 2022 to introduce stakeholders and local community groups to the Project. A number of events were held locally, where attendees were able to ask questions of the Applicant's Project team.
- 4.3.5 Alongside this, a website was set up at [www.stonestreetgreensolar.co.uk](http://www.stonestreetgreensolar.co.uk), where a copy of the consultation information was made available. Those who wanted to respond to the consultation had the opportunity to do so through forms at consultation events or via a digital consultation form online, or alternatively by submitting comments by email, post or telephone.
- 4.3.6 The 2022 Non-Statutory Consultation received 21 responses, categorised into the following themes:
- Concerns regarding visual impact;
  - Consideration of alternatives to the Project;
  - Construction traffic arrangements;
  - Concerns regarding food security/loss of "high grade" land;
  - Biodiversity and impact on wildlife;
  - Energy storage;
  - Criteria for selecting viewpoints;
  - Public access and footpaths;
  - Community benefits;
  - Request for non-statutory consultation responses to be made public;
  - Scale of the Project; and
  - Cumulative impacts.
- 4.3.7 Responses were received from members of the local community. Feedback from the 2022 Non-Statutory Consultation influenced the design development of the Project. More information on the evolution of the Project can be found in **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)**.

## EIA Scoping

- 4.3.8 The responses given in the Scoping Opinion informed continued engagement with various statutory bodies. The Scoping Opinion shaped the preparation of the PEIR for the 2022 Statutory Consultation and the subsequent PEIR Addendum for the 2023 Statutory Consultation.
- 4.3.9 The feedback received in the Scoping Opinion has also formed the basis for the production of the ES.
- 4.3.10 **ES Volume 4, Appendix 1.3: EIA Scoping Opinion Compliance (Doc Ref. 5.4)** provides responses to Section 2 (Overarching Comments) and Section 3.10 (Cumulative Effects) of the Scoping Opinion.
- 4.3.11 Responses to the Scoping Opinion comments made in relation to 'Environmental Aspect Comments' (Sections 3.2 – 3.9 of the Scoping Opinion) are addressed in the 'Consultation' section of the technical chapters included as **ES Volume 2, Chapters 7 – 15 (Doc Ref. 5.2)**.
- 4.3.12 Responses to Scoping Opinion comments made in relation to 'Topics to be Scoped Out' (Section 3.1 of the Scoping Opinion) are provided in **ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2)**.

## 2022 Statutory Consultation

- 4.3.13 The Applicant prepared a PEIR in advance of the statutory consultation undertaken between 25 October and 29 November 2022. This took the feedback from the 2022 Non-Statutory Consultation into account, as well as further technical work and surveys.
- 4.3.14 As part of the 2022 Statutory Consultation, the following information was provided:
- PEIR;
  - Consultation Booklet; and
  - Exhibition boards.
- 4.3.15 Prior to the launch of the 2022 Statutory Consultation, an updated SoCC was prepared following consultation with the relevant local authorities and was made available for public inspection from 28 September 2022. The SoCC set out the approach to community consultation under section 47 of the PA 2008, the key activities being as follows:
- Consulting on the proposals with all those living or working within a Core Consultation Zone (4km radius) from the centre of the Site;
  - Providing further publicity and information to those within a 10km radius (the 'Wider Consultation Zone');
  - Holding consultation events in local venues so that consultees could find out more information and ask questions about the Project; and
  - Placing adverts in the local press and on social media, issuing a newsletter

to residents and businesses in the Core Consultation Zone, emailing parish councils and running a Project twitter and website to inform consultees about the Project.

- 4.3.16 Consultation was also undertaken at this time with the statutory consultees under section 42 of the PA 2008 and publicity was undertaken pursuant to section 48 of the PA 2008.
- 4.3.17 The purpose of the consultation was to provide an update on the Project since the 2022 Non-Statutory Consultation had been completed, and to set out in the PEIR information to enable consultees to form an informed view of the likely significant environmental effects of the Project.
- 4.3.18 168 responses were received to the 2022 Statutory Consultation, key themes raised including:
- Support for the principle of new solar energy generation;
  - Overall scale of the development;
  - The need for the development;
  - Site suitability and the consideration of alternative sites;
  - Impact on farmland, the loss of agricultural land and food security;
  - Landscape and visual impacts;
  - Changes to ProWs;
  - Flood risks;
  - Heritage impacts;
  - Impacts on nearby villages;
  - Community benefits;
  - Impacts on roads;
  - Impacts on ecology;
  - Cumulative effects;
  - Glint and glare impacts; and
  - Impacts to local jobs and the local tourism industry.
- 4.3.19 Further refinements were made to the Project and further work was undertaken following closure of the 2022 Statutory Consultation. This further work included additional studies and surveys, including further ecological surveys and mitigation, viewpoint analysis, landscape improvements, archaeological redesign and PRow refinement. More information on the evolution of the Project can be found in **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)**.

### 2023 Statutory Consultation

- 4.3.20 A further statutory consultation was undertaken between 12 June and 17 July 2023 to provide an update on design development and the progress of the Project. A PEIR Addendum was prepared to support this consultation, collating changes to technical

assessments made as a result of changes to the Project and feedback from the 2022 Statutory Consultation.

