

# Planning and Development



Ask for: Roland Mills  
Email: [REDACTED]@ashford.gov.uk

Civic Centre  
Tannery Lane  
Ashford, Kent  
TN23 1PL  
(01233) 331111  
www.ashford.gov.uk

The Planning Inspectorate

By e-mail to:  
stonestreetgreensolar@planninginspectorate.gov.uk

 @ashfordcouncil  
 AshfordBoroughCouncil

Dear Sir/Madam

Date: 12/09/2024

**Site: Stonestreet Green Solar**  
**Proposal: Application for an Order granting Development Consent**  
**Issue: Relevant Representation**

Following the Planning Inspectorate's decision 09/07/24 to accept the application for a Development Consent Order ('DCO') for the Stonestreet Green Solar project, Ashford Borough Council (the 'Council') has registered as an **Interested Party** at the Examination.

This letter – being the Council's **Relevant Representation** - provides a summary of the main aspects of the proposal with which the Council agrees and/or disagrees together with explanations as appropriate in accordance with published guidance.

The Council is the Local Planning Authority for the Borough of Ashford. In summary outline, the principal submissions that the Council intends to make will relate to the acceptability of the scheme in terms of:-

- (i) landscape & visual impacts and the importance of good design in minimising such impacts,
- (ii) impacts on Public Rights of Way ('PRoW') within the site and issues of wider connectivity, and
- (iii) cumulative impacts

Kent County Council ('KCC') is the relevant authority for a number of specialist areas that will need careful consideration when assessing the application for DCO ranging from Highways, Minerals & Waste, Public Rights of Way, Surface Water Flooding & Drainage, Heritage (including Archaeology) and Biodiversity.

The Council expects that KCC will make detailed submissions to the Examining Authority on such matters and indicate there is either agreement, potential to reach agreement or where a fundamental disagreement remains.

While the Council will support KCC in seeking to ensure that the scheme is one that acceptably addresses all of these important areas, it reserves that right to review and make further comment during the Examination as might be necessary, including in any instances where the views expressed by KCC might conflict with any of the Council's principal submissions.

The Council seeks positive engagement with the applicant to resolve outstanding matters as far as possible and, ideally, ahead of the Examination. A Statement of Common Ground ('SoCG') will be progressed with the applicant and this will help clearly establish for the Examining Authority the matters that remain outstanding.

This Relevant Representation relates to the material submitted as of 25/07/24. The Council will engage through the Pre-Examination and Examination stages to review the relevant material accordingly. A sub-headings and numbered paragraph format is used below to assist navigation.

### Introduction

1. Ashford Borough Council (the 'Council') is committed to reducing the reliance on fossil fuels and accepts that there is a compelling need, as a matter of principle, to increase renewable energy generation and consumption in order to support the Government's national agenda to reach net zero carbon by 2050.
2. Therefore, the Council does not raise objection to the principle of large-scale solar photovoltaic generation developments within the Borough subject to;
  - (i) the appropriate siting of such schemes,
  - (ii) the provision of appropriate mitigation in order to deal with any significantly harmful impacts that would arise, and
  - (iii) such mitigation being tailored specifically and sensitively to matters of location and related context.
3. The Council consider that this approach is critical in order to minimise, as far as possible, the impacts of large-scale solar development, especially where such development is proposed in a rural location. In such locations, undeveloped countryside, being predominantly land in active agricultural use, will combine with topography and other elements of the natural and man-made built environment to create a landscape that will have a distinctive character. That will, in turn, help create settlements within a landscape that will have different settings. That character and variation of setting helps create local distinctiveness and, associated with that, a sense of place which are all key elements of government planning policy.

