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12 September 2024

Dear Sir, Madam

Re: Application for an Order Granting Development Consent for Stonestreet Green Solar – Relevant Representation Submission

Following the Planning Inspectorate's acceptance (9 July 2024) of the application for a Development Consent Order (DCO) for Stonestreet Green Solar, Kent County Council (hereby referred to as the 'County Council') requests to be registered as an Interested Party at the Examination.

This letter provides a summary of the main aspects of the proposal which KCC agrees and/or disagrees with, together with an appropriate explanation of the matters raised in accordance with Government guidance published 30 April 2024. In summary, an outline of the principal submissions which KCC intends to make in relation to the application will concern:

- Highways and Transportation – as the Local Highway Authority for Kent.
- Minerals and Waste – as the Minerals and Waste Planning Authority for Kent.
- Public Rights of Way – as the Local Highway Authority for Kent.
- Surface Water Flooding and Drainage – as the Lead Local Flood Authority for Kent.
- Heritage Conservation.
- Biodiversity – as the Responsible Authority for the Local Nature Recovery Strategy

The County Council seeks positive engagement with the applicant to resolve the outstanding matters, ideally ahead of the commencement of the Examination. The County Council is

progressing a Statement of Common Ground with the applicant which should set out clearly to the Examining Authority, upon submission, the matters which remain outstanding.

Commentary raised within this representation relates to material submitted as of 25 July 2024. The County Council will engage through the Pre-Examination and Examination stages and review relevant materials accordingly.

Highways and Transportation

Traffic generation and routing

With regard to the highway access and operational elements of the proposal, the County Council, as Local Highway Authority, notes that the applicant has been generally receptive to concerns previously raised regarding the original vehicle routing and access points. The applicant has made several revisions to the proposed access strategy and has also updated site-specific issues as each stage of consultation has been carried out. The County Council has welcomed this positive engagement from the applicant.

It is acknowledged that the additional traffic is temporary for the estimated 12-month period of construction. The Local Highway Authority notes that normal operational traffic levels for the completed site would be so low as to have near zero impact on the highway network. In practice, it is likely these would be lower than the associated farm use of the site area.

Primary routing to the proposal is via the M20 Junction 10a and A20. As a newly completed motorway junction, Junction 10a has sufficient operational capacity on the arms used by traffic relating to this proposal. The County Council, as Local Highway Authority, notes that in Table 13.4 of the Environmental Statement (ES) Volume 2 Chapter 13 (APP-037), National Highways has raised no objection.

The vehicle routing for all development related traffic arrives via the Smeeth crossroads junction on the A20. In the intervening time since the previous formal response from the Local Highway Authority (July 2023), the Smeeth crossroad junction (A20 / Station Road / Church Road) has been flagged on Kent County Council's yearly crash investigation cycle with the crash record for the most recent three years now meeting the criteria for investigation.

Liaison has taken place across the County Council, as Local Highway Authority. The primary area of concern is the northern arm of the junction, Church Lane, with its limited visibility. Taking account which arms of the junction would be used by vehicles associated with the proposal, the daily vehicle movements, HGV movements being outside the peak traffic hours and the fact that the traffic impact is only for a temporary 12-month period, it is not considered that the resulting uplift in traffic would significantly worsen the crash record in this location. In reaching this conclusion, several assumptions in relation to the traffic generation from the proposal have been made based on the supporting application information – commentary raised in this representation should be clarified by the applicant prior commencement of the Examination to ensure this view is maintained.

Supporting data has been provided in relation to traffic generated by the proposal. The predicted traffic generation figures are shown in Table 4.1 in the Outline Construction Traffic Management Plan (OCTMP) (APP-154). The figures as presented are averaged out over the whole work day to present a vehicle number per hour value. This may be reasonable for delivery vehicles; however, for workers, their arrivals are usually prior to a set start time or to meet a specific shift pattern and as such would be far more concentrated than shown.

The modal split for worker arrivals states that 75% of workers would arrive/depart site by minibus. Considering the travel time from Ashford Town Centre is 20 minutes one way, this is ambitious. For 75% capture of the peak workforce of 199 workers, at 13 passengers per vehicle this would require multiple minibus trips. The County Council, as Local Highway Authority, is mindful that the requested working hours of 8am to 6pm would enable slight split shift start times and the OCTMP does detail “mini-buses”, so multiple vehicles are anticipated. The County Council notes that a Travel Plan is intended to be prepared, however, the issue of minibus transport requires further clarification by the applicant ahead of the commencement of the Examination.

In terms of workers arriving by car, considering that the site is remote from the main nearby urban settlements and there is no bus service nearby, a degree of car sharing is highly likely and would quite possibly exceed the three workers per two vehicles as proposed in the supporting information.

Supporting information relating to proposed start time and working hours on site indicates that the majority of workers would be arriving on site to begin their day shifts at 8am. If this is the case, the worker related traffic would all navigate the Smeeth crossroad junction prior to the standard AM traffic peak hour of 8-9am. This issue needs to be clarified by the applicant ahead of the commencement of the Examination.

The maximum HGV deliveries are noted within application material as predicted at 37 two-way trips across the day (18.5 in, 18.5 out) using the main site access on Station Road only. The OCTMP confirms that the AM and PM weekday traffic peaks times will be avoided for deliveries so that the large delivery vehicles do not coincide with other road users in the busiest traffic period. Drop-off/collection times for Caldecott School are also to be avoided. This level of HGV traffic accessing Station Road only from the A20 is acceptable to the County Council, as Local Highway Authority.

