



# Stonestreet Green Solar

## Responses to Deadline 1 Submissions

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# 1 Introduction

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## 1.1 Purpose of the Report

- 1.1.1 This Report provides the Applicant's responses to the Local Impact Reports (LIRs) and Written Representations (WRs) received at Deadline 1 in respect of the proposed Stonestreet Green Solar project (the Project).
- 1.1.2 The Applicant has combined the responses to the LIRs and WRs into one document to avoid repetition because there were a number of similar points raised by Ashford Borough Council (ABC) and Kent County Council (KCC) in their respective LIRs and WRs.

## 1.2 Structure

- 1.2.1 This document is structured as follows:
- Section 2 provides the Applicant's response to the points raised in ABC's LIR and WR, including signposting to other responses and application documents where appropriate;
  - Section 3 provides the Applicant's response to the points raised in KCC's LIR and WR, including signposting to other responses and application documents where appropriate;
  - Section 4 provides the Applicant's responses to the WRs submitted by Category 2: Other Individual and Technical Stakeholders; and
  - Section 5 provides the Applicant's responses to the other WRs submitted, on a thematic basis.

## 1.3 Approach

### Local Impact Reports

- 1.3.1 At Deadline 1, LIRs were submitted by (ABC [\[REP1-078\]](#) and KCC [\[REP1-087\]](#)) as requested by the Examining Authority (ExA).
- 1.3.2 This report should be read alongside the following:
- **Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1) [\[REP1-062\]](#);**
  - **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A)).**

### Written Representations

- 1.3.3 A total of 54no. Written Representations were received. Of these:
- 2 were submitted by local authorities;



- 2 were submitted by parish councils;
- 7 were submitted by other statutory consultees;
- 1 was submitted by a non-statutory organisation; and
- 42 were submitted by members of the public, businesses and non-statutory organisations.

1.3.4 This Report follows the categorisation of responses used in the **Responses to Relevant Representations (Doc Ref. 8.2)** [\[REP1-061\]](#), as follows:

- Category 1: Statement of Common Ground parties;
- Category 2: Other Individual and Technical Stakeholders; and
- Category 3: Themed Responses where similar issues have been raised by more than one Interested Party (IP).

1.3.5 This Report does not look to duplicate the Applicant's **Responses to Relevant Representations (Doc Ref. 8.2)** [\[REP1-061\]](#) which was submitted at Deadline 1. Where appropriate to avoid repetition, the Applicant has sought to cross-refer back to responses provided in that document, supplemented by additional information that has been entered into the Examination since that document was prepared.

1.3.6 The Applicant has initiated engagement via Statements of Common Ground (SoCGs) with a number of parties that have submitted a WR. The table below sets out the parties which have submitted WRs with whom the Applicant is negotiating SoCGs.

**Table 1-1: Statement of Common Ground Parties**

SoCG Party	SoCG Ref.	Location of response to WR
Ashford Borough Council	8.3.1	In this Report, alongside our response to the LIR
Environment Agency	8.3.2(A)	SoCG
Historic England	8.3.3(A)	SoCG
Kent County Council	8.3.4(A)	In this Report, alongside our response to the LIR
National Grid Electricity Transmission PLC	8.3.5(A)	SoCG
National Highways	8.3.6(A)	SoCG
Natural England	8.3.7(A)	SoCG
Network Rail Infrastructure Limited	8.3.8(A)	SoCG



## 2 Response to Ashford Borough Council's LIR and WR

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### 2.1 Overview

2.1.1 The following topics were raised by ABC in their LIR [[REP1-078](#)] and WR [[REP1-080](#)]:

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

2.1.2 The tables below provide the Applicant's response to these topics arranged under the headings listed above, supported by identification of sub-themes for clarity and ease of reference.



## 2.2 Response to ABC's LIR and WR

**Table 2-1: Principle of renewable energy and impacts on climate change**

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>Principle of renewable energy and impacts on climate change</i>		
LIR 7.1	At a local level, Chapter 2 of the Ashford Local Plan (ALP) sets out the vision for Ashford borough in 2030. Part of this vision relates to the need to adapt to and mitigate against the effects of climate change stating that a positive approach will be secured by (amongst other things) promoting sustainable energy technologies.	<p>As set out in Section 3.3 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a>, the policies within the ALP relate to planning applications rather than development consent applications for nationally significant infrastructure projects (NSIPs) and the tests within both are considered to be in conflict with the policy set out in National Policy Statement for Renewable Energy Infrastructure (NPS EN-3). In accordance with paragraph 4.1.15 of Overarching National Policy Statement for Energy (NPS EN-1) where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project.</p> <p>The ABNP was adopted by ABC on 18 October 2024. It was made part of ABC's Local Plan on 23 October 2024. The policies within the ABNP relate to planning applications rather than development consent applications for NSIPs and the tests within it are also considered to be in conflict with the policy set out in NPS EN-3.</p>
LIR 7.2	Policy SP1 of the ALP sets out the strategic vision for the borough and contains certain criteria that provides core principles that planning applications are expected to adhere to. Criterion 'I' seeks to ensure that new development is resilient to and mitigates against the effects of climate change by promoting development that minimises natural resource and energy use.	
LIR 7.3 - 7.4	Policy ENV10 of the ALP sets out how proposals for renewable and low carbon energy generation will be considered by the Council.	
LIR 7.5	Policy AB9 of the A&BNP states that proposals that design in environmental performance measures and standards to reduce energy consumption and climate effects will be supported,	

LIR/WR Para Ref.	Summary Position	Applicant Response
	subject to compliance with other policies. Policy AB10 of the A&BNP relates to commercial scale solar development.	
LIR 7.6	The Council accepts the urgency, challenge and responsibility to act in order to play its part in tackling climate change and has set targets to have net zero carbon emissions in its own estate and services by 2030 and borough wide by 2050, thereby supporting the national agenda.	The Applicant notes these comments.
LIR 7.7	The Borough Plan's reference to community energy relates to renewable energy projects that are community-owned and controlled. The Council notes that community energy is at the heart of the Government's ambitions for clean power by 2030 and will be central to the future role of Great British Energy through the Local Power Plan. This approach and policy commitment illustrates Government support <i>'to build clean power in cities, towns and villages across Britain to boost national energy security and cut energy bills'</i> . Great British Energy has a mission to partner with councils and communities to put solar panels on public land or roofs of estates and empower local communities to come forward with projects directly owned by local people. A condition of investment is that local communities would benefit through financing opportunities, for example through green bonds or shares in local assets or through direct reductions in energy costs.	The Applicant notes the Project is not located on publicly owned land, nor is the Applicant a public sector body. Private sector involvement in developing generation assets, such as that proposed by the Applicant, is not only consistent with, but actively supported by up-to-date Government policy.

LIR/WR Para Ref.	Summary Position	Applicant Response
LIR 7.8	The Planning Statement states that the proposed development would generate an amount of electricity equivalent to 397% of the electricity generated in 2022 from photovoltaics in Ashford, 225% of the electricity generated in 2022 from photovoltaics in the areas of Ashford Borough Council and Folkestone and Hythe District Council and 35% of the electricity generated in 2022 from solar in Kent.	The Applicant notes these comments.
LIR 7.9	The Council recently commissioned a Local Area Energy Plan LAEP (IES solutions). This estimates that Ashford's proportion of responsibility (based on land area) to decarbonise the electricity grid by 2035 is an additional capacity of 16GW. With current operational installations and existing planned grid installations this estimates an additional requirement of 40MW of capacity to be installed in Ashford by 2035. This is estimated to equate to 20% of the borough's domestic properties installing rooftop PV or 133 acres of land being used for large scale solar.	<p>The Applicant notes that the study (Local Area Energy Plan LAEP) has not been published, nor has not been made available to review. On the basis of what the Council set out in the LIR, the Applicant notes that ABC suggest that "Ashford's proportion of responsibility (based on land area) to decarbonise the electricity grid by 2035 is an additional capacity of 16GW" which the Council suggests requires "an additional requirement of 40MW of capacity to be installed in Ashford by 2035". The Applicant does not understand either of these statements. It is noted that the total installed solar capacity across the UK currently is circa 18GW and the Government has indicated that circa 50GW of capacity is required by 2030 and 70GW of capacity is required by 2035 to decarbonise the electricity grid and meet its legal net zero obligations.</p> <p>In any case the Applicant notes there is no regional or sub regional target set in policy. Paragraph 3.2.6 of NPS EN-1 states that:</p>
LIR 7.10 - 7.11	The renewable energy proposed to be generated by this proposed development would far exceed these requirements when considered in terms of Ashford's net zero responsibility and the Council's view is that multiple small-scale wind and solar opportunities, including one at this Site could be more appropriately accommodated and with less harm which would be more acceptable to local	<p><i>"the Secretary of State should assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure which is urgent, as described for each of them in this Part".</i></p>

