



Stonestreet Green Solar

Statement of Common Ground with Natural England

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Revision History

Revision	Revision Date	Authorised By	Position	Comment
V1	17.9.24	MS	Senior Director	For NE review
V2	10.12.24	MS	Senior Director	To reflect NE updates

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Annexes

Annex 1: NE Discretionary Advice Service letter (12 July 2024 – Ref: DAS/AO13981)

1 Introduction

1.1 Purpose of this Statement of Common Ground

- 1.1.1 This Statement of Common Ground ('SoCG') has been prepared to support an application ('the Application') made to the Secretary of State for Energy Security and Net Zero for a Development Consent Order ('DCO') under Section 37 of the Planning Act 2008 ('PA 2008') for the proposed Stonestreet Green Solar Farm (the 'Project'). The Application has been submitted by EPL 001 Limited ('the Applicant').
- 1.1.2 This SoCG has been prepared jointly between (1) the Applicant and (2) Natural England ('NE') (jointly referred to as 'the Parties') in accordance with The Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects guidance¹.
- 1.1.3 The Solar PV Area of the Project is located within land containing important ecological features, including protected species and habitats. Parts of the Project also have potential pathways for effects on designated ecological sites and are subject to consideration in the **Information for Habitats Regulation Assessment (Doc Ref. 7.19) [APP-164]** as part of the Application. NE is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009² and so has been consulted during the preparation of the Application and following its Acceptance.
- 1.1.4 The Examining Authority has requested that the SoCG include the following matters as set out in the Rule 6 Letter [PD-004]:
- Biodiversity, habitats and nature conservation including issues relating to:
 - The effects on protected species and habitats
 - Mitigation measures, including the likely effectiveness of mitigation, monitoring procedures and their being secured
 - Water environment, water protection, drainage and impact on habitats and species
 - Landscape and Visual ; appropriateness of mitigation ,ZTC, and impact on Kent Downs National Landscape
 - Various Environment Management Plans, both during construction and operation
 - 'Shadow' licence applications
 - The dDCO
- 1.1.5 It is agreed that any matters not specifically referred to in this SoCG (Section 2) of this SoCG are not of material interest or relevance to NE's Representations and therefore have not been considered in this document.

- 1.1.6 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Parties, any areas where agreement has not been reached (and that is the Parties' final position) and where discussions are still ongoing. This SoCG will be revised and updated as discussions between the Parties progress during the Examination.

1.2 Description of the Project

- 1.2.1 The Project comprises the construction, operation and maintenance, and decommissioning of solar photovoltaic ('PV') arrays and energy storage, together with associated infrastructure and an underground cable connection to the existing National Grid Sellindge Substation.
- 1.2.2 The Project will include a generating station (incorporating solar arrays) with a total capacity exceeding 50 megawatts ('MW'). The agreed grid connection for the Project will allow the export and import of up to 99.9 MW of electricity to the grid. The Project will connect to the existing National Grid Sellindge Substation via a new 132 kilovolt ('kV') substation constructed as part of the Project and cable connection under the Network Rail and High Speed 1 ('HS1') railway.

1.3 Current Position

- 1.3.1 Section 2 of this SoCG addresses the position of the Applicant and NE, following a series of meetings and discussions with respect to the key areas of the Project and NE's Representations.
- 1.3.2 This is intended to be a 'live' document and some aspects are still under discussion between the Parties. The intention is to provide a final position in subsequent versions of the SoCG, addressing and identifying where changes have been made and ultimately both Parties agree on relevant points.

1.4 Record of Engagement

- 1.4.1 There has been engagement with NE throughout the development of the Application. The Applicant consulted NE, as a prescribed consultee in accordance with section 42 of the Planning Act 2008 (as amended) about the Project and EIA process as part of the formal pre-application consultation and publicity procedures. This process afforded NE the opportunity to provide responses to the information presented in the following stages of the pre-application process.
- 1.4.2 Table 1.1 shows a summary of the meetings and correspondence that has taken place between the Applicant (including consultants on its behalf) and NE in relation to the Application.

Table 1-1: Record of Engagement

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
18 May 2022	EIA Scoping - NE consultation response to EIA Scoping Opinion (response to the Applicant's request for a Scoping Opinion submitted to PINS on 19 April 2022)	<ul style="list-style-type: none"> ▪ Identified potential for significant effects on Kent Downs NL, designated sites and ancient woodland. ▪ Information required as part of the scope of the assessment.
25 March to 29 April 2022	Non-Statutory Consultation 2022	No comments received.
25 October to 29 November 2022	Statutory Consultation 2022 (Preliminary Environmental Information Report)	<ul style="list-style-type: none"> ▪ An assessment of impacts upon species associated with the designated sites. ▪ An assessment of the transport generated air quality during the construction phase. ▪ Hydrological connectivity between the application site and the Gibbin's Brook SSSI. ▪ Assessment of impacts upon Hatch Park SSSI. ▪ Potential impacts to the Stodmarsh SPA, SAC and Ramsar site from an increase in nutrient discharges to the Stour catchment. ▪ Protected and notable species. ▪ Consideration of impacts on areas of ancient woodland and veteran trees. ▪ Environmental enhancements.
12 June to 17 July 2023	Statutory Consultation 2023 (PEIR Addendum)	<ul style="list-style-type: none"> ▪ Assessment of potential for adverse effects on water quality within the East Stour River and the designated Stodmarsh SPA, SAC and Ramsar site. ▪ Assessment of potential risk of air quality effects upon

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
		<p>Folkstone to Etchinghill Escarpment SAC.</p> <ul style="list-style-type: none"> ▪ Assessment of potential risk of air quality effects upon Wye and Crundale Downs SAC. ▪ Assessment of potential risk for air quality effects upon Hatch Park SSSI. ▪ Agreement that the Site is not functionally linked to the Dungeness SPA and Ramsar site. ▪ The Shadow 'Habitats Regulations Assessment' ('HRA'). ▪ Explanation of the absence of any hydrological pollution pathway between the Site and Gibbin's Brook SSSI. ▪ European Protected Species Mitigation ('EPSM') for Great Crested Newts ('GCNs') and hazel dormouse. ▪ Protected species mitigation licences for badger and otter.
13 November to 13 December	Targeted Consultation 2023	<ul style="list-style-type: none"> ▪ No specific comments were received.
12 February to 12 March 2024	Targeted Consultation 2024	<ul style="list-style-type: none"> ▪ No specific comments were received.
12 October 2023	Meeting between the Applicant, Lloydbore and NE.	<p>Key topics of discussion:</p> <ul style="list-style-type: none"> ▪ Letters of No Impediment ('LONI's).
16 April 2024	Draft IHRA and Draft Biodiversity Air Quality Screening Report issued to NE for comment.	<ul style="list-style-type: none"> ▪ Draft documents were shared with NE for comment pre-submission.

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
12 July 2024	NE response letter to Applicant dated 12 July 2024 (DAS/AO13981) – provided as Annex 1 .	<ul style="list-style-type: none"> ▪ Request removal of JNCC Guidance in Draft Biodiversity Air Quality Screening Report and use of updated APIS dataset ▪ Agreement of no LSE on Wye and Crundale Downs SAC. ▪ Folkestone to Etchinghill Escarpment SSSI and SAC – request for update to IHRA once transportation routes are known. ▪ Stodmarsh SPA, SAC and Ramsar site - welcome precautionary approach adopted to foul water generated at all stages of the Project and agree with the conclusion of no LSE. ▪ Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site and Dungeness SAC – satisfied with robustness of survey work and conclusion drawn that site is not functionally linked. ▪ Hatch Park SSSI – Advise Draft Biodiversity Air Quality Screening Report is updated to include potential cumulative impacts with Otterpool Park. ▪ Gibbin’s Brook SSSI – Agreement that this SSSI is not hydrologically connected to the site.
10 December 2024	NE response letter to Applicant dated 10 December 2024 (SAS A015830) – provided as Annex 2 .	<ul style="list-style-type: none"> ▪ Confirms the Landscape Visual Impact assessment (LVIA), specifically the field surveys and photomontage and additional response document outlined above are sufficient to accurately explain the effects of the Project on the landscape, visual resources and special qualities of the Kent Downs National Landscape.

- 1.4.3 It is agreed that this is an accurate record of the key meetings and consultation undertaken between the Parties in relation to the issues addressed in this SoCG as at the date of this SoCG.