It is also detailed that construction traffic in relation to the Goldwell Lane Access will, where possible, be coordinated to arrive/depart outside the drop-off and pick-up times for Aldington Primary School. This is welcomed by the County Council.

The County Council notes that all supporting traffic generation figures have now been uplifted by 40% of the initial predicted figures by the applicant, to provide a robust representation. As such, this adds some flexibility in terms of worker arrival numbers and some of these quoted daily movements may in practice be lower than the figures provided.

Access Points

The primary site access is on Station Road. Vehicle tracking has been provided to demonstrate that the access/exit movements are achievable. Adequate visibility is available, including vegetation cut back on the northwest verge to allow for warning signage and provide maximum forward visibility of large vehicles manoeuvring from Station Road into the site access. The OCTMP also confirms that a banksman will be present at the roadside to assist, if necessary.

This entrance will take all HGV deliveries, other deliveries, and direct staff arrivals. This is an important revision to the original proposal, meaning that delivery vehicles would not have to negotiate the constrained highway at Evegate Mill which is south of this site access. This is welcomed by the County Council, as Local Highway Authority.

HGVs and deliveries will then be unloaded within the site compound and transferred to the other parts of the proposal site via tractor and trailer. This will mainly be via internal haul roads with highway crossing points indicated on Station Road, Bank Road and Laws Lane. These are to be controlled by temporary traffic management to stop traffic and allow construction vehicles to cross safely. This methodology also prevents the need to remove large sections of hedgerow for traditional visibility splays and is therefore supported.

Supporting documents state that no off-site parking will be permitted for workers. This is welcomed by the County Council, as Local Highway Authority, however, as the public highway in the surrounding area is not subject to formal parking restrictions, it may not be within the developer's ability to prevent this. Verge parking would cause damage and may also limit access and visibility. With this in mind, full details regarding the layout of the primary site compound will need to be provided within the CTMP and approved accordingly by the Local Highway Authority. Within the CTMP, the applicant will be required to demonstrate adequate parking space, in addition to access, turning and manoeuvring for delivery vehicles.

To access the south-east cluster (fields 20, 21 and 22), the tractor and trailer arrangement will need to route via Station Road, south from the proposed site access crossing and use Goldwell Lane to the existing site access just north of Goldwell Close. For this five month construction period, the OCTMP confirms that escort vehicles will be used to manage traffic and enable passage of the right-angled bend on Goldwell Lane. ES Volume 2 Chapter 1-19 states that, on average, nine construction vehicles per day will use this section of road. This is not considered by the Local Highway Authority to be unreasonable in a rural area that is already subject to large agricultural vehicles on the surrounding network.

There are sections of Goldwell Lane that suffer from encroachment by boundary hedges over the highway verge/edge of carriageway - particularly in the vicinity of Goldwell Farm. Similarly, there are sections of the Station Road access route that would benefit from localised cutback. The County Council recommends that these sections should be trimmed back to a reasonable level prior to the start of works such that this vegetation does not prevent users being able to use the full width of the road to pass other large vehicles. This should be included and secured as part of the pre-commencement highway inspections.

Vehicle track drawings have been provided for the detailed access locations – the County Council considers that all of these are workable.

The applicant requested that the full width of the highway (including verge) be included within the works area to be approved in several locations. This is to ensure the County Council's previous requests for vegetation cut back can be delivered to maintain forward visibility of turning manoeuvres, mainly at the Station Road site compound entrance, but also to allow site related direction and warning signage. This is therefore welcomed by the Local Highway Authority.

The applicant has confirmed within the application the agreement to carry out highway condition surveys before, during and after the construction period. This is to ensure any damage from vehicle overrun is recorded and repaired at the applicant's expense but will also enable localised hard surfacing improvements in the event of regular overrun from large vehicles. All verges are to be returned to their original condition after construction works are completed. An appropriate mechanism to secure this agreement through the DCO would be welcomed by the County Council, as Local Highway Authority.

As part of the access strategy, to reach all of the plots to the south of Bank Road, the proposed routing as shown uses the existing access road to Bank Farm. Although the crossing of Bank Road itself can be undertaken via traffic management, the Bank Farm access road is already restricted in width and only wide enough for one-way working for vehicles. Visibility is not adequate from the southern end of the access road to the Bank Road junction to prevent conflicting movements. Any resulting reversing manoeuvres of large vehicles for both direct solar site traffic or other access users would not be welcomed. There are other business interests and access needs on Bank Farm and increased use of this access road with large vehicles with no improvements would not be sensible. Localised widening to the access road to allow for overtaking space, taking account of forward visibility, should be implemented. Revision/clarification on this issue is required by the County Council ahead of the commencement of the Examination.

Public Rights of Way (PRoW)

The County Council, in respect its role as Local Highway Authority for the PRoW network, draws on the following policies:

- National Planning Policy Framework, December 2023 – Paragraph 104 and 124
- National Policy Statement for Renewable Energy Infrastructure (EN3) including paragraph 2.10.42 to 2.10.45.
- National Policy Statement for Electricity Networks Infrastructure (EN-5)
- [Kent County Council Rights of Way Improvement Plan 2018-2028](#) (ROWIP)

The ROWIP is a strategic policy document setting out the goals and priorities for Public Rights of Way and Access. The importance of the PRoW network, the countryside, riverside, coast, and publicly accessible green space is recognised in many national and local strategies and is afforded strong protection in law.

