



ASHFORD
BOROUGH COUNCIL

Local Impact Report

Application: Stonestreet Green Solar

Applicant: EPL 001 Limited

Reference: EN010135

1.0 INTRODUCTION

- 1.1 This Local Impact Report (LIR) has been produced by Ashford Borough Council (the Council) in response to the Stonestreet Green Solar Project (“the proposed development”). The proposed development is being progressed by an application for Development Consent by EPL 001 Limited (“the applicant”) which was accepted by the Planning Inspectorate on 09/07/2024.
- 1.2 Under Section 60 of the Planning Act 2008, Local Planning Authorities are invited to submit a LIR as part of the DCO process. Section 60(3) of the Act defines the LIR as ‘a report in writing giving details of the likely impact of the proposed development on the authority’s area (or any part of that area)’.
- 1.3 The primary purpose of the LIR is to identify any potential local impact of the proposed development and identify the relevant local planning policies insofar as they are relevant to the proposed development, and the extent to which the proposed development accords with the policies identified. The LIR report does not assess the compliance of the Scheme with national planning policy or guidance.
- 1.4 The content of the LIR is a matter for the local authority concerned as long as it falls within this statutory definition but is a means by which the impacts and their significance are presented, with the ExA undertaking a balancing exercise, in the consideration of such impacts. A local authority may also separately make written representations on their views of the proposed development. Under Section 104 of the Act, the Secretary of State ‘must have regard to’ the LIR when deciding on a DCO application.
- 1.5 Topic based headings set out how the Council considers the proposed development accords with relevant planning policy and any potential local impact of the development. These headings are a combination of the matters raised in the Council’s Relevant Representation and topics considered in the ES submitted with the DCO application.
- 1.6 The Council has had regard to the purpose of the LIR as set out in Section 60(3) of the Planning Act 2008 (as amended) and the Planning Inspectorate’s Advice for Local Authorities in preparing this LIR.

2.0 SCOPE

- 2.1 The proposed development is a renewable energy scheme covering an area (Order Limits) of approximately 192 hectares (ha), and comprising Works defined by Schedule 1 of the Draft DCO (APP-015) and shown on the various Works Plans (APP-009).

2.2 A full description of the proposed development is provided in ES Volume 2, Chapter 3: Project Description (APP-027) although a summary of the Works and the component parts of the proposed development are set out in summary form below:

- Work No. 1: a ground mounted solar PV generating station with a gross electrical output capacity of over 50 MW;
- Work No. 2: balance of system and BESS;
- Work No. 3: project substation and associated works;
- Work No. 4: works to lay high voltage electrical cables and extend Sellindge Substation to facilitate grid connection;
- Work No. 5: associated works;
- Work No. 6: works to provide site access;
- Work No. 7: construction and decommissioning works;
- Work No. 8: works to create, enhance and maintain green infrastructure, boundary treatments and crossing structures; and
- Site Wide Works: further associated development in connection with and in addition to Work Nos. 1 to 8.

2.3 The proposed development lies wholly within the administrative areas of Kent County Council (KCC) and Ashford Borough Council.

3.0 DESCRIPTION OF THE AREA

3.1 The proposed scheme is located mainly to the north west and west of the village of Aldington. The majority of the proposed scheme area extends over an irregularly shaped area running south west to north east across the Aldington Ridge and into the shallow, broad Upper/East Stour Valley. The northern limit to the proposed development is defined by higher ground to the north west in the vicinity of Mersham and The Forstal.

3.2 The LIR relies on the applicant's record of environmental designations as set out ES Volume 3, Figure 2.2 'Environmental Designations' (APP-044). Whilst the site is not covered by any national or local landscape designations the land is potentially visible from the Kent Downs National Landscape. The bulk of the scheme area lies within a shallow bowl descending from the Aldington Ridge to the valley of the River Stour. The landform rises to the north west in the vicinity of Mersham and The Forstal. The bulk of the land falls within local Character Areas described in published Landscape Character Assessments as the Aldington Ridge or Ridgeline and the Upper or East Stour Valley.

3.3 The land has a strong rural character with few, if any, urbanising influences, with many features representative of the respective published Landscape Character Area descriptions. The HS1 rail link runs to the north west of the scheme area but is set within a cutting and does not influence rural

character. The land forms an important part of the rural setting to the village of Aldington. The land is crossed by a high number of public rights of way.

4.0 RELEVANT PLANNING HISTORY AND RELEVANT PLANNING PERMISSIONS

Planning History

- 4.1 The LIR relies on the applicant's list of relevant planning history relating to the site and surroundings in the Planning Statement (APP-151).
- 4.2 The only relevant planning history associated with major development within the Order Limits of the proposed development at the time of this LIR being produced relates to planning application ref. 22/00668/AS for the 'Installation of a solar farm with a generating capacity of up to 49.9 MW' at Land south of M20, Church Lane, Aldington, Kent where there is a small overlap with the Cable Route Corridor in the Order limits. An appeal against the Council's decision to refuse planning permission is currently being considered by the Planning Inspectorate (Appeal reference: APP/E2205/W/24/3352427).

Relevant Planning Permissions

- 4.2 For the purposes of assessing the cumulative effects (and for the purposes of this LIR the local impacts of the proposed development), the LIR relies on the List of Cumulative Schemes set out in ES Volume 4, Chapter 6: EIA Methodology Appendix 6.1 (APP-068).

5.0 RELEVANT DEVELOPMENT PLAN POLICIES AND OTHER RELEVANT DOCUMENTS

National Policy

- 5.1 As previously set out, it is not intended that this LIR will assess compliance of the proposed development with national policy, including National Policy Statements or the National Planning Policy Framework (NPPF), 2023, except where there are no Development Plan policies that apply.

Statutory Development Plan

- 5.2 For the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for Ashford Borough comprises:
- (i) the Ashford Local Plan (ALP) 2030 (adopted February 2019),
 - (ii) the Chilmington Green AAP (adopted July 2013),

- (iii) the Wye Neighbourhood Plan (adopted March 2016),
 - (iv) the Rolvenden Neighbourhood Plan (adopted December 2019),
 - (v) the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021)
 - (vi) the Egerton Neighbourhood Plan (adopted March 2022)
 - (vii) the Charing Neighbourhood Plan (adopted July 2023)
 - (viii) the Pluckley Neighbourhood Plan Review 2023 (adopted July 2024)
 - (ix) the Aldington & Bonnington Neighbourhood Plan ('A&BNP') (adopted October 2024)
 - (x) the Tenterden Neighbourhood Plan (adopted October 2024)
- the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).

5.3 The Council consider the following policies of the ALP 2030 to be relevant:

- SP1 Strategic Objectives
- SP3 Strategic Approach to Economic Development
- SP6 Promoting High Quality Design
- TRA7 The Road Network and Development Page
- TRA8 Travel Plans, Assessments and Statements
- ENV1 Biodiversity
- ENV3a Landscape Character and Design
- ENV3b – Landscape Character and Design in the AONBs
- ENV4 Light pollution and promoting dark skies
- ENV5 Protecting important rural features
- ENV6 Flood Risk
- ENV9 Sustainable Drainage
- ENV10 Renewable and Low Carbon Energy
- ENV12 Air Quality
- ENV13 Conservation and Enhancement of Heritage Assets
- ENV15 Archaeology

5.4 The Council consider the following policies of the A&BNP to be relevant:

- AB1 Green and blue infrastructure and delivering biodiversity net gain
- AB2 Managing the environmental impact of development
- AB4 Protection of locally significant views
- AB5 Dark skies
- AB9 Energy efficiency and design
- AB10 Renewable and community energy
- AB11 Conserving heritage assets

5.5 The Council consider the following guidance and documents to be relevant:

- Borough Plan (2024-2028)

- Landscape Character Assessment SPD 2011
- Dark Skies SPD 2014
- Renewable Energy Planning Guidance Note 2: The Development of Large Scale (>50kW) Solar PV Arrays 2013
- Ashford Heritage Strategy (2017)

6.0 ASSESSMENT OF IMPACTS

6.1 This section of the LIR identifies the relevant local planning policies and how the application accords with them. It also considers the adequacy of assessment for each identified subject area and concludes whether the impacts will be positive, negative or neutral. The extent to which the applicant has addressed identified impacts and assessed them adequately, complying with local planning policy, is also considered.

