

Planning and Development





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

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

The Planning Inspectorate

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

 @ashfordcouncil
 AshfordBoroughCouncil

Dear Sir/Madam

Date: 10/12/2024

Site: Stonestreet Green Solar
Proposal: Application for grant of Development Consent Order ('DCO')
Issue: Written Representation

Introduction

In accordance with the Planning Inspectorate's Rule 8 letter dated 28/11/24, this letter – constitutes Ashford Borough Council's **Written Representation** ('WR') and follows published guidance. It clarifies and updates the Borough Council's views already set out in its **Relevant Representation** ('RR') (RR-018).

In accordance with the Rule 8 letter, the following documents are also separately supplied by the Council in accordance with Deadline 1;-

1. a summary (maximum 10%) of the Council's RR (RR-018) given the case that it exceeded 1500 words (marked **Ashford Borough Council - summary of RR-018**)
2. the Borough Council's LIR.

This WR should be read in conjunction with the Local Impact Report ('LIR').

The Borough Council will engage with the applicant to resolve outstanding matters wherever possible and is progressing a SoCG which will establish those matters which, at the time of their submission, remain outstanding. The Borough Council will continue to engage in the Examination and will review and provide written comment as necessary on relevant matters, including

representations as they become available. A numbered paragraph and subheading format is used to assist navigation.

The Principal Issues

1. The Borough Council (hereafter referenced in this WR as 'the Council') is the host authority and is the local planning authority for the administrative area of Ashford. The principal issues that the Council raises in relation to the application are;-

(i) landscape & visual impacts, the importance of good design to minimise such impacts including those on the Public Rights of Way ('PRoW') within the site,

(ii) issues of wider PRoW connectivity (& improvement thereof),

(iii) cumulative impacts, and

(iv) other impacts.

Kent County Council ('KCC') is the relevant authority with responsibilities in respect of highways and transportation, minerals and waste, PRoW, surface water flooding and drainage and biodiversity and also deals with heritage conservation.

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

Landscape & visual impacts, the importance of good design to minimise such impacts including those on the Public Rights of Way ('PRoW') within the site

3. The Council's RR set out that it does not object to the principle of large-scale photovoltaic generation proposals, but it does consider that acceptable mitigation, tailored specifically to the context of a proposal, is proposed and its delivery can be secured.
4. Mitigation of impacts arising from solar farm generation forms a key aspect of policies forming the Development Plan (which includes Neighbourhood Plans) and the approach taken in the National Planning Policy Framework and Planning Practice Guidance at the date of this letter. In respect of solar generation applications for DCO, interrelated National Policy Statement ('NPS') EN-1 (Overarching National Policy Statement for Energy) and EN3 (Renewable Energy Infrastructure), both recently updated in January 2024, identify that;-

(a) Applicants will be expected to direct considerable effort that they have sought to minimise landscape and visual impacts in relation to context through application of the criteria for 'good design' (NPS EN-3, paras 2.10.60 & 2.10.98),

(b) Applicants will be expected to establish design principles from the outset to guide development from first conception onwards (NPS EN-1, para 4.7.5) and take into account

topography and the ability to mitigate environmental impacts when considering design and layouts (NPS EN-3, para 2.10.60),

(c) Applicants will need to demonstrate in documentation how the design process was conducted and how the proposed design evolved (NPS EN-1 para 4.7.7) and should consider using design review by the Design Council (NPS EN1 para 4.7.8),

(d) Applicants will need to set out the reasons for selection of a favoured design choice where different design were considered (NPS EN-1 para 4.7.7),

(e) Applicants will be encouraged to minimise visual impacts on PRow users considering the impacts a scheme might have on the ability of users to appreciate surrounding landscapes (NPS EN-3, para 2.10.43), and

(f) Applicants should consider and maximise opportunities to facilitate enhancements to PRow including new opportunities for the public to access and cross solar development sites (NPS EN-3, para 2.10.44).

5. Against this background, the context of the proposed solar development is;-

(i) countryside with an undulating topography that creates a distinctive rural landscape setting to the village of Aldington (the main part of which is located on a ridge),

(ii) that setting accommodating a dense network of PRow for the community to use and enjoy for well-being and as part of a healthy active lifestyle with that network contributing to sense of place because desire line routes link meaningfully to destinations both within the village (such as to and from the village church) as well as to beyond Aldington,

(iii) changing topography adding significantly to the experiential qualities enjoyed by PRow users because of the wide range of landscape views that are afforded to them when so doing and which alter according to user location and viewing position when travelling along a route, and

(iv) topographic change creating an approach to the village when travelling southwards along Station Road that has considerable visual character due to the panorama that unfolds in the area near where the applicant intends to use access the project construction / decommissioning compound and parking area.