4.3.21 As part of the 2023 Statutory Consultation, the following information was provided:

- A Book of Plans to show the updated Project;
- Further information on the need for the Project, site suitability and alternative sites;
- Development of a package of landscaping and biodiversity enhancements, which included additional planting and habitat creation;
- Reconfigured proposed PRowS diversion layout;
- Increased and enhanced setbacks from residential dwellings;
- Updates to provide additional habitat for wildlife, including skylark and yellowhammer, to mitigate impacts identified in the previous Project design;
- Relocated electrical infrastructure to mitigate noise, visual amenity and archaeological impacts;
- Updates to the Order limits; and
- Further consideration to the assessment of the potential for cumulative effects with other development.

4.3.22 An updated SoCC was prepared in advance of the launch of the 2023 Statutory Consultation following consultation with the local authorities and was made available for public inspection from 24 May 2023. Consultation was also undertaken at this time with the statutory consultees under section 42 and publicity was undertaken pursuant to section 48 of the PA 2008.

4.3.23 101 responses were received to the 2023 Statutory Consultation. Key themes raised include:

- The location of the development;
- How feedback from 2022 Statutory Consultation was addressed;
- The scale of the development;
- Use of agricultural land for solar development;
- Support for the Project due to need for renewable energy generation;
- Proposed changes to the PRow network;
- Landscape and visual impacts and impacts on rural character;
- Construction traffic impacts;
- Cumulative effects;
- Light and noise pollution;
- Flood risk and impacts on flood storage;
- Impacts on designated ecological sites and protected species; and
- Community benefits,



4.3.24 Further updates were made to the Project as a result of responses to the consultation. Full details on the evolution of the Project can be found in **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref 5.2)** and the **Design Approach Document (Doc Ref. 7.4)**.

### 2023 Targeted Consultation

4.3.25 Following the end of the 2023 Statutory Consultation, the Applicant made a number of minor, localised amendments to the Site boundary as a result of feedback received from the consultation, ongoing design development and discussions with stakeholders. The minor amendments resulted in a total decrease of the area within the proposed Site boundary to that consulted on at the 2023 Statutory Consultation.

4.3.26 These minor proposed changes to the Site boundary did not result in any new or materially different likely significant environmental effects from those that were set out in the PEIR or PEIR Addendum that were presented as part of the 2023 Statutory Consultation for all technical topics.

4.3.27 The Applicant undertook targeted consultation on the proposed changes between 13 November and 13 December 2023 under section 42 of the PA 2008. A targeted approach rather than a full re-consultation was considered to be appropriate given the minor, localised nature of the proposed changes.

4.3.28 12 responses were received to the 2023 Targeted Consultation. Key themes raised include:

- Further information requested about the Bank Farm access route and road safety;
- Impacts to Bank Farm businesses;
- Construction traffic impacts to Goldwell Lane and Station Road;
- Impacts to PRow route AE 474;
- Damage to the verge;
- Vegetation removal; and
- Biodiversity advice.

### 2024 Targeted Consultation

4.3.29 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.

4.3.30 A targeted approach rather than a full re-consultation was again considered to be appropriate given the minor, localised nature of the proposed change to the Site boundary. The minor change did not result in any new or materially different likely significant environmental effects from those that were set out in the PEIR or PEIR

Addendum that were presented as part of the 2023 Statutory Consultation for all technical topics.

- 4.3.31 Three responses were received to the 2024 Targeted Consultation. Key themes raised include:
- Principle of Development;
  - Changes to the Order limits;
  - Cultural Heritage; and
  - Impacts to PRow.

### Non-Statutory Engagement and Consultation

- 4.3.32 In addition to the stages of statutory and non-statutory consultation that took place as set out above, the Applicant undertook non-statutory informal engagement with consultees through newsletters, Community Liaison Panel meetings and consultee meetings/briefings. Further information about the non-statutory engagement and consultation is provided within the **Consultation Report (Doc Ref. 6.1)**.

### Consultation Responses

- 4.3.33 All responses received during consultation have been carefully considered and the Applicant has had due regard to them in the development of the Project in accordance with section 49 of the PA 2008. Responses are sorted by theme in the **Consultation Report (Doc Ref. 6.1)**, setting out the regard had to the responses by the Applicant, as well as whether they have led to a design change.
- 4.3.34 Key themes raised by consultees during the pre-application consultation include:
- Scale of the Project and the suitability of the Site;
  - Loss of agricultural land and concerns about food security;
  - Support for solar energy in the UK;
  - Impacts on PRow;
  - Traffic impacts on the local road network;
  - Impacts on wildlife and biodiversity; and
  - Visual and landscape impacts on the villages and character of the area.
- 4.3.35 The Applicant has also had regard to all comments made by PINS in the Scoping Opinion as described at **Paragraphs 4.3.8 to 4.3.12**.
- 4.3.36 In addition, the **Planning Statement (Doc Ref. 7.6)** sets out the need for and benefits of the Project, setting out the Applicant's justification for this scale in this location.
- 4.3.37 The **Consultation Report (Doc Ref. 6.1)** demonstrates how the Applicant has complied with the consultation requirements of the PA 2008 and EIA Regulations and explains the regard had by the Applicant to the consultation responses.

## References

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<sup>1</sup> HMSO, (2008). The Planning Act 2008. Available at:  
<https://www.legislation.gov.uk/ukpga/2008/29/contents> (Accessed on 15th November 2023).

<sup>2</sup> HMSO, (2009). The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Available at:  
<https://www.legislation.gov.uk/uksi/2009/2264/contents/made> (Accessed on 15th November 2023).

<sup>3</sup> HMSO, (2017). The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Available at:  
<https://www.legislation.gov.uk/uksi/2017/572/contents/made> (Accessed on 15th November 2023).