6.2 The Council has reviewed the DCO application and considers the local impacts arising from the following matters need to be brought to the attention of the ExA:

- Principle of renewable energy and impacts on climate change;
- Landscape and Visual impacts;
- Cultural heritage impacts;
- Land contamination impacts;
- Noise and vibration impacts;
- Socio-economic impacts;
- Glint and Glare impacts;
- Impacts on best and most versatile (BMV) agricultural land;
- Telecommunications, Television Reception and Utilities;
- Major Accidents and/or Disasters
- Air Quality and Dust;
- Lighting, Electric, Magnetic and Electromagnetic Fields, Air Quality and Dust and Daylight, Sunlight and Overshadowing.

6.3 The impacts are addressed in the remainder of the LIR. For impacts relating to Traffic and Access including Public Rights of Way, Archaeology, the Water Environment including flood risk and drainage, Biodiversity, Minerals and Waste the Council defers to the LIR that will be produced by Kent County Council as the relevant Highway Authority and Local Lead Flood Authority for this area (and technical specialist consultee to the Council on other matters).

6.4 The Council's comments on the draft DCO (APP-015) (Version 2 July 2024) are set out in Appendix 1.

7.0 Principle of renewable energy and impacts on climate change

Key Policies

ALP (2030)

- SP1 Strategic Objectives
- ENV10 Renewable and Low Carbon Energy

A&BNP (2030)

- AB9 Energy efficiency and design
- AB10 Renewable and community energy

- 7.1 At a local level, Chapter 2 of the ALP sets out the vision for Ashford borough in 2030. Part of this vision relates to the need to adapt to and mitigate against the effects of climate change stating that a positive approach will be secured by (amongst other things) promoting sustainable energy technologies.
- 7.2 Policy SP1 of the ALP sets out the strategic vision for the borough and contains certain criteria that provides core principles that planning applications are expected to adhere to. Criterion 'I' seeks to ensure that new development is resilient to and mitigates against the effects of climate change by promoting development that minimises natural resource and energy use.
- 7.3 Policy ENV10 of the ALP sets out how proposals for renewable and low carbon energy generation will be considered by the Council. Policy ENV10 states that planning applications for proposals to generate energy from renewable and low carbon sources will be permitted provided that:
- a) The development, either individually or cumulatively does not result in significant adverse impacts on the landscape, natural assets or historic assets, having special regard to nationally recognised designations and their setting, such as AONBs, Conservation Areas and Listed Buildings;*
 - b) The development does not generate an unacceptable level of traffic or loss of amenity to nearby residents (visual impact, noise, disturbance, odour);*
 - c) Provision is made for the decommissioning of the infrastructure once operation has ceased, including the restoration of the site to its previous use; and,*
 - d) Evidence is provided to demonstrate effective engagement with the local community and local authority.*
- 7.4 The preamble to Policy ENV10 also references the Council's renewable energy planning guidance notes. These notes were prepared to assist applicants in bringing forward domestic and medium scale solar PV arrays, as well as large scale solar PV arrays, such as solar farms. Guidance Note 2 relates to larger scale solar projects with a generating capacity in excess

of 50kW.

- 7.5 Policy AB9 of the A&BNP states that proposals that design in environmental performance measures and standards to reduce energy consumption and climate effects will be supported, subject to compliance with other policies. Policy AB10 of the A&BNP relates to commercial scale solar development. Part A broadly supports such development where it meets the requirements of Policy ENV10 of the ALP and complies with a number of other criteria and *“the benefits of renewable energy can be proven to outweigh the landscape and environmental impacts”* as will be assessed in the relevant sections below.
- 7.6 The Council accepts the urgency, challenge and responsibility to act in order to play its part in tackling climate change and has set targets to have net zero carbon emissions in its own estate and services by 2030 and borough wide by 2050, thereby supporting the national agenda. The Borough Plan (2024-2028) is instrumental in this and sets out the Council’s vision and priorities under the pillars of Planet, People and Place. It includes a commitment to reducing the use of fossil fuels, including by supporting the development of community energy projects as a key route to delivering carbon reductions where solar and wind development led by and directly benefitting communities are encouraged.
- 7.7 The Borough Plan’s reference to community energy relates to renewable energy projects that are community-owned and controlled. The Council notes that community energy is at the heart of the Government’s ambitions for clean power by 2030 and will be central to the future role of Great British Energy through the Local Power Plan. This approach and policy commitment illustrates Government support *‘to build clean power in cities, towns and villages across Britain to boost national energy security and cut energy bills’*. Great British Energy has a mission to partner with councils and communities to put solar panels on public land or roofs of estates and empower local communities to come forward with projects directly owned by local people. A condition of investment is that local communities would benefit through financing opportunities, for example through green bonds or shares in local assets or through direct reductions in energy costs.

Key Local Issues

- 7.8 The Planning Statement states that the proposed development would generate an amount of electricity equivalent to 397% of the electricity generated in 2022 from photovoltaics in Ashford, 225% of the electricity generated in 2022 from photovoltaics in the areas of Ashford Borough Council and Folkestone and Hythe District Council and 35% of the electricity generated in 2022 from solar in Kent.
- 7.9 The Council recently commissioned a Local Area Energy Plan LAEP (IES

solutions). This estimates that Ashford's proportion of responsibility (based on land area) to decarbonise the electricity grid by 2035 is an additional capacity of 16GW. With current operational installations and existing planned grid installations this estimates an additional requirement of 40MW of capacity to be installed in Ashford by 2035. This is estimated to equate to 20% of the borough's domestic properties installing rooftop PV or 133 acres of land being used for large scale solar.

- 7.10 The renewable energy proposed to be generated by this proposed development would far exceed these requirements when considered in terms of Ashford's net zero responsibility and the Council's view is that multiple small-scale wind and solar opportunities, including one at this Site could be more appropriately accommodated and with less harm which would be more acceptable to local communities with co-benefits for project profits to be reinvested in local facilities and projects.
- 7.11 Listening and serving the Ashford Community is the Council's philosophy as outlined in the Borough Plan. The Council's preference would be for developments that deliver a Just Transition, financially benefitting the communities that embrace renewable generation with low cost, low carbon energy. Community run energy generation, that is supported by residents is more likely to speed transition and encourage further replication advancing rather than detracting from net zero. Indeed sites of this scale, imposed on communities frame the climate agenda in a negative narrative which the Council consider is not helpful to target attainment.
- 7.12 In assessing the impact of the proposed development on climate change, the Council has had regard to ES Volume 2, Chapter 15: Climate Change (APP-039). This provides an assessment of the proposed development's impact on the environment in relation to climate change to meet the requirements of the EIA regulations.
- 7.13 The ES includes a Greenhouse gas (GHG) assessment that assesses the likely significant effects of the proposed development on climate change by comparing the net change in GHG emissions resulting from it during the construction, operational and decommissioning phases in the context of local, regional and national climate change policy. The ES concludes that the effects of the proposed development on climate change would be beneficial (significant) on the basis that the net GHG impacts are below zero and that the proposed development would cause a direct or indirect reduction in atmospheric GHG concentrations, including by replacing electricity currently generated by more carbon intensive methods such as burning of natural gas thereby helping to enable the removal of fossil fuel generation from the UK electricity grid.
- 7.14 The Council concurs with the conclusions of the GHG emissions

assessment and is satisfied that the proposed development has been designed to minimize embodied carbon and to incorporate BESS to ensure all generated energy is used. It has also been evidenced that the gross emissions associated with the construction and operational phases would be small in the context of wider GHG emissions and that the net effect would be to provide lifetime GHG savings compared to conventional electricity generation thereby supporting the transition to net zero.