6. The Council contend that this context, and the resultant character, setting and sense of place that it creates, dictates that a thoughtful and considered approach is critical if the 'minimisation of landscape and visual impacts' expectation set out in the NPS is to be met.

7. As set out in the Council's RR (RR-018), the Council raised its landscape and visual impact concerns with the Applicant throughout the pre-application stage. The Applicant was requested to share with the Council the evolution of the scheme informed by consultation and ES scoping and identify to the Council how landscape and visual assessment had informed matters of site selection, informed scheme extents and informed scheme layout options (the Council's LIR & RR-018).

8. All of this information is considered by the Council to be an essential part of 'macro-scale' good design because design at that level will shape the fundamentals of the scheme. The Applicant has been either unable or unwilling to share this information. The Council considers that this conflicts with both the Applicant's stated contention in respect of sensitivity being a key design objective (APP-149 para 5.3) as well as the expectations set out in NPSs.
9. Design Council review has also been resisted: the suggestion advanced that it only applies to schemes involving substantial buildings rather than solar generating development is not agreed by the Council.
10. In the absence of the information requested coming forward, the Council has made positive suggestions to the Applicant as to how the NPS minimisation of impacts expectations and requirement for good design could be considered as part of 'macro-scale' level scheme design.
11. These suggestions are set out comprehensively in the Council's RR (RR-018) and involve approaches that can be described as 'removal', 'fragmentation' & 'softening' which are covered further below. The Council considers that 'micro-scale' design, such as adherence to parameters in the Applicant's Design Principles Document (APP-150) when elements of detail come forward for approval pursuant to a DCO, will not resolve poor / insensitive macro-level design.

Removal

12. As the Council's LIR identifies, the development proposed to occupy Fields 1 to 19 would form a substantial largely unbroken continuous area of solar panels arrays and associated electrical infrastructure that will include Battery Energy Storage Systems (BESS) and this will have a significant adverse residual landscape and visual impact on the Aldington Ridge Local Character Area.
13. The Council requested removal of solar development from Fields 10 and 12 because these effects would be located on the crest of the Aldington Ridge that is highly visible from the PRow network and from the Station Road approach southwards towards the village. The Aldington and Bonnington Neighbourhood Plan ('A&BNP') Policy AB4 viewpoint 1 establishes the importance of this view up to Bank Road.
14. Panoramic views are available from the ridge and PRow towards the village of Mersham. The town of Ashford is also discernible further distant as are longer range views to the Kent Downs protected National Landscape. Again, A&BNP Policy AB4 viewpoint 10 establishes the importance of these views looking northwards from Bank Road and from PRow AE370, AE377 and AE445.
15. The Council is disappointed that its suggestion has not been taken forward. The largely undeveloped nature of the Aldington ridge contributes considerably to the character of the landscape as well as the setting of the village on its north-western side.
16. The Council notes that solar generating development has been able to be removed from Fields 26-29 without any apparent significant implications for the output of the scheme moving forwards. Technical improvements over the 40-year lifespan of the scheme will

mean that 'more' (energy output) is highly likely be able to both stored for release at, and directly generated from, 'less' (land-take) which makes it critical, the Council's opinion, to ensure that the approach to land-take for solar development is an acceptable one in the first instance.

Fragmentation

17. Given the significant adverse residual landscape and visual effects, the Council also suggested to the Applicant the importance of breaking up the expanse and intensity of the Field 1 to 19 area.
18. The Council considers that adopting a 'fragmentation' approach (together with 'softening' via the introduction of a greater quantum of tree groups & belts) would help minimise impacts and represent good macro-level design.
19. The A&BNP Policy AB4 viewpoints mentioned further above confirm their importance to the local community. The Council considers that the applicant's LVIA under assesses the scheme's impacts relating to sensitivity, magnitude of change and overall effects on landscape character and visual amenity. The Applicant's visualisations suggest that even with the Applicant's proposed planting proposals the visual extent and massing of the panels in the part of the site to the north-west of Aldington would be one that would not be able to be substantially visually broken up.
20. The Council considers that a fragmentation design approach would help manage the inherent difficulties resulting from seeking to develop solar generation in an area with a dense network of PRow and with an undulating topography. KCC, as the local highway authority, will deal with the acceptability of such impacts in detail but the Council considers that the experiential qualities for users of PRow – which clearly include visual landscape appreciation as it changes when moving along a route - would be significantly adversely impacted by the scheme.
21. Attention to the planting of boundaries with PRow and the provision of minimum separation distances of infrastructure to PRow, whilst welcome (RR, para 14), does not achieve fragmentation of the sort that would create more meaningful gaps and visual respite between solar development areas in this largest part of the overall application site. The Open Floor Hearing held 19/11/2024 heard that local residents, the Parish Council and interest groups such as the AMMSG, Ramblers and CPRE place great value on the experiential qualities that the existing network of PRow provides.
22. The Council is disappointed that a fragmentation design approach has not been adopted.

