

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: KT/2024/132122/01-L01
Your ref: EN010135
Date: 10 December 2024

Dear Planning Inspectorate Team

Stonestreet Green Solar Park Development Consent Order Application

Please find below our Written Representation on behalf of the Environment Agency in relation to the application for a Development Consent Order (DCO) for the Stonestreet Green Solar Park made by EPL 001 Limited (the applicant).

The Environment Agency's Role

The Environment Agency works to create better places for people and wildlife.

We were established to bring together responsibilities for protecting and improving the environment and to contribute to sustainable development. We take an integrated approach in which we consider all elements of the environment when we plan and carry out our work. This allows us to advise on the best environmental options and solutions, taking into account the different impacts on water, land, air, resources and energy.

We help prevent hundreds of millions of pounds worth of damage from flooding. Our work helps to support a greener economy through protecting and improving the natural environment for beneficial uses, working with businesses to reduce waste and save money, and helping to ensure that the UK economy is ready to cope with climate change. We will facilitate, as appropriate, the development of low carbon sources of energy ensuring people and the environment are properly protected.

We have three main roles:

- We are an **environmental regulator** – we take a risk-based approach and target our effort to maintain and improve environmental standards and to minimise unnecessary burdens on businesses. We issue a range of permits and consents.
- We are an **environmental operator** – we are a national organisation that operates locally. We work with people and communities across England to protect and improve the environment in an integrated way. We provide a vital incident response capability.

creating a better place
for people and wildlife



- We are an **environmental adviser** – we compile and assess the best available evidence and use this to report on the state of the environment. We use our own monitoring information and that of others to inform this activity. We provide technical information and advice to national and local governments to support their roles in policy and decision-making.

Yours sincerely,

Gabrielle Delorme
Planning Specialist, Sustainable Place

E-mail [REDACTED] [@environment-agency.gov.uk](mailto:[REDACTED]@environment-agency.gov.uk)

The Environment Agency's position on Stonestreet Green Solar Park

1. Introduction and background

- 1.1. We will support the Examining Authority by advising them if the application is in line with these objectives so that they can be satisfied that their recommendation in relation to the application for the DCO can be made taking full account of environmental impacts.

Pre-application consultation

- 1.2. We have worked with EPL 001 Limited and their consultants and throughout the pre-application stage of the DCO to advise them on the evolving proposals for Stonestreet Green Solar Park. Since EPL 001 Limited first approached us in April 2023, we have had several meetings and have made comprehensive comments in response to each pre-application consultation. Throughout that process, and in the subsequent lead up to their DCO application, we have had extensive discussions to address issues and provide advice raised in response to their proposals.
- 1.3. We have a positive working relationship with EPL 001 Limited and we have agreed a number of alterations to the design, which have been included in their application. These support the protection of the environment, local habitats and protected species.
- 1.4. It was agreed with EPL 001 Limited that they would not be disapplying any of our permit requirements and therefore we confirmed that we will not be requesting any protective provisions.

Outstanding issues of concern and structure of our response

- 1.5. From our review of the submitted documents we have identified a few remaining outstanding issues relating to flood risk, ecology and water quality that we expect to be worked through to prevent environmental harm.
- 1.6. In the body of the detailed comments, we identify the issues we would like the Examining Authority to take into account when considering this DCO application. We have outlined the issue and current situation, what the impact is, and how to resolve it.
- 1.7. We believe that these issues can be resolved, subject to further endeavours by EPL 001 Limited in accordance with the suggested solutions provided in this Written Representation.
- 1.8. The Environment Agency attended the Preliminary Meeting and intends to make further written representations if necessary. We may also make oral representations at any relevant hearings. We may add to or amend the

matters set out in this Relevant Representation. We will keep the matters set out under review and update the Examining Authority on progress with the resolution of these issues at appropriate points as the examination progresses.