- 7.15 The proposed development has been identified as making a minor to moderate beneficial effect on the contribution towards renewable energy generation (at the national level) and addressing climate change that would be aligned to the strategic objectives of the ALP and the Council's key commitments at a local level.
- 7.16 Whilst, by its very nature, the proposed development would have **positive** impacts in terms of the production of clean renewable energy and the transition and movements towards net zero in accordance with local planning policies, the Council regrets that it does not comprise a community energy project and the renewable energy generated would not result in direct benefits for affected communities in the same way that a single or multiple smaller scale community energy projects would achieve with additional direct co-benefits including for cost of living for residents and the wider Ashford green economy and skills.
- 7.17 In order to comply with Policies ENV10 of the ALP 2030 and Policies AB9 and AB10 of the A&BNP 2030 it must be demonstrated that there are no significant adverse environmental impacts that cannot be appropriately managed and/or mitigated through the DCO process. In particular criterion 'A.v' of Policy AB10 of the A&BNP requires the benefits of renewable energy to be proven to outweigh the landscape and environmental impacts. The other sections of this LIR therefore consider the potential impacts of the development in other respects and the ExA will need to balance these positive impacts against any negative impacts set out in this LIR and that of other Interested Parties.

8.0 Landscape and Visual impacts

Key Policies

ALP (2030)

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|---|-------|---|
| - | SP1 | Strategic Objectives |
| - | ENV3a | Landscape Character and Design |
| - | ENV3b | Landscape Character and Design in the AONBs |
| - | ENV5 | Protecting Important Rural Features |
| - | ENV10 | Renewable and Low Carbon Energy |

A&BNP (2030)

- AB4 Protection of locally significant views
- AB8 Promoting local character through high-quality design
- AB10 Renewable and community energy

- 8.1 At a local level, Policy SP1 of the ALP seeks to conserve the borough's natural environment including designated and, importantly, undesignated landscapes. Policy ENV3a requires all development proposals to demonstrate particular proportionate regard to landscape characteristics according to the landscape significance of the site and Policy ENV3b is relevant to proposals affecting the setting of AONBs. Policy ENV5 requires all new developments in rural areas to protect and where possible enhance: ancient woodland and semi-natural woodland, river corridors and tributaries; Public Rights of Way and other local historic or landscape features. Policy ENV10 states that in order to be acceptable, proposals should not result in significant adverse impacts on the landscape, natural assets or historic assets, having special regard to nationally recognised designations and their setting, such as AONBs (now National Landscapes).
- 8.2 Criterion 'c' of Policy AB8 of the A&BNP requires development proposals to demonstrate how they have responded positively to matters including (vi) landscaping, biodiversity and open space stating that "*proposals should conserve and sensitively incorporate existing natural features such as trees and hedgerows within the site, with the aim of delivering a net environmental benefit for local people and wildlife, in accordance with Policy AB1 (Green and blue infrastructure and delivering biodiversity net gain)*".
- 8.3 Policy AB4 acknowledges the contribution of setting to the local character of settlements including Aldington and specifically identifies the key role of long distance views from the ridgeline and the main approaches to the village. Part A states that proposals with significant harmful impacts on the setting of the neighbourhood area will not be supported; part B identifies a number of locally significant views. Criterion 'i' of Policy AB10 requires an application to demonstrate that any harm to the local landscape and environment will be minimised and, where necessary, mitigated.
- 8.4 The importance of local topography in assessing whether large scale solar farms could have a damaging effect on the landscape, is specifically addressed in the PPG on Renewable and low carbon energy (last updated 14 August 2023) which recognises that '*The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes*' (Paragraph: 013 Reference ID: 5-013-20150327). The PPG also specifically notes that a factor to consider in assessing the acceptability of planning applications for solar energy proposals is the impact on protected areas such as National Landscapes.

This provides an additional layer of detail to that provided in the NPPF which, in respect of applications for renewable energy, states that applications should be approved '*if its impacts are (or can be made) acceptable*'.

Key Local Issues

- 8.5 The Council commissioned Landscape Management Services Ltd to assist in the consideration of the landscape and visual impacts of the proposed Development.
- 8.6 The ES includes a chapter on Landscape and Visual Impact and is supported by a Landscape and Visual Impact Assessment (LVIA). The LVIA assesses the likely effects of the proposed development in terms of landscape and visual amenity at the end of construction and at 15 years post construction.
- 8.7 The proposed scheme is located mainly to the north west and west of the village of Aldington. The majority of the proposed scheme area extends over an irregularly shaped area running south west to north east across the Aldington Ridge and into the shallow, broad Upper/East Stour Valley. The northern limit to the scheme is defined by higher ground to the north west in the vicinity of Mersham and The Forstal.
- 8.8 The landscape is not covered by any national or local landscape designations. As identified in the ES the land is potentially visible from the Kent Downs National Landscape. The bulk of the scheme area lies within a shallow bowl descending from the Aldington Ridge to the valley of the River Stour. The ridge lies roughly parallel with the North Downs with its highest point running along Roman Road through Aldington village. The scheme extends The landform rises to the north west in the vicinity of Mersham and The Forstal. The bulk of the land falls within local Character Areas described in published Landscape Character Assessments as the Aldington Ridge or Ridgeline and the Upper or East Stour Valley.
- 8.9 The land has a strong rural character with few, if any, urbanising influences, with many features representative of the respective published Landscape Character Area descriptions. The HS1 rail link runs to the north west of the scheme area but is set within a cutting and does not influence rural character. The land forms an important part of the rural setting to the village of Aldington. The land is crossed by a high number of public rights of way.
- 8.10 The main area of panels comprising Fields 1 to 19 would form a largely unbroken, continuous area of solar panels. All of the panels are largely located within the existing field pattern and would be set within a proposed landscape infrastructure depicted in the Illustrative Landscape Drawings

document (APP-013).

- Site Selection and Design Evolution

- 8.11 Chapter 5: Alternatives and Design Evolution of the ES, specifically Section 5.6 describes the Site Selection Process.

The primary landscape considerations as described in Section 5.6 were:

- the proximity and potential impact on the Kent Downs National Landscape;
- *significant amount of existing developed vegetation surrounding large areas of the Site which limit close views*
- *A large portion of the Site sits within a 'bowl' in the landscape which will aid in screening long range views*

- 8.12 Only two alternative Sites are considered, both of which are discounted for operational and project viability reasons (Section 5.7). Section 5.9 describes the evolution of the site extents, layout and landscape strategy linked to the key consultation stages. The Design Approach Document (APP-149) describes the development of the design approach and the underlying design objectives.

- 8.13 At the conclusion of the 2022 Statutory Consultation the Council raised the following fundamental concern in relation to the site selection and design evolution process:

- 8.14 *The PEIR references amendments to the proposals informed by consultation and the scoping exercise but details of the evolution of the scheme as informed by this process are not included in the PEIR. The role of LVIA in informing the design process is a clear requirement of GLVIA 3 (Paras 4.5 to 4.10) and an overview of this process should be included in the full LVIA. (Ashford Borough Council Letter dated 08/12/2022)*

- 8.15 The concerns raised by the Council relate to the fact that the site extents and layout were largely defined at the outset. In order to further understand the proposed site extents and layout the Council also asked the applicant to provide information as to the requirements in terms of land take and number/extent of solar panels in order to meet the stated objective of a site with *export capacity to the national grid of up to 99.9MW of electricity*. In this regard the fact that after the 2023 Statutory Consultation panels were then removed by the applicant from Fields 26 to 29 due to flood risk that could not be overcome clearly indicates that there was scope to review the scheme extents, layout and landscape infrastructure and still meet the stated export capacity objective. Had the applicant been more open with the Council as to the necessary scheme extents in order to meet the desired energy outputs more meaningful discussions could have been held at an early stage on these macro-scale design options to mitigate the landscape and visual concerns set out in this document.

8.16 Further information has subsequently been provided by the applicant in relation to the detail of the landscape strategy and there have been a number of minor changes to the scheme extents and landscape proposals, as described in Table 5.2 of Chapter 5 of the ES. However, despite the Council's early and fundamental request to the applicant to provide evidence as to how the landscape and visual assessment had informed the site selection, scheme extents and layout, such evidence has never been provided. The only reasonable conclusion that the Council can reach is that these key initial decisions were, instead, informed by operational and output requirements and other factors such as land availability and ownership.