4. The myriad ways in which the countryside and landscape is important has always been a key 'thread' – 'green' rather than 'golden' in this instance - that flows through the approach that is taken at all levels of the planning system. It is a key shaper of government guidance in the National Planning Policy Framework ('NPPF') & government policy in National Policy Statements ('NPS') and it provides a clear framework against which development plans are formulated and neighbourhood plans are progressed by local communities.
5. The 'starting point' of the planning system is one that;
  - (a) recognises the importance of countryside in terms of its intrinsic character and natural beauty,
  - (b) recognises the importance of protecting character in a wide variety of differing contexts,
  - (c) recognises the importance of local distinctiveness and the importance of understanding sense of place when formulating development proposals,
  - (d) recognises the importance of Public Rights of Way ('PRoW') in providing accessible green infrastructure that supports a variety of healthy activities for local communities, connects people with places and allows the countryside and the wider landscape to be fully experienced and appreciated,
  - (f) recognises the importance of minimising such impacts even when dealing with developments that are of a scale that requires that they are considered through the NSIP planning process, and
  - (e) recognises the importance of informed, thoughtful good design that is central to the achievement of all of the above.
6. The Council consider that the acceptability of the proposal needs to be assessed against this starting point.

#### The pre-examination consultations

7. The Council has taken the 'starting point' into account when considering and commenting on the applicant's emerging proposals including through two rounds of formal pre-submission consultations during 2022 and 2023, the provision of follow-up comments to the applicant team following the 2023 consultation as well as responding to minor targeted consultations in respect of proposed changes to DCO limits.
8. During the pre-application stage, the Council has made the applicant fully aware of its landscape, visual impact and design & connectivity concerns. While the Council acknowledges that some changes have been made to the application as a result, these are insufficient to overcome its principal concerns which can be summarised through a number of key themes and which are set out further below.

#### **LANDSCAPE & VISUAL IMPACTS AND THE IMPORTANCE OF GOOD DESIGN TO MINIMISE SUCH IMPACTS**

9. There is a clear expectation in the NPS that applicants (through good design) should 'direct considerable effort towards minimising the landscape and visual impact of solar PV arrays' with that 'considerable effort' clearly applying, in the Council's opinion, to the analysis informing the design and the thought processes applied to the design of a

scheme as a whole i.e. design at a macro-level.

10. The Council notes references made in the **Design Approach Document** (APP-149) to good design having been a key consideration from the outset (para 2.1.7), that constraints and opportunities have emerged 'over time' following stages of assessment work and the applicant's view that the pre-application process has been 'truly collaborative' (para 2.1.8) with pre-application consultation building upon site analysis (para 6.3.1). This has not, however, been the Council's overall experience.
11. On multiple occasions the Council requested that the applicant share any analysis that it had carried out in respect of the landscape and its character and the constraints and opportunities that arose from that analysis. The Council consider that it is reasonable to conclude that such matters should inform and shape an applicant's approach to the proposed scheme extents and layout as part of macro-scale good design from the outset. All impacts flow from that macro-scale approach to achieving good design. However, that fundamental information was not shared with the Council, or the community, for reasons that are unclear. That approach appears to the Council to conflict with 'Design Objective 2' set out at para 5.3 of the **Design Approach Document** (APP-149) which confirms a design objective of sensitively locating the project in the landscape.
12. The Council consider that a sensitive approach would be one where natural and built-form assets are assessed in quantitative and qualitative terms when generating scheme design layout and extents from the outset as part of a macro-level approach to good design that actively seeks to minimise impacts. The Council consider that it remains unclear whether the applicant's LVIA work informed the intended location of the solar arrays and supporting built infrastructure or whether the quantum, broad extents and locations for such development were already largely set prior to LVIA preparation.
13. The Council supports the removal of solar arrays and infrastructure from four fields on the northern side of the project, albeit that from a landscape and visual impact and design perspective the development intended in this part of the site was not considered problematic. The Council note that this change is described as being a 'design response' to the applicant's stated design objective of locational sensitivity. The Council would suggest that the removal of solar farm infrastructure from these fields would be better described as a reaction to technical constraints that could not ultimately be overcome: in two rounds of community consultation the applicant identified an intention to develop this part of the site.
14. The Council acknowledges that the applicant has considered some of the points that both it and KCC raised during the pre-submission stage in respect of biodiversity and ecological impacts as well and the impacts that the scheme would have on these receptors and which would, in turn, impact on the experiential qualities enjoyed by PRoW users.
15. The Council question whether optimising the amount of energy generation can really be considered a design objective as per the **Design Approach Document** ('Design Objective 1') (APP-149) as opposed to being the applicant's ambitions for the project as set out in **ES Volume 2 Chapter 5 Alternatives and Design Evolution** (APP-029). Explaining those ambitions, the applicant makes clear that significantly reducing the scale of the proposal is not considered (by the applicant) to be a reasonable alternative project requirement (in the opinion of the applicant) because doing so would reduce energy