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>communities with co-benefits for project profits to be reinvested in local facilities and projects.</p> <p>Listening and serving the Ashford Community is the Council's philosophy as outlined in the Borough Plan. The Council's preference would be for developments that deliver a Just Transition, financially benefitting the communities that embrace renewable generation with low cost, low carbon energy. Community run energy generation, that is supported by residents is more likely to speed transition and encourage further replication advancing rather than detracting from net zero. Indeed sites of this scale, imposed on communities frame the climate agenda in a negative narrative which the Council consider is not helpful to target attainment.</p>	<p>Paragraph 3.2.7 goes on to state <i>“that substantial weight should be given to this need when considering applications for development consent under the Planning Act 2008”</i>.</p> <p>Paragraph 2.10.25 of NPS EN-3 makes it clear that <i>‘applicants may choose a site based on nearby available grid export capacity’</i>.</p> <p>As set out in table 2-1, reference 2.1.1 of the <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1)</b> <a href="#">[REP1-062]</a> it is agreed that there is a compelling need, as a matter of principle, to increase renewable energy generation. ABC's position that national need should be assessed based on local land area is not founded on any policy basis and is clearly in direct conflict with both NPS EN-1 and NPS EN-3.</p> <p>As set out in Section 6.2 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a>, the Project would make a direct contribution to the provision of low carbon generation capacity that is urgently required in order to meet the Government's objectives and commitments for the development of a secure, affordable and low carbon energy system.</p> <p>The SoS has determined that substantial weight should be given to this need when considered applications for development consent under the PA 2008 (NPS EN-1, Paragraph 3.2.7). Helping meet this established urgent need should weigh heavily in favour of development consent being granted for this Project. It is acknowledged that there are some residual environmental effects identified during the construction, operation and decommissioning stages, but such impacts have been avoided or mitigated as far as practicable and must be balanced against the substantial weight which should be given to the need for renewable energy.</p> <p>These benefits are considered to demonstrably outweigh any limited harm that a project of this scale may give rise to.</p> <p>The Applicant notes ABC's reference to a 'Just Transition' but does not understand what ABC means by this. The implication is that ABC believe</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
		<p>community run energy generation ‘is more likely to speed transition’ to net zero as larger sites are less likely to be locally supported. This is contrary to the position taken in Government policy, which supports both community run projects and NSIPs. NPS EN-1 makes clear that community energy systems are not an alternative to large scale generation assets which will be required to meet national energy objectives:</p> <p><i>"3.3.12 Decentralised and community energy systems such as micro-generation contribute to our targets on reducing carbon emissions and increasing energy security. These technologies could also lead to some reduction in demand on the main generation and transmission system. However, the government does not believe they will replace the need for new large-scale electricity infrastructure to meet our energy objectives."</i></p>
LIR 7.12 – 7.15	<p>The Council concurs with the conclusions of the GHG emissions assessment and is satisfied that the proposed development has been designed to minimize embodied carbon and to incorporate BESS to ensure all generated energy is used. It has also been evidenced that the gross emissions associated with the construction and operational phases would be small in the context of wider GHG emissions and that the net effect would be to provide lifetime GHG savings compared to conventional electricity generation thereby supporting the transition to net zero.</p> <p>The proposed development has been identified as making a minor to moderate beneficial effect on the contribution towards renewable energy generation (at the national level) and addressing climate change that would be aligned to the</p>	<p>The Applicant notes these comments.</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
	strategic objectives of the ALP and the Council's key commitments at a local level.	
LIR 7.16	<p>Whilst, by its very nature, the proposed development would have positive impacts in terms of the production of clean renewable energy and the transition and movements towards net zero in accordance with local planning policies, the Council regrets that it does not comprise a community energy project and the renewable energy generated would not result in direct benefits for affected communities in the same way that a single or multiple smaller scale community energy projects would achieve with additional direct co-benefits including for cost of living for residents and the wider Ashford green economy and skills.</p>	<p>The Applicant notes that 'Community Energy Projects' are defined by ABC<sup>1</sup> as <i>'schemes of any scale, wholly or partially owned and run by local communities. The scope is very wide and can cover projects that generate energy for local use or sale, projects that make community assets more efficient or greener, even small scale community run or joint venture heat networks'</i>.</p> <p>Whilst the Applicant is not wholly or partially owned (nor would it be run) by the local community, the Project would make a meaningful contribution to the supply of renewable energy in the local area. As set out in paragraph 5.3.1 of the Planning Statement, the Project is <i>'able to generate an amount equivalent to 397% of the electricity currently (in 2022) generated from photovoltaics in Ashford, 225% of the electricity currently (in 2022) generated from photovoltaics in the areas of ABC and Folkestone and Hythe District Council, 35% of the electricity (2022) generated from solar in Kent'</i>.</p> <p>NPS EN-1 makes clear that community energy systems are not an alternative to large scale generation assets:</p> <p><i>"3.3.12 Decentralised and community energy systems such as micro-generation contribute to our targets on reducing carbon emissions and increasing energy security. These technologies could also lead to some reduction in demand on the main generation and transmission system. However, the government does not believe they will replace the need for new large-scale electricity infrastructure to meet our energy objectives."</i></p>
LIR 7.17	<p>In order to comply with Policies ENV10 of the ALP 2030 and Policies AB9 and AB10 of the A&amp;BNP 2030 it must be demonstrated that there are no significant adverse environmental impacts that</p>	<p>As stated in Table 5 in Appendix 1 (Policy Compliance Checklist) of the <b>Planning Statement (Doc Ref. 7.6)</b> [APP-151], Policy ENV10 relates to planning applications rather than applications for DCOs for NSIPs. The tests within ENV10 are considered to be in conflict with the policy set out in the</p>



LIR/WR Para Ref.	Summary Position	Applicant Response
	cannot be appropriately managed and/or mitigated through the DCO process. In particular criterion 'A.v' of Policy AB10 of the A&BNP requires the benefits of renewable energy to be proven to outweigh the landscape and environmental impacts. The other sections of this LIR therefore consider the potential impacts of the development in other respects and the ExA will need to balance these positive impacts against any negative impacts set out in this LIR and that of other Interested Parties.	<p>NPS EN-3(January 2024). In accordance with paragraph 4.1.15 of Overarching NPS EN-1 where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project.</p> <p>Paragraph 6.11.5 of the <b>Planning Statement (Doc Ref. 7.6)</b> [APP-151] also sets out that '<i>Whilst some limited significant adverse effects have been identified, these are considered to be limited for a Project of this nature. NPS EN-1 recognises that virtually all NSIPs will have adverse impacts on the landscape. It is clear that the landscape strategy has sought to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate. Therefore, in consideration of the above, the Project is considered to be in accordance with NPS EN-1 and NPS EN-3</i>'.</p>

**Table 2-2: Landscape and visual**

LIR Para Ref.	Summary Position	Applicant Response
WR 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.	<p>As set out in Section 7.4 of the <b>Planning Statement (Doc Ref. 7.6)</b> [<a href="#">APP-151</a>], the Project benefits from up to date policy support. The <b>Planning Statement (Doc Ref. 7.6)</b> [<a href="#">APP-151</a>] (paragraphs 7.4.3 to 7.4.6) concludes:</p> <p><i>"...that the Project would not cause any potential adverse effects that, considered individually, cumulatively or as a whole, are so severe that the decision maker should refuse the application and, moreover, that each aspect of the proposals is acceptable in planning terms when considered against the relevant national and local policies.</i></p>



LIR Para Ref.	Summary Position	Applicant Response
		<p><i>It is therefore concluded that the benefits of the scheme, particularly the delivery of new solar generating capacity, are overwhelmingly greater than the residual adverse effects.</i></p> <p><i>Furthermore, the Project is defined as being CNP Infrastructure so there is an even greater basis of policy support, given the urgent national need for such infrastructure. The residual impacts of the Project are not defined as being unacceptable risks in the terms of NPS EN-1 and, as is evidently clear, there is no basis for suggesting that the Project qualifies as a most exceptional case to warrant refusal of the application for consent.</i></p> <p><i>There is a clear and compelling case in favour of the DCO being made.”</i></p>
WR 4	<p>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:-</p> <p>(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 &amp; 2.10.98),</p>	<p>Section 6 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> provides a detailed assessment of the Project against each of the relevant policy tests set out in NPSs EN-1 and EN-3. The relevant sections are set out below:</p> <ul style="list-style-type: none"> <li>▪ Good Design, including the use of design principles: see section 6.4;</li> <li>▪ Site Selection and Design evolution: See section 6.3 and section 5.2.5 onwards in <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a>; and</li> <li>▪ Public Rights of Way: See section 6.3.</li> </ul>

LIR Para Ref.	Summary Position	Applicant Response
	<p>(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),</p> <p>(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),</p> <p>(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),</p> <p>(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</p> <p>(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).</p>	
WR 5	Against this background, the context of the proposed solar development is;- (i) countryside	As set out in Section 7.3 of the <b>Planning Statement (Doc Ref. 7.6)</b> [ <a href="#">APP-151</a> ], the Project includes a comprehensive series of mitigation measures

LIR Para Ref.	Summary Position	Applicant Response
	<p>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.</p>	<p>which have been embedded in the design of the Project, to avoid, reduce and minimise adverse effects.</p> <p><i>“7.3.4 Firstly, with regard to landscape and visual effects, three visual receptors are considered likely to experience significant effects during the construction phase of the Project. These are users of PRow within/adjacent to proposed solar PV areas (two receptor groups) and users of PRow AE401, Collier’s Hill. At Year 1 of the operational phase, 19 visual receptors are considered likely to experience moderate adverse effects as a result of the Project, with one receptor judged to experience a moderate-major effect, all of which are significant. The majority of these receptors are in close proximity to or within the site. Following establishment of mitigation planting at Year 15, the number of visual receptors experiencing significant effects will reduce to four, all of which are moderate adverse effects. One receptor has been identified as likely to experience significant effects as a result of the decommissioning phase: Users of PRow AE401, Collier’s Hill will be subject to a temporary moderate adverse visual effect.</i></p> <p><i>7.3.5 No landscape receptors are anticipated to experience significant effects as a result of the construction or decommissioning phases of the Project. However, once operational, at Year 1, three landscape receptors are considered likely to experience significant effects as a result of the Project. The open fields of the Site and the overall character of the Site will be subject to major-moderate adverse effects, while the Aldington Ridge LCA will experience a moderate adverse effect. However, following establishment of proposed planting at Year 15, those three receptors are considered likely to experience a combination of moderate adverse and moderate beneficial effects which are significant. Two further landscape receptors (Hedgerows and Canopy Trees) will be subject to significant moderate beneficial effects following establishment of proposed planting.</i></p> <p><i>7.3.6...NPS EN-1 states at paragraph 5.10.5 “Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but</i></p>
WR 6	<p>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.</p>	<p><i>7.3.6...NPS EN-1 states at paragraph 5.10.5 “Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but</i></p>

LIR Para Ref.	Summary Position	Applicant Response
		<p><i>there may also be beneficial landscape character impacts arising from mitigation”.</i></p> <p><i>7.3.7 A comprehensive series of mitigation measures has been embedded in the design of the Project, with the aim of reducing adverse effects resulting from its introduction. The design of the Project has evolved as part of an iterative process and has been informed by the findings of the baseline landscape and visual amenity conditions. Once proposed planting is established, the number of receptors with significant effects rapidly decreases.</i></p> <p><i>7.3.8 Furthermore, paragraph 5.10.14 states that “The Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project.”. The national and local benefits of the Project are considered to outweigh the localised effects. Therefore, it is policy compliant with NPS EN-1.</i></p> <p>The changes to the PRow network have been designed to ensure continued recreational use of public rights of way where possible during construction, and in particular during operation (as required by NPS EN-3 paragraph 2.10.42). Table 12.18 of <b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b> <a href="#">[REP1-024]</a> and Table 2-1 of the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> then provides a link by link summary of the proposed changes and interactions between existing, replacement and new routes.</p> <p>The changes proposed together with the commitments secured in the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> ensure the public rights of way across the Site remain open during construction and protect users where a public right of way borders or crosses the Site during construction (as required by NPS EN-3 paragraph 2.10.41).</p> <p>The residual impacts of the Project are not considered to be unacceptable when considered against the relevant policy.</p>