2. Flood Risk

Overview

- 2.1. In accordance with the National Planning Policy Framework (paragraphs 164 and 165), the proposed development is appropriate provided that the site meets the requirements of the exception test. Our comments on the proposals relate to the part of the exception test that demonstrates the development is safe. The Examining authority must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk.
- 2.2. We are satisfied with the submitted Flood Risk Assessment (FRA) in principle ([APP-094 – Doc 5.4 Environmental Assessment Appendix 10.2: Flood Risk Assessment](#)). We have however the following issues and advice that should be considered.
- 2.3. Once the suggested amendments related to the FRA have been addressed, the development shall be carried out in accordance with the consented FRA. The mitigation measures shall be fully implemented prior to operation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed in the consented FRA shall be retained and maintained thereafter throughout the lifetime of the development.

Outstanding matters

Issue 1 – Buried cables

- 2.4. Situation: Buried cables around Aldington Flood Storage Area would act as conduits for seepage of flood waters and surface waters to alternative areas or creating new routes of diversion compromising the effectiveness of Aldington Flood Storage Area and natural groundwater absorption.
- 2.5. Impact: Aldington Flood Storage Area would be compromised by water channelling through cable routes increasing flood and ground water in areas that have not previously been an issue or flood waters diverting past the dam and hydrobrake.
- 2.6. Solution: The applicant should provide greater detail of the planned cable routes and details of the construction of the channels so the risk of these routes can be properly considered, particularly the routes near the dam and towards Sellindge close to the railway line.

Issue 2 - Flood risk associated with precast concrete block ballasts

- 2.7. Situation: Paragraph 6.1.7 of the FRA 'Solar PV modules and mounting structures' refers to an alternative option of using pre-cast concrete block ballasts where piled foundations are not appropriate. Paragraph 6.1.7 of the FRA states "A non-invasive mounting solution that uses pre-cast reinforced concrete blocks or similar to provide ballast to support the PV panels would be used where piled foundations are not appropriate." ([APP-094](#) – Doc 5.4 *Environmental Assessment Appendix 10.2: Flood Risk Assessment*)
- 2.8. Impact: The use of precast concrete block ballasts could lead to an increase in offsite flood risk as the precast concrete block ballasts take up a greater volume of the flood plain than the considered piled foundations.
- 2.9. Solution: The applicant should demonstrate that there would be no increased flood risk if precast concrete block ballasts were to be used instead (e.g. due to reduced floodplain conveyance or loss of flood storage).

Issue 3 – Flood storage calculations

- 2.10. Situation: The 'Floodplain Compensation level for Level Calculation' table from 'Annex D: Floodplain Compensation Level for Level Calculations' of the FRA demonstrates a net increase (1,543.11 m³) in flood storage downstream of the Aldington Flood Storage Area but does not show any net increase within Aldington Flood Storage Area as referenced in the Outline Operational Surface Water Drainage Strategy (OOSWDS). Paragraph 5.1.5 of the OOSWDS states "The swale and wetland areas have both been designed to enhance biodiversity and ensure that there is no adverse impact on water quality. In addition, the wetland area, which will be sited within the AFSA, will increase the capacity of fluvial flood storage available. This will therefore contribute to a small reduction in downstream flood risk." ([APP-094](#) – Doc 5.4 *Environmental Assessment Appendix 10.2: Flood Risk Assessment*; [APP-159](#) – Doc 7.14 *Outline Operational Surface Water Drainage Strategy*)
- 2.11. Impact: The storage capacity of Aldington Flood Storage Area may be reduced by the proposed landscaping works.
- 2.12. Solution: The applicant should amend the flood storage calculations within the 'Floodplain Compensation level for Level Calculation' table from 'Annex D: Floodplain Compensation Level for Level Calculations' of the FRA to show the flood storage increase inside Aldington Flood Storage Area as stated in the paragraph 5.1.5 of the OOSWDS "increase the capacity of fluvial flood storage available".
- 2.13. Solution: The applicant should also confirm that there is no loss of flood storage capacity in Aldington Flood Storage Area from the landscaping works including but limited to the woodland planting, tree planning, habitat scrapes and habitat ponds.