1.5 Format of Document and Terminology

- 1.5.1 This SoCG has been structured to reflect matters and topics of interest to NE in relation to the Project as set out in the NE Representations. Some additional matters

- 1.5.2 Matters raised by NE are included using the referencing adopted in the NE Representations (e.g. NE1). Comments are flagged by NE in Part II of their Representations as either Amber (where further information is required to determine the effects) or Green (issues which are successfully resolved subject to the appropriate requirements being adequately secured). No Red issues (fundamental concerns) were identified in the NE Representations. For ease of reference this colour coding has been applied to the right hand column of the tables in Section 2. 'RR' refers to Relevant Representations.

- 1.5.3 Commentary on other agreed matters which the Applicant considers it useful to highlight for Examination is also included for reference using individual reference numbers, e.g. 2.2.1, 2.2.2.

- 1.5.4 Section 2: summarises the issues that are 'agreed', 'not agreed' or are under discussion under the topics of interest in tables, structured within the remainder of the SoCG as follows:

- Table 2-1: International Designated Sites
- Table 2-2: National Designated Sites (Biodiversity and Geodiversity)
- Table 2-3: Protected Species
- Table 2-4: Biodiversity Net Gain
- Table 2-5: National Designated Landscapes
- Table 2-6: Soils and Best and Most Versatile Agricultural Land
- Table 2-7: Ancient Woodland and ancient/ veteran trees
- Table 2-8: Connecting People with Nature (Public Rights of Way)
- Table 2-9: Cumulative Schemes
- Table 2-10: Schedule 2 Part 1 Requirements

- 1.5.5 The following terminology is applied in Section 2 of this SoCG:

- 'Agreed' indicates where the issue has been resolved (no colour).
- 'Not Agreed' indicates a position where both Parties have reached a final position that a matter cannot be agreed between them.
- 'Under Discussion' indicates where points continue to be the subject of on-going discussions between Parties.

2 Areas of Discussion between the Parties

2.1 International Designated Sites

Table 2-1: International Designated Sites

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE1	RR	Wye and Crundale Downs SAC (C) and (O) phase	[APP-033] (p62) s9.5.10 confirms Wye and Crundale Downs SAC as approximately 5.2km to the north of the Site, at its closest point. [APP-164] (p30) Table 4.1 confirms no roads within 200m of the SAC will be used by construction and decommissioning traffic.	Wye and Crundale Downs SAC has been considered as part of the (Information to inform the Habitat Regulations Assessment ('IHRA') and given the lack of impact pathways, Natural England advise that a likely significant effect can be screened out.	Noted.	Agreed
NE1	RR	Stodmarsh Special Protection Area (SPA), SAC and Ramsar site (C) and (O) phase	Natural England welcome the precautionary approach used in the IHRA [APP-164 (p12)] for all foul water generated at all stages of the Project will be transported, treated and released outside of the Stour catchment.	Natural England agrees this commitment needs to be secured through the Outline Construction Environmental Management Plan ('CEMP') [APP-153], Outline Operational Management Plan ('OMP') [APP-156], and Outline	Noted.	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			Natural England therefore agree with the screening conclusion of no Likely Significant Effects ('LSE').	Decommissioning Environmental Management Plan ('DEMP') [APP-157].		
NE1	RR	Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site and Dungeness SAC (C) and (O) phase	Natural England's previous advice (NE Ref: 437662, dated 17/07/2023) confirmed we are satisfied with both the robustness of the survey work and the conclusion drawn that the Site is not functionally linked to the Dungeness SPA and Ramsar site. [APP-164 (p15)] and [APP-089].	N/A	Noted.	Agreed
NE1	RR	Folkestone to Etchinghill Escarpment SSSI and SAC (C) and (O) phase	Natural England advises the conclusions of the IHRA need to address all potential in-combination and cumulative impacts. Therefore, Natural England advise the IHRA [APP-164 (p14)] is	Natural England advise that once the Applicant has confirmed the point of entry for the solar equipment, the Air Quality Screening Report and IHRA are updated accordingly. This update should also consider the current progression of Otterpool Park and if in-	ES Volume 4, Appendix 9.6: Biodiversity Air Quality Screening Report , Paragraphs 3.1 - 3.2 (Doc Ref. 5.4(A)) has been updated to remove reference to the JNCC Guidance as	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			<p>updated to address the following:</p> <p>The ES Volume 2, Chapter 13: Traffic and Access [APP-037 (p40)] confirms the majority of solar equipment, including the transformer units, will be transported from overseas. The port of entry is yet to be determined. Therefore, given the final route uncertainty, Natural England recommend the air quality assessment and IHRA is reviewed and updated once the equipment point of entry is confirmed.</p> <p>The ES Volume 2, Chapter 13: Traffic and Access [APP-037 (p35)] has screened out Otterpool Park from the in-combination and cumulative assessment due to the main access to Otterpool Park being from</p>	<p>combination / cumulative impacts need to be reassessed.</p>	<p>requested. The IHRA (Doc Ref. 7.19(A)) will also be updated to reflect this change. See Applicant's response below (paragraphs 2.1.1 to 2.1.10).</p>	

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			<p>Junction 11 of the M20, via the A20. However, this is dependent on the direction of associated construction traffic and an assumption of no Otterpool Park construction materials arriving from the Ports of Folkestone and / or Dover. Coupled with the uncertainty around the solar equipment's point of entry it is advisable that the IHRA is updated once transportation routes are known.</p> <p>The Air Quality Screening Report [App-091 (p7,8)] makes continued reference to s5.6 of the JNCC Report No. 696. As previously highlighted to the Applicant NE ref: DAS/AO13981, dated 12/07/2024), Natural England does not currently use conclusions from this report in decision making, as there are uncertainties</p>			

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			<p>over the application and implications of this evidence. Therefore, Natural England advice all reference to the JNCC Report No. 696 report is removed.</p> <p>Natural England also highlight the paper on the JNCC website that says : The Country Nature Conservation Bodies and Regulators within AQTAG and IAPG are now investigating the application and implications of this new evidence and, with the exception of DAERA (Department of Agriculture, Environment and Rural Affairs, Northern Ireland), are not yet applying the approach to their advice or decisions Decision-Making Threshold Publication Summary (incc.gov.uk).</p>			

Applicant Response in relation to Folkestone to Etchinghill Escarpment SSSI and SAC (C) and (O) phase:

- 2.1.1 The submitted and updated Biodiversity Air Quality Screening Reports both show that the Project, in combination with the other relevant projects excluding Otterpool Park, will generate 301 vehicles per day as an AADT on the A20. The original and updated Biodiversity Air Quality Screening Reports both also explain that this is well below Natural England's published screening criterion of 1,000 AADT for total traffic. All traffic from the Project and cumulative schemes has been included on the A20 (i.e. it has been assumed that the A20 forms the access to every Site). Therefore, irrespective of where this traffic subsequently goes, or originates from, the combined flow will remain no higher than 301 vehicles per day, making it insignificant following Natural England's guidance. This applies to every road, including the M20 motorway alongside Etchinghill Escarpment SSSI and SAC, or any other road linking the Site to alternative points of entry.
- 2.1.2 The original and updated Biodiversity Air Quality Screening Reports both also explain that the Project, in combination with other relevant projects excluding Otterpool Park, will generate fewer than 200 Heavy Duty Vehicles (HDVs) as an AADT, which is the relevant screening criterion for HDVs. This conclusion also extends to any road irrespective of the point of entry.
- 2.1.3 The Applicant therefore considers there is no need to revisit the assessment when the point of entry is confirmed since a robust conclusion can already be reached in terms of likely significant effects.
- 2.1.4 **Section 3.7 of ES Volume 4, Appendix 9.6: Biodiversity Air Quality Screening Report (Doc Ref. 5.4(A))** summarises all of the predicted flows of the Project in combination with other cumulative schemes, including:
- That all the traffic from cumulative schemes has been included on the A20 (i.e. it has been assumed that the A20 forms the access to every site).
 - Therefore, irrespective of where this traffic subsequently goes, or originates from, the combined flow of these cumulative developments and the Project will remain no higher than 301 vehicles per day.
 - This applies to any road that Project related traffic may use, including those such as the M20 which are outside of the area described in **Table 3.3 of ES Volume 4, Appendix 9.6: Biodiversity Air Quality Screening Report (Doc Ref. 5.4(A))**.
- 2.1.5 With respect to Otterpool Park, Section 16.5 of Otterpool Park ES Chapter 16 (Transport) explains that Otterpool Park is expected to be constructed over 19 years (2023 to 2042), with first occupancy in 2024. Table 16-16 of the same document shows that the maximum number of construction HDV trips will occur in 2030.