- Landscape and Visual Effects

8.17 The 2022 PEIR identified the following significant (moderate adverse or greater) residual landscape and visual effects:

Landscape Effects

- The Character of the Site;
- LCA Aldington Ridge.

Visual Effects

- Users of public rights of way within the site;
- Locations on Bank Road, PRoW 370, AE377, AE396 and Handen Farm located on the Aldington Ridgeline;
- Viewpoint on PRoW AE401 on Colliers Hill;
- Viewpoints on PRoW AE370 and AE428 and Residents in The Forstal and Mersham on the northern side of the Stour valley.

8.18 A number of revisions to the scheme and an enhanced Illustrative Landscape Strategy were presented as part of the 2023 Statutory Consultation. These revisions addressed a number of localised landscape and visual impacts, but the Council considered that these changes did not address key landscape and visual impacts, in particular related to users of public rights of way within the Site and landscape and visual effects associated with the Aldington Ridge. The Council maintained its objection when responding to the 2023 Statutory consultation. In response to a subsequent request from the applicant as to how to potentially overcome the Council's concerns, the Council first suggested that removal of the panels from Fields 10 and 12 located on the crest of the Aldington ridge would help reduce landscape harm to the character of the ridgeline and visual harm in relation to views to and from that ridgeline (as required by Policy AB4) and, second, the Council suggested an approach be adopted to fragment the largest area of the scheme to help break up the scale and massing of panels to bring tangible benefits to deal with effects on landscape character and visual effects to receptors on public rights of way within the site and in respect of views to the site, in particular from PRoW AE370 and AE428 in the vicinity of The Forstal and Mersham. The applicant has not adopted these suggestions in the DCO application and the Council maintains its landscape and visual objection.

- 8.19 The Council notes that the 2024 DCO ES still identifies significant adverse residual landscape and visual effects in relation to:

Landscape Effects

- The Character of the Site
- LCA Aldington Ridge.

Visual Effects

- Users of public rights of way within the site;
- Locations on Bank Road and PRoW AE370, AE377, AE474 which provide panoramic views towards the North Downs;
- Viewpoint on PRoW AE401 on Colliers Hill;
- Viewpoints on PRoW AE370 and AE428 and residents in Mersham on the northern side of the Stour valley.

- 8.20 The Illustrative Landscape Proposals submitted in 2023 are welcomed by the Council as they provide greater clarity on the overall landscape strategy. There has, however, been no substantive change to the principal landscape and visual effects since the initial 2022 PEIR. There remains a significant adverse effect on the landscape character of the Aldington Ridge. This landscape forms a significant part of the rural landscape setting to Aldington Village, as appreciated in locally significant viewpoint 1 identified in Policy AB4.

- 8.21 There also remain significant adverse visual effects on views from PRoWs within the Site, including from locally significant viewpoint 10 identified in Policy AB4 and views across the valley from the north and south and Colliers Hill to the west.

- Cumulative Effects

- 8.22 The landscape and visual chapter of the ES considers cumulative effects. This includes the nearby proposed East Stour Solar Farm by EDF Renewables (Appeal reference: APP/E2205/W/24/3352427). The cumulative effects analysis focuses primarily on visual effects as it is concluded that the *Character of the Site is primarily influenced by landscape change that occurs within the Site itself, while changes to the wider setting have the potential to alter the perceptual aspects of this receptor* (Para 8.12.11). Whilst this is true of the Site itself it does not reflect potential cumulative impacts and effects on wider rural character.

- 8.23 The East Stour Solar Farm would also affect LCAs in the East and Upper Stour Valley and would be visible from the Aldington Ridge LCA. There would therefore be cumulative effects on these LCAs and the rural landscape setting to Aldington Village. The Council consider there would be a consequent moderate cumulative adverse effect on these LCAs (a minor adverse effect is assessed in relation to the East Stour and Upper Stour

Valley in the ES and a moderate adverse effect in relation to the Aldington Ridge).

- 8.24 The ES states that there would be cumulative visual effects associated with views for users of public rights of way within the Site *as a result of sequential views of the Project and East Stour Solar Farm (ID No. 9) in quick succession due to their proximity*. Whilst the ES concludes this would remain as a moderate adverse effect the Council contend that with the substantial increase in the geographical extents of the cumulative effect this should, instead, be assessed as major adverse. The ES identifies significant cumulative visual effects (moderate to major adverse) for people travelling on the North Downs Way in the Kent Downs National Landscape. The ES also notes the cumulative effects associated with views from PRoW AE370 and AE428 and residents in Mersham on the northern side of the Stour valley, but concludes these would not affect the overall impact assessment of moderate adverse.
- 8.25 The Council considers that with greater transparency from the applicant as to the operational requirements and the process which informed the design of the scheme location, extents and layout a more meaningful consultation process could have taken place. Greater clarity has been provided on the proposed landscape mitigation and the benefits associated with the proposals are welcomed. However despite this there remain substantial and significant adverse landscape and visual effects. It has not been demonstrated that harm to the local landscape will be minimised and where necessary mitigated.
- 8.26 As set out in the Council's Relevant Representation, 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. 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.
- 8.27 The Council concludes that the proposed development would have a **negative** impact on landscape character and visual amenity within the local and wider area contrary to Policies SP1, ENV3a, ENV3b, ENV5 and ENV10 of the ALP 2030 and Policies AB4, AB8 and AB10 of the A&BNP 2030.

9.0 Cultural heritage impacts

Key Policies

ALP (2030)

- SP1 Strategic Objectives
- ENV5 Protecting Important Rural Features
- ENV10 Renewable and Low Carbon Energy
- ENV13 Conservation and Enhancement of Heritage Assets
- ENV15 Archaeology

A&BNP (2030)

- AB4 Protection of locally significant views
- AB10 Renewable and community energy
- AB11 Conserving heritage assets

- 9.1 Policy ENV5 requires all new developments in rural areas to protect and where possible enhance: ancient woodland and semi-natural woodland, river corridors and tributaries; Public Rights of Way and other local historic or landscape features. Criterion 'a' of Policy ENV10 requires relevant planning applications to demonstrate the proposal would not either individually or cumulatively result in significant adverse impacts on the landscape, natural assets or historic assets, having special regard to nationally recognised designations and their setting, such as AONBs, Conservation Areas and Listed Buildings.
- 9.2 Policy ENV13 states that proposals which preserve or enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported and that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, or where a non-designated heritage asset is likely to be impacted, harm will be weighed against the public benefits of the proposal. Policy ENV15 requires the archaeological and historic integrity of important archaeological sites, together with their settings, to be protected and where possible enhanced. The Council defer to KCC in respect of archaeological impacts.
- 9.3 Policy AB4 identifies a number of locally significant views, including viewpoint 2 along the historic Public Right of Way AE474 linking the settlement of Aldington with the Church of St Martin. Policy AB10 is relevant insofar as it requires proposals for commercial solar photovoltaic development to demonstrate that any harm to the local landscape and environment will be minimised and where necessary mitigated. Criterion 'B' of Policy AB11 states that development proposals affecting designated heritage assets either directly or indirectly, should preserve or enhance the significance of the asset, including those elements of the setting that do not contribute to the significance. Proposals affecting non-designated heritage assets will be assessed having regard to the scale of any harm or loss against the significance of the heritage asset.

