



# Stonestreet Green Solar

## Responses to Relevant Representations

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# 1 Introduction

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## 1.1 Overview

- 1.1.1 This report provides responses to the issues raised in the Relevant Representations ('RRs') submitted to the Planning Inspectorate in respect of the proposed Stonestreet Green Solar (the 'Project').
- 1.1.2 A total of 306 RRs were submitted by Interested Parties ('IPs'). Of these:
- 3 were submitted by local authorities;
  - 3 were submitted by parish councils;
  - 7 were submitted by other statutory consultees;
  - 1 was submitted by a non-statutory organisation; and
  - 292 were submitted by members of the public, landowners, businesses and non-statutory organisations.
- 1.1.3 An RR from Southern Water Services Limited was received late and was accepted at the discretion of the Examining Authority on 11 November 2024.
- 1.1.4 All of the RRs have been reviewed and considered by the Applicant. Technical specialists who were responsible for producing the documents that form the Applicant's application have been involved in responding to the issues raised. In providing these responses, this report provides appropriate cross-referencing to where the issues have been addressed within the DCO Application.
- 1.1.5 All RRs have been triaged and categorised into one of three categories:
- Category 1: Statement of Common Ground parties;
  - Category 2: Other Individual and Technical Stakeholders; or
  - Category 3: Themed Responses where similar issues have been raised by more than one IP.
- 1.1.6 The Applicant has initiated engagement via Statements of Common Ground ('SoCGs') with a number of parties that have submitted a RR. The issues that have been raised within the RRs by those parties have been responded to within the SoCG rather than duplicating the responses within this report. Section 2 sets out the parties with which the Applicant has a SoCG and explains the process for updating and introducing new issues into the SoCGs in light of the RRs received.
- 1.1.7 Other Individual and Technical Stakeholders refers to defined groups that the Applicant does not intend to enter into SoCGs with but in respect of each, the nature of the issues raised in their RRs warranted a bespoke response.
- 1.1.8 All other RRs from IPs that do not fall into either of the two aforementioned categories responded to thematically within this report. Common issues raised have been grouped together according to their overarching themes. The Applicant has

then provided responses to these common issues, including signposting to the relevant sections of the DCO Application documents.

## 1.2 Structure of this document

1.2.1 This report comprises three main sections:

- Section 2: Statement of Common Ground Parties which summarises the parties with which the Applicant has entered into SoCGs.
- Section 3: Individual and Technical Stakeholders where the Applicant has provided bespoke responses to each of the points raised within the RRs by these parties.
- Section 4: Thematic Responses which summarises the issues raised in more than one RR and the Applicant's response.

## 2 Relevant Representations – Statement of Common Ground Parties

### 2.1 Overview

2.1.1 As set out in Section 1 of this report, RRs were submitted by IPs with whom the Applicant has produced a SoCG. Table 2-1 sets out these parties and the corresponding RR reference number assigned by the Planning Inspectorate.

Table 2-1: Statement of Common Ground Parties

SoCG Party	RR Reference	SoCG Reference
Ashford Borough Council	RR-018	8.3.1
Environment Agency	RR-086	8.3.2
Historic England	RR-099	8.3.3
Kent County Council	RR-156	8.3.4
National Grid Electricity Transmission PLC	RR-203	8.3.5
National Highways	RR-205	8.3.6
Natural England	RR-206	8.3.7
Network Rail Infrastructure Limited	RR-207	8.3.8

2.1.2 The Applicant prefers to use the SoCGs as the primary means to communicate the status of issues with these Category 1 parties to avoid duplication of documentation. The SoCGs have been updated in light of the RRs to either update the existing issues or add new issues that were not previously raised by a stakeholder, alongside other engagement that has occurred.

2.1.3 The SoCGs and the **Statement of Commonality (Doc Ref. 8.4)** are ‘living’ documents and will continue to evolve and be updated to reflect the latest position at each point they are submitted as part of the Examination.

## 3 Relevant Representations – Responses to Selected Individual and Technical Stakeholders

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### 3.1 Overview

3.1.1 This section sets out alphabetically the other IPs who have submitted RRs and the Applicant's response. This excludes those parties with whom the Applicant is seeking to enter into a SoCG.

3.1.2 The list of Individual and Technical Stakeholders for which responses have been provided by the Applicant is as follows:

- Aldington and Bonnington Parish Council;
- Aldington and Mersham Support Group;
- Buglife - The Invertebrate Conservation Trust;
- Cllr Clair Bell (Kent County Councillor for Ashford Rural East);
- Cllr Simon Betty - Cabinet Member for Commercial Property & Investment (Ashford Independent Party);
- CPRE Kent;
- East Kent Badger Group;
- EDF Renewables (EDF Energy Renewables Limited and EDF Renewables Solar Limited);
- High Speed 1 Ltd;
- Katie Lam MP (Conservative Party);
- Kent Countryside Access Forum;
- Kent Downs National Landscape Team;
- Kent Ramblers;
- Kent Wildlife Trust;
- Mersham Parish Council;
- Ofgem;
- Savills on behalf of the Church Commissioners for England;
- Smeeth Parish Council;
- South East Water;
- Southern Water Services Ltd;
- The British Horse Society; and
- The Village Alliance.

## 3.2 Aldington and Bonnington Parish Council

**Table 3-1: Response to Aldington and Bonnington Parish Council**

Summary Position of Interested Party	Applicant Response
Aldington and Bonnington Parish Council <a href="#">[RR-002]</a>	
<i>Battery Energy Storage System (BESS)</i>	
<p>ABPC is concerned that no meaningful consultation on battery storage devices, particularly regarding fire risk, fumes, noise and visual impact, has been documented generally. This lack of evidence means that there could be heightened risks posed to the community, especially those living near to the site. The majority of the battery placements proposed by the Applicant are within 300m of residents' homes, including Quarry House Care Home. There appears to be no justification provided as to why the battery placements are scattered in these locations, as opposed to in a single enclosure. This adds to the overall potential risk of containing any issues as well as the industrial nature of the scheme.</p>	<p>The Applicant has consulted with Kent Fire and Rescue ('FRS') on the layout and approach to BESS. The <b>Outline Battery Safety Management Plan (Doc Ref. 7.16)</b> <a href="#">[APP-161]</a> ('OBSMP') explains how the BESS will be safely managed across the Site in accordance with National Fire Chiefs Council Guidance, and also details the engagement to date with Kent FRS (section 3.1). Section 16.7 of <b>ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2)</b> <a href="#">[APP-040]</a> assesses the risk of major accidents or disasters as a result of the Project. The assessment concludes that, given the proposed mitigation and best practice measures proposed, and the low risk of an event occurring for this type of development, no significant effects are likely. Requirement 5 in Schedule 2 of the <b>Draft DCO (Doc Ref. 3.1(B))</b> provides that prior to the commencement of the BESS development, a detailed Battery Safety Management Plan ('BSMP') must be submitted to and approved by the local planning authority in consultation with Kent FRS. The BSMP must either accord with the OBSMP or detail such changes as the undertaker considers are required, and must be implemented as approved.</p> <p><b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> sets out that the design for the Project employs a distributed approach with four individual containerised BESS Units located at any one Inverter Station, with a maximum of two Inverter Stations (and therefore eight units) being located in any one area of the Site, as opposed to locating all BESS Units in a single centralised compound area. This has been proposed to minimise fire risk and the Applicant has consulted with Kent FRS on the BESS layout.</p> <p>The Applicant is confident that the level of consultation undertaken and information presented throughout the pre-application stage is in accordance with the Planning Act 2008</p>



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## Applicant Response

Aldington and Bonnington Parish Council [[RR-002](#)]

and associated regulations and guidance. This has been evidenced in the **Consultation Report** [[APP-126](#)], which was submitted to the Planning Inspectorate and accepted for examination.

*Biodiversity*

ABC's Renewable Energy Guidance (Version 2), advises that opportunities to improve biodiversity must be taken where possible to create and improve connectivity of habitats. This is underpinned in clause A iv of ABNP Policy AB10 (Renewable and Community Energy). Policy AB1 of the ABNP maps out key biodiversity features in the parish, many of which are located in the site area (see Figure 5 of ABNP). Parts of the proposed site are important documented habitats for a range of species (Redacted). Particular concerns include:

- The impact of mesh security fencing that surrounds all areas of solar panels on the (Redacted)
- The impact of solar panels on the higher ground in terms of skylark nesting sites.
- The significant numbers of trees and hedgerows highlighted for removal in the Vegetation Removal Plan, all of which contribute to the green and blue infrastructure network noted in the ABNP (Policy AB1)

The **Planning Statement (Doc Ref 7.6)** [[APP-151](#)] provides a detailed assessment of the Project against the policies in the national policy statements ('NPSs') which have effect in relation to the DCO Application and other policies that are considered important and relevant to the Secretary of State's decision on whether to grant the DCO. When considered against the relevant NPSs, the Project is considered to be wholly consistent with national policy, including in relation to biodiversity considerations. Appendix 1 (Policy Compliance Checklist) of the **Planning Statement (Doc Ref 7.6)** [[APP-151](#)] sets out an analysis of compliance with the NPS policies of EN-1, EN-3 and EN-5 as well as the National Planning Policy Framework ('NPPF') and local policies.

The **Design Principles (Doc Ref. 7.5(A))** require boundary fences to include gates to allow free movement of badger, brown hare and other mammals, along with restricting vegetation loss. Requirement 4 of Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that the detailed design of the Project that is submitted for approval by the local planning authority must accord with the Design Principles. Additionally, no significant effects are identified for these species in **ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A))**.

During the operational phase of the Project, the **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** [[APP-033](#)] identifies one adverse effect of local significance on skylark due to the removal of arable monoculture cropland. Skylark nesting areas within set back zones within the PV Arrays have been included in the design of the Project, and significant biodiversity improvement areas have been included, notably to the north of the East Stour River in Fields 26-29. The proposed habitats in these fields will provide nesting opportunities for skylark and other ground nesting birds to mitigate the identified adverse effects.

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- The ability of habitats – and related species - to flourish below the compactly arrange solar panels.

The Applicant is proposing extensive biodiversity and landscape mitigation proposals as set out in **ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2(A))**. This includes securing at least 100% Biodiversity Net Gain ('BNG') for habitat units and at least 10% for hedgerow and river units as set out in the **Biodiversity Net Gain Assessment (Doc Ref. 7.1) [[APP-146](#)]**. The proposed biodiversity and landscape enhancements are considered appropriate to mitigate the effects of the Project and are secured through Requirement 8 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** This provides that the Project must not commence until a biodiversity design strategy has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council and the relevant statutory nature conservation body (Natural England). It also provides that no phase of the Project may commence until a Landscape and Ecological Management Plan ('LEMP') covering that phase has been submitted to and approved by the local planning authority. The LEMP must be in accordance with the **Outline Landscape and Ecological Management Plan ('Outline LEMP') (Doc Ref. 7.10(A))**, the approved biodiversity design strategy and the **Design Principles (Doc Ref. 7.5(A))**.

The Project includes a limited amount of vegetation removal. This has been considered in the **ES Volume 4, Appendix 9.3: Arboricultural Impact Assessment (Doc Ref. 5.4(A)) [[AS-017](#)]**. The assessment concludes that:

*5.1.13 Overall, the Project will have a low impact on the trees and hedgerows on the Site and it is likely that the change from agricultural activity will improve the growing conditions of many trees, including the adjacent ancient woodland and veteran/ ancient trees. The Project also includes significant additional tree and hedgerow planting which will mitigate the limited loss of trees and hedges on the Site.*

Vegetation removal is controlled by the **Design Principles (Doc Ref. 7.5(A))** which establish that the total extent of hedgerow removal is limited to 150m across the Site (no individual length greater than 20m and approximately half to be re-instated post construction), in the areas shown on the **Vegetation Removal Plan (Doc Ref. 2.8) [[APP-014](#)]**. Tree removals have been minimised throughout the iterative design process and are limited to the individuals shown on the **Vegetation Removal Plan (Doc Ref. 2.8)** which includes removals

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on arboricultural (tree health) grounds, as described in **ES Volume 4, Appendix 9.3: Arboricultural Impact Assessment (Doc Ref. 5.4(A))** [[AS-017](#)]. **ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A))** concludes that there is no potential for significant effects as a result of vegetation removal.

*Consultation*

ABC's Renewable Energy Guidance (Version 2), advises that the local community should be fully engaged in shaping renewable energy proposals and schemes should offer direct community benefits. Whilst there have been two rounds of consultation and meetings of a Community Liaison Panel (CLP) set up by the applicant, the ABPC consider that these interactions have been unsatisfactory. The CLP meetings had a one-way flow of information, with many questions closed down or deferred by the Applicant. The Chair of those panels did invite items for the agenda but coverage of any issues raised was often dismissive. ABPC has requested a full set of Examination documents to be made available for viewing in Aldington Village Hall, which is a recognised community hub. A small subset was delivered but, with the majority of the detail contained in the circa 180 online document, those supplied by the Applicant did not fully represent the detail of the application nor explain what it will look like or how it would be made. With an aging population, a number of our

The Applicant carried out comprehensive pre-application consultation on its proposals prior to submitting the DCO Application, including a five-week non-statutory consultation, two five-week statutory consultations and two four-week targeted consultations. The pre-application statutory consultation accorded with the requirements of the Planning Act 2008 ('PA 2008'), the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and had regard to guidance issued under section 50(3) of the PA 2008. In addition, the Applicant undertook non-statutory engagement throughout the pre-application stage. The Applicant consulted in a variety of ways to maximise consultee participation. A large number of consultees provided feedback. The Applicant had careful regard to the consultation responses received as it has finalised this application for the Project, as explained in detail in the **Consultation Report (Doc Ref. 6.1)** [[APP-126](#)].

In accepting the DCO Application, the Planning Inspectorate have confirmed the Applicant's pre-application consultation has complied with the requirements of the PA 2008.

The Application form and its accompanying documents, drawings, plans and maps, including the Environmental Statement and **Draft DCO (Doc Ref. 3.1(B))**, are available to view electronically and download, free of charge, under the "Documents" tab on the Stonestreet Green Solar page of the Planning Inspectorate's National Infrastructure Planning website.

An electronic copy of the Application documents can be supplied free of charge on a USB memory stick which will be limited to one USB per household or business. The complete set of Application documents can be made available in hard copy format subject to a fee of £1,800. Copies of individual documents are also available on request.

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residents either do not have access or do not actively access online materials. When printed, the keys to the maps are virtually impossible to read even when printed at A3 size. Some information, for instance the existing public rights of way network, is missing from the maps. We consider this a major barrier to participation locally.

*Cultural Heritage*

NPS EN-1 note that “the construction, operation and decommissioning of energy infrastructure has the potential to result in adverse impacts on the historic environment above, at and below the surface of the ground”. The parish has a great number of heritage assets, both above and below ground. This includes a large number of nationally listed heritage assets, a number of which are located within the proposed site area. It is vital that the significance of such assets is not detrimentally impacted, as per national policy and ABNP Policy AB11.

ABPC is particularly concerned that part of the proposed development will have a significant detrimental impact to the setting of St. Martin's Church, a Grade 1 heritage asset. There is an area of archaeological interest along Roman Road; 3m piling of solar panels could destroy

There are no scheduled monuments, listed buildings, registered parks and gardens or conservation areas within the Site. **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))** [\[AS-011\]](#) includes an assessment of the effects of the Project on designated heritage assets. The Project has been assessed in **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))** [\[AS-011\]](#) not to have any residual significant adverse effects on designated heritage assets.

An assessment of the effects of the Project on archaeology is provided in Section 7.7 of **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))** [\[AS-011\]](#) with supporting archaeological information provided in **ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref. 5.4)** [\[APP-070\]](#) and [\[APP-071\]](#). Targeted archaeological evaluation (trial trenching) was undertaken along the alignment of the Roman Road in the southwest of the Site and the results are reported in **ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref. 5.4)** [\[APP-070\]](#) and [\[APP-071\]](#).

An **Archaeological Management Strategy ('AMS') (Doc Ref. 7.17 (A))** sets out the approach to archaeological mitigation works in relation to the Project which will include further archaeological evaluation before the commencement of construction works. The **Works Plans (Doc Ref. 2.3(B))** include flexibility to respond to archaeological features which may be identified during further archaeological investigation and to respond to features

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such archaeological sites. It is vital that adequate investigations are undertaken.

identified during construction works. The **AMS (Doc Ref. 7.17(A))** will inform measures to avoid impacts on archaeological remains. If required, a non-invasive alternative to piling can be used to avoid impacts on archaeology. Requirement 9 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that no phase of the Project may commence until certain specified details for that phase have been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council. The specified details are a written scheme for the investigation of areas of archaeological interest within that phase; identification of any areas where a programme of archaeological investigation is required within that phase, and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found. These details must be generally in accordance with the **AMS (Doc Ref. 7.17(A))**.

*Decommissioning*

The decommissioning phase will have all the same issues as the construction phase for the community, bringing additional traffic, especially HGV vehicles onto rural roads. It is vital that the site is returned to its current states following decommissioning and at present, it is unclear as to how this would be guaranteed.

The Applicant has committed to lifetime for the Project of 40 years and this is secured through a Requirement 2 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**, which provides that the Project must cease generating electricity on a commercial basis no later than the 40th anniversary of the date on which electricity is first exported from the Project to the national grid commercially. The Applicant would be responsible for decommissioning the Project which involves the removal of all infrastructure built as part of the Project (except for elements of Work No. 4 that are within Sellindge Substation, any repairs, upgrades or replacements of/to the existing bridge / drain crossings, Public Rights of Way ('PRoW') footbridges and highway improvements).

After decommissioning the Site will be returned to the control of the landowners and it is expected they would return those areas of the Site that are currently in arable use back to arable use, except for limited areas of established habitat. The details of decommissioning works and environmental management measures would be subject to agreement with the local planning authority before they commence. This is secured through Requirement 14 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** which provides that prior to commencement of any decommissioning works for any part of the Project, (a) a Decommissioning

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Environmental Management Plan ('DEMP') for that part must be submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council; and (b) a Decommissioning Traffic Management Plan ('DTMP') for that part must be submitted to and approved by the local planning authority, such approval to be in consultation with the relevant highway authority. The DEMP must be in accordance with the **Outline DEMP (Doc Ref. 7.12(A))** and the DTMP must be in accordance with the **Outline DTMP (Doc Ref. 7.13(A))**.

*Flood Risk*

Some parts of the northern parish are within flood risk zones 2 and 3. The underlying soils here are clay, and residents frequently experience significant levels of mud and water particularly in the winter months. It is unclear how this has been factored into the proposals and how flooding will be mitigated against. Assessing flood risk is a requirement of NPS EN1. This is also relevant in relation to the construction phase of the proposed installation, with large heavy-duty vehicles spreading mud and debris along the rural lanes. Such issues will need to be carefully planned for mitigated so as not to have a negative impact on the day-to-day lives of residents. The terrain in this part of the wider area is complex in terms of its nature and topography and we are concerned about the feasibility of the proposals, notably in relation to the ability of the Aldington flood relief reservoir to not be put at risk. We do not consider that

An assessment of the effects of the Project on flood risk both within the Site and to the surrounding area is provided in **ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B))** with supporting information provided in **ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A))**. The assessment concludes that with appropriate mitigation measures which are secured, the Project would not increase flood risk within the Site or to the surrounding area. The Applicant also notes that the approach to flood risk has been agreed with the Environment Agency and is set out within the **Statement of Common Ground with Environment Agency (Doc Ref. 8.3.2)**.

Internal haulage roads would be used during the construction stage to protect ground conditions. The **Outline Construction Environmental Management Plan (CEMP) (Doc Ref. 7.8(A))** includes a commitment to provide a Soil Management Plan within the detailed CEMP(s) (production and approval of which is secured through Requirement 6 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**). The **Outline CEMP (Doc Ref. 7.8(A))** also requires the Principal Contractor to prepare a detailed Emergency Preparedness Plan ('EPP') which will include an Emergency Flood Response Plan ('EFRP') in relation to responding to flood warnings and events. Vehicle cleaning and road sweeping would be implemented in line with the **Outline CTMP (Doc Ref. 7.9(A))** to minimise risks associated with mud and debris. Production and approval of the final CTMP(s), in accordance with the **Outline CTMP (Doc Ref. 7.9(A))**, is secured through Requirement 7 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**.

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weather and ground conditions have been adequately considered and addressed and would like the opportunity to discuss these further.

*Landscape and Visual*

The topography of the site does not lend itself to development. This leads to point 2. 2. Impact on landscape character and visual impact: We consider that the development will have a detrimental impact on the rural landscape character of the parish. At a national level, NPS EN-1 para 5.10.7 is relevant in relation to protected landscapes, including National Landscapes (NL) (formally Area of Outstanding Natural Beauty (AONB)). Kent Downs National Landscape setting: The southern part of the neighbourhood area falls within the Kent Downs NL. The northern part where the application would be located, whilst outside the NL, forms part of its setting. Notably the Kent Downs NL Unit states that “the setting of the Kent Downs AONB does not have a geographical border. In most cases, the setting comprises land outside the AONB which is visible from the AONB and from which the AONB can be seen. The setting may be wider however, for example when affected by features such as noise and light”. The Kent Downs NL Renewable Energy Position

The Project is not located within a designated landscape and is therefore compliant with the policy set out in paragraph 5.10.7 of NPS EN-1 (see **Planning Statement Appendix 1: Policy Compliance Checklist (Doc Ref. 7.6)** [[APP-151](#)] for further detail).

The Kent Downs NL Unit has confirmed in their **Relevant Representation** [[RR-157](#)] the proposal *“is not likely to result in any material harm to those seeking to enjoy the Kent Downs AONB within the nationally protected landscape and, subject to the incorporation of sufficient landscaping, should not have a material impact on the setting of the Kent Downs AONB”*.

Natural England requested that the Applicant provide a **Kent Downs National Landscape Special Qualities Assessment (Doc Ref. 8.6)**. This has been provided and concludes that the Project will have a minimal effect on one of the NL’s Special Qualities, owing to effects on long distance views from the elevated chalk scarp of the North Downs.

The proposed landscape enhancements are considered appropriate to mitigate the effects of the Project and are secured through Requirement 8 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**. This provides that no phase of the Project may commence until a LEMP covering that phase has been submitted to and approved by the local planning authority. The LEMP must be in accordance with the **Outline LEMP (Doc Ref. 7.10(A))**, the approved biodiversity design strategy approved and the **Design Principles (Doc Ref. 7.5(A))**.

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Statement (<https://www.folkestone-hythe.gov.uk/downloads/file/2221/9-18-kent-downs-aonb-renewable-energy-position-statement>) states that “it is extremely unlikely that any location could be found in or within the setting of the AONB where the field-scale photovoltaics would not have a significant adverse effect on the landscape and the sense of remoteness, natural beauty and landscape character for which the Kent Downs are valued We do not believe this is the case for this application” (p.4, stress added by author). Furthermore Ashford Local Plan (2030) Policy ENV10 requires that for renewable energy installations, “the scale and design of renewable energy provision is compatible with the character and appearance of the area, having special regard to nationally recognised designations and their setting, such as AONB”. This is echoed in the ABNP Policy AB10, which requires applicants of solar installations to minimise and, where necessary, mitigate, their impacts on the local landscape.

Aldington Ridge Landscape Character Area: The northern area of the parish (where the installation is located) falls within a number of Landscape Character Areas, as identified by Kent County Council. The Ashford Local Plan (2030) Policy ENV3a (Landscape Character and Design)

As set out in the **Planning Statement (Doc Ref. 7.6)** [[APP-151](#)], the design of the Project has taken detailed account of the landscape and landform in which it sits and has also given careful consideration to its impact on views from sensitive receptors. These have been factored into the design development at all stages, and the design has directly and effectively responded to potential impacts identified and consultation comments received in relation to landscape and visual impact.



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requires development to demonstrate regard to such local landscape characteristics. Notably, the proposed application site coincides with Aldington Ridge Character Area, which runs north-west to south-east overlooking the marshes in places and straddling Roman Road. This high ridgeline topography, sloping away from Aldington village, allows for long distance views and, as expressed in the Aldington and Bonnington Design Guidelines and Codes (ABDGC) (underpinned by Policy AB8 of the ABNP), it is important that any impacts on landscape character are fully considered and that the landscape is preserved in any future development. Significant local views: Policy AB4 of the ABNP identifies 13 locally significant views in the neighbourhood area. These are views that have been identified by the community as important to them and which contribute significantly to local character. Several of these views would be severely impacted by the proposal. In particular the long-distance view (View 1) towards the village and ridgeline, which is one of the first and most striking views visible when entering the parish from the A20 and travelling into Aldington Village. This traditional Kentish view of rolling fields and woodland would be significantly impacted by the extensive solar panelling, which are of a height that would be challenging to screen effectively and in an

As detailed in **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))** [[AS-012](#)], the landscape and visual impacts of the Project have been assessed in accordance with NPS EN-1 section 5.10 and NPS EN-3 section 2.10. The assessment includes reference to the relevant landscape character assessments and any significant effects.

Whilst some significant adverse effects on landscape character, including the Aldington Ridge LCA, have been identified, these are considered to be limited for a Project of this nature. NPS EN-1 recognises that virtually all NSIPs will have adverse impacts on the landscape. It is clear that the landscape strategy has sought to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate. Therefore, in consideration of the above, the Project is considered to be in accordance with NPS EN-1 and NPS EN-3.

In addition, the proposed landscape enhancements are considered appropriate to mitigate the effects of the Project and are secured through Requirement 8 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**. This provides that no phase of the Project may commence until a LEMP covering that phase has been submitted to and approved by the local planning authority. The LEMP must be in accordance with the **Outline LEMP (Doc Ref. 7.10(A))**, the approved biodiversity design strategy and the **Design Principles (Doc Ref. 7.5(A))**.

Views from Station Road were considered in the assessment of visual effects, with assessments carried on two visual receptor groups (People travelling on Station Road within the Site, and People travelling on Station Road, North of the Site). View 1 of the ABNP is in approximately the same location as Viewpoint 16 of the LVIA. The assessment of visual effects identified a moderate adverse effect at year 1 from this location, reducing to minor adverse for visual receptors on Station Road to the north of the Site. At Year 15, these effects were found to reduce to minor adverse and negligible adverse respectively due to the growth and establishment of proposed roadside hedgerows. It should be noted that this viewpoint is located within the Upper Stour Valley LCA which is noted in the Landscape Assessment of Kent as having a very poor condition and low sensitivity due to increased fragmentation as a result of loss of hedgerows and hedgerow trees, resulting in weakened

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acceptable timeframe. Further work on impacts from different parts of the parish and nearby homes affected would be helpful. Industrialisation of the landscape: The installation could cover an area of landscape equivalent to approximately 250 football pitches. In a rural, undulating landscape such as within Aldington, this will inevitably and irreversibly alter the overarching nature and character of the landscape. The introduction of tall panels, high security fencing, metalwork, battery storage areas, concrete and lighting will serve to industrialise the rural parish. The narrow lanes, which contribute to the rurality of the parish will, in areas, need to be widened to allow for delivery and construction traffic. Where the installation abuts the rural roads, security fencing will need to be installed, which will effectively enclose those lanes from their current wider views. Examples include along Bank Road, where the 'tunnel effect' of tall panels and screening could continue for some distance. ABC Local Plan Policy ENV10 requires that for renewable energy installations, "the development, either individually or cumulatively does not result in significant adverse impacts on the landscape". We consider that the application as presented would result in significant adverse impacts.

character and loss of distinctiveness. The published guidelines for LCA Upper Stour Valley include the following:

- 'Create a new landscape structure building upon the existing ditches and hedgerows to create linked corridors for wildlife.
- Ensure that the important roadside hedgerows are gapped up and reinforced with standard trees to give structure to the landscape.
- Create new hedgerows and copses to screen intrusive elements such as the urban edge and transport corridors.
- Create new waterside and ditch vegetation using native wetland species and pollarded willows to reinforce the riparian character.'

Hedgerows are likely to grow at a rate of approximately 30cm per year. Whilst noting that trimming of hedgerows will be required to encourage a dense and compact hedgerow form, within the 15 year timeframe of the assessment, they have the potential to reach a height adequate to provide some screening/filtering of the Project for views at the eye level for receptors passing along Station Road.

Whilst some limited significant adverse effects on landscape character, including the Aldington Ridge LCA, have been identified, these are considered to be limited for a Project of this nature. Those impacts also reduce to non-significant levels as the proposed mitigation measures establish over time. NPS EN-1 recognises that virtually all NSIPs will have adverse impacts on the landscape. It is clear that the landscape strategy has sought to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate. Therefore, in consideration of the above, the Project is considered to be in accordance with NPS EN-1 and NPS EN-3.

The Applicant does not propose to widen roads within the local highway network. The Project does include some minor modification works at the Site Access, but these are limited in nature.

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The Applicant has considered the likely traffic generation from the Project and undertaken an assessment of the effects of construction phase traffic. The construction traffic effects of the Project have been assessed and set out in **ES Volume 2, Chapter 13: Traffic & Access (Doc Ref. 5.2(B))**. This concludes that the residual effect of the Project is negligible or minor adverse.

The Embedded Mitigation measures to be implemented during the construction phase will be secured through the DCO by the **Outline CTMP (Doc Ref. 7.9(A))** as well as the **Outline CEMP (Doc Ref. 7.8(A))**. These contain measures in relation to construction vehicle routing, vehicular access, the Internal Haulage Road, safety management, condition surveys and public engagement.

Following on from the point above, lighting will potentially form one deterrent against crime. ABNP Policy AB5 (Dark Skies) supports the need for lighting to be carefully considered in all developments in terms of its impact on health (promoting better sleep patterns and reducing stress), enjoyment and appreciation of the night skies, wildlife (nocturnal and diurnal animals) and energy efficiency (reducing energy wastage). It is unclear how the Applicant plans to meet the ABNP requirements on this matter.

The **Design Principles (Doc Ref. 7.5(A))** confirm that Operational lighting will be limited to emergency and overnight maintenance purposes only at Inverter Stations, Intermediate Substations and the Project Substation and will be directed within the Order limits. No significant effects on night-time receptors have been identified as a result of the Project. Requirement 4 of Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that the detailed design of the Project that is submitted for approval by the local planning authority must accord with the Design Principles.

The **Outline CEMP (Doc Ref. 7.8(A))** sets out the control measures that would be in place for the use of lighting during the construction phase which are in line with good practice to avoid light pollution effects. Construction phase lighting will be agreed with the local planning authority as part of the detailed CEMP(s) (production and approval of which is secured through Requirement 6 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**).

*Noise*

ABPC have concerns about the level of additional noise that will stem not only from the construction phase of the scheme, but also the

An assessment of noise effects from the construction and operation stages of the Project is reported in Section 14.7 of **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** [[APP-038](#)]. This assessment concludes that effects would not be significant.

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ongoing management, for instance the battery storage.

An assessment of noise effects from BESS Units and other electrical infrastructure has been undertaken by a competent expert as reported in paragraphs 14.7.27 to 14.7.81 of **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** [[APP-038](#)]. This concludes that effects would be negligible to minor adverse (not significant).

In respect of the operation of the Project, Requirement 13 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that prior to the operation of Work No. 2 or Work No. 3, an operational noise mitigation and monitoring scheme ('ONMMS') must be submitted to and approved by the local planning authority. The ONMMS must (a) include details of the plant specification, noise mitigation measures and monitoring procedures; and (b) demonstrate that, with those noise mitigation measures and monitoring procedures in place, the Project is not likely to result in any materially new or materially different noise effects from those assessed in **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** [[APP-038](#)]. The ONMMS must be implemented as approved.

*Principle of Development*

In the context of the national commitment to the net zero target (reducing greenhouse emissions by 100%) by 2050, whilst the Parish Council recognises the contribution that solar farms can make, as reflected in Policy AB10 of the Aldington and Bonnington Neighbourhood Plan (ABNP), we are concerned about the overall scale of the site in this location and of the potential impacts of the proposal as presented. We have set out our main issues and impacts below and would be grateful for the opportunity to discuss and expand upon these in more detail as the process progresses.

The Site's suitability for solar development and the Project's compliance with all relevant national and local policy is set out in detail within the **Planning Statement (Doc Ref. 7.6)** [[APP-151](#)].

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Whilst the ABPC is not unsupportive of solar schemes (see ABNP Policy AB10), this application is of such a size and industrial nature that is considered inappropriate in the parish. The location is in a location currently categorised by ABC as green field/open countryside. ABC, in its overarching vision for the borough, states that “The identity and attractive character of the Borough’s rural area, with its range of attractive settlements, wealth of heritage assets and its expansive countryside, including the Kent Downs AONB to the north and the High Weald AONB to the south, will be conserved and enhanced” (Local Plan 2030 para 3,11). The principle of development is not established in this part of the parish.

*Public Rights of Way (PRoW)*

There is an extensive public rights of way network in the parish. The proposed scheme would affect at least 12 ancient public rights of way, with some being extinguished and many diverted. The enjoyment of walking along Public Footpaths will be greatly diminished by the 3m high solar panels, mesh fencing and CCTV cameras. This will potentially have a detrimental impact on tourism in the parish. ABPC is very concerned that the documents, as presented, do not clearly show where existing footpaths would

The Applicant recognises that there are a number of in the area and has worked closely through formal consultation and engagement with KCC, ABC, Kent Ramblers and other stakeholders to evolve the design approach to minimise the need to divert or extinguish PRoW as a result of the Project and to ensure that management and design principles are appropriate. KCC, the relevant highways authority, has reviewed and commented on the **Outline RoWAS (Doc Ref. 7.15)(A)**. Requirement 10 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that no phase of the Project incorporating any part of a PRoW which is to be temporarily closed or permanently stopped up pursuant to article 18 of the Draft DCO (public rights of way – stopping up and vehicular use on public rights of way) may commence until a RoWAS for the phase has been submitted to and approved by the local planning authority, such approval to be in consultation with KCC. The RoWAS(s) must be generally in

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be diverted (existing footpaths are not shown at all on the maps), which makes it difficult for residents to understand the likely impact of the scheme. One of the proposed footpath diversions would lead through the proposed biodiversity area; it is unclear what the impact on wildlife/habitats in that area would be, notably with dogwalkers for instance. Policy AB10 of the ABNP seeks to encourage schemes of this sort to retain existing public rights of way where possible and to incorporate linkages to neighbouring settlements (for instance Mersham). It is not clear that such opportunities have been considered by the applicant. Equally how cycleways through the site might be supported. The important footpath link from Aldington village to the church (AE474) is proposed to be closed for 12 months. This is a major footpath and this length of closures is considered unacceptable.

accordance with the **Outline RoWAS (Doc Ref. 7.15(A))** and must be implemented as approved.

Critically, no PRow would be extinguished or diverted at any time without a replacement being in place, to avoid breaks in connectivity.

An assessment of tourism effects is set out in **ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))** which includes a consideration of PRow and effects on users as reported by other chapters of the ES, concluding that while users will experience a change in noise and visual environment, this is likely to be transitory, temporary and would not contribute to a significant effect on the wider tourist economy.

The detail of the proposed footpath diversions is set out within the **Outline RoWAS (Doc Ref. 7.15(A))**, the **Draft DCO (Doc Ref. 3.1(B))** (Part 4; and Schedules 8 and 9), the **Streets, Rights of Way and Access Plans (Doc Ref. 2.5)** [[APP-011](#)] and **ES Volume 3, Figure 3.2: Proposed Access Network (Doc Ref. 5.3)** [[APP-045](#)].

As set out within the **Outline RoWAS (Doc Ref. 7.15(A))** (paragraph 3.1.2), *“a ‘riverside walk’ will be created by FN-3 / New 3 running east to west through the north of the Site and connecting existing route AE 376 directly to AE 657 thereby directly connecting the network between Mersham and Sellindge”. Additionally, (paragraph 3.1.3) “Subject to third party landowner agreement and appropriate permissions for areas outside the Order Limits, a shared walking / cycleway will be provided (delivered to a specification and design standard to be agreed with ABC, in consultation with KCC) along the route of the diverted AE 370 from Aldington towards Mersham. The Applicant will engage with KCC to agree a proportionate provision of contributions to assist the delivery of the sections outside of the Order limits with the aim of creating a continuous offroad link between the two villages.”*

Requirement 10 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that no phase of the Project incorporating any part of a PRow which is to be temporarily closed or permanently stopped up pursuant to article 18 of the Draft DCO (public rights of way – stopping up and vehicular use on public rights of way) may commence until a RoWAS for the phase has been submitted to and approved by the local planning authority (ABC), such

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approval to be in consultation with KCC. The RoWAS(s) must be generally in accordance with the **Outline RoWAS (Doc Ref.7.15(A))** and must be implemented as approved.

The Applicant notes that AE 474 is not proposed to be closed at any time. The Project's Goldwell Lane construction access is shared with AE 474, and would be subject to several condition, safety and management measures set out in the **Outline CTMP (Doc Ref. 7.9(A))** (Paragraphs 6.2.2 and 6.6.1).

*Safety and Security*

The Parish Council is concerned about the impact of locating an industrial site in the rural parish in relation to crime levels. Our understanding is that such site do attract criminal activity (e.g. "Police in the UK observed a 93% rise in reports of solar-related crimes from 2021 to 2022" <https://www.pv-magazine.com/2023/04/15/weekend-read-solar-crime-on-the-rise/>) and this is a cause of concern for residents. Designing out such crime would inevitably require surveillance methods, such as cameras, which in turn will add to the industrialisation of the area. We would welcome the opportunity to discuss this in more detail, including how the Applicant plans to mitigate against crime, without impacting detrimentally on the landscape.

The Project includes a range of physical measures to minimise security threats which are secured by the **Design Principles (Doc Ref. 7.5(A))**. These include the use of perimeter security fencing with fully secured access points and CCTV. It also confirms that CCTV will be infrared and will be directed towards the Order limits and its immediate environs, or away from residential properties. Requirement 4 of Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that the detailed design of the Project that is submitted for approval by the local planning authority must accord with the **Design Principles. (Doc Ref. 7.5(A))**.

A range of other security measures are set out in paragraph 2.3.13 of the **Outline Operational Management Plan ('OMP') (Doc Ref. 7.11(A))**. Details of security measures chosen will form part of the detailed OMP submitted prior to commencement of operation of the Project. This is secured by Requirement 12 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**, which provides that prior to the operation of the Project, an OMP, in accordance with the Outline OMP, must be submitted to and approved by the local planning authority, and then implemented as approved.