- 2.1.6 In 2030, Otterpool Park will generate a total of 24,233 HDV movements (Paragraph 16.5.3 of the document explains that this includes any concurrent trips from the fledgling operational phase). This is an AADT of 66 HDVs (i.e. $24,233 / 365 = 66$). Even if the peak, 2030, Otterpool Park trips coincided with the Project construction period (2026), and all Otterpool Park construction vehicles used the same route as the Project construction vehicles, there would still be only 169 HDVs as an AADT ($103 + 66$), which remains well below the relevant screening criterion.
- 2.1.7 There is also no reason to expect the 1,000 AADT criterion for total vehicles to be exceeded during the construction phase of Stonestreet Street Green Solar on any road even if Otterpool Park is included. Again, this conclusion extends to all roads that Project traffic might use irrespective of the point of entry.
- 2.1.8 Regarding reference to JNCC guidance, this is in widespread use across the UK, has been relied on in several planning appeals, and constitutes formal guidance from the official adviser to UK Government on nature conservation. The Office of Environmental Protection has also supported the use of this guidance. Whilst the original Biodiversity Air Quality Screening Report referred to JNCC's guidance, it was not ultimately relied on to reach the report's conclusions. Removing reference to it is therefore purely presentational. Nevertheless, as requested by Natural England, the report has been updated to remove reference to JNCC. This has no bearing on the conclusions of the report, which did not rely on JNCC's guidance. Those conclusions therefore stand irrespective of whether NE accepts the JNCC's guidance approach now or in the future.
- 2.1.9 An assessment of the Project on Folkestone to Etchinghill Escarpment SSSI and SAC is provided in the **IHRA (Doc Ref. 7.19(A))** and **ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A))** with reference to **ES Volume 4, Appendix 9.6: Biodiversity Air Quality Screening Report (Doc Ref. 5.4(A))**.
- 2.1.10 Significant air quality effects on Folkestone to Etchinghill Escarpment SAC and SSSI, both from the Project alone and in combination with other plans and projects are not considered likely.
- 2.1.11 In their letter dated 12 July 2024 (Annex 1) NE advised that updated Air Pollution Information System ('APIS') dataset should be used (i.e. APIS dataset new version release (11/06/2024)). However as traffic screening criteria are not exceeded, there is no need for air quality modelling, and data from APIS are not, therefore, needed.

2.2 National Designated Sites (Biodiversity and Geodiversity)

Table 2-2: National Designated Sites (Biodiversity and Geodiversity)

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE2	RR	Gibbin's Brook SSSI and Hatch Park SSSI	Natural England agrees with the conclusion both Gibbin's Brook and Hatch Park SSSI can be screened out for hydrologically connected to the Site. [APP-092 (p8)] and [APP-033 (p11)].	N/A	Noted.	Agreed
NE2	RR	Hatch Park SSSI (C) and (O) phase	The ES Volume 2, Chapter 13: Traffic and Access [APP-037 (p35) s13.4.75] has screened out Otterpool Park from the in-combination and cumulative assessment due to the main access to Otterpool Park being from Junction 11 of the M20, via the A20. However, this is dependent on the direction of the associated construction traffic. Therefore, given the uncertainties in the	Natural England advise once the Applicant has confirmed the point of entry for the solar equipment, the Air Quality Screening Report is updated accordingly. This update should also consider the current progression of Otterpool Park and if cumulative impacts need to be reassessed.	See response to NE1 at paragraphs 2.1.1 to 2.1.10 in relation to Otterpool Park. An assessment of the Project on Hatch Park SSSI is provided in ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A)) with reference to ES Volume 4, Appendix 9.6: Biodiversity Air Quality Screening	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			potential transport route, Natural England advise the air quality report is updated to include potential cumulative impacts with Otterpool Park.		Report (Doc Ref. 5.4(A)). The assessment concludes that the Project would not result in an adverse effect on Hatch Park SSSI or in combination with other plans and projects.	

2.3 Protected Species

Table 2-3: Protected Species

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE2	RR	Great Crested Newt (GCN) (C) phase	Natural England confirmed on the 23/07/2024, that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.	Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted.	Noted.	Agreed
NE2	RR	Badger (C) phase	Natural England sees no impediment to a licence being issued, should the DCO be granted. Letter of confirmation sent on the 15/05/2024.	Should the DCO be granted that an updated survey will be required prior to the submission of the final application which Natural England will assess accordingly.	Noted.	Agreed.
NE2	RR	Dormouse (C) phase	Natural England sees no impediment to a licence being issued, should the	Should the DCO be granted several issues have been identified within the current	The issued identified in NE's letter (NE ref: 2024-68013-EPS-AD1,	Agreed

		<p>DCO be granted, subject to revisions. Letter of confirmation sent on the 03/07/2024.</p>	<p>draft of the method statement that will need to be addressed before the licence application is formally submitted. The Applicant was made aware of these issues in NE ref: 2024-68013-EPS-AD1, dated 03/07/2024.</p>	<p>dated 03/07/2024) are acceptable (hence issuing of the LONI) will be addressed as part of an enabling stage, formal EPS mitigation licence application after the DCO has been granted.</p>
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2.4 Biodiversity Net Gain

Table 2-4: Biodiversity Net Gain

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE4	RR	Biodiversity net gain (C) phase	BNG. The Applicant has confirmed [APP-146] a BNG of a minimum 100% for habitat units, 10% for hedgerow units 10% for river units during the operational phase of the authorised development. Nature England advise the Applicant to ensure the report provides a clear mitigation hierarchy, prior to BNG compensation measures.	Natural England is not able to assess biodiversity net gain calculations [APP-146] and defers to the relevant authorities.	Noted	Agreed
2.5.4	S42 Consultation Response to 2023 Statutory Consultation	Kent Biodiversity Strategy 2020 to 2045 (Kent Nature Partnership, 2020)	NE confirms that the Outline LEMP secures the controls that have been agreed with the Applicant in relation to this matter.		The habitat proposals for the Site as set out in the Outline LEMP (Doc Ref. 7.10(A)) have been designed to help meet objectives of the Kent Biodiversity Strategy 2020 to 2045 (Kent Nature Partnership, 2020).	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					The detailed design will embed relevant design principles and components of county and district green infrastructure strategies, where possible.	

2.5 National Designated Landscapes

Table 2-5: National Designated Landscapes

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE5	RR	National designated landscapes (C) phase	Natural England advise the information provided within the LVIA does not comment specifically on how the relevant key characteristics or special qualities of the Kent Downs National Landscape could be affected. Natural England advises the effects are considered not just in terms of potential visibility, but also how key characteristics could be impacted.	Natural England welcome the requirement for all landscape and biodiversity enhancement works associated with the Project in each phase must be carried out in accordance with the approved LEMP for that phase.	The Project does not include land which falls within the designated area. The majority of the Kent Downs NL's Special Qualities relate to the characteristics of the designated area itself, which the Project will not have a direct effect on. Notwithstanding, a draft of the Kent Downs National Landscape Special Qualities Assessment (Doc Ref. 8.6) provides further consideration of how key characteristics or Special Qualities of the Kent Downs NL could be affected by the Project.	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE5	RR	National Designated Landscapes (C) phase	Natural England note the scale of the effect is described as 'none, compact, modest, ample or extensive'. Natural England requests definition clarity for these terms.		<p>The criteria used for establishing the scale of landscape and visual change are set out in Table 4 and Table 7 (respectively) of ES Volume 4 Appendix 8.1: LVIA Methodology (Doc Ref. 5.4(A)) [AS-016].</p> <p>There is no requirement in GLVIA3 to use specific wording to assess different scales of effect. GLVIA3 Paragraph 3.27 recommends two key principles: that numerical scores are avoided; and that <i>'Word scales, with ideally three or four but a maximum of five categories, are preferred as the means of summarising judgements for each of</i></p>	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					<p><i>the contributing criteria'.</i></p> <p>The LVIA methodology, including effect categories and definitions was agreed with ABC/LMS through the 2022 and 2023 consultations and is a matter of agreement in the Ashford Borough Council ('ABC') SoCG.</p>	
NE5	RR	National Designated Landscapes (C) phase	A Zone of Theoretical Visibility (ZTV) plan is provided at Figure 8.1 of Chapter 8 in ES Volume 3 Figures. Natural England advises the use of LiDAR data can over or underestimate visibility, depending upon the time of year when the data was collected. For example, woodland can read as a more solid screen when it is in leaf than it would do in winter when leafless, and views may be filtered but		<p>A Zone of Theoretical Visibility (ZTV) plan is provided at ES Volume 3 Figure 8.1 (Doc Ref. 5.3) [APP-050].</p> <p>As set out in Paragraph 8.4.10 of ES Volume 2 Chapter 8, Landscape and Views (Doc Ref. 5.2(A)) [AS-012], the ZTV does not form the basis of the assessment of visual</p>	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			<p>not screened. As such it is a useful starting point but cannot be taken as being absolute. Natural England advise a bare ground ZTV with clear marking of the boundary of the Kent Downs National Landscape would assist in understanding the level of effect from the southern area of the Kent Downs, where the extent of screening by existing vegetation may potentially have been over estimated.</p>		<p>effects and in this case it is considered that a bare-earth ZTV would not change the assessment of significant environmental effects particularly given the combination of landform, vegetation and distance that intervene between the Site and the NL. GLVIA3 (paragraph 6,10) cautions over-reliance on ZTVs and notes that visual effects <i>'effects are best judged by field surveys that can examine and record their location, size and extent, and their effect in screening visibility at key points'</i> and <i>'Site surveys are therefore essential to provide an accurate baseline assessment of</i></p>	