generation and that would be contrary to the project requirements (that are set by the applicant) which include maximisation of energy generation and provision of resilience to the electricity network. By framing the project in this manner, the applicant appears to contend that the scheme can be as extensive as the applicant desires and that any reductions in terms of its scale and extents will be unacceptable if these are 'significant' (in the applicant's opinion). No clarification is given as to that which the applicant considers would constitute a significant reduction. No mention is given in respect of the commercial aspects of the scheme such as viability & commercial return to the applicant and the ability to reach a commercial agreement with the landowners.

16. The Council notes the applicant's **Design Principles Document** (APP-150). This largely sets out parameters for the various components relating to the works that comprise the project. Whilst parameters are helpful by giving certainty in respect of post-DCO applications to the Council (whether in terms of measurements or colour or approach to construction) these parameters necessarily inform scheme design at a micro-scale after key design decisions have already been made. They do not, in themselves, address good design at a macro-scale and it is design decisions at that macro-scale which substantially shape the impacts of the scheme in terms of its overall landscape, visual and PRow impacts.
17. Besides solar PV modules up to 3.5m above ground level, the **Design Principles Document** (APP-150) identifies the parameters for the supporting solar infrastructure, such as inverter stations (potentially up to 4m in height), BESS & Converters (up to 4m in height), intermediate sub-stations (up to 4m in height), acoustic barriers (up to 4m in height) and project substation buildings/infrastructure (up to 7.5m in height) can be expected in the micro-level design approach that will come forward to the Council for approval should a DCO be granted. The Council considers that development coming forward for approval within such parameters will collectively have considerable landscape and visual impacts.
18. This reinforces the Council's opinion on the fundamental necessity for robust macro-level good design in order to ensure that the 'minimisation of impact' principle in NPS is thoughtfully taken forward. That approach establishes whether an applicant's ambitions relating to the intensity of a scheme can realistically be accommodated or whether ambitions need to be reduced in order to minimise impacts in the way that the NPS requires.
19. The Council note comments by the NIC Design Group that 'too often design has been treated as an afterthought' and therefore suggested to the applicant the benefits that would arise from using the Design Council to undertake a robust design review of the emerging scheme: the applicant declined to do so.
20. Notwithstanding, the Council has tried to be constructive during the pre-submission stage by making suggestions as to how its concerns might be able to be overcome, particularly in respect of the area to the north-west of Aldington. These are set out below.

### Reducing the encroachment of development on higher land forming the distinctive Bank Farm ridge

21. The Council consider that tangible material landscape and visual impact benefits would be likely to be achieved if panels were to be removed from fields at higher AOD levels close to this distinctive ridge along which Roman Road / Bank Road passes. The removal of panels from Fields 10 & 12 was therefore suggested to the applicant in this regard.
22. The northern side of this ridge is one with significant presence in the landscape. It affords attractive long views due to its elevated position. Panoramic views are available to the village of Mersham, and beyond that, the town of Ashford is also discernible. There are longer range views to the Kent Downs which are protected National Landscape. The Council consider that bringing solar development appreciably away from this ridge would reduce the impact of the scheme on the ridge and reduce the impacts of the scheme on the appreciation of these views.
23. Similarly, there are views up to the Roman Road / Bank Road ridge from a number of viewpoints, particularly when having crossed the railway line on Station Road and descending, via a series of bends at still relatively elevated levels into a landscape with bowl-like qualities. This area forms a key well-used vehicular approach to Aldington from the A20 with two rural lanes (Calleywell and Goldwell) further to the south that then rise up into the village of Aldington. In the Council's view, removal of solar development appreciably away from the ridge would reduce the landscape and visual impacts of the scheme on that distinctive feature. The largely undeveloped nature of the ridge contributes both to the character of the landscape as well as the history and setting of the village on its north-western side.