Key Local Issues

- 9.4 As identified by Historic England in their Relevant Representation, the application site lies in a sensitive area for the historic environment which is notably rich in historic assets. Although there are no designated built heritage assets within the site the ES has identified two Grade I Listed buildings, six Grade II* Listed buildings, seventy Grade II Listed buildings and two Conservation Areas within 1km of the application site boundary.
- 9.5 In assessing the impact of the proposed development on built heritage, the Council has had regard to ES Volume 2, Chapter 7: Cultural Heritage (APP-031). This includes a Heritage Statement that provides an assessment of the proposed development's likely effects on heritage assets, including a description of the significance of the heritage assets. It also considers the contribution of their setting to their significance. The assessment is informed by consideration of representative visualisations, where appropriate.
- 9.6 The Council has engaged with the applicant throughout the pre-application process to ensure that the ES identifies all designated and non-designated heritage assets and is informed by a detailed and comprehensive qualitative assessment of their significance and landscape setting. The Council and Historic England has also inputted to the identification and assessment of long-range views.
- 9.7 The Council concurs with the findings of the Heritage Statement which concludes that the proposed development would cause harm to designated and non-designated heritage assets through introducing changes within their setting which will affect how the asset is experienced. The proposed development would cause indirect and adverse impacts to the following designated and non-designated heritage assets:

Grade I listed buildings

- Slight adverse effect on Church of St Martin
- Slight adverse effect on Mersham Manor
- Slight adverse effect on Church of St John the Baptist

Grade II* listed buildings

- Slight adverse effect on Stonegreen Hall
- Slight/moderate adverse effect on Stonelees
- Slight adverse effect on Evegat Manor

Grade II listed buildings

- Neutral/slight adverse effect on Stonegreen Cottage
- Neutral/slight adverse effect on Goodwin Farmhouse

- Slight adverse effect on Evegate Millhouse
- Neutral/slight adverse effect on Stable/ Outbuilding about 20 yards North-west of Evegate Mill House
- Slight adverse effect on The Old Cottage
- Slight adverse effect on Goldwell
- Slight adverse effect on Stable/ Outhouse about 10m north of Goldwell
- Slight adverse effect on Bank Farmhouse and walls attached (NHLE 1362752) and Barn and 2 stable ranges attached, about 20 metres north of Bank Farmhouse
- Slight adverse effect on Quested's Cottage
- Slight adverse effect on Symnells and Walled Forecourt

Registered Park and Garden

- Neutral/slight adverse effect on Hatch Park

Conservation Areas

- Neutral/slight adverse effect on Smeeth Conservation Area
- Neutral/slight adverse effect on Mersham Conservation Area
- Neutral/slight adverse effect on Bilsington Conservation Area
- Neutral/slight adverse effect on Aldington Clap Hill Conservation Area
- Slight adverse effect on Aldington Church Conservation Area

Non-designated heritage assets

- Slight adverse effect on Aldington Mount
- Neutral/slight adverse effect on Little Gains Farm
- Neutral/slight adverse effect on Handen Farm
- Neutral/slight adverse effect on Littlestock Farm
- Neutral/slight adverse effect on Farmstead North Of Little Stock
- Neutral/slight adverse effect on Stone Street Farm
- Neutral/slight adverse effect on Goldwell Manor Farm

- 9.8 The Heritage Assessment also contains an assessment of effects on historic landscape character which, although temporary and reversible upon decommissioning will be long term and adverse.
- 9.9 The assessment of cumulative effects identifies there is potential for cumulative effects to 12 designated and three non-designated heritage assets where the proposed development and other proposed, consented or built out developments would be visible; however in all instances the cumulative effects would remain the same as identified from the proposed development in isolation.
- 9.10 The Council agrees that the proposed development would result in a low level of less than substantial harm for all of these assets except in the case of the Grade II* listed Stonelees which would experience less than substantial harm at the lower end of the spectrum. The Council agrees with

Historic England's recommendation and the need to explore opportunities to reduce harm to Stonelees, for example by reducing the number of solar panels at the south end of fields 3 and 7.

- 9.11 The ES makes reference to a number of embedded mitigation measures, including landscape planting designed to reduce visual impacts and avoid significant adverse effects to be secured through the Works Plans (APP-009), the Design Principles (APP-150), Vegetation Removal Plan (APP-014) and Outline LEMP (APP-155). Subject to securing this mitigation the Council is satisfied there would be no residual significant effects on designated and non-designated heritage assets.
- 9.12 The Council acknowledges that the ExA will necessarily need to weigh these harms against the public benefits of the proposed development in accordance with the statutory requirements set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. Whilst these effects are not considered significant for the purposes of EIA, they would nevertheless constitute **negative** impacts on a substantial number of designated and non-designated heritage assets and to historic landscape character. In this respect the proposed development has not minimised and mitigated all harm and would be contrary to Policies ENV5 and ENV10 of the ALP and Policies AB4, AB10 and AB11 of the A&BNP. No positive impacts on the built heritage of the surroundings are considered likely.

10.0 Land Contamination impacts

Key Policies

ALP (2030)

- ENV10 Renewable and Low Carbon Energy

- 10.1 Criterion 'c' of Policy ENV10 is relevant to issues of land contamination insofar as it requires that "*Provision is made for the decommissioning of the infrastructure once operation has ceased, including the restoration of the site to its previous use;*".
- 10.2 Section 15 (Conserving and enhancing the natural environment) of the NPPF (2023) is also relevant. Paragraph 180 requires planning decisions to contribute to and enhance the natural and local environment, including by (criterion 'e') "*preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;*" and (criterion 'f') "*remediating and mitigating despoiled, degraded, derelict, contaminated*

and unstable land, where appropriate.”

Key Local Issues

- 10.3 In assessing the impact of the proposed development on land contamination, the Council has had regard to ES Volume 2, Chapter 11: Land Contamination (APP-035). This provides an assessment of the proposed development’s impact on the environment in relation to land contamination to meet the requirements of the EIA regulations.
- 10.4 The Land Contamination Report document summarises previous Phase 1, initial conceptual site models, intrusive investigation, scoping reports and revised conceptual models. Comments and documentation submitted as part of the initial application and from previous Planning Inspectorate consultations (2022) and previous submissions and investigations detail a low to moderate risk of contamination (made ground) with a potentially high risk for construction workers during the construction phase, however as ground penetration would be shallow, the risk would be minimised to a moderate risk. Information, area identification, PPE and practices to keep exposure to a minimum is contained in the CEMP and is acceptable.
- 10.5 A watching brief was requested and is detailed in the Construction Environmental Management Plan (APP-153), Outline Operational Management Plan (APP-156) and Decommissioning Environmental Management Plan (APP-157).
- 10.6 The Council note the Environment Agency have raised concerns relating to the potential contamination of controlled waters and this has been considered. The Council defers to the Environment Agency with regards to potential impacts on controlled waters and ground water. Exposure levels to adjacent sensitive users (including airborne contaminants during period of soil disturbance, such as construction and decommissioning etc.) is negligible. The reports and supplementary information in relation to land contamination is satisfactory.
- 10.7 The Council has assessed the proposed development as having a **neutral** impact on the local area with regards to land contamination.

11.0 Noise and vibration impacts

Key Policies

ALP (2030)

- ENV10 Renewable and Low Carbon Energy

- 11.1 Criterion ‘b’ of Policy ENV10 is relevant to consideration of noise impacts

insofar as it requires that “*The development does not generate an unacceptable level of traffic or loss of amenity to nearby residents (visual impact, noise, disturbance, odour)*”.

A&BNP (2030)

- AB10 Renewable and Community Energy

- 11.2 Criterion ‘A.ii’ of Policy AB10 of the A&BNP requires development proposals to demonstrate that proposals do not adversely affect residential amenity through noise generation.
- 11.3 Part (e) of NPPF paragraph 180 outlines that planning decisions should prevent “*new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of...noise pollution*”. At paragraph 191(a) it also states that decisions should “*mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life*”.

Key Local Issues

- 11.4 The ES includes a noise assessment (APP-038). The report assesses the following: Construction noise, Construction traffic noise, Operational noise; Decommissioning noise; and Decommissioning traffic noise.
- 11.5 Ambient monitoring was undertaken in 2022 at eight locations on the site boundary near to residential properties. The report also includes a 300m wide buffer area outside the perimeter of the site. A BS4142 assessment was carried out with a +3dB penalty added. A separate consideration was made for all plant running during hotter weather and for low frequency noise (NANR45). All assessments were satisfactory for the operational phase. Main noise sources have been identified as from the substation, inverter substations and intermediate substations, other noise generating plant will be located at the Sellindge Substation. The illustrative layout has sought to minimise and mitigate noise impacts on receptors. The report advises that noise sources will be located away from receptors and toward boundaries with the road and rail network with acoustic barriers around the substation and inverter stations. The project substation will have acoustic barriers around the northern and eastern boundaries. Vehicle noise during the operational stage will be limited to 4x4 pick-up trucks and LGV’s with limited and infrequent HGV trips.
- 11.6 An Operational Noise Mitigation and Monitoring Scheme (‘ONMMS’) will be prepared to provide details of the plant specification, noise mitigation measures and monitoring procedures and to demonstrate that with those measures in place the authorised development is not likely to result in any

new or different noise effects from those assessed in ES Volume 2, Chapter 14: Noise (APP-038). This is secured by a requirement in the Draft Development Consent Order (APP-015). The ONMMS will be submitted to the local planning authority for approval prior to the operation of Work No.s 2 or 3. Based on current assumptions regarding the works required for the decommissioning phase, it is expected that the noise effects will be reduced in scale compared to the construction phase.