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					<i>visibility</i> '. The assessment is considered to fully adhere to the requirements of GLVIA3, and includes a robust assessment of visual effects on receptors in multiple locations within the NL.	
NE5	RR	National Designated Landscapes (C) phase	Paragraph 8.5.155 of Chapter 8, Table 8.7 summarises the value, susceptibility and sensitivity of landscape receptors. Natural England advise the examination of landscape receptors consider the landscape of the site as a single entity, rather than disaggregating the landscape into its component parts (fields, hedges, trees, woodland etc) and assigning each a value, a susceptibility and a sensitivity.		<p>ES Volume 2 Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012] includes both individual landscape features and the landscape of the Site as a single entity. The effects on the character of the Site are reported in ES as follows:</p> <ul style="list-style-type: none"> ▪ Paragraph 8.7.1 (Construction); ▪ Paragraph 8.7.23 	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					<p>(Operational - Year 1);</p> <ul style="list-style-type: none"> ▪ Paragraph 8.7.34 (Decommissioning); and ▪ Paragraph 8.9.5 (Operational – Year 15). <p>Full details of the assessment of effects on individual landscape features and the character of the Site as a whole are set out in ES Volume 4 Appendix 8.8: Landscape Effects Table (Doc Ref. 5.4) [APP-080].</p> <p>The approach to the assessment of landscape effects is in line with GLVIA3 Paragraph 3.22 which defines landscape receptors as including <i>the constituent</i></p>	

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					<p><i>elements of the landscape, its specific aesthetic or perceptual qualities and the character of the landscape</i>’.</p> <p>The above is reinforced by the Landscape Institute Technical Guidance Note, LITGN-2024-01 which states <i>‘Landscape features, elements and characteristics that could be subject to change must be clearly described in their own right and could be treated as receptors if appropriate</i>’.</p> <p>The approach followed by the ES with respect to the Site and its component landscape features has been consistent throughout</p>	

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					both 2022 and 2023 statutory consultations.	
NE5	RR	National Designated Landscapes (C) phase	Natural England advises greater consideration is given to potential cumulative impacts with Otterpool Park and surrounding proposed solar projects.	N/A	All relevant cumulative projects have been taken into account. ES Volume 2 Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012] is considered to provide a robust and proportionate assessment of the likely significant cumulative effects of the Project in combination with an agreed list of cumulative schemes, which include Otterpool Park, East Stour Solar Farm, Pivot Power Battery Storage and Walsh Power Condenser Project as well as	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					<p>planned residential projects in Aldington.</p> <p>Other cumulative schemes, included in the Focused Long List ES Volume 4 Appendix 6.1: List of Cumulative Schemes (Doc Ref. 5.4) [APP-068], have been scoped out of the assessment based on a sieving process detailed in Paragraph 8.12.1 of ES Volume 2 Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012].</p> <p>The cumulative assessment is set out in full detail in ES Volume 4 Appendix 8.12 Cumulative Effects Table (Doc Ref. 5.4) [APP-084] and reported in Section 8.12 of ES</p>	

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					<p>Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012].</p> <p>The cumulative assessment was supported by ZTVs for the Project and the four larger cumulative schemes detailed above, as well as cumulative visualisations, demonstrating the combined impact of the schemes on 18 of the agreed viewpoints. This includes five viewpoints within the Kent Downs NL (VPs 27, 34, 35, 36 and 38).</p>	
NE5	RR	National Designated Landscapes (C) phase	Natural England advise further clarity is required as to the mitigation appropriateness of 2.5-5m high hedgerows across this area of landscape and	Schedule 2 of the DCO includes requirements that secure all mitigation measures relied on by the ES. The Landscape measures are secured by	The majority of existing and new hedgerows are proposed to be maintained at a height of between 2.5 and 3m which is consistent	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			with reference to local character.	Requirement 8 (Landscape and biodiversity).	<p>with the prevailing character of existing hedgerows in the area. Taller hedgerow management has been proposed in isolated locations to respond to specific comments raised as part of the 2022 and 2023 Statutory Consultations, including a request from the Kent Downs National Landscape Team ('KDNL') that planting on the southern boundary of Parcel E be strengthened to assist in mitigating visual impact on the Kent Downs NL to the south.</p> <p>It is noted that the Relevant Representations from the KDNL states: <i>'The National</i></p>	

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					<i>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'.</i>	
NE5	RR	National Designated Landscapes (C) phase	Natural England advise that all proposed mitigation is secured, as well as the management of the landscape for the 40-year life span of the project.	Schedule 2 of the DCO includes requirements that secure all mitigation measures relied on by the ES. The Landscape measures are secured by Requirement 8 (Landscape and biodiversity).	The Outline LEMP (Doc Ref. 7.10(A)) sets out the proposed management arrangements for all existing and proposed landscape features for the 40-year lifespan of the Project.	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE5	RR	National Designated Landscapes (C) phase	Natural England advises that for all maps the Kent Downs National Landscape boundary should be clearly shown as.		<p>The Kent Downs NL is shown on the following figures in ES Volume 3 (Doc Ref. 5.3) [APP-049] and [APP-050]:</p> <ul style="list-style-type: none"> ▪ Figure 8.2 Site Context Plan ▪ Figure 8.8 Visual Appraisal Plan ▪ Figure 8.9: Visual Appraisal Plan Site Level <p>The remaining ES Figures will be updated to show the Kent Downs NL boundary.</p>	Agreed

2.6 Soils and Best and Most Versatile Agricultural Land

Table 2-6: Soils and Best and Most Versatile Agricultural Land

Ref	Relevant Application Document	Description of Matter - (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE6	RR	Soils and best and most versatile agricultural land (C) phase	<p>Natural England welcomes the clarification provided within the Report [APP-122] in Table 5.2 (p 27) identifying the site as: Grade 2 (very good) 1.95 ha (1.02%), Subgrade 3a (good) 36.69 ha (19.16%), Subgrade 3b (moderate) 143.47 ha (74.90 %) and Non-agricultural 9.43 ha (4.92%). With no more than 129 ha (67%) of the site covered by the solar array. The solar array is piled fixed directly into the ground, without prior soil removal.</p> <p>The report identifies in section 5.6.5 (p29), 'The only potential requirement for the stripping, temporary stockpiling or storage of topsoil would be associated with the</p>	<p>Natural England welcomes the draft DCO [APP-005 (p42)] Part 1. 6-(1): <i>'No phase of the authorised development may commence until a CEMP for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council.'</i></p>	<p>Additional information has been provided on BMV within Planning Statement (Doc Ref. 7.6) [APP-151], which describes how the scheme has avoided BMV. Figure 2: BMV Land Loss in the Planning Statement (Doc Ref. 7.6) [APP-151] shows the location of the Field boundaries used to describe the Site, along with the areas of BMV and the BMV that would be permanently lost.</p> <p>Table 5: Summary of Agricultural Land within the Order Limits of the Planning Statement (Doc Ref. 7.6) [APP-151] includes a summary of the existing Agricultural Land within the Order</p>	Agreed