*Site Selection/Consideration of Alternatives*

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In the context of this site being within the setting of the Kent Downs NL, we are concerned that alternative sites have not been fully explored. The ABPC would like the opportunity to discuss this in more details. Panels located in areas 20, 21 and 22: ABPC would like to register a particular objection to the inclusion of these 'outlier' sites in the overall proposal. Remote from the rest of the site, they are located in approximately 38 acres of good quality farmland. They are adjacent to Public Right of Way AE474, which is one of the most important footpaths in the parish connecting Aldington village and St Martins Church. This will impact the visual amenity of that historic footpath. Their construction will specifically impact Goldwell Lane for many months to allow machinery access and cable laying. This is a narrow lane with no road marking and which has a pinch point and blind bend at Woodleas Farm. The route is identified as a regular circular walk utilised by parents and dog walkers in the ABNP. There is no pavement so is identified as suitable for a shared use scheme and reduced speed limit. Finally, this area lies directly behind allocated housing sites (S51, S52) in the Ashford Local Plan 2030 so, when built out, will be in close proximity to residential property. It is unclear as

**ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) [[AS-010](#)]** sets out how the site selection process for the Site was undertaken and the consideration of alternatives.

As set out in **ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))** the Project has taken account of the potential to accommodate existing PRoW, or re-route them where it is not possible to accommodate them, taking consideration of feedback from stakeholders on usage of local networks.

**ES Volume 2 Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) [[AS-010](#)]** sets out the evolution of the Project's design, including a number of changes to the layout of the Project to ensure that infrastructure is located away from residential properties and that impacts are minimised where possible.

As set out within the **Planning Statement (Doc Ref. 7.6) [[APP-151](#)]**:

*'7.3.7 A comprehensive series of mitigation measures has been embedded in the design of the Project, with the aim of reducing adverse effects resulting from its introduction'*

*'7.3.8: ... The national and local benefits of the Project are considered to outweigh the localised effects. Therefore, it is policy compliant with NPS EN-1'*

In this context, a reduction to the scale of the Project is not considered to be a reasonable alternative, in order to maximise the energy generation potential of the Project in line with the Applicant's grid connection offer. Further details on this are set out in paragraph 5.5.4 of **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) [[AS-010](#)]**. This approach was recently endorsed in the Secretary of State's decision letter for the Sunnica Energy Farm (12<sup>th</sup> July 2024).

Section 6.8 of the **Planning Statement (Doc Ref. 7.6) [[APP-151](#)]** addresses the use of Best and Most Versatile (BMV) agricultural land within the Order Limits and considers the requirements of NPS EN-1 paragraph 5.11.12, which states *"Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades*



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to why this detached site is included and considered necessary to the overall scheme.

*1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5)".*

Table 5 of the **Planning Statement (Doc Ref. 7.6)** [[APP-151](#)] shows that 143.47ha of the 182.11ha of agricultural land within the Order limits is not BMV land, with paragraph 6.8.14 demonstrating that the Project will result in the permanent loss of 5.58ha of BMV land. Paragraph 6.8.18 summarises the Project's compliance with national policy through: keeping the permanent loss of BMV land to a very low amount; retaining the ability to reinstate arable agriculture after decommissioning; and facilitating a continued agricultural use through making the land available for biodiversity management grazing throughout the operational life of the Project.

*Socio-economics*

The ABNP supports rural tourism in the parish (Policy AB15), which largely relies on the natural environment as the key 'pull' factor for visitors. The industrialising nature of the proposal will directly impact this. There are many bed & breakfast businesses, several camp sites, including one on Goldwell Lane, and a public house that would be directly impacted. This will have a knock on effect on the overall economy of the area. It is unclear as to the economic benefit to the area of this proposal – experience shows that job creation at such schemes is very limited outside the construction phase.

**ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))** considers the socio-economic impact of the Project on community facilities and tourism. For tourist accommodation, the effects have been assessed to be negligible (not significant). For community/tourist facilities the effects of the Project have been assessed to be negligible to minor adverse (not significant) during the construction phase; mitigation on nearby receptors is secured through the **Outline CEMP (Doc Ref. 7.8(A))**, the **Outline CTMP (Doc Ref. 7.9(A))** and the **Outline RoWAS (Doc Ref. 7.15(A))**. Production and approval of final versions of these documents is secured through Requirements 6, 7 and 10 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**.

*Traffic and Access*

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ABPC is concerned about the impact of the construction phase on the community. The Applicant considers that construction will take 12 months, but there is no detailed plan to substantiate this. We note from other similar projects (for example Cleve Hill in Kent), that anticipated timings may be optimistic.

The estimation of the construction phase duration used for the purposes of the Environmental Impact Assessment presented in the Environmental Statement is a reasonable worst-case scenario based on the current level of information available for the Project. Details of the phasing and construction of the Project will be submitted to ABC (as the local planning authority) for approval under Requirement 3 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**. The Project must be carried out in accordance with the approved phasing scheme.

The roads into and around the parish are extremely rural in nature. They are windy, often with few or no road markings and narrow in parts. They contribute significantly to the rural character of the area, hedgerow-lined roads being a feature of the ABDGC. It is concerning that the installation will have no choice but to alter the nature and character of these rural lanes in order to allow access to the site, both during the construction phase and for ongoing maintenance. It is unclear as to how construction related matters, such as holding areas for machinery and equipment, have been considered. Parts of the parish continue to be farmed and there is, as a result, a high incidence of agricultural vehicles on the road. Again, it is unclear how this has been considered in the application.

The Applicant does not propose to alter the character of the roads that constitute the construction traffic route. Paragraph 5.2.4 of the **Outline CTMP (Doc Ref. 7.9(A))** establishes that vegetation on the opposite verge to the Primary Site Access will be cut-back to improve approach visibility and appropriate temporary warning signage and use of a banksman will be required. Temporary construction management works can be removed following the end of the construction phase and the road returned to its pre-construction condition subject to the agreement of KCC (paragraph 6.3.3). The construction traffic route is already used by HGVs, coaches and large agricultural vehicles. Maintenance vehicles will predominantly consist of cars, vans and 4x4s.

The construction period is expected to be approximately 12 months and any adverse effects on local roads and road users are mitigated through the measures presented in the **Outline CTMP (Doc Ref. 7.9(A))**. Detailed CTMP(s) will be submitted to ABC for approval (in consultation with the relevant highways authority) prior to construction of the Project, as secured through Requirement 7 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**. The detailed CTMP(s) will provide more detail about the measures used to mitigate construction traffic effects. The CTMP(s) for each phase of the Project must be in accordance with the **Outline CTMP (Doc Ref. 7.9(A))**. Traffic surveys and a review of traffic data to understand the frequency and types of use of vehicles on the local road network were undertaken as part of the consideration of traffic impacts, as set out in **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))**.

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ABPC is concerned about the detail and accuracy of the Traffic Management Plan as presented. The PC has carried out its own road traffic survey over a 4-week period on Roman Road, Goldwell Lane, Calleywell Lane and Station Road by the Mill to ascertain 'typical' traffic levels in this area of the parish. Comparing the findings to the data provided by the Applicant, there are numerous discrepancies in terms of when traffic flow rate and timings of construction traffic along Goldwell Lane would be considered acceptable by the Applicant, compared to what would likely happen in practice. Noting that there are a number of key community facilities along Roman Road, including the school, fire station, post office and village hall. Furthermore, any increase in traffic on Goldwell Lane would have a knock-on effect to Calleywell and Station Road, as potential feeder roads.

The purpose of the **Outline CTMP (Doc Ref. 7.9(A))** submitted as part of the application is to set out the measures that will be used during the construction phase to mitigate construction phase traffic effects and mitigate temporary disruption effects on road users, the local community and environment. Detailed CTMP(s) will be submitted to ABC for approval, in consultation with the relevant highways authority (KCC), prior to construction of the Project, as secured through Requirement 7 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**. The Detailed CTMP(s) will provide more detail about the measures used to mitigate construction traffic effects.

The Applicant's traffic survey data has been recorded by an experienced and independent traffic survey specialist with the timing in line with what the Department for Transport (DfT) considers to be a neutral period as per its document TAG Unit 1-2 Data Sources and Surveys, and has been used to inform the transport assessment within **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))**. The only exception is the supplementary data that has been sourced from DfT traffic count sites. Given the relatively low levels of traffic on the local roads, there can be a greater level of traffic flow variation on them than more regularly heavily trafficked roads such as the A20 Hythe Road. Any 'spikes' in traffic are considered to be normal occurrences and will unlikely affect the construction traffic. KCC, as highways authority, has not expressed any concerns with the reliability of the traffic survey data. Roman Road in the vicinity of the school, fire station, post office and village hall does not form part of the construction traffic route so there will be no impact on these community facilities.

Other immediate concerns relating to potential traffic impacts include:

- Proposed access to site compound from A20 is the principle route into the village. The entrance into the parish from the A20 is a challenging layout where there have been records of traffic accidents.

Collision records have been considered as part of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))**. There is no evidence to suggest that the Project will exacerbate the frequency or severity of collisions.

The A20/Station Road junction is not considered to be an accident blackspot by KCC. It benefits from a national design standards compliant ghost island right turn into Station Road so that right turning vehicles can wait for a suitable gap to turn without delaying eastbound ahead movements.

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- A20 junction with Station Road is an accident blackspot approach onto Station Road will take full width of Station Road potential conflict with vehicles looking to exit onto A20.
- Station Road is C class which at points between A20 and the proposed site compound have insufficient width for cars to pass HGV's.
- Station Road insufficient width for two HGV's to pass each other.

Cars and HGVs regularly pass each other on Station Road, as do opposing HGVs. The sharp bends in the vicinity of the mill will be bypassed by the internal haulage road.

- Table of anticipated vehicle types and frequency misleading as movements are quotes as average per hour over the course of twelve months.

Table 4.1 of the **Outline CTMP (Doc Ref. 7.9(A))** presents a summary of the anticipated vehicle types along with the one-way and two-way trip frequencies during the worker peak time period to show the maximum expected impact. These figures further include a 40% buffer to provide additional margin of error.

At this stage, prior to the appointment of the principal contractor, it is appropriate to consider average trip numbers. There will naturally be peaks and troughs with construction activity but a specific timetable for this is not available at this stage (albeit, a reasonable worst case scenario has been used as the basis of the EIA). The 40% buffer applied to construction traffic more than accounts for any such peaks, as should the assessment of the worker peak scenario which considered the peak of 199 workers being present on-site at any one time. The impact of the construction worker trips is forecast, using robust worst-case assumptions, to vary between the average figure of 30 one-way trips to 44 one-way trips. It is important to note that majority, but not all, will arrive at Site before 8am and after 6pm which avoids the network peak hours. The modal split for worker arrivals states that 75% of workers would arrive/depart site by minibuses. The Applicant is also committed to timing deliveries to avoid the local highway network peak hours including school departure times, as secured in the **Outline CTMP (Doc Ref. 7.9(A))**.

## Summary Position of Interested Party

## Applicant Response

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<ul style="list-style-type: none"> <li>No indication has been given as to the number / frequency of tractor / trailer movements across Station Road</li> </ul>	<p>The assessment presented in <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b> provides a worst case assessment. Paragraph 13.4.87 of <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b> sets out that the construction traffic figures presented are based on the number of trips to/from the Primary Site Access off Station Road. The figures presented for the crossing points and Goldwell Lane do not take into account a likely reduction in trips following unloading from the road vehicles onto the trailers that will be pulled by tractor to the south western, central and south eastern areas of the Site. Not accounting for such a condensing of trips provides a conservative worst-case assessment of the impacts of the Project.</p>
<ul style="list-style-type: none"> <li>No indication has been given as to the number / frequency of tractor / trailer movements on Goldwell Lane</li> </ul>	
<ul style="list-style-type: none"> <li>No indication has been given as to the position of where the cable will cross Station Road to the substation or the size of trench required or width restriction during</li> </ul>	<p>The <b>Design Principles (Doc Ref. 7.5(A))</b> secure a cable trench width of 2m and a depth of 1.5m. Requirement 4 of Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> secures that the detailed design of the Project that is submitted for approval by the local planning authority must accord with the Design Principles. In addition, the Illustrative Cable Trench Detail Plan provided within the <b>Illustrative Project Drawings – Not for Approval (Doc Ref 2.6(A))</b> provides illustrative drawings of the cable trench depth and width.</p>
<ul style="list-style-type: none"> <li>No indication as to the routing of the cable on Goldwell Lane or width of trench required.</li> </ul>	<p>The <b>Streets, Rights of Way and Access Plans (Doc Ref. 2.5) [<a href="#">APP-011</a>]</b> indicate the route of the cable on Goldwell Lane (Sheets 4 and 9).</p>
<ul style="list-style-type: none"> <li>Inaccurate information given as to the port of entry, Folkestone has no freight facilities or linkspan for ferries.</li> </ul>	<p><b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b> states that the port of entry for Project components sourced from overseas is yet to be determined. Paragraph 13.4.88 states:</p> <p><i>“However, the Applicant has identified the following ports as being suitable. They are listed in order of distance to the Site with the main construction traffic route also listed:</i></p> <ul style="list-style-type: none"> <li><i>Folkestone: 29km M20 south-east;</i></li> <li><i>Dover: 37km M20 south-east;</i></li> <li><i>Newhaven: 93km A2070-A259-A27-A26;</i></li> </ul>

Summary Position of Interested Party	Applicant Response
Aldington and Bonnington Parish Council [ <a href="#">RR-002</a> ]	<ul style="list-style-type: none"> <li>▪ <i>London (Gravesend): 109km A20 north-west;</i></li> <li>▪ <i>Felixstowe: 201km A20 north-west-M25-A12-A14; and</i></li> <li>▪ <i>Southampton:216km M20 north-west-M25-M3-M271.”</i></li> </ul> <p><i>The assessment therefore does not place reliance on any one of the above noted ports.”</i></p>
<ul style="list-style-type: none"> <li>▪ No contingency route given in the event of the M20 or A20 being closed due to an incident.</li> </ul>	<p>Should there be a closure of the M20 or A20 that affects the construction traffic route, construction arrivals and departures will be temporarily paused until such a time that the closure is lifted and traffic has cleared. A reasonable degree of flexibility has been included in the construction programme to account for such limited events. Construction traffic will not be redirected through the centre of Aldington village.</p>
<ul style="list-style-type: none"> <li>▪ The proposed booking system does not take into account deliveries to Evegate Business Centre, the Villages of Aldington or Bonnington or farm traffic.</li> </ul>	<p>The <b>Outline CTMP (Doc Ref. 7.9(A))</b> includes a commitment to consult with local businesses and residents prior to key stages of construction. The Applicant is willing to coordinate deliveries for the Project with those of local businesses in order to limit conflict. Production and approval of the final CTMP(s), in accordance with the <b>Outline CTMP (Doc Ref. 7.9(A))</b>, is secured through Requirement 7 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b>.</p>
<ul style="list-style-type: none"> <li>▪ Station Road is principle route into / out of the village of Aldington for the emergency services.</li> </ul>	<p>The worker peak scenario assessed in <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b> includes a two-way estimate of 11 light vehicles per hour and 4 HGVs per hour. A total of 15 two-way delivery vehicles equates to just 1 trip every 4 minutes. There is no evidence to suggest that this level of additional traffic would have a detrimental impact on the response times of the emergency services. The construction phase drivers, as per any driver on the road, will have a responsibility to make way for blue light emergency vehicles.</p>
<ul style="list-style-type: none"> <li>▪ The Baseline traffic summary is limited in its information as data was only collected over a period of one week.</li> </ul>	<p>The Applicant’s traffic survey data which was used to prepare the assessment presented in <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b> has been recorded by an experienced and independent traffic survey specialist with the timing being in line with what the DfT considers to be a neutral period as per its document TAG Unit 1-2 Data Sources and</p>

Summary Position of Interested Party	Applicant Response
Aldington and Bonnington Parish Council [ <a href="#">RR-002</a> ]	
	Surveys. Supplementary data has been sourced from DfT traffic count sites which also recorded data during a neutral period.
<ul style="list-style-type: none"> <li>▪ Outline CTMP implies that Calleywell Lane could cope with increased traffic if delays or restrictions on Goldwell Lane</li> </ul>	This is not stated in the <b>Outline CTMP (Doc Ref. 7.9(A))</b> .
<ul style="list-style-type: none"> <li>▪ Haul Road traverses flood plain what contingencies to prevent compaction of soil / sinking of protection plates.</li> </ul>	<p>The <b>Outline CEMP (Doc Ref. 7.8(A))</b> sets out a range of measures that define the overarching principles for minimising, managing and / or mitigating the environmental effects of constructing the Project. A detailed CEMP for each phase of the authorised development will be submitted to the local planning authority for approval prior to the commencement of construction of that phase. These detailed CEMP(s) will incorporate topic-specific mitigation measures identified as necessary to mitigate potentially adverse significant effects during the construction phase of the Project.</p> <p>In relation to soil compaction, the <b>Outline CEMP (Doc Ref. 7.8(A))</b> includes the following measures:</p> <p><i>'4.8.10: ...</i></p> <p><i>Additional drainage or reworking of the soil will be implemented where compaction of soils is considered a significant risk or if significant compaction is noted along any of the traffic routes...</i></p> <p><i>Use of track mats to prevent unnecessary soils compaction</i></p> <p><i>6.3.19 Prior to topsoil placement, subsoil decompaction may be required. For the decompaction to be effective, the moisture content of the soil must be below the lower plastic limit, so that the soil is dry enough to shatter and for fissures to be created.'</i></p> <p>Detailed CEMPs would then be prepared to set out further details, including Construction Method Statements, which would provide further details. Production, approval and implementation of the final CEMP(s), in accordance with the <b>Outline CEMP (Doc Ref.</b></p>

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**7.8(A)**, is secured through Requirement 6 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**.

- Mention is made of avoiding peak times for Caldecott School at A20 end of Station Road, no mention of school traffic for Aldington Primary School or the worker commute.

Paragraph 6.3.1 of the **Outline CTMP (Doc Ref. 7.9(A))** states:

*“Construction deliveries to the Primary Site Access by HGV will be coordinated where possible to arrive/depart outside the drop-off and pick-up times for The Caldecott School and traditional network peak-time hours. Construction traffic in relation to the Goldwell Lane Access will be coordinated where possible to arrive/depart outside the drop-off and pick-up times for Aldington Primary School.”*

Production and approval of the final CTMP(s), in accordance with the **Outline CTMP (Doc Ref. 7.9(A))**, is secured through Requirement 7 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**.

- Outline CTMP traffic flows does not show any vehicular movements for construction plant, tracked plant tends to be wider than standard lorry width which would prevent oncoming vehicles being unable to pass.

The main construction related traffic has been included in the traffic forecasts based on the Applicant’s experience of delivering solar PV developments elsewhere in the country, as well as relevant transport assessment guidance and best practice. The vehicles referred to will be smaller in number than the majority of those calculated and will be more than accounted for in the 40% buffer used in **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))**.

- Outline CTMP traffic flows do not show any fuel tankers, regular visits would be needed.

The deliveries of any wider than standard loads, such as tracked plant, can be coordinated so that they are transported at suitable times on the local highway network with residents and local businesses made aware of these times as committed to in the **Outline CTMP (Doc Ref. 7.9(A))**. It is also important to note that the majority of plant vehicles will remain on-site until the need for them ceases, so their trip numbers will be minimal. Detailed CTMP(s) will be submitted to ABC for approval (in consultation with the relevant highways authority - KCC) prior to construction of the Project, as secured through Requirement 7 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**. The Detailed CTMP(s) will provide more detail about the

- Outline CTMP traffic flows show no movements for vehicles servicing welfare facilities. We would like the opportunity to explore these matters in more detail.



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Aldington and Bonnington Parish Council [[RR-002](#)]

measures used to mitigate construction traffic effects. The CTMP(s) for each phase of the Project must be in accordance with the **Outline CTMP (Doc Ref. 7.9(A))**.

### 3.3 Aldington and Mersham Support Group

**Table 3-2: Response to Aldington and Mersham Support Group**

Summary Position of Interested Party	Applicant Response
Aldington and Mersham Support Group <a href="#">[RR-003]</a>	
<i>BESS</i>	
<ul style="list-style-type: none"> <li>■ There has been no meaningful consultation on batteries, particularly regarding fire risk, noise and visual impact.</li> <li>■ There has been no justification of the scattergun placement of batteries across the fields nor any consultation about other options including that of a single battery enclosure.</li> <li>■ The vast majority of batteries are just 300m from houses.</li> <li>■ There are batteries within 350 m of Quarry House (an Extra Care Scheme).</li> <li>■ The scattergun approach to locating batteries stands to unnecessarily industrialise the rural environment.</li> <li>■ Access by fire engines from the south is either by Laws Lane or the byway.</li> <li>■ EPL001 have never explained the oversizing of the panel element of the scheme, the correlation between this and the amount of battery storage being</li> </ul>	<p>The Applicant has consulted with Kent Fire and Rescue ('FRS') on the layout and approach to BESS. The <b>Outline Battery Safety Management Plan (Doc Ref. 7.16)</b> <a href="#">[APP-161]</a> ('OBSMP') explains how the BESS will be safely managed across the Site in accordance with National Fire Chiefs Council Guidance, and also details the engagement to date with Kent FRS (section 3.1). Section 16.7 of <b>ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2)</b> <a href="#">[APP-040]</a> assesses the risk of major accidents or disasters as a result of the Project. The assessment concludes that, given the proposed mitigation and best practice measures proposed, and the low risk of an event occurring for this type of development, no significant effects are likely. Requirement 5 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> provides that prior to the commencement of the BESS development, a final Battery Safety Management Plan ('BSMP') must be submitted to and approved by the local planning authority in consultation with Kent FRS. The BSMP must either accord with the OBSMP or detail such changes as the undertaker considers are required and must be implemented as approved.</p> <p>It is noted that the distances for battery locations secured in the <b>Works Plans (Doc Ref. 2.3(B))</b> significantly exceed the National Fire Chief's Council and National Fire Protection Agency recommended distances.</p> <p><b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> sets out that the design for the Project employs a distributed approach with four individual containerised BESS Units located at any one Inverter Station, with a maximum of two Inverter Stations (and therefore eight units) being located in any one area of the Site, as opposed to locating all BESS Units in a single centralised compound area. Table 5.4 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> sets out a number of benefits to this approach.</p>

## Summary Position of Interested Party

## Applicant Response

Aldington and Mersham Support Group [\[RR-003\]](#)

proposed, nor the extent to which the number of batteries is dictated by their additional role of intermittently storing electricity from the Grid.

Information about BESS is detailed in Paragraphs 3.6.14 – 3.6.22 and 3.9.16-3.9.19 of **ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2(A))**.

The need for large-scale solar projects is set out in the **Planning Statement (Doc Ref. 7.6) [APP-151]** and is established in NPS EN-1. A significantly reduced scale proposal to the Project is not considered by the Applicant to be a reasonable alternative. Further details on this are set out in Section 5.5 of **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) [AS-010]**.

As noted in **Appendix M of the Consultation Report (Doc Ref. 6.2) [APP-144]**, the consultation material generally described the Project by reference to the maximum electrical output that could be exported to the electricity grid. For the Project this is 99.9MW. The land included in the Order limits is reasonably required for the purpose of the development.

Both the 2022 and 2023 Statutory Consultation material included information on battery storage. In both cases, the PEIR / PEIR Addendum, Consultation Booklet and the exhibition boards explained that battery storage would allow the batteries to be charged by the solar PV panels but could also provide grid balancing services.

*Biodiversity*

The development will impact many important species like Skylark, Yellowhammer, Brown Hare and Badgers.

- The mesh security fencing that surrounds all areas of solar panels will have a major impact on mammal movement and act to restrict access to long established foraging areas.
- EPL001's claims made in respect of the level of anticipated "adverse impact" on such protected species (even when

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The **Design Principles (Doc Ref. 7.5(A))** secure the use of mammal gates within the security fencing to ensure mammal movements are not restricted. Requirement 4 of Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that the detailed design of the Project that is submitted for approval by the local planning authority must accord with the Design Principles

The **Outline LEMP (Doc Ref. 7.10(A))** provides details of the habitat provision to mitigate effects on protected species.

**ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2) [APP-033]** identifies that during the operational phase one adverse effect of local significance has been identified on skylark due to the removal of arable monoculture cropland. Skylark nesting areas within set back zones within the PV Arrays have been included in the design and significant biodiversity improvement areas have been included, notably to the north of the East Stour River in Fields 26-29 with the habitats

## Summary Position of Interested Party

## Applicant Response

Aldington and Mersham Support Group [\[RR-003\]](#)

signalled as being “significant”) seems not to merit design changes or further alternative habitat provision.

- Removing panels from the high ground (Aldington Ridge) will preserve BMV land, and Skylark nesting habitat.

in these fields providing nesting opportunities for skylark and other ground nesting birds to mitigate the effects.

The Applicant proposes extensive biodiversity and landscape mitigation proposals as set out in **ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2(A))**. This includes at least 100% BNG for habitat units and at least 10% for hedgerow and river units as set out in the **Biodiversity Net Gain Assessment (Doc Ref. 7.1)** [\[APP-146\]](#).

The proposed biodiversity and landscape enhancements are considered appropriate to mitigate the effects of the Project and are secured through Requirement 8 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** This provides that the Project must not commence until a biodiversity design strategy has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council and the relevant statutory nature conservation body (Natural England). It also provides that no phase of the Project may commence until a Landscape and Ecological Management Plan ('LEMP') covering that phase has been submitted to and approved by the local planning authority. The LEMP must be in accordance with the **Outline LEMP (Doc Ref. 7.10(A))**, the approved biodiversity design strategy and the **Design Principles (Doc Ref. 7.5(A))**.

## Compensation

We sense that EPL001's invulnerability to paying any form of compensation to house owners who stand to be seriously impacted by these proposals has allowed them to take an unkind and cavalier attitude to certain (often elderly) members of our community who have no voice in this process and difficulty understanding what, if anything, they can do. We propose to raise this issue in the Examination on their behalf in the strongest possible terms.

The Compensation Code would apply to those who may be able to make an eligible claim outside of the Order limits. The Applicant's land agent, Gateley Hamer, can act as an initial point of contact for land and property queries, but those who believe they may be able to make an eligible claim should, in accordance with Government guidance, seek advice from a suitably qualified professional.

There can be many factors impacting property values, and importantly property values are not a material planning consideration for Secretary of State in making a decision on whether or not to grant consent for the Project. The Project has been designed to avoid and mitigate environmental impacts as far as possible. **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))** [\[AS-010\]](#) sets out the evolution of the Project design. A number of changes were made to the layout of the Project in response to Statutory Consultation feedback

## Summary Position of Interested Party

## Applicant Response

Aldington and Mersham Support Group [\[RR-003\]](#)

and engagement between the Applicant and local residents during the pre-application period to ensure that infrastructure is located away from residential properties and that impacts are minimised where possible.

*Consultation*

As per our adequacy of consultation document (submitted to PINS by Ashford Borough Council) we do not believe that the consultation was adequate from a community perspective.

The adequacy of consultation should be judged not by the number of Consultation Meetings nor provision of a website, but rather whether the Community has been consulted in a fair and open way and been provided with enough and proper information, so as to make an informed decision and be able to comment in an intelligent manner.

The Applicant carried out comprehensive preapplication consultation on its proposals prior to submitting the DCO Application, including a five-week non-statutory consultation, two five-week statutory consultations and two four-week targeted consultations. The pre-application statutory consultation accorded with the requirements of the Planning Act 2008 ('PA 2008'), the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and had regard to guidance issued under section 50(3) of the PA 2008.

In addition, the Applicant undertook non-statutory engagement throughout the pre-application stage. The Applicant consulted in a variety of ways to maximise consultee participation. A large number of consultees provided feedback. The Applicant had careful regard to the consultation responses received as it has finalised this application for the Project, as explained in detail in the **Consultation Report (Doc Ref. 6.1)** [\[APP-126\]](#).

In accepting the DCO Application, the Planning Inspectorate have confirmed the Applicant's pre-application consultation has complied with the requirements of the PA 2008.

*Cultural Heritage*

EPL001 have failed to properly research, survey and carry out adequate investigations within the proposed site and particularly within land adjacent to Roman Road. Piling of solar panel infrastructure to a depth of at least 3m will destroy as yet

An assessment of the effects of the Project on archaeology is provided in Section 7.7 of **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))** [\[AS-011\]](#) with supporting archaeological information provided in **ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref. 5.4)** [\[APP-070\]](#) and [\[APP-071\]](#). Targeted archaeological evaluation (trial trenching) was undertaken along the alignment of the Roman Road in the southwest of the Site and the results are reported in **ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref. 5.4)** [\[APP-070\]](#) and [\[APP-071\]](#).

## Summary Position of Interested Party

## Applicant Response

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unidentified areas of archaeological importance.

An **Archaeological Management Strategy ('AMS') (Doc Ref. 7.17 (A))** sets out the approach to archaeological mitigation works in relation to the Project which will include further archaeological evaluation before the commencement of construction works. The **Works Plans (Doc Ref. 2.3(B))** include flexibility to respond to archaeological features which may be identified during further archaeological investigation and to respond to features identified during construction works.

The **AMS (Doc Ref. 7.17(A))** will inform measures to avoid impacts on archaeological remains. If required, a non-invasive alternative to piling can be used to avoid impacts on archaeology. Requirement 9 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that no phase of the Project may commence until certain specified details for that phase have been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council. The specified details are a written scheme for the investigation of areas of archaeological interest within that phase; identification of any areas where a programme of archaeological investigation is required within that phase, and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found. These details must be generally in accordance with the **AMS (Doc Ref. 7.17(A))**.

*Flood Risk*

Surface water flooding is currently a serious problem for certain residential properties adjacent to the scheme.

The scheme will likely increase the magnitude and frequency of flooding at these locations.

EPL001 have not even acknowledged the potential problem, have not made any provision within the design to mitigate the impact on these properties nor spoken to

An assessment of the effects of the Project on flood risk both within the Site and to the surrounding area is provided in **ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B))** with supporting information provided in **ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A))**. The assessment concludes that with appropriate mitigation measures which are secured the Project would not increase flood risk within the Site or to the surrounding area. The Applicant also notes that the approach to flood risk has been agreed with the Environment Agency, and is set out within the **Statement of Common Ground with Environment Agency (Doc Ref. 8.3.2)**.

The **Outline Operational Surface Water Drainage Strategy ('Outline OSWDS') (Doc Ref. 7.14(A))** has been developed to ensure existing flood risk within the Site or in the surrounding area is not increased.

## Summary Position of Interested Party

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the owners about the obvious flooding issues.

The Project proposes a series of new ditches within hedgerows and filter drains which will improve connectivity through the Site and convey flow towards the East Stour River or its tributaries.

Requirement 11 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that prior to the operation of the Project an OSWDS must be submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council. This must be in accordance with the **Outline OSWDS (Doc Ref. 7.14(A))** and must be implemented as approved.

*Landscape and Visual*

Panels located on the Aldington Ridge will have a significant impact on our rural environment and amenity.

Adequate screening of panels on high ground is impossible.

Landscape visualisations have misled the community through poor photography and being presented at an inadequate scale.

The position that all proposed energy infrastructure is likely to result in some adverse visual effects is acknowledged in NPS EN-1:

*"5.10.12 Outside nationally designated areas, there are local landscapes that may be highly valued locally. Where a local development document in England or a local development plan in Wales has policies based on landscape or waterscape character assessment, these should be paid particular attention. However, locally valued landscapes should not be used in themselves to refuse consent, as this may unduly restrict acceptable development."*

*5.10.13 All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites."*

The methodology used for the landscape visualisations is in accordance with current best practice and follow recommendations from The Landscape Institute's Technical Guidance Note (TGN 06/19): Visual Representation of Development Proposals. The submitted landscape visualisations are set out in **ES Volume 4, Appendix 8.10: LVIA Visualisations (Doc Ref. 5.4(A)) [AS-014]**. The assessment of visual effects includes consideration of views from the Adlington Ridge (Viewpoints 7, 10, 11, 12, 14, 27, and 28) and views towards the Aldington Ridge from the north side of the East Stour Valley (Viewpoints 19, 30,31, 32) as well as more distant views from the North Downs ridgeline (Viewpoints 34, 35, 36, 37 and 38).

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*PRoW*

The proposed site will affect at least 12 ancient PROW.

EPL001 propose to extinguish some footpaths and laboriously divert many around angular field boundaries.

Most will be bordered by 3m high solar panels, mesh security fencing and CCTV cameras with no offer of adjacent hedge planting in mitigation.

Despite EPL001's initial promise of a rights-of-way working group being set up, this offer was withdrawn by EPL001 resulting in no meaningful community consultation on the substantial changes proposed to the local PROW network.

The Applicant recognises that there are a number of PRoWs in the area and has worked closely through formal consultation and engagement with KCC, ABC, Kent Ramblers and other stakeholders to evolve the design approach to minimise the need to divert or extinguish PRoW as a result of the Project and to ensure that management and design principles are appropriate. KCC, the relevant highways authority, has reviewed and commented on the **Outline RoWAS (Doc Ref. 7.15(A))**. Requirement 10 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that no phase of the Project incorporating any part of a PRoW which is to be temporarily closed or permanently stopped up pursuant to article 18 of the Draft DCO (public rights of way – stopping up and vehicular use on public rights of way) may commence until a RoWAS for the phase has been submitted to and approved by the local planning authority, such approval to be in consultation with KCC. The RoWAS(s) must be generally in accordance with the **Outline RoWAS (Doc Ref. 7.15(A))** and must be implemented as approved.

Critically, no PRoW would be extinguished or diverted without a replacement being in place, to avoid breaks in connectivity.

The **Outline RoWAS (Doc Ref. 7.15(A))** secures the provision of a Rights of Way and Access Working Group which will review Implementation Plans (the detailed approach to managing changes to PRoW) with the aim of minimising disruption and amenity loss to PRoW users during implementation. The Rights of Way and Access Working Group will include the Applicant, the Contractor(s) responsible for the Project, ABC, and KCC with other parties invited to contribute where the Group considers this to be beneficial. The Applicant will have due regard to responses from the Rights of Way and Access Working Group prior to finalisation of the submission of an Implementation Plan. Any detailed RoWAS must be generally in accordance with the Outline Strategy, and must be implemented as approved, as required by Requirement 10 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**.

*Site Selection/Consideration of Alternatives*



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## Applicant Response

Aldington and Mersham Support Group [\[RR-003\]](#)

EIA legislation directs (among other things) that such developments should be of “good design”. The land assembled by EPL001 and the design of the scheme within it does not meet this requirement.

EPL001 have only considered land that has been offered to them. They have failed to demonstrate that they have seriously considered – or indeed tried to negotiate – the obtaining of alternative areas within their stated area of search and have only considered a tiny area in a token way.

EPL001 have included within their scheme, land within Flood Zone 3 and have done enough to demonstrate that there is no other land within the area of search which is not more suitable, and which will not increase the risk of flooding.

EPL001 have failed to demonstrate why this southeastern block of the proposal, a small area (about 38 acres) of 50% BMV, remote from the rest of the development has had to be included.

It is adjacent to one of the most historically important and frequently used parish footpaths running between the village and St Martins Church. The Outlier is just 330m

**ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))** [\[AS-010\]](#) sets out the evolution of the Project design. A number of changes were made to the layout of the Project in response to Statutory Consultation feedback and ongoing engagement with local residents to ensure that infrastructure is located away from residential properties and that impacts are minimised where possible. Section 6.4 of the **Planning Statement (Doc Ref. 7.6)** [\[APP-151\]](#) sets out how the Project complies with the policy tests for good design.

The Site’s suitability for solar development and the Project’s compliance with all relevant national and local policy is set out in detail within the **Planning Statement (Doc Ref. 7.6)** [\[APP-151\]](#). The Planning Inspectorate has been provided with Badger Survey Reports as part of **ES Volume 4, Appendix 9.5: Baseline Survey Reports, Appendix 9.5m: Badger Survey Report (Doc Ref. 5.4)** [\[APP-090\]](#). Badgers are protected under the Protection of Badger Act 1992 and therefore this report cannot be shared publicly. The overall assessment of the impact is stated and summarised within **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)**, with clear referencing of a confidential badger survey appendix.

Appendix 2 of the **Planning Statement (Doc Ref. 7.6)** [\[APP-151\]](#) applies the Sequential and Exception Test to the Project and demonstrates that there is no suitable other land within the area of search that would be appropriate for the Project.

In this context, a reduction to the scale of the Project is not considered to be a reasonable alternative, in order to maximise the energy generation potential of the Project in line with the Applicant’s grid connection offer. Further details on this are set out in paragraph 5.5.4 of **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))** [\[AS-010\]](#). This approach was recently endorsed in the Secretary of State’s decision letter for the Sunnica Energy Farm (12th July 2024). A significantly reduced scale proposal to the Project is not considered by the Applicant to be a reasonable alternative.

The Kent Downs NL Unit has confirmed in their **Relevant Representation** [\[RR-157\]](#) the proposal *‘is not likely to result in any material harm to those seeking to enjoy the Kent Downs AONB within the nationally protected landscape and, subject to the incorporation of sufficient landscaping, should not have a material impact on the setting of the Kent Downs AONB’*.

## Summary Position of Interested Party

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Aldington and Mersham Support Group [\[RR-003\]](#)

from the North Downs Area of Outstanding Natural Beauty.

Construction traffic and cable laying will involve terrible disruption to Goldwell Lane and its residents and traffic movement in the village and surrounding roads. There is evidence of extensive Badger activity (and badger sets) within this block of land and yet the developer has withheld its reports on this protected species making it impossible to check the correctness and adequacy of surveys.

EPL001 have failed to demonstrate why, if this area is claimed to be critical to the viability of their scheme, they have not looked to mitigate at least the impact of construction by acquiring (by negotiation or if necessary, by CPO) a convenient temporary haul route and underground cable route to minimise disruption to the local community.

Paragraph 8.10.18 of **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))** [\[AS-012\]](#) confirms that no significant effects have been identified on the setting of the National Landscape during any stage of the Project.

Impacts of cable laying and construction traffic are managed through the **Outline CTMP (Doc Ref. 7.9(A))**, with measures to address impacts on Goldwell Lane secured at Section 6.4.