LIR Para Ref.	Summary Position	Applicant Response
LIR 8.1	<p>At a local level, Policy SP1 of the ALP seeks to conserve the borough's natural environment including designated and, importantly, undesignated landscapes. Policy ENV3a requires all development proposals to demonstrate particular proportionate regard to landscape characteristics according to the landscape significance of the site and Policy ENV3b is relevant to proposals affecting the setting of AONBs. Policy ENV5 requires all new developments in rural areas to protect and where possible enhance: ancient woodland and semi-natural woodland, river corridors and tributaries; Public Rights of Way and other local historic or landscape features. Policy ENV10 states that in order to be acceptable, proposals should not result in significant adverse impacts on the landscape, natural assets or historic assets, having special regard to nationally recognised designations and their setting, such as AONBs (now National Landscapes).</p>	<p>As stated in Table 5 in Appendix 1 (Policy Compliance Checklist) of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a>, Policy ENV10 relates to planning applications rather than applications for DCOs for nationally significant infrastructure projects (NSIPs). The tests within ENV3, ENV5 and ENV10 are considered to be in conflict with the policy set out in the National Policy Statement for Renewable Energy Infrastructure (NPS EN-3) (January 2024). In accordance with paragraph 4.1.15 of Overarching National Policy Statement for Energy (NPS EN-1), where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project.</p>
LIR 8.2	<p>Criterion 'c' of Policy AB8 of the A&amp;BNP requires development proposals to demonstrate how they have responded positively to matters including (vi) landscaping, biodiversity and open space.</p>	<p>The ABNP was adopted by ABC on 18 October 2024. It was made part of ABC's Local Plan on 23 October 2024. The policies within the ABNP relate to planning applications rather than development consent applications for NSIPs and the tests within it are considered to be in conflict with the policy set out in NPS EN-3. In accordance with paragraph 4.1.15 of NPS EN-1 where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project.</p>
LIR 8.3	<p>Policy AB4 acknowledges the contribution of setting to the local character of settlements including Aldington and specifically identifies the key role of long distance views from the ridgeline</p>	<p>The ABNP was adopted by ABC on 18 October 2024. It was made part of ABC's Local Plan on 23 October 2024. The policies within the ABNP relate to planning applications rather than development consent applications for NSIPs and the tests within it are considered to be in conflict with the policy set out in NPS EN-3. In accordance with paragraph 4.1.15 of NPS EN-1 where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project.</p>

LIR Para Ref.	Summary Position	Applicant Response
	<p>and the main approaches to the village. Part A states that proposals with significant harmful impacts on the setting of the neighbourhood area will not be supported; part B identifies a number of locally significant views. Criterion 'i' of Policy AB10 requires an application to demonstrate that any harm to the local landscape and environment will be minimised and, where necessary, mitigated.</p>	
LIR 8.4	<p>The importance of local topography in assessing whether large scale solar farms could have a damaging effect on the landscape, is specifically addressed in the PPG on Renewable and low carbon energy (last updated 14 August 2023)</p> <p>...</p> <p>This provides an additional layer of detail to that provided in the NPPF which, in respect of applications for renewable energy, states that applications should be approved <i>'if its impacts are (or can be made) acceptable'</i>.</p>	<p>The NPPF and NPPG do not contain specific policies for nationally significant infrastructure projects. The relevant policy tests for a solar NSIP are set out within NPSs EN-1 and EN-3.</p> <p>NPS EN-1 states at paragraph 5.10.5 <i>"Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation"</i>.</p> <p>The Project includes a comprehensive series of mitigation measures which have been embedded in the design of the Project, to avoid, reduce and minimise adverse effects. The design of the Project has evolved as part of an iterative process and has been informed by the findings of the baseline landscape and visual amenity conditions. Once proposed planting is established, the number of receptors experiencing significant adverse effects rapidly decreases.</p> <p>Furthermore, paragraph 5.10.14 of NPS EN-1 states that <i>"The Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project"</i>. The national and local benefits of the Project are considered to outweigh the localised adverse effects. Therefore, it is compliant with NPS EN-1.</p>



LIR Para Ref.	Summary Position	Applicant Response
		<p>NPS EN-1 is clear that substantial weight should be given to the need for the types of infrastructure covered by this NPS (paragraph 3.2.7) and that this need is urgent (paragraph 3.2.6).</p> <p>Given the level and urgency of need, paragraph 4.1.3 of NPS EN-1 states that the SoS should <i>“start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the NPSs clearly indicate that consent should be refused”</i>. In the present case, there are no such policies which clearly indicate that consent should be refused. Accordingly, the presumption in favour applies and consent should be granted.</p> <p>Further, in accordance with NPS EN-1, there is a Critical National Priority ('CNP') for the provision of nationally significant low carbon infrastructure (paragraph 3.3.62) which is defined in paragraph 4.2.5 to include onshore renewable electricity generation, which includes the Project.</p>
LIR 8.5 to 8.6	<p>The Council commissioned Landscape Management Services Ltd to assist in the consideration of the landscape and visual impacts of the proposed Development.</p> <p>The ES includes a chapter on Landscape and Visual Impact and is supported by a Landscape and Visual Impact Assessment (LVIA). The LVIA assesses the likely effects of the proposed development in terms of landscape and visual amenity at the end of construction and at 15 years post construction.</p>	<p>Table 2.3 of the <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1)</b> <a href="#">[REP1-062]</a> confirms that ABC agree with the Applicant's scope, study area, receptors and assessment methodology in the LVIA.</p>
LIR 8.7 to 8.10	<p>The proposed scheme is located mainly to the north west and west of the village of Aldington. The majority of the proposed scheme area extends</p>	<p>The Applicant notes this comment.</p>



LIR Para Ref.	Summary Position	Applicant Response
	<p>over an irregularly shaped area running south west to north east across the Aldington Ridge and into the shallow, broad Upper/East Stour Valley. The northern limit to the scheme is defined by higher ground to the north west in the vicinity of Mersham and The Forstal.</p>	

### *Site selection and alternatives*

<p>LIR 8.11 to 8.12</p>	<p>Chapter 5: Alternatives and Design Evolution of the ES, specifically Section 5.6 describes the Site Selection Process.</p> <p>The primary landscape considerations as described in Section 5.6 were:</p> <ul style="list-style-type: none"> <li>▪ the proximity and potential impact on the Kent Downs National Landscape;</li> <li>▪ significant amount of existing developed vegetation surrounding large areas of the Site which limit close views</li> <li>▪ A large portion of the Site sits within a 'bowl' in the landscape which will aid in screening long range views</li> </ul> <p>Only two alternative Sites are considered, both of which are discounted for operational and project viability reasons (Section 5.7). Section 5.9 describes the evolution of the site extents, layout and landscape strategy linked to the key consultation stages. The Design Approach Document (APP-149) describes the development</p>	<p>It is noted that ABC have agreed the following points in the <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1)</b> <a href="#">[REP1-062]</a>:</p> <ul style="list-style-type: none"> <li>▪ It is agreed that the maximum distance from the Point of Connection (POC) at Sellindge Substation (The Search Area) is 5km. (Ref. 2.5.1)</li> <li>▪ The conclusions of the both the Sequential and Exception Test are agreed. (Ref. 2.5.2)</li> <li>▪ Two potential sites were identified by the Applicant, but neither were suitable or available for the Project. (Ref. 2.5.3)</li> </ul> <p>The conclusion of the above is that there are no reasonable alternative sites that could accommodate the Project.</p>
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LIR Para Ref.	Summary Position	Applicant Response
	of the design approach and the underlying design objectives.	
LIR 8.13 to 8.14	<p>At the conclusion of the 2022 Statutory Consultation the Council raised the following fundamental concern in relation to the site selection and design evolution process:</p> <p><i>The PEIR references amendments to the proposals informed by consultation and the scoping exercise but details of the evolution of the scheme as informed by this process are not included in the PEIR. The role of LVIA in informing the design process is a clear requirement of GLVIA 3 (Paras 4.5 to 4.10) and an overview of this process should be included in the full LVIA.</i></p> <p>(Ashford Borough Council Letter dated 08/12/2022)</p>	<p>Please refer to <b>Consultation Report Appendix F (Doc Ref. 6.2)</b> <a href="#">[APP-134]</a> for a response to this matter. This set out the following:</p> <p><i>The Applicant has prepared a <b>Design Approach Document (Doc Ref. 7.4)</b> that explains the design objectives and evolution of the Project.</i></p> <p><i><b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2)</b> <a href="#">[AS-010]</a> section 5.8 includes further information on the evolution of the Project as informed by the LVIA process, which is in line with the principles of the 3rd Edition Guidelines on Landscape and Visual Impact Assessment.</i></p> <p>A response on this matter was provided to ABC in the Applicant's letter sent to ABC Officers dated 15 August 2023. The Applicant received no response from ABC to this submission.</p> <p>For the avoidance of doubt, the Applicant considers that the Project has complied with the guidance set out in GLVIA3. It is also of note that ABC agree that there are no reasonable alternative sites that would better meet the needs of the Project.</p>
LIR 8.15 – 8.16	<p>The concerns raised by the Council relate to the fact that the site extents and layout were largely defined at the outset. In order to further understand the proposed site extents and layout the Council also asked the applicant to provide information as to the requirements in terms of land take and number/extent of solar panels in order to meet the stated objective of a site with export capacity to the national grid of up to 99.9MW of electricity. In this regard the fact that after the 2023 Statutory Consultation panels were then removed by the</p>	<p>As set out in Table 2-5 of the <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1)</b> <a href="#">[REP1-062]</a>, ABC agree with the conclusions of the both the Sequential and Exception Test. The SoCG also sets out the record of engagement, which confirms that the Applicant has responded to all feedback received by the ABC, most notably in the Applicant's responses dated 15 August 2023, 10 November 2023, 14 February 2024 and 19 April 2024. The Applicant is still awaiting a response to these submissions.</p> <p>In accordance with GLVIA3, Section 5.6 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> sets out the</p>