- 11.7 An element of noise and vibration will be experienced during the 12-month construction phase. Construction noise levels will be controlled through the use of mitigation including the Outline Construction Environmental Management Plan ('CEMP') (APP-153). This will include controls on working hours and the use of low noise construction techniques.
- 11.8 The effects of construction traffic noise from traffic flows have been shown to be negligible (not significant) at all receptors. The effect of on-Site construction noise is a function of proximity to the development area. Predicted effects on noise sensitive receptors are predicted to be to be minor adverse to negligible (not significant). Construction effects on users of PRoWs at the Site have been identified as minor adverse to negligible (not significant). In small areas, closest to identified receptors, construction works will be required to use low noise techniques and undertake noise monitoring to ensure construction noise at all receptors is a minor adverse or negligible effect and not significant.
- 11.9 Decommissioning would entail a similar operation to construction and minimal disturbance is expected. The acoustic report is acceptable. If complaints are received, the applicant/site owner will be required to carry out additional monitoring to establish the source and levels experienced. It is possible that additional mitigation may be required subject to investigation.
- 11.10 With mitigation in place and adherence to phase specific management plans and best practice, the assessment has found that the proposed development is not likely to give rise to any significant noise effects during construction, operation or decommissioning as set out in the ES Volume 2, Chapter 14: Noise (APP-057).
- 11.11 Noise emissions of plant associated with the Project, including the Inverter Stations, BESS Units, Intermediate Substations and Project Substation, have been predicted at the nearest human receptors within 300m of the Site boundary. Decommissioning noise levels will be controlled through the use of Embedded Mitigation including the Outline Decommissioning Environment Management Plan ('DEMP') (APP-157).
- 11.12 Potential vibration effects associated with all stages of the development

have been scoped out of further assessment, as explained in ES Volume 2, Chapter 16 Other Topics (APP-040). Furthermore, measures to minimise and mitigate vibration effects during construction and decommissioning from all potential sources of vibration are included in the Outline CEMP (APP-153) and Outline DEMP (APP-157). In summary, the Council is satisfied that the development would result in **neutral** noise and vibration impacts.

12.0 Socio-economic impacts

Key Policies

ALP (2030)

- SP1 Strategic Objectives
- ENV10 Renewable and Low Carbon Energy
- EMP11 Tourism

A&BNP (2030)

- AB10 Renewable and community energy

Key Local Issues

- 12.1 In assessing the impact of the proposed development on socio-economics, the Council has had regard to ES Volume 2, Chapter 12: Socio-economics (APP-036). This provides an assessment of the proposed development's impact on the environment in relation to socio-economics to meet the requirements of the EIA regulations.
- 12.2 The socio-economic assessment considers the following effects:
- Contribution to renewable energy generation;
 - Employment and labour market effects;
 - Construction supply chain effects (construction);
 - Effects on agricultural economy and food security;
 - Effects on PRoW and access;
 - Effects on community and recreational facilities and tourism; and
 - Effects on amenity and human health.
- 12.3 The assessment of potential socio-economic effects has been undertaken at different spatial levels. Of most relevance to the Council are those at the local level (Aldington and Bonnington Parish, Mersham Parish and Smeeth Parish) and at the wider level (Ashford Borough Council ('ABC') and Folkstone and Hythe District Council ('FHDC')).
- 12.4 Of relevance to the local and wider level effects, the assessment includes consideration of effects of the proposed development on Construction Employment, Construction Workforce Spending, Agricultural Economy and

Food Security, Community and Recreational Facilities and Tourism, Amenity and Human Health and Contribution to Renewable Energy Generation. The assessment was made against a benchmark of current socio-economic baseline conditions prevailing at, within, or around the appropriate spatial study area for each effect.

- Construction employment

12.5 The ES concludes that the construction phase of the proposed development will generate demand for an average of 132 direct FTE jobs over the 12 month construction period which could increase to 199 direct jobs. In the context of the wider study area (ABC and FHDC), there is likely to be a temporary negligible to minor beneficial (not significant) effect on job creation reducing to negligible beneficial (not significant effect) at the regional level. In the Council's view the local impacts associated with construction employment in the construction and decommissioning phases would be **neutral**.

- Construction workforce spending

12.6 The ES acknowledges that in the absence of any information relating to on-site welfare and food/drink facilities, it is not possible to accurately quantify the level of construction workforce spending from direct employee expenditure over the 12-month construction phase. Whilst local businesses that are accessible to the construction site may experience greater benefits from employee spending, the ES concludes that the spending impact on the local economy would be indirect, temporary and negligible/minor beneficial (not significant effect). In the Council's view the local impacts associated with construction workforce spending would be **neutral**.

12.7 The ES also concludes Negligible Beneficial (not significant) effects in respect of Gross Value Added (GVA) from direct Contributions to Construction Output and from indirect construction supply chain effects. On the basis the contribution from the proposed development to the regional construction economy would represent 0.03% of total construction sector GVA at the South-East level, the local and wider level effects would be less and therefore these effects would have a **neutral** local impact.

- Agricultural economy and food security

12.8 In relation to the agricultural economy and food security, the ES concludes the proposed development would result in a negligible (not significant) effect which would be short-term and temporary. A number of Relevant Representations refer to the impact of the proposal on the nation's food security; however there are no national or local policies, guidance or strategies that relate to food security and production. It is relevant that the

specific way agricultural land is used is not a matter that is subject to planning controls and whilst part of the land has formally been in arable production there is no requirement for agricultural land to be used to produce food. The Council conclude that the proposed use of the land would not be detrimental to the nation's food security. On the basis that the land take represents 0.1% of the total agricultural land in Kent, or 0.02% of the farmed land in the South East region or 0.002% of the total farmed land at the national (England) level, the effect would have a **neutral** local impact.

- Community, Recreational and Tourist Facilities

12.9 The ES assesses the potential effects of the development on Tourist Sector Accommodation and on Community, Recreational and Tourist Facilities. The ALP recognises that large areas of countryside surrounding the urban area of Ashford makes a valuable contribution to the current tourism offer in the Borough as well as providing for future opportunities to expand and enhance the offer. Tourism has a number of benefits, including to create and support employment; generate local income; and also to enhance the image of an area as a place to live, work and invest.

12.10 The ES concludes the proposed development would have a negligible (not significant) effect on tourist sector accommodation at the wider scale and that there would be a limited likelihood for substantial significant effects that would be of a scale to alter the accessibility to or normal operation of community facilities or receptors with recreational or tourist value.

12.11 The A&BNP supports rural tourism in the parish which largely relies on the natural and historic environment as the key 'pull' factor for visitors. The Council supports Aldington Parish Council's concerns in their Relevant Representation that the 'industrialising' nature of the proposal will directly impact local businesses and the overall economy of the area. Whilst the ES reports there is likely to be a Negligible to Minor Adverse effect overall (not significant) on community and recreational facilities and tourism during construction of the development, the Council consider that based on the potential for changes in environmental amenity and accessibility relevant to tourist sector receptors the development would have a **negative** impact in this regard.

- Effects on amenity and human health

12.12 The Council are satisfied that the effects on amenity and human health have been appropriately considered, including in terms of noise, air quality, traffic and access and landscape and views and whilst no significant effects are predicted, the overall effect is considered to be negligible to minor adverse. This does not represent a positive or neutral impact and so the Council consider the local impacts on amenity and human health must be regarded

as **negative**.