Softening

23. The Council considers that a 'softening' design approach, which can include the intentional greater use of groups of trees, tree belts and other planting but can also include adjustments to a layout to increase the extent of physical separation between solar infrastructure and PRow and off-site buildings, aligns strongly with the 'removal' and 'fragmentation' approaches.

24. The Council considers that enhanced softening, primarily in the form of increased physical separation, should be provided to the south and south-west of Field 20 to moderate the impacts of solar infrastructure on users of PRow AE474 that connects Goldwell Lane to Church Lane. This area for proposed solar generation dips away to the north but the southern boundary is especially important because of its proximity to PRow AE474. A&BNP Policy AB4 viewpoint 2 identifies the importance of the views when using the route in both directions. The Council remains concerned that the scheme will necessarily impact on the experiential qualities enjoyed by PRow users because its qualities include;-

(i) the ability to appreciate a wide landscape panorama, and

(ii) the ability to appreciate the rural setting enjoyed by the Grade 1 listed Church of St. Martin, which sits prominently as a landmark on the east-west Aldington ridge, when looking and travelling eastwards.

25. For this reason, the Council considers that softening, in the form of physical retraction, needs to occur so that solar development is truly located within the dip and foreground intrusion into the landscape panorama that currently exists is minimised. Softening in the form of sensitive boundary landscaping will also be needed: the Council consider it should be of a nature so as to ensure that it will not obscure panoramic views. As the Council's LIR identifies, harm from solar development would arise to the setting of the Church as a heritage asset. The Council consider that the approach suggested would help reduce that harm.

26. As set out in the Council's LIR, the recommendation by Historic England ('HE') to reduce the harm to the setting of Stonelees, a Grade II* listed building, by retracting the proposed development at the southern ends of Fields 3 and 7 is one that the Council supports as part of 'softening'.

27. 'Avoiding PRow alleyways' does not apply solely to dealing with PRow that would be impacted by the proposed development. The area where Station Road / Calleywell Lane connect is part of the main public realm approach into Aldington village from the direction of the A20 Smeeth crossroads. It presently has a strongly rural character and ambience that will change for the duration of the project given the presence of solar development at the eastern ends of Fields 18,19 and the western and southern ends of Field 23. The Council consider that softening the impacts of the development around this village approach area by retracting solar infrastructure further distant from the public highway limits would be beneficial with retraction accompanied by sensitive new landscaping. This would help retain as much rural character as possible and demonstrate a sensitive macro-level good design approach seeking to minimise impacts.

Issues of wider PRow connectivity (& improvement thereof)

28. The Council notes 'Design Objective 8' in para 5.3 of the Design Approach Document in respect of PRow enhancement and connectivity opportunities (APP-149).

29. The PRoW directly impacted by the development are part of a much wider network. The Council contends that good design should always involve looking at opportunities beyond a geographically defined application site. By doing so harmful impacts arising from a development might be able to be offset, either in whole or part, by an approach that facilitates the realisation of wider connectivity opportunities.
30. The Council's RR (RR-018) identifies nearby Garden Town development to the east close to the boundary of the Borough of Ashford and the connectivity of PRoW north-west through the application site onwards to the village of Mersham. Both the Council and KCC identified to the Applicant at an early stage that improving the quality of PRoW both within and beyond the site should be considered as it could yield a tangible PRoW connectivity benefit helping address matters of harm.
31. As the Council's LIR identifies, the inherently 'industrialising' nature of the solar development is considered to have a negative impact on the pull factor for rural tourism. The Council consider that this could be partly mitigated by the development contributing to improving all-weather PRoW connectivity between destinations. The Council also notes the increasing popularity of off-road cycling and off-road cyclo-tourism / cycle backpacking routes (such as, for example, the Cantii Way).
32. That the proposal will impact on PRoW within the site is accepted by the Applicant. The Council notes the Applicant's acknowledgement of the planning purpose and importance of quality connections wider than the application site in the application documentation but is unclear as to how the Applicant intends to comply with its own stated 'Design Objective 8' (APP-149).
33. The Applicant has advanced the case that issues of 3rd party land ownership/control involving beyond the DCO site but over which PRoW pass in order to link Aldington with Mersham mean that the Applicant cannot therefore be expected to enter into a s.106 agreement to help deliver such off-site improvements alongside that which it can deliver within the area covered by a DCO. The Council disagrees. The Applicant could enter into a s.106 agreement to obligate the making of a future index-linked financial contribution towards such off-site improvement works with monies only being drawn down in the event of an off-site improved PRoW connection project having the necessary consents and agreements in place and being able to be taken forward and delivered by KCC as the responsible local highway authority.
34. The Council considers that such an approach would enable KCC to move ahead with discussions with 3rd party landowners and that it would be possible for an agreement to provide for a financial obligation to fall away if, after an agreed period of time, there is still no realistic prospect of the necessary agreements and consents being in place, and the project simply cannot be delivered.
35. The Council therefore supports KCC in respect of securing wider PRoW connectivity and improvements thereof and requests the Applicant review its position on the matter and adopts an 'art of the possible' mindset that sits well with its stated Design Objective. The Council supports the realisation of tangible use benefits to the community, both functionally and economically, over the 4 decades lifespan expected for the project. The Council defers to KCC in respect of detailed matters of specification and route alignment.