Issue 4 – Unrestricted access

- 2.14. Situation: We will need unrestricted access to Aldington Flood Storage Area at the North end for continued maintenance and particularly in emergency situations. This may include delivering plant to the site. We also require unrestricted access to EA owned assets on the south end of Field 24 downstream of the Hydrobrake outlet.
- 2.15. Impact: We may be unable to carry out our statutory duties at Aldington Flood Storage Area.
- 2.16. Solution: The applicant should ensure that we have unrestricted access to our site at all times during and after construction.
- 2.17. Solution: The applicant should ensure the development keeps EA access to assets on Field 24 unaffected.

Issue 5 – Drainage and impact on the East Stour water levels

- 2.18. Situation: The drainage strategy on the site adjacent to the East Stour downstream of the hydrobrake outlet on the south end of Field 24 may increase water levels in this area. There is a privately owned sluice gate downstream of the outlet that the owner operates to always ensure they have water ponding in their garden. This restricts the maximum flow on this section of river.
- 2.19. Impact: The drainage solution may increase the water level as a result of the restriction downstream.
- 2.20. Solution: The applicant should ensure that any drainage plans consider restrictions downstream, and that the drainage solution does not increase water levels adversely. The applicant should provide us with calculations and assessments.

Issue 6 – Aldington Flood Storage Area standoff area

- 2.21. Situation: The 8m standoff provided in the Aldington Flood Storage Area Risk Assessment (AFSARA) does not satisfy the standoff document we previously shared (see Appendix A in this letter). ([APP-097](#) – *Doc 5.4 Environmental Statement Appendix 10.4: Aldington Flood Storage Area Risk Assessment*)
- 2.22. Impact: We may be unable to maintain our owned assets resulting in an increase in flood risk.
- 2.23. Solution: Works should remain outside of the standoff area previously provided to the applicant. The Aldington Flood Storage Area Risk Assessment shall be amended to reflect this standoff area (see Appendix A).

Issue 7 – Flood Mitigation Measures Implementation

- 2.24. Situation: There is currently no requirement for the development to be carried out in accordance with the submitted FRA, AFSARA and supporting associated documents (including but not limited to the Outline Operational Surface Water Drainage Strategy) ([APP-094](#) – *Doc 5.4 Environmental Statement Appendix 10.2: Flood Risk Assessment*; [APP-097](#) – *Doc 5.4 Environmental Statement Appendix 10.4: Aldington Flood Storage Area Risk Assessment*; [APP-159](#) – *Doc 7.14 Outline Operational Surface Water Drainage Strategy*).
- 2.25. Impact: The development may not follow the specific mitigation measures specified in the FRA and associated documents which could result in an increase in flood risk.
- 2.26. Solution: The Draft Development Consent Order ([APP-015](#) – *Doc 3.1 Draft Development Consent Order*) will need a requirement to be included within Schedule 2 Requirements, Part 1 Requirements worded as follows:

Requirement: The development must be carried out in accordance with the consented Flood Risk Assessment, Aldington Flood Storage Area Risk Assessment and supporting associated documents (including but not limited to the Outline Operational Surface Water Drainage Strategy).

Advice to applicant

Access licence

- 2.27. An access licence will be required for the access track improvement works and ongoing access on Environment Agency land under Land Registry Title Number: K514584.
- 2.28. Work planned to improve the access track between Fields 24 and 25 will require an access license to be agreed with the EA in advance of any works starting. This license can cover the development of the site and the ongoing use of the access track following construction being completed. (Field 24 and 25 shown in Drawing number: 142-02-44-pg2, Revision: 01, Titled: Works Plans Sheet 2 of 5 and Drawing number: 142-02-44-pg3, Revision: 01, Titled: Works Plans Sheet 3 of 5 in [APP-009](#) – *Doc 2.3 Work Plans*)
- 2.29. Discussions between EA legal representatives and developers or landowners will be needed to agree mutual access permissions to cover during construction and ongoing use of any access tracks.