An additional haul route is not considered necessary, as no construction traffic would be allowed to travel through Aldington. The construction traffic route is controlled through the measures set out in the **Outline CTMP (Doc Ref. 7.9(A))**, which means that the only the section of Goldwell Lane north of Goldwell Close will be used for construction traffic. Appropriate traffic management measures will be in place to minimise any impact or disruption to other road users as detailed in the **Outline CTMP (Doc Ref. 7.9(A))**.

*Traffic and Access*

EPL001 and its advisers have produced an inadequate draft Construction Traffic Management Plan. We believe that there are fundamental flaws with the traffic management plans that requiring resolution at this stage of the planning process.

Station Road between the A20 Hythe Road and the main Site access is already used by HGVs, coaches and large agricultural vehicles, and as such the narrowness of the road network is not considered to be problematic.

Section 13.10: Cumulative Effects of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))** provides an assessment of the cumulative impact of the Project with other cumulative schemes within the study area. The cumulative assessment shows that traffic associated with

## Summary Position of Interested Party

## Applicant Response

## Aldington and Mersham Support Group [RR-003]

The narrowness of large sections of the existing highway network between Aldington and the A20 coupled with the cumulative effect of other developments already underway nearby has not been adequately addressed, or at all.

the major consented developments in the area will not use the local sections of the construction traffic route (i.e. excluding the A20 Hythe Road), so there will be no cumulative effects are expected to arise.

The **Outline CTMP (Doc Ref. 7.9(A))** has been prepared in order to set out as part of the DCO Application the proposed mitigation to avoid and reduce any adverse impacts resulting from the construction traffic associated with the Project. Production and approval of the final CTMP(s), in accordance with the **Outline CTMP (Doc Ref. 7.9(A))**, is secured through Requirement 7 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**.

The Applicant has agreed minor revisions to the **Outline CTMP (Doc Ref. 7.9(A))** in consultation with KCC Highways who otherwise consider the document to be adequate, as confirmed in the **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4)**.

The dangerous Smeeth Crossroads (at the junction of the A20 with Station Road) has not been assessed by EPL001 other than in terms of reviewing high-level traffic data.

Paragraphs 13.5.25 to 13.5.33 of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))** provides a highway safety review for the A20 Hythe Road (between the junction with Station Road and M20 motorway Junction 10a) and the A20 Hythe Road/Station Road Junction.

Paragraph 13.5.39 of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))** summarises: *“No locations in the study area are considered to be accident black spots, both through review of the accident data and by virtue of no on-road accident black spot signage. With reference to the 2023 IEMA Guidelines for receptor sensitivity (Table 13.7 of this Chapter), the absence of accident black spots demonstrates there are no sensitive receptors of high sensitivity with regards to highway safety within the study area.”* An assessment of the potential effect of additional construction traffic on this junction is provided in paragraph 13.7.58 of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))** and paragraph 13.7.60 concludes *“From the accident review, there is no evidence to suggest that the Project will exacerbate the frequency or severity of local accidents.”*

It is not credible that traffic data used by the developer should conclude that safety at this junction will not be compromised and that no changes to the geometry of the

Collision data purchased from KCC has been reviewed as part of the ES assessment. Paragraph 13.7.58 of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))** concludes that: *“No haulage vehicles were involved in the accidents and all of the collisions would appear to be as a result of driver error. The construction traffic is forecast to add up to*

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junction (or any other measure at all) need be incorporated within the developer's proposals.

*only six light vehicles and two heavy vehicles turning right into Station Road and the same numbers turning left out per hour."*

### 3.4 Buglife - The Invertebrate Conservation Trust

**Table 3-3: Response to Buglife - The Invertebrate Conservation Trust**

Summary Position of Interested Party	Applicant Response
Buglife – The Invertebrate Conservation Trust <a href="#">[RR-028]</a>	
<i>Biodiversity</i>	
<p>Buglife is concerned that inadequate mitigation measures are being implemented to safeguard populations of aquatic invertebrates. The proposals for this solar scheme are located on a 192ha site, predominantly used for cereal crops and cattle grazed pasture. However, part of the East Stour River runs through the northern section of the site and a section of the river runs adjacent to the central section of the scheme. The site also contains 5 ponds, two ditches and 21 off-site waterbodies have been identified within 250m. Due to wetland features being located within and in close proximity to the site, Buglife is concerned that there has been no commitment to adopting mitigation measures to prevent aquatic invertebrates being attracted to solar panels and laying eggs on them. The Invertebrate Survey Report (ES Volume 4, Appendix 9.5b: Invertebrate Survey Report (Doc Ref. 5.4)) highlights this impact, stating “Special attention was paid to the Great Stour as</p>	<p>Research regarding impacts on aquatic invertebrates and egg laying on solar panels is limited and inconclusive (BSG, 2019<sup>1</sup>). Given that the East Stour River and on-site waterbodies are currently of poor suitability for potentially sensitive invertebrate species groups such as mayflies (<i>Ephemeroptera</i>) and stoneflies (<i>Trichoptera</i>), which generally require good water quality, high dissolved oxygen levels and/or exposed gravels on stream / river beds, Table 9.15 of <b>ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)</b> <a href="#">[APP-033]</a> confirms there would be Negligible adverse (non-significant) effects. This is considered to be accurate.</p> <p>Implementation of the mitigation measures suggested by Buglife across the Site is therefore not considered to be proportionate or necessary to avoid an ecologically significant adverse effect upon potentially sensitive invertebrate groups, and therefore not required in order for the Project to be compliant with relevant policies relating to ecology.</p> <p>That said, below is a summary of the proposed measures that have been designed into the Project that will minimise the risk of non-significant adverse effects upon aquatic invertebrates occurring. These measures have been included in the Project design on the precautionary assumption that (in spite of the absence of clear evidence for adverse effects of solar PV upon aquatic invertebrates), some level of embedded mitigation is ecologically sensible. This ensures that the precautionary principle has been duly applied to the Project design in spite of the absence of evidence for a potential adverse effect and the poor suitability of on-Site and nearby aquatic habitats for potentially sensitive aquatic invertebrate groups.</p> <p>All aquatic habitats within the Site would be retained and protected from direct impacts as far as practicable during the lifetime of the Project. This is secured through the design of the Project as set out by the <b>Works Plans (Doc Ref. 2.3(B))</b> and the <b>Design Principles (Doc Ref. 7.5(A))</b> which include the following measures:</p>

## Summary Position of Interested Party

## Applicant Response

Buglife – The Invertebrate Conservation Trust [[RR-028](#)]

there are some concerns in the literature that aquatic invertebrates can be drawn away from waterbodies and may attempt to egg lay over solar panels (mistaking them for open water)". The invertebrate surveys undertaken suggest the habitats supporting the richest invertebrate species diversity were those located along the East Stour River riparian corridor. The Invertebrate Report states "The richest compartment was that straddling the Great Stour and adjacent fen area, but it yielded very few river flies (a group which includes swarming species which have been a major concern in association with solar panning (Horvath et al, 2010))." It is unclear if the perceived low abundance of river flies is the reason no mitigation measures for polarised light have been proposed. Buglife argues that the invertebrate survey is just a snapshot of the communities present on site and that these communities could change over the 40 year life span of the solar scheme. Indeed, the Environmental Statement is predicting significant beneficial impacts at a local level to the wetland features on site during the operational phase. In addition, river flies are not the only group of invertebrates attracted to polarised light and therefore there are wider impacts to consider for the

- A minimum 10m buffer (as measured from the top of the bank or channel edge under normal flows) will be provided from the East Stour River and Internal Drainage Board-managed Ordinary Watercourses. No new physical infrastructure other than essential works (such as cable crossings, watercourse crossings, drainage and Public Rights of Way ('PRoW') footbridges) will be developed within this buffer.
- All existing ponds within the Order limits are to be retained with a minimum set back of 3.2m.
- Non-intrusive cable crossings (HDD) would be used.

The East Stour River (as shown on **ES Volume 3, Figure 2.2: Environmental Designations (Doc Ref. 5.3)** [[APP-044](#)]) flows through the Northern Area (Fields 26 to 29) and adjacent to Fields 25 and 19 within the Central Area. The riparian corridor associated with the East Stour River is narrow in most places, with the edge of the arable fields being present within less than a few metres along most of its length within the Site.

No solar panels are proposed in Fields 26 to 29 which forms a large extent of the Site adjacent to the East Stour River. Instead, significant biodiversity improvement areas (BIAs) are proposed in these fields located adjacent to the East Stour River. Further details of the proposed habitat creation and enhancement measures are provided in the **Outline LEMP (Doc Ref. 7.10(A))**. These measures, combined with reversion from arable use, are the principal reason for significant local beneficial effects being identified in the ES for notable invertebrate assemblages (i.e. not only those associated with the riparian corridor). The proposed biodiversity enhancements are considered appropriate to mitigate the effects of the Project and are secured through Requirement 8 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**. This provides that the Project must not commence until a biodiversity design strategy has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council and the relevant statutory nature conservation body (Natural England). It also provides that no phase of the Project may commence until a Landscape and Ecological Management Plan ('LEMP') covering that phase has been submitted to and approved by the local planning authority. The LEMP must be in accordance with the **Outline**

## Summary Position of Interested Party

## Applicant Response

Buglife – The Invertebrate Conservation Trust [\[RR-028\]](#)

population of aquatic invertebrates present. Simple mitigation measures to reduce impacts include a pattern of roughened or painted glass or a horizontal light blocking grid on the panels to reduce their attractiveness to aquatic invertebrates. These measures are low cost and do not impact on energy generation so there is no reason for them not to be implemented across the site. Due to potential impacts on invertebrates, if this project was to go ahead, it is essential that a commitment is made to these mitigation measures as part of the permission.

**LEMP (Doc Ref. 7.10(A))**, the approved biodiversity design strategy approved and the **Design Principles (Doc Ref. 7.5(A))**.

There are only two fields (Fields 19 and 25) where solar panels would be located in proximity to the East Stour River. The **Works Plans (Doc Ref. 2.3(B))** show that solar panels in Fields 19 and 25 be set back at least 13.2m from the top of the bank.

The largest proposed wetland enhancements within Field 27 (the nearest being c. 150m away and a median distance of c. 400m) from the nearest PV arrays, while the other existing and proposed watercourse habitats comprise small ponds with terrestrial habitat buffers, with many drainage ditches being seasonally dry.

The Project as a whole will deliver significant habitat creation and enhancements which will benefit a range of invertebrate assemblages including aquatic and other species.

The **Outline LEMP (Doc Ref. 7.10(A))** includes a commitment to ecological monitoring during the operational phase of the Project. Paragraph 5.5.4 of the **Outline LEMP (Doc Ref. 7.10(A))** states that the monitoring programme, its objectives and what remedial actions will be taken should it be found that objectives are not being met, will be set in the relevant habitat and species strategies reviewed with stakeholders as part of the detailed LEMP(s) (preparation and approval of which is secured through Requirement 8 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**, as explained above).

### 3.5 Clair Bell (Kent County Councillor for Ashford Rural East)

**Table 3-4: Response to Clair Bell (Kent County Councillor for Ashford Rural East)**

Summary Position of Interested Party	Applicant Response
Clair Bell (Kent County Councillor for Ashford Rural East) <a href="#">[RR-048]</a>	
<i>BESS</i>	
Batteries, safety	<p>The Applicant welcomes further engagement with Clair Bell to understand what concerns she may have regarding the Project.</p> <p>The Applicant has provided a response to BESS safety topics under the thematic responses in Section 4 of this document.</p>
<i>Impacts on Residential Properties</i>	
Impact on individual properties	<p>The Applicant welcomes further engagement with Clair Bell to understand what concerns she may have regarding the Project.</p> <p>The Applicant has provided a response to impacts on residential properties under the thematic responses in Section 4 of this document.</p>
<i>Landscape and Visual</i>	
Visual impact	<p>The Applicant welcomes further engagement with Clair Bell to understand what concerns she may have regarding the Project.</p> <p>The Applicant has provided a response to visual impact topics under the thematic responses in Section 4 of this document.</p>
<i>PRoW</i>	
Public Rights of Way	<p>The Applicant welcomes further engagement with Clair Bell to understand what concerns she may have regarding the Project.</p>



Summary Position of Interested Party	Applicant Response
Clair Bell (Kent County Councillor for Ashford Rural East) <a href="#">[RR-048]</a>	
	The Applicant has provided a response regarding PRow under the thematic responses in Section 4 of this document.
<i>Traffic and Access</i>	
Construction Traffic Management Plan	<p>The Applicant welcomes further engagement with Clair Bell to understand what concerns she may have regarding the Project.</p> <p>The Applicant has provided a response regarding construction traffic management under the thematic responses in Section 4 of this document.</p>

### 3.6 Cllr Simon Betty

**Table 3-5: Response to Cllr Simon Betty**

Summary Position of Interested Party	Applicant Response
Cllr Simon Betty [ <a href="#">RR-054</a> ]	
<i>BESS</i>	
<p>The scheme includes a large number of battery storage areas which was never fully explained in any of the consultation meetings by the applicant. These stores will industrialise a very rural area and are in close proximity to several significant buildings of historic importance. In addition to the battery stores, it is concerning that water towers will be required as part of the fire safety infrastructure which will introduce a further industrial element into this rural location.</p>	<p>The Applicant has consulted with Kent Fire and Rescue ('FRS') on the layout and approach to BESS. The <b>Outline Battery Safety Management Plan (Doc Ref. 7.16) [<a href="#">APP-161</a>]</b> ('OBSMP') explains how the BESS will be safely managed across the Site in accordance with National Fire Chiefs Council Guidance, and also details the engagement to date with Kent FRS (section 3.1). Section 16.7 of <b>ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2) [<a href="#">APP-040</a>]</b> assesses the risk of major accidents or disasters as a result of the Project. The assessment concludes that, given the proposed mitigation and best practice measures proposed, and the low risk of an event occurring for this type of development, no significant effects are likely. Requirement 5 in Schedule 2 of the <b>Draft DCO (Doc Ref. 3.1(B))</b> provides that prior to the commencement of the BESS development, a detailed Battery Safety Management Plan ('BSMP') must be submitted to and approved by the local planning authority in consultation with Kent FRS. The BSMP must either accord with the OBSMP or detail such changes as the undertaker considers are required and must be implemented as approved.</p>
	<p><b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) [<a href="#">AS-010</a>]</b> sets out that the design for the Project employs a distributed approach with four individual containerised BESS Units located at any one Inverter Station, with a maximum of two Inverter Stations (and therefore eight units) being located in any one area of the Site, as opposed to locating all BESS Units in a single centralised compound area. This has been proposed to minimise fire risk and the Applicant has consulted with Kent FRS on the BESS layout.</p> <p>The Applicant is confident that the level of consultation undertaken, and information presented throughout the pre-application stage is in accordance with the Planning Act 2008 and associated regulations and guidance. This has been evidenced in the <b>Consultation Report</b></p>

Summary Position of Interested Party	Applicant Response
Cllr Simon Betty [ <a href="#">RR-054</a> ]	
	(Doc Ref. 6.1) [ <a href="#">APP-126</a> ], which was submitted to the Planning Inspectorate and accepted for examination.
<i>Biodiversity</i>	
<p>The scheme will impact important species like Skylark, Yellowhammer (Red List) and Brown Hare which are prevalent in the area. It will also impact badgers on account of the mesh security fencing that surrounds all areas of solar panels. The applicant has not made enough provision in order to minimise the impact on Biodiversity.</p>	<p><b>ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)</b> [<a href="#">APP-033</a>] includes an assessment of the potential impacts on biodiversity, and provides justification for the proposed brown hare, yellowhammer and skylark habitat.</p> <p>The <b>Outline LEMP (Doc Ref. 7.10(A))</b> sets out the principles for the skylark plots proposed, and management principles for the lifespan of the Project. The <b>Design Principles (Doc Ref. 7.5(A))</b> secure the use of mammal gates within the security fencing to ensure mammal movements are not restricted.</p> <p>The proposed biodiversity enhancements are considered appropriate to mitigate the effects of the Project and are secured through Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b>. This provides that the Project must not commence until a biodiversity design strategy has been submitted to and approved by the local planning authority (ABC), such approval to be in consultation with Kent County Council and the relevant statutory nature conservation body (Natural England). It also provides that no phase of the Project may commence until a Landscape and Ecological Management Plan ('LEMP') covering that phase has been submitted to and approved by the local planning authority. The LEMP must be in accordance with the <b>Outline LEMP (Doc Ref. 7.10)(A)</b>, the approved biodiversity design strategy and the <b>Design Principles (Doc Ref. 7.5(A))</b>.</p>
<i>Cultural Heritage</i>	
<p>Insufficient archaeological investigations have been undertaken in view of the wealth of archaeology that exists in this area. The foundations of the solar panels will be to a</p>	<p>An assessment of the effects of the Project on archaeology is provided in Section 7.7 of <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))</b> [<a href="#">AS-011</a>] with supporting archaeological information provided in <b>ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref 5.4)</b> [<a href="#">APP-070</a>] and [<a href="#">APP-071</a>].</p>

## Summary Position of Interested Party

## Applicant Response

Cllr Simon Betty [[RR-054](#)]

depth of 3 metres which will destroy any artifacts of archaeological importance.

An **Archaeological Management Strategy ('AMS') (Doc Ref. 7.17(A))** sets out the approach to archaeological mitigation works in relation to the Project which will include further archaeological evaluation before the commencement of construction works. The **Works Plans (Doc Ref. 2.3(B))** include flexibility to respond to archaeological features which may be identified during further archaeological investigation and to respond to features identified during construction works. The **AMS (Doc Ref. 7.17(A))** will inform measures to avoid impacts on archaeological remains. If required, a non-invasive alternative to piling can be used to avoid impacts on archaeology. Requirement 9 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that no phase of the Project may commence until certain specified details for that phase have been submitted to and approved by the local planning authority (ABC), such approval to be in consultation with Kent County Council. The specified details are a written scheme for the investigation of areas of archaeological interest within that phase; identification of any areas where a programme of archaeological investigation is required within that phase, and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found. These details must be generally in accordance with the **AMS (Doc Ref. 7.17(A))**,

*Flood Risk*

In particular the area is liable to flooding because of the underlying clay and chalk geology which will be exacerbated by increased water run-off from the solar panels.

An assessment of the effects of the Project on flood risk both within the Site and to the surrounding area is provided in **ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B))** with supporting information provided in **ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A))**. The assessment concludes that with appropriate mitigation measures which are secured the Project would not increase flood risk within the Site or to or the surrounding area. The Applicant also notes that the approach to flood risk has been agreed with the Environment Agency and is set out within the **Statement of Common Ground** with the **Environment Agency (Doc Ref. 8.3.2)**.

The **Outline Operational Surface Water Drainage Strategy ('Outline OSWDS') (Doc Ref. 7.14(A))** has been developed to ensure existing flood risk within the Site or in the surrounding area is not increased.

Summary Position of Interested Party	Applicant Response
<p>Cllr Simon Betty [<a href="#">RR-054</a>]</p>	<p>The Project proposes a series of new ditches within hedgerows and filter drains which will improve connectivity through the Site and convey flow towards the East Stour River or its tributaries.</p> <p>Requirement 11 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> secures that prior to the operation of the Project an OSWDS must be submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council. This must be in accordance with the <b>Outline OSWDS (Doc Ref. 7.14(A))</b> and must be implemented as approved.</p>
<p><i>Impacts on Residential Properties</i></p>	
<p>Not enough has been done by the applicant to ensure that individuals are effectively protected from the proximity of the scheme to their properties.</p>	<p>The impact on residential receptors has been considered in <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> [<a href="#">AS-012</a>].</p> <p>The Project has been designed and evolved to avoid and mitigate environmental impacts as far as possible as set out in <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> [<a href="#">AS-010</a>]. A number of changes were made to the layout of the Project in response to Statutory Consultation feedback and ongoing engagement with local residents to ensure that infrastructure is located away from residential properties and that impacts are minimised where possible.</p> <p>As set out within the <b>Planning Statement (Doc Ref. 7.6)</b> [<a href="#">APP-151</a>]:</p> <p><i>'6.3.23 ...There are only a small number of residential properties where visual impacts would result from the Project and the Applicant has consulted with impacted residents during the pre-application period and made adjustments to the design where possible, including introducing buffer zones to reduce visual impact.'</i></p> <p><i>'6.4.29 A careful approach has been taken to the proposed arrangement of PV Arrays close to residential properties with offsets introduced from residential properties where possible to minimise the potential for adverse change.'</i></p>

Summary Position of Interested Party	Applicant Response
<p>Cllr Simon Betty [<a href="#">RR-054</a>]</p>	<p><i>‘7.3.7 A comprehensive series of mitigation measures has been embedded in the design of the Project, with the aim of reducing adverse effects resulting from its introduction’</i></p> <p><i>‘7.3.8: ... The national and local benefits of the Project are considered to outweigh the localised effects. Therefore, it is policy compliant with NPS EN-1’.</i></p> <p>The Applicant has proposed a suite of landscape mitigation as part of the Project. These proposed landscape mitigation and enhancements are considered appropriate to mitigate the effects of the Project and are secured through Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b>. This provides that no phase of the Project may commence until a LEMP covering that phase has been submitted to and approved by the local planning authority. The LEMP must be in accordance with the <b>Outline LEMP (Doc Ref. 7.10(A))</b>, the approved biodiversity design strategy and the <b>Design Principles (Doc Ref. 7.5(A))</b>.</p>
<p><i>Landscape and Visual</i></p>	
<p>The zone of visual impact on this highly sensitive location will be significant as it is an area of traditional ridge type escarpment which is typical of this area. The site will be highly visible from a wide area given the natural topography.</p>	<p>The likely effects to the character of the Site and the surrounding area have been assessed in <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> [<a href="#">AS-012</a>].</p> <p><b>ES Volume 2, Figure 8.3: Topography Plan (Doc Ref. 5.3)</b> [<a href="#">APP-049</a>] demonstrates that the Site is located partially on the western extent of the Aldington Ridge. The ridgeline extends eastwards towards Lymgne, where the landform becomes more prominent, and more expansive views are experienced from the ridge top.</p> <p>The likely effects on visual receptors have been assessed in <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> [<a href="#">AS-012</a>], and <b>Appendix: 8.9: Visual Effects Table. (Doc Ref. 5.4)</b> [<a href="#">APP-081</a>]. Baseline winter and summer photography and Accurate Visual Representations are included in <b>ES Volume 4, Appendix 8.5: Representative Views – Winter (Doc Ref. 5.4)</b> [<a href="#">APP-077</a>], <b>Appendix 8.6: Representative Views – Summer (Doc Ref. 5.4)</b> [<a href="#">APP-078</a>] and <b>Appendix 8.10: LVIA Visualisations (Doc Ref. 5.4(A))</b> [<a href="#">AS-014</a>] respectively. The assessment has found that due to a combination of distance and intervening landform, the Project will be difficult to perceive from the North Downs ridgeline, with the majority of the Project contained within the bowl-like landform of the East Stour River valley. Views from the</p>

## Summary Position of Interested Party

## Applicant Response

Cllr Simon Betty [[RR-054](#)]

PRoW network on elevated land on the north side of the East Stour Valley (Viewpoints 19, 30, 31) would be affected by the parts of the Project on higher ground around Bank Farm and Bank Road, however, the nature of landform and vegetation cover is such that there are limited opportunities for views to the north of the HS1 railway line, and there are no views of the Site west of Mersham. There is also limited potential for visual impact on the Aldington Ridge to the east of the Site (Viewpoints 27 and 28). Existing vegetation within the East Stour Valley also serves to limit the visibility of the Project to the east, as demonstrated by Viewpoint 22.

*PRoW*

The scheme will affect at least 12 ancient public rights of way some of which will be extinguished. Many will be diverted around field boundaries thus diminishing the enjoyment of walking Public Footpaths which will be surrounded by 3m high solar panels, mesh fencing and CCTV cameras. The scheme is also adjacent to one of the most important footpaths in the parish that runs between the village and the listed St Martins Church and is in close proximity to the area designated as a National Landscape.

The Applicant recognises that there are a number of PRoWs in the area and has worked closely through formal consultation and engagement with KCC, ABC, Kent Ramblers and other stakeholders to evolve the design approach to minimise the need to divert or extinguish PRoW as a result of the Project and to ensure that management and design principles are appropriate. KCC, the relevant highways authority, has reviewed and commented on the **Outline RoWAS (Doc Ref. 7.15(A))**. Requirement 10 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that no phase of the Project incorporating any part of a PRoW which is to be temporarily closed or permanently stopped up pursuant to article 18 of the Draft DCO (public rights of way – stopping up and vehicular use on public rights of way) may commence until a RoWAS for the phase has been submitted to and approved by the local planning authority, such approval to be in consultation with KCC. The RoWAS(s) must be generally in accordance with the **Outline RoWAS (Doc Ref. 7.15(A))** and must be implemented as approved.

Critically, no PRoW would be extinguished or diverted without a replacement being in place, to avoid breaks in connectivity.

The Applicant recognises the importance in connectivity terms of the footpath (AE 474) which links St Martins Church and Aldington Village. The Applicant notes that AE 474 is not proposed to be closed or diverted at any stage of the Project. The Project's Goldwell Lane construction access is shared with AE 474, and would be subject to several condition, safety and management measures set out in the **Outline CTMP (Doc Ref. 7.9(A))** (Paragraphs 6.2.2 and 6.6.1).

## Summary Position of Interested Party

## Applicant Response

Cllr Simon Betty [[RR-054](#)]*Traffic and Access*

The applicant and its advisers have produced an inadequate traffic management plan. The construction of this scheme will take at least 12 months and cause serious traffic problems in and around the villages. No account has been taken of the dangerous Smeeth Crossroads at the junction with the A20 and the impact on Goldwell Lane and the points on the roads where construction traffic will cross over and hold up other traffic.

The assessment presented in **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))** provides a reasonable worst case assessment and considers the impacts of the Project on the nearby road network.

A highway safety review has been undertaken across the study area data over 5 year period. This is provided in **ES Volume 4, Appendix 13.5: Accident Data and Plots (Doc Ref. 5.4) [[APP-111](#)]** and summarised in paragraphs 13.5.17 to 13.5.39 of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))**. An assessment of the impact of the Project during the construction stage on road user and pedestrian safety is provided in paragraphs 13.7.57 to 13.7.62 of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))**.

Paragraphs 13.5.25 to 13.5.33 of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))** provides a highway safety review for the A20 Hythe Road (between the junction with Station Road and M20 motorway Junction 10a) and the A20 Hythe Road/Station Road Junction.

Paragraph 13.5.39 of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))** summarises: *“No locations in the study area are considered to be accident black spots, both through review of the accident data and by virtue of no on-road accident black spot signage. With reference to the 2023 IEMA Guidelines for receptor sensitivity (Table 13.7 of this Chapter), the absence of accident black spots demonstrates there are no sensitive receptors of high sensitivity with regards to highway safety within the study area.”* An assessment of the potential effect of additional construction traffic on this junction is provide in paragraph 13.7.58 of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))** and paragraph 13.7.60 concludes *“From the accident review, there is no evidence to suggest that the Project will exacerbate the frequency or severity of local accidents.”*

Management measures to address impacts on Goldwell Lane and to set out the process for managing the points where the internal haulage road crosses the public highway are identified within the **Outline CTMP (Doc Ref. 7.9(A))**. Production and approval of the final CTMP(s), in



Summary Position of Interested Party

Applicant Response

Cllr Simon Betty [[RR-054](#)]

accordance with the **Outline CTMP (Doc Ref. 7.9(A))**, is secured through Requirement 7 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**.

### 3.7 CPRE Kent

**Table 3-6: Response to CPRE Kent**

Summary Position of Interested Party	Applicant Response
CPRE Kent [ <a href="#">RR-059</a> ]	
<i>Agricultural Land and Soils</i>	
<p>Understatement regarding loss of productive farmland including loss of Best and Most Versatile land (BMV). With over 20% of the site BMV farmland, we do not consider the applicant has justified or minimised is loss as required by NPS EN-3. Overall, it is CPRE Kents view that the scheme as submitted is contrary to National Policy Statements EN-1 and EN-3, National Planning Policy Framework, the policies of the Ashford Local Plan and the emerging Aldington and Bonnington Neighbourhood Plan.</p>	<p><b>Consultation Report Appendix G: 2023 Statutory Consultation Materials and Consultation Responses (Doc Ref. 6.2) [<a href="#">APP-138</a>]</b> sets out that the site has been selected for a number of reasons, including that the site is approximately 80% lower-quality (non-BMV) agricultural land or non-agricultural land.</p> <p>NPS EN-1 paragraph 5.11.12 states: <i>"Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5)"</i>.</p> <p>NPS EN-3 states at paragraph 2.10.29 that <i>"While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible."</i> and at paragraph 2.10.31 that <i>"It is recognised that at this scale, it is likely that applicants' developments will use some agricultural land. Applicants should explain their choice of site, noting the preference for development to be on suitable brownfield, industrial and low and medium grade agricultural land."</i></p> <p>Paragraph 6.8.18 of the <b>Planning Statement (Doc Ref. 7.6) [<a href="#">APP-151</a>]</b> sets out that the Project minimises impacts on agricultural land in accordance with national policy by: keeping the permanent loss of BMV land to a very low amount; retaining the ability to reinstate arable agriculture after decommissioning; and facilitating a continued agricultural use through making the land available for biodiversity management grazing throughout the operational life of the Project. This commitment is set out in Table 7.1 of the <b>Outline LEMP (Doc Ref. 7.10(A))</b>, which is secured through Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b>. This</p>

Summary Position of Interested Party	Applicant Response
<p>CPRE Kent [<a href="#">RR-059</a>]</p>	<p>provides that no phase of the Project may commence until a LEMP covering that phase has been submitted to and approved by the local planning authority. The LEMP must be in accordance with the <b>Outline LEMP (Doc Ref. 7.10(A))</b>, the approved biodiversity design strategy and the <b>Design Principles (Doc Ref. 7.5(A))</b>.</p> <p>Paragraph 6.8.19 of the <b>Planning Statement (Doc Ref. 7.6)</b> [<a href="#">APP-151</a>] notes that there are no other alternative sites within the search area (5km from the point of connection) that could fulfil the requirements of the Project that would have a lesser effect on BMV agricultural land.</p> <p>In this context, The Project minimises impacts on agricultural land in line with national policy by minimising the use of BMV agricultural land as far as is practicable.</p>
<p><i>Biodiversity</i></p> <p>Understatement of the Biodiversity and Ecological Impact. We consider the biodiversity improvement benefits are being overstated. We also have concerns as to the effectiveness of proposed mitigation measures. Protected species surveys are missing.</p>	<p>The assessment of biodiversity and ecological impacts provided in <b>ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)</b> [<a href="#">APP-033</a>] has been undertaken in line with guidance published by Chartered Institute of Ecology and Environmental Management ('CIEEM') in 20182 on Ecological Impact Assessment ('EclA Guidance').</p> <p>The Project includes a range of biodiversity commitments, including reversion of intensive arable cropland to diverse grassland, the creation of new hedgerows and increasing woodland buffer habitats. Additional wetland habitats are also proposed. The principles of the landscape proposals and habitat creation are set out in the <b>Outline LEMP (Doc Ref. 7.10(A))</b>, which is secured through Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b>.</p> <p>Beneficial effects on habitats been in assessed accordance with the EclA Guidance. Table 9.15 of <b>ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)</b> [<a href="#">APP-033</a>] sets out that significant beneficial effects are assessed at a Local level (not County or higher) and this is not considered to be overstated given the scale of the site and the proposed enhancements.</p> <p>Protected species surveys have been carried over a number of years at the site (2020 to 2024). A summary of protected species surveys undertaken used to inform the EIA is provided in Table 9.5 of <b>ES Volume 2 Chapter 9: Biodiversity (Doc Ref. 5.2)</b> [<a href="#">APP-033</a>] and the Applicant looks</p>

## Summary Position of Interested Party

## Applicant Response

CPRE Kent [[RR-059](#)]

forward to engaging with CPRE Kent further to understand what further surveys may be necessary.

The efficacy of mitigation measures for protected species is evidenced by the acceptance of draft protected species licences in the forms of Letters of No Impediment ('LONI') by the Natural England wildlife licensing service. The Applicant is in receipt of LONIs for great crested newt, badger and hazel dormouse.

The detailed methodologies and survey results are presented in in **ES Volume 4, Appendix 9.5: Baseline Survey Reports (Doc Ref. 5.4)** [[APP-089](#)] as supporting appendices to **ES Volume 2 Chapter 9: Biodiversity (Doc Ref. 5.2)** [[APP-033](#)]. The findings from protected species surveys are also summarised in Section 9.5 of **ES Volume 2 Chapter 9: Biodiversity (Doc Ref. 5.2)** [[APP-033](#)]. Badger survey information is provided to confidentially to the Planning Inspectorate due to their legal protection under the Protection of Badgers Act 1992.

*Cultural Heritage*

The applicant has also overlooked the site's archaeological significance, refusing to conduct the LIDAR screening or provide the geo-archaeological and Palaeolithic reports requested by the KCC Archaeologist.

An assessment of the effects of the Project on archaeology is provided in Section 7.7 of **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))** [[AS-011](#)] with supporting archaeological information provided in **ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref. 5.4)** [[APP-070](#)] and [[APP-071](#)]. Targeted archaeological evaluation (trial trenching) was undertaken along the alignment of the Roman Road in the southwest of the Site and the results are reported in **ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref. 5.4)** [[APP-070](#)] and [[APP-071](#)].

An **Archaeological Management Strategy ('AMS') (Doc Ref. 7.17(A))** sets out the approach to archaeological mitigation works in relation to the Project which will include further archaeological evaluation before the commencement of construction works. The **Works Plans (Doc Ref. 2.3(B))** include flexibility to respond to archaeological features which may be identified during further archaeological investigation and to respond to features identified during construction works. The **AMS (Doc Ref. 7.17(A))** will inform measures to avoid impacts on

Summary Position of Interested Party	Applicant Response
CPRE Kent [ <a href="#">RR-059</a> ]	<p>archaeological remains. If required, a non-invasive alternative to piling can be used to avoid impacts on archaeology.</p> <p>Requirement 9 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> secures that no phase of the Project may commence until certain specified details for that phase have been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council. The specified details are a written scheme for the investigation of areas of archaeological interest within that phase; identification of any areas where a programme of archaeological investigation is required within that phase, and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found. These details must be generally in accordance with the <b>AMS (Doc Ref. 7.17(A))</b>.</p>
<p>Underestimation of the heritage harm of the scheme including archaeological significance designated heritage assets. We challenge the applicant's conclusion of "less than substantial" impact on the designated heritage assets.</p>	<p>The conclusions of <b>ES Volume 4, Appendix 7.2: Heritage Statement [<a href="#">APP-072</a>]</b> of less than substantial harm to designated heritage assets have been confirmed in the SoCGs with both Kent County Council (<b>Doc Ref. 8.2.4</b>) and Historic England (<b>Doc Ref. 8.2.3</b>).</p>
<i>Landscape and Visual</i>	
<p>Understatement of the Landscape Impact. The extensive scale of the proposed development and the effects it would have in terms of transforming a rural, largely agricultural landscape into a quasi-industrial landscape is not being adequately recognised. The scale of the development will dominate and transform the local landscape, altering it beyond recognition to create a new landscape</p>	<p>The visual impacts of the Project are considered in <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref 5.2(A)) [<a href="#">AS-012</a>]</b> and <b>ES Volume 4, Appendix 8.9: Visual Effects Table [<a href="#">APP-081</a>]</b>. The LVIA has been prepared in accordance with best practice guidance contained within Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3).</p> <p>The Applicant is proposing extensive landscape mitigation proposals as set out in <b>ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.29(A))</b>. The proposed landscape enhancements are considered appropriate to mitigate the effects of the Project and are secured through Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> This provides that no phase of the Project may commence until a Landscape and Ecological Management Plan ('LEMP') covering that phase has been submitted to and approved by the local planning authority. The</p>

Summary Position of Interested Party	Applicant Response
<p><b>CPRE Kent</b> [<a href="#">RR-059</a>]</p> <p>altogether. This goes beyond the applicant's current assessment of a development simply occupying a wider landscape. The site's topology and proximity to key PROW networks amplify this impact, with insufficient mitigation proposed. This is worsened by the fragmented nature of the development, particularly with regards to the land shown within drawing H-146316001-LP-4. Overall, the scale, longevity and geographical distribution of the proposed development would be likely to result in significant adverse impacts as a result of accumulated effects and that this is understated within the ES.</p>	<p>LEMP must be in accordance with the <b>Outline LEMP (Doc Ref. 7.10(A))</b>, the approved biodiversity design strategy and the <b>Design Principles (Doc Ref. 7.5(A))</b>.</p> <p>In respect of the comments relating to PROW and how effects to local routes have been mitigated, please refer to the Applicant's response in the row below.</p> <p>The visual impacts of the Project are considered in <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref 5.2(A))</b> [<a href="#">AS-012</a>] and <b>ES Volume 4, Appendix 8.9: Visual Effects Table</b> [<a href="#">APP-081</a>] includes a full LVIA, including cumulative effects. Whilst some limited significant adverse effects on the landscape have been identified, these are considered to be limited for a Project of this nature. NPS EN-1 recognises that virtually all NSIPs will have adverse impacts on the landscape. It is clear that the landscape strategy has sought to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate. Therefore, in consideration of the above, the Project is considered to be in accordance with NPS EN-1 and NPS EN-3.</p>
<p><b>PROW</b></p> <p>Understatement of the impact upon Public Rights of Ways (PROW). Linked to the landscape impact, there is an underestimation of the significance of the effect of the development and the impact on both the physical resource and the visual amenity value for users of the PROW network.</p>	<p>The Applicant recognises that there is a substantial density of PROW in the area, and has worked closely through formal consultation and engagement with KCC, ABC, Kent Ramblers and other stakeholders to evolve the design approach to minimise the need to divert or extinguish PROW and ensure that management and design principles are appropriate, with KCC as the Highways Authority retaining sign-off on (detailed) RoWAS and Implementation Plans and the adoption of new or replacement PROW.</p> <p>The <b>Outline RoWAS (Doc Ref. 7.15(A))</b> sets out the diversions, closures and enhancements to PROWs. In response to the 2022 Statutory Consultation responses, the Applicant made changes to the proposed diversions to the PROW which are set out in <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> [<a href="#">AS-010</a>].</p>

## Summary Position of Interested Party

## Applicant Response

CPRE Kent [[RR-059](#)]

**ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))** [[AS-012](#)] assesses the likely effects to the views of PRoW users. **ES Volume 2, Chapter 12: Socio-economics (Doc Ref. 5.2(B))** sets out the likely effects on users of the PRoW during the construction, operational and decommissioning stages of the Project. No significant effects are expected as a result of the Project.

