



National
Infrastructure
Planning
Temple Quay
House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000

e-mail: stonestreetgreensolar@planninginspectorate.gov.uk

To the Applicant
(By email only)

Your Ref:

Our Ref: EN010135

Date: 9 July 2024

Dear Sir/Madam

Planning Act 2008 (as amended) – Section 51

Application by EPL 001 Limited for an Order Granting Development Consent for the Stone Street Green Solar

Advice following issue of decision to accept the application for examination

On 9 July 2024 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist and the application documents have been published and made available on the project page of our website.

In undertaking checks at the acceptance stage, the Inspectorate has made some initial observations in relation to the application, which were highlighted in the Section 55 Checklist. This letter comprises advice to the Applicant provided under section 51 of the PA2008 in respect of these initial observations. The Applicant should pay attention to its content and consider how appropriate action might be taken in response.

Draft Development Consent Order (dDCO)

Please ensure that you have fully reviewed Advice Note 15 when reviewing the Explanatory Memorandum for every Article and Requirement, explaining why the inclusion of the power is appropriate in the specific case. Likewise, the Protective Provisions.

The Applicant is encouraged to agree any side agreements with the protected parties and for written confirmation of that to be provided by the parties before the close of the Examination.

Adjust relevant definitions to ensure consistency, for example “... under this DCO ...” and “... in accordance with this DCO”.

Schedule of Negotiations

The Schedule of Negotiations (**Doc. 4.4**) at Section 4 Table 3 – Statutory Undertakers, states that negotiations with Statutory Undertakers commenced in February 2024 and no responses had been received by the date of submission of that document to the Planning Inspectorate. It is unclear why this negotiation was left until immediately prior submitting the Application. We would advise the Applicant to provide regular updates in line with the subsequent Examination timetable.

Environmental Statement

Environmental Statement, Volume 2, Chapter 7 Cultural Heritage (Doc. 5.2)

The following discrepancies were found:

1. Table 7.10 Construction Phase Cultural Heritage Direct Effects (page 7-61) is not listed in the list of tables on Page 7-1.
2. Page 7-1, Table 7.7 is listed as Summary of Receptor Sensitivity whereas on page 7-40 it is listed as Magnitude of Impact Descriptors.
3. Page 7-1, Table 7.8 is listed as Operational Phase Cultural Heritage Indirect Effects and corresponds to Table 7.8 on Page 7-93, however it is also presented as Table 7.8 Significance of Effect Matrix on page 7-41.
4. Page 7-49, presents Table 7.7 Summary of Receptor Sensitivity, between Table 7.8 (Page 7-41) and Table 7.10 (Page 7-61).
5. Page 7-57, paragraph 7.7.4 refers to Table 7.12 but this is not included in this Chapter.

Volume 4, Appendix 8.10 ‘LVIA Visualisations’ and Appendix 8.11 LVIA Cumulative Visualisations (Doc. 5.4)

Viewpoint ref 33 is missing from the table in Section 3.0 ‘Viewpoint Locations Ordnance [sic] survey co-ordinates’ and Viewpoint ref 20 is missing from this appendix. It is unclear why these viewpoints would be missing from these documents. The Applicant is advised to review both appendices to ascertain whether these viewpoints should be included.

Chapter 10 Water Environment (Doc. 5.2)

Paragraph 10.1.6 refers to ‘Outline Battery Storage Management Plan (Outline BSMP)’ whereas, for the same acronym, the draft DCO refers to ‘Outline Battery Safety

Management Plan'. Please could you clarify if the documents are referring to the same plan or two separate plans.

Chapter 12 Socio-Economics (Doc. 5.2)

Paragraph 12. 2.1 Wildlife and Countryside Act, the 1 in 1981 is subscript please amend. Also consider whether the Climate Change Act 2008 is relevant to the policy and legislation context of the Application submitted.

Consider the Kent CC Climate Change Emergency policies or Statements to assess their relevance to the project.

Consider whether a Health Impact Assessment should be undertaken, It is noted health impacts are cited in transport and noise chapters but a consolidated Health Impact Assessment would assist.

Paragraph 12.4.10 references the census as a baseline and references both the 2011 and 2021 census, consider explaining how exactly the 2021 census data is impacted by covid as referenced.

Environmental Statement Chapter 12 Socio-Economics (**Doc 5.2**) paragraph 12.5.5 references the relocation of a clay pigeon shoot as a result of the Proposed Development. Please consider referencing this and providing information on the proximity of sensitive noise receptors.

Text on page 50 of Appendix 10.3 states '*during the temporary operational phase*'. We would advise the Applicant to review this phrase and question whether it is meant to be temporary construction phase?

Plans

Table 5.3 "Summary of Alternative Layouts' (**Doc 5.4 Alternatives and Design Evolution**) refers to the Primary Construction Compounds and use of an internal haulage road for Heavy Goods Vehicles (HGVs). Paragraph 5.15.2 refers to a single main construction compound, three secondary compounds, other laydown areas, a further primary construction compound in Field 25 and a further secondary construction compound in Field 19.

The Works Plan (**Doc 2.3**) shows broad areas where the construction compounds could be located within Fields 8/9, 19, 20, 23, 25 and 26. The internal haulage road is also of a colour and design that is difficult to decipher from the remainder of the works that are shown on the Works Plan.

(Doc. 2.7) Illustrative Landscape Drawings – Not for Approval -There appears to be inconsistency on Section 4 Quasted Cottage and Habitat Area– A proposed hedgerow is shown in a bold colour whereas ‘Proposed Tree and Shrub Planting’ are shown in fainter colours.

We would advise that either the colour for the internal haulage road is amended to aid clarity or that separate plan is provided that shows both the location of the internal haulage road and the proposed construction compounds. We would also advise that clarification is provided as to the locations of the construction compounds within the Fields given their positioning could have an impact on the environment and amenity.

Please can the Applicant clarify what area would be enclosed by the Stock Fence in Field 29 relating to the Illustrative Project Drawings not for approval Sheet 3 of 5 Illustrative Layout Plan **(Doc 2.6)**.

Once the plans have been amended in accordance with the advice in this letter, please submit a copy of all land and work plans at AO size.

General

Consider whether more consistency can be provided in the references made to the different stages of the authorised development and whether each relevant stage is identified each time they are referenced. Chapter 18: Summary of Significant Residual Effects itemises these as construction, operational and decommissioning. It would be helpful if all chapters followed this logical sequencing.

Consider whether provisions that confer deemed consent if an authority does not respond within a specified period (a “guillotine”) find the right balance between not unnecessarily delaying the Proposed Development and ensuring that appropriate regard is given to the interests and advice of other parties. Consider discussing and agreeing each provision with each relevant authority. Consider whether provisions should be added for any application for consent to contain a statement drawing the authority’s attention to any guillotine.

Consider the use and reference to ‘Limits of Deviation for some elements of the Proposed Development, or provide an explanation as to why it is not deemed necessary within the scope of the Application.

Ensure that the Requirements have been discussed, and where possible agreed, with the relevant planning authorities and other relevant statutory bodies.

Consider whether a biodiversity net gain strategy should be required to be submitted to and approved by the relevant planning authority in consultation with the relevant statutory nature conservation body. Consider setting out the net gain in habitat units that the strategy would be required to secure and that it must be substantially in accordance with the outline landscape and ecological management plan.

Please pay close attention to the advice set out in this letter and act on it accordingly. It is requested that you action these points before the commencement of the Relevant Representation period. This will contribute towards a more efficient examination and give any future Examining Authority comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

Spencer Barrowman

Case Manager

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