The County Council notes that there are eighteen Public Footpaths and one Byway Open to all Traffic within the site boundary. Public Footpaths: AE385, AE442, AE370, AE377, AE378, AE448, AE447, AE431, AE438, AE657, AE457, AE656, AE454, AE475, AE455, AE474, AE436 (Ashford) and HE436 (Folkestone and Hythe). Byway Open to all Traffic: AE396 (Ashford). These routes connect to the wider network of the area and together provide significant opportunities for outdoor recreation and active travel across both the Borough of Ashford and east into the District of Folkestone and Hythe. The site is visible from a much wider area of the network with PRow routes designated as receptors within the Landscape and Visual Assessments.

The County Council considers that the impact on the PRow Network should be seen from two overarching perspectives: that of continued access and connectivity across both the development site and the wider area, and that of the impact on user amenity and enjoyment of the existing open countryside i.e. the landscape and visual criteria.

The proposal will transform the character of the area and will clearly have a significant impact on the PRow network, causing disruption to path users during the construction period, significantly affecting the experience of path users during the operational phase and again causing disruption during decommissioning. The County Council has also engaged with the Landscape consultancy commissioned by Ashford Borough Council to provide a suitably qualified response to the applicant's assessments¹.

The combined effects of all the aspects of the development, such as the severance and loss of the physical resource, construction traffic, noise, visual intrusion, and loss of tranquillity, would all impact significantly and detrimentally on the quality of the user experience inherent in a recreational walk or ride.

The impact of each of these criteria on a stand-alone basis might be assessed as not significant, but if the impacts are considered collectively, they are significant. A walker, cyclist or horse rider using a public right of way or open access land experiences the countryside, and hence any impacts, holistically; namely the quality and diversity of the views, wildlife and natural features, the sense of wildness, peace and quiet, the presence (and absence) of traffic, noise, lighting and air quality, and the connectivity of the network.

The impact on both the physical access resource and the amenity value of the public rights of way and access network must be addressed through the application and examined. This should also include both the effect on the physical resource from temporary or permanent closures and diversions, as well as the quality of user experience and amenity value.

The County Council, in respect of the PRow network, has been engaging with the applicant over the past few years, and also with Ashford Borough Council and Aldington Parish Council to understand and discuss concerns.

Through the pre application stage of this proposal, the County Council has proactively negotiated with the applicant a PRow Management Strategy (APP-160), that covers the

¹ The County Council considers the landscape and visual impact in respect of its impact on the PRow network. The County Council understands that Ashford Borough Council is providing more comprehensive commentary on this matter within its representation.

construction, operational and decommissioning stages. The proposed site covers a very dense area of the PRow network; the number of PRow that were originally proposed to be extinguished has been reduced to two, and the number of routes to be diverted during the operational stage has been reduced to the minimum. The County Council also recognises that there will be increased widths for each route to ensure that the PRow are not channelled into “alleyways” between solar parcels. The PRow Management Strategy will secure detail of the management of each PRow route affected in terms of access and connectivity. An agreement has been secured that upon decommissioning, a survey will be undertaken involving local interested parties, to determine whether or not the PRow that will be diverted during operation, are to be reverted to their current, pre-development alignments.

The construction and decommissioning periods would necessitate temporary closures of PRow, the effect of which should not be underestimated, as their value for local amenity could be severely reduced or removed during works.

The impact of the project on quiet rural lanes during construction and decommissioning in particular (HGVs and abnormal loads cited) should be considered in conjunction with the PRow network, as these roads provide useful connections for users travelling between PRow routes. Continued liaison between the applicant in respect of highways and transportation, and the PRow network is requested should this proposal be granted development consent.

Through pre application discussions and formal responses, the County Council advised the applicant that the project provides an opportunity to improve the PRow network and develop new links for active travel and outdoor recreation, which would be considered as positive outcomes of the scheme. The public benefits of such work would help to compensate for any disruption caused by the construction of the proposal and the negative effects on the PRow network, which result from the delivery of the solar park and are unavoidable. However, to date there has been little confirmation of new links or the means of improving the network in the wider area. The County Council, as Local Highway Authority, therefore seeks positive engagement with the application to explore opportunities for positive PRow outcomes, ideally ahead of the commencement of the Examination.

Through engagement with the applicant, the County Council ensured that the applicant was aware of the County Council ROWIP in which the County Council aims “*to create a network that not only provides a safe, sustainable means of travel but also delivers the benefits that access to the network, countryside, coast and green spaces can make to improve the quality of life for Kent’s residents and visitors*”. The County Council would request that enhancements to the PRow network should be made in addition to mitigation, compensation, and management strategies that will provide some form of mitigation of the severe impact that the public, residents, and tourists alike, will experience on the quantity and quality of access provision.

However, the County Council appreciates that mitigation measures can only apply to the access and connectivity of the PRow Network in terms of amenity, and quality of user experience; nothing will reduce the severity of the impact.