Ref	Relevant Application Document	Description of Matter - (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			<p>construction of any required cable trenches, access tracks, Inverter Stations, Project Substation and Intermediate Substations associated with Work No.s 2, 3, 4 and 5 (referred to here as 'built infrastructure'), this is estimated to be approx. 10 ha (5%) of the Site total area.' Natural England advises that to help in the understanding of where the 'built infrastructure', including the substation and the cabling route is to be sited, it would be helpful for Drawing Number: GM12014/002 – Agricultural Land Classification Map to be superimposed with said infrastructure. This map would allow Natural England to clearly understand if the works had avoided the sites BMV land. Natural England</p>		<p>limits and the areas during other stages of the Project (construction, operation and decommissioning, and post-commissioning)</p> <p>Planning Statement, Paragraphs, 6.8.7 -6.8.24 (Doc Ref. 7.6) [APP-151] sets out the Applicants position in terms of a) minimising the impact on BMV land and b) justifying the inclusion of some BMV within the Order limits.</p> <p>The loss of BMV land is forecasted to include the following:</p> <p>The Project will result in a temporary loss during the Project lifetime of all BMV land within the Site (38.64 ha). This represents 0.12% of all BMV agricultural land within Ashford Borough.</p>	

Ref	Relevant Application Document	Description of Matter - (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			<p>advises all 'built infrastructure' development takes place on grade 3b soils in preference to those of higher quality. Natural England welcomes the site will apply good practice soil management measures inline with, Defra's Code of Practice for the Sustainable Use of Soils on Construction Sites, and the commitment to deliver this approach through the Outline Construction Environmental Management Plan (CEMP).</p> <p>Natural England welcomes the CEMP (APP-153 7.8 Outline Construction Environmental Management Plan) will include (p37) s6.1.1 an Outline Soil Management Plan (SMP) prepared in line with:</p>		<p>Post-decommissioning, there will be 33.06ha of BMV within the Site, meaning that the Project will result in the permanent loss of 5.58ha BMV land. This loss represents 14.4% of the BMV land within the Site and 0.017% of all BMV land within the Ashford Borough.</p> <p>This permanent loss is a result of the retention of habitat areas, hedgerows and woodland that have been proposed in Fields 4, 5, 6, 9, 13, 15, 17, 23 and 24 that will deliver biodiversity net gain to the site area.</p> <p>The loss of this BMV within the local area is not considered to have a material impact on the overall supply of 32,037 ha of BMV land in Ashford Borough, and therefore would not have</p>	

Ref	Relevant Application Document	Description of Matter - (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			<p>Construction Code of Practice for the Sustainable Use of Soils on Construction Sites²⁸ (Defra, 2009);</p> <p>British Standard: Specification for Topsoil (BS 3882:2015); British Standard: Specification for subsoil and requirements for use (BS 8601:2013) and</p> <p>Good Practice Guide for Handling Soils (MAFF, 2000).</p>		a material impact on food security of the wider region.	
2.6.1	S42 Consultation Response to 2023 Statutory Consultation	Scope of Assessment	<p>NE are satisfied with the soil survey work which has been undertaken and note that around 37.75ha of BMV agricultural land will be affected by the proposal.</p> <p>NE consider that the Project is unlikely to lead to significant permanent loss of BMV land.</p>		Noted.	Agreed

Ref	Relevant Application Document	Description of Matter - (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
2.7.3	S42 Consultation Response to 2023 Statutory Consultation	Mitigating impacts on soil quality (Proposed Mitigation Measures)	NE confirms that the measures included in the Outline SMP and Outline CEMP secures the controls required in relation to this matter.		An Outline Soil Management Plan ('SMP') is included within the Outline CEMP (Doc Ref. 7.8(A)) , with its principles to be incorporated into the detailed CEMP(s). The Outline SMP has been prepared in line with industry good practice.	Agreed

2.7 Ancient Woodland and ancient/veteran trees

Table 2-7: Ancient woodland and ancient/veteran trees

Ref	Relevant Application Document	Description of Matter - (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE7	RR	Ancient woodland and ancient/veteran trees	<p>Natural England advises any impacts on ancient woodland and ancient and veteran trees in line sections: 5.4.14, 5.4.14, 5.4.32 and 5.4.54 of the Overarching National Policy Statement for Energy (EN-1). Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees.</p> <p>[APP-033 (p19)] Identifies, 'there are no areas of ancient woodland within the Site. The Backhouse Wood LWS ancient</p>	Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.	Noted.	Agreed

Ref	Relevant Application Document	Description of Matter - (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			<p>woodland is located immediately adjacent to the Site boundary (Northern Area) but is located over 200m from the nearest Project infrastructure.'</p> <p>Nature England welcomes the mitigation measures required and secured in the outline CEMP [APP-153] and within the Arboricultural Impact Assessment [APP-087] specifically for (p10) root protection, and (p43) a buffer zone 15 times their stem diameter or 5 metres beyond their crown spread, whichever is greater.</p>			

2.8 Connecting People with Nature (Public Rights of Way)

Table 2-8: Connecting People with Nature (Public Rights of Way)

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE8	RR	Connecting people with nature Public Rights of Way (PRoW) (C) and (O) phase	[APP-023 (p17)] Natural England welcomes the Project has been designed to minimise the impacts on the PRoW network, by minimising the number and length of PRoW diversions and the Project will deliver improvements to the existing PRoW network with new routes, as detailed in [APP-160 (p9) s3.1].	Natural England welcomes the requirement in the draft DCO [APP-004] for a Rights of Way and Access Strategy (RoWAS) and the Applicants mitigation strategy, including viewing seating.	Noted.	Agreed

2.9 Cumulative Schemes

Table 2-9: Cumulative Schemes

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	Applicant's Current Position	Status
2.9.1	S42 Consultation Response to 2023 Statutory Consultation	Scope of Cumulative Assessment	There are no areas of disagreement with the Applicant regarding the scope and methodology of the Applicant's assessment of cumulative effects.	<p>The scope of the cumulative assessment including the list of cumulative schemes has been discussed and agreed with NE.</p> <p>Section 17.3 of ES Volume 2, Chapter 17: Cumulative Assessment (Doc Ref. 5.2) [APP-041] then sets out the Assessment Methodology.</p>	Agreed

2.10 Schedule 2 Part 1 Requirements

Table 2-10: Schedule 2 Part 1 Requirements

(DCO) Page	Relevant Application Document	Description of Matter	NE Current Position	Applicant's Current Position	Status
42	RR	SCHEDULE 2 PART 1 REQUIREMENTS 6	<p>Construction environmental management plan</p> <p>Natural England welcome the following requirements:</p> <p>6.—(1) No phase of the authorised development may commence until a CEMP for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council.</p> <p>(2) The CEMP for each phase of the authorised development must be in accordance with the outline CEMP.</p> <p>(3) All construction works associated with the authorised development in each phase must be carried out in accordance with the approved CEMP for that phase.</p>	Noted.	Agreed

(DCO) Page	Relevant Application Document	Description of Matter	NE Current Position	Applicant's Current Position	Status
42	RR	SCHEDULE 2 PART 1 REQUIREMENTS 7	<p>Construction traffic management plan</p> <p>Natural England welcome the following requirements:</p> <p>7.—(1) No phase of the authorised development may commence until a CTMP for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with the relevant highway authority.</p> <p>(2) The CTMP for each phase of the authorised development must be in accordance with the outline CTMP.</p> <p>(3) All construction works associated with the authorised development in each phase must be carried out in accordance with the approved CTMP for that phase.</p>	Noted.	Agreed
42	RR	SCHEDULE 2 PART 1 REQUIREMENTS 8	<p>Landscape and biodiversity</p> <p>Natural England welcome the following requirements:</p>	Noted.	Agreed

(DCO) Page	Relevant Application Document	Description of Matter	NE Current Position	Applicant's Current Position	Status
			<p>8.—(1) The authorised development 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.</p> <p>(2) No phase of the authorised development may commence until a LEMP covering that phase has been submitted to and approved by the local planning authority.</p> <p>(3) The LEMP for each phase of the authorised development must—</p> <p>(a) be in accordance with the outline LEMP, the biodiversity design strategy approved pursuant to sub-paragraph (1) and the design principles;</p> <p>(b) provide details of the proposed hard and soft landscape and biodiversity enhancement works including (in so far as is relevant)—</p>		

(DCO) Page	Relevant Application Document	Description of Matter	NE Current Position	Applicant's Current Position	Status
			<p>(i) surveys, assessments and method statements;</p> <p>(ii) location, number, species, size, plant protection measures and planting density of any proposed planting and the location of areas to be seeded;</p> <p>(iii) cultivation, importing of materials and other operations to ensure plant establishment; and</p> <p>(iv) implementation timetables for all landscape and biodiversity enhancement works; and (c) provide details of how the landscape and biodiversity enhancement measures will be managed and maintained during the operation of the authorised development.</p> <p>(4) All landscape and biodiversity enhancement works associated with the authorised development in each phase must be carried out in accordance with the approved LEMP for that phase.</p>		