LIR Para Ref.	Summary Position	Applicant Response
	<p>applicant from Fields 26 to 29 due to flood risk that could not be overcome clearly indicates that there was scope to review the scheme extents, layout and landscape infrastructure and still meet the stated export capacity objective. Had the applicant been more open with the Council as to the necessary scheme extents in order to meet the desired energy outputs more meaningful discussions could have been held at an early stage on these macro-scale design options to mitigate the landscape and visual concerns set out in this document.</p> <p>Further information has subsequently been provided by the applicant in relation to the detail of the landscape strategy and there have been a number of minor changes to the scheme extents and landscape proposals, as described in Table 5.2 of Chapter 5 of the ES. However, despite the Council's early and fundamental request to the applicant to provide evidence as to how the landscape and visual assessment had informed the site selection, scheme extents and layout, such evidence has never been provided. The only reasonable conclusion that the Council can reach is that these key initial decisions were, instead, informed by operational and output requirements and other factors such as land availability and ownership.</p>	<p>factors that influenced the site selection process, with Sections 5.7 onwards describing the evolution of the Project design, and <b>ES Volume 3, Figures 5.1 – 5.4 (Doc Ref. 5.4)</b> <a href="#">[APP-046]</a> outlining the alterations made to the Project in response to engagement and Statutory Consultation feedback. The <b>Consultation Report (Doc Ref. 6.1)</b> <a href="#">[APP-126]</a> demonstrates the regard had to consultation feedback and whether this resulted in changes to the Project.</p> <p>Section 5.6 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> sets out how the site selection process for the Site was undertaken.</p> <p>The Applicant has made extensive effort to engage with ABC and has incorporated the vast majority of changes proposed by ABC and its landscape specialist advisor. The Applicant has not incorporated changes proposed by ABC that would result in a material reduction in the generating capacity of the site without any mitigation of effects as this is not considered to be consistent with policy. Further the Applicant does not consider a significant reduction to the Project's generating capacity, which would result from acceptance of ABC's proposals, to be a viable alternative to the Project.</p> <p>A summary of the changes made by the Applicant as a result of Consultation responses during pre-application include:</p> <ul style="list-style-type: none"> <li>▪ a reduction in the number of PV panels in Fields 3, 5, 12, 13, 16, 17, 20, 25 and 27 to allow for increased setbacks and to allow for further biodiversity and landscape planting;</li> <li>▪ the removal of PV panels from Fields 26 to 29, with the area retained within the Project exclusively for landscape and biodiversity enhancements and public access benefits;</li> <li>▪ refinement of the public rights of way (PRoW) strategy, including the straightening of the 'dog-leg' route in Field 13; and</li> <li>▪ significant additional landscape works, resulting in substantial increases</li> </ul>

LIR Para Ref.	Summary Position	Applicant Response
		<p>in new hedgerows and woodland and tree planting. For example, please refer to the changes between the 2022 and 2023 Statutory Consultation designs, set out within Table 5.3 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a>, with further landscaping added post the 2023 Statutory Consultation in direct response to ABC's proposals.</p> <p>The above demonstrates the Applicant has revised the Project design significantly having had regard to consultation feedback.</p> <p>This extensive process has sought to integrate landscape design and is considered to be wholly consistent with the relevant NPSs.</p> <p>As the Applicant explained in row 9 of Table 1-1 of the <b>Response to Additional Submission made at Procedural Deadline A (Doc Ref. 8.1)</b> <a href="#">[REP1-060]</a>, the overall footprint of the Site in terms of land take is consistent with paragraph 2.10.17 of the National Policy Statement for Renewable Energy Infrastructure (January 2024) (NPS EN-3) which recognises that a solar farm requires around two to four acres per megawatt. A reduced scale, and therefore generating capacity, is not considered by the Applicant to be a reasonable alternative to the proposed design of the Project. This is because a smaller Project would not be capable of delivering the same generation capacity as the current proposals and would therefore not maximise its potential benefits in terms of renewable energy generation. This approach was recently endorsed in the Secretary of State's decision letter for the Sunnica Energy Farm (dated 12 July 2024).</p>
WR 7 – 8	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	As set out in Table 1.1 of the <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1)</b> <a href="#">[REP1-062]</a> , the Applicant has responded to all feedback received by ABC. A number of meetings have been held with ABC and their landscape advisors, Landscape Management Services (LMS), to discuss feedback. Following the receipt of ABC's 2023 Statutory

LIR Para Ref.	Summary Position	Applicant Response
	<p>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 &amp; RR-018).</p> <p>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.</p>	<p>Consultation response, a meeting was also held in September 2023 with ABC Officers and to discuss:</p> <ul style="list-style-type: none"> <li>▪ ABC's response to 2023 Statutory Consultation;</li> <li>▪ The design approach taken for the Project;</li> <li>▪ Effects to Aldington Ridge;</li> <li>▪ Additional tree belt planting requested by ABC Officers; and</li> <li>▪ The need for independent design review.</li> </ul> <p>It was noted that there is broad agreement in respect of landscape and visual effects between the Applicant's and ABC's landscape advisors (LMS). At a meeting held on 7 December 2023 with ABC and LMS, LMS further confirmed that it was supportive of the landscape framework proposed by the Project and that it "compared very favourably with landscape frameworks on similar solar farm projects that it had been involved in reviewing".</p> <p>As noted in the previous response a number of changes were made by the Applicant during the pre-application stage to mitigate effects, including on landscape and visual receptors. The key proposals from ABC that the Applicant has not accepted relate to removal of panels from fields near the Aldington Ridge and the proposed introduction of significant tree belt planting across the ridge area. ABC has indicated these proposals are mainly intended to reduce effects from longer distance views to the north, with particular focus on views from Viewpoint 30 which is located on public right of way AE428 immediately south of High Speed One.</p> <p>The Applicant has not incorporated these two changes. The Applicant notes that both its landscape specialist and ABC's landscape specialist (LMS) agreed during a meeting on 7 December 2023 that were these changes made they would not result in a change in the magnitude of effect identified in ES. As such the Applicant does not consider that the changes proposed by ABC are necessary to make the Project acceptable in planning terms, as the</p>

LIR Para Ref.	Summary Position	Applicant Response
		<p>scheme is considered to be consistent with policies within the NPS. Further the Applicant does not consider a significant reduction to the Project's generating capacity, which would result from acceptance of ABC's proposals, to be a reasonable alternative.</p> <p>The Applicant has shared all information requested by ABC and has provided comprehensive responses to all feedback received by ABC, most notably in the Applicant's responses dated 15 August 2023, 10 November 2023, 14 February 2024 and 19 April 2024. As noted above, the Applicant is still awaiting a response to these submissions.</p> <p>Section 5.8 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> sets out the evolution of the Project design, and <b>ES Volume 3, Figures 5.1 – 5.4 (Doc Ref. 5.4)</b> <a href="#">[APP-046]</a> demonstrate the alterations made to the Project in response to engagement and Statutory Consultation feedback. The <b>Consultation Report (Doc Ref. 6.1)</b> <a href="#">[APP-126]</a> demonstrate the regard had to consultation feedback and whether this resulted in changes to the Project.</p> <p>Section 5.6 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> also sets out how the site selection process for the Site was undertaken. Paragraph 5.6.5 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> describes how the Applicant considered landscape impacts as part of the site selection process, stating:</p> <p><i>“The Site is not within a nationally designated landscape (see ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2) for further details). Areas to the south or east of Sellindge are either within the Kent Downs NL or closer to this area (on elevated land) which would have a greater potential impact on the setting of the Kent Downs NL”.</i></p>



LIR Para Ref.	Summary Position	Applicant Response
WR 9 - 11	<p>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.</p> <p>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.</p> <p>These suggestions are set out comprehensively in the Council's RR (RR-018) and involve approaches that can be described as 'removal', 'fragmentation' &amp; '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.</p>	<p>The Project has followed the guidance set out by the National Infrastructure Commission in respect of Design Principles for National Infrastructure, including direct engagement with the NIC Design Group.</p> <p>As set out in our letter to ABC (dated 15 August 2023), the Applicant has sought regular input from both ABC and KCC in respect of the emerging Project proposals throughout the pre-application period. It is also noted that ABC have engaged their own independent landscape consultants, LMS, who have independently reviewed the design and the preliminary landscape visual assessment of the Project. LMS has not raised concerns on the specific design of the solar project infrastructure, presumably because design for this type of infrastructure is standardised and that the Applicant has responded positively to the majority of landscape design changes proposed by ABC/LMS. The Applicant has also discussed the proposals with the Kent Wildlife Trust, the heritage team at KCC and other local stakeholders to ensure the principles of good design have been met.</p> <p>As set out in the letter dated 15 August 2023 to ABC, the Applicant considered the appropriateness of undertaking a design review exercise referred to in section 4.7.8 of NPS EN-1, and given the scale and nature of the emerging proposals, did not consider a Design Council Review to be necessary.</p> <p>Typically, a design review panel would focus on very specific design points and matters of technical design detailing and appearance. In the case of this Project given the design for this type of infrastructure is standardised the necessity of further independent design advice was considered to be limited.</p> <p>It is the Applicant's view that ABC's concerns centre on the scale of the Project, which are matters that the Secretary of State will have regard to in the decision-making process.</p> <p>On this basis, the Applicant does not consider it to be necessary to seek further independent design advice. The Applicant is not aware of any NSIP</p>



LIR Para Ref.	Summary Position	Applicant Response
		<p>solar development that has undertaken such a review, noting that consented solar NSIP projects are typically multiple times the size of this Project and therefore are likely to have effects over a wider area.</p> <p>The Applicant has undertaken a significant level of engagement with ABC on any design matter they have sought to raise, and summarised in Table 1.1 of <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1)</b> [<a href="#">REP1-062</a>]. The SoCG also provides the response to ABC's comments in respect of how the Project has met the tests set out in NPS EN-1.</p> <p>Good design has been a key consideration from the outset. The design process and basis of design decisions taken are described in section 5.8 in <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> [<a href="#">AS-010</a>] and section 5 of the <b>Design Approach Document (DAD) (Doc Ref. 7.4)</b> [<a href="#">APP-149</a>].</p> <p>The <b>Design Approach Document (Doc Ref. 7.4)</b> [<a href="#">APP-149</a>] (DAD) describes the design of the Project and how the design process has responded to its context and how it has been shaped through consultation to meet the design vision and the Design Objectives set out in the DAD. Paragraph 2.1.8 of the DAD explains that <i>'The design evolution has been an iterative process, with the final design evolving as constraints and opportunities have emerged over time, following the stages of assessment work and consultation. This process has been truly collaborative and has enabled the Applicant to present a scheme which is appropriate bearing in mind the context of the Site and the Government's overarching requirements for new solar infrastructure'</i>.</p> <p>The Project's design has been subject to multiple rounds of consultation, including input from ABC's independent landscape design advisor, LMS. The majority of this feedback has been incorporated into the design of the Project.</p>