12.13 The effects on Public Rights of Way (PRoW) and Access will be assessed by KCC in their role as Highway Authority, albeit the Council note that the effects are assessed as overall negligible to minor adverse at all scales. Criterion 'A.iii' of Policy AB10 of the A&BNP requires existing rights of way to be retained and where not possible, redirection within the site will be considered. Furthermore opportunities will be sought to enhance access for walking, cycling and equestrianism within and across the site to provide linkages to local amenities and neighbouring settlements. As noted in the A&BNP, the area benefits from a particularly dense network of PRoW footpaths. The importance of these historic routes that link parishes, farmsteads and churches to the local community is reflected in the volume of Relevant Representations submitted by local residents and supported by the Council. In the Council's view the proposed development would have a **negative** impact on Public Rights of Way and Access across the site and local area.

13.0 Glint and Glare impacts

Key Policies

ALP (2030)

- ENV10 Renewable and Low Carbon Energy

Planning Practice Guidance

- Renewable and low carbon energy

13.1 Criterion 'b' of Policy ENV10 is relevant to issues of glint and glare insofar as it requires that "*The development does not generate an unacceptable level of traffic or loss of amenity to nearby residents (visual impact, noise, disturbance, odour);*".

13.2 Planning Practice Guidance for Renewable and low carbon energy (specifically regarding the consideration of solar farms, paragraph 013) acknowledges that large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes and that particular factors a local planning authority will need to consider include: "*the proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety*".

Key Local Issues

13.3 Solar panels are designed to absorb and not reflect light and whilst solar panels are less reflective than other materials commonly found in the built and natural environment, including window glass and bodies of water, there are potential for glint and glare effects to occur. Glint may be produced as a

direct reflection of the sun in the surface of the PV solar panel. It may be the source of the visual issues regarding distraction to the viewer. Glare is a continuous source of brightness, relative to diffused lighting but is not a direction reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint.

13.4 The ES (Appendix 16.2) includes a Solar Photovoltaic Glint and Glare Study (APP-123) that assesses the potential impact from the proposed Development on road safety, residential amenity, railway infrastructure and operations, and aviation activity associated with surrounding airfields.

- Road safety / PRow

13.5 In terms of road safety the study predicts no impacts on users of surrounding roads with the exception of a small section of Goldwell Lane, where partial views of reflecting panels cannot be ruled out. The study predicts no significant impacts upon PRow and no mitigation is recommended. The Council defers to Kent County Council as the Highways Authority to determine the nature of these potential impacts.

- Dwellings

13.6 The study has assessed the potential impacts from glint and glare on 267 dwellings and concludes that solar reflections are geometrically possible towards 246. For 198 dwellings, screening in the form of existing and proposed landscaping and/ or intervening terrain is predicted to significantly obstruct views of reflecting panels. No impact is predicted, and no further mitigation is required. For 47 dwellings, effects are predicted to occur for less than three months per year and less than 60 minutes per day or the glare scenario sufficiently reduces the level of impact. A low impact is predicted, and no further mitigation is recommended.

13.7 One dwelling (Broadbanks, Bank Road) is predicted to experience a moderate impact. The study demonstrates that views of the reflecting solar panels to the east and coinciding with direct sunlight would be geometrically possible from this dwelling for more than 3 months per year but less than 60 minutes on any given day. Subject to the proposed mitigation, including management of existing boundary hedgerows at minimum 4m in height and inclusion of opaque fencing to sections of the security fencing being secured through the DCO, the residual impacts would be reduced to negligible to low (not significant). Notwithstanding that this impact is assessed as not significant, it would still be a **negative** local impact.

- Railway / Aircraft Safety

13.8 The study has analysed the potential glint and glare impact on nearby

railway infrastructure and 4 airstrips in the vicinity of the site. The study has concluded there no impacts are predicted on the railway and either low or no impacts are predicted on aircraft safety. The Council notes that Network Rail's Relevant Representation (RR-207) states that they are "*continuing to review the application material, with the intention that further detail will be provided at the written representation stage*". In the Council's view the proposed development is considered to have a **neutral** impact in terms of glint and glare effects.

14.0 Impacts on best and most versatile (BMV) agricultural land

Key Policies

ALP (2030)

- ENV10 Renewable and Low Carbon Energy

A&BNP (2030)

- AB10 Renewable and community energy

- 14.1 Paragraph 180 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment, including (b) by '*recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*'. The NPPF explains in its glossary at Annex 2 that BMV equates to land falling within Grades 1, 2, and 3a of the Agricultural Land Classification.
- 14.2 There are no policies within the ALP relating to BMV, albeit Appendix 6 (Monitoring Framework) refers to Grade 1 and 2 agricultural land as 'high grade' agricultural land. While the use of higher quality agricultural land is discouraged, it is not precluded.
- 14.3 Policy ENV10 of the ALP does not refer to BMV land or prevent the loss of agricultural land for renewable energy development. Section g) of the Council's Guidance Note 2 seeks to steer large scale solar developments to previously developed land/brownfield sites, contaminated land or industrial land. However, it acknowledges that there are few sites of appropriate status and size within the borough. The guidance states that large scale solar PV arrays should therefore seek to avoid landscapes designated for their natural beauty, sites of acknowledged/recognised ecological/archaeological importance/interest whilst recognising that it is likely that such development will look to land currently in agricultural use. The guidance therefore seeks that development should be located on poorer quality land.
- 14.4 Section h) of Guidance Note 2 goes further to state that the Council will not normally support development that would result in the loss of Grade 1 and 2 agricultural land stating that the best quality agricultural land should be used for the purposes of agriculture. If development is proposed on Grade 1 and 2

agricultural land the applicant must provide clear justification demonstrating the benefits the development would have for the land to be taken out of full agricultural use. The Council is mindful that the Guidance Note was published in 2013 and has, in many respects, been superseded by local and national planning policy and guidance.

- 14.5 Criterion (vi) of Policy AB10 of the A&BNP requires proposals to demonstrate how land beneath or surrounding panels will be managed and how the applicant has avoided land with high potential for agriculture ('Best and Most Versatile Land').
- 14.6 Whilst this topic was scoped out of the ES a Soils and Agricultural Land Report has been undertaken and is provided as ES Volume 4, Appendix 16.1: Soils and Agricultural Land Report (APP-122). This was informed by a desk-based study using published data sources and soil survey undertaken in 2021 and 2023. Approximately 20% (38.64ha) of the agricultural land within the Site is classed as Best and Most Versatile ('BMV'). It is anticipated that the retained landscape and habitat mitigation would lead to a permanent loss of 11.43ha of agricultural land, of which 5.58ha is BMV representing a loss of 14.4% of the BMV within the Site and 0.017% of the BMV within the borough of Ashford.
- 14.7 The Council notes that measures will be in place to manage soil during construction and decommissioning and that the development provides potential for the land. Whilst the Council concurs this would not have a material impact on the overall supply of BMV land in the Borough, the development would result in a loss of BMV land, albeit this would comprise a small part of the overall land take. The Council is mindful that the development would allow for the land beneath and around the PV panels to continue in some form of agricultural use during its operational lifetime, with potential for agricultural grazing and whilst 40 years is a long period of time, it is not permanent.
- 14.8 The Council notes Natural England's request in their Relevant Representation for all 'built infrastructure' development to take place on grade 3b soils in preference to those of higher quality and it is not clear whether this can be the case. In conclusion, the development would have a **negative** impact on the availability of BMV land contrary to Policy AB10 of the A&BNP, albeit this could be reduced to **neutral** if it can be demonstrated that the built infrastructure has been located so as to avoid high quality agricultural land.

15.0 Telecommunications, Television Reception and Utilities

- 15.1 The Council concurs with the conclusions of the ES that subject to the embedded mitigation proposed, the development would have no significant effects on telecommunications, television reception and utilities. The local impacts would therefore be **neutral**.