The County Council notes that reference is made in National Policy Statement for Electricity Networks Infrastructure (EN-5) to the principle of connecting people to the environment via footpaths constructed in tandem with environmental enhancement. The County Council considers that the local importance of the PRow network cannot be underestimated. Some PRow are the only off-road access for a community or provide the main recreational space. The impact of a development of this size and scale may well contribute to local users choosing to travel a greater distance by car in order to walk in open countryside and maintain recreation with a high amenity value.. The boundary of the Otterpool Park Garden Town, although within the District of Folkestone and Hythe, is under two kilometres away from the eastern boundary of this proposed development. The cumulative impact of this proposal must be considered. The County Council, in respect of the PRow network, considers that the consequential inter-project effects will severely impact the PRow network and its users. Public amenity across a wide expanse of the County would therefore be lost by the effective sterilisation of an area due to closures and disruptions from a parallel or concurrent project.

Overall, the County Council considers that this this development would impose substantial adverse influences on the PRow Network, a network that not only provides a safe, sustainable means of travel, but also delivers the benefits that access to the network, countryside, and green spaces can make to improve the quality of life for Kent's residents and visitors. The County Council would generally seek to encourage solar proposals to view local open as an asset, rather than a liability , given the proven positive associations between its quantity and value in the living environment, and community health and wellbeing. The County Council would, however, recognise that the PRow Management Plan will go some way to maintaining the accessibility and connectivity of the network, however, the severe impact on the open countryside, landscape and rural character of the area is inescapable and cannot be mitigated for.

Sustainable Urban Drainage Systems (SuDS)

The County Council, as Lead Local Flood Authority responsible for matters relating to the surface water environment, is generally accepting of the principles proposed for managing surface water run-off, namely via a system of attenuation with a restricted outflow to the surrounding water bodies.

However, the Lead Local Flood Authority notes that there are some fundamental concerns raised with regards to the methodology proposed for calculating the existing Greenfield Runoff Rate and the associated allowable post development discharge rate proposed. These matters must be resolved by the applicant ideally ahead of the commencement of the Examination to the satisfaction of the Lead Local Flood Authority.

The hydraulic calculations include a total area of 0.86Ha which exceeds the 0.68Ha for the substation area used to calculate the greenfield runoff rates. The Ciria SuDS design manual specifically states in paragraph 24.2.2:

“The runoff area used in any of the runoff estimation methods should be consistent; for example, if the whole site area is used in the greenfield runoff calculations, the whole site

should also be represented in the runoff calculations for the proposed development. If there is a landscaped area in the developed scenario that discharges directly to receiving waters and does not contribute to the drainage system (so is excluded from the calculations) then this area should also be excluded from the greenfield calculations."

In addition to this, the County Council, as Lead Local Flood Authority, raises concerns with regards to the proposed discharge rates complying with the Ashford Borough Council Local Plan, where Policy ENV 9 - Sustainable Drainage states:

"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."

The discharge rates as proposed in the Outline Operational Surface Water Drainage Strategy (OOSWDS) (APP-159) do not appear to comply with the requirements of the policy above. Whilst accepting of the principles proposed for the 3.6l/s outfall in association with the substation area, subject to the alterations requested above, the inverter station area(s) would appear to be discharging in excess of the requirements of Policy ENV9. It is proposed for the inverter stations to discharge individually at 1l/s for all events. However, given that table 4.1 of the OOSWDS states for all events below the 3.3% AEP the greenfield runoff rate is below 1l/s (0.9l/s for the 3.3% and 0.4l/s for the 50% and 100%), this would appear to be contrary to the policy requirements. This becomes more evident as an issue when considering the total number of inverter stations proposed - circa 30 Inverter Stations at 1l/s = total discharge rate of 30l/s, existing 100% run off rate = 30 x 0.4l/s = 12l/s an excessive discharge of 18l/s.

Whilst understanding the practicalities associated with low discharge rates, the County Council would suggest modifications to the design, such as the provision of additional attenuation with controls as part of the network, and not individually locating these at each inverter station position. These changes are in order to demonstrate compliance with the requirements of Policy ENV9 in association with the total area associated with the inverter stations.

As the Lead Local Flood Authority, the County Council now seeks the 'upper end' allowance is designed for both the 30 (3.3%) and 100 (1%) year storm scenarios. The latest information on the allowances and map can be found at the following link: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

Analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk. The design may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or provision of exceedance routes. This will tie into existing designing for exceedance principles. The design submission received only applies climate change uplift to the 100 (1%) year storm. The County Council would seek continued engagement, ideally ahead of the commencement of the Examination on the matters of concern for the Lead Local Flood Authority.

Minerals and Waste

The County Council, as Minerals and Waste Planning Authority, has reviewed Appendix 16.3: Minerals Safeguarding Assessment (APP-124). The County Council agrees with its basic approach in that the temporary nature of the proposal does not have a significant impact on the need to maintain a steady and adequate supply of River Terrace deposits (that may be unviable in any event). In respect of the Hythe Formation (Kentish Ragstone), though there is a greater arguable need (which the Minerals Safeguarding Assessment acknowledges) there is likely to be a limited ability to extract any meaningful quantity of hard rock and be able to do it acceptably with regard to meeting the requirements of Policy DM 9 of the adopted Kent Minerals and Waste Local Plan (KMWLP). Extraction of hard rock in this locality would, in all probability, give rise to unacceptable impacts on the environment and communities.

Heritage Conservation

The County Council has welcomed engagement on this project and has reviewed the documents and archaeological reports submitted at this stage.