The Applicant considers that the mitigation strategy appropriately mitigates the impacts of the Project to the PRoW network, as detailed in the **Outline RoWAS (Doc Ref. 7.15(A))**.

Requirement 10 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that no phase of the Project incorporating any part of a PRoW which is to be temporarily closed or permanently stopped up pursuant to article 18 of the Draft DCO (public rights of way – stopping up and vehicular use on public rights of way) may commence until a RoWAS for the phase has been submitted to and approved by the local planning authority, such approval to be in consultation with KCC. The RoWAS(s) must be generally in accordance with the **Outline RoWAS (Doc Ref. 7.15(A))** and must be implemented as approved.

*Site Selection/Consideration of Alternatives*

Inadequate consideration of alternatives. Insufficient information has been provided within the Environmental Statement (ES) regarding the alternatives studied. The impacts of the scheme considered pre-application was limited. The significance of the benefits of the scheme have been overstated.

Details of the alternatives considered as part of the Project's design development process are set out in **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))** [[AS-010](#)]. The assessment of alternatives studied by the Applicant and provided in the ES is considered to meet the requirement of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the '2017 Regulations').

The Applicant prepared a PEIR in advance of the Statutory Consultation undertaken between 25 October and 29 November 2022. This took the feedback from the 2022 Non-Statutory Consultation into account, as well as further technical work and surveys. The PEIR is considered to meet the available at the time of preparation and provides sufficient preliminary environmental information to enable consultees to develop an informed view of the project, in accordance with regulation 12(2) of the 2017 Regulations.

Summary Position of Interested Party	Applicant Response
CPRE Kent [ <a href="#">RR-059</a> ]	<p>Significant beneficial effects identified through the EIA process are reported in <b>ES Volume 2, Chapter 18: Summary of Significant Environmental Effects (Doc Ref. 5.2)</b> [<a href="#">APP-042</a>]. These effects are identified by competent experts and considered to be a robust assessment of the likely significant beneficial effects of the Project.</p>

### 3.8 East Kent Badger Group

**Table 3-7: Response to East Kent Badger Group**

Summary Position of Interested Party	Applicant Response
<p>East Kent Badger Group [<a href="#">RR-075</a>]</p> <p><i>Biodiversity</i></p>	<p>The application has not fully considered the impact upon badgers in the area due to lack of diligence by the ecologists, and as a result there is inadequate professional input about badgers into the project. Also, it has been impossible to obtain information about the badger surveys that were done to make fully adequate comments.</p> <p><b>ES Volume 4, Appendix 1.5: Statement of Expertise and Qualifications of Competent Experts</b> [<a href="#">APP-065</a>] sets out the competency and number of years of experience of the ecologist that has overseen the assessment of effects on badgers.</p> <p>The Planning Inspectorate has been provided with a Badger Survey Reports as part of <b>ES Volume 4, Appendix 9.5: Baseline Survey Reports, Appendix 9.5m: Badger Survey Report (Doc Ref. 5.4)</b> [<a href="#">APP-090</a>]. Badgers are protected under the Protection of Badger Act 1992 and therefore this report cannot be shared publicly.</p> <p>The overall assessment of the potential impact on badgers is stated and summarised within the ES and its appendices, with clear referencing of a confidential badger survey appendix. No significant effects on badgers are expected as a result of the Project.</p>



### 3.9 EDF Renewables

- 3.9.1 The responses from EDF Energy Renewables Limited and EDF Renewables Solar Limited have been combined into one response as the text of those Relevant Representations submitted is the same.

#### Table 3-8: Response to EDF Renewables

Summary Position of Interested Party	Applicant Response
EDF Energy Renewables Limited <a href="#">[RR-076]</a> and EDF Renewables Solar Limited <a href="#">[RR-077]</a>	
<i>Land Interests</i>	
<p>Part of the land comprised in a solar project which is being developed by EDF Renewables Solar Limited and EDF Energy Renewables Limited (the “EDF Solar Site”) is included in the Order Land. EDF Energy Renewables Limited is a statutory undertaker as it holds an electricity generation licence. 2. EDF has secured rights over the EDF Solar Site under two Option Agreements dated 9 September 2022 (held by EDF Energy Renewables Limited) and 24 November 2022 (held by EDF Renewables Solar Limited). 3. EPL 001 Limited’s draft DCO provides compulsory purchase powers to acquire rights over the EDF Solar Site. The relevant area is intended to be used for the installation of cables for the benefit of the EDF solar project, habitat enhancement, and a point of vehicular access from the adjoining highway. 4. It is imperative, in the</p>	<p>The Applicant is working proactively with EDF Energy Renewables and is seeking to enter into an agreement to ensure that the matters raised can be agreed. An update will be provided to the Examining Authority in due course.</p>

## Summary Position of Interested Party

## Applicant Response

EDF Energy Renewables Limited [\[RR-076\]](#) and EDF Renewables Solar Limited [\[RR-077\]](#)

interest of the safety of EDF's solar project and the wider public interest in the role of the solar project as a generator of renewable electricity that the NSIP project should not interfere with the construction, operation and maintenance of the EDF solar project. 5. EDF believes that ELP 001 Limited's requirement for the use of the EDF Solar Site can exist in tandem with its own requirements and that ELP 001 Limited should engage in full and meaningful negotiations with EDF to document such arrangements. EDF has provided the EPL 001 Limited with details of the interaction between the NSIP and the EDF solar project and draft documentation to address the interaction. However, at the date of this Written Representation, EDF has not received a response from EPL 001 Limited. Such an arrangement is critical to this matter as the use of compulsory purchase powers that could remove EDF's rights would be wholly inappropriate as set out above. 6. EDF will continue to engage with the ELP 001 Limited regarding its concerns throughout the DCO examination process in order to seek to resolve its concerns amicably.

### 3.10 High Speed 1 Ltd

**Table 3-9: Response to High Speed 1 Ltd**

Summary Position of Interested Party	Applicant Response
High Speed 1 Ltd <a href="#">[RR-098]</a>	
<i>Land Interests</i>	
<p>We own and operate the High Speed Rail network located on the northern fringe of this project, our railway is distinct from Network Rail lines which run parallel to our tracks. Our main issue is with the proposed method of getting cables under the High Speed railway which we understand will either be via existing utility ducts (preferred approach) or via new bored undertrack crossings (likely to have a significant impact on High Speed rail services).</p>	<p>The Applicant is working with HS1 and are seeking to enter into an agreement to ensure that the matters raised can be agreed. An update will be provided to the Examining Authority in due course. Please also refer to the relevant row in Table 3: Status of Negotiations with Statutory Undertakers of the <b>Schedule of Negotiations (Doc Ref. 4.4(A))</b>.</p>

### 3.11 Katie Lam MP (Conservative Party)

**Table 3-10: Response to Katie Lam MP (Conservative Party)**

Summary Position of Interested Party	Applicant Response
Katie Lam MP <a href="#">[RR-151]</a>	
<i>BESS</i>	
<p>There is substantial fire risk, noise and visual impact of these very large batteries, many just 300m from people's homes.</p>	<p>The Applicant has consulted with Kent Fire and Rescue ('FRS') on the layout and approach to BESS. The <b>Outline Battery Safety Management Plan (Doc Ref. 7.16) <a href="#">[APP-161]</a></b> ('OBSMP') explains how the BESS will be safely managed across the Site in accordance with National Fire Chiefs Council Guidance, and also details the engagement to date with Kent FRS (section 3.1). Section 16.7 of <b>ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2) <a href="#">[APP-040]</a></b> assesses the risk of major accidents or disasters as a result of the Project. The assessment concludes that, given the proposed mitigation and best practice measures proposed, and the low risk of an event occurring for this type of development, no significant effects are likely. Requirement 5 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> provides that prior to the commencement of the BESS development, a final Battery Safety Management Plan ('BSMP') must be submitted to and approved by the local planning authority in consultation with Kent FRS. The BSMP must either accord with the OBSMP or detail such changes as the undertaker considers are required and must be implemented as approved.</p> <p><b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) <a href="#">[AS-010]</a></b> sets out that the design for the Project employs a distributed approach with four individual containerised BESS Units located at any one Inverter Station, with a maximum of two Inverter Stations (and therefore eight units) being located in any one area of the Site, as opposed to locating all BESS Units in a single centralised compound area. This has been proposed to minimise fire risk and the Applicant has consulted with Kent FRS on the BESS layout. Table 5.4 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) <a href="#">[AS-010]</a></b> sets out a number of benefits to this approach.</p>

#### *Biodiversity*

## Summary Position of Interested Party

## Applicant Response

Katie Lam MP [\[RR-151\]](#)

The development will have a significant impact on wildlife and the local environment in an area of significant ecological value.

A comprehensive assessment of impacts of the Projects on biodiversity is provided in **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** [\[APP-033\]](#) and the supporting **ES Volume 4 Appendices (Doc Ref. 5.4)** [\[APP-085\]](#) to [\[APP-093\]](#). **ES Volume 2, Chapter 18: Summary of Significant Effects** [\[APP-042\]](#) summarises the significant biodiversity effects of each stage of the Project identified by the EIA process, concluding that there are local adverse (significant) effects on yellowhammer, skylark and brown hare as a result of habitat loss during the construction phase. During the operational phase, there are a number of local beneficial (significant) effects on habitats and species as a result of buffering, diversification and expansion of habitat and reductions in pollution (compared to the existing agricultural use).

The Applicant is proposing extensive biodiversity and landscape mitigation proposals as set out in **ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2(A))**. This includes securing at least 100% Biodiversity Net Gain ('BNG') for habitat units and at least 10% for hedgerow and river units as set out in the **Biodiversity Net Gain Assessment (Doc Ref. 7.1)** [\[APP-146\]](#). The proposed biodiversity and landscape enhancements are considered appropriate to mitigate the effects of the Project and are secured through Requirement 8 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**. This provides that the Project must not commence until a biodiversity design strategy has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council and the relevant statutory nature conservation body (Natural England). It also provides that no phase of the Project may commence until a Landscape and Ecological Management Plan ('LEMP') covering that phase has been submitted to and approved by the local planning authority. The LEMP must be in accordance with the **Outline LEMP (Doc Ref. 7.10(A))**, the approved biodiversity design strategy and the **Design Principles (Doc Ref. 7.5(A))**.

*Landscape and Visual*

The scale of this development means it will dominate the local landscape, which is valued by local residents for its rural beauty. The solar panels and associated

The need for large-scale solar projects is set out in the **Planning Statement (Doc Ref. 7.6)** [\[APP-151\]](#) and is established in NPS EN-1. A significantly reduced scale proposal to the Project is not considered by the Applicant to be a reasonable alternative. This approach was recently endorsed in the Secretary of State's decision letter for Sunnica Energy Farm (12th July 2024). A

## Summary Position of Interested Party

## Applicant Response

Katie Lam MP [\[RR-151\]](#)

infrastructure will be very prominent from key vantage points, particularly the Aldington Ridge. More thought needs to be given to minimising this impact.

significantly reduced scale proposal to the Project is not considered by the Applicant to be a reasonable alternative. Further details on this are set out at paragraph 5.5.4 of **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))** [\[AS-010\]](#).

The visual impacts of the Project are considered in **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref 5.2(A))** [\[AS-012\]](#) and **ES Volume 4, Appendix 8.9: Visual Effects Table** [\[APP-081\]](#). This assessment of visual effects includes consideration of views from the Adlington Ridge (Viewpoints 7, 10, 11, 12, 14, 27, and 28) and views towards the Aldington Ridge from the north side of the East Stour Valley (Viewpoints 19, 30,31, 32) as well as more distant views from the North Downs ridgeline (Viewpoints 34, 35, 36, 37 and 38).

Further details on appropriate siting are set out in **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))** [\[AS-010\]](#). The **Environmental Statement (Doc Ref. 5.1-5.4)** assesses potential environmental impacts from the Project.

As detailed in the row above, the Applicant is proposing extensive biodiversity and landscape mitigation proposals which are secured through the Draft DCO and are considered adequate to mitigate the effects of the Project.

*PRoW*

The scheme will affect multiple ancient public rights of way, with some being lost altogether. The enjoyment of public footpaths surrounding the site will be heavily diminished by 3m high solar panels, mesh fencing and CCTV cameras.

The Applicant recognises that there are a number of PRoWs in the area and has worked closely through formal consultation and engagement with KCC, ABC, Kent Ramblers and other stakeholders to evolve the design approach to minimise the need to divert or extinguish PRoW as a result of the Project and to ensure that management and design principles are appropriate. This is confirmed by **Appendix G** of the **Consultation Report (Doc Ref. 6.2)** [\[APP-138\]](#), which demonstrates the regard the Applicant has had to feedback from consultation and engagement.

KCC, the relevant highways authority, has reviewed and commented on the **Outline RoWAS (Doc Ref. 7.15(A))**. Requirement 10 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that no phase of the Project incorporating any part of a PRoW which is to be temporarily closed or permanently stopped up pursuant to article 18 of the Draft DCO (public rights of way – stopping up and vehicular use on public rights of way) may commence until a RoWAS for the

Summary Position of Interested Party	Applicant Response
<p>Katie Lam MP <a href="#">[RR-151]</a></p>	<p>phase has been submitted to and approved by the local planning authority, such approval to be in consultation with KCC. The RoWAS(s) must be generally in accordance with the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> and must be implemented as approved.</p> <p>Critically, no PRoW would be extinguished or diverted without a replacement being in place, to avoid breaks in connectivity.</p>
<p><i>Traffic and Access</i></p> <p>The construction phase of this project will lead to significant increases in traffic, affecting road safety and access to local amenities as well as causing serious traffic problems in and out of nearby villages.</p>	<p>The impacts of construction traffic are assessed in <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b>. This assessment confirms that that there would be Negligible – Minor adverse (not significant) impacts on the surrounding road network.</p> <p>The purpose of the <b>Outline CTMP (Doc Ref. 7.9(A))</b> submitted as part of the application is to set out the measures that will be used during the construction phase to mitigate construction phase traffic effects and mitigate temporary disruption effects on road users, the local community and environment. Detailed CTMP(s) will be submitted to ABC for approval (in consultation with the relevant highways authority - KCC) prior to construction of the Project, as secured through Requirement 7 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b>. The Detailed CTMP(s) will provide more detail about the measures used to mitigate construction traffic effects. The CTMP(s) for each phase of the Project must be in accordance with the <b>Outline CTMP (Doc Ref. 7.9(A))</b>.</p>

### 3.12 Kent Countryside Access Forum

**Table 3-11: Response to Kent Countryside Access Forum**

Summary Position of Interested Party	Applicant Response
<p>Kent Countryside Access Forum <a href="#">[RR-155]</a></p>	
<p><i>PRoW</i></p>	
<p>The Kent Countryside Access Forum advises Kent County Council (KCC) and others on ways to improve public rights of way and green spaces in Kent. It is made up of volunteers who aim to provide a balanced view of access issues and priorities affecting the local area or which might influence national policy. Members represent: users of local rights of way such as walkers, cyclists and horse riders owners and occupiers of the land conservation, tourism, and the rural economy interest groups. We object to the proposal as it stands particularly in relation to the public rights of way and there alignment. We are also concerned about the project harming the enjoyment of the countryside and landscape that is gained from the use of the public rights of way, particularly how close to the town of Ashford and future developments to the east of the site. Given the size of the project we would expect greater enhancement of the public rights of way</p>	<p>The Applicant recognises that there are a number of PRoWs in the area and has worked closely through formal consultation and engagement with KCC, ABC, Kent Ramblers and other stakeholders to evolve the design approach to minimise the need to divert or extinguish PRoW as a result of the Project and to ensure that management and design principles are appropriate. KCC, the relevant highways authority, has reviewed and commented on the <b>Outline RoWAS (Doc Ref. 7.15(A))</b>. Requirement 10 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> secures that no phase of the Project incorporating any part of a PRoW which is to be temporarily closed or permanently stopped up pursuant to article 18 of the Draft DCO (public rights of way – stopping up and vehicular use on public rights of way) may commence until a RoWAS for the phase has been submitted to and approved by the local planning authority, such approval to be in consultation with KCC. The RoWAS(s) must be generally in accordance with the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> and must be implemented as approved.</p> <p>Critically, no PRoW would be extinguished or diverted without a replacement being in place, to avoid breaks in connectivity.</p> <p>The Applicant recognises that there is the potential for enhancement of the PRoW network, where practical, reasonable and proportionate, and has set this out within Section 3 ‘Strategic and Wider Benefits’ of the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> (and shown on the <b>Streets, Rights of Way and Access Plans (Doc Ref. 2.5) [APP-011]</b> which includes:</p> <ul style="list-style-type: none"> <li>▪ The creation of new PRoW in addition to those that are being created to address diversions directly – these include measures to improve public safety, reduce reliance on the road network for wider PRoW connectivity, reducing some existing journey lengths and improving amenity and wider access in the north eastern portion of the Site.</li> </ul>



## Summary Position of Interested Party

## Applicant Response

Kent Countryside Access Forum [\[RR-155\]](#)

within the site and externally as to encourage all users including cyclists and horse riders to enjoy the wider countryside in the area.

- A 'riverside walk' will be created by FN-3 / New 3 running east to west through the north of the Site and connecting existing route AE 376 directly to AE 657 thereby directly connecting the network between Mersham and Sellindge.
- Subject to third party landowner agreement and appropriate permissions for areas outside the Order Limits, a shared walking / cycleway will be provided (delivered to a specification and design standard to be agreed with ABC, in consultation with KCC) along the route of the diverted AE 370 from Aldington towards Mersham. The Applicant will engage with KCC to agree a proportionate provision of contributions to assist the delivery of the sections outside of the Order limits with the aim of creating a continuous offroad link between the two villages.
- The Applicant will clear and maintain access along the Byway Open to All Traffic ('BOAT') AE 396 to the appropriate standards for a BOAT as set out in legislation, policy and guidance referred to in this Strategy. This link is not extinguished or diverted, but the Applicant and KCC recognise that it forms an important part of the network
- Improved connectivity through the north-eastern part of the Site via FN-2 / New 2, FN-3 / New 3 and FN-8 / New 8, along with a proposed diversion of AE 656 and AE 657 (to improve amenity by moving the route away from the railway line and linking it to FN-3 / New 3, the 'riverside walk') will be provided with the long-term aim of providing wider network improvements between the forthcoming Otterpool Park, the Project, and on to Mersham and Ashford. KCC has aspirations for strategic network improvements that accord with these proposals.
- New circular walks will be created around the edge of Fields 19 and 23 through the diversion of AE 378, AE 448 and AE 428 and the implementation of FN-7 / New 7, and the diversion of AE 436 and AE 431 and the implementation of FN-1 / New 1.

All PRoW affected within the Site would be improved through design and surfacing standards. Paragraph 4.3.1 of the **Outline RoWAS (Doc Ref. 7.15(A))** states that *"Any new or diverted PRoW implemented by the Applicant shall be designed in accordance or with regard to design standards adopted by KCC, including details such as surfacing of routes to create an appropriate high-quality network."*

### 3.13 Kent Downs National Landscape Team

**Table 3-12: Response to Kent Downs National Landscape Team**

Summary Position of Interested Party	Applicant Response
Kent Downs National Landscape Team <a href="#">[RR-157]</a>	
<i>Landscape and Visual</i>	
<p>The site lies within the setting of the Kent Downs National Landscape, by virtue of the scale of the proposal, the proximity of the site to the National Landscape boundary and due to the fact parts of the site area are inter-visible with the AONB. Given the scale of the development and proximity to the National Landscape there is potential for harmful effects on the setting of the AONB. The National Landscape Team considers that due to the distance from the National Landscape boundary, topography and the nature of the mature woodland and hedge planting between the National Landscape and this site, and the siting of the panels facing southwards, the level of discernment of the solar array from the Kent Downs NL looking south from the escarpment, is not likely to be significant. The main impacts to the Kent Downs NL are likely to be in respect of proposed Parcel E, and potential intervisibility from the part of the Kent Downs NL that wraps</p>	<p>The assessment of visual effects experienced within the National Landscape has identified that due to intervening landform, vegetation and distance to the Site, the Project will be barely perceptible from the North Downs ridge, with localised partial glimpsed views from Roman Road into Parcel E. No significant visual effects have been identified on visual receptors within the National Landscape. With respect to landscape character, the assessment includes the relevant National Landscape LCAs in order to assess the likely effects on the setting of the designated landscape. No significant effects on the character and setting of the LCA have been identified as a result of the Project.</p> <p>The additional planting requested by the Kent Downs National Landscape Team has been included in the illustrative landscape proposals, and are referenced in paragraph 4.2.1 of the <b>Outline LEMP (Doc Ref. 7.10(A))</b>.</p>

## Summary Position of Interested Party

## Applicant Response

Kent Downs National Landscape Team [\[RR-157\]](#)

around to the south of the proposed site of the solar array. The Kent Downs NL Team is keen to ensure that sufficient planting is incorporated along the southern/eastern boundary of Parcel E to help mitigate visual impacts from the AONB to the south. The proposal will, of course, result in a change in the landscape from an agricultural use to the industrialising impact of a very large solar farm, outside the AONB. However, given the context of the site, it is not likely to result in any material harm to those seeking to enjoy the Kent Downs AONB within the nationally protected landscape and, subject to the incorporation of sufficient landscaping, should not have a material impact on the setting of the Kent Downs AONB. The National Landscape Team has welcomed the positive engagement between the Applicant EPL 001 Limited and their consultants with the National Landscape Team to date, including the amendment of the proposals and incorporation additional mitigation planting in response to comments made by the Kent Downs NL Team to the statutory consultations.

### 3.14 Kent Ramblers

**Table 3-13: Response to Kent Ramblers**

Summary Position of Interested Party	Applicant Response
Kent Ramblers <a href="#">[RR-158]</a>	
<i>PRoW</i>	
<p>I am a Local Footpath Officer (LFO) for Kent Ramblers, a voluntary role. One of my responsibilities is to consider and comment on planning applications in several parishes, including Aldington. In this context, I am registering The Ramblers' (Ramblers) concerns regarding this proposed solar farm. Due to its size, and the fact that more than a dozen Public Rights of Way (PROW) cross the site, I have consulted with colleagues within Ramblers before submitting these comments. In addition, I have been a member of the Consultative Panel (established by Evolution Power) since 2022 and have provided our responses in the two main rounds of consultation undertaken.</p> <p>In our contributions to consultations and panel meetings we have focused on the proposals for PROWs. Whilst we have specific concerns regarding individual PROWs we also have several overarching concerns.</p>	<p>The Site is not considered to be a “valued landscape” as defined by paragraph 180a of the NPPF. The potential significant effects on the landscape and visual amenity have been identified and assessed in <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a>.</p>

## Summary Position of Interested Party

## Applicant Response

Kent Ramblers [[RR-158](#)]

Ramblers believe it is important for any developments in the countryside to be located and designed in a way that protect and enhance precious landscapes; improve access to the outdoors; work with nature; and support local communities and sustainable development. Whilst we recognise that action is needed to tackle a climate emergency, we believe that measures to mitigate this, such as large-scale solar arrays should be sensitively situated so that they do not damage valued landscapes. iv. With 8,000 new houses planned for the nearby Otterpool development, and with Ashford's continued expansion, we identify an increased need for this stretch of green and pleasant land to be valued, especially that between Aldington and the East Stour. Therefore, we do not share the opinion expressed in 8.35 of the Environmental Statement Vol 1 that "the site is not considered to be a valued landscape."

As previously stated, I have been active in representing Kent Ramblers throughout the consultation process. At the outset, we were concerned about Evolution Power's (EP's) approach to PROWs. Initially, plans produced at Panel meetings were unclear and difficult to read with some paths

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The Applicant has considered feedback from non-statutory consultation, statutory consultation and Community Liaison Panel meetings and has sought to amend the presentation of materials relating to the location and proposed diversion of PROW in response to comments through these processes. The detail of the proposed footpath diversions is set out within the **Outline RoWAS (Doc Ref. 7.15(A))** and the **Draft DCO (Doc Ref. 3.1(B))** (Part 4; and Schedules 8 and

Summary Position of Interested Party	Applicant Response
<p><b>Kent Ramblers</b> [<a href="#">RR-158</a>]</p> <p>marked in the same colours as streams, some as site boundaries. At other times comments from EP representatives showed a lack of appreciation of the importance of the PROW network through the proposed site. This led to misleading statements being made by Evolution Power.</p>	<p>9), the <b>Streets, Rights of Way and Access Plans (Doc Ref. 2.5)</b> [<a href="#">APP-011</a>] and <b>ES Volume 3, Figure 3.2: Proposed Access Network (Doc Ref. 5.3)</b> [<a href="#">APP-045</a>].</p> <p>The Applicant considers that it has given proportional consideration to the importance of PROW across the assessment and in the DCO Application, and this is reflected in the scale of mitigation and management set out within the management plans including the <b>Outline RoWAS (Doc Ref. 7.15(A))</b>, the <b>Outline LEMP (Doc Ref. 7.10(A))</b> and the <b>Design Principles (Doc Ref. 7.5(A))</b>.</p>
<p>Even now there is a lack of clarity about the specific proposals for the network of PROWs crossing this site. Throughout the last two years, EP have not engaged in focussed discussion and consideration of specific proposals for PROWs. This has been surprising considering the dense network of PROWs in this site. We have not yet been involved in any discussions concerning the widths and hedging of any routes. We do welcome the proposed establishment of a Rights of Way and Access group, but this is qualified by lack of detailed information. We had expected to find this within the documents submitted for this application.</p>	<p>The Applicant has engaged with residents, community groups and Local Authorities in the approach to specific PROWs. As noted by Kent County Council in its Relevant Representation [<a href="#">RR-156</a>]: <i>“Through the pre application stage of this proposal, the County Council has proactively negotiated with the applicant regarding the Outline RoWAS that covers the 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.”</i></p> <p>The <b>Outline RoWAS (Doc Ref. 7.15(A))</b> secures the provision of a Rights of Way and Access Working Group which will review Implementation Plans (the detailed approach to managing changes to PROW) with the aim of minimising disruption and amenity loss to PROW users during implementation. The Rights of Way and Access Working Group will include the Applicant, the Contractor(s) responsible for the Project, ABC, and KCC with other parties invited to contribute where the Group considers this to be beneficial. The Applicant will have due regard to responses from the Rights of Way and Access Working Group prior to finalisation of the submission of an Implementation Plan. Any detailed RoWAS must be generally in accordance with the Outline Strategy, and must be implemented as approved, as required by Requirement 10 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b>.</p>
<p>Whilst Evolution Power have, over time, amended their proposals we still have</p>	<p>The Applicant has determined the site is suitable for the Project as set out in <b>ES Volume 4, Appendix 5.2: Site Selection Influencing Factors (Doc Ref. 5.4)</b> [<a href="#">APP-067</a>].</p>

## Summary Position of Interested Party

## Applicant Response

Kent Ramblers [[RR-158](#)]

significant concerns. These concerns cover both the arrangements for individual footpaths but also the impact on the wider network of PWOWs in this area should this project proceed. Should this application continue we, as Ramblers, would wish to comment further on issues affecting specific PROWs. For reasons outlined above we do not consider this to be an appropriate location for a large scale solar farm.

In addition, the Site's suitability for solar development and the Project's compliance with all relevant national and local policy is set out in detail within the **Planning Statement (Doc Ref. 7.6)** [[APP-151](#)].

### 3.15 Kent Wildlife Trust

**Table 3-14: Response to Kent Wildlife Trust**

Summary Position of Interested Party	Applicant Response
Kent Wildlife Trust [ <a href="#">RR-159</a> ]	
<i>Biodiversity</i>	
<p>The project will result in the loss of habitat suitable for breeding yellowhammer and skylark as well as other red list and priority 'farmland' bird species. Yellowhammer have declined by 61% since 1967 with the main cause thought to be a lack of seed food sources available to them on farmland. Skylark have been steadily declining in numbers since the mid-1970s also thought to be the result of agricultural intensification. Peak counts of between 33 - 42 yellowhammer and 39 - 46 skylark have been recorded within the site demonstrating the importance of existing habitats within the order limits for these species. The proposed development will result in the loss of this habitat thereby detrimentally impact these bird species, both of which are Species of Principle Importance (SPI) and listed in response to Section 41 of the Natural Environment and Rural Communities Act 2006. The protection of SPI, and due regard to the mitigation hierarchy when considering impacts to the</p>	<p>A detailed assessment of the effects of the Project on yellowhammer and skylark is provided in Table 2 of <b>ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A))</b>. Local adverse (significant) effects are identified for Yellowhammer and Skylark during the construction phase, with local adverse (significant) effects identified for Skylark for the operational phase due to the reduction in open habitat suitable for nesting. No significant effects on yellowhammer are identified for the completed operational Project.</p> <p>The proposed compensatory habitat measures included in the Project (as set out in Section 3.4 of the <b>Outline LEMP (Doc Ref. 7.10(A))</b>) have been based on available literature relating to skylark breeding ecology and use of skylark plots. The Project ecologist is satisfied that the proposed compensation should deliver sufficient compensation for the loss of baseline skylark breeding habitats. This includes extensive grassland areas in Fields 26, 27 and 28, and smaller open grassland areas throughout the Site which will provide suitable nesting habitat. This includes grassland areas in Field 8, between Fields 10 and 12, within Field 20 and within the wider field boundaries.</p> <p>While skylark nesting plots are additionally distributed throughout the PV arrays, the open grassland areas provide the primary nesting mitigation. Skylark extensively use open grazed grassland habitats to nest, and indeed this would have been their exclusive broad category of nesting habitat prior the advent of arable agriculture, i.e. they are naturally well (potentially better) adapted to use grassland over arable cropland. Therefore, if managed well for skylark, the grassland areas have the potential to support a higher density of skylark territories. It is however recognised that the efficacy of different compensatory habitat interventions (i.e. skylark plots versus grasslands managed to create suitable breeding habitat), is subject to a degree of uncertainty.</p>



## Summary Position of Interested Party

## Applicant Response

Kent Wildlife Trust [[RR-159](#)]

habitats of these species, is required under the Overarching National Policy Statement for Energy (EN-1) (2003) and the National Planning Policy Framework (NPPF) (2023). The development plans do not currently provide sufficient information on the number of territories to be lost and insufficient mitigation and compensation measures have been proposed.

Monitoring is therefore proposed together with iterative adaptation of site and habitat management based on monitoring results, to ensure that the effects would not be worse than that assessed in the ES. This adaptive approach to monitoring and management forms is detailed in Section 4 of the **Outline LEMP (Doc Ref. 7.10(A))**. Based on the area of grassland proposed, the Project ecologist is confident that adjustments to management, such as grazing / mowing regimes, would be effective to increase the concentration of suitable skylark breeding sites if monitoring reveals a significant reduction in skylark breeding territories versus the baseline position. The proposed biodiversity enhancements are considered appropriate to mitigate the effects of the Project as far as is practically possible and are secured through Requirement 8 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**. This provides that the Project must not commence until a biodiversity design strategy has been submitted to and approved by the local planning authority (ABC), such approval to be in consultation with Kent County Council and the relevant statutory nature conservation body (Natural England). It also provides that no phase of the Project may commence until a Landscape and Ecological Management Plan ('LEMP') covering that phase has been submitted to and approved by the local planning authority. The LEMP must be in accordance with the **Outline LEMP (Doc Ref. 7.10(A))**, the approved biodiversity design strategy and the **Design Principles (Doc Ref. 7.5(A))**.

The conclusion of an operational phase local adverse (significant) effect in **ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A))** was determined for skylark based on a reduction of available nesting habitat. To reduce this impact as far as is practically possible, as part of the iterative design process as much mitigation has been incorporated as possible. However, a locally significant reduction in skylark nesting may still occur, which is the conclusion of the ES chapter. The ES therefore concludes that there is the possibility of a net adverse effect upon skylark, but proposes as extensive a quantum of compensatory habitat as is possible within the constraints of the Project, as secured through the DCO. This impact upon skylark will be considered during Examination in the context of the wider demonstrable biodiversity (including other wintering and breeding bird assemblages) and decarbonisation benefits of the Project. It is also important to recognise the limited extent of these adverse effects, given that they are all identified as being adverse effects of local significance (i.e. low on the scale of significance). All other adverse effects are assessed as not significant.

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## Applicant Response

Kent Wildlife Trust [[RR-159](#)]

Barn owl surveys have not been carried out with the submission stating that no barn owl were recorded during the bat surveys. The only nocturnal bird survey carried out was for nightingale and the submission is clear that the presence of barn owl was not assessed during this survey. There are two existing pole mounted barn owl boxes present within the order limits which should have been inspected by a suitably licenced ecologist during the barn owl breeding season (the ecologist should hold a Schedule 1 Licence and/or CL29 Barn Owl Licence). The UK barn owl population has declined by 70% since the 1930s and therefore it is important to identify, protect, and enhance barn owl foraging and commuting habitat. If barn owl are present and using the site to breed then suitable barn owl foraging habitat should be provided as part of the onsite mitigation measures. The proposal has the potential to cause disturbance to breeding barn owl from the construction and operational phases of the development. More information regarding whether the boxes are used by breeding barn owl is therefore required so an appropriate, detailed barn owl mitigation strategy can be devised. Barn owl are included in Schedule 1 of the

The Planning Inspectorate has been provided with a Schedule 1 Bird Survey Report as part of **ES Volume 4, Appendix 9.5: Baseline Survey Reports, Appendix 9.5n: Schedule 1 Bird Survey Report (Doc Ref. 5.4) [[APP-090](#)]**. Schedule 1 Birds are protected under the Wildlife and Countryside Act (1981) as amended (with additional confidentiality as requested by PINS) and therefore this report is not available publicly.

The locations near the pole mounted barn owl nesting boxes are to only be subject to landscape works as part of the Project and this use if considered comparable to existing agricultural use. This is considered unlikely to result in additional disturbance. However, a precautionary inspection survey was undertaken by an ecologist holding a CL29 Barn Owl Licence. An assessment of the site was also undertaken in accordance with the three-stage approach detailed in Shawyer et al 2011 (*Barn Owl Tyto alba Survey Methodology and Techniques for use in Ecological Assessment Developing Best Practice in Survey and Reporting. Wildlife*)<sup>3</sup> and corresponding results and recommendations.

The overall assessment of the impact upon barn owl is stated with the **ES Volume 4, Chapter 9: Biodiversity [[APP-033](#)]** and **ES Volume 4 Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A))**, with clear referencing of a confidential Schedule 1 bird survey appendix. The **Outline LEMP (Doc Ref. 7.10(A))** includes a commitment in Section 5.3 to undertake pre-commencement surveys for Schedule 1 birds at the site. In the event that such species were identified, appropriate mitigation measures would be implemented to avoid disturbance during site works. Such measures may include establishment of protective buffer zones around nest sites and/or nest monitoring to inform timing of nearby works.

Summary Position of Interested Party	Applicant Response
<p>Kent Wildlife Trust [<a href="#">RR-159</a>]</p>	
<p>Wildlife and Countryside Act, 1981 which affords them protection against disturbance whilst nesting, in addition to the basic level of protection afforded to most breeding birds. Under Part 1, Section 1 (5) it is an offence to intentionally or recklessly disturb a barn owl whilst it is building a nest or is in, on, or near a nest containing eggs or young. It is also an offence to intentionally or recklessly disturb a barn owl's dependent young.</p>	
<p>At present the submission does not put forward any measures to address the impacts of the solar panels on invertebrates, particularly given that supporting surveys show that the application site hosts a number of nationally scarce species. Certain aquatic invertebrate species mistake polarised light reflected off solar panels for open water which leads them to attempt to lay eggs on the panels. The proximity of wetland habitats which are of importance to invertebrates heightens the need to mitigate this impact. A pattern of roughened or painted glass or a horizontal light blocking grid can be used to ensure the solar panels are not attractive to aquatic invertebrates. These measures are</p>	<p>Please see the response to Buglife – The Invertebrate Conservation Trust [<a href="#">RR-028</a>] above.</p>

Summary Position of Interested Party	Applicant Response
<p>Kent Wildlife Trust [<a href="#">RR-159</a>]</p>	
<p>low cost and do not impact on energy generation.</p>	
<p>Very limited details and data have been provided on the beaver survey that has been carried out. It is unclear from the submitted information as to the extent of the area surveyed. In addition, no measures appear to have been put forward to address the potential impact of beavers on the development in the future. This is considered appropriate given the expanding range of beaver in this location, the suitability of habitat adjacent to the site, and the lifetime of the proposal.</p>	<p>Section 2 of <b>ES Volume 4, Appendix 9.5k: Riparian Mammal Survey (Doc Ref. 5.4)</b> [<a href="#">APP-090</a>] provides the methodology for the riparian mammal survey. This included a search for signs of water vole, otter and beaver.</p> <p>As stated in Paragraphs 9.5.130 to 9.5.312 of <b>ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)</b> [<a href="#">APP-033</a>], there is no current evidence of beaver presence within the Site. Therefore, it was not considered necessary to provide mitigation. However, beaver are included within the scope of the proposed pre-commencement surveys (riparian mammals). Annex 3: Indicative Mitigation and Enhancement Measures of the <b>Outline LEMP (Doc Ref. 7.10(A))</b> includes the commitment for pre-commencement surveys (riparian mammals), which would include 'water voles, otter, beavers'. These future surveys are therefore secured by the <b>Outline LEMP (Doc Ref. 7.10(A))</b> and would be submitted as part of the detailed LEMPs submitted to discharge Requirement 8 (Landscape and biodiversity) of Schedule 2 of the <b>Draft DCO (Doc Ref. 3.1(B))</b>.</p>
<p>There is still a degree of uncertainty around the impacts of the development, in terms of noise, dust, and light pollution, on Backhouse Wood Local Wildlife Site (LWS) and its ancient woodland. Justification for the minimum buffer of 15 metres from the ancient woodland has not been provided and given the potential impacts from the proposal on this irreplaceable habitat it is strongly recommended that a larger graduated buffer is provided. Guidance published by Natural England and the Forestry Commission makes clear that a buffer of 15 metres is a minimum</p>	<p>As stated in Table 9.1 of <b>ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)</b> [<a href="#">APP-033</a>] the only structure within 200m of the Backhouse Wood LWS ancient woodland comprises wooden deer fencing that will be installed to minimise recreational disturbance of ground-nesting bird compensatory habitat areas. All other Project components within 50m of the ancient woodland will involve habitat creation and therefore limited intervention as shown on Sheet 5 of the <b>Illustrative Landscape Drawings (Doc Ref. 2.7(A))</b> and Sheet 5 of the Vegetation Protection and Removal Plan in <b>ES Volume 4, Appendix 9.3: Arboricultural Impact Assessment (Doc Ref. 5.4(A))</b> [<a href="#">AS-017</a>].</p> <p>An assessment of the construction and operational effects of the Project on Backhouse Wood LWS is provided in Table 1 of <b>ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A))</b>.</p> <p>The <b>Outline CEMP (Doc Ref. 7.8(A))</b> recognises that the buffer is a minimum (i.e. it states 'A minimum buffer zone of 15 times the stem diameter or 5m beyond the trees crown spreads (whichever is greater) for veteran trees and of 15m from the canopy spread for ancient</p>

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## Applicant Response

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requirement in order to avoid root damage and that where other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. KWT supports guidance set out by The Woodland Trust, which states that “As a precautionary principle, a minimum 50 metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice”

woodland will be maintained.’). Production, approval and implementation of the final CEMP(s), in accordance with the **Outline CEMP (Doc Ref.7.8(A))**, is secured through Requirement 6 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**.