LIR Para Ref.	Summary Position	Applicant Response
		<p>Please refer to the Applicant's response to LIR 8.15 – 8.16 above for further details on this point.</p> <p>The Project design has taken account of the context and features of the land within the Order limits, nearby sensitive receptors and assets, information from environmental surveys, feedback from stakeholders obtained through consultation and engagement, and opportunities and constraints in order to develop a good design that balances the need to maximise the energy generation capacity of the Project, with the avoidance and mitigation of effects, and provision of environmental and other enhancements, where practicable.</p> <p>The only suggestions proposed by ABC that have not been accepted by the Applicant are described as 'removal', 'fragmentation' and 'softening'. All of these involve a reduction in the size of the potential generating capacity of the Project. As explained above, a reduced scale, and therefore generating capacity, is not considered by the Applicant to be a reasonable alternative to the proposed design of the Project as it would not maximise its potential benefits in terms of renewable energy generation. This approach was recently endorsed in the Secretary of State's decision letter for the Sunnica Energy Farm (dated 12 July 2024).</p>
LIR 8.18 – 8.21	<p>A number of revisions to the scheme and an enhanced Illustrative Landscape Strategy were presented as part of the 2023 Statutory Consultation. These revisions addressed a number of localised landscape and visual impacts, but the Council considered that these changes did not address key landscape and visual impacts, in particular related to users of public rights of way within the Site and landscape and visual effects associated with the Aldington Ridge. The Council maintained its objection when responding to the</p>	<p>The Project has been designed, as far as possible, to avoid adverse effects on the environment through option identification, appraisal, selection and refinement, as described in Table 5.3 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a>.</p> <p>A summary of these changes include:</p> <ul style="list-style-type: none"> <li>▪ a reduction in the number of PV panels in Fields 3, 5, 12, 13, 16, 17, 20, 25 and 27 to allow for increased setbacks and allow for further biodiversity and landscape planting;</li> <li>▪ the removal of PV panels from Fields 26 to 29, with the area retained</li> </ul>

LIR Para Ref.	Summary Position	Applicant Response
	<p>2023 Statutory consultation. In response to a subsequent request from the applicant as to how to potentially overcome the Council's concerns, the Council first suggested that removal of the panels from Fields 10 and 12 located on the crest of the Aldington ridge would help reduce landscape harm to the character of the ridgeline and visual harm in relation to views to and from that ridgeline (as required by Policy AB4) and, second, the Council suggested an approach be adopted to fragment the largest area of the scheme to help break up the scale and massing of panels to bring tangible benefits to deal with effects on landscape character and visual effects to receptors on public rights of way within the site and in respect of views to the site, in particular from PRow AE370 and AE428 in the vicinity of The Forstal and Merham. The applicant has not adopted these suggestions in the DCO application and the Council maintains its landscape and visual objection.</p> <p>The Council notes that the 2024 DCO ES still identifies significant adverse residual landscape and visual effects in relation to:</p> <p><i>Landscape Effects</i></p> <ul style="list-style-type: none"> <li>▪ The Character of the Site</li> <li>▪ LCA Aldington Ridge.</li> </ul> <p><i>Visual Effects</i></p> <ul style="list-style-type: none"> <li>▪ Users of public rights of way within the site;</li> <li>▪ Locations on Bank Road and PRow AE370,</li> </ul>	<p>within the Project exclusively for landscape, biodiversity and public access benefits;</p> <ul style="list-style-type: none"> <li>▪ refinement of the PRow strategy, including the straightening of the 'dog-leg' route in Field 13; and</li> <li>▪ significant additional landscape works, resulting in substantial increases in new hedgerows and woodland and tree planting for instance, between the 2022 and 2023 Statutory Consultation designs, with further landscaping added post the 2023 Statutory Consultation in direct response to ABC's proposals.</li> </ul> <p>The above changes made to the Project demonstrate how the Applicant has revised the Project having had regard to consultation feedback.</p> <p>The key proposals noted by ABC that the Applicant has not accepted relate to removal of panels from fields near the Aldington Ridge and the proposed introduction of significant tree belt planting across the ridge area. ABC has indicated these proposals are mainly intended to reduce effects from longer distance views to the north, with particular focus on views from Viewpoint 30 which is located on public right of way AE428 immediately south of High Speed One. As outlined above the Applicant notes that both its landscape specialist and ABC's landscape specialist (LMS) agreed during a meeting on 7 December 2023 that were these changes made they would not result in a change in the magnitude of effect identified in the ES. As such the Applicant does not consider that the changes proposed by ABC are necessary to make the Project acceptable in planning terms, as the scheme is considered to be consistent with policies within the NPS. Further the Applicant does not consider a significant reduction to the Project's generating capacity, which would result from acceptance of ABC's proposals, to be a reasonable alternative.</p>

LIR Para Ref.	Summary Position	Applicant Response
	<p>AE377, AE474 which provide panoramic views towards the North Downs;</p> <ul style="list-style-type: none"> <li>▪ Viewpoint on PRoW AE401 on Colliers Hill;</li> <li>▪ Viewpoints on PRoW AE370 and AE428 and residents in Mersham on the northern side of the Stour valley.</li> </ul> <p>The Illustrative Landscape Proposals submitted in 2023 are welcomed by the Council as they provide greater clarity on the overall landscape strategy. There has, however, been no substantive change to the principal landscape and visual effects since the initial 2022 PEIR. There remains a significant adverse effect on the landscape character of the Aldington Ridge. This landscape forms a significant part of the rural landscape setting to Aldington Village, as appreciated in locally significant viewpoint 1 identified in Policy AB4.</p> <p>There also remain significant adverse visual effects on views from PRoWs within the Site, including from locally significant viewpoint 10 identified in Policy AB4 and views across the valley from the north and south and Colliers Hill to the west.</p>	<p>The pre-application consultation undertaken for the Project complied with the requirements of the Planning Act 2008 and associated regulations and guidance.</p> <p>This was evidenced in the <b>Consultation Report</b> [APP-126], which was submitted to the Planning Inspectorate and accepted for examination. In accepting the Application, the Planning Inspectorate confirmed that the Applicant complied with Chapter 2 of Part 5 (pre-application procedure) of the Planning Act 2008.</p> <p>The design of the Project and its integrated landscape strategy has evolved as part of an iterative, mitigation by design process in accordance with Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) and the relevant NPSs.</p> <p>The visual envelope of the Project is considered to be limited, with the significant adverse landscape effects limited to those receptors in the immediate locality of the Site, and PRoW users within the Order limits. NPS EN-1 recognises that virtually all NSIPs will have adverse impacts on the landscape (paragraph 5.10.5). The Applicant has adopted an approach to the design of the Project which has sought to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate. Therefore, in consideration of the above, the Project is considered to be in accordance with the relevant policy tests in NPS EN-1 and NPS EN-3.</p> <p>Details relating to the evolution of the design with respect to landscape and visual matters are set out in Table 5.3 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> [AS-010] and section 6.2 of the <b>Design Approach Document (Doc Ref. 7.4)</b> [APP-149].</p> <p>The principles of the landscape and ecology strategy have been based on the objectives set out in section 6.2 of the <b>Design Approach Document (Doc Ref. 7.4)</b> [APP-149].</p>

LIR Para Ref.	Summary Position	Applicant Response
		<p>Section 3.3 of the <b>Outline Landscape and Ecological Management Plan (LEMP) (Doc Ref 7.10(A))</b> <a href="#">[REP1-048]</a> provides the overarching principles for minimising, managing and / or mitigating and enhancing the environmental effects of the Project, including the specific landscape mitigation measures.</p> <p>The proposed landscape enhancements are considered appropriate to mitigate the effects of the Project and are secured through Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p>
WR 12 - 16	<p>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.</p> <p>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&amp;BNP') Policy AB4 viewpoint 1 establishes the importance of this view up to Bank Road.</p> <p>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</p>	<p>The Applicant considers it important to make the distinction between effects on landscape character and effects on visual amenity, the latter occurring only on visual receptors (i.e. people). The Aldington Ridge Landscape Character Area (LCA) is included as a receptor for the assessment of landscape effects, however, it is not a visual receptor and cannot therefore experience visual effects. Notwithstanding the above, the perceptual aspects of change have been taken into account in the assessment of landscape effects, alongside physical changes to the fabric of the landscape.</p> <p>For the avoidance of doubt, it should also be noted that Fields 7, 8, 16, 18, and 19 fall outside the boundary of the Aldington Ridge LCA.</p> <p>The likely significant effects on landscape receptors are set out in <b>ES Volume 4, Appendix 8.8: Landscape Effects Table (Doc Ref. 5.4)</b> <a href="#">[APP-080]</a>. The landscape effects on the Aldington Ridge LCA were identified as moderate adverse at Year 1, and moderate adverse and beneficial at Year 15. As set out in section 8 of <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a> the majority of the LCA (i.e. the more elevated ridgeline to the east of the Site) will remain unchanged with little intervisibility with the Project.</p> <p>The Project proposes the inclusion of PV panels in Fields 1 to 19, however they are not proposed to be set out in a largely unbroken or continuous area. All existing hedgerow field boundaries are proposed for retention, and a number of new hedgerow field boundaries have been proposed, largely</p>