(DCO) Page	Relevant Application Document	Description of Matter	NE Current Position	Applicant's Current Position	Status
43	RR	SCHEDULE 2 PART 1 REQUIREMENTS 10	<p>Public rights of way</p> <p>Natural England welcome the following requirements:</p> <p>10.—(1) No phase of the authorised development incorporating any part of a public right of way which is to be temporarily closed or permanently stopped up pursuant to article 18 (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 Kent County Council.</p> <p>(2) The RoWAS submitted pursuant to sub-paragraph (1) must—</p> <p>(a) include details of measures to minimise the distance of any sections of the public right of way to be temporarily closed or permanently stopped up;</p> <p>(b) include details of advance publicity and signage in respect of</p>	Noted.	Agreed

(DCO) Page	Relevant Application Document	Description of Matter	NE Current Position	Applicant's Current Position	Status
			<p>any sections of public rights of way to be temporarily closed or permanently stopped up; and</p> <p>(c) be generally in accordance with the outline RoWAS.</p> <p>(3) The RoWAS for each phase of the authorised development must be implemented as approved for that phase.</p>		
44	RR	SCHEDULE 2 PART 1 REQUIREMENTS 14	<p>Decommissioning and site restoration</p> <p>Natural England welcome the following requirements:</p> <p>14.—(1) Decommissioning works must commence no later than the 40th anniversary of the first export date.</p> <p>(2) Prior to commencement of any decommissioning works for any part of the authorised development—</p> <p>(a) a 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</p>	Noted.	Agreed

(DCO) Page	Relevant Application Document	Description of Matter	NE Current Position	Applicant's Current Position	Status
			<p>(b) a 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.</p> <p>(3) The DEMP must be in accordance with the outline DEMP and the DTMP must be in accordance with the outline DTMP.</p> <p>(4) The DEMP and DTMP must be implemented as approved for the relevant part of the authorised development.</p>		

3 Signatures

This Statement of Common Ground has been prepared and agreed by EPL 001 Limited and Natural England.

On behalf of EPL 001 Limited

Name:

Signature:

Position:

Date:

.....

On behalf of Natural England

Name:

Signature:

Position:

Date:

.....

References

¹ *Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects*. [online] GOV.UK. Available at: <https://www.gov.uk/guidance/planning-act-2008-examination-stage-for-nationally-significant-infrastructure-projects> [Accessed 17 Sep. 2024].

² Legislation.gov.uk. (2023). *The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009*. [online] Available at: <https://www.legislation.gov.uk/uksi/2009/2264/schedule/1/made>.

Date: 12/07/2024
Our ref: DAS/AO13981
Your ref: Planning Inspectorate Scheme ref: EN010135



Leo Frampton
EPL001 Limited
leo.frampton@evolutionpower.co.uk

BY EMAIL ONLY

Dear Mr Frampton,

Discretionary Advice Service (Charged Advice)

Development proposal and location: Nationally Significant Infrastructure Project (NSIP). Construction, operation, maintenance and decommissioning of solar photovoltaic arrays and energy storage. Land located to the north of the village of Aldington, Ashford, Kent.

Thank you for your consultation on the above dated 16 April 2024, which was received on the same date.

This advice is being provided as part of Natural England's Discretionary Advice Service. EPL1001 Limited has asked Natural England to provide advice upon:

- Review of the AQ DRAFT Biodiversity Air Quality Screening Report and advise on potential air quality impacts on designated sites.
- Review of the draft shadow HRA and advise on potential impacts on designated sites.

This advice is provided in accordance with the Quotation and Agreement dated 26 April 2024.

The following advice is based upon the information within:

Previous consultations:

- Stonestreet Green Solar Preliminary Environmental Information Report (PEIR)
- Natural England statutory pre-application consultation dated 24/11/2022 (NE Ref: 411172)
- Natural England statutory pre-application consultation dated 17/07/2023 (NE Ref: 437662)

Current DAS consultation:

- DRAFT Biodiversity Air Quality Screening Report: Stonestreet Green Solar. March 2024
Documentation reference: 5.4
- Stonestreet Green Solar – Information to Inform a Habitats Regulations Assessment (IHRA)
Undated. Documentation reference: 7.19
- Environmental Statement (ES), Volume 2, Chapter 10: Water Environment. 3rd draft, dated January 2024. Documentation reference: 5.4
- Environmental Statement, Volume 2, Chapter 13: Traffic and Access. Dated January 2024.
Documentation reference: 5.2
- Stonestreet AQ email response to Natural England, dated 07/06/2024

Protected sites

1) Information to Inform a Habitats Regulations Assessment

Potential air quality impacts:

In follow-on from my email (dated 23/05/2024) I understand that Natural England does not endorse the JNCC report 696 and I would recommend that reference to this report is removed from your reports.

Reason

I would advise, based on the uncertainties over the application and uncertainties of the JNCC report, that any relevant roads with development-related traffic are included in the air quality assessment and the IHRA.

I advise the updated APIS dataset is used. [[APIS dataset new version release \(11/06/2024\) | Air Pollution Information System](#)]

Reason

The report conclusions to reflect the most up to date baseline.

Wye and Crundale Downs Special Area of Conservation (SAC). Natural England's previous response acknowledged (NE Ref: 437662) a distance from the SAC to the Project site of approximately 5.5km. Natural England advised the SAC should still be taken forward into the IHRA and justification provided for the conclusion of no Likely Significant Effect (LSE).

Reason

Wye and Crundale Downs SAC has been considered as part of the IHRA and given the lack of impact pathways, a likely significant effect has been screened out which I concur with.

Folkestone to Etchinghill Escarpment SSSI and SAC. The ES Volume 2, Chapter 13: Traffic and Access confirms the majority of solar equipment, including the transformer units, will be transported from overseas. The port of entry is yet to be determined. Therefore, given the final route uncertainty I recommend the air quality assessment and IHRA is reviewed and updated once the equipment point of entry is confirmed.

Reason

The ES Volume 2, Chapter 13: Traffic and Access has screened out Otterpool Park from the in-combination and cumulative assessment due to the main access to Otterpool Park being from Junction 11 of the M20, via the A20. However, this is dependent on the direction of associated construction traffic and an assumption of no Otterpool Park construction materials arriving from the Ports of Folkestone and / or Dover. Coupled with the uncertainty around the solar equipment's point of entry it is advisable that the IHRA is updated once transportation routes are known.

Stodmarsh Special Protection Area (SPA), SAC and Ramsar site. Natural England's previous advice (NE Ref: 437662) confirmed that consideration of nutrient impacts on Stodmarsh are only required for new overnight accommodation. I welcome the precautionary approach used in the IHRA for all foul water generated at all stages of the Project will be transported, treated and released outside of the Stour catchment. I therefore agree with the screening conclusion of no LSE.

Functionally Link Land (FLL):

Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site and Dungeness SAC. Natural England's previous advice (NE Ref: 437662) confirmed it is satisfied with both the robustness of the survey work and the conclusion drawn that the Site is not functionally linked to the Dungeness SPA and Ramsar site.

2) Sites of Special Scientific Interest (SSSI)

Hatch Park SSSI.

The ES Volume 2, Chapter 13: Traffic and Access has screened out Otterpool Park from the in-combination and cumulative assessment due to the main access to Otterpool Park being from Junction 11 of the M20, via the A20. However, this is dependent on the direction of the associated construction traffic. Therefore given the uncertainties in the potential transport route, I advise the air quality report is updated to include potential cumulative impacts with Otterpool Park.

Reason

To address all potential cumulative effects from air quality impacts from all developments in the surrounding area.

Gibbin's Brook SSSI

I confirm I am in agreement that Gibbons Brook SSSI is not hydrologically connected to the Site.

For clarification of any points in this letter, please contact Adam Simpson on Adam.Simpson@naturalengland.org.uk

This letter concludes Natural England's Advice within the Quotation and Agreement dated 16 April 2024.

commercialservices@naturalengland.org.uk

As the Discretionary Advice Service is a new service, we would appreciate your feedback to help shape this service. We have attached a feedback form to this letter and would welcome any comments you might have about our service.

The advice provided in this letter has been through Natural England's Quality Assurance process

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Kind regards,

Adam Simpson
Senior Officer
Sustainable Development, Sussex and Kent – Area Team 14

Cc commercialservices@naturalengland.org.uk

Annex 1

European Protected Species

A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development. Further information can be found in Natural England's ['How to get a licence'](#) publication.

If the application requires planning permission, it is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice Natural England provides at formal consultation on the likely impacts on favourable conservation status and Natural England's [guidance](#) on how the three tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) are applied when considering licence applications.