Nightingale have been recorded outside of the order limits and alongside the railway embankment. No information has been provided on the potential impacts of construction work on this species. In addition, no mitigation or habitat enhancement measures have been put forward to address this matter.

Nightingale are one of the species identified during breeding bird surveys reported in **ES Volume 4, Appendix 9.5g: Breeding Bird Survey Report (Doc Ref. 5.4)** [[APP-090](#)].

An assessment of the Project on breeding bird assemblages, which is inclusive of nightingale, has been undertaken and is presented in **ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A))**. No specific mitigation or habitat enhancement measures are considered necessary beyond the measures already committed to in the **Outline LEMP (Doc Ref. 7.10(A))** which would be beneficial to nightingale.

Horizontal directional drilling (HDD) is proposed under the East Stour River. We have been told as part of the Sea Link project, which is currently going through the NSIP process, that it is not possible to carry out HDD under the Stour. Security is therefore needed that this process can be achieved given the conflicting lines from different projects. Sufficient information

The Applicant considers that based on the available evidence, the ground conditions are suitable for the use of non-intrusive cable crossings (i.e. HDD). From undertaking utilities searches, the Applicant is aware that there are various utilities that cross the East Stour River in this locality, including a foul sewer and UKPN cables.

Alternative options have therefore not been assessed. **ES Volume 4: Appendix 10.3: Water Framework Directive Assessment (Doc Ref. 5.4)** [[APP-096](#)] considers the potential effects of HDD in respect of the East Stour River. This states that further site-specific ground investigation would be undertaken post grant of the DCO. The use of HDD would also be subject to

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also needs to be provided on what alternative approaches will be considered if HDD is not possible along with full assessments of the ecological impacts of these alternative options. In addition, no measures have been put in place around what remedial action will be taken in the event that there is an unexpected issue while HDD is being undertaken.

application(s) for Flood Risk Activity Permits ('FRAP') which would be agreed with the Environment Agency.

A Construction Method Statement ('CMS') based on detailed design of the Project will form part of the detailed CEMP(s), as secured through the DCO and escribed in the **Outline CEMP (Doc Ref. 7.8(A))**. This will provide the detailed design and expand upon the approach to key activities and components such as the temporary watercourse crossings and HDD method of watercourse crossing.

Insufficient information has been provided to clearly establish that the proposed sites for temporary bridges over the East Stour River are suitable in terms of the condition of the riverbanks. Greater clarity needs to be provided about the risks that such an approach poses to the integrity of the riverbanks and the ongoing protection and enhancement of the river.

Information on the location of proposed river crossing locations is provided in **ES Volume 4: Appendix 10.5: Schedule of Watercourse Crossings (Doc Ref. 5.4) [[APP-098](#)]**. The integrity of the river banks would be protected through standard good practice measures, the principles of which have been agreed with the Environment Agency. These measures are secured by the **Design Principles (Doc Ref. 7.5(A))** which state that:

- vehicle bridge crossings will be installed to avoid impact to the channel and minimise on-site engineering. The bridge soffits will be set at least 600mm above the adjacent bank level and the bridge supports will be set back at least 1m from the edge of the top of the bank. ....The vehicle bridge crossings will be pre-engineered modular steel bridges; and
- PRow footbridge soffits will be set at least 600mm above the adjacent bank level and the bridge supports will be set back at least 1m from the edge of the top of the bank.
- HDD will be used to install the Grid Connection Cable beneath the East Stour River pursuant to Work No. 4, within the areas shown within **ES Volume 4: Appendix 10.5: Schedule of Watercourse Crossings (Doc Ref. 5.4) [[APP-098](#)]** where the HDD is beneath the East Stour River, a minimum depth of 2m from Crossings (Doc Ref. 5.4). the bed of the East Stour River will be maintained. In order to achieve this depth, the entry and exit pit locations for HDD will need to be set back at least 10m from top of the bank / channel edge.

The above measures will ensure that the integrity of the East Stour River banks and other watercourses/ditches. Further details are provided of the proposed crossings locations are

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<p>Kent Wildlife Trust [<a href="#">RR-159</a>]</p>	<p>provided in <b>ES Volume 4: Appendix 10.5: Schedule of Watercourse Crossings (Doc Ref. 5.4)</b> [<a href="#">APP-098</a>].</p> <p>As detailed in the <b>Schedule of Other Consents and Licences (Doc Ref. 3.4)</b> [<a href="#">APP-018</a>], all works and structures within, over, beneath or within 8m and all excavations within 16m of the top of bank of a main river will be subject to receipt of a Flood Risk Activity Permit ('FRAP') from the Environment Agency. Also, all work and structures within, over or beneath an Ordinary Watercourse within the River Stour Internal Drainage Board ('IDB').area will be subject to Land Drainage Consent from the IDB.</p> <p>Details of the pre-commencement ecological surveys (including details on ecological supervision and / or micro siting of locations if required) will be provided in detailed LEMP(s) and detailed CEMP(s), production, approval and implementation of which is secured through Requirements 8 and 6 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> respectively.</p>
<p>Limited information has been provided on the proposed foul water collection and treatment process as a means of removing potential impacts to the East Stour River from surface water flooding. It is imperative that clarity and a sufficient level of evidence is provided about the effectiveness of this approach and the biodiversity impacts of implementing this system prior to the commencement of development.</p>	<p>Paragraph 4.9.5 of the <b>Outline CEMP (Doc Ref. 7.8(A))</b> states that <i>'As a precautionary approach, all foul or waste water arising from all stages of the Project will be removed off-Site and disposed of outwith the Stour catchment, to avoid any nutrient effects upon the Stodmarsh site complex.'</i> Details of the foul water collection during the construction stage would be included in the detailed CEMP(s) which would be approved by the local planning authority in accordance with Requirement 6 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b>.</p> <p>Paragraph 2.2.4 of the <b>Outline OMP (Doc Ref. 7.11(A))</b> states <i>'Welfare facilities will be included within the Project Substation, including toilets and wash/changing room. Spare parts storage containers will also be included. The control room will be served by a cess tank system with foul water tankered off-Site for disposal at a licenced facility outside of the hydrological catchment that feeds Stodmarsh (the Stour catchment).'</i></p> <p>This commitment has been welcomed by Natural England in their Relevant Representation [<a href="#">RR-206</a>]. Details of the measures would be agreed with the local planning authority via the process of approving detailed CEMP(s) and detailed OMP (the latter in accordance with Requirement 12 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b>).</p>

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Minimal detail has been provided in the **Outline CEMP (Doc Ref. 7.8)** on the protection measures to be employed for hedgerow and boundary habitats during construction. It is unclear whether sufficient space will be provided between the hedgerow and the security fencing. The details provided within the submission have not considered the reduced separation distance that will occur over time as the width of the hedgerow is allowed to increase to be of maximum benefit to a range of bird species. This is of particular concern given the impacts of the development on species which utilise the hedgerow such as yellowhammer. Designated access tracks will be in use along sections of the hedgerow during the operational phase. It is unclear from the supporting documents, including the works plan (document ref. 2.3), where these access tracks will be, their distance from the root protection areas of the hedgerow, and the impacts from the tracks being used on species utilising the hedgerow.

As specified in the **Design Principles (Doc Ref.7.5(A))**, *“unless otherwise agreed with the local planning authority, vegetation loss will be restricted to the maximum extents shown on the Vegetation Removal Plan (Doc Ref. 2.8).”*

Paragraph 4.9.6 of the **Outline CEMP (Doc Ref. 7.8(A))** states that *‘Protection zones will be established around identified hedgerows to prevent encroachment and damage, and clearly demarcate these zones using physical barriers, fencing or signage to ensure they are easily identifiable by construction personnel.’* These measures would be in line with standard industry good practice which include Root Protection Areas (‘RPA’). RPAs for hedgerows and trees are set out in the Vegetation Protection and Removal Plan in **ES Volume 4, Appendix 9.3: Arboricultural Impact Assessment (Doc Ref. 5.4(A))** [[AS-017](#)].

The **Outline CEMP (Doc Ref. 7.8(A))** requires that an Arboricultural Method Statement will be included within the detailed CEMP(s) which will be submitted for approval to the local planning authority prior to construction of the Project in accordance with Requirement 6 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**.

It is noted that the effectiveness of the proposed skylark plots will be monitored. However, it is unclear what steps will be put in place to remediate the situation if it is

The proposed compensatory habitat measures included in Section 3.4 of the **Outline LEMP (Doc Ref. 7.10(A))** were determined based on available literature relating to skylark breeding ecology and use of skylark plots. The Project ecologist is satisfied that the proposed compensation will deliver sufficient compensation for the loss of baseline skylark breeding



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found that the plots are not being utilised. At that point a significant area of suitable habitat for skylark and other ground nesting birds will have been permanently lost and it will not be possible to implement an effective compensation strategy to address this. There is currently little evidence to show that skylark plots are effective, especially in respect of acting as nesting sites, with the species preferring to nest in open fields with clear sight lines. In addition, there is little published information about the impacts of predators using solar panels as perches to provide a vantage point for hunting and how this may impact on the use of skylark plots.

habitats. However, because there remains debate surrounding the effectiveness of different habitat interventions (i.e. skylark plots vs grasslands managed to create suitable breeding habitat), the effectiveness of the compensatory measures does come with a degree of uncertainty.

Monitoring is therefore proposed together with iterative adaptation of site and habitat management based on monitoring results, to ensure that the effects would not be worse than that assessed in the ES. This adaptive approach to monitoring and management forms part of Section 4 of the **Outline LEMP (Doc Ref. 7.10(A))**. Based on the area of grassland proposed, the Project ecologist is confident that adjustments to management, such as grazing / mowing regimes, would be effective to increase the concentration of suitable skylark breeding sites if monitoring reveals a significant reduction in skylark breeding territories versus the baseline position.

Insufficient information has been provided on the proposed management of the skylark plots if the areas of grassland around the PV panels are to be grazed by livestock. It is unclear from the submitted information what process will be put in place to ensure that suitable habitat within the designated plots is maintained for farmland birds and not impacted by conservation grazing.

The **Outline LEMP (Doc Ref. 7.10(A))** sets out the general management prescriptions within the Site. Paragraph 4.6.10 states that *'It is recommended to exclude skylark plots from the management of PV panel grassland (rotational grazing or mowing) during the main bird breeding season of March to August inclusive to minimise risk of impacts upon nest and to preserve a variable sward height within the plots. The skylark plots will be managed by primarily targeted cutting, noting the need to manage these areas to allow for nesting in short and variable swards. Further information regarding the management of skylark plots will be set out in future detailed LEMP(s).'* Further details of the management measures would set out in the detailed LEMP(s) which would be submitted to and approved by the local planning authority.

Requirement 8 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** sets out the process for approval of the landscape and ecological enhancements. This provides that the Project must not commence until a biodiversity design strategy has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council and the

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	<p>relevant statutory nature conservation body (Natural England). It also provides that no phase of the Project may commence until a Landscape and Ecological Management Plan ('LEMP') covering that phase has been submitted to and approved by the local planning authority. The LEMP must be in accordance with the <b>Outline LEMP (Doc Ref. 7.10(A))</b>, the approved biodiversity design strategy and the <b>Design Principles (Doc Ref. 7.5(A))</b>.</p>
<p>Insufficient information has been provided as to the size of the proposed boundary bird crop strips and so it is not possible to fully understand the suitability or potential effectiveness of this compensation measure.</p>	<p>Table 9.12 of <b>ES Volume 2 Chapter 9: Biodiversity (Doc Ref. 5.2)</b> [<a href="#">APP-033</a>] and the Illustrative Landscape Strategy Plan Planting Schedule and Notes in the <b>Illustrative Landscape Drawings - Not for Approval (Doc Ref. 2.7(A))</b> state that 2.81ha of winter bird crop strips are proposed. These would be provided throughout Site field boundaries to provide foraging resource for farmland birds.</p> <p>Detailed information on the bird crop strips will be included as part of the future detailed LEMP(s). The detailed LEMPs are expected to secure between two and five blocks per 100ha, with each up to 0.5ha each in size.</p>
<p>We have concerns about the impact of recreation pressure on boundary planting proposed around Backhouse Wood Local Wildlife Site (LWS) and its ancient woodland. This area runs alongside the existing and proposed public footpath and so will be subject to recreational pressures which could impact on its potential to be an effective buffer to the ancient woodland and of a high biodiversity value to the LWS.</p>	<p>An assessment of the construction, operational and decommissioning effects of the Project on Backhouse Wood LWS is provided in Table 1 of <b>ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A))</b>.</p> <p>Increased recreational disturbance effects are not anticipated at Backhouse Wood LWS. The additional woodland buffer habitats proposed between the PRoW and the ancient woodland as shown on <b>Illustrative Landscape Drawings – Not for Approval (Doc Ref 2.7(A))</b>. The Project is not anticipated to attract additional PRoW users.</p>
<p>There are trading rule errors within the submitted Biodiversity Net Gain (BNG) metric. While an explanation has been given within the BNG assessment in</p>	<p><b>Appendix 3: Detailed Results of Statutory Biodiversity Metric Calculations (Doc Ref. 7.1)</b> [<a href="#">APP-145</a>] of the <b>Biodiversity Net Gain Assessment (Doc Ref. 7.1)</b> [<a href="#">APP-146</a>] undertakes the calculation for grassland condition. This is an automatic output of the BNG Metric where some areas of grassland are proposed to be subject to enhancement but they are already in good</p>

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respect of the loss of wet woodland, there are other errors shown within the BNG metric which have not been discussed. For example, there are errors shown around the condition change for on-site habitat enhancement of grassland and the like for like or better trading rule within the trading summary for hedgerows.

condition. This results in no additional biodiversity units being generated and the BNG Metric auto-calculation function results in an 'error' message.

A very minor net loss of high distinctiveness hedgerow type is currently reported in the submitted Biodiversity Metric, which results in a trading rule error (as reported in **Appendix 3: Detailed Results of Statutory Biodiversity Metric Calculations of the Biodiversity Net Gain Assessment (Doc Ref. 7.1)** [[APP-145](#)]). This is as a result of a loss of very small lengths (units) of higher distinctiveness hedgerow and the simplification of the hedgerow creation proposals in the Metric (target stated as medium distinctiveness hedgerow creation throughout site).

Creation and enhancement to deliver higher distinctiveness hedgerow units will however occur within the Site – through enhancement measures such as restoring the species diversity of existing high distinctiveness hedgerows that are located alongside ditches and banks and through the addition of hedgerow trees to these hedgerows. Requirement 8 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures the Project's commitment to a BNG of at least 100% Biodiversity Net Gain ('BNG') for habitat units and at least 10% for hedgerow and river units. This provides that the Project must not commence until a biodiversity design strategy has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council and the relevant statutory nature conservation body (Natural England).

This must also be taken in the context of the creation of significant hedgerow as part of the Project. It is noted that the overall significant net gain percentage for hedgerows is not disputed.

It is unclear whether the arable field margins game bird mix, shown as an enhancement within the BNG metric, can be counted when it is being implemented as a means of compensating for impacts to Species of Principle Importance.

The Statutory Biodiversity Metric<sup>4</sup> does not preclude the delivery of habitats as compensation for impacts upon Species of Principal Importance (in this case yellowhammer), such as arable field margins seeded with game bird mix, cannot be counted towards a predicted net gain in biodiversity units. The proposed arable field margin enhancement is therefore counted towards the predicted uplift in habitat units on site. A more complex BNG 'rule' applies when delivering new or enhanced habitats for European Protected Species (EPS) - such as great crested newt or hazel dormouse; whereby EPS compensation habitats can be counted towards achieving no net loss, but not towards achieving a net gain in biodiversity units. Because the proposed field

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	margin mixes are not being delivered as compensation for impacts upon EPS, this BNG ‘rule’ is not applicable to this proposed habitat creation measure.
More evidence is needed to have confidence the areas of grassland subject to conservation grazing will meet the set criteria for the stated condition score within the metric. If this is not possible further details on an alternative management regime are needed to demonstrate that this can be achieved.	The <b>Outline LEMP (Doc Ref. 7.10(A))</b> provides details of the seeding, management and remedial measures for achieving Good condition in Section 4 and includes the flexibility for an option of grazing, mowing or both. The <b>Outline LEMP (Doc Ref. 7.10(A))</b> states that further management detail is to be provided following DCO consent as part of detailed LEMP(s). These measures will be subject to future detailed revision as a result of stakeholder involvement and the results of ecological monitoring following DCO consent which will provide additional opportunities to adjust management practices.
The submitted metric does not appear to have followed the interim strategic significance guidance published by Making Space for Nature who are developing the Local Nature Recovery Strategy for Kent and Medway.	There is no requirement in law or planning policy to follow the Interim Strategic Significance Guidance for Biodiversity Net Gain in Kent and Medway <sup>5</sup> . This was not raised or stated as a requirement during the multiple rounds of consultation undertaken for the Project and notably has not been raised by KCC in their Relevant Representations.  While not explicitly stated in the <b>Biodiversity Net Gain Assessment (Doc Ref. 7.1) [APP-146]</b> , the assessment does follow a comparable approach to the Interim Strategic Significance Guidance for Biodiversity Net Gain in Kent and Medway. This approach is based on local and national biodiversity policy with particular reference to Habitats of Principal Importance, in the absence of a Local Nature Recovery Strategy. For example, hedgerow significance corresponds to distinctiveness and priority habitats being assigned Medium or High distinctiveness. The overall application of strategic significance in the <b>Biodiversity Net Gain Assessment (Doc Ref. 7.1) [APP-146]</b> has been applied at a similar or more precautionary level than the Interim Strategic Significance Guidance.

### 3.16 Mersham Parish Council

**Table 3-15: Response to Mersham Parish Council**

Summary Position of Interested Party	Applicant Response
Mersham Parish Council <a href="#">[RR-188]</a>	
<i>Principle of Development</i>	
<p>The installation of the solar power generating station, which partially lies within the Parish of Mersham, has raised significant concerns among the residents. We believe that the suitability and scale of this development necessitate thorough consultation with the local community. The people of Mersham must be allowed to comment and have their views taken into account in the decision-making process. While we support renewable energy initiatives, it is crucial that our legitimate interests and concerns are considered to ensure a development that aligns with the community's values and needs.</p>	<p>The Applicant has determined the Site is suitable for the Project as set out in <b>ES Volume 4, Appendix 5.2: Site Selection Influencing Factors (Doc Ref. 5.4)</b> <a href="#">[APP-067]</a>.</p> <p>In addition, the Site's suitability for solar development and the Project's compliance with all relevant national and local policy is set out in detail within the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a>.</p> <p>The Applicant carried out comprehensive preapplication consultation on its proposals prior to submitting the DCO Application, including a five-week non-statutory consultation, two five-week statutory consultations and two four-week targeted consultations. The pre-application statutory consultation accorded with the requirements of the Planning Act 2008 ('PA 2008'), the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and had regard to guidance issued under section 50(3) of the PA 2008. In addition, the Applicant undertook non-statutory engagement throughout the pre-application stage. The Applicant consulted in a variety of ways to maximise consultee participation. A large number of consultees provided feedback. The Applicant had careful regard to the consultation responses received as it has finalised this application for the Project, as explained in detail in the <b>Consultation Report (Doc Ref. 6.1)</b> <a href="#">[APP-126]</a>.</p> <p>In accepting the DCO Application, the Planning Inspectorate have confirmed the Applicant's pre-application consultation has complied with the requirements of the PA 2008.</p>

### 3.17 Ofgem

**Table 3-16: Response to Ofgem**

Summary Position of Interested Party	Applicant Response
Ofgem <a href="#">[RR-217]</a>	
<i>Safety and Security</i>	
<p>The concern that the project will pose a risk to the security of UK energy supply if the design, construction and operation of the project does not address the requirement for cybersecurity through the adoption of appropriate and proportionate (cyber) risk management practise. The asset may well become designated at a specified CNI rating or the owner / operator be considered an Operator of Essential Services (OES) and this needs to be considered within the planning process. This may require consideration of design aspects to add redundancy or impact the selection of location for example. The registrant is interested to understand how these will be addressed within the process.</p>	<p>The Project includes a range of physical measures to minimise security threats which are secured by the <b>Design Principles (Doc Ref. 7.5(A))</b>. These include the use Perimeter security fencing with fully secured access points and CCTV. A range of other security measures are set out in paragraph 2.3.13 of the <b>Outline Operational Management Plan ('OMP') (Doc Ref. 7.11(A))</b>. Details of security measures chosen will form part of the detailed OMP submitted prior to commencement of operation of the Project. This is secured by Requirement 12 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b>, which provides that prior to the operation of the Project, an OMP, in accordance with the Outline OMP, must be submitted to and approved by the local planning authority, and then implemented as approved.</p> <p>The relevant NPSs to the Project do not include specific policies relating to cyber security, as this is the responsibility of OFGEM. Energy suppliers are now required to comply with the Network and Information Systems ('NIS') EU Directive, transposed into UK law as The Network and Information Systems Regulations 2018<sup>6</sup> ('NIS Regulations'), which came into force on 10 May 2018. It can therefore be assumed that the Applicant will comply with their cyber security provisions under these regulations.</p>

### 3.18 Savills on behalf of the Church Commissioners for England

**Table 3-17: Response to Savills on behalf of the Church Commissioners for England**

Summary Position of Interested Party	Applicant Response
Savills on behalf of the Church Commissioners for England [ <a href="#">RR-284</a> ]	
<i>Landscape and Visual</i>	
<p>The Church Commissioners for England (CCE) own the land adjacent to the Stonestreet Solar application, located to the north and west of the proposed development site. CCE's land was promoted for residential development and submitted as part of Ashford Borough Council's (ABC) Call for Sites process in November 2023. ABC is expected to publish its Regulation 18 draft Local Plan in April 2025. CCE is broadly supportive of the Stonestreet Solar application and advocates for the use of renewable energy. However, having reviewed the submitted application documents, CCE has identified some slight concerns regarding potential noise and visual impact on its land.</p> <p>Overall, CCE supports the use of renewable energy but would appreciate further information in regard to suitable mitigation against potential adverse noise and visual impacts on its land and in particular relating to the PRowS. CCE</p>	<p>Mitigation for potential adverse visual impacts on PRow is identified in Section 8.6 of <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref 5.2(A))</b> [<a href="#">AS-012</a>].</p> <p>The Applicant recognises that there are a number of PRowS in the area and has worked closely through formal consultation and engagement with KCC, ABC, Kent Ramblers and other stakeholders to evolve the design approach to minimise the need to divert or extinguish PRow as a result of the Project and to ensure that management and design principles are appropriate. KCC, the relevant highways authority, has reviewed and commented on the <b>Outline RoWAS (Doc Ref. 7.15(A))</b>. Requirement 10 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> secures that no phase of the Project incorporating any part of a PRow which is to be temporarily closed or permanently stopped up pursuant to article 18 of the Draft DCO (public rights of way – stopping up and vehicular use on public rights of way) may commence until a RoWAS for the phase has been submitted to and approved by the local planning authority, such approval to be in consultation with KCC. The RoWAS(s) must be generally in accordance with the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> and must be implemented as approved.</p> <p>Critically, no PRow would be extinguished or diverted at any time without a replacement being in place, to avoid breaks in connectivity.</p> <p>An assessment of noise effects from the construction and operation stages of the Project is reported in Section 14.7 of <b>ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)</b> [<a href="#">APP-038</a>]. This assessment concludes that effects would not be significant.</p>

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Savills on behalf of the Church Commissioners for England [[RR-284](#)]

looks forward to collaborating further throughout the application process.

In relation to visual impact, CCE notes that the illustrative plans propose PV panels up to the very threshold of CCE's boundary. Although a 2.5 - 3m tall hedge is proposed around the perimeter of the site, CCE notes that the heights of the PV panels are 3.5m and the acoustic fencing is 4m tall. Therefore, it seems adverse visual impacts would be likely. The submitted Landscape and Visual Impact Assessment (LVIA) provides three distant view visualisations of Stonestreet Solar from CCE's land but no middle-distance views are illustrated. CCE kindly requests additional visualisations are produced from closer proximity to the proposed development to better assess the potential visual impacts on CCE's land.

A number of public rights of ways (PRoW) exist across CCE's land and would have direct views of the proposed Stonestreet Solar. Only three viewpoints have been provided from PRoWs on CCE's land (viewpoints 1, 18 and 31) and only one of these has been visualised (viewpoint 31). CCE would appreciate clarification on why additional viewpoints from these PRoWs were not assessed since there could be

**ES Volume 2, Chapter 8: Landscape and Views (Doc Ref 5.2(A))** [[AS-012](#)] sets out that the viewpoints assessed were those agreed through consultation with Ashford Borough Council, Natural England and the Kent Downs National Landscape Team (formerly Kent Downs AONB Unit).

The LVIA has been prepared in accordance with best practice guidance contained within Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3). GLVIA3 advises the following:

*“The viewpoints to be used in an assessment of visual effects should be selected initially with the competent authority and other interested parties at the scoping stage” (Paragraph 6.18)*

*Representative viewpoints are “selected to represent the experience of different types of visual receptor, where larger numbers of viewpoints cannot all be included individually and where the significant effects are unlikely to differ — for example, certain points may be chosen to represent the views of users of particular public footpaths and bridleways” (Paragraph 6.19)*

*“The viewpoints used need to cover as wide a range of situations as is possible, reasonable and necessary to cover the likely significant effects... **The emphasis must always be on proportionality in relation to the scale and nature of the development proposal and its likely significant effects, and on agreement with the competent authority and consultation bodies” (our emphasis).** (Paragraph 6.21).*

The selection of viewpoints for the LVIA was informed by desk-based studies including ZTV mapping, followed by field surveys conducted in winter and summer conditions. Field surveys included the identification of approximately 180 potential viewpoint locations, with an initial selection of 33 viewpoints proposed. In consultation with Ashford Borough Council, Natural England and the Kent Downs AONB Unit, five additional viewpoints were added to the selection. The final selection of 38 viewpoints is considered to represent the range of views and likely visual effects likely to be experienced by different visual receptor groups within the study area.



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considerable adverse visual impact from the proposed development.

Viewpoints 1, 18, and 31 (and 30) are representative of views experienced by visual receptors on the PRow network to the north and north-west of the Site, covering close range views (Viewpoints 1 and 18), and more elevated longer-range views (Viewpoints 30 and 31).

It is important to note that, in line with GLVIA3, it is not the impact on views that has been assessed, but the impact on visual receptors on the basis of agreed representative views. In forming judgements on the magnitude of these effects, the extent of an area or route over which effects are experienced has been taken into account. Details of the LVIA methodology are set out in **ES Volume 4, Appendix 8.2: LVIA Methodology (Doc Ref. 5.4(A))** [[AS-016](#)].

Therefore, the viewpoint selection is considered to be proportional to the scale and nature of the development and in accordance with GLVIA3. Furthermore, the inclusion of additional viewpoints would not result in the identification of additional effects beyond those already identified in the LVIA.

*Noise*

With respect to noise, CCE notes that several batteries are indicated on the illustrative masterplan as being located within approximately 150m of CCE's land. CCE would question whether there is any opportunity to relocate these batteries further from CCE's land and create a more meaningful buffer, in addition to incorporating further planting along the shared boundaries. Whilst being aware that the application proposes the use of acoustic barriers, CCE would like to query whether the acoustic barriers are deemed sufficient to mitigate any adverse noise

An assessment of noise effects from BESS Units and other electrical infrastructure has been undertaken by a competent expert as reported in paragraphs 14.7.27 to 4.7.81 of **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** [[APP-038](#)]. Mitigation measures have been proposed, which ensures that any potential impacts are reduced to acceptable levels. The assessment concludes that effects would be negligible to minor adverse (not significant).

In respect of the operation of the Project, Requirement 13 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that prior to the operation of Work No. 2 or Work No. 3, an Operational noise mitigation and monitoring scheme ('ONMMS') must be submitted to and approved by the local planning authority. The ONMMS must (a) include details of the plant specification, noise mitigation measures and monitoring procedures; and (b) demonstrate that, with those noise mitigation measures and monitoring procedures in place, the Project is not likely to result in any materially new or materially different noise effects from those assessed in **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** [[APP-038](#)]. The ONMMS must be implemented as approved.

Summary Position of Interested Party

Applicant Response

Savills on behalf of the Church Commissioners for England [[RR-284](#)]

impact or whether the acoustic barriers can be enhanced further.

### 3.19 Smeeth Parish Council

**Table 3-18: Response to Smeeth Parish Council**

Summary Position of Interested Party	Applicant Response
Smeeth Parish Council <a href="#">[RR-269]</a>	
<i>Traffic and Access</i>	
<p>Smeeth Parish Council is concerned about the traffic generated from the site build. We also support Aldington and Bonnington and Mersham Parish Councils in their objections.</p>	<p>The impacts of construction traffic are assessed in <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b>. Please refer to the responses above that the Applicant has provided to Aldington and Bonnington and Mersham Parish Councils' Relevant Representations. See sections 3.2 and 3.16 of this Report.</p>

### 3.20 South East Water

**Table 3-19: Response to South East Water**

Summary Position of Interested Party	Applicant Response
South East Water <a href="#">[RR-271]</a>	
<i>Land Interests</i>	
<p>This will impact infrastructure we have in the area. Building a solar farm over a distribution water main without a reasonable stand-off distance is something that we object to - the mains must either be diverted or not be built over within a certain distance.</p>	<p>The Applicant has been engaging with South East Water Limited and provided the standard Protective Provisions included at Part 1 of Schedule 13 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> on 14 February 2024, to which no response was received until South East Water Limited submitted a Relevant Representation. The Applicant is working with South East Water to reach agreement that any impacts on their undertaking can be mitigated and managed. An update will be provided to the Examining Authority in due course.</p> <p>Please also refer to the relevant row in Table 3: Status of Negotiations with Statutory Undertakers of the <b>Schedule of Negotiations (Doc Ref. 4.4(A))</b>.</p>

### 3.21 Southern Water Services Limited

**Table 3-20: Southern Water Services Limited**

Summary Position of Interested Party	Applicant Response
Southern Water Services Limited [RR-REF]	
<i>Land Interests</i>	
<p>Should the proposed Development Consent Order (“the DCO”) be made to authorise EPL 001 Limited (“the Applicant”) to construct, operate and decommission solar photovoltaic arrays and energy storage, together with associated infrastructure and an underground cable connection to the existing National Grid Sellindge Substation (“the Scheme”), it would permit development within the Order limits in areas where SWS is responsible for providing sewerage services. To fulfil its statutory duties, SWS maintains a wide range of apparatus that is critical to the continuing efficacy of its services. If made, the DCO would authorise the exercise of powers over or near land in which SWS maintains assets and/or has other rights for the purposes of discharging its statutory duties. Unchecked, the exercise of such powers in respect of SWS’s interests would cause serious detriment to it. SWS notes the ‘standard’ set of protective provisions for the benefit of statutory undertakers contained in Part 3 of Schedule 12 to the</p>	<p>The Applicant has been engaging with Southern Water Services Limited and provided the standard Protective Provisions included at Part 1 of Schedule 13 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> on 9<sup>th</sup> January 2024, to which no response was received until Southern Water Services Limited submitted a Relevant Representation. The Applicant is working with Southern Water to reach agreement that any impacts on their undertaking can be mitigated and managed. An update will be provided to the Examining Authority in due course.</p> <p>Please also refer to the relevant row in Table 3: Status of Negotiations with Statutory Undertakers of the <b>Schedule of Negotiations (Doc Ref. 4.4(A))</b>.</p>

## Summary Position of Interested Party

## Applicant Response

## Southern Water Services Limited [RR-REF]

draft DCO. SWS intends to engage with the Applicant on these matters going forward but absent such an arrangement having yet been formalised, SWS is obliged at this stage to formally object to the DCO application on the basis of the Scheme causing serious detriment to SWS's apparatus and operations. SWS will engage with the Applicant with a view to reaching a satisfactory arrangement during the examination.

### 3.22 The British Horse Society

**Table 3-21: Response to the British Horse Society**

Summary Position of Interested Party	Applicant Response
<p>The British Horse Society <a href="#">[RR-283]</a></p>	
<p><i>BESS</i></p>	
<p>The siting of battery storage appears to include locations adjacent to the byway. This produces a fire risk. Apart from the immediate health and safety risk, such fires are very difficult to control, produce high levels of toxins, so closure of all public access may be required. In addition, access routes may be severely damaged by operations to attend the fire. The BHS provides advice notes in respect of various planning matters and these include one on solar farms, a link to which can be provided. We would like to see these recommendations taken into account.</p>	<p>The Applicant has consulted with Kent Fire and Rescue ('FRS') on the layout and approach to BESS. The <b>Outline Battery Safety Management Plan (Doc Ref. 7.16)</b> <a href="#">[APP-161]</a> ('OBSMP') explains how the BESS will be safely managed across the Site in accordance with National Fire Chiefs Council Guidance, and also details the engagement to date with Kent FRS (section 3.1). Section 16.7 of <b>ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2)</b> <a href="#">[APP-040]</a> assesses the risk of major accidents or disasters as a result of the Project. The assessment concludes that, given the proposed mitigation and best practice measures proposed, and the low risk of an event occurring for this type of development, no significant effects are likely. Requirement 5 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> provides that prior to the commencement of the BESS development, a final Battery Safety Management Plan ('BSMP') must be submitted to and approved by the local planning authority in consultation with Kent FRS. The BSMP must either accord with the OBSMP or detail such changes as the undertaker considers are required and must be implemented as approved.</p> <p><b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> sets out that the design for the Project employs a distributed approach with four individual containerised BESS Units located at any one Inverter Station, with a maximum of two Inverter Stations (and therefore eight units) being located in any one area of the Site, as opposed to locating all BESS Units in a single centralised compound area. This has been proposed to minimise fire risk and the Applicant has consulted with Kent FRS on the BESS layout. Table 5.4 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> sets out a number of benefits to this approach.</p>

*PRoW*

## Summary Position of Interested Party

## Applicant Response

The British Horse Society [[RR-283](#)]

There are over 40,000 horses passported to residents living in Kent, with an economic contribution of over £278 million per annum to the economy, much of which is spent locally (livery yards, farriers, vets, feed and hay, etc.). Whilst walkers have 100% of the public rights of way (PROW) network, in Kent horse riders have just 16.7% (carriage drivers substantially less). Increasing pressure for development of houses, industry and development such as this is making even fewer of those bridleways and byways available and/or safe. Traffic increases with new development mean roads become even less safe for horse-riders and carriage-drivers to use in order to access the few traffic-free routes that exist for them. Contrary to NPPF paras 96(c), 102 and 104, it seems that this application does not seek to enable or support healthy lifestyles nor protect or enhance local public rights of way, indeed rather the opposite. During the consultation period, BHS provided feedback and provided suggestions for ways in which the local network might be enhanced (including the upgrading of any circular routes to at least bridleway status) but these seem to have been disregarded without further engagement.

The Applicant notes that there are currently no bridleways within the Site's Order limits or affected by it. There is one BOAT (Byway Open to All Traffic) – AE 396. The **Outline RoWAS (Doc Ref. 7.15(A))** sets out that the *“undertaker will clear and maintain access along the Byway Open to All Traffic ('BOAT') AE 396 to the appropriate standards for a BOAT as set out in legislation, policy and guidance referred to in this Outline Strategy. This link is not extinguished or diverted, but it forms an important part of the network”*.

Construction of the Project is expected to take place over a period of 12 months. **ES Volume 2 Chapter 13: Traffic and Access (Doc Ref. 5.2(B))** provides an assessment of Project on 'Non-motorised user amenity', 'Fear and intimidation on and by road users' and 'Road user and pedestrian safety' and equestrians are considered within these categories. No significant effects are identified.

The **Planning Statement (Doc Ref. 7.6)** [[APP-151](#)] provides a detailed assessment of the Project against the policies in the national policy statements ('NPSs') which have effect in relation to the DCO Application and other policies that are considered important and relevant to the Secretary of State's decision on whether to grant the DCO. When considered against the relevant NPSs, the Project is considered to be wholly consistent with national policy, including in relation to PRoWs and amenity for local residents and visitors. Appendix 1 (Policy Compliance Checklist) of the Planning Statement sets out an analysis of compliance with the NPS policies of EN-1, EN-3 and EN-5 as well as the National Planning Policy Framework ('NPPF') and local policies.

The NPPF sets out that (paragraph 96(c)) development should *“enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through...layouts that encourage walking and cycling”*. The Applicant has considered this through the development of the **Outline RoWAS (Doc Ref. 7.15(A))**, various Management Plans and the **Design Principles (Doc Ref. 7.5(A))**.

Paragraph 102 of the NPPF refers to the consideration of health and wellbeing as a consideration of the development of policy (rather than in consideration of any application for development). Such policy is in place through KCC and ABC as the Local Highway Authority



## Summary Position of Interested Party

## Applicant Response

The British Horse Society [[RR-283](#)]

and Local Planning Authority respectively and have been considered in the approach to the Project and its assessment.