16.0 Major Accidents and/or Disasters

- 16.1 The Council is satisfied with the approach taken to identifying possible major accidents or disasters that could be relevant to the proposed development and acknowledges that the potential effects have been taken into account in topic specific chapters of the ES. Of the major accidents identified in Chapter 16 of the ES, the potential operational phase fire risk associated with the BESS is considered to be particularly relevant and the Council welcomes the submission of an Outline BSMP and provision to secure a detailed BSMP through the DCO.
- 16.2 There are a number of watercourses within and adjacent to the site that the Council is concerned would be vulnerable, for example from leaching of chemicals arising from tackling a fire incident. In this respect the Council consider that the BSMP needs to ensure that the implications of tackling an incident on such environmental matters is fully appreciated and that the BSMP does not solely deal with matters of Fire and Rescue but informs other detailed site design and any related Management Plans.
- 16.3 As set out in Appendix 1, the Council therefore considers that it would be appropriate that consultation on the BSMP be widened to include environmental safety measures. Subject to these changes the Council is satisfied that the proposed development would have a **neutral** impact in respect of major accidents and/or disasters.

17.0 Other impacts

- 17.1 During the construction and decommissioning phases temporary lighting will be required. During the operational phase, no part of the development will be continuously lit (with the exception of the Sellindge Substation Extension), with lighting limited to emergency and overnight maintenance lighting only around plant.
- 17.2 Paragraph 191 of the NPPF requires planning decisions to (c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Policy EN4 of the ALP is consistent with the NPPF insofar as it seeks to limit light pollution and promote dark skies in accordance with the Dark Skies SPD. Policy AB5 of the A&BNP supports the need for lighting to be carefully considered in all developments.
- 17.3 Whilst measures to avoid or minimise lighting impacts are secured through the Design Principles (APP-150), Outline CEMP (APP-153), Outline OMP (APP-156) and Outline DEMP (APP-157), the Council notes that the site is in a rural location and is unlit. The Council note this topic was scoped out of the ES and no significant effects are identified; however Interested Parties have drawn attention to the light pollution from adjacent construction sites. Notwithstanding the mitigation measures and controls proposed, the development would necessarily have a **negative** impact from the requirement for lighting, albeit this would be temporary during the construction and decommissioning phases. The Council recommend that details of construction

phase lighting should be submitted for approval.

- 17.4 The Council note that environmental matters relating to Electric, Magnetic and Electromagnetic Fields, Air Quality and Dust, Daylight Sunlight and Overshadowing were scoped out of the ES. The Council notes that the proposed development will avoid potential effects from the generation, transmission and distribution of electricity through standard design measures. The Council has no evidence to contradict the application in this respect. The outline Construction Management Plan (APP-153) includes an outline Air Quality and Dust Management Plan which identifies potential impacts and provides for mitigation and management. The reports identify that impacts will be minimal during the construction/decommissioning phase (detailed in CEMP) and there will be no impacts from the site during operation. The details are acceptable. The Council also concurs that by reason of the scale and massing of the proposed development and its component parts, it would not result in daylight, sunlight or overshadowing impacts. Accordingly these matters are all attributed with having a **neutral** impact on the local area.

18.0 Conclusions

- 18.1 This LIR has undertaken consideration of the potential impacts of the Stonestreet Green Solar NSIP at the local level in respect of the Ashford Borough Council administrative area, within which the whole development will be located. It has considered positive, negative and neutral impacts, within the context of its knowledge and understanding of the area.
- 18.2 While it is noted that the delivery of renewable energy of this nature is in accordance with key strategic policies of the Ashford Local Plan, offering in principle support for such development, this is subject to a number of detailed considerations regarding the impacts of the proposed development. There is uncertainty about how the overarching positive impacts will benefit members of the local community.
- 18.3 The ExA will need to be satisfied that any residual impacts arising from the proposed development can be outweighed by the public benefits brought about by the proposed development.
- 18.4 Of the matters that fall within the Council's jurisdiction **positive** local impacts have been identified in terms of:
- Contribution to the production of renewable energy in the Borough;
 - Potential for the introduction of new PRow to provide new facilities for active travel, recreation and links between communities and developments.
- 18.5 Of the matters that fall within the Council's jurisdiction, we have identified a number of potential **negative** local impacts, which can be summarised as follows:

- The scale and significance of the impact on the landscape and visual amenity of the area, both in isolation and cumulatively;
- The impacts arising from the harm (identified as less than substantial) to a high number of designated and non-designated heritage assets and to landscape character;
- The impacts arising from changes in environmental amenity and accessibility to local tourism;
- The impacts on amenity and human health;
- The impacts arising from glint and glare to a single dwelling;
- The impacts arising from lighting during the construction and decommissioning phases;
- The impacts arising from the loss of agricultural land, including a small proportion of BMV, although with clarification such impacts could potentially be considered neutral.

18.6 Of the matters that fall within the Council's jurisdiction the following **neutral** local impacts have been identified, subject to appropriate mitigation where necessary, and are listed below:

- The impacts on land contamination;
- The impacts arising from noise and vibration effects;
- The impacts associated with construction employment;
- The impacts associated with construction workforce spending and construction supply chain effects;
- The impacts associated with the agricultural economy and food security;
- The impacts associated with glint and glare effects on railway and aircraft safety;
- The impacts on telecommunications, television reception and utilities;
- The impacts from a major accident and/or disaster;
- The impacts associated with matters relating to Electric, Magnetic and Electromagnetic Fields, Air Quality and Dust and Daylight, Sunlight and Overshadowing.

Appendix 1

**ABC COMMENTS ON DRAFT DCO Doc Ref 3.1(A) Version 2 July 2024
(AS-004)**

The Council reserves the right to comment further in due course as the Examination progresses.

Schedule 2 Part 1 – Requirements		
Item	Subject	ABC comments
Part 1 – 3. (1)	Phases of authorised development	<p>Identifying the phases of the Project is agreed as being important. Equally important is <u>how the Project will be delivered</u>. ABC is mindful that sequentially named Phases <u>may not</u> subsequently be sequentially constructed (either in whole or part).</p> <p>The applicant has proposed that Part 3 (1) & (2) be modified to accommodate this by the following text;</p> <p><i>Phases of authorised development</i> <i>3.—(1) The authorised development must not be commenced until a written scheme setting out the phases and sequencing of construction of the authorised development has been submitted to and approved by the local planning authority.</i></p> <p><i>(2) The authorised development must be carried out in accordance with the phasing scheme approved pursuant to sub-paragraph (1).</i></p> <p>ABC agrees with this change.</p>
Part 1 – 5. (1)	Battery Safety Management Plan (BSMP)	<p>There are watercourses in the locality whereby there could be an environmental concern that as a result of the emergency services having to attend and deal with an incident, chemicals could leach into the ground and find their way into nearby watercourses and cause environmental and ecological damage.</p> <p>ABC consider that the BSMP needs to ensure that the implications of tackling an incident on such environmental matters is fully appreciated and that the BSMP does not solely deal with matters of Fire and Rescue but informs other detailed site design and any related Management Plans.</p> <p>ABC consider that it would be appropriate that <u>consultation</u> on the BSMP <u>be widened</u> to include environmental safety measures.</p> <p>ABC suggest that after 'Service' as the final word in (1) as drafted, the following be inserted;-</p> <p><i>'and the Environment Agency, Kent County Council'.</i></p>

Part 1 - 11.(1)	Operational surface water drainage strategy (OSWDS)	<p>In (1), the submission of the OSWDS on a <u>prior to the operation</u> of the authorised development is <u>not agreed</u>.</p> <p>ABC suggest that it should be submitted at the same time as the detailed design approvals for the phases as per Schedule 2 Requirements Part 1 – 4 (which is noted as including details of drainage alongside other above and below ground works and such works need to be informed by the Strategy).</p>
Schedule Part 2 – Procedure for discharge of requirements		
18.(2)	Timescale	ABC consider that 14 days (i.e. 10 working days) is too tight. ABC request that this should be amended to 21 days (i.e. 15 working days).
18.(3)	Timescale	ABC consider that 7 days (i.e. 5 working days) is too tight. ABC request that this should be amended to 14 days (i.e. 10 working days).
18.(4)	Timescale	ABC question the necessity for inclusion of this type of paragraph.
19.(2)(d)	Timescale	<p>ABC note the change to ‘business days’ in contrast with the Applicant’s use of ‘days’ in 18. as per the comments above.</p> <p>The requirement for ABC and any consultee submitting their appeal representations in 10 working days is unrealistic. ABC consider that this should be amended to 28 days (i.e. 20 working days).</p>