LIR Para Ref.	Summary Position	Applicant Response
	<p>National Landscape. Again, A&amp;BNP Policy AB4 viewpoint 10 establishes the importance of these views looking northwards from Bank Road and from PRoW AE370, AE377 and AE445.</p> <p>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.</p> <p>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 to 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.</p>	<p>where historical hedges previously existed, to break up the extent of proposed PV panels. Included within that provision are new hedgerows between Fields 1 and 2, 5 and 6, 10 and 11, 12 and 13, 13 and 14, 13 and 15, and 14 and 16. At all hedgerow field boundaries, a substantial buffer has been included to each side as set out in the Work No. 5 in the <b>Design Principles (Doc Ref. 7.5(A))</b> <a href="#">[REP1-042]</a>. These buffers serve to break up the extent of proposed PV panels into distinct areas. Requirement 4 of Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> secures that the detailed design of the Project that is submitted for approval by the local planning authority must accord with the Design Principles.</p> <p>The LVIA includes assessments of the likely effects on visual receptors on Station Road, Bank Road, PRoW within and around the Site and on the outskirts of Mersham.</p> <p>The removal of PV panels from Fields 10 and 12 will not materially alter the effects of the Project on views from the north, particularly those from the PRoW network and Station Road. This proposed change was discussed with ABC and LMS at a meeting held on 7 December 2023. During the meeting, LMS confirmed to the Applicant that the proposed removal of panels from these fields would not reduce the significance of effect in EIA terms. The Applicant explained to ABC that removal of panels from these fields would reduce the generating capacity of the Project and therefore would be inconsistent with the objectives of national energy policy. In the absence of a written response to the Applicant's correspondence dated 15 August 2023, 10 November 2023, 14 February 2024 and 19 April 2024, it is not clear why ABC considers it reasonable or necessary to raise this matter during examination.</p> <p>A response relating to the relationship between the land requirements of the Project and anticipated technological improvements to solar PV technology was provided during Issue Specific Hearing 2 (ISH2) on 21 November 2024. A written summary of the Applicant's oral submissions is provided at paragraph 1.3.3 of <b>Written Summary of Oral Submissions from Issue</b></p>

LIR Para Ref.	Summary Position	Applicant Response
		<p><b>Specific Hearing 2 and Responses to Action Points (Doc Ref. 8.5.5) [REP1-075].</b></p> <p>Additionally, the Applicant has had regard to the provisions of section 85 of the Countryside and Rights of Way Act 2000 and related <i>'Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes'</i> published by the Department for Environment, Food &amp; Rural Affairs on 16 December 2024. The Applicant confirms that, as far as is reasonably practical, the Project has sought to avoid harm to the Kent Downs National Landscape through measures that have been embedded in the design of the Project or secured as additional mitigation (see in particular section 5.8 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) [AS-010]</b> and <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]</b>). Taking into account the nature of the Project and its residual effects (in particular that no likely significant effects have been identified on the Kent Downs National Landscape or its setting during any stage of the Project), it is not considered that there are any other appropriate, reasonable and proportionate measures which should be taken to further the statutory purposes of the National Landscape. The Secretary of State (as relevant authority) can therefore be content that the duty in section 85 has been complied with.</p> <p>The Applicant has also had regard to paragraph 5.10.34 of NPS EN-1, which concerns the duty to seek to further the purposes of nationally designated landscapes, including AONBs, stating: <i>"The duty to seek to further the purposes of nationally designated landscapes also applies when considering applications for projects outside the boundaries of these areas, which may have impacts within them. The aim should be to avoid harming the purposes of designation or to minimise adverse effects on designated landscapes, and such projects should be designed sensitively given the various siting, operational, and other relevant constraints. The fact that a proposed project will be visible from within a designated area should not in itself be a reason for the Secretary of State to refuse consent"</i>. For the same reasons as set out</p>



LIR Para Ref.	Summary Position	Applicant Response
		<p>above, the Applicant considers that the Secretary of State can be satisfied that there is compliance with this policy.</p> <p>The Project is located within the setting of the North Downs National Landscape, however its siting has been informed by the objective of minimising the visibility of the Project from the designated landscape including that:</p> <ul style="list-style-type: none"> <li>▪ The Site does not include land that is within the National Landscape, thereby avoiding direct effects on the designated landscape;</li> <li>▪ The Site is predominantly located on lower lying land either within the valley of the East Stour river or on the western extent of the Aldington Ridge, which has a limited visual relationship with the North Downs ridgeline relative to the more elevated eastern extent of the ridgeline;</li> <li>▪ The Site has no visual relationship with the south facing scarp slopes of the greensand ridge, where expansive views of the Romney Marshes are experienced;</li> <li>▪ The Site is located approximately 4km south of the south facing chalk scarp of the North Downs, however the parts of the Site that are visible from the elevated ridgeline are approximately 6km distant, where change of the type proposed will be barely perceptible; and</li> <li>▪ Furthermore, as set out in Table 5.2 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a>, land to the south of Field 20 was originally considered to form part of the Project, but this land was excluded due to its elevation and associated intervisibility with the North Downs ridge, thereby reducing the potential for significant visual effects.</li> </ul> <p>Notwithstanding the measures set out above, due to the underlying topography, it is not possible to completely screen the Project in long distance views from the North Downs ridge with the use of planting. However, a</p>

LIR Para Ref.	Summary Position	Applicant Response
		<p>number of design principles have been embedded into the illustrative landscape proposals to integrate the Project within the landscape, including:</p> <ul style="list-style-type: none"> <li>▪ The reinforcement of the Site's existing hedgerows with new, native planting;</li> <li>▪ The subdivision of existing large-scale arable fields into smaller parcels, with new native hedgerow planting to break up the extent of proposed PV panels, particularly on the north facing slope of the Aldington Ridge;</li> <li>▪ The provision of extensive new hedgerow tree planting within existing and proposed hedgerows across the Site to provide further strengthening of field boundaries;</li> <li>▪ The siting of the Project sub-station within a low-lying part of the Site adjacent to the HS1 railway; an area of the Site that has no intervisibility with the National Landscape due to landform and existing vegetation; and</li> <li>▪ The retention of an open field between Fields 10 and 12 to break up the extent of proposed PV panels on the Aldington Ridge.</li> </ul> <p>Aside from long distance views from the south facing greensand and chalk scarps, <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]</b> identified partial views of the Project in Field 10/Parcel E from a limited extent of Roman Road which falls just within the National Landscape boundary. Views from this location are represented by LVIA Viewpoint 27. In order to mitigate the impact on views from this location, native hedgerow and woodland planting was proposed from an early stage and included in the Project proposals as part of the 2022 Statutory Consultation. Despite no significant visual effects being identified from this location, following advice from the Kent Downs National Landscape Team, the planting proposals in this location were further strengthened to minimise visual impact.</p>

LIR Para Ref.	Summary Position	Applicant Response
		<p>Following consultations with Natural England carried out as part of the preparation of the <b>Statement of Common Ground with Natural England (Doc Ref. 8.3.7(A))</b>, a Special Qualities assessment was prepared to provide further clarity on the impact on the Kent Downs National Landscape with specific reference to the eight Special Qualities of the National Landscape as set out in the Kent Downs AONB Management Plan 2021-2026. The assessment concluded that seven of the eight Special Qualities would not be affected by the Project. With respect to the remaining Special Quality – ‘Dramatic landform and views; a distinctive landscape character’ – the assessment concluded that the <i>‘Project is considered to result in a very limited effect’</i>. Natural England agreed with the findings of the Special Qualities assessment and, as set out in their response dated 10 December 2024, state:</p> <ul style="list-style-type: none"> <li>▪ That it is appropriate to conclude that the special qualities of Biodiversity-rich habitats, farmed landscape, woodland and trees, history and cultural heritage, the heritage coasts, geology and natural resources or tranquillity and remoteness would not be affected of the Project;</li> <li>▪ <i>“that at its closest (400 metres 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”</i>; and</li> <li>▪ That the Project <i>“is considered to result in very limited effects on the special qualities of dramatic landform and views”</i>.</li> </ul>
WR 17 - 22	<p>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.</p> <p>The Council considers that adopting a ‘fragmentation’ approach (together with ‘softening’ via the introduction of a greater quantum of tree</p>	<p>As set out in Section 4.10 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>, the visual impacts of the Project are considered in section 8.4 paragraph 8.4.26 onwards in <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a> and pages 18, 21, 24, 27 and 28 of <b>ES Volume 4, Appendix 8.9: Visual Effects Table (Doc Ref. 5.4)</b> <a href="#">[APP-081]</a>. The LVIA has been prepared in accordance with best practice</p>

LIR Para Ref.	Summary Position	Applicant Response
	<p>groups &amp; belts) would help minimise impacts and represent good macro-level design.</p> <p>The A&amp;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.</p> <p>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.</p> <p>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</p>	<p>guidance contained within Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3).</p> <p>The Project proposes the inclusion of PV panels in Fields 1 to 19, however, they are not proposed to be set out in a largely unbroken or continuous area. All existing hedgerow field boundaries are proposed for retention, and a number of new hedgerow field boundaries have been proposed to break up the extent of proposed PV panels. Included within that provision are new hedgerows between Fields 1 and 2, 5 and 6, 10 and 11, 12 and 13, 13 and 14, 13 and 15, and 14 and 16. At all hedgerow field boundaries, a substantial buffer has been included to each side as set out in the <b>Design Principles (Doc Ref. 7.5(A))</b> <a href="#">[REP1-042]</a>. These buffers serve to break up the extent of proposed PV panels into distinct areas. Therefore, the extent of panels has been fragmented, whilst balancing the requirements of NPS EN-1 (Paragraph 5.10.26: <i>“Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function”</i>).</p> <p>Notwithstanding the above, following discussions with ABC in September/December 2023, additional tree planting was added to the landscape scheme in order to provide further reinforcement of existing and proposed field boundaries. All PRoWs will be a minimum of 2m wide and will sit within a corridor of 10m minimum width, with the exception of the section of 'NEW 3' adjacent to Work No. 3 (Project Substation) which will sit within a 5m corridor. The design of the PRoWs is consistent with KCC guidance<sup>2</sup>.</p> <p>Considering the above, and in particular the provision of extensive new hedgerows planting to break up large, currently arable fields into smaller parcels, the Project is considered to follow a fragmentation approach as far as is reasonably practical, whilst at the same time seeking to maximise renewable energy generation to fulfil the Applicant's grid connection</p>