Paragraph 104 of the NPPF sets out that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks. The Project has sought to minimise disruption to PRow and their users, and has set out measures for enhancement including improved design and accessibility, and new routes – set out within Section 3 ‘Strategic and Wider Benefits’ of the **Outline RoWAS (Doc Ref. 7.15(A))**.

*Traffic and Access*

Byway AE396 is identified as a means of access to the site during, and to be traversed following, construction of the solar arrays. A byway is a highway over which the public is entitled to travel on foot, horseback or pedal cycle and by wheeled vehicles of all kinds, including mechanically propelled vehicles, but which is used by the public mainly for walking or for riding. It is not intended for use for commercial purposes. If access is impossible via any other location then suitable alternative provision must be provided for at least non vehicular byway users during construction. Following construction, traversing of the byway by site traffic needs to be strictly controlled in such a way as to ensure the byway surface is not affected adversely and nor is user safety. The byway should

The Byway open to all traffic (BOAT) will be managed and controlled during construction and operation. During construction this is secured by the **Outline CTMP (Doc Ref. 7.9(A))**, and during operation by the **Outline RoWAS (Doc Ref. 7.15(A))** in relation to safety and access. Production, approval and implementation of the final CTMP(s), in accordance with the **Outline CTMP (Doc Ref. 7.9(A))**, is secured through Requirement 7 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**.

The **Outline RoWAS (Doc Ref. 7.15(A))** secures the provision of a Rights of Way and Access Working Group which will review Implementation Plans (the detailed approach to managing changes to PRow) with the aim of minimising disruption and amenity loss to PRow users during implementation. The Rights of Way and Access Working Group will include the Applicant, the Contractor(s) responsible for the Project, ABC, and KCC with other parties invited to contribute where the Group considers this to be beneficial. The Applicant will have due regard to responses from the Rights of Way and Access Working Group prior to finalisation of the submission of an Implementation Plan. Any detailed RoWAS must be generally in accordance with the Outline Strategy, and must be implemented as approved, as required by Requirement 10 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**.

Summary Position of Interested Party

Applicant Response

The British Horse Society [[RR-283](#)]

not be surfaced with a sealed surface as this would invite increased use by even more vehicular traffic.

### 3.23 The Village Alliance

**Table 3-22: Response to The Village Alliance**

Summary Position of Interested Party	Applicant Response
The Village Alliance <a href="#">[RR-287]</a>	
<i>Agricultural Land and Soils</i>	
<p>The proposed site has been in agricultural use for generations, providing good quality crop production. Some of the best quality and valuable agricultural land is on the ridge and is of Grade 3a quality. Solar panel developments should not be placed on valuable, productive land, but located on land of a lesser agricultural classification. The development would result in the loss of best and most valuable land and the loss of a natural asset. The development, over its life, would result in the land losing its viability for future valuable food production.</p>	<p><b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> sets out the site selection process for the Site which carefully considered minimising BMV land included in the Order limits. The Applicant's site selection has avoided the use of BMV where possible, in accordance with the relevant policy tests in NPS EN-1 and NPS EN-3. Paragraph 6.8.8 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> confirms that the total area of BMV land within the Order limits is 38.6ha (approximately 20% of the total Site area).</p> <p>The Site's suitability for solar development and the Project's compliance with all relevant national and local policy is set out in detail within the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a>.</p> <p>Paragraph 6.8.18 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> sets out that the Project minimises impacts on agricultural land in accordance with national policy by keeping the permanent loss of BMV land to a very low amount; retaining the ability to reinstate arable agriculture after decommissioning; and facilitating a continued agricultural use through making the land available for biodiversity management grazing throughout the operational life of the Project.</p> <p>The <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> summarises the forecasted use of agricultural land within the Order limits throughout the construction, operational and decommissioning phases of the Project. It then notes at paragraph 6.8.13 that the Project will result in the temporary loss during the Project lifetime of all BMV land within the Site. This represents 0.12% of all BMV agricultural land in Ashford Borough. Paragraph 6.8.14 sets out that post-decommissioning there will be a permanent loss of 14.4% of the BMV land within the Site, which represents 0.017% of all BMV land within Ashford Borough. Within this context the loss of this BMV within the local area is not considered to have a material impact on the overall</p>

Summary Position of Interested Party	Applicant Response
<p>The Village Alliance <a href="#">[RR-287]</a></p>	<p>supply of BMV land in Ashford Borough and would therefore not have a material impact on food security in the wider region.</p>
<p><b>BESS</b></p> <p>Residents are concerned about the visual impact, but also the noise implication and fire risk, with several battery containers within 300 metres of residents' house.</p>	<p>The Applicant has consulted with Kent Fire and Rescue ('FRS') on the layout and approach to BESS. The <b>Outline Battery Safety Management Plan (Doc Ref. 7.16) <a href="#">[APP-161]</a></b> ('OBSMP') explains how the BESS will be safely managed across the Site in accordance with National Fire Chiefs Council Guidance, and also details the engagement to date with Kent FRS (section 3.1). Section 16.7 of <b>ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2) <a href="#">[APP-040]</a></b> assesses the risk of major accidents or disasters as a result of the Project. The assessment concludes that, given the proposed mitigation and best practice measures proposed, and the low risk of an event occurring for this type of development, no significant effects are likely. Requirement 5 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> provides that prior to the commencement of the BESS development, a final Battery Safety Management Plan ('BSMP') must be submitted to and approved by the local planning authority in consultation with Kent FRS. The BSMP must either accord with the OBSMP or detail such changes as the undertaker considers are required and must be implemented as approved.</p> <p><b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) <a href="#">[AS-010]</a></b> sets out that the design for the Project employs a distributed approach with four individual containerised BESS Units located at any one Inverter Station, with a maximum of two Inverter Stations (and therefore eight units) being located in any one area of the Site, as opposed to locating all BESS Units in a single centralised compound area. This has been proposed to minimise fire risk and the Applicant has consulted with Kent FRS on the BESS layout. Table 5.4 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) <a href="#">[AS-010]</a></b> sets out a number of benefits to this approach.</p> <p>An assessment of noise effects from BESS Units and other electrical infrastructure has been undertaken by a competent expert as reported in paragraphs 4.7.27 to 4.7.81 of <b>ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2) <a href="#">APP-038]</a></b>. This concludes that effects would be negligible to minor adverse (not significant).</p>

## Summary Position of Interested Party

## Applicant Response

The Village Alliance [[RR-287](#)]

In respect of the operation of the Project, Requirement 13 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that prior to the operation of Work No. 2 or Work No. 3, an Operational noise mitigation and monitoring scheme ('ONMMS') must be submitted to and approved by the local planning authority. The ONMMS must (a) include details of the plant specification, noise mitigation measures and monitoring procedures; and (b) demonstrate that, with those noise mitigation measures and monitoring procedures in place, the Project is not likely to result in any materially new or materially different noise effects from those assessed in **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)** [[APP-038](#)]. The ONMMS must be implemented as approved.

In respect of comments relating to landscape and visual impact, please see the rows below under the hearing "Landscape and Visual".

*Cultural Heritage*

The location of the proposed solar development along Roman Road would significantly damage archaeological deposits potentially to be found in this location. There have been insufficient investigations undertaken to establish possible archaeological sites.

An assessment of the effects of the Project on archaeology is provided in Section 7.7 of **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))** [[AS-011](#)] with supporting archaeological information provided in **ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref. 5.4)** [[APP-070](#)] and [[APP-071](#)]. Targeted archaeological evaluation (trial trenching) was undertaken along the alignment of the Roman Road in the southwest of the Site and the results are reported in **ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref. 5.4)** [[APP-070](#)] and [[APP-071](#)].

An **Archaeological Management Strategy ('AMS') (Doc Ref. 7.17 (A))** sets out the approach to archaeological mitigation works in relation to the Project which will include further archaeological evaluation before the commencement of construction works. The **Works Plans (Doc Ref. 2.3(B))** include flexibility to respond to archaeological features which may be identified during further archaeological investigation and to respond to features identified during construction works. The **AMS (Doc Ref. 7.17 (A))** will inform measures to avoid impacts on archaeological remains. If required, a non-invasive alternative to piling can be used to avoid impacts on archaeology. Requirement 9 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that no phase of the Project may commence until certain specified details for that phase have been submitted to and approved by the local planning authority, such approval to be in

Summary Position of Interested Party	Applicant Response
<p>The Village Alliance [<a href="#">RR-287</a>]</p>	<p>consultation with Kent County Council. The specified details are a written scheme for the investigation of areas of archaeological interest within that phase; identification of any areas where a programme of archaeological investigation is required within that phase, and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found. These details must be generally in accordance with the <b>AMS (Doc Ref. 7.17(A))</b>.</p>
<p><i>Flood Risk</i></p> <p>Solar panels are proposed along the East Stour River valley which regularly floods and makes it unsuitable to site these panels. The area around Laws Lane and the junction with Roman Road also floods. The siting of solar panels will increase surface water in an area which already floods.</p>	<p>An assessment of the effects of the Project on flood risk both within the Site and to the surrounding area is provided in <b>ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B))</b> with supporting information provided in <b>ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A))</b>. The assessment concludes that with appropriate mitigation measures which are secured, the Project would not increase flood risk within the Site or to the surrounding area. The Applicant also notes that the approach to flood risk has been agreed with the Environment Agency and is set out within the <b>Statement of Common Ground with Environment Agency (Doc Ref. 8.3.2)</b>.</p> <p>The <b>Outline OSWDS (Doc Ref. 7.14(A))</b> has been developed to ensure existing flood risk within the Site or in the surrounding area is not increased.</p> <p>The Project proposes a series of new ditches within hedgerows and filter drains which will improve connectivity through the Site and convey flow towards the East Stour River or its tributaries.</p> <p>Requirement 11 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> secures that prior to the operation of the Project an OSWDS must be submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council. This must be in accordance with the <b>Outline OSWDS (Doc Ref. 7.14(A))</b> and must be implemented as approved.</p>
<p><i>Landscape and Visual</i></p>	

## Summary Position of Interested Party

## Applicant Response

The Village Alliance [[RR-287](#)]

The siting of 27 battery containers, surrounded by acoustic panels, scattered across the site will have a detrimental visual impact. The community has not been adequately consulted about the visual impact, which creates an industrialised environment in a rural area.

The visual impacts of the Project are considered in **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref 5.2(A))** [[AS-012](#)] and **ES Volume 4, Appendix 8.9: Visual Effects Table (Doc Ref. 5.4)** [[APP-081](#)]. The assessment considers impacts as a result of the siting of the BESS, where these would form a distinguishable visual component within views. However, it should be noted that the maximum height of Inverter Stations, including BESS units is 4m, marginally higher than the 3.5m maximum height of proposed PV panels. As set out in Paragraph 8.6.8 of the LVIA, the Inverter stations have been positioned away from PRoW (to the extent possible) and residential receptors, or in positions that will be screened by vegetation. As a result, there are limited opportunities for close range views of the Inverter Stations, and in longer distance views, considering their relative heights and distribution across the height, they will be perceived as part of the overall visual envelope of the Project as a whole.

The assessment of visual effects has been informed by the preparation of Accurate Visual Representations (Appendix 8.10: LVIA Visualisations), which provide fully rendered views of the Illustrative Landscape Strategy from a number of viewpoints and demonstrate the visual impact of the Inverter Stations. The siting of the BESS was set out in the consultation materials at both the 2022 and 2023 Statutory Consultations (see **Consultation Report Appendices F and G (Doc Ref. 6.2)** [[APP-134](#)] and [[APP-138](#)]).

A large part of the scheme is located on unique topography and high ground, which is visible for miles around. The visual impact of the panels on high ground make it impossible to screen and will destroy a beautiful, rural landscape forever. The landscaping provision in the consultation was completely inadequate and confusing. The community has been misled as to the visual impact of the panels, particularly on the higher ground. The Aldington Ridge is a

The visual impacts of the Project are considered in **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref 5.2(A))** [[AS-012](#)] and **ES Volume 4, Appendix 8.9: Visual Effects Table (Doc Ref. 5.4)** [[APP-081](#)]. The effects on landscape character, which include an assessment on the character of the Aldington Ridge Landscape Character Area (LCA) (Ashford Landscape Character Assessment<sup>7</sup>) have also been assessed.

**ES Volume 3, Figure 8.3: Topography Plan and Figure 8.6 Landscape Character Plan (Doc Ref. 5.4)** [[APP-049](#)] show that the Project is located on a relatively small part of the western extent of the Aldington Ridge, both with respect to the LCA and the topographical feature. The assessment of visual effects has included consideration of representative viewpoints on Bank Road, from the PRoW network within the Site, including within the Aldington Ridge LCA, and from viewpoints further afield, with views towards the Site. These effects are set out in **ES**

Summary Position of Interested Party	Applicant Response
<p>The Village Alliance <a href="#">[RR-287]</a></p> <p>completely unsuitable site to position solar panels.</p>	<p><b>Volume 2, Chapter 8: Landscape and Views (Doc Ref 5.2(A))</b> <a href="#">[AS-012]</a> and <b>ES Volume 4, Appendix 8.9: Visual Effects Table (Doc Ref. 5.4)</b> <a href="#">[APP-081]</a>.</p> <p>With respect to landscape character, the sensitivity of the Aldington Ridge LCA was assessed as high, and the assessment found that the Project would lead to moderate adverse effects at year 1 of the operational phase. With the establishment of proposed mitigation, which includes extensive planting proposals informed by published landscape character assessment guidance, the Project's effects at year 15 of the operational phase would comprise a combination of moderate adverse and moderate beneficial effects.</p> <p>The landscape proposals were set out in the consultation materials at both the 2022 and 2023 Statutory Consultations (see <b>Consultation Report Appendices F and G (Doc Ref. 6.2)</b> <a href="#">[APP-134]</a> and <a href="#">[APP-138]</a>).</p>
<p><i>Principle of Development</i></p> <p>This development will completely engulf a rural, agricultural community. 500 acres represents 25% of the undeveloped land in Aldington.</p>	<p>The need for large-scale solar projects is set out in the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> and is established in NPS EN-1. A significantly reduced scale proposal to the Project is not considered by the Applicant to be a reasonable alternative. Further details on this are set out in paragraph 5.5.4 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a>. This approach was recently endorsed in the Secretary of State's decision letter for the Sunnica Energy Farm (12<sup>th</sup> July 2024).</p> <p>Further details on appropriate siting are set out in <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a>. The <b>Environmental Statement (Doc Ref. 5.1-5.4)</b> <a href="#">[APP-023]</a> to <a href="#">[APP-125]</a> assesses potential environmental impacts from the Project.</p>
<p><i>PRoW</i></p> <p>The site is will impact at lease [sic] 12 ancient public rights of way, enjoyed by residents and walkers from further afield. These footpaths offer fine views across to</p>	<p>Impacts of the Project on visual receptors travelling on the Public Rights of Way network are assessed in <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref 5.2(A))</b> <a href="#">[AS-012]</a> and <b>ES Volume 4, Appendix 8.9: Visual Effects Table (Doc Ref. 5.4)</b> <a href="#">[APP-081]</a>.</p>



## Summary Position of Interested Party

## Applicant Response

The Village Alliance [[RR-287](#)]

the Aldington Ridge, the North Downs and the churches of Mersham and Aldington.

In the assessment of sensitivity, receptors travelling on the PRoW network have been generally assessed as having medium sensitivity, increasing to medium-high sensitivity in those locations where expansive views towards the North Downs are experienced. This is in line with the LVIA Methodology and GLVIA3.

The Project includes specific mitigation to reduce the impact on users of the PRoW including:

- The retention of the existing field boundary structure of hedgerows and trees, with limited hedgerow removal to provide access where required;
- Reinforcement of all existing hedgerows and other field boundary vegetation;
- The provision of new native hedgerows to visually break up the extent of PV panels.
- Diversion of PRoW to follow existing/proposed field boundaries informed by engagement with KCC;
- All PRoWs will be a minimum of 2m wide and will sit within a corridor of 10m minimum width, with the exception of the section of PRoW 'New 3' adjacent to Work No. 3 (Project Substation) which will sit within a 5m corridor;

The illustrative landscape strategy also includes the provision of a bench within a retained open field along Bank Road, through which the diverted PRoW AE370 will run, offering a location for views to the north to be enjoyed by PRoW users. Furthermore, the Project includes area free from PV panels in Fields 26-29 which will include new PRoW routes within an enhanced landscape including native grassland, shrub and woodland as well as wetland features including ponds and scrapes. The LVIA has identified that visual receptors on the PRoW network within the Site will experience temporary minor to moderate adverse effects during construction. Operational phase effects will be minor-moderate to major-moderate adverse, however following establishment of landscape proposals these will reduce minor to moderate adverse. Decommissioning stage effects have been identified as ranging between negligible adverse and moderate-minor adverse.

Many will be diverted to the boundaries of the site surrounded by unsightly fences and

The Applicant recognises that there are a number of PRoWs in the area and has worked closely through formal consultation and engagement with KCC, ABC, Kent Ramblers and other

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some will be extinguished. This will be a great loss of a historical public amenity and part of our heritage. Aldington is a unique, rural village in that all access roads to the village are single track in parts.

stakeholders to evolve the design approach to minimise the need to divert or extinguish PRow as a result of the Project and to ensure that management and design principles are appropriate. KCC, the relevant highways authority, has reviewed and commented on the **Outline RoWAS (Doc Ref. 7.15(A))**. Requirement 10 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))** secures that no phase of the Project incorporating any part of a PRow which is to be temporarily closed or permanently stopped up pursuant to article 18 of the Draft DCO (public rights of way – stopping up and vehicular use on public rights of way) may commence until a RoWAS for the phase has been submitted to and approved by the local planning authority, such approval to be in consultation with KCC. The RoWAS(s) must be generally in accordance with the **Outline RoWAS (Doc Ref. 7.15(A))** and must be implemented as approved.

## Traffic and Access

The impact on the roads and danger to residents will be significant. The village roads are not suitable to continual construction traffic. In particular, the access to the site is at the dangerous accident black spot at Smeeth Crossroads. This is a notorious junction, with a history of serious traffic collisions, some fatal. It is totally unsuitable as an access point and the developer has not produced an adequate Traffic Management Plan.

A highway safety review has been undertaken across the study area data over a 5 year period. This is provided in **ES Volume 4, Appendix 13.5: Accident Data and Plots (Doc Ref. 5.4) [APP-111]** and summarised in paragraphs 13.5.17 to 13.5.39 of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))**. An assessment of the impact of the Project during the construction stage on road user and pedestrian safety is provided in paragraphs 13.7.57 to 13.7.62 of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))**.

Paragraphs 13.5.25 to 13.5.33 of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))** provides a highway safety review for the A20 Hythe Road (between the junction with Station Road (the Smeeth Crossroads) and M20 motorway Junction 10a) and the A20 Hythe Road/Station Road Junction.

Paragraph 13.5.39 of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))** summarises: *“No locations in the study area are considered to be accident black spots, both through review of the accident data and by virtue of no on-road accident black spot signage. With reference to the 2023 IEMA Guidelines for receptor sensitivity (Table 13.7 of this Chapter), the absence of accident black spots demonstrates there are no sensitive receptors of high sensitivity with regards to highway safety within the study area.”* An assessment of the potential effect of additional construction traffic on this junction is provide in paragraph 13.7.58 of **ES**

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**Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))**, and paragraph 13.7.60 concludes *“From the accident review, there is no evidence to suggest that the Project will exacerbate the frequency or severity of local accidents.”*

Management measures to address impacts on Goldwell Lane and to set out the process for managing the points where the internal haulage road crosses the public highway are identified within the **Outline CTMP (Doc Ref. 7.9(A))**. Production and approval of the final CTMP(s), in accordance with the **Outline CTMP (Doc Ref. 7.9(A))**, is secured through Requirement 7 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(B))**.

## 4 Relevant Representations - Thematic Issues

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### 4.1 Overview

- 4.1.1 Relevant Representations that have been submitted by IPs not included above have been arranged by topics raised within the Relevant Representations and then responded to in a thematic way below. This is not intended to underestimate the importance of the matters raised but responding to the representations in this way provides an accessible and informative response to the representations raised whilst avoiding excessive repetition.
- 4.1.2 This report summarises the thematic issues identified along with the Applicant's response. In some cases, it has been appropriate to respond to multiple issues with a single response.
- 4.1.3 Responses have been prepared for the following themes:
- Agricultural land and soils;
  - BESS;
  - Biodiversity;
  - Cultural heritage;
  - Flood risk;
  - General;
  - Health, safety and security;
  - Land value;
  - Landscape and visual;
  - Noise;
  - Principle of development;
  - Pollution;
  - PRoW;
  - Socio-economics;
  - Traffic and access.

## 4.2 Agricultural land and soils

4.2.1 Table 4-1 below summarises the issues raised in the RRs and the Applicant's response to those issues, including locations within the Application Documents where further information can be found.

Table 4-1: Agricultural land and soils

RR References	Summary of Issue Raised in RR	Applicant Response
RR-051, RR-053 RR-079, RR-115	<b>Agricultural Land Classification:</b> Disagree with the agricultural land classification as some of the farmland has been improved locally.	A soil survey of the Site has been undertaken in line with industry standard methodology and guidelines published by Natural England as reported in <b>ES Volume 4, Appendix 16.1: Soils and Agricultural Land Report (Doc Ref 5.4)</b> [ <a href="#">APP-122</a> ]. The findings of the survey are accepted by Natural England in their Relevant Representation [ <a href="#">RR-206</a> ], the relevant statutory consultation body in their response to the DCO Application.
RR-131	<b>Decommissioning:</b> Guarantees must be supplied that after 40 years the developer shall return the land to the condition before this Project including fully restoring the land to agriculture, for the production of food.	<p>The Applicant has committed to lifetime for the Project of 40 years and this is secured through a Requirement 2 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b>, which provides that the Project must cease generating electricity on a commercial basis no later than the 40th anniversary of the date on which electricity is first exported from the Project to the national grid commercially. The Applicant would be responsible for decommissioning the Project which involves the removal of all infrastructure built as part of the Project (except for elements of Work No. 4 that are within Sellindge Substation, any repairs, upgrades or replacements of/to the existing bridge / drain crossings, Public Rights of Way ('PRoW') footbridges and highway improvements).</p> <p>After decommissioning the Site will be returned to the control of the landowners and it is expected they would return those areas of the Site that are currently in arable use back to arable use, except for limited areas of established habitat. The details of decommissioning works and environmental management measures would be subject to agreement with the local planning authority before they commence. This is secured through Requirement 14 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> which provides that prior to commencement of any decommissioning works for any part of the Project, (a) a Decommissioning</p>

RR References	Summary of Issue Raised in RR	Applicant Response
		<p>Environmental Management Plan ('DEMP') for that part must be submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council; and (b) a Decommissioning Traffic Management Plan ('DTMP') for that part must be submitted to and approved by the local planning authority, such approval to be in consultation with the relevant highway authority. The DEMP must be in accordance with the <b>Outline DEMP (Doc Ref. 7.12(A))</b> and the DTMP must be in accordance with the <b>Outline DTMP (Doc Ref. 7.13(A))</b>.</p>
<p>RR-012, RR-013 RR-014, RR-024 RR-050, RR-081 RR-088, RR-102 RR-135, RR-177</p>	<p><b>Loss of high quality farmland:</b> The Project is proposed on high grade farmland, including BMV, which is needed to feed our nation and for food security.</p>	<p>As set out within <b>Appendix G: 2023 Statutory Consultation Materials and Consultation Responses (Doc Ref. 6.2)</b> <a href="#">[APP-138]</a> the site has been selected for a number of reasons, including that the site is approximately 80% lower-quality non-BMV agricultural land or non-agricultural land.</p> <p>NPS EN-1 paragraph 5.11.12 states: <i>"Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5)".</i></p> <p>NPS EN-3 states at paragraph 2.10.29 that <i>"While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible." and at paragraph 2.10.31 that "It is recognised that at this scale, it is likely that applicants' developments will use some agricultural land. Applicants should explain their choice of site, noting the preference for development to be on suitable brownfield, industrial and low and medium grade agricultural land."</i></p> <p>The Application is accompanied by <b>ES Volume 4, Appendix 16.1: Soils and Agricultural Land Report (Doc Ref. 5.4)</b> <a href="#">[APP-122]</a> which concludes that the total area of Best and Most Versatile Land ('BMV') land within the Site is 38.64 ha.</p> <p>As set out in paragraph 6.8.18 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a>, the Project minimises impacts on agricultural land in accordance with</p>

RR References	Summary of Issue Raised in RR	Applicant Response
		<p>national policy by keeping the permanent loss of BMV land to a very low amount; retaining the ability to reinstate arable agriculture after decommissioning; and facilitating a continued agricultural use through making the land available for biodiversity management grazing throughout the operational life of the Project. The <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> notes at paragraph 6.8.13 that the Project will result in the temporary loss during the Project lifetime of all BMV land within the Site. This represents 0.12% of all BMV agricultural land in Ashford Borough. Paragraph 6.8.14 sets out that post-decommissioning there will be a permanent loss of 14.4% of the BMV land within the Site, which represents 0.017% of all BMV land within Ashford Borough. Within this context, paragraph 6.8.15 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> also confirms that the loss of BMV due to the Project is not considered to have a material impact on the overall supply of over 32,000 ha of BMV land in ABC and would therefore not have a material impact on food security in the wider region.</p>
RR-008, RR-030 RR-038, RR-042 RR-056, RR-088 RR-090, RR-092 RR-127, RR-135 RR-143, RR-162 RR-191, RR-211 RR-220, RR-228 RR-239, RR-260 RR-274, RR-298	<p><b>Use of Farmland:</b> Agricultural land should not be used for the solar project, it should be sited on previously developed or non-agricultural land.</p>	<p>In accordance with the government's planning policy guidance on solar farms, the Applicant considered the use of previously developed and non-agricultural land. However, such land was not available in the search area of the point of connection to the national grid at Sellindge Substation. Further details of the Applicant's process for selecting the Site and the reasons for its choice with regard to these influencing factors is described in <b>ES Volume 4, Appendix 5.2: Site Selection Influencing Factors (Doc Ref. 5.4)</b> <a href="#">[APP-067]</a>.</p> <p>The Site's suitability for solar development and the Project's compliance with all relevant national and local policy, including in respect of agricultural land use, is set out in detail within the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a>.</p>

### 4.3 Battery Energy Storage Systems (BESS)

4.3.1 Table 4-2 below summarises the issues raised in the RRs and the Applicant's response to those issues, including locations within the Application Documents where further information can be found.

Table 4-2: BESS

RR References	Summary of Issue Raised in RR	Applicant Response
RR-020, RR-051 RR-053, RR-055 RR-057, RR-062 RR-066, RR-122 RR-180, RR-212, RR-247,RR-280 RR-287	<b>BESS Impacts:</b> There is potential for impacts on the residents.	<p>The design for the Project employs a distributed approach with four individual containerised BESS Units located at any one Inverter Station, with a maximum of two Inverter Stations (and therefore eight units) being located in any one area of the Site, as opposed to locating all BESS Units in a single centralised compound area. One of the reasons for this approach is to minimise fire risk and the Applicant has consulted with Kent FRS on the BESS layout. Further information about BESS is set out in <b>ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2 (A))</b> and <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) [AS-010]</b> provides justification for the Applicant's design choice.</p> <p>The nearest residential receptor to any BESS unit will be a minimum of 150m as set out in the <b>Design Principles (Doc Ref. 7.5(A))</b>. This is significantly greater than the National Fire Chiefs Council's (NFCC) guidance level of 25m.</p> <p><b>ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2) [APP-038]</b> then assesses the potential impacts and confirms there would be no significant effects in relation to noise. Please also see the row below relating to noise.</p>
RR-005, RR-021 RR-023, RR-053 RR-087, RR-097 RR-100, RR-110 RR-129, RR-145 RR-145, RR-166	<b>BESS Location:</b> The scattered location of the BESS in close proximity to residents poses a risk to the community from fire and contamination.	<p>As detailed in <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) [AS-010]</b> the design for the Project employs a distributed approach with four individual containerised BESS Units located at any one Inverter Station, with a maximum of two Inverter Stations (and therefore eight units) being located in any one area of the Site, as opposed to locating all BESS Units in a single centralised compound area.</p> <p>This approach provides a number of advantages including a reduction in fire risk.</p>



RR References	Summary of Issue Raised in RR	Applicant Response
RR-176, RR-181 RR-194, RR-213 RR-219, RR-221 RR-233, RR-233, RR-242, RR-246 RR-253, RR-259 RR-265, RR-267 RR-281, RR-296 RR-301, RR-306		<p>Further information about BESS is detailed in Paragraphs 3.6.14 – 3.6.22 and 3.9.16-3.9.19 of <b>ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2 (A))</b>.</p> <p>The Applicant has consulted with Kent Fire and Rescue ('FRS') on the layout and approach to BESS. The <b>Outline Battery Safety Management Plan (Doc Ref. 7.16) [APP-161]</b> ('OBSMP') explains how the BESS will be safely managed across the Site in accordance with National Fire Chiefs Council Guidance, and also details the engagement to date with Kent FRS (section 3.1). Section 16.7 of <b>ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2) [APP-040]</b> assesses the risk of major accidents or disasters as a result of the Project. The assessment concludes that, given the proposed mitigation and best practice measures proposed, and the low risk of an event occurring for this type of development, no significant effects are likely. Requirement 5 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> provides that prior to the commencement of the BESS development, a final Battery Safety Management Plan ('BSMP') must be submitted to and approved by the local planning authority in consultation with Kent FRS. The BSMP must either accord with the OBSMP or detail such changes as the undertaker considers are required and must be implemented as approved.</p>
RR-006, RR-049 RR-051, RR-078 RR-087, RR-092 RR-102, RR-112 RR-127, RR-130 RR-138, RR-142 RR-152, RR-177 RR-180, RR-229 RR-233, RR-238,	<p><b>Fire Safety:</b> Concerned about the risk of fire from the BESS.</p>	<p>The Applicant has consulted Kent Fire and Rescue Service on the proposed layout, fire access and firefighting arrangements. The <b>Outline BSMP (Doc Ref. 7.16) [APP-161]</b> provides details of the design and fire prevention measures proposed, and confirms that the commitments meet, or exceed, the NFCC Guidance where applicable.</p>

RR References	Summary of Issue Raised in RR	Applicant Response
RR-259, RR-267, RR-273, RR-276 RR-288		
RR-015, RR-021 RR-029, RR-130 RR-141, RR-142 RR-211, RR-233	<p><b>Noise:</b> Concern about noise impacts from the BESS (and inverter units) and the efficacy of acoustic screening for properties on higher ground and whether they can be sunk into the ground (partly) with earth bunds.</p>	<p>Acoustic screening proposed in the <b>Design Principles (Doc Ref. 7.5(A))</b> is close to the noise source and as such is considered to be an effective mitigation measure, as evidenced by the findings of the noise assessment presented in <b>ES Volume 2, Chapter 14 Noise (Doc Ref. 5.2)</b> [<a href="#">APP-038</a>]. No significant effects are identified.</p> <p>BESS Units need to be sited on level ground which is 'at grade' due to technical design standards which primarily relate to drainage.</p> <p>Additionally, in respect of the operation of the Project, Requirement 13 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> secures that prior to the operation of Work No. 2 or Work No. 3, an Operational noise mitigation and monitoring scheme ('ONMMS') must be submitted to and approved by the local planning authority. The ONMMS must (a) include details of the plant specification, noise mitigation measures and monitoring procedures; and (b) demonstrate that, with those noise mitigation measures and monitoring procedures in place, the Project is not likely to result in any materially new or materially different noise effects from those assessed in <b>ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)</b> [<a href="#">APP-038</a>]. The ONMMS must be implemented as approved.</p>

## 4.4 Biodiversity

4.4.1 Table 4-3 below summarises the issues raised in the RRs and the Applicant's response to those issues, including locations within the Application Documents where further information can be found.

Table 4-3: Biodiversity

RR References	Summary of Issue Raised in RR	Applicant Response
RR-008, RR-020 RR-057, RR-078 RR-088, RR-090 RR-092, RR-120 RR-126, RR-127 RR-135, RR-143 RR-150, RR-154 RR-165, RR-186 RR-201, RR-211 RR-229, RR-260 RR-267, RR-274 RR-299	<p><b>Biodiversity Impacts:</b> The Project will lead to large scale, irreversible harm for wildlife and does not provide adequate measures to mitigate the impact on wildlife habitats or species (loss and disruption).</p>	<p>An assessment of the effects of the Project on biodiversity including habitats, protected and notable species is provided in <b>Section 9.7 of ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)</b> [<a href="#">APP-033</a>] and <b>ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A))</b>. The mitigation measures have been developed by competent expert ecologists and are considered to be adequate to mitigate the impacts on wildlife habitats and species. Ancient woodland, veteran trees, woodland, hedgerows, ponds, arable margins, the East Stour River and existing important (main) badger setts are all incorporated into the Project layout and landscape design with appropriate exclusion zones. Hedgerows would also have a minimum 3.2m buffer (generally much larger) from the security fence. Tree loss will be very limited and only up to 150m of hedgerow would be removed to facilitate construction, typically in lengths less than 10m.</p> <p>The Applicant is proposing extensive biodiversity and landscape mitigation proposals which have been developed by competent expert ecologists and are set out in <b>ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2(A))</b>. This includes securing at least 100% Biodiversity Net Gain ('BNG') for habitat units and at least 10% for hedgerow and river units as set out in the <b>Biodiversity Net Gain Assessment (Doc Ref. 7.1)</b> [<a href="#">APP-146</a>]. The proposed biodiversity and landscape enhancements are considered appropriate to mitigate the effects of the Project and are secured through Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b>. This provides that the Project must not commence until a biodiversity design strategy has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council and the relevant statutory nature conservation body (Natural England). It also provides that no phase of the Project may commence until a Landscape and Ecological Management Plan ('LEMP')</p>

RR References	Summary of Issue Raised in RR	Applicant Response
		covering that phase has been submitted to and approved by the local planning authority. The LEMP must be in accordance with the <b>Outline LEMP (Doc Ref. 7.10(A))</b> , the approved biodiversity design strategy and the <b>Design Principles (Doc Ref. 7.5(A))</b> .
RR-021, RR-023 RR-049, RR-051 RR-053, RR-054 RR-079, RR-103 RR-104, RR-122 RR-129, RR-162 RR-176, RR-185 RR-221, RR-233 RR-263, RR-296 RR-301	<b>Protected and notable species:</b> Potential impact of the project on species.	<b>ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)</b> [APP-033] includes an assessment of the potential impacts on biodiversity and species, and provides justification for the proposed brown hare, yellowhammer and skylark habitat. The conclusions of the assessment of potential impacts on biodiversity are set out in <b>ES Volume 4, Appendix 97: Assessment of Effects (Doc Ref. 5.4(A))</b> .  The <b>Outline LEMP (Doc Ref. 7.10(A))</b> provides details of proposed landscape and ecological management measures.
RR-006, RR-097 RR-115, RR-136 RR-142, RR-242 RR-259	<b>Badgers and brown hare:</b> Fencing of PV Areas will reduce badger foraging areas and mammal species may not be able to navigate fencing gates.	The <b>Design Principles (Doc Ref. 7.5(A))</b> require boundary fences to include gates to allow free movement of badger, brown hare and other mammals. No significant effects are identified for these species in <b>ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A))</b> . The <b>Design Principles (Doc Ref. 7.5(A))</b> secure a buffer of 30m from identified badger setts. No infrastructure will be developed within this buffer zone. Requirement 4 of Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> secures that the detailed design of the Project that is submitted for approval by the local planning authority must accord with <b>the Design Principles (Doc Ref. 7.5 (A))</b> .
RR-138, RR-142 RR-152, RR-221 RR-265, RR-278	<b>Birds:</b> The Project will impact a range of bird species, including skylark, yellowhammer,	A detailed assessment of the effects of the Project on birds is provided in Table 2 of <b>ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A))</b> . Significant local adverse effects are identified for Yellowhammer, Skylark and Brown Hare due to temporary loss of habitat during the construction phase and for Skylark during the

RR References	Summary of Issue Raised in RR	Applicant Response
	buzzards, heron, kestrel, barn owl and kingfisher.	operational phase due to the potential for loss of nesting area. During the operational phase, local beneficial (significant) effects are identified on Wintering Birds and Breeding Bird assemblages including Skylark due to proposed habitat creation and enhancements.
RR-143	<b>Noise pollution impact on wildlife:</b> Noise from the Project will adversely affect wildlife.	Noise effects on protected and notable species are considered in <b>ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A))</b> . No significant noise effects are identified on protected or notable species.
RR-214	<b>Biodiversity Net Gain:</b> Explain how the Applicant will deliver 100% net gain in biodiversity. The Project will impact a range of bird species.	The Project would deliver an overall increase in the biodiversity value of the site. The commitment to deliver at least a biodiversity net gain of 100% for habitat units, at least 10% for hedgerow units and at least 10% for river units is secured through the <b>Draft DCO (Doc Ref. 3.1(B))</b> . Further details are provided in the <b>Biodiversity Net Gain Assessment (Doc Ref. 7.1) [APP-146]</b> which evidences that this can be readily achieved.
RR-220	<b>HDD:</b> Concern relating to the use of HDD construction near ecologically sensitive areas.	<p>Following granting of the DCO, detailed CEMP(s) in accordance with the <b>Outline CEMP (Doc Ref. 7.8(A))</b> will be developed to include detail regarding the approach for construction and mitigation to protect the environment.</p> <p>A Construction Method Statement ('CMS') based on detailed design of the Project will form part of the detailed CEMP(s), as secured by the <b>Outline CEMP (Doc Ref. 7.8(A))</b>. This will provide the detailed design and expand upon the approach to key activities and components such as the temporary watercourse crossings and HDD method of watercourse crossing. Flood Risk Activity Permits would be obtained from the Environment Agency for HDD works within 8m of the East Stour River.</p>

## 4.5 Cultural Heritage

4.5.1 Table 4-4 below summarises the issues raised in the RRs and the Applicant's response to those issues, including locations within the Application Documents where further information can be found.