The County Council has welcomed the liaison to date from the applicant's heritage team, although it is noted that this liaison has not been consistent. County Council Officers have also engaged in meetings and discussed archaeological assessment approaches and requirements. The County Council recognises that the submitted documents include updated deskbased assessment, Archaeological Landscape Assessment as well as Archaeological Management Strategy (AMS) and the inclusion of archaeological mitigation in general scheme documentation. The County Council has not received any confirmation of further field assessment work following the deskbased assessment and geophysical survey and some localised, targeted fieldwork trenching. The County Council requires reasonable ground truthing to be carried out, via trenching, and some geoarchaeological work but the County Council has not had any clarification on this from the applicant or their consultant, Wardell-Armstrong. Clarification on this matter would be welcomed, ideally ahead of the commencement of the Examination.

The County Council would like to take this opportunity to provide comments on submitted documents relating to archaeology, including the AMS and mitigation; and where relevant, the County Council has also provided commentary against the general Consultation Response Tables. – this is provided within Appendix A.

Overall, the County Council's current concern is the lack of preliminary ground truthing through evaluation trenches. Through this Representation, the County Council has recommended some amendments to Cultural Heritage documentation and would welcome engagement with the applicant as these documents are reviewed.

However, the County Council considers that the Archaeological Management Strategy and archaeological mitigation is completely unacceptable as they are not suitably informed by a robust evidence base. Such scarcity of ground truthing evaluation trenches means that the

archaeological mitigation proposals are not evidence-based. Therefore, the County Council would draw to the attention of the applicant and the Examining Authority that if these matters are not dealt with either at Pre-Examination or Examination stages, the proposal is at risk of encountering significant archaeological remains post consent when details are agreed and there are few options to avoid or mitigate in a proportionate manner.

Biodiversity

The County Council considers that the majority of impacts on ecology have been avoided as the proposal is largely located on arable fields. Furthermore, the creation of grassland within the site will benefit species within the site and ensure connectivity is being maintained and enhanced. Habitat creation and active management of the retained, enhanced and established habitats will benefit biodiversity within the site.

The County Council considers that the main issue is Skylarks. The submitted information has detailed that the site has 39-46 territories and to mitigate the impact the application highlights the open space in fields 26, 27 and 28 and the increase in foraging opportunities within the site.

Research indicates that fields with two skylark plots per hectare can accommodate more nesting skylarks compared with conventional winter-sown wheat management (0.3 territories per hectare compared to 0.2 territories per hectare as per [- Conservation Evidence; PR 416 SAFFIE Project Report 1 \(nerc.ac.uk\)](#). If skylark plots are combined with arable field margins, 0.4 territories per hectare could be supported.

The County Council appreciates that additional foraging opportunities will be created within the wider site, and this will increase foraging opportunities for the wider area. In addition, the County Council acknowledges that the open space will be managed to provide optimum nesting habitat for skylarks. However, the reduction of land where skylarks can breed cannot be ignored. The submitted information has detailed that ongoing monitoring will be carried out but if the submitted information demonstrates there has been a reduction in skylark numbers within the wider area, it's not clear how this will then be subsequently addressed.

The County Council therefore concludes that there is a need for additional information to be provided addressing how this loss of breeding habitat will impact the skylark population. This needs to be addressed ideally by the applicant prior to commencement of the Examination.

The County Council looks forward to working with the applicant and the Planning Inspectorate as the project progresses through the DCO process and would welcome the opportunity to comment on matters of detail throughout the Examination.

Should you require any additional information or clarification, please do not hesitate to contact me.

Yours faithfully,

Simon Jones

Corporate Director – Growth, Environment and Transport

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Appendix A: Detailed Heritage Conservation Commentary from the County Council

Detailed County Council Heritage Conservation Commentary on application material for Stonestreet Green Nationally Significant Infrastructure Project

The County Council would like to take this opportunity to provide comments on submitted documents relating to archaeology, including the AMS and mitigation; and where relevant, the County Council has also provided commentary against the general Consultation Response Tables.

5.1 Environmental Statement Volume 1: Non-Technical Summary (APP-023)

3. The Project Description

This section, which considers proposed works includes proposed mitigation for biodiversity and landscape through planting, protection, enhancement areas – the County Council is disappointed that nothing positive is proposed for heritage. There is no mention of heritage issues or protection for significant archaeology or attempts to minimise impact on heritage or even enhancement measures such as interpretation boards informing results of archaeological investigations. The County Council considers this to be a total disregard for heritage measures comparable to biodiversity and landscape mitigation and enhancement measures. The scheme does not put forward any proposals for positive benefits for heritage, even to mitigate harm from construction and installation works.

The County Council requests details of basic but informed heritage mitigation and some positive enhancement measures to balance the harm that the development would cause to heritage. The County Council would welcome these details being provided by the applicant ahead of the commencement of the examination and secured accordingly through the Development Consent Order.

7. Cultural Heritage - Construction Phase

The County Council considers that the setting out of the impacts on heritage assets, is not informed by robust or comprehensive data.

The County Council notes paragraph 7.1.4 reference to other assessments on Landscape and Views, Noise and Solar Photovoltaic Glint and Glare Study, but none of these specifically review impacts on all heritage assets within the site or within the impact zone. There is a focus on designated historic buildings and the specifically raised Bronze Age barrow areas to the east. This is of considerable concern to the County Council.

Outline Construction Environmental Management Plan (APP-153) / Outline Construction Traffic Management Plan (APP-154) / Outline Landscape and Ecological Management Plan (APP -155)

The County Council raises a question as there appears to be no measures in place in these documents to prevent or limit harm to buried archaeological remains by vehicle movements, enabling works, measures limiting impact on environment. So far there seems to be total disregard to the potential for harm to buried archaeological remains from enabling works, construction works, or environmental protection or enhancement works. The County Council

would request details of archaeological protection measures within these documents – this information should be provided in liaison with the County Council and ideally be provided ahead of the commencement of the Examination.