LIR Para Ref.	Summary Position	Applicant Response
	<p>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.</p> <p>The Council is disappointed that a fragmentation design approach has not been adopted.</p>	<p>agreement and make a meaningful contribution to achieving net zero. This is in accordance with paragraph 2.10.61 of NPS EN-3, which states:</p> <p><i>“For a solar farm to generate electricity efficiently the panel array spacing should seek to maximise the potential power output of the site. The type, spacing and aspect of panel arrays will depend on the physical characteristics of the site such as site elevation”.</i></p> <p>Additionally, the landscape enhancements proposed as part of the Application are considered appropriate to mitigate the effects of the Project and are secured through Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>. This provides that no phase of the Project may commence until a LEMP covering that phase has been submitted to and approved by the local planning authority. The LEMP(s) must be in accordance with the <b>Outline LEMP (Doc Ref. 7.10(A)) [REP1-048]</b>, the approved biodiversity design strategy and the <b>Design Principles (Doc Ref. 7.5(A)) [REP1-042]</b>.</p> <p>The Applicant accepts that the Council has proposed the introduction of significant tree belts across the Aldington Ridge area that have not been included in the proposed design. This proposed change was discussed with ABC and LMS at a meeting held on 7 December 2023. During the meeting, LMS confirmed to the Applicant that this approach would not reduce the significance of effect in EIA terms. The Applicant explained to ABC that introducing significant tree belts would reduce the generating capacity of the Project and therefore would be inconsistent with the objectives of national energy policy. In the absence of a written response to the Applicant's correspondence dated 15 August 2023, 10 November 2023, 14 February 2024 and 19 April 2024, it is not clear why ABC considers it reasonable or necessary to raise this matter during examination.</p>
WR 23 - 25	The Council considers that a ‘softening’ design approach, which can include the intentional greater use of groups of trees, tree belts and other planting	The likely visual effects on users of PRow AE474 have been assessed in paragraph 8.5.15 of <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]</b> under the visual receptor groups ‘Users of PRow

LIR Para Ref.	Summary Position	Applicant Response
	<p>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.</p> <p>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&amp;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.</p> <p>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</p>	<p>within/adjacent to the Site with Open Panoramic Views towards the Kent Downs NL’ and ‘Users of PRow AE474 with reference to viewpoints 24 and 28’ respectively. The assessment has identified major-moderate adverse effects at Year 1 for receptors on the route travelling in close proximity to Field 20. However, in elevated views from the route further east, the Project will be barely perceptible as demonstrated by the visualisation prepared for Viewpoint 28 (see <b>ES Volume 4, Appendix 8.10: LVIA Visualisations (Doc Ref. 5.4(A) [AS-014])</b>). The visual effect in this location has been assessed as negligible. At Year 15, following establishment of hedgerow planting that has been designed in consultation with the Kent Downs National Landscape Team, the effect on visual receptors in close proximity to Field 20 is predicted to reduce to minor-moderate adverse. As a result no further “softening” is considered to be required, as the effects on visual receptors are considered to have been minimised as far as is reasonably practicable.</p> <p>Table 7.1 (Heritage Assets with Identified Impact by the Project and Harm Category Assessment Summary) of <b>ES Volume 4, Appendix 7.2: Heritage Statement (Doc Ref. 5.4) [APP-072]</b> confirms that there is a slight impact Church of St. Martin (which is not significant in EIA terms). This is categorised as ‘less than substantial harm’ (at the lowest end of the spectrum of harm).</p> <p>The <b>Planning Statement (Doc Ref. 7.6) [APP-151]</b> also states at paragraph 6.13.8 that the <i>‘limited harm to heritage assets is considered to be demonstrably outweighed by the substantial public benefits that would only be realised if the Project was delivered’</i>.</p>



LIR Para Ref.	Summary Position	Applicant Response
	<p>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.</p>	
WR 26 & LIR 9.10	<p>The Council agrees that the proposed development would result in a low level of less than substantial harm for all of these assets except in the case of the Grade II* listed Stonelees which would experience less than substantial harm at the lower end of the spectrum. The Council agrees with Historic England's recommendation and the need to explore opportunities to reduce harm to Stonelees, for example by reducing the number of solar panels at the south end of fields 3 and 7.</p>	<p>The position in respect of impacts to Stonelees, including the mitigation proposals, have been discussed and agreed with Historic England, and is set out in Table 2-1 of the <b>Statement of Common Ground with Historic England (Doc Ref. 8.3.3(A))</b>.</p> <p>Table 7.1 (Heritage Assets with Identified Impact by the Project and Harm Category Assessment Summary) of <b>ES Volume 4, Appendix 7.2: Heritage Statement (Doc Ref. 5.4) [APP-072]</b> confirms that there is a slight impact (which is not significant in EIA terms). There would be 'less than substantial harm' (which is at the lower end of the spectrum of harm). The Applicant and Historic England are in agreement that the level of harm to the significance of Stonelees would be on the lower end of less than substantial harm.</p> <p>The <b>Planning Statement (Doc Ref. 7.6) [APP-151]</b> also states at paragraph 6.13.8 that the <i>'limited harm to heritage assets is considered to be demonstrably outweighed by the substantial public benefits that would only be realised if the Project was delivered'</i>.</p> <p>No further changes to the Project are therefore considered necessary in order for the Project to be compliant with the relevant policy tests in the NPSs.</p>

LIR Para Ref.	Summary Position	Applicant Response
WR 27	<p>'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.</p>	<p>Details relating to the evolution of the design with respect to landscape and visual matters are set out in Table 5.3 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a>. Work No. 1 (PV Arrays) in this area are generally set back from the highway by landscape buffers of between 13 and 25m. These are secured by the <b>Works Plans (Doc Ref. 2.3(B))</b> <a href="#">[REP1-003]</a> and are considered to be appropriate buffers for the rural context. New landscaping is proposed to further reduce the impact of solar development for road users in this area.</p>

### Cumulative effects

LIR 8.22 – 8.27	<p>The landscape and visual chapter of the ES considers cumulative effects. This includes the nearby proposed East Stour Solar Farm by EDF Renewables (Appeal reference: APP/E2205/W/24/3352427). The cumulative effects analysis focuses primarily on visual effects as it is concluded that the Character of the Site is primarily influenced by landscape change that</p>	<p>Section 2.3 of the <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1)</b> <a href="#">[REP1-062]</a> provides a response to the landscape matters raised by ABC in their pre-application feedback and Relevant Representation.</p> <p>The LVIA process differentiates between landscape and visual effects. In this context it should be recognised that no part of the East Stour Solar Farm is within the Aldington Ridge LCA, being entirely within the East Stour Valley/Upper Stour Valley LCAs. On this basis, direct cumulative effects on</p>
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LIR Para Ref.	Summary Position	Applicant Response
	<p>occurs within the Site itself, while changes to the wider setting have the potential to alter the perceptual aspects of this receptor (Para 8.12.11). Whilst this is true of the Site itself it does not reflect potential cumulative impacts and effects on wider rural character.</p> <p>The East Stour Solar Farm would also affect LCAs in the East and Upper Stour Valley and would be visible from the Aldington Ridge LCA. There would therefore be cumulative effects on these LCAs and the rural landscape setting to Aldington Village. The Council consider there would be a consequent moderate cumulative adverse effect on these LCAs (a minor adverse effect is assessed in relation to the East Stour and Upper Stour Valley in the ES and a moderate adverse effect in relation to the Aldington Ridge).</p> <p>The ES states that there would be cumulative visual effects associated with views for users of public rights of way within the Site as a result of sequential views of the Project and East Stour Solar Farm (ID No. 9) in quick succession due to their proximity. Whilst the ES concludes this would remain as a moderate adverse effect the Council contend that with the substantial increase in the geographical extents of the cumulative effect this should, instead, be assessed as major adverse. The ES identifies significant cumulative visual effects (moderate to major adverse) for people travelling on the North Downs Way in the Kent Downs National Landscape. The ES also notes the</p>	<p>landscape fabric as a result of the Project and the East Stour Solar Farm can only occur in the East Stour Valley/Upper Stour Valley LCAs. The cumulative assessment in <b>ES Volume 4, Appendix 8.12: Cumulative Effects Table (Doc Ref. 5.4(A))</b> <a href="#">[REP1-028]</a> identifies a moderate-minor adverse effect at Year 1, and a moderate (adverse and beneficial) effect at Year 15, rather than the minor adverse effect concluded by ABC. However, it should be noted that the increase in effect at Year 15 is contributed to by the inclusion of the Otterpool Park development in the eastern extent of the LCA in that timeframe. Without Otterpool Park, it is considered that cumulative effects on landscape character would abate to a degree due to the establishment of landscape enhancements included within the Project and East Stour Solar Farm.</p> <p>With respect to indirect cumulative effects on the Aldington Ridge LCA as a result of intervisibility, there are limited locations within the Aldington Ridge LCA where the Project and the East Stour Solar Farm would both be visible. Viewpoints where intervisibility has been identified are set out in <b>ES Volume 4, Appendix 8.12: Cumulative Effects Table (Doc Ref. 5.4(A))</b> <a href="#">[REP1-028]</a> and include Viewpoint 14 (PRoW AE449) and Viewpoint 24 (Goldwell Lane), however, in both locations the East Stour Solar Farm is likely to be barely perceptible. Whilst there would be visibility of East Stour Solar Farm from PRoW AE474 to the east of the Project (LVIA Viewpoint 28), there is a degree of visual separation such that the schemes would not be seen in combination.</p> <p>Notwithstanding the above, it should be noted that as set out in <b>ES Volume 4, Appendix 8.12: Cumulative Effects Table (Doc Ref. 5.4(A))</b> <a href="#">[REP1-028]</a>, the LVIA has identified a moderate adverse cumulative effect on the Aldington Ridge LCA at Year 1.</p> <p>Turning to sequential visual effects on users of the PRoW network, whilst the extent over which visual change will be experienced will be greater, it is important to note that these views are sequential, with no potential for in combination or in succession effects (as defined by GLVIA3 - Table 7.1).</p>