Table 4-4: Cultural heritage

RR References	Summary of Issue Raised in RR	Applicant Response
RR-221	<p><b>Adequacy of Assessment:</b> Two areas do not appear to have been fully assessed –crop mark of a square enclosure in field 14/15 area and a circular ring feature in the South Eastern Area.</p>	<p>The <b>Archaeological Management Strategy ('AMS') (Doc Ref. 7.17 (A))</b> sets out the approach to archaeological mitigation works in relation to the Project which will include further archaeological evaluation before the commencement of construction works. The <b>AMS (Doc Ref. 7.17(A))</b> will inform measures to avoid impacts on archaeological remains.</p> <p>The Illustrative Site Layout includes solar arrays in this location in Fields 14/15. If required, a non-invasive alternative to piling can be used to avoid impacts on any identified archaeology or the limited areas could be excluded from the development area.</p> <p>The Applicant considers its approach on this matter is appropriate and proportionate. The combination of desk-based assessment, geophysical survey and targeted trial trenching has resulted in a thorough understanding of the likely impacts of the Proposed Development, which it considers are relatively limited.</p> <p>Requirement 9 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> secures that no phase of the Project may commence until certain specified details for that phase have been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council. The specified details are a written scheme for the investigation of areas of archaeological interest within that phase; identification of any areas where a programme of archaeological investigation is required within that phase, and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found. These details must be generally in accordance with the <b>AMS (Doc Ref. 7.17(A))</b>.</p>

RR References	Summary of Issue Raised in RR	Applicant Response
RR-005, RR-021 RR-051, RR-110 RR-129, RR-172 RR-176, RR-186 RR-221, RR-263 RR-279, RR-301	<p><b>Archaeology:</b> The Project will impact a Roman Road and associated heritage and piling of solar panels will destroy archaeology.</p>	<p>An assessment of the effects of the Project on archaeology is provided in Section 7.7 of <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))</b> <a href="#">[AS-011]</a> with supporting archaeological information provided in <b>ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref. 5.4)</b> <a href="#">[APP-070]</a> and <a href="#">[APP-071]</a>. Targeted archaeological evaluation (trial trenching) was undertaken along the alignment of the Roman Road in the southwest of the Site and the results are reported in <b>ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref. 5.4)</b> <a href="#">[APP-070]</a> and <a href="#">[APP-071]</a>.</p> <p>An <b>Archaeological Management Strategy ('AMS') (Doc Ref. 7.17(A))</b> sets out the approach to archaeological mitigation works in relation to the Project which will include further archaeological evaluation before the commencement of construction works. The <b>Works Plans (Doc Ref. 2.3(B))</b> include flexibility to respond to archaeological features which may be identified during further archaeological investigation and to respond to features identified during construction works. The <b>AMS (Doc Ref. 7.17(A))</b> will inform measures to avoid impacts on archaeological remains. If required, a non-invasive alternative to piling can be used to avoid impacts on archaeology.</p> <p>Requirement 9 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> secures that no phase of the Project may commence until certain specified details for that phase have been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council. The specified details are a written scheme for the investigation of areas of archaeological interest within that phase; identification of any areas where a programme of archaeological investigation is required within that phase, and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found. These details must be generally in accordance with the <b>AMS (Doc Ref. 7.17(A))</b>.</p>
RR-166, RR-167	<p><b>Impact on Designated Heritage Assets:</b> Concerns raised about the visual and traffic impacts to</p>	<p>Potential cultural heritage effects from the Project have been assessed in Section 7.7 of <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))</b> <a href="#">[AS-011]</a>. The conclusions of <b>ES Volume 4, Appendix 7.2: Heritage Statement</b> <a href="#">[APP-072]</a></p>

RR References	Summary of Issue Raised in RR	Applicant Response
	designated heritage assets, including St. Martin's Church, and several listed properties on Flood Street corridor and along the Roman Road.	of less than substantial harm to designated heritage assets have been confirmed in the SoCGs with both Kent County Council ( <b>Doc Ref. 8.2.4</b> ) and Historic England ( <b>Doc Ref. 8.2.3</b> ).



## 4.6 Flood Risk

4.6.1 Table 4-5 below summarises the issues raised in the RRs and the Applicant's response to those issues, including locations within the Application Documents where further information can be found.

Table 4-5: Flood risk

RR References	Summary of Issue Raised in RR	Applicants Response
RR-006, RR-007 RR-057, RR-079 RR-142, RR-166 RR-261, RR-286	<b>Flood Risk (General):</b> Construction and operation of the Project will increase the risk of flooding to the surrounding area.	<p>An assessment of the effects of the Project on flood risk both within the Site and to the surrounding area is provided in <b>ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B))</b> with supporting information provided in <b>ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A))</b>. The assessment concludes that with appropriate mitigation measures which are secured the Project would not increase flood risk within the Site or to the surrounding area. The Applicant also notes that the approach to flood risk has been agreed with the Environment Agency and is set out within the <b>Statement of Common Ground with Environment Agency (Doc Ref. 8.3.2)</b>.</p> <p>The <b>Outline OSWDS (Doc Ref. 7.14(A))</b> has been developed to ensure existing flood risk within the Site or in the surrounding area is not increased.</p> <p>The Project proposes a series of new ditches within hedgerows and filter drains which will improve connectivity through the Site and convey flow towards the East Stour River or its tributaries.</p> <p>Requirement 11 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> secures that prior to the operation of the Project an OSWDS must be submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council. This must be in accordance with the <b>Outline OSWDS (Doc Ref. 7.14(A))</b> and must be implemented as approved.</p>
RR-005	<b>Flood Risk (Local Roads):</b> Construction and operation of the Project will increase	Existing issues of flooding and historical flooding have been considered by the Applicant's team as part of <b>ES Volume 4, Appendix 10.2: Flood Risk</b>

RR References	Summary of Issue Raised in RR	Applicants Response
	the risk and magnitude of flooding on Laws Lane, Bank Road, Flood Street and in Mersham.	<b>Assessment (Doc Ref. 5.4(A)).</b> The risks from surface water are considered in detail in Section 9.5 of <b>ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A))</b> . The Project is not expected to worsen effects in these areas. Please also refer to the response above.
RR-142, RR-143 RR-226, RR-265 RR-296	<b>Flood Risk (Property):</b> Surface water runoff from the Project will worsen flood risks at properties. Ditch maintenance can avoid the issue but no soil cultivation will increase flooding risks unless substantial additional drainage is put in place to mitigate soil compaction.	<p>An assessment of the effects of the Project on flood risk both within the Site and to the surrounding area is provided in <b>ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B))</b> with supporting information provided in <b>ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A))</b>. The assessment concludes that with appropriate mitigation measures which are secured the Project would not increase flood risk within the Site or to the surrounding area. The Applicant also notes that the approach to flood risk has been agreed with the Environment Agency, and is set out within the <b>Statement of Common Ground with Environment Agency (Doc Ref. 8.3.2)</b>.</p> <p>The <b>Outline OSWDS (Doc Ref. 7.14(A))</b> has been developed to ensure existing flood risk within the Site or in the surrounding area is not increased.</p> <p>The Project proposes a series of new ditches within hedgerows and filter drains which will improve connectivity through the Site and convey flow towards the East Stour River or its tributaries.</p> <p>Requirement 11 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> secures that prior to the operation of the Project an OSWDS must be submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council. This must be in accordance with the <b>Outline OSWDS (Doc Ref. 7.14(A))</b> and must be implemented as approved.</p> <p>Paragraph 4.8.10 of the <b>Outline CEMP (Doc Ref. 7.8(A))</b> secures measures to mitigate against soil compaction.</p>
RR-038, RR-114	<b>Impact on Drainage and Watercourses:</b> The Project will	Appropriate buffers will be in place to protect existing watercourses as secured through the <b>Design Principles (Doc Ref. 7.5(A))</b> . An <b>Outline</b>

RR References	Summary of Issue Raised in RR	Applicants Response
	dramatically change the natural land drainage and lead to an adverse effect on the East Stour river, surrounding watercourses and drainage.	<b>OSWDS (Doc Ref. 7.14(A))</b> has been prepared and accompanies the Application which sets out the proposed approach to surface water drainage. Please also refer to the responses above for further details of the surface water drainage proposals.
RR-129, RR-210	<b>Site Suitability:</b> Fields in the Central Area (Fields 23, 24 and 25) are regularly under a foot of water every winter for long periods. This is an area already prone to significant flood risk which is likely to worsen with climate change. Solar panels will affect rainfall flows and would likely lead to additional flooding issues. This area and the fields around it are Flood Zone 3b - a functional floodplain where no building should take place.	<b>ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A))</b> was informed by detailed hydraulic modelling and acknowledges that within the Central Area, Fields 15, 16, 18, 19, 23 and 24 are at risk of inundation. However, flood depths within the Central Area are shown to remain below 0.8m. The built components of the Project are classed as 'Essential Infrastructure', which is then subject to the Sequential and Exception Test when located in areas designated as Flood Zone 3a and 3b. Further details are provided in Section 1.3 of the <b>Planning Statement (Doc Ref. 7.6)</b> [ <a href="#">APP-151</a> ].  Table 10.2 of <b>ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B))</b> sets out the correspondence with the EA, outlining that the EA have raised no concerns about the siting of panels in fields at risk of flooding.

## 4.7 General

4.7.1 Table 4-6 below summarises the issues raised in the RRs and the Applicant's response to those issues, including locations within the Application Documents where further information can be found.

Table 4-6: General

RR References	Summary of Issue Raised in RR	Applicant Response
RR-079, RR-167 RR-221, RR-250	<b>Compliance with NPS:</b> Comment relating to the scheme as submitted being contrary to National Policy Statements EN-1 and EN-3 and National Planning Policy.	The Project is fully in accordance with national policy as set out in NPS EN-1 and NPS EN-3 as detailed in Section 6 and Appendix 1 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> .
RR-012, RR-024 RR-049, RR-079 RR-102, RR-105 RR-166, RR-168 RR-176, RR-185 RR-185, RR-187 RR-198, RR-224 RR-238, RR-242 RR-259, RR-263 RR-266, RR-286 RR-296	<b>Consideration of Alternatives:</b> Alternative options for site selection have not been adequately considered to minimise the impact on rural character and the agricultural land. Seeking clarification on the rationale of the site chosen.	<p>Site alternatives to the Project have been tested, and the site selection process and the consideration of alternatives are set out in <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a>. The main reasons for its choice with regard to these influencing factors is described in <b>ES Volume 4, Appendix 5.2: Site Selection Influencing Factors (Doc Ref. 5.4)</b> <a href="#">[APP-067]</a>. Appendix 2 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> applies the Sequential and Exception Test to the Project and demonstrates that there is no suitable other land within the area of search that would be appropriate for the Project.</p> <p>The Applicant acknowledges that the effects on rural character and agricultural land. However, it should be noted that, 143.47ha of the 182.11ha of agricultural land within the Order limits is not BMV land as set out in Table 5 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a>. Mitigations for the permanent loss of 5.58ha of BMV land will be implemented as in line with the national policy as set out in NPS EN-1 paragraph 5.11.12, which "<i>seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5)</i>". This include keeping the permanent loss of</p>

RR References	Summary of Issue Raised in RR	Applicant Response
		<p>BMV land to a very low amount; retaining the ability to reinstate arable agriculture after decommissioning; and facilitating a continued agricultural use through making the land available for biodiversity management grazing throughout the operational life of the Project.</p> <p>The Project has sought to minimise landscape effects through design although it there would be residual effects as acknowledged in the summary Section 8.13 of <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a>.</p>
RR-005, RR-021 RR-049, RR-051 RR-079, RR-102 RR-105, RR-142 RR-167, RR-177 RR-180, RR-185 RR-187, RR-233 RR-238, RR-242 RR-261, RR-263 RR-267	<p><b>Consultation:</b> The consultation on 'Health and Safety', 'Public Right of Way (PRoW)', 'Landscape and Visual', 'Biodiversity', 'BESS' undertaken to date has been inadequate, with key Project detail and information being withheld from the local community throughout.</p>	<p>The Applicant carried out comprehensive pre-application consultation on its proposals prior to submitting the DCO Application, including a five-week non-statutory consultation, two five-week statutory consultations and two four-week targeted consultations. The pre-application statutory consultation accorded with the requirements of the Planning Act 2008 ('PA 2008'), the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and had regard to guidance issued under section 50(3) of the PA 2008. In addition, the Applicant undertook non-statutory engagement throughout the pre-application stage. The Applicant consulted in a variety of ways to maximise consultee participation. A large number of consultees provided feedback. The Applicant had careful regard to the consultation responses received as it has finalised this application for the Project, as explained in detail in the <b>Consultation Report (Doc Ref. 6.1)</b> <a href="#">[APP-126]</a>.</p> <p>In accepting the DCO Application, the Planning Inspectorate have confirmed the Applicant's pre-application consultation has complied with the requirements of the PA 2008.</p> <p>Please refer to Section 4.3 for the justification of the BESS location and fire risk measures, and Sections 4.4, 4.10, and 4.14 for details on the consultations regarding biodiversity, visual impacts, and PRoW impacts.</p>

RR References	Summary of Issue Raised in RR	Applicant Response
RR-016, RR-053 RR-052, RR-135 RR-162, RR-265 RR-301	<p><b>Cumulative effects:</b> The scale of the Project and other proposed solar farms linked to Sellindge Substation would lead to industrialisation of the area and Aldington village. This includes expected revised proposals for the adjacent EDF solar farm.</p>	<p>An assessment of cumulative effects of the Project with other developments has been undertaken as part of the EIA process. The approach to the cumulative assessment is set out in Section 6.9 of <b>ES Volume 2 Chapter 6: EIA Methodology (Doc Ref. 5.2(A))</b>. As confirmed in paragraph 6.9.12 and 13 ABC and KCC were issued the long list of 'other developments' and then confirmed in March 2023 they had no comments on the cumulative list other than observations on project status. The Draft SoCGs with both parties has also confirmed that the list of cumulative schemes are agreed (<b>Doc Ref. 8.3.1 and Doc Ref. 8.3.4</b>).</p>
RR-033, RR-034	<p><b>Impact on property:</b> Respondents sought clarification of the environmental impacts on surrounding residential properties</p>	<p>The cumulative environment impacts of the Project on property are addressed in Section 4.6, 4.9, 4.10 and 4.11 of the Report. The sections elaborate Applicant's responses to the impacts of landscape and views, flood risk and noise pollution from the proposed BESS Units.</p> <p>Assessments of the impacts of the Project on property are provided in <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> [<a href="#">AS-012</a>], <b>ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)</b> [<a href="#">APP-038</a>], and the <b>ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B))</b> with supporting information provided in <b>ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A))</b>.</p> <p>The <b>Planning Statement (Doc Ref. 7.6)</b> [<a href="#">APP-151</a>] sets out that the Applicant has been engaging with local residents and the Statutory Consultees to ensure that the visual impacts on properties are minimised where possible. Flood risk mitigation measures are secured to avoid increasing flood risk within the Site or to the surrounding area. This has been agreed with the Environment Agency and is set out within the <b>Statement of Common Ground with Environment Agency (Doc Ref. 8.3.2)</b>. In paragraphs 14.7.27 to 4.7.81 of <b>ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)</b> [<a href="#">APP-038</a>] concludes that operational noise effects from the Project on properties would not be significant due to the proposed location of substations. The Intermediate Substations would be located at</p>

RR References	Summary of Issue Raised in RR	Applicant Response
		<p>least 190m from the closest residential property and the Project Substation is sited approximately 90m from Parkwood Cottage.</p> <p>Mitigations to the environmental effects of the Project on properties are secured through Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b>. No phase of the Project may commence until a LEMP covering that phase has been submitted to and approved by the local planning authority.</p>
RR-005	<p><b>Design Quality:</b> When generating the scheme design layout a good design approach should actively seek to minimise impacts from the outset.</p>	<p>The Applicant has prepared a <b>Design Approach Document (Doc Ref. 7.4) [APP-149]</b> that explains the design evolution of the Project and how it has changed in response to consultee feedback and change in response to sensitive receptors. This seeks to ensure that the Project has taken appropriate regard to good design, as set out in the Overarching National Policy Statement for Energy ('NPS EN-1') and the National Policy Statement for Renewable Energy Infrastructure ('NPS EN-3').</p> <p>A number of changes were made to the layout of the Project in response to Statutory Consultation feedback. These are outlined in <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) [AS-010]. Appendix G of the Consultation Report (Doc Ref. 6.2) [APP-138]</b>, demonstrates the regard the Applicant has had to feedback from consultation and engagement.</p>
RR-250, RR-274	<p><b>Decommissioning:</b> Comment relating to guaranteeing that the site will be returned to its current state following decommissioning:</p>	<p>The Applicant has committed to lifetime for the Project of 40 years and this is secured through a Requirement 2 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b>, which provides that the Project must cease generating electricity on a commercial basis no later than the 40th anniversary of the date on which electricity is first exported from the Project to the national grid commercially. The Applicant would be responsible for decommissioning the Project which involves the removal of all infrastructure built as part of the Project (except for elements of Work No. 4 that are within Sellindge Substation, any repairs, upgrades or replacements of/to the existing bridge /</p>

RR References	Summary of Issue Raised in RR	Applicant Response
		<p>drain crossings, Public Rights of Way ('<b>PRoW</b>') footbridges and highway improvements).</p> <p>After decommissioning the Site will be returned to the control of the landowners and it is expected they would return those areas of the Site that are currently in arable use back to arable use, except for limited areas of established habitat. The details of decommissioning works and environmental management measures would be subject to agreement with the local planning authority before they commence. This is secured through Requirement 14 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> which provides that prior to commencement of any decommissioning works for any part of the Project, (a) a Decommissioning Environmental Management Plan ('DEMP') for that part must be submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council; and (b) a Decommissioning Traffic Management Plan ('DTMP') for that part must be submitted to and approved by the local planning authority, such approval to be in consultation with the relevant highway authority. The DEMP must be in accordance with the <b>Outline DEMP (Doc Ref. 7.12 (A))</b> and the DTMP must be in accordance with the <b>Outline DTMP (Doc Ref. 7.13(A))</b>.</p>
RR-024, RR-166 RR-176	<b>Project Funding:</b> concern over how the project would be funded and the role of international investors.	As set out in the <b>Funding Statement (Doc Ref. 4.3)</b> <a href="#">[APP-021]</a> the Applicant for the DCO Application is EPL 001 Limited (company number 12444050). The Applicant is indirectly funded by Korkia Renewables Oy.
RR-008, RR-017 RR-020, RR-023 RR-024, RR-031 RR-046, RR-053 RR-055, RR-062 RR-068, RR-071	<b>General Statement of Objection:</b>	As set out in the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> the Project benefits from up to date, authoritative policy support. Not only does national policy establish an urgent need for new, low carbon energy generation, it specifically identifies solar energy as a key part of the government's strategy for low-cost decarbonisation of the energy sector. The Project is also considered to be consistent with the NPPF and other important and relevant planning policies.



RR References	Summary of Issue Raised in RR	Applicant Response
RR-079, RR-081 RR-088, RR-091 RR-095, RR-112 RR-119, RR-129 RR-139, RR-140 RR-142, RR-144 RR-148, RR-149 RR-168, RR-177 RR-183, RR-192 RR-193, RR-196 RR-202, RR-208 RR-215, RR-218 RR-221, RR-233 RR-233, RR-236 RR-237, RR-240 RR-254, RR-255 RR-259, RR-261 RR-264, RR-267 RR-267, RR-273 RR-274, RR-286 RR-289, RR-292 RR-295, RR-296		<p>The <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> demonstrates that the Project would not cause any potential adverse effects that, considered individually, cumulatively or as a whole, are so severe that the decision maker should refuse the application and, moreover, that each aspect of the proposals is acceptable in planning terms when considered against the relevant national and local policies.</p> <p>It is therefore concluded that the benefits of the scheme, particularly the delivery of new solar generating capacity, are overwhelmingly greater than the residual adverse effects.</p>

RR References	Summary of Issue Raised in RR	Applicant Response
RR-297, RR-298 RR-300, RR-305 RR-306		
RR-060, RR-065 RR-277	<b>General Statement of Support:</b>	Noted.
RR-073, RR-125 RR-137, RR-222	<b>Registration as an Interested Party</b> with no particular view of the NRP expressed.	Noted.
RR-162, RR-301	<b>Sustainability:</b> Comment relating to the sustainability of importing solar panels from China, and the carbon footprint of the solar panels and the BESS themselves.	<b>ES Volume 2, Chapter 15: Climate Change (Doc Ref. 5.2)</b> <a href="#">[APP-039]</a> identifies the greenhouse gas emissions resulting from the Project over its lifetime, including the embodied carbon emissions resulting from the manufacture of the PV arrays, and emissions from transport of PV arrays and other construction materials to the Site for installation. Table 15.16 sets out that there are beneficial significant effects of the Project on climate change.
RR-214	<b>Impact on broadband networks:</b> Comment on the potential disruption for broadband networks from the electrical interference caused by the solar farm.	It is acknowledged that solar farm development has the potential to affect existing utility infrastructure below ground.  Paragraphs 16.6.10 to 16.6.19 of the <b>ES Volume 2, Chapter 16: Other Topics (Doc Ref.5.2)</b> <a href="#">[APP-040]</a> identify the location for telecommunications and electric supply. Whilst a BT cable within Field 25 and Field 2 will need to be diverted from its current location, measures to potential disruptions are secured by the <b>Outline CEMP (Doc Ref. 7.8(A))</b> . Protective provisions for telecommunication operations are also stated in <b>Draft DCO (Doc Ref. 3.1(B))</b> to ensure the interface between the Project and utility companies are being managed. Overall, no significant effects are anticipated on telecommunications, television reception and utilities as a result of the Project, so No additional mitigation is required.

RR References	Summary of Issue Raised in RR	Applicant Response
		<p>It should be noted that in policy terms, there is no requirement to include an assessment of effects relating to existing infrastructure under the EIA Regulations and these effects are not strictly considered environmental effects.</p>

## 4.8 Health, Safety and Security

4.8.1 Table 4-7 below summarises the issues raised in the RRs and the Applicant's response to those issues, including locations within the Application Documents where further information can be found.

Table 4-7: Health, safety and security

RR References	Summary of Issue Raised in RR	Applicant Response
RR-142, RR-168 RR-200, RR-267	<b>Fire Risk:</b> Concern about the risk of fire and associated impacts at the BESS and other components of the Project.	<p>The Project will be designed and installed in accordance with the relevant technical standards for electrical equipment. The operational phase of the Project would involve routine maintenance and servicing of equipment to ensure the safe operation. Relevant measures are secured through the <b>Outline BSMP (Doc Ref. 7.16)</b> <a href="#">[APP-161]</a> and the <b>Outline OMP (Doc Ref. 7.11(A))</b> <a href="#">[APP-156]</a>.</p> <p>The Applicant has consulted with Kent Fire and Rescue ('FRS') on the layout and approach to BESS. The <b>Outline BSMP (Doc Ref. 7.16)</b> <a href="#">[APP-161]</a> explains how the BESS will be safely managed across the Site in accordance with National Fire Chiefs Council Guidance, and also details the engagement to date with Kent FRS (section 3.1). Section 16.7 of <b>ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2)</b> <a href="#">[APP-040]</a> assesses the risk of major accidents or disasters as a result of the Project. The assessment concludes that, given the proposed mitigation and best practice measures proposed, and the low risk of an event occurring for this type of development, no significant effects are likely.</p> <p>Requirement 5 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> provides that prior to the commencement of the BESS development, a final Battery Safety Management Plan ('BSMP') must be submitted to and approved by the local planning authority in consultation with Kent FRS. The BSMP must either accord with the OBSMP or detail such changes as the undertaker considers are required and must be implemented as approved.</p>

RR References	Summary of Issue Raised in RR	Applicant Response
RR-088, RR-135 RR-142, RR-259 RR-259, RR-296	<p><b>Human Health:</b> Solar farms and the associated electrical equipment cause human health effects from electromagnetic radiation and leachate from solar panels. Noise may also cause health effects.</p>	<p>Section 12.7 of <b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b> considers the indirect effects on population health, informed by other chapters in the ES. No significant effects are identified.</p> <p>The Project will be designed and installed in line with the relevant technical standards for electrical equipment.</p> <p>The International Commission on Non-Ionizing Radiation Protection ('ICNIRP')<sup>8</sup> sets guidelines for public exposure to EMFs from power lines and substations. These guidelines are designed to ensure that EMFs don't interfere with human health.</p> <p>Page 5 of guidelines published by ICNIRP state that '<i>Overhead power lines at voltages up to and including 132kV, underground cables up to and including 132kV and substations at and beyond the publicly accessible perimeter are not capable of exceeding the ICNIRP guidelines for exposure to EMF.</i>' The <b>Design Principles (Doc Ref. 7.5(A))</b> confirm that the maximum voltage of the Project Substation and Grid Connection Cable will be up to 132 kilovolts (kV). All other infrastructure and cabling used on-Site would be below 132kV. All cable voltages and infrastructure for the Project are therefore below the ICNIRP reference limits for magnetic and electric fields and no adverse human health effects are likely.</p> <p>Solar panels contain a variety of materials, including silicon and different types of metals. All components are laminated and enclosed to prevent external factors damaging the functionality of the system; the materials within the panels cannot evaporate or mix with water to leak into the surrounding environment. The panels and other equipment would be properly maintained and serviced throughout its lifetime.</p>
RR-111	<p><b>National Security:</b> The high concentration of energy generation of the Project, Converter Station and</p>	<p>The Project includes a range of physical measures to minimise security threats which are secured by the <b>Design Principles (Doc Ref. 7.5(A))</b>. These include the use perimeter security fencing with fully secured access points and CCTV. A range of other security measures are set out in</p>

RR References	Summary of Issue Raised in RR	Applicant Response
	surrounding developments could be a target for hostile states	paragraph 2.3.13 of the <b>Outline OMP (Doc Ref. 7.11(A))</b> . Details of security measures chosen will form part of the detailed OMP submitted prior to operation, as secured by Requirement 12 in the <b>Draft DCO (Doc Ref. 3.1(B))</b> .

## 4.9 Land Value

4.9.1 Table 4-8 below summarises the issues raised in the RRs and the Applicant's response to those issues, including locations within the Application Documents where further information can be found.

Table 4-8: Land value

RR References	Summary of Issue Raised in RR	Applicant Response
RR-039, RR-062 RR-113, RR-135 RR-142, RR-143 RR-147, RR-165 RR-165, RR-253 RR-256, RR-278 RR-298, RR-299	<b>Impact on residential property:</b> Further mitigation is required to protect the residential properties closest to the Scheme.	<p>The Compensation Code would apply to those who may be able to make an eligible claim outside of the Order limits. The Applicant's land agent, Gateley Hamer, can act as an initial point of contact for land and property queries, but those who believe they may be able to make an eligible claim should, in accordance with Government guidance, seek advice from a suitably qualified professional.</p> <p>There can be many factors impacting property values, and importantly property values are not a material planning consideration for Secretary of State in making a decision on whether or not to grant consent for the Project. The Project has been designed to avoid and mitigate environmental impacts as far as possible. <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> sets out the evolution of the Project design. A number of changes were made to the layout of the Project in response to Statutory Consultation feedback and engagement between the Applicant and local residents during the pre-application period to ensure that infrastructure is located away from residential properties and that impacts are minimised where possible.</p>

## 4.10 Landscape and Visual

4.10.1 Table 4-9 below summarises the issues raised in the RRs and the Applicant's response to those issues, including locations within the Application Documents where further information can be found.

Table 4-9: Landscape and visual

RR References	Summary of Issue Raised in RR	Applicant Response
RR-005, RR-021 RR-049, RR-053 RR-066, RR-092 RR-105, RR-122 RR-127, RR-138 RR-152, RR-162 RR-176, RR-180 RR-197, RR-221 RR-233, RR-267 RR-270, RR-273 RR-294	<b>Aldington Ridge:</b> There will be landscape and visual impacts from and on Aldington Ridge which will affect a wide area. PV panels are also located on the ridge which will impact rural amenity and cannot be screened and so should be removed from this area.	The Aldington Ridge forms the southern flank of the East Stour River valley and the Site occupies only a limited part of its western extent. An assessment of the effects of the Project on the landscape character of the Site, the Aldington Ridge Landscape Character Area ('LCA') and selected viewpoints from Aldington Ridge is provided in Section 8.10 and Section 8.11 of <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]</b> . The Project has sought to minimise landscape effects through design although it there would be residual effects as acknowledged in the summary Section 8.13 of <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]</b> respectively. It is acknowledged Aldington Ridge is of High sensitivity. The Project design approach therefore included additional mitigation in response to this including the provision of new hedgerows in this area. The assessment concludes that Aldington Ridge LCA will experience a combination of moderate adverse and beneficial (significant) effects in Year 15 due to the change in character from the presence of built form and the enhancements to the Site's physical features and public access.
RR-038, RR-056 RR-124, RR-166 RR-263	<b>Impact on National Landscape:</b> The Project would destroy the character of the landscape visible from the Kent Downs National Landscape (NL) and would also be visible from the NL.	The Project will not directly affect the landscape character of the Kent Downs NL. <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]</b> includes consideration of both views in and out of the Site from the Kent Downs NL. Indirect impacts on the setting of the Kent Downs NL are also assessed in <b>ES Volume 4, Appendix 8.8: Landscape Effects Table (Doc Ref. 5.4) [APP-080]</b> . In their Relevant Representation <b>[RR-157]</b> the Kent Down NL Team recognised the change in the landscape from an agricultural use, outside the NL. However, given the context of the site, they



RR References	Summary of Issue Raised in RR	Applicant Response
		<p>considered <i>'it is not likely to result in any material harm to those seeking to enjoy the Kent Downs AONB within the nationally protected landscape and, subject to the incorporation of sufficient landscaping, should not have a material impact on the setting of the Kent Downs AONB'</i>.</p>
RR-009, RR-014 RR-056, RR-066 RR-088, RR-135 RR-136, RR-138 RR-145, RR-147 RR-167, RR-170 RR-175, RR-186 RR-189, RR-211 RR-228, RR-238 RR-239, RR-242 RR-244, RR-259 RR-261, RR-266 RR-274, RR-296 RR-302	<p><b>Impact on Rural Character:</b> The Project will harm the setting of the attractive countryside, resulting in a detrimental impact on the rural character and appearance of Aldington village and the surrounding area. Inverter Stations and other infrastructure will also damage the rural character and surrounding area.</p>	<p>An assessment of the impact of the Project on the Aldington Ridge Landscape Character Area ('LCA') and selected viewpoints from Aldington Ridge landscape character of the Site and the surroundings is provided in Section 8.10 and Section 8.11 of <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a> respectively. It is acknowledged Aldington Ridge is of High sensitivity. The Project design approach therefore included additional mitigation in response to this including the provision of new hedgerows in this area. The assessment concludes that Aldington Ridge LCA will experience a combination of moderate adverse and beneficial (significant) effects in Year 15 due to the change in character from the presence of built form and the enhancements to the Site's physical features and public access.]. The Project has sought to minimise landscape effects through design although it there would be residual effects as acknowledged in the summary Section 8.13 of <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a>.</p>
RR-027, RR-029 RR-187, RR-272 RR-300	<p><b>Visual Impact (From Residential Properties):</b> Views from individual residential properties will be adversely affected, including PV panels, batteries</p>	<p>The assessment of visual effects provided in <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a> has identified adverse visual effects on certain residential receptors. However, where identified, these are typically views that are experienced from first floor windows, with views from gardens or 'principal rooms' (as defined by the Landscape</p>

RR References	Summary of Issue Raised in RR	Applicant Response
	and water towers, will be changed to the detriment.	Institute's Residential Visual Amenity Assessment ('RVAA' guidance (TGN 02/1915)) typically screened by intervening hedgerows. Furthermore, the Project has a restricted height and as such, it is not judged to be overly intrusive.
RR-102, RR-130 RR-141, RR-167 RR-226, RR-298	<b>Visual Impact (From Wider Views):</b> Concerns regarding the impact on views of the Project from a wide area of vantage points including Romney Marsh and from higher ground towards the North Downs.	The location of representative views used to inform <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]</b> were agreed with ABC and KCC . These are not intended to be exhaustive and do not cover every possible view of the Site. Rather, they were selected to proportionately represent the range of views available, taking into account the activity and sensitivity of visual receptors. This is in accordance with best practice as set out in Paragraph 6.21 of Guidelines for Landscape and Visual Impact Assessment, 3 <sup>rd</sup> Edition. Field surveys showed that despite an extensive swathe of land in the Romney Marshes being identified initially through a Zone of Theoretical Visibility (ZTV) as potentially having widespread visibility of the Site, no such views were encountered. This is due to distance and intervening vegetation.
RR-051, RR-056	<b>Glint and Glare:</b> Concerns about the implication of glare from the panels to road users, pedestrians and wildlife.	<p>The Applicant recognises the potential for glint and glare from the Project, and the potential effects are presented in <b>ES Volume 4, Appendix 16.2: Solar Photovoltaic Glint and Glare Study (Doc Ref. 5.4) [APP-123]</b>. It notes that solar reflections from the Project may be experienced but no residual significant effects are identified, thereby no further mitigation is required.</p> <p>As set out within Paragraph 10.2 of the <b>ES Volume 4, Appendix 16.2: Solar Photovoltaic Glint and Glare Study (Doc Ref. 5.4) [APP-123]</b>:</p> <p><i>'Solar reflections are geometrically possible towards approximately 2.2km of Goldwell Lane, 1.8km of Roman Road, 900m of Forge Hill, 2.3km of Frith Road, and 700m of Chequer Tree Lane. Existing screening, proposed landscaping, and intervening terrain is predicted to significantly obstruct views of reflecting panels along most of Goldwell Lane and all of Forge Hill, Roman Road, Frith</i></p>

RR References	Summary of Issue Raised in RR	Applicant Response
		<p><i>Road and Chequer Tree Lane. No impact is predicted, and no further mitigation is required.</i></p> <p><i>Partial views of the reflecting panels cannot be ruled out along a small section of Goldwell Lane, which is a local road with low traffic densities. A low impact is predicted and no further mitigation is recommended.'</i></p> <p>An assessment of the effects of the Project on wildlife are provided in <b>Section 9.7 of ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)</b> [<a href="#">APP-033</a>] and <b>ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A))</b>. Biodiversity and landscape mitigation measures are set out in <b>ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2(A))</b>. Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> then secures these measures.</p>
RR-047, RR-093	<p><b>Land Management:</b> There should be a requirement that livestock grazing must take place for at least six weeks per year in every field with PV panels to keep the site tidy and provide other benefits.</p>	<p>The Applicant notes that grazing under PV arrays is possible and has committed to making the land available for grazing purposes to assist with the management of the Site.</p> <p>This commitment is set out in Table 7.1 of the <b>Outline LEMP (Doc Ref. 7.10(A))</b>, which is secured through Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(A))</b>.</p>
RR-005, RR-180 RR-221, RR-233 RR-253, RR-270	<p><b>Adequacy of consultation visualisation:</b> Concerns were raised on the misleading landscape visualisation at the public consultation.</p>	<p>The landscape visualisation presented at the public consultation was prepared within Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3). Refer to Section 3.18 of the Report for elaboration.</p> <p>In essence, the visual impacts were assessed on the basis of selected viewpoints that are considered to represent the range of views and visual effects likely to be experienced by different visual receptor groups. Receptor groups include users of PRow, people travelling along the lanes and residents within the study area as outlined in Table 8.8 of the <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref 5.2(A))</b> [<a href="#">AS-012</a>].</p>

RR References	Summary of Issue Raised in RR	Applicant Response
		<p>The selection of viewpoints and receptor groups for the LVIA were agreed with ABC and KCC, and followed the LVIA methodology in <b>ES Volume 4, Appendix 8.2: LVIA Methodology (Doc Ref. 5.4(A))</b> <a href="#">[AS-016]</a>.</p> <p>It should be noted that the LVIA does not carried out on the basis of the impact on views that has been experienced by the public users, but the impact on agreed representative views identified by visual receptors .Whilst potential visual impacts have been raised by the respondents, the landscape visualisation delivered at the public consultation is considered to be proportional to scale and nature of the development and in accordance with GLVIA3. Furthermore, the inclusion of additional viewpoints would not result in the identification of additional effects beyond those already identified in the LVIA.</p>

## 4.11 Noise

4.11.1 Table 4-10 below summarises the issues raised in the RRs and the Applicant's response to those issues, including locations within the Application Documents where further information can be found.