### Fragmentation

24. The Council considers that the applicant's LVIA under assesses the scheme's impacts relating to sensitivity, magnitude of change and overall effects on landscape character and visual amenity. The applicant's visualisations suggest that even with the applicant's proposed planting proposals the visual extent and massing of the panels in the area of the site to the north-west of Aldington would be one that would not be able to be substantially broken up.
25. The Council consider that the macro design approach to this area should be one of fragmentation and this view was expressed to the applicant at pre-submission stage.
26. The greater use of tree belts would help break up and reduce the prominence of the mass of panels, in particular in the views that are available from the north. A strong tree-belt on the northern edge of the northern-most Field 19 in this part of the site is appropriate but the Council consider that this needs to work in conjunction with a greater level of new tree planting and associated scheme loosening through fragmentation in the areas south of that northern-most boundary.
27. The Council consider that opportunities for further riparian tree planting groups should be explored here. This approach would help to visually fragment large swathes of solar panels and supporting infrastructure in the landscape in a more successful manner and

lessen the impacts of the scheme on important landscape views, especially those that are available when approaching the village from the north.

28. The Council consider that adopting this design approach would have strong potential in terms of reducing the impacts of the scheme on the PRoW network, which is especially dense in this part of the site. It is crucial to remember that a PRoW is not just a narrow movement corridor but one that enables users to experience and appreciate the character of the countryside and the wider landscape. The creation of alleyways in this part of the site must be avoided and green breaks of different dimensions and qualities as part of a fragmentation approach would, in the Council's opinion, be a suitably sensitive design approach as part of appreciating context and seeking minimising the impact of the scheme.
29. The Council notes that both of these suggestions have not been taken forward in the application. The Council consider that they have the biggest potential to tackle the challenge of minimising the impacts of a very large solar farm scheme (which includes a large concentration of solar panels and associated infrastructure in one area and which rises up to a distinctive local high point). The Council consider that there is a very real danger of solar development engulfing much of the hinterland and setting of Aldington: that type of impact is clearly not one that is advocated in NPS.
30. By way of comparison, in broad land take terms this part of the site is around 6 times (possibly greater) the size of the existing Partridge Farm solar farm located at Church Lane Aldington. That solar farm was permitted by the Inspectorate on 06/10/2015 (PINS ref: APP/E2205/W /15/30003125) with a requirement for a landscaping scheme to be agreed with the Council (Condition 9 of the decision). This development has been constructed.
31. Following on from the Council's concerns about the importance of avoiding alleyways, the Council identified its concerns to the applicant about the proximity of solar panels and associated infrastructure in the areas bordering the Station Road / Calleywell Lane / Goldwell Lane junctions. This area is party of a\_key rural entrance/approach into Aldington village and helps establish a strongly rural setting and ambience. The Council consider that the applicant should pull proposed development further back from the highway limits so as to reduce the impact of the development on the existing attractive qualities that this area currently possesses. Enhanced landscaping may also have a role here.

#### **IMPACTS ON PRoW WITHIN THE SITE & ISSUES OF WIDER CONNECTIVITY**

32. The PRoW network is especially dense in the area covered by the application. The Council has worked with KCC and the applicant at pre-submission stage by seeking to ensure that widths for PRoW do not become, to all intents and purposes, 'alleyways' between the intended development areas. The impacts of the scheme on the PRoW network as a receptor will therefore be an important area to be addressed in the Examination.
33. At pre-submission stage, the Council indicated to the applicant that enhanced planting should be provided to the south and south-west of Field 20 in order to soften the impacts of panels - this area for development of solar panels involves a fragmented pocket that dips away to the north between Goldwell Lane and Church Lane. The southern boundary

of this area is important because the boundary is close to PRow AE474. The Council is concerned that the scheme impacts on the experiential qualities enjoyed by the users of that route. The qualities include the appreciation of a wide area of landscape from a high point as well as a key vista (that includes landscape) towards the Grade 1 listed Church of St. Martin which sits prominently on the east-west Aldington ridge. The Council would wish to see softening and, ideally, solar development and infrastructure pulled further northwards away from PRow AE474.