Environmental Statement Volume 2 Chapter 7: Cultural Heritage (APP-031)

The assessment considers the potential significant effects on designated and non-designated heritage assets, but the County Council notes that there is no reference to the impacts on as yet unknown non-designated heritage assets. This approach is not informed.

The County Council considers that there has been inadequate assessment in the field to test geophysical anomalies and deskbased assessment. Therefore, the understanding of the actual presence/absence of as yet unknown significant archaeological remains is extremely limited and, at this stage, the County Council considers insufficient fieldwork has been undertaken. Deskbased assessment of buried archaeology is not definitive and even geophysical surveying can only give an indication of buried remains and cannot provide clarity on date, character, depth, or significance.

The County Council therefore considers that the Cultural Heritage assessment has not yet considered the direct physical effects of the Project on below ground heritage assets. There needs to be a better and far more detailed understanding of the negative impact of this scheme on buried non-designated heritage assets, especially potentially buried significant heritage assets.

Table 7.1 EIA Scoping Report Response Summary

In reference to Planning Inspectorate comments (30 May 2022) regarding direct impact on heritage assets, the County Council agrees that the applicant has considered a range of impacts on some heritage assets but the understanding and information on potential heritage assets within the application site is very limited and purely deskbased or from untested, undated, uncharacterised geophysical anomalies. The information on as yet unknown non-designated, potentially significant, heritage assets is currently still unclear. This is because the applicant has not undertaken reasonable fieldwork including trial trenching. The number of intrusive trial trenches is only 12, not even 1% of the development site.

Table 7.2: Non-Statutory Consultation

Consultations, with the archaeological consultant, have still not resulted in reasonable pre-determination evaluation work. The County Council notes the mention of “additional trenches” in the responses by the applicant to County Council comments in April 2023 but would stress these were not “additional” they were the only trenches offered at that stage. This targeted trenching was accepted, and the County Council welcomes the informative results, but the level of fieldwork is not sufficient. The lack of ground-truthing trenching across the site means that the mitigation for buried heritage assets is not evidence-based and therefore not sound or reasonable.

Table 7.3: 2022 Statutory Consultation Response Summary

The County Council strongly disputes the applicant's claim in response to Ashford Borough Council's comment on the County Council's recommendation for more detailed assessment that "archaeological evaluation in the form of targeted trial trenching and geo-archaeological test pits was undertaken" and that this can be considered reasonable archaeological assessment. The quality and quantity of trenching is the key factor here and the trenching done was only 12 trenches for the entire site which is considered by the County Council to be inadequate.

Table 7.4: 2023 Statutory Consultation Response Summary

In response to County Council commentary in July 2023 which still highlighted the lack of suitable archaeological assessment in the field, regarding ground truthing. The applicant's response on effect to the archaeological resource is still not considered by the County Council to be evidence-based. The County Council does not have a reasonable understanding of the extent, range, or significance of the buried archaeological resource across the site. This means the applicant's proposed archaeological mitigation is insufficiently informed.

This continued omission of reasonable data on actual presence/absence of buried archaeological remains (ground-truthing through sufficient amount of trial trenches and geo-archaeological test pits) means that the archaeological assessment at this stage is still not acceptable to the County Council. In addition, the proposed archaeological mitigation and general approach and scope for range of impacts is not considered sound or based on reasonable information. The County Council has been provided no justification from applicant for the lack of trial trenching across the entire site.

Paragraph 7.4.30

The County Council notes that this lists the geophysical survey and targeted trial trenching but there is no clear indication of extent. Work conducted has been welcomed and agreed but at no stage was it agreed to be sufficient – as demonstrated in the tables of consultation responses.

Paragraph 7.4.49

The paragraph states that there has been "comprehensive" evaluation of the site. This is not considered by the County Council to be the case. A total of 12 archaeological trenches and 4 geoarchaeological test pits across a 189 hectare site should not be considered "comprehensive".

Paragraph 7.4.50

This paragraph states the commitment for further trial trenching evaluation prior to construction but this will not enable the need to consider preservation in situ for significant archaeology, especially as most of the proposed Works are already established in location, scale, and methodology. In accordance with NPPF (2023) heritage assets need to be preserved in a manner proportionate to their significance. This proposal is on "undeveloped" land and has the potential for yet unknown significant buried archaeological remains. The

County Council consider it is appropriate in view of the scale and extent of the proposed scheme that reasonable testing for significant buried archaeology is an essential requirement of pre-determination assessment.

Paragraph 7.5.22

This paragraph references results from the East Stour Solar Farm scheme (22/00668/AS). For this scheme, there were 122 trenches for a c.65 hectare site - demonstrating a reasonable programme of predetermination archaeological evaluation. The recommendations for further trenching at this stage is consistent with other solar farm planning schemes, for example, Horton Solar Farm Horton Kirby: c.86 hectares with 144 preliminary trenches and Chimmens Solar Farm Fawkham: c.99 hectares with 124 preliminary trenches. Stonestreet Farm scheme is c.189 hectares and so far, only 12 preliminary trenches have been completed.

The County Council would also raise that there requires further consideration and assessment of Glint and Glare on nearby heritage assets.

Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)

The County Council welcomes the submission of this report. However, the whole report does not reflect a fully comprehensive understanding of the potential time depth of the landscape. The assessment is still superficial and is predominantly focused on Victorian and Modern landscape features and patterns. For example, there are few attempts to relate the field boundaries to undocumented but traditional drove roads, use of woodland, footpaths connecting ridgeline settlements to active water channels, etc. In general, the assessments of most archaeological periods are reasonable but all lack elements which would be useful to try and include.

The submitted report is not widely evidence-based using archaeological data from within the site itself. Data from the 12 trenches and 4 test pits has been used positively to support key points but due to the lack of ground-truthing archaeological data from the site itself, this report is not able to reflect the possible true time-depth of some archaeological landscape features.

The sources of information are limited. There seems to be no reference to High Speed 1 archaeological landscape assessment and no use of LiDAR data.

The Archaeological Landscape description for the Palaeolithic is reasonable but there is no corresponding plan. Demonstrating an understanding that the potential is strongest if there is both description and supporting map. The County Council welcomes the inclusion of the development's archaeological data from test pits but note the geoarchaeological data is just 4 test pits. This is not considered to be meaningful data even though it is extremely useful and should have been replicated across the entire site or at least along the River Stour valley area.

The Archaeological Landscape description for the Mesolithic and Neolithic is reasonable. The County Council notes there is use of data from the archaeological evaluation, but it must be stressed that this data is from just 12 trenches and 4 test pits which is not meaningful. However, the results from the evaluation clearly demonstrate how useful such data is. The County Council would therefore repeat its request to the applicant to undertake more evaluation work predetermination to ensure all these assessments and the proposed mitigation is sound. This should ideally be conducted as soon as practically possible to allow time to understand and assess results and data arising from the exercise.

The Archaeological Landscape description for the Bronze Age considers nearby evidence but there is no assessment on the potential for similar remains within the development site. The whole point of considering archaeological evidence nearby, especially when the data is limited for the site itself, is to predict potential and reduce the risk of encountering significant similar remains. So, although the County Council welcomes this description of Bronze Age landscape, it is entirely lacking the assessment of the potential of the site itself based on geology, topography and nearby HER data. Greater assessment of the Bronze Age landscape would be preferred.

The Archaeological Landscape description for the Iron Age is limited, but the County Council appreciates that without reasonable ground truthing evaluation across the site, there is limited data to consider.

The Archaeological Landscape description for the Roman period is reasonable although it focuses on the early routeway at the ridge line. This period benefits from the implemented targeted trenching done and the trenching has provided useful additional information, including on a possible Roman settlement and the apparent non-Roman nature of Aldington Mount.

The Archaeological Landscape description for the Early Medieval and Medieval Periods is reasonable although it lacks thoroughness in view of limited data from ground truthing, scientific evaluation trenches.

The Archaeological Landscape description for Post Medieval and Modern is more detailed, but this reflects data gathered as part of the LVIA process. However, again the description is heavily biased towards documentary evidence rather than ground truthing trial trench, scientific data.

The Archaeological Landscape description for the 20th century is limited and although it mentions the military crash sites there is no consideration of how the landscape, namely the ridge line, might have been a place to locate Royal Observer Corps observation lookouts or hides. The applicant must consider the views from Aldington Ridge south across the marsh and whether there is potential for military sites to be located along the ridgeline.

The Summary of Impacts (section 4.2) seems to focus entirely on direct physical impact. There seems to be no regard for impact on wider setting/understanding of nearby archaeological landscape features or from other impacts, eg Glint and Glare. For example, there is consideration of the Bronze Age barrows nearby but absolutely no assessment of

impacts (such as glint and glare) on these ritual landscape features and their setting and the wider landscape meaning of them being visible from a distance.

With regard to Direct Impacts (section 4.3), the County Council raises a question as to how many of the hedgerows to be removed are of archaeological significance in accordance with the Hedgerow Regulations. Furthermore, would also question; how many of the public footpaths to be re-directed may be along the alignment of a post medieval or earlier routeways. The County Council would also question how many field boundaries of archaeological interest will be impacted by this scheme. Such information, including some basic data, could be displayed in figures, which could also be used to demonstrate the evidence-base of the mitigation strategy.

The County Council notes that there are no archaeological landscape plans. There is no geological, topographical, LiDAR plan which could indicate areas of potential for prehistoric, Roman, and Medieval settlement, industrial or land use, for example where the Alluvium and valley deposits of the East Stour extent through the site. River valley areas are known to be a focus for prehistoric travel ways and activity associated with hunting, seasonal camps, settlements, etc. An understanding of river valleys and high ground may have greater potential for prehistoric whereas high ground may have greater potential for Iron Age and Roman activity.

With reference to drawing GM12014 004-013, the County Council does not consider that details of 17th/18th century land ownership is vital to the archaeological landscape assessment although the land use information is.

Figure showing Surviving Historic Landscape features within the site (GM12014 004-014) only reflects post medieval features. For example, there is no demarcation of Roman Road, which survives as early routeway and may be a Roman or prehistoric high ground route. There is no assessment of prehistoric, Roman, or Medieval archaeological landscape features. This figure also just shows archaeological features “still in use.” There must be consideration of those that are not in use, as well as early lanes which are now footpaths.

The proposed “Embedded Mitigation” (section 4.4) does not provide sufficient information on which proposals will benefit archaeology. Although some of the natural environment proposals will support Victorian or later land use, it is unlikely that many of the proposals suggested in this section would benefit Post Medieval or earlier archaeological landscapes.