Table 4-10: Noise

RR References	Summary of Issue Raised in RR	Applicant Response
RR-186, RR-187 RR-261	<b>General:</b> The Project will generate a lot of noise, both in construction but also in operation.	An assessment of noise effects from the construction and operation stages of the Project is reported in Section 14.7 of <b>ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)</b> <a href="#">[APP-038]</a> . This assessment concludes that effects would not be significant.
RR-058, RR-093 RR-167, RR-265	<b>BESS:</b> BESS Units could result in adverse impacts at noise sensitive receptors. A detailed BS4142 assessment should be undertaken by a suitably qualified acoustician. Refer to Section 4.3 on matters related to BESS.	An assessment of noise effects from BESS Units and other electrical infrastructure has been undertaken by a competent expert as reported in paragraphs 14.7.27 to 4.7.81 of <b>ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)</b> <a href="#">[APP-038]</a> . This concludes that effects would be negligible to minor adverse (not significant).  In respect of the operation of the Project, Requirement 13 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> secures that prior to the operation of Work No. 2 or Work No. 3, an Operational noise mitigation and monitoring scheme ('ONMMS') must be submitted to and approved by the local planning authority. The ONMMS must (a) include details of the plant specification, noise mitigation measures and monitoring procedures; and (b) demonstrate that, with those noise mitigation measures and monitoring procedures in place, the Project is not likely to result in any materially new or materially different noise effects from those assessed in <b>ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)</b> <a href="#">[APP-038]</a> . The ONMMS must be implemented as approved.
RR-067	<b>Generators:</b> The Project will include generators which will be noisy.	No generators are required for the operational Project. Generators would be used on a temporary basis during the construction and potentially the decommissioning phases. Noise from these generators would be managed in

RR References	Summary of Issue Raised in RR	Applicant Response
		<p>line with good practice through the <b>Outline CEMP (Doc Ref. 7.8(A))</b> (production, approval and implementation of which is secured through Requirement 6 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b>).</p> <p>The electrical equipment proposed as part of the Project is set out in <b>ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2(A))</b>.</p>
RR-084	<p><b>PRoW:</b> Guidelines state that inverters should be sited away from bridleways and byways to ensure operational noise and maintenance is at distance. Contrary to this there are four battery/inverters stations adjacent to the byway. Guidelines also state existing bridleways, byways or other highways across the land should be provided for at no less than 5m width between fences. It is not clear this 5m corridor will be maintained.</p>	<p>The 'Guidelines' referred to by the respondent are the British Horse Society publication 'Advice on Solar farms near routes used by equestrians'<sup>9</sup>. The <b>Design Principles (Doc Ref. 7.5(A))</b> require that all PRoWs will sit within a corridor of 10m minimum width, with the exception of the section of 'NEW 3' adjacent to Work No. 3 (Project Substation) which will sit within a 5m corridor. There is only one 'byway' within the Site: AE369 which passes through Fields 6, 7, 8 and 9. Inverter Stations are proposed a minimum distance of 8m from this byway. The AE369 byway is currently unusable and would be cleared for use as set out in the <b>Outline RoWAS (Doc Ref. 7.15(A))</b>.</p>
RR-226	<p><b>Impact on Residential Properties:</b> The Project proposes a substation close to residential properties which should be moved further away due to noise.</p>	<p>All proposed BESS Units would be located at least 150m from residential properties, in accordance with NFCC guidance. Intermediate Substations would be located at least 190m from the closest residential property. The Project Substation is sited approximately 90m from Parkwood Cottage although this property is located to the north of the railway line. An assessment of operational noise effects from the Project has been undertaken by a competent expert and is reported in paragraphs 14.7.27 to 4.7.81 of <b>ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2) [APP-038]</b>. This concludes that effects would not be significant.</p>
RR-163, RR-214 RR-234	<p><b>Impacts on animals and wildlife:</b> Noise and disruption will cause a lot of distress to domestic animals (including horses) and natural wildlife.</p>	<p>An assessment of noise effects from the Project is reported in <b>ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2) [APP-038]</b>. and no significant effects are identified. Noise effects on protected and notable species are considered in</p>

RR References	Summary of Issue Raised in RR	Applicant Response
		<p><b>ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2) [APP-033] and ES Volume 4: Assessment of Effects (Doc Ref. 5.4) [APP-092].</b></p> <p>Section 8.3 of the <b>Outline CEMP (Doc Ref. 7.8(A))</b> sets out the proposed approach to community liaison which would ensure occupiers of neighbouring properties are informed in advance of works. Paragraph 8.3.2 states <i>'The Principal Contractor will commit to providing community relations personnel, who will be the first line of response to resolve issues of concern or complaints. Reasonable steps will be taken to engage with the local community and those in proximity to the Site. Occupiers of neighbouring properties and businesses will be informed in advance of works taking place.'</i></p>

## 4.12 Principle of Development

4.12.1 Table 4-11 below summarises the issues raised in the RRs and the Applicant's response to those issues, including locations within the Application Documents where further information can be found.

Table 4-11: Principle of development

RR References	Summary of Issue Raised in RR	Applicant Response
RR-004, RR-006 RR-010, RR-012 RR-015, RR-016 RR-019, RR-037 RR-038, RR-039 RR-040, RR-044 RR-051, RR-057 RR-058, RR-061 RR-070, RR-072 RR-080, RR-083 RR-085, RR-094 RR-094, RR-097 RR-102, RR-106 RR-116, RR-123 RR-128, RR-132 RR-133, RR-134 RR-143, RR-146	<p><b>Scale of Development:</b> The scheme is too large for the area and a scheme of a more suitable size should be considered instead.</p>	<p>As set out within the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a>:</p> <p><i>'7.3.7 A comprehensive series of mitigation measures has been embedded in the design of the Project, with the aim of reducing adverse effects resulting from its introduction'</i></p> <p><i>'7.3.8: ... The national and local benefits of the Project are considered to outweigh the localised effects. Therefore, it is policy compliant with NPS EN-1'.</i></p> <p>In this context, a reduction to the scale of the Project is not considered to be a reasonable alternative, in order to maximise the energy generation potential of the Project in line with the Applicant's grid connection offer. Further details on this are set out in paragraph 5.5.4 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a>. This approach was recently endorsed in the Secretary of State's decision letter for the Sunnica Energy Farm (12<sup>th</sup> July 2024).</p>



RR References	Summary of Issue Raised in RR	Applicant Response
RR-164, RR-166 RR-171, RR-173 RR-180, RR-186 RR-194, RR-195 RR-209, RR-211 RR-214, RR-219 RR-223, RR-227 RR-230, RR-239 RR-241, RR-247 RR-248, RR-253 RR-257, RR-258 RR-263, RR-265 RR-275, RR-278 RR-282, RR-288 RR-290, RR-302 RR-303		
RR-001, RR-011 RR-022, RR-032 RR-035, RR-036 RR-045, RR-049 RR-063, RR-064 RR-067, RR-068	<b>Site Suitability:</b> The site is not suitable for a project of this type due to the perceived impacts on the local area.	As set out within <b>ES Volume 4, Appendix 5.2: Site Selection Influencing Factors (Doc Ref. 5.4)</b> <a href="#">[APP-067]</a> the Site has been selected for a number of reasons, including: <ul style="list-style-type: none"> <li>▪ The south east of England was identified as a suitable area due to the high levels of solar irradiation and the high level of regional energy demand.</li> <li>▪ The Project will contribute to meeting local energy demand including from High Speed 1 and Otterpool Park;</li> </ul>

RR References	Summary of Issue Raised in RR	Applicant Response
RR-074, RR-082 RR-087, RR-089 RR-096, RR-100 RR-101, RR-107 RR-108, RR-109 RR-121, RR-123 RR-129, RR-147 RR-153, RR-161 RR-174, RR-178 RR-181, RR-182 RR-199, RR-212 RR-213, RR-214 RR-225, RR-232 RR-243, RR-249 RR-262, RR-285		<ul style="list-style-type: none"> <li>▪ The securing of available capacity at the Sellindge Substation provides a point of connection for the scale of energy generation proposed;</li> <li>▪ The Site is not subject to any international, national, landscape, ecological or geological designations, or to any housing allocations or heritage designations;</li> <li>▪ The Site benefits from existing natural screening through vegetation and topography;</li> <li>▪ The Site is approximately 80% lower-quality agricultural land or non-agricultural land.</li> </ul> <p>Further details of the Applicant's process for selecting the Site and the reasons for its choice with regard to these influencing factors is described in <b>ES Volume 4, Appendix 5.2: Site Selection Influencing Factors (Doc Ref. 5.4)</b> <a href="#">[APP-067]</a>.</p>

## 4.13 Pollution

4.13.1 Table 4-12 below summarises the issues raised in the RRs and the Applicant's response to those issues, including locations within the Application Documents where further information can be found.

Table 4-12: Pollution

RR References	Summary of Issue Raised in RR	Applicant Response
RR-162, RR-167 RR-261, RR-301	<b>Light Pollution:</b> The Project would introduce lighting in a Darks Skies Zone and where there is no lighting which would result in light pollution.	The <b>Outline CEMP (Doc Ref. 7.8(A))</b> sets out the control measures that would be in place for the use of lighting during the construction phase which are in line with good practice to avoid light pollution effects. Construction phase lighting will be agreed with the local planning authority as part of the detailed CEMP(s) (production and approval of which is secured through Requirement 6 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> ). The <b>Design Principles (Doc Ref. 7.5(A))</b> state that operational lighting will be limited to emergency and overnight maintenance purposes only at Inverter Stations, Intermediate Substations and the Project Substation. Any lighting would be directed within the Order limits and will include features designed to reduce light spill beyond the areas required to be lit. As such, light pollution effects are not predicted.
RR-142	<b>Waste:</b> The disposal of solar panels is a major issue since toxic materials from these panels will leach into the soil. Also, there is the question of what happens to these large numbers of solar panels containing toxic elements at the end of their life span.	As set out within <b>ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2)</b> <a href="#">[APP-040]</a> it is not possible to forecast how panels will be disposed of at this stage, although it is likely that recycling and re-use of solar and other electrical equipment will have become the standard approach during the operational period. As such, decommissioning phase waste arisings are not expected to give rise to significant effects.  Prior to decommissioning, opportunities to minimise waste as far as possible will be explored through measures set out in the <b>Outline DEMP (Doc Ref 7.12 (A))</b> .

#### 4.14 PRow

4.14.1 Table 4-13 below summarises the issues raised in the RRs and the Applicant's response to those issues, including locations within the Application Documents where further information can be found.

Table 4-13: PRow

RR References	Summary of Issue Raised in RR	Applicant Response
RR-005, RR-007 RR-009, RR-079 RR-105, RR-142 RR-154, RR-165 RR-176, RR-180 RR-233, RR-238 RR-242, RR-261 RR-263, RR-267 RR-273, RR-301	<p><b>General Consideration of PRow Users' Enjoyment, Health and Wellbeing:</b> General concerns have been raised relating to impact on users of PRow (visual), local residents experience, and their ability to continue using PRow and enjoying them as recreational assets contributing towards physical and mental wellbeing.</p>	<p>The Applicant recognises the potential for a short-term, temporary change in environmental amenity during construction and decommissioning activity, and longer-term changes in visual amenity experienced by users of the PRow network during the operational phase.</p> <p>It should be noted that only two footpaths (one entire length and one portion of another) would be permanently stopped up. Of these, one currently does not connect to the highway. As set out in the <b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b> and the <b>Outline RoWAS (Doc Ref. 7.15(A))</b>, there are appropriate alternatives close by and the Applicant will be adding to the network with diversions and new paths that would ensure continued connectivity. No path would be closed without an alternative or replacement being opened first.</p> <p>Effects relating to 'amenity and health' of users have been assessed throughout relevant chapters of the ES, and summarised in <b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b> from paragraph 12.7.58 (for construction effects) and from paragraph 12.7.105 (for operational effects).</p> <p>Several management plans have been put in place to address concerns relating to amenity of PRow users, including management of construction environmental effects and construction traffic, and in terms of design, visual and landscaping measures. A comprehensive series of mitigation measures has been embedded in the design of the Project from the outset, with the aim of reducing adverse effects resulting from its introduction.</p>

RR References	Summary of Issue Raised in RR	Applicant Response
		<p>The <b>Outline RoWAS (Doc Ref. 7.15(A))</b> seeks to manage this where practicable and notes that:</p> <ul style="list-style-type: none"> <li>▪ Paragraph 4.2.10 - Any works on or to, or provision of new or diverted PRow would be undertaken in accordance with the Kent Design Guide and KCC Countryside Access Objectives and Policy</li> <li>▪ Paragraph 4.3.1 - Any new or diverted PRow implemented by the Applicant shall be designed in accordance or with regard to design standards adopted by KCC, including details such as surfacing of routes to create an appropriate high-quality network. Accordance to those standards will be reviewed on completion prior to adoption of any new or diverted PRow into the local highway network</li> <li>▪ Paragraph 5.2.4 - A Rights of Way and Access Working Group will be formed to review the Implementation Plans with the aim of minimising disruption and amenity loss to PRow users during implementation</li> <li>▪ Paragraph 5.2.8-9 - All new or diverted PRow crossing or within the Order limits shall have a detailed design that is safe and considers the convenience of the users and appropriateness to the context of the adjacent landscape character, with changes in level minimised where possible. The Applicant has taken a pragmatic and balanced approach to screening and openness, with proposed routes through the Order limits determined with legibility in mind – in some cases following tree and meadow planting, and new and/or historic hedgerows where practicable</li> <li>▪ Paragraph 5.2.12 - Certain routes and locations within the network are anticipated to be recognised as opportunities for enhancing recreational experience, through the provision of suitable wayfinding, design features and where appropriate, facilities such as seating.</li> <li>▪ Paragraph 5.2.16-17 - Surfacing, signage, boundary treatments and access controls shall be designed with the intent of being efficient and</li> </ul>

RR References	Summary of Issue Raised in RR	Applicant Response
		<p>integrated, appropriate to the type of usage permitted and appropriate to its surrounding context as much as is reasonably practicable. Design shall be in accordance or with regard to design standards adopted by KCC. Where practicable and proportionate to the existing network, in order to improve access to the existing network and for travel and outdoor recreation, the design of new or diverted routes shall maximise access for users (including those with limited mobility) through good design, while considering the use of robust design elements to prevent and mitigate the potential for misuse of the network by unauthorised vehicles and to prevent and deter anti-social behaviour</p> <p>The <b>Outline LEMP (Doc Ref. 7.10(A))</b> sets out plans for annual inspection and maintenance/management of this environment including litter collection, weed control, clearance and management of scrub. The detailed LEMP(s) are anticipated to include management principles including:</p> <ul style="list-style-type: none"> <li>▪ Footpaths checked for wear and tear. Any areas of settlement or damage will be made good in accordance with current UK safety standards. Vegetation will also be managed along the routes of PRow to allow for safe passage where appropriate;</li> <li>▪ Footpaths kept free of litter, weeds, grass cuttings, and general debris; and</li> <li>▪ Any furniture and signage inspected monthly to ensure there is no vandalism or missing features, and no health and safety issues. Missing or broken items will be replaced. Any necessary repairs are to be carried out in accordance with UK safety standards</li> </ul> <p>The <b>Design Principles (Doc Ref. 7.5(A))</b> secure that all PRowS will be a minimum of 2m wide and will sit within a corridor of 10m minimum width, with the exception of the section of New 3 / FN-3 adjacent to Work No. 3 (Project Substation) which will sit within a 5m corridor. In some cases, the corridor width will be much wider to enhance users' experience.</p>

RR References	Summary of Issue Raised in RR	Applicant Response
RR-020, RR-023 RR-053, RR-056 RR-066, RR-092 RR-102, RR-122 RR-127, RR-129 RR-143, RR-152 RR-162, RR-253 RR-259	<p><b>Changes to PRow will impact the landscape character:</b> Respondents perceive the PRow network as an intrinsic part of the landscape character.</p>	<p>The Applicant recognises that there is a substantial density of PRow in the area, and has worked closely through formal consultation and engagement with KCC, ABC, and other stakeholders to evolve the design approach to minimise the need to divert or extinguish PRow and ensure that management and design principles are appropriate.</p> <p>The detail of the proposed footpath diversions is set out within the <b>Outline RoWAS (Doc Ref. 7.15(A))</b>, the <b>Draft DCO (Doc Ref. 3.1(B))</b> (Part 4; and Schedules 8 and 9), the <b>Streets, Rights of Way and Access Plans (Doc Ref. 2.5) [APP-011]</b> and <b>ES Volume 3, Figure 3.2: Proposed Access Network (Doc Ref. 5.3) [APP-045]</b>.</p> <p>The <b>Outline RoWAS (Doc Ref. 7.15(A))</b> secures the provision of a Rights of Way and Access Working Group which will review Implementation Plans (the detailed approach to managing changes to PRow) with the aim of minimising disruption and amenity loss to PRow users during implementation.</p> <p>This approach is considered to secure the PRow network in this location in the long term.</p> <p>Whilst some significant adverse effects on landscape character have been identified in <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]</b>, these are considered to be limited for a Project of this nature. NPS EN-1 recognises that virtually all NSIPs will have adverse impacts on the landscape. The <b>Outline RoWAS (Doc Ref. 7.15(A))</b> has sought to ensure continued recreational use of the PRow during construction, operation and decommissioning of the Project. Therefore, in consideration of the above, the Project is considered to be in accordance with NPS EN-1 and NPS EN-3.</p>
RR-138, RR-177	<p><b>PRow Management Approach:</b> Some stakeholders sought clarity over the</p>	<p>The Applicant has been working with KCC to understand its preferences for the routing of footpaths after the Project's lifetime. It has been agreed that a</p>

RR References	Summary of Issue Raised in RR	Applicant Response
	<p>approach to permanent and temporary closures and re-instatement of PRow during construction, operation, and decommissioning and beyond the Project's lifetime.</p>	<p>flexible approach to addressing the future of paths is appropriate given the level of community interest, KCC's obligations as the Highway Authority, and landowners interests.</p> <p>As such, the Applicant has worked with Kent County Council to reach an agreement on the approach to management of PRow during the decommissioning phase, and Kent County Council's options for future management of PRows affected during the Proposed Development's lifetime at the end of the decommissioning phase. For clarity, this is secured by Section 6 of the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> and the <b>Draft DCO (Doc Ref. 3.1(B))</b> (Schedule 8). The <b>Outline RoWAS (Doc Ref. 7.15(A))</b> states that:</p> <ul style="list-style-type: none"> <li>▪ Paragraph 6.1.4 - New or diverted PRow temporarily implemented by the Applicant as new paths or diversions to existing PRow would be re-instated to their original alignment at the end of the decommissioning phase – this applies to AE 378, AE 428, AE 448, AE 431, AE 436 and AE 454.</li> <li>▪ Paragraph 6.1.5 - KCC has indicated that it may wish to amend the network permanently to adopt temporary replacements for these PRow following decommissioning and the Applicant will look to facilitate discussions between KCC and the landowners should that be the case.</li> <li>▪ Paragraph 6.1.6 - KCC has agreed that certain replacement PRow implemented as part of the Project should be permanent amendments and continue beyond the decommissioning stage of the Project. This position applies to AE 385, AE 370, AE 377, AE 656 and 657, and AE 475.</li> </ul> <p>The Applicant agrees that Kent County Council's statement regarding future use of the PRow will be subject to consultation at the end of the decommissioning phase and has sought to ensure flexibility by defining</p>



RR References	Summary of Issue Raised in RR	Applicant Response
		<p>some diversions as temporary, and others as permanent where there has been agreement with KCC.</p> <p>Requirement 10 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> secures that no phase of the Project incorporating any part of a PRow which is to be temporarily closed or permanently stopped up pursuant to article 18 of the Draft DCO (public rights of way – stopping up and vehicular use on public rights of way) may commence until a RoWAS for the phase has been submitted to and approved by the local planning authority (ABC), such approval to be in consultation with KCC. The RoWAS(s) must be generally in accordance with the Outline RoWAS and must be implemented as approved.</p>
<p>RR-009, RR-102 RR-162, RR-176 RR-221, RR-301</p>	<p><b>Meaningful consultation and engagement:</b> Concern has been raised that community groups and local residents, including the Kent Ramblers Association (see Section 3.14), have had little sight of / input to proposed PRow effects and management and that previous consultation materials were misleading.</p>	<p>The Applicant has engaged with residents, community groups and Local Authorities in the approach to specific PRow. As noted by Kent County Council in its <b>Relevant Representation [RR-156]</b> (emphasis added) <i>“Through the pre application stage of this proposal, the <b>County Council has proactively negotiated with the applicant a PRow Management Strategy (APP-160), that covers the 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.</b>”</i></p> <p>The Applicant recognises that there is a substantial density of PRow in the area, and has worked closely through formal consultation and engagement with KCC, ABC, Kent Ramblers and other stakeholders to evolve the design approach to minimise the need to divert or extinguish PRow and ensure that management and design principles are appropriate. The detail of the proposed footpath diversions is set out within the <b>Outline RoWAS (Doc Ref. 7.15(A))</b>, the <b>Draft DCO (Doc Ref. 3.1(B))</b> (Part 4; and Schedules 8 and 9), the <b>Streets, Rights of Way and Access Plans (Doc Ref. 2.5)</b></p>

RR References	Summary of Issue Raised in RR	Applicant Response
		<p><a href="#">[APP-011]</a> and <b>ES Volume 3, Figure 3.2: Proposed Access Network (Doc Ref. 5.3)</b> <a href="#">[APP-045]</a>.</p> <p>The <b>Outline RoWAS (Doc Ref. 7.15(A))</b> secures the provision of a Rights of Way and Access Working Group which will review Implementation Plans (the detailed approach to managing changes to PRow) with the aim of minimising disruption and amenity loss to PRow users during implementation.</p> <p>The Rights of Way and Access Working Group will include the Applicant, the Contractor(s) responsible for the Project, ABC, and KCC with other parties invited to contribute where the Group considers this to be beneficial. The Applicant will have due regard to responses from the Rights of Way and Access Working Group prior to finalisation of the submission of an Implementation Plan. Requirement 10 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> secures that no phase of the Project incorporating any part of a PRow which is to be temporarily closed or permanently stopped up pursuant to article 18 of the Draft DCO (public rights of way – stopping up and vehicular use on public rights of way) may commence until a RoWAS for the phase has been submitted to and approved by the local planning authority, such approval to be in consultation with KCC. The RoWAS(s) must be generally in accordance with the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> and must be implemented as approved.</p>
RR-009, RR-051 RR-084, RR-167 RR-177, RR-214 RR-221, RR-265 RR-270, RR-274	<p><b>Impacts on PRow network:</b> Stakeholders have raised concern that the project would affect the connectivity and use of wider, strategic routes across the Order limits and beyond.</p>	<p>The Applicant is cognisant of the role of individual and connected PRow within the Site in the wider context, for example in linking communities at a wider scale (both East-West i.e. Otterpool (new) through to Aldington, Mersham and Ashford) and North-South (for example between Aldington and Mersham) as well as local links to residential, commercial and community areas and facilities.</p>

RR References	Summary of Issue Raised in RR	Applicant Response
		<p>This is set out within key principles of the <b>Design Approach Document (Doc Ref. 7.4)</b> <a href="#">[APP-149]</a> and taken forward in the <b>Outline RoWAS (Doc Ref. 7.15(A))</b>.</p> <p>The Applicant recognises that there is the potential for enhancement of the PRoW network, where practical, reasonable and proportionate, and has set this out within Section 3 ‘Strategic and Wider Benefits’ of the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> which includes:</p> <ul style="list-style-type: none"> <li>▪ The creation of new ProW in addition to those that are being created to address diversions directly – these include measures to improve public safety, reduce reliance on the road network for wider ProW connectivity, reducing some existing journey lengths and improving amenity and wider access in the north eastern portion of the Site.</li> <li>▪ A ‘riverside walk’ will be created by FN-3 / New 3 running east to west through the north of the Site and connecting existing route AE 376 directly to AE 657 thereby directly connecting the network between Mersham and Sellindge.</li> <li>▪ Subject to third party landowner agreement and appropriate permissions for areas outside the Order Limits, a shared walking / cycleway will be provided (delivered to a specification and design standard to be agreed with ABC, in consultation with KCC) along the route of the diverted AE 370 from Aldington towards Mersham. The Applicant will engage with KCC to agree a proportionate provision of contributions to assist the delivery of the sections outside of the Order limits with the aim of creating a continuous offroad link between the two villages.</li> <li>▪ The Applicant will clear and maintain access along the Byway Open to All Traffic (‘BOAT’) AE 396 to the appropriate standards for a BOAT as set out in legislation, policy and guidance referred to in this Strategy. This link is not extinguished or diverted, but the Applicant and KCC</li> </ul>

RR References	Summary of Issue Raised in RR	Applicant Response
		<p>recognise that it forms an important part of the network</p> <ul style="list-style-type: none"> <li>▪ Improved connectivity through the north-eastern part of the Site via FN-2 / New 2, FN-3 / New 3 and FN-8 / New 8, along with a proposed diversion of AE 656 and AE 657 (to improve amenity by moving the route away from the railway line and linking it to FN-3 / New 3, the ‘riverside walk’) will be provided with the long-term aim of providing wider network improvements between the forthcoming Otterpool Park, the Project, and on to Mersham and Ashford. KCC has aspirations for strategic network improvements that accord with these proposals.</li> <li>▪ New circular walks will be created around the edge of Fields 19 and 23 through the diversion of AE 378, AE 448 and AE 428 and the implementation of FN-7 / New 7, and the diversion of AE 436 and AE 431 and the implementation of FN-1 / New 1.</li> </ul> <p>All ProW affected within the Site would be improved through design and surfacing standards. Paragraph 4.3.1 of the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> states that <i>“Any new or diverted PRow implemented by the Applicant shall be designed in accordance or with regard to design standards adopted by KCC, including details such as surfacing of routes to create an appropriate high-quality network. Accordance to those standards will be reviewed on completion prior to adoption of any new or diverted PRow into the local highway network”</i>.</p>
RR-214, RR-274	<p><b>Width of footpaths:</b> Concern has been raised that footpaths may be too wide (at, in most areas, 2m set within a 10m corridor)</p>	<p>The <b>Design Principles (Doc Ref. 7.5(A))</b> secure that all PRowS will be a minimum of 2m wide and will sit without a corridor of 10m minimum width, with the exception of the section of New 3 / FN-3 adjacent to Work No. 3 (Project Substation) which will sit within a 5m corridor. In some cases, the corridor width is likely to be much wider.</p> <p>The proposed width reflects KCC’s request that the project is compliant with the KCC’s relevant design standards. KCCI recognises that there will be increased widths for each route to ensure that the PRow are not channelled</p>

RR References	Summary of Issue Raised in RR	Applicant Response
		<p>into “alleyways” between solar parcels This agreement is then set out within the SoCG between the Applicant and KCC (<b>Doc Ref. 8.3.2</b>).</p>
RR-005	<p><b>Flooding / Accessibility of PRow:</b> Stakeholders have noted that some replacement footpaths are in areas liable to flooding</p>	<p><b>ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A))</b> was informed by detailed hydraulic modelling and acknowledges that within the Central Area, Fields 15, 16, 18, 19, 23 and 24 are at risk of inundation, inclusive of some proposed replacement PRow.</p> <p>This is an existing issue which affects current PRow – it is noted that design features will be in place to support drainage of PRow, and that the addition of new PRow across the site would add to the accessible network in the local area in terms of connectivity and usage potential.</p> <p>An assessment of the effects of the Project on flood risk both within the Site and to the surrounding area is provided in <b>ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B))</b> with supporting information provided in <b>ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A))</b>. The assessment concludes that with appropriate mitigation measures which are secured the Project would not increase flood risk within the Site or to or the surrounding area. The Applicant also notes that the approach to flood risk has been agreed with the Environment Agency, and is set out within the <b>Statement of Common Ground with Environment Agency (Doc Ref. 8.3.2)</b>.</p> <p>The <b>Outline OSWDS (Doc Ref. 7.14(A))</b> has been developed to ensure existing flood risk within the Site or in the surrounding area is not increased.</p> <p>Requirement 11 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b> secures that prior to the operation of the Project an OSWDS must be submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council. This must be in accordance with the <b>Outline OSWDS (Doc Ref. 7.14(A))</b> and must be implemented as approved.</p>

## 4.15 Socio-economics

4.15.1 Table 4-14 below summarises the issues raised in the RRs and the Applicant's response to those issues, including locations within the Application Documents where further information can be found.

Table 4-14: Socio-economics (and community benefits)

RR References	Summary of Issue Raised in RR	Applicant Response
RR-177, RR-215 RR-274, RR-291 RR-298	<b>Community Benefits:</b> The Scheme will bring little benefit to the local community, from the creation of cheap energy or jobs.	<p>The Applicant proposes a £40,000 per annum (inflation-linked) Community Benefit Fund, details of which are set out in section 4.5 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> and were made available for feedback during the 2023 Statutory Consultation. The Community Benefit Fund does not form part of the DCO Application and this funding is not required to mitigate the effects of the Project and this is not a material planning consideration that the Secretary of State can take into account when deciding whether to grant development consent for the Project.</p> <p>Information on the Community Benefit Fund and other Project benefits are set out section 5.3 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a>.</p> <p>Benefits listed at paragraph 5.3.1 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> include employment generation and supply chain benefit during construction and operation, ecological enhancement, tree planting and PRow enhancements.</p>
RR-215	<b>Socio economic:</b> Concerns that employment generation will be limited	<p><b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b> sets out that the construction phase of the Project will support short-term, temporary employment in the regional construction labour market and supply chain. An average of around 132 direct FTE jobs could be supported over the 12-month construction period, which could increase to a peak of 199 direct jobs.</p> <p>The operational phase of the Project would support four direct full time equivalent ('FTE') jobs consisting of operational and maintenance roles for the Project's PV panels and other structures, where relevant</p>

RR References	Summary of Issue Raised in RR	Applicant Response
RR-166	<p><b>Tourism:</b> Concern that changes to the natural environment and the operation of commercial enterprises in proximity to the Project would significantly affect the tourist economy.</p>	<p><b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b> assesses the potential effects on tourist and recreational receptors from environmental assessments elsewhere in the Environmental Statement, concluding that there is not likely to be a significant effect on those facilities.</p> <p>The natural environment is an important aspect of Kent’s rural tourist economy but is not considered to be affected substantially to translate into a change in visitor behaviour given the size, scale, diverse offer of the tourist economy, and the accessibility and availability of other national recreational resources nearby, particularly within the AONB designated landscape.</p>

## 4.16 Traffic and Access

4.16.1 Table 4-15 below summarises the issues raised in the RRs and the Applicant's response to those issues, including locations within the Application Documents where further information can be found.

Table 4-15: Traffic and access

RR References	Summary of Issue Raised in RR	Applicant Response
RR-021, RR-041 RR-043, RR-049 RR-051, RR-110 RR-110, RR-140 RR-141, RR-160 RR-166, RR-175 RR-176, RR-177 RR-180, RR-184 RR-191, RR-195 RR-219, RR-221 RR-233, RR-244 RR-253, RR-267 RR-294, RR-296 RR-301	<b>Traffic Management:</b> The construction traffic management measures are inadequate, particularly on managing heavy construction traffic on narrow roads.	The Application is accompanied by an <b>Outline CTMP (Doc Ref. 7.9(A))</b> which includes a range of construction traffic management measures. The detailed CTMP would be agreed with KCC, as the Local Highway Authority before construction works commence. KCC as the Local Highway Authority has not raised concerns regarding the adequacy of the <b>Outline CTMP (Doc Ref. 7.9(A))</b> in their representations.  Please refer to the Applicant Response to 'Highway Disruption' for the traffic management measures throughout the Project cycle.
RR-084	<b>Bridleways (construction stage use):</b> Byway AE396 has 3 planned permanent access to work points (A7, A8 and A9) for construction traffic. There are alternatives that should be considered	Paragraph 8.2.1 of the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> sets out that the Applicant is committed to clear and maintain access along the Byway Open to All Traffic ('BOAT') AE 396 to the appropriate standards. The BOAT AE 396 was overgrown and impassable at the time of survey and is impassable



RR References	Summary of Issue Raised in RR	Applicant Response
	that would avoid the use of bridleways for construction traffic.	<p>at the time of writing this report. This link is not extinguished or diverted, but it forms an important part of the network.</p> <p>It is not intended that AE369 will be used for construction traffic. The crossing of AE369 is however unavoidable during the construction phase. Temporary traffic management measures such as banksmen will therefore be in place at crossing points, as secured through the <b>Outline CTMP (Doc Ref. 7.9(A))</b>.</p>
RR-079, RR-112 RR-186	<b>Cumulative Traffic Impact:</b> No consideration has been given to the cumulative traffic effect of this project as well as Pivot Power's battery and the synchronous condenser station on Church Lane.	The potential for cumulative traffic effects with other projects, including the Pivot Power scheme is set out in Section 13.10 of <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b> . Paragraph 13.10.9 confirms that <i>"A temporary Negligible (not significant) effect is determined save for road vehicle driver delay and passenger delay which is Minor Adverse (not significant)."</i>
RR-009, RR-038 RR-088, RR-102 RR-122, RR-135 RR-142, RR-143 RR-167, RR-190 RR-214, RR-242 RR-250, RR-259 RR-265, RR-273 RR-280, RR-296 RR-299	<b>Highway Disruption:</b> Roads are not designed to accommodate heavy construction vehicles and their use could lead to hazardous conditions for local residents, equestrian users and other road users. Increased traffic could also cause road damage and disrupt access for local residents. The Project will also cause disruption to the flow of traffic through and to the village, including from cable trenching on Goldwell Lane.	<p>An assessment of the impact of the Project during the construction stage on road users is provided in paragraphs 13.7.57 to 13.7.62 of <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b>. The assessment includes consideration of safety. The <b>Outline CTMP (Doc Ref. 7.9(A))</b> states that no construction traffic will pass through the centre of Aldington village and includes other controls on routing.</p> <p>The <b>Outline CTMP (Doc Ref. 7.9(A))</b> includes a requirement for an on-site delivery manager will be appointed to ensure will ensure disruption from deliveries to local residents, businesses and schools is minimised. Goldwell Lane would only be affected for a period of approximately 5 months during construction. A similar plan would be in place during the decommissioning stage, i.e. the <b>Outline DTMP (Doc Ref. 7.13(A))</b>. Production and approval of the final CTMP(s) and final DTMP(s), in accordance with the <b>Outline CTMP (Doc Ref. 7.9(A))</b> and <b>Outline DTMP (Doc Ref. 7.13(A))</b>, is secured through Requirements 7 and 14 respectively in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b>.</p>

RR References	Summary of Issue Raised in RR	Applicant Response
RR-006 RR-049 RR-057 RR-066 RR-078 RR-092 RR-100 RR-127 RR-129 RR-138 RR-142 RR-145 RR-152 RR-177 RR-178 RR-194 RR-197 RR-228 RR-238 RR-261 RR-265 RR-267 RR-278 RR-296 RR-306	<p><b>Highway Safety:</b> Concern that the Project will increase the risk of serious accidents at the A20 Smeeth Crossroads, a known dangerous junction with HGVs needing to queue. Bank Road and Goldwell Lane are also narrow roads which are unsuitable for construction traffic and would pose a risk to users (vehicles, cyclists, equestrians, pedestrians).</p>	<p>A highway safety review has been undertaken across the study area data over 5 year period. This is provided in <b>ES Volume 4, Appendix 13.5: Accident Data and Plots (Doc Ref. 5.4)</b> [<a href="#">APP-111</a>] and summarised in paragraphs 13.5.17 to 13.5.39 of <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b>. An assessment of the impact of the Project during the construction stage on road user and pedestrian safety is provided in paragraphs 13.7.57 to 13.7.62 of <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b>.</p> <p>Paragraphs 13.5.25 to 13.5.33 of <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b> provides a highway safety review for the A20 Hythe Road (between the junction with Station Road and M20 motorway Junction 10a) and the A20 Hythe Road/Station Road Junction.</p> <p>Paragraph 13.5.39 of <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b> summarises: <i>“No locations in the study area are considered to be accident black spots, both through review of the accident data and by virtue of no on-road accident black spot signage. With reference to the 2023 IEMA Guidelines for receptor sensitivity (Table 13.7 of this Chapter), the absence of accident black spots demonstrates there are no sensitive receptors of high sensitivity with regards to highway safety within the study area.”</i> An assessment of the potential effect of additional construction traffic on this junction is provided in paragraph 13.7.58 of <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b> and paragraph 13.7.60 concludes <i>“From the accident review, there is no evidence to suggest that the Project will exacerbate the frequency or severity of local accidents.”</i></p> <p>Management measures to address impacts on Goldwell Lane and to set out the process for managing the points where the internal haulage road crosses the public highway are identified within the <b>Outline CTMP (Doc Ref. 7.9(A))</b>. Production and approval of the final CTMP(s), in accordance with the <b>Outline CTMP (Doc Ref. 7.9(A))</b>, is secured through Requirement 7 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b>.</p>

RR References	Summary of Issue Raised in RR	Applicant Response
RR-005, RR-103 RR-104	<b>Emergency Access:</b> No provision has been documented on the route for emergency service and fuel delivery.	Paragraph 2.2.1 of the <b>Outline OMP (Doc Ref. 7.11(A))</b> states that access for emergency vehicles will always be available. During construction, emergency access would also be available via the local highway and internal haul roads. The Project will provide internal access tracks. This is confirmed by the <b>Outline BSMP (Doc Ref. 7.16)</b> <a href="#">[APP-161]</a> which sets out how the Project has been designed to meet NFCC guidance.
RR-130	<b>Internal Access Tracks:</b> Ground conditions in the flood plain are unsuitable for grass roadways and will not bear the weight of vehicles.	The <b>Design Principles (Doc Ref. 7.5(A))</b> require that internal access tracks are constructed in accordance with relevant industry guidance for vehicles. They will be constructed using a 90% permeable grass-paving hardstanding surface with shallow foundations.
RR-081, RR-094 RR-130, RR-136	<b>Proposed Access:</b> The entrance to Fields 20, 21 and 22 is unacceptably close to Aldington Primary School and will ruin AE474.	The access proposals for the Project has been developed in consultation with KCC as the Local Highway Authority and Kent FRS and are deemed acceptable. The construction access adjacent to AE474 would only be in use for a short duration.

## References

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- <sup>1</sup> Taylor, R., Conway, J., Gabb, O. & Gillespie, J. (2019). Potential ecological impacts of ground-mounted photovoltaic solar panels [Online]. (Accessed: 04/11/2024).
- <sup>2</sup> CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1 (Updated September 2019). Chartered Institute of Ecology and Environmental Management, Winchester.
- <sup>3</sup> Shawyer et al. (2021). Barn Owl *Tyto alba* Survey Methodology and Techniques for use in Ecological Assessment [Online]. (Accessed 03/11/2024)
- <sup>4</sup> Department for Environment, Food and Rural Affairs. (2024) The Statutory Biodiversity Metric User Guide. Available at [https://assets.publishing.service.gov.uk/media/669e45fba3c2a28abb50d426/The\\_Statutory\\_Biodiversity\\_Metric\\_-\\_User\\_Guide\\_23.07.24\\_.pdf](https://assets.publishing.service.gov.uk/media/669e45fba3c2a28abb50d426/The_Statutory_Biodiversity_Metric_-_User_Guide_23.07.24_.pdf). (Accessed December 2024).
- <sup>5</sup> Kent County Council. (January 2024). Interim Strategic Significance Guidance for Biodiversity Net Gain in Kent and Medway. Available at [REDACTED] (Accessed in October 2024).
- <sup>6</sup> Legislation.gov.uk (2018). The Network and Information Systems Regulations 2018. Available at <https://www.legislation.gov.uk/uksi/2018/506/made> (Accessed December 2024)
- <sup>7</sup> Ashford Borough Council. Ashford Landscape Character Assessment (2009). Online. Available at: [https://www.ashford.gov.uk/media/qyoflias/ashford\\_landscape\\_character\\_assessment\\_2009.pdf](https://www.ashford.gov.uk/media/qyoflias/ashford_landscape_character_assessment_2009.pdf) (Accessed March 2024).
- <sup>8</sup> International Commission On Non-Ionizing Radiation Protection (2020). ICNIRP Guidelines for Limiting Exposure to Electromagnetic Fields (100 kHz to 300 GHz).
- <sup>9</sup> The British Horse Society. April 2024. Advice on solar farm near routes used by equestrians. Available at [REDACTED] (Accessed in October 2024)