Environmental permit

- 2.30. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
- on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)

- on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission
- 2.31. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.
- 2.32. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.
- Signing up for flood warnings
- 2.33. The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.
- 2.34. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.
- 2.35. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

3. Ecology

Overview

- 3.1. During previous discussions, our requirements included consideration of rivers, river margins, the need for river habitat surveys and species surveys for some riparian mammals.
- 3.2. The consultation documents we have reviewed have included most of the information we requested be provided.

Outstanding matters

- 3.3. There are four outstanding issues about which we will seek agreement.

Issue 8 - Invasive species (giant rhubarb *Gunnera*)

- 3.4. Situation: While giant rhubarb *Gunnera* spp. was not reported as per Table 9.9: Summary of Recent Invasive Species Records in the Biodiversity Chapter

of the Environmental Statement (ES), it is known to be in the catchment upstream of the development site. The cultivation of *Gunnera* is now banned. ([APP-033](#) – Doc 5.2 *Environmental Statement Volume 2: Main Text Chapter 9: Biodiversity*)

- 3.5. Solution: When watching briefs by the Ecological Clerks of Works are planned for works near the East Stour, *Gunnera* should also be included and, if any specimens found in the development site, they should be eradicated.

Issue 9 - Invasive species (mink)

- 3.6. Situation: Mink was recorded as being in the area and surveys confirmed their presence, as per Table 9.9: Summary of Recent Invasive Species Records in the Biodiversity Chapter of the ES. ([APP-033](#) – Doc 5.2 *Environmental Statement Volume 2: Main Text Chapter 9: Biodiversity*)

- 3.7. Solution: This project could contribute to the effort to eradicate mink in the United Kingdom with support for the soon to be launched (27 September 2024) Waterlife Recovery Southeast (WRSE) project. This contribution would be in line with the proposal, as per Table 0.1: Illustrative Maintenance and Management Schedule Years 1-5 of the Outline Landscape and Ecological Management Plan (OLEMP) which refers to management of invasive non-native species (page 37) ([APP-155](#) – Doc 7.10 *Outline Landscape and Ecological Management Plan*).
This work of the WRSE is being led as a partnership of many different bodies, organisations and individuals by the Waterlife Recovery Trust (WRT, [Waterlife Recovery Trust - Saving our native wildlife from the introduced American Mink](#)). For further information about our work with WRT on WRSE, we can be contacted via KSLE@environment-agency.gov.uk (for the attention of Fisheries Biodiversity and Geomorphology).

Issue 10 - Tree planting

- 3.8. Situation: The landscaping proposals include the “planting of individual native wetland feathered trees along the East Stour River (Fields 19 and 26-29) and standards within existing and proposed hedgerows” as stated at paragraph 3.4.1 of the OLEMP ([APP-155](#) – Doc 7.10 *Outline Landscape and Ecological Management Plan*).
- 3.9. Impact: While we usually support tree planting, there are occasions where, due to our requirements for access for river management, trees can be an obstacle to flood risk management works.
- 3.10. Solution: This problem can easily be overcome if the applicant discusses riverside tree planting with us so we can confirm the suitability of the proposed locations and agree them before the planting schedules are published and contractors retained.

Issue 11 - Beavers

- 3.11. Situation: Pre-commencement surveys listed in paragraph 5.3.3 of the OLEMP do not specifically include beaver ([APP-155](#) – *Doc 7.10 Outline Landscape and Ecological Management Plan*).
- 3.12. Solution: Beaver should be added to the list of species for which surveys will be completed.

Issue 12 - Aquatic/Marginal planting provenance

- 3.13. Situation: Section 6.17 'Proposed Aquatic/Marginal Planting' of the OLEMP does not refer to provenance of the species that are being planted ([APP-155](#) – *Doc 7.10 Outline Landscape and Ecological Management Plan*).
- 3.14. Solution: Specimens that are of local provenance should be procured. All specimens must also be carefully checked for the presence of aquatic non-natives.