Cumulative impacts

36. The Council considers that consideration of cumulative impacts is important. It notes the Ministerial Statement of 2023 in respect of the government keeping under review the issue of the impacts of solar development grouping and so-called 'hot spots'.
37. Potential cumulative impacts on PRow include the EDF Renewables solar farm proposals on land either side of Church Lane in Aldington (application 22/00668/AS refused by the Council 20/04/2024 and now subject of a Planning Inquiry set for February 2025) which is located close to the existing Partridge Farm solar farm.
38. The Council considers that the Applicant underplays cumulative impacts in respect of the EDF Renewables scheme and that there would be moderate cumulative adverse landscape effects and major (rather than moderate) adverse visual effects due to the substantial increase in solar development extents that would arise. These effects would be experienced from PRow AE370 which in certain areas along its length allows landscape appreciate eastwards along the valley to the EDF Renewables scheme. This further reinforces the Council's macro-level design suggestions in respect of removal, fragmentation and softening.

Other matters

Lighting

39. The Council notes the Applicant's intention that measures to avoid or minimise lighting impacts would be secured at application stage through adherence to Design Principles (APP-150) and an outline OMP (APP-156) (APP-153), at construction stage through an outline CEMP (APP-153) and at decommissioning stage through an outline DEMP (APP-157).
40. As the Council's LIR identifies, the Council takes issues of light pollution seriously and has adopted a Dark Skies policy pursuant to the Ashford Local Plan. The Council considers that lighting at all stages of the project, in particular during the operational phase which would be the longest phase, needs to recognise the importance of approaches such as dark sky certification, emission of zero light above the horizontal and the use of hooding, zonal lighting, lighting only being used during periodic maintenance or in emergency purposes, the use of sensors to prevent lights being triggered by animals rather than site personnel and the adoption of approaches that avoid impacts on biodiversity.

Construction & decommissioning phase parking, the knock-on approach to construction traffic passing over Bank Road and the acceptability of construction traffic into Fields 20, 21 and 22 in relation to users of PRow AE474.

41. This matter falls within the remit of KCC as the local highway authority and will be addressed through the proposed outline plans (APP-154). Construction and decommissioning are used interchangeably in the paragraphs below.
42. Notwithstanding, the Council notes and understands the reservations expressed by the local community at Issue Specific Hearing 2 in respect of considerable reliance being

placed on construction worker travel to the site by a minibus service that would arrive at the primary construction compound after stops in and around Ashford.

43. The Council understands the reservations that have been expressed by the local community in respect of all workforce private vehicles being able to parked at that location primary construction compound. The Council's experience is that, in practice, the policing of Construction Management Plans by developers can vary considerably with a propensity for workers to wish to park geographically as close to the area within which they will be working.
44. Given that the application site is spread out over a large area, the Council requests reassurance that regular internal connection services will be provided linking construction areas with the off-carriageway parking facility to be provided and that the location of workforce parking will be proactively managed by site management. Details of controlled access and signing-on measures requiring confirmation of method of travel and vehicle registration should be provided alongside details how the Applicant intends to police and prevent any workforce attempts to park within Aldington village and rural lanes near areas of construction.
45. The point where Bank Road would be crossed by construction traffic has the potential to create difficulties for public use of the highway. The narrow nature of the Road (which is a narrow lane) means that vehicles that would ordinarily be spread out over time passing in either direction will be required to halt and it is likely that queues will form in both directions. The Council considers that once crossing by construction traffic has ceased, the volume of queued traffic may experience difficulty in passing. The Council would wish to see further thought being given to management of this type of impact to ensure that the character of Bank Road does not deteriorate. The use of provision of new passing places may be appropriate.
46. The Council note the proposal for construction traffic to be provided access to Fields 20, 21 and 22 over a substantial length of PRow AE 474 from the Goldwell Lane end. The Council has reservations that this is a sensible and workable solution. It will have a direct impact on the attractiveness of this important route. The Council would wish to understand whether less impactful alternative construction access has been fully explored.

Yours faithfully



Strategic Development & Delivery Manager