34. The Council is concerned that the collectively significant impacts that the project will have on the qualities of the PRow network may be one's that displace recreational use to other locations. In all likelihood given the location, that would be by private vehicle which would be a regrettable environmental consequence.
35. The Council consider that this circles back to the importance of a thoughtful and robust macro-level approach to the design of the scheme as identified further above. The Council consider that in terms of amenity and the ability for PRow users to enjoy the natural beauty of the countryside and appreciate the wider landscape, a macro-level design approach that loosens and fragments the project on the north-west side of Aldington as well as removes solar development from the higher land in this part of the site would be beneficial.

#### Opportunities for PRow connectivity wider than the site

36. The Council notes 'Design Objective 8' in para 5.3 of the **Design Approach Document** in respect of PRow enhancement and connectivity opportunities. The PRow within the application site is part of a much wider network in this part of Kent. Good design involves looking at opportunities beyond a defined application site and this will particularly be the case if adverse impacts arising from a development might be offset, either in whole or part, by an approach that facilitates the realisation of wider connectivity benefits.
37. A relatively short distance to the east of Aldington and located outside of the Borough within the administrative district of Folkestone and Hythe, is the emerging Otterpool Park Garden Town development <https://www.otterpoolpark.org/> comprising up to 10,000 new homes intended to be developed as healthy, connected and sustainable community for which outline planning permission was granted in April 2023. The Council notes that the masterplan provides for development of this community to the eastern side of Harringe Lane. PRow connect from Aldington to that location.
38. To the north west of the application site is the village of Mersham which is connected to Aldington by PRow. As identified above, many of these PRow would be impacted by the proposed development.
39. Although both this Council and KCC advised the applicant about the connection opportunities which exist - and could form a tangible community benefit for a development with an intended 40 year duration - there has been little response from the applicant. This appears to conflict with the Design Response to 'Design Objective 8' set out at para 5.3 of the **Design Approach Document** as that Response is limited to matters falling within the defined application site rather than making any comment about the wider context and the opportunities that are available. However, the Council does note that the applicant acknowledges the importance of wider connections between Ashford and Otterpool Park

Garden Town at para 7.1.3 of the Design Approach Document.

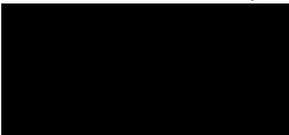
40. In order to provide all season non-vehicular connectivity linking people with key places & locations, PRow (whether new, existing or diverted) need suitable surfacing. Clarity would be welcomed from the applicant as to its intentions. This should cover how any upgrades might be achieved both within the scheme extents as part of direct provision and project funding opportunities for similar in locations beyond the scheme extents. Such matters may be appropriate to be secured through s.106 agreement. The Council would welcome further discussion with the applicant in this regard, ideally prior to the commencement of the Examination.

### **CUMULATIVE IMPACTS**

41. The Council consider that consideration of cumulative impacts will be an important issue for the Examination, particularly in respect of such impacts on the character and the qualities of the landscape. In this regard, the Council note recent Written Ministerial Statements and the identified need to carefully consider and keep under review the issue of groupings and 'hot-spots'.
42. Potential cumulative impacts on PRow include the solar farm proposals on land either side of Church Lane in Aldington (application 22/00668/AS refused by the Council 20/04/2024) which is close to the aforementioned Partridge Farm solar farm.

The Council looks forward to working with the applicant and the Planning Inspectorate as the project progresses through the DCO process. The Council would welcome the opportunity to comment on matters of detail throughout the Examination. Should any additional information or clarification be required, please do not hesitate to contact me.

Yours faithfully



Roland Mills  
Strategic Development & Delivery Manager