4. Groundwater and Contaminated Land

- 4.1. We have reviewed the relevant documents related to land contamination and risks posed to groundwater for the proposed development. We are satisfied that risks to groundwater have been appropriately considered and that the mitigation measures proposed are acceptable.
- 4.2. We understand that the project will include horizontal directional drilling. We note that further liaison with us and compilation of site-specific risk assessments (as part of the detailed CEMP) will be undertaken to address these works which we welcome. Various other mitigation measures are proposed for other activities (e.g. refuelling of vehicles), many of which are standard best practice ([APP-153](#) – *Doc 7.8 Outline Construction Environmental Management Plan*).
- 4.3. We further understand the land contamination assessments have concluded that the risk to controlled waters is low to very low, and as such no specific remediation is required/proposed. Based on the information we have reviewed we agree with those conclusions ([APP-035](#) – *Doc 5.2 Environmental Statement Volume 2: Main Text Chapter 11: Land Contamination*).

5. Water Quality

Overview

- 5.1. Given the potential for high-risk surface water pollution from silt, oil, chemicals, etc., the pollution prevention measures outlined in the Outline Battery Safety Management Plan (BSMP) and the Outline Construction Environment Management Plan (CEMP) are satisfactory and appear to meet high standards ([APP-153](#) – *Doc 7.8 Outline Construction Environmental*

Management Plan; [APP-161](#) – Doc 7.16 Outline Battery Safety Management Plan).

Outstanding matter

Issue 13 – Water Pollution Prevention Measures Implementation

- 5.2. Situation: The key measures identified in the plans are:
- **Water quality surveys:** These will be conducted prior to the commencement of construction to establish a baseline, with regular monitoring of water quality during the construction in the East Stour River and Ordinary Watercourses on and downstream of the site.
 - **Oil, chemicals, and machinery storage:** These will be kept in bunded areas and away from any watercourses.
 - **Silt management:** Silt-laden surface water will be directed across vegetated zones or through mesh fencing to capture sediment. Alternatives, such as sediment traps or settlement lagoons, may also be considered.
 - **Inverter and Battery unit location:** The location of inverter and battery units will be carefully planned to ensure that any firewater is contained, preventing any polluted water from leaking into the surrounding area following a fire.
 - **Firewater management:** Collected firewater will be pumped into tankers and removed from the site for treatment and disposal at a licensed facility.
 - **Sustainable Drainage Systems (SuDS):** The drainage system will be lined where necessary and fitted with a penstock to prevent any discharges to the ground or watercourses in the event of a pollution incident or contaminated firewater.
- 5.3. Solution: We require that these pollution prevention measures be fully implemented throughout the construction, operational, and decommissioning phases. It is crucial that all contractors and subcontractors are made aware of these measures to ensure protection of surface water from contamination. We also require that the results of the Water Quality Surveys be shared with the Environment Agency. The Draft Development Consent Order Schedule 2 Requirements, Part 1 Requirements ([APP-015](#) – Doc 3.1 Draft Development Consent Order) should include the following requirement:
- Requirement:** To ensure protection of surface water from pollution, the development must be carried out in accordance with the pollution prevention measures detailed in the Construction Environmental Management Plan and Battery Storage Management Plan and throughout the construction, operational, and decommissioning phases, specifically:
- Water quality surveys
 - Oil, chemicals, and machinery storage
 - Silt management
 - Inverter and Battery unit location
 - Firewater management

- Sustainable Drainage Systems (SuDS)
The results of the Water Quality Surveys must be submitted to the Environment Agency.

Advice to applicant

Dewatering permit

- 5.4. One aspect not clearly addressed in the plans is the potential need for dewatering from excavations. This project may require temporary dewatering during the construction phase. According to the Environment Agency's Regulatory Position Statement (RPS) 261, dewatering is allowed for up to 3 consecutive months. If the discharge activity is expected to exceed 3 consecutive months, a Water Discharge Activity Permit will be required.
- 5.5. For further details on this RPS, please refer to the following link:
[Temporary dewatering from excavations to surface water: RPS 261 - GOV.UK](#)

Appendix A: Aldington FRS standoff area

See next page.

Aldington FSR standoff area



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Metres