Natural England's pre-submission Screening Service can screen application drafts prior to formal submission, whether or not the relevant planning permission is already in place. Screening will help applicants by making an assessment of whether the draft application is likely to meet licensing requirements, and, if necessary, provide specific guidance on how to address any shortfalls. The advice should help developers and ecological consultants to better manage the risks or costs they may face in having to wait until the formal submission stage after planning permission is secured, or in responding to requests for further information following an initial formal application.

The service will be available for new applications, resubmissions or modifications – depending on customer requirements. More information can be found on [Natural England's website](#).

Date: 10 December 2024
Our ref: 483813
Your ref: Planning Inspectorate Scheme ref: EN010135



Leo Frampton
EPL001 Limited
leo.frampton@evolutionpower.co.uk

Customer Services
Hornbeam House
Crewe Business
Park Electra Way
Crewe Cheshire
CW1 6GJ
T 0300 060 3900

BY EMAIL ONLY

Dear Mr Frampton,

This advice is provided through the Natural England Nationally Significant Infrastructure Projects (NSIP) cost recovery advice service, estimate number: SAS A015830.

Development proposal and location: Nationally Significant Infrastructure Project (NSIP). Stonestreet Green Solar. Construction, operation, maintenance and decommissioning of solar photovoltaic arrays and energy storage. Land located to the north of the village of Aldington, Ashford, Kent.

Thank you for the updated consultation documents.

The following advice is based upon the information within:

- APP-033 5.2 Environmental Statement Volume 2: Main Text Chapter 9: Biodiversity
- APP-091 5.4 Environmental Statement Volume 4: Appendices Chapter 9: Biodiversity Appendix 9.6: Biodiversity Air Quality Screening Report
- APP-032 5.2 Environmental Statement Volume 2: Main Text Chapter 8: Landscape and Views
- APP-122 5.4 Environmental Statement Volume 4: Appendices Chapter 16: Other Topics Appendix 16.1: Soils and Agricultural Land Report
- AS-005 EPL 001 Limited Post Submission Changes - 3.2(A) Draft DCO Validation Report
- SSG-5.4_ES Vol4 Appx 9.6_Biodiversity Air Quality Screening Report: Stonestreet Green Solar. October 2024
- 241017_DRAFT_Kent Downs NL – Special_Qualities_Assessment_issues.docx. October 2024
- NE SoCG DRAFT_NE_Issue_1.docx

- Stonestreet email response to Natural England, dated 17/10/2024
- Stonestreet email response to Natural England, dated 13/11/2024
- Stonestreet email response to Natural England, dated 19/11/2024

Protected sites

Natural England’s Relevant Representations, Section 4, Part 2: Natural England’s detailed advice - NE1. Information to Inform a Habitats Regulations Assessment.

Potential air quality impacts:

Folkestone to Etchinghill Escarpment Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).

After reviewing information provided within the draft Statement of Common Ground, which now considers the transport generated air quality impacts in-combination with Otterpool Park, I am satisfied that a likely significant effect alone or in-combination can be avoided. For completeness documents: APP-164 - 7.19 Information for Habitats Regulations Assessment and APP-091 - 5.4 Environmental Statement Volume 4: Appendices Chapter 9: Biodiversity Appendix 9.6: Biodiversity Air Quality Screening Report, should be updated to reflect this information.

Natural England has no further comments on the assessment undertaken. [Green]

Natural England’s Relevant Representations, Section 4, Part 2: Natural England’s detailed advice – NE2. Sites of Special Scientific Interest (SSSI).

Potential air quality impacts:

Hatch Park SSSI.

After reviewing information provided within the draft Statement of Common Ground shared with Natural England, which now considers the transport generated air quality impacts in-combination with Otterpool Park, I am satisfied the Project will not cause damage to the notified features of the SSSI. For completeness document: APP-091 - 5.4 Environmental Statement Volume 4: Appendices Chapter 9: Biodiversity Appendix 9.6: Biodiversity Air Quality Screening Report should be updated to reflect this information.

Natural England has no further comments on the assessment undertaken. [Green]

Natural England’s Relevant Representations, Section 4, Part 2: Natural England’s detailed advice – NE5. Kent Downs National landscape Special Qualities Assessment.

Applicant’s Special Qualities Assessment Summary	My Response
1. Introduction	
The Project does not include land which falls within the designated area. The majority of the Kent Downs NL’s Special Qualities relate to the characteristics of the designated area itself, which the Project will not have a direct effect on.	This statement is correct.
However, as the Project is located within the setting of the NL	I agree that the North Downs National Landscape special qualities could be affected by this type and scale of development in the context of setting and welcome that the

	eight special qualities are further examined in section 3: Special Qualities Assessment.
2. Kent Downs NL Special Qualities	
The applicant identifies the 'special components, characteristics and qualities of the Kent Downs AONB' as set out in Paragraph 1.2 of the Kent Downs AONB Management Plan 2021-2026.	I agree with the eight special qualities identified.
<p>Kent Downs NL Setting - is not noted as a Special Quality in its own right, however it is acknowledged that the setting of the NL contributes to '<i>Breath-taking, long-distance panoramas</i>', particularly from the south facing escarpments.</p> <p>The AONB Management Plan defines the setting of the NL as '<i>broadly speaking the land outside the designated area which is visible from the AONB and from which the AONB can be seen, but may be wider when affected by intrusive features beyond that</i>'.</p> <p>However, the AONB Management Plan also states that 'Proposals which would affect the setting of the AONB are not subject to the same level of constraint as those which would affect the AONB itself. The weight to be afforded to setting issues will depend on the significance of the impact. Matters such as the size of proposals, their distance, incompatibility with their surroundings, movement, reflectivity and colour are likely to affect impact'.</p>	<p>I agree that the Landscape and Visual Impact Assessment (LVIA) and the Kent Downs National landscape Special Qualities Assessment approach focuses on the impact of the Project is appropriate and proportionate covering:</p> <ul style="list-style-type: none"> - Visual receptors experiencing views from the National Landscape, as well as views towards the National Landscape. - Assessing the effects on the National Landscape's Landscape Character Areas (LCAs). <p>I welcome the assessment taking into full account the recommendations within the Kent Downs AONB Joint Advisory Committee Setting Position Statement (updated 2022).</p>
3. Special Qualities Assessment	
<p>The document takes each of the 8 special qualities and provides a response. No direct effects are identified for Biodiversity-rich habitats, farmed landscape, woodland and trees, history and cultural heritage, the heritage coasts, geology and natural resources or tranquillity and remoteness.</p> <p>Further detail is provided for Dramatic landform and views; a distinctive landscape character, Tranquillity and remoteness below.</p>	I agree this response is appropriate and follows a clear methodology.
<p>Dramatic landform and views; a distinctive landscape character</p> <p>The Project is not located on or in close proximity to the dramatic landform that characterises the Kent Downs NL.</p> <p>The south facing steep chalk slopes of the North Downs ridgeline are located 4km north of the Site at its nearest point (measured from the Sellindge Substation), however the parts of the Site that are visible from the ridge are approximately 6km distant.</p> <p>The south facing scarp slopes of the greensand ridge are located approximately 400m south of the Site at the nearest point (measured from the southern edge of Parcel E). However, there is no intervisibility between the south facing greensand scarp and the Site, with views from this feature focused on the Romney Marshes to the south, and extensive intervening vegetation combining with landform to prevent intervisibility.</p> <p>The Project is not located on or in close proximity to the dramatic landform that characterises the Kent Downs NL.</p> <p>The south facing steep chalk slopes of the North Downs ridgeline are located 4km north of the Site at its nearest point (measured from the Sellindge Substation), however the parts</p>	<p>I agree that, as identified within the Kent Downs National landscape Special Qualities Assessment, that at its closest (400metres at parcel E) the visual effects are limited due to the orientation of the south facing ridge away from the development with views focused to the south.</p> <p>I agree with the approach outlined in Table 3.1, specifically the Special Qualities Assessment identified distances of, '<i>parts of the site that are visible from the ridge are approximately 6Km in distance.</i>' I agree that the Project, '<i>is considered to result in very limited effects on the special qualities of dramatic landform and views</i>'.</p>