The County Council notes that the “Indirect Impacts” and the proposed “Embedded Mitigation” for those but much of these focus on the public rights of way and there is no description of any measures of archaeological benefit. This is partly to do with the lack of comprehensive understanding of the archaeological resource of the site and partly due to limited understanding of what actual archaeological landscape features are present on the site.

Overall, this Archaeological Desk Based Assessment is welcomed, but the County Council would strongly recommend the following matters must be addressed, ideally, ahead of the commencement of the Examination where possible:

- A far greater number of plans/figures showing natural landscape (geology/topography/LiDAR); Plan showing Palaeolithic potential; a plan showing area of prehistoric potential; a plan showing Roman and Medieval potential in addition to the 17th/18th century plan.
- Plans must be provided showing archaeological landscape features pre-post medieval.
- The Assessment must be informed by the results of meaningful preliminary archaeological and geo-archaeological fieldwork.

Archaeological Management Strategy (APP-0162)

This proposed management strategy is based on insufficient information. There has been reasonable deskbased assessment of the archaeological potential but there has been utterly insufficient ground truthing intrusive works. As a consequence, there is very limited information on what archaeology needs “management”. The Historic Environment Record (HER) and documentary evidence is very limited for this site due to it being undeveloped land. The geology and topography suggest there is potential for prehistoric and Roman activity and the geophysical survey suggests possible archaeology, even significant archaeology, but only trial trenching can clarify date, character, extent and significance. Mitigation is very much guided by level of significance. Although this document describes an aim of the AMS is to preserve in-situ significant archaeology, there is no archaeological data to inform design or mitigation, both of which are being determined at this stage. The opportunities to preserve in-situ significant archaeology or to provide reasonable archaeological recording programme will be severely limited if trial trench evaluation work is only carried out post consent.

The County Council considers that this Strategy is not appropriately based on reasonable information and in accordance with NPPF (2023) paragraph 200. The County Council therefore raises considerable concerns that this strategy can only be considered draft at this stage until further evidence, as set out, is gathered. The County Council would strongly urge that this strategy is updated as soon as practically possible, to allow time for review and assessment by relevant stakeholders, including the County Council.

Design Principles (APP-150) and Works Plans (APP-009)

The County Council does not agree with paragraph 7.4.5 that the Design Principles and Works Plans have been assessed for below ground archaeological remains. The County Council considers that there is insufficient information on below ground archaeological remains to make this statement.

Paragraph 7.4.6 claims that geophysical survey, targeted trial trench evaluation and targeted geoarchaeological test pits have been undertaken. However, the County Council notes that there needs to be sufficient intrusive evaluation undertaken to provide reasonable information and so far, the amount of ground truthing archaeological assessment has not been sufficient to ensure proposed mitigation is reasonable or sound.

Mitigation Schedule (APP-152)

Table 1: Cultural Heritage – Chapter 4 Archaeology

The County Council considers that the Archaeological Management Strategy does not secure “appropriate” mitigation as it is not evidence-based. The County Council notes that this rather superficial approach to archaeology is reflected in the mitigation mentioned being only watching brief and pre-construction investigation. There is no mention of preservation in situ or to proposed design measures to limit harm to archaeological remains, both of which would be seen as positive heritage measures. As such there are no positive heritage benefits to this scheme currently proposed.

The Mitigation Schedule for heritage needs to be suitably informed. It also needs to reflect the range of heritage mitigation options; should clearly outline proposed measures to limit harm to heritage assets; and preferably put forward some options for positive heritage measures. This schedule reviewed and updated by the applicant, informed by a robust evidence base ahead of the commencement of the Examination. This is to allow proper consultation between the applicant and relevant stakeholders.

ES Volume 4, Appendix 10.5: Schedule of Watercourse Crossings (APP-098)

The East Stour is a major river for this part of Kent. The immediate river valley zone has potential to contain important and rare Palaeolithic remains such as stone artefacts and palaeoenvironmental remains, such as seeds, wood, shell. The river valley was a focus for Prehistoric human activity ranging from travel corridor, utilisation of water environment, to utilisation of water for industry. The East Stour would also be a focus for Roman and Early Medieval and later activity and settlement. The range and significance of archaeological remains within the channel of the East Stour could be considerable. As such works close to the river need to be particularly mindful of archaeological remains.

In addition, archaeological and palaeoenvironmental remains could also survive at any depth in a range of mediums. As such variety of archaeological investigation techniques need to be considered. The extent of archaeological investigations will be dependent upon the extent of impact but the archaeological mitigation for this watercourse crossing proposal need to be informed and robust.

Some parts of the watercourse crossing will be directional drilling, but this could still have an impact on sensitive archaeology. Substantial groundworks to support the bridge crossing could also have a major impact on sensitive archaeology and the ingress of water could restrict archaeological mitigation.

As such the mitigation strategy for heritage on this watercourse crossing needs to be informed and fully integrated with the programme of works. It would be preferable to ensure the archaeological mitigation is informed but at present, the mitigation for archaeology is not informed at all. There have been 4 localised geoarchaeological test pits but the specific works for this watercourse crossing have not yet been targeted sufficiently.

The County Council recommend that informed archaeological mitigation is undertaken as soon as possible, and the results of preliminary investigations being used to guide further mitigation during the challenging crossing works themselves.