<p>of the Site that are visible from the ridge are approximately 6km distant.</p> <p>The south facing scarp slopes of the greensand ridge are located approximately 400m south of the Site at the nearest point (measured from the southern edge of Parcel E). However, there is no intervisibility between the south facing greensand scarp and the Site, with views from this feature focused on the Romney Marshes to the south, and extensive intervening vegetation combining with landform to prevent intervisibility.</p> <p>For visual receptors experiencing long distance expansive panoramic views from the North Downs chalk scarp, the Project will be partially screened with limited parts of the Site visible at a distance of approximately 6.8km, within a varied landscape that includes existing settlement and infrastructure. The effect on visual receptors in this location has been assessed as minor-negligible as a worst case and are not significant.</p> <p>For visual receptors in the NL to the south of the Site, an isolated, glimpsed and partial view of the Project from Roman Road could be experienced, leading to a minor adverse effect as a worst case scenario (not significant).</p> <p>With respect to the character of the NL, the assessment of indirect effects on the setting of NL LCAs concluded that LCA 4C Stour Valley and LCA 5b Lympe Greensand Escarpment would be subject to negligible effects (not significant). Effects on LCA 2C Postling Scarp and Vale were assessed as minor-moderate (not significant) as a worst case scenario, however this primarily relates to views towards the North Downs ridge, which are available in many locations within the setting of the NL, and are not subject to the same level of protection, or assigned the same value, as views from within the designated landscape. No direct effects on the landscape character of the NL would occur as a result of the Project.</p> <p>On the basis of the above, the Project is considered to result in a very limited effect on the Special Quality of Dramatic landform and views; a distinctive landscape character.</p>	
<p>Remoteness and tranquillity</p> <p>The Site's context, strongly influenced as it is by major existing infrastructure (M20 Motorway, HS1 railway), and areas of settlement including Ashford and surrounding villages is not perceived as remote or tranquil. These influences contribute to an active landscape with varying land uses, which already forms a key characteristic of the setting of the NL.</p> <p>The Project will not have an adverse effect on the NL Special Quality of Tranquillity and remoteness.</p>	<p>I welcome the reference and quotation of Natural England's guidance for assessing landscapes for designation as National Parks or Area of Outstanding Natural Beauty.</p> <p>I do not agree in the framing of, '<i>perception of natural landscape</i>'. The assessment suggests that the Project will not lead to an '<i>urban development</i>' with '<i>lots of people</i>'. However the Project is introducing new large scale energy infrastructure into a predominantly rural setting which should be addressed by mitigation.</p> <p>I do agree that; '<i>due to the distance between the Site and the NL, the partial nature of views and the Site's context (i.e. including HS1, the M20 Motorway, Ashford), these changes are unlikely to alter the sense of tranquillity experienced within the NL[National Landscape].</i>'</p>
<p>Mitigation</p> <p>The Kent Downs NL team has requested additional vegetation planting on the south of the Parcel E to remove any visibility and this is secured in the [LEMP]. However, views from this location (i.e. north facing from the north side</p>	<p>I would advise a precautionary approach is applied and therefore advise the Kent Downs National Landscape team's advice is followed and added to the, '<i>proposed hard and soft landscape and biodiversity enhancement works</i>' within: APP-033 5.2 Environmental Statement Volume 2: Main Text Chapter 9: Biodiversity, S9.6.10 [p90] and these details are</p>

of the Greensand Ridge) are not considered to contribute to this special quality of the NL.	also updated in the Landscape and Ecological Management Plan (LEMP) which will be secured via the draft Development Consent Order.
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NE5. LVIA draft Statement of Common Ground (SoCG)

The following table sets out my response to the draft SoCG section covering Nationally Designated Landscapes (page 21) key issue ref: NE5. The statements have been summarised and my comments added to the final comment.

Row	Natural England's summary position	Applicants summary response	My response
1: Special qualities assessment	Natural England advise the information provided within the LVIA does not comment specifically on how the relevant key characteristics or special qualities of the Kent Downs National Landscape could be affected. Natural England advises the effects are considered not just in terms of potential visibility, but also how key characteristics could be impacted.	A draft of the Kent Downs NL - Special Qualities Assessment provides further consideration of how key characteristics or Special Qualities of the Kent Downs NL could be affected by the Project.	I welcome the draft Kent Downs National Landscape Special Qualities Assessment and am satisfied that this document correctly identifies the special qualities and the effects of the project, as part of the landscape relevant documents submitted within the Environmental Statement (ES).
2: Scale of effect terminology	Natural England note the scale of the effect is described as 'none, compact, modest, ample or extensive'. Natural England requests definition clarity for these terms.	The criteria used for establishing the scale of landscape and visual change are set out in Table 4 and Table 7 (respectively) of ES Volume 4 Appendix 8.1: LVIA Methodology (Doc Ref. 5.4).	Accepted. No further comments.
3: ZTV	NE request for a bare ground ZTV	The ZTV does not form the basis of the assessment of visual effects and in this case it is considered that a bare-earth ZTV would not change the assessment of significant environmental effects particularly given the combination of landform, vegetation and distance that intervene between the Site and the NL.	I agree that the field surveys and photography provided, as an approached supported by Guidance for Landscape and Visual Impact Assessment (GLVIA3), identify an accurate baseline assessment of visibility. And [APP-032] 5.2 Environmental Statement Volume 2: Main Text Chapter 8: Landscape and Views (p34) s8.4.10 confirms the zone of theoretical visibility (ZTV) does not form the basis of the assessment of visual effect.
4: Character of the site	Natural England advise the examination of landscape receptors consider the landscape of the site as a single entity, rather than disaggregating the	ES Volume 2 Chapter 8: Landscape and Views (Doc Ref. 5.2) includes both individual landscape features and the landscape of the Site as a single entity.	I have reviewed: APP-032 5.2 Environmental Statement Volume 2: Main Text Chapter 8: Landscape and Views and

	landscape into its component parts		<p>agree with the applicant's response that the LVIA does consider the character of the site. APP-032 5.2 Environmental Statement Volume 2: Main Text Chapter 8: Landscape and Views. (page 96) s8.11.36. The Views from the North Downs ridgeline, within the Kent Downs National Landscape identifies minor to negligible adverse during the operational phase. I recommend given the timeline of the Project that standard trees are incorporated into the proposed mitigation measures to further reduce this effect. The proposed mitigation should form part of the Landscape and Ecological Management Plan (LEMP) and will need to be secured via the: [AS-005] EPL 001 Limited Post Submission Changes - 3.2(A) Draft DCO Validation Report, (page42) Landscape and Biodiversity s8(2).</p>
5: Cumulative impacts	Consideration of cumulative impacts with Otterpool and surroundings proposed solar farms	These are shown in the Draft SoCG as 'green' i.e. agreed with Natural England, although NE has indicated as an 'amber' risk rating..	I consider that findings on cumulative effects of this scheme in relation to the Kent Downs National Landscape are appropriate.
6. Mitigation	Mitigation appropriateness of 2.5 – 5m hedgerows	These are shown in the Draft SoCG as 'green' i.e. agreed with Natural England, although NE has indicated as 'amber' risk rating.	<p>I agree that 2.5- 3m hedgerows are a feature of the character area and note that shorter clipped hedgerows are also present on parts of the site. These allow some more open views. In designing the hedgerow planting and management plan it would be useful to include options for taller hedgerows as well as retaining some more clipped boundaries to allow open views towards the Kent Downs scarp, where possible, notably for walkers on the rights of way that cross the site.</p> <p>The proposed mitigation should form part of the Landscape and Ecological Management Plan (LEMP) and will need to be secured via the: [AS-005] EPL 001 Limited Post Submission Changes - 3.2(A) Draft</p>

			DCO Validation Report, (page42) Landscape and Biodiversity s8(2).
7. Mapping	NL boundary to be clearly shown on all maps	Applicant highlights maps where it is shown and agreed to show on all maps.	This is helpful when reviewing documents.

In summary, the Landscape Visual Impact assessment (LVIA), specifically the field surveys and photomontage and additional response document outlined above are sufficient to accurately explain the effects of the Project on the landscape, visual resources and special qualities of the Kent Downs National Landscape.

Natural England has no further comments on the assessment undertaken. **[Green]**

NE6. Soils and best and most versatile agricultural land

I confirm, based on a total percentage of 1% of infrastructure works sited on best and most versatile (BMV) agricultural land that the overall impacts from the Project to BMV agricultural land is limited. I advise: APP-122 5.4 Environmental Statement Volume 4: Appendices Chapter 16: Other Topics Appendix 16.1: Soils and Agricultural Land Report, is updated to include the micrositing mitigation methodology used to restrict the sites infrastructure to 1% of BMV agricultural land.

Natural England has no further comments on the assessment undertaken. **[Green]**

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Kind regards,

Adam Simpson
Senior Officer
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