LIR Para Ref.	Summary Position	Applicant Response
	<p>cumulative effects associated with views from PRoW AE370 and AE428 and residents in Mersham on the northern side of the Stour valley, but concludes these would not affect the overall impact assessment of moderate adverse.</p> <p>The Council considers that with greater transparency from the applicant as to the operational requirements and the process which informed the design of the scheme location, extents and layout a more meaningful consultation process could have taken place. Greater clarity has been provided on the proposed landscape mitigation and the benefits associated with the proposals are welcomed. However despite this there remain substantial and significant adverse landscape and visual effects. It has not been demonstrated that harm to the local landscape will be minimised and where necessary mitigated.</p> <p>As set out in the Council's Relevant Representation, the greater use of tree belts would help break up and reduce the prominence of the mass of panels, in particular in the views that are available from the north. A strong tree-belt on the northern edge of the northern-most Field 19 in this part of the site is appropriate but the Council consider that this needs to work in conjunction with a greater level of new tree planting and associated scheme loosening through fragmentation in the areas south of that northern-most boundary. The Council consider that opportunities for further riparian tree planting groups should be explored</p>	<p>GLVIA3 makes clear in paragraph 7.38 that <i>'Higher levels of significance may arise from cumulative visual effects related to developments that ... are clearly visible together in views from the selected viewpoints' and 'developments that are highly intervisible'</i>. The implication of this in practice is that sequential views have a lower potential for significant effects than 'in combination' or 'in succession' views.</p> <p>There is limited intervisibility between the Project and the East Stour Solar Farm, and sequential views of solar PV would be experienced with considerable separation between. This is particularly the case for users of PRoW AE457, who would be required to walk a considerable distance through Fields 26-29 before experiencing views in sequence, notwithstanding medium distance views of the Project substation which have been considered in the assessment.</p> <p>Considering the above, and the medium sensitivity of the receptor group, the moderate adverse cumulative effect identified in the LVIA is considered robust.</p> <p>As set out in <b>ES Volume 4, Appendix 8.12: Cumulative Effects Table (Doc Ref. 5.4(A)) [REP1-028]</b>, users of PRoW AE428 and residents in Mersham would only experience views of two cumulative schemes, (Land North of 1, Church View, Aldington (ID No. 7) and Land Southwest of Goldwell Court, Goldwell Lane (ID No. 8). These are relatively small residential schemes within the visual envelope of existing settlement in Aldington.</p> <p>As set out in <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]</b> the illustrative landscape proposals have been designed to mitigate the landscape and visual effects as far as possible and in the context of the prevailing key characteristics of the receiving landscape. Published landscape character guidance has strongly informed the approach, particularly with respect to re-establishing landscape structure, including hedgerows, hedgerow trees, woodland and wetland features. The design of the landscape scheme has been developed in close collaboration with the</p>

LIR Para Ref.	Summary Position	Applicant Response
	<p>here. This approach would help to visually fragment large swathes of solar panels and supporting infrastructure in the landscape in a more successful manner and lessen the impacts of the scheme on important landscape views, especially those that are available when approaching the village from the north.</p> <p>The Council concludes that the proposed development would have a <b>negative</b> impact on landscape character and visual amenity within the local and wider area contrary to Policies SP1, ENV3a, ENV3b, ENV5 and ENV10 of the ALP 2030 and Policies AB4, AB8 and AB10 of the A&amp;BNP 2030.</p>	<p>Project's ecologists to ensure that opportunities to enhance or create habitats have been maximised.</p> <p>The landscape proposals have been consulted upon, and evolved following feedback from consultees, including substantial increases in the quantum of planting. This has included responding to requests from ABC and the Kent Downs National Landscape Team. As part of these changes, tree belts have been included, along with additional tree planting in Fields 18, 19, 23 and 24. Additional riparian trees have been added to the Project, however, the prevailing character and landscape guidance has also been considered. Furthermore, the impact of additional planting on the significant residual visual effects identified in <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> [<a href="#">AS-012</a>] has also been discussed with ABC and their landscape consultants, LMS. It is clear that certain views from elevated positions would not benefit from additional planting not due to its quantity, but due to its relative height in comparison to the topography of the site.</p> <p>In respect of the identified significant cumulative effect on the setting of the National Landscape identified in paragraph 8.24 of ABC's LIR, the Secretary of State can be satisfied that the duty set out in section 85 of the Countryside and Rights of Way Act 2000 has been complied with for the same reasons as set out in the response to WR paragraphs 12 to 16 above.</p>
WR 36 - 38	<p>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'.</p> <p>Potential cumulative impacts on PRoW include the EDF Renewables solar farm proposals on land either side of Church Lane in Aldington (application</p>	<p>The Applicant notes that on 23 July 2024, a further WMS<sup>3</sup> was made to clarify that the WMS made in May by the previous government did not change the policy on this matter that is set out in the relevant parts of the NPS (in relation to NSIP applications) and the NPPF (in relation to planning applications).</p> <p>The cumulative landscape and visual assessment is consistent with both NPS EN-1 and NPS EN-3 and has been carried out in accordance with the LVIA methodology as detailed in <b>ES Volume 4, Appendix 8.2: LVIA Methodology (Doc Ref. 5.4(A))</b> [<a href="#">AS-016</a>]. The LVIA methodology has been agreed with both ABC (see Section 2.3 and Section 2.7 of the <b>Statement of Common</b></p>



LIR Para Ref.	Summary Position	Applicant Response
	<p>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.</p> <p>The Council considers that the Applicant underplays cumulative impacts in respect of the EDF Renewables scheme and that 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.</p>	<p><b>Ground with Ashford Borough Council (Doc Ref. 8.3.1) [REP1-062]</b>) and Natural England (see Section 2.9 <b>Statement of Common Ground with Natural England (Doc Ref. 8.3.7(A))</b>), and in accordance with GLVIA3. It includes consideration of the potential effects of the Project in combination with an agreed list of cumulative schemes and is proportionate to the Project. It clearly identifies which receptors have the potential to experience cumulative effects and provides narrative to explain the professional judgements made.</p> <p><b>ES Volume 4, Appendix 8.12: Cumulative Effects Table (Doc Ref. 5.4(A)) [REP1-028]</b> identifies moderate adverse cumulative effects on the Upper Stour Valley/East Stour Valley LCAs as a result of the direct cumulative impact of the Project in combination with the East Stour Solar Farm. With respect to users of the PRoW network, page 6 of <b>ES Volume 4, Appendix 8.12: Cumulative Effects Table (Doc Ref. 5.4(A)) [REP1-028]</b> concludes there are moderate adverse effects and explains that '<i>Whilst the scale of change for visual receptors at all stages will remain the same (owing to the similar nature of change experienced), the geographical area over which the cumulative effects are experienced will be greater than the Project on its own</i>'.</p> <p>This is because the assessment takes account of the sequential nature of the views, and the sensitivity of the receptor group. However, it is nonetheless a significant adverse effect that has been identified for the purposes of the decision making process, which should be considered as part of the overall planning balance for the Project. It is the Applicant's position that the benefits of the Project strongly outweigh the limited residual adverse effects that it will generate.</p> <p>PRoW AE370 extends northwards from Bank Road to the west of Aldington. Due to existing intervening vegetation and built form in Aldington, no views towards the East Stour Solar Farm site have been identified from this location</p>



LIR Para Ref.	Summary Position	Applicant Response
		and therefore visual receptors in this location are not considered likely to experience cumulative effects.

**Table 2-3: Cultural Heritage**

LIR/WR Para Ref.	Summary Position	Applicant Response
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*General*

LIR 9.1	Policy ENV5 requires all new developments in rural areas to protect and where possible enhance: ancient woodland and semi-natural woodland, river corridors and tributaries; Public Rights of Way and other local historic or landscape features. Criterion 'a' of Policy ENV10 requires relevant planning applications to demonstrate the proposal would not either individually or cumulatively result in significant adverse impacts on the landscape, natural assets or historic assets, having special regard to nationally recognised designations and their setting, such as AONBs, Conservation Areas and Listed Buildings.	<p>As stated in Table 5 in Appendix 1 (Policy Compliance Checklist) of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a>, the identified local plan policies relate to planning applications rather than applications for DCOs for nationally significant infrastructure projects (NSIPs). The tests within ENV5 and ENV10 (and ENV13 and ENV15, see below) are considered to be in conflict with the policy set out in the National Policy Statement for Renewable Energy Infrastructure (NPS EN-3) (January 2024). In accordance with paragraph 4.1.15 of Overarching National Policy Statement for Energy (NPS EN-1), where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project.</p> <p>The Applicant acknowledges the local policy concerns and has had appropriate regard to these matters as set out in Table 5 in Appendix 1 (Policy Compliance Checklist) of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a>.</p>
LIR 9.2	Policy ENV13 states that proposals which preserve or enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and	<p>Please see response to LIR 9.1 above in relation to potential conflicts between local plan and National Policy.</p> <p>Cultural heritage has been assessed in <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))</b> <a href="#">[AS-011]</a>, along with an assessment of all</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>General</i>	<p>distinctiveness, will be supported and that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, or where a non-designated heritage asset is likely to be impacted, harm will be weighed against the public benefits of the proposal. Policy ENV15 requires the archaeological and historic integrity of important archaeological sites, together with their settings, to be protected and where possible enhanced. The Council defer to KCC in respect of archaeological impacts.</p>	<p>relevant heritage assets set out in <b>ES Volume 4, Appendix 7.2: Heritage Statement</b> [<a href="#">APP-072</a>]. Information relating to discussions between the Applicant and KCC, ABC and Historic England on Cultural heritage matters is set out in the SoCGs prepared with each party – Section 2.6 of the <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b> (see Table 2-6, rows 2.6.1 to 2.6.6), Section 2.4 of the <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1)</b> [<a href="#">REP1-062</a>] and Table 2.1 of the <b>Statement of Common Ground with Historic England (Doc Ref. 8.3.3(A))</b>.</p> <p>The Applicant notes that matters in respect of archaeology are still under discussion with KCC and further progress on these matters will be reported at Deadline 3.</p>
LIR 9.3	<p>Policy AB4 identifies a number of locally significant views, including viewpoint 2 along the historic Public Right of Way AE474 linking the settlement of Aldington with the Church of St Martin. Policy AB10 is relevant insofar as it requires proposals for commercial solar photovoltaic development to demonstrate that any harm to the local landscape and environment will be minimised and where necessary mitigated. Criterion 'B' of Policy AB11 states that development proposals affecting designated heritage assets either directly or indirectly, should preserve or enhance the significance of the asset, including those elements of the setting that do not contribute to the significance. Proposals affecting non-designated heritage assets will be assessed having regard to</p>	<p>Policy AB4, Policy AB10 and Policy AB11 of the ABNP relate to planning applications rather than development consent applications for NSIPs and the tests within it are considered to be in conflict with the policy set out in NPS EN-3. In accordance with paragraph 4.1.15 of NPS EN-1 where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project.</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>General</i>		
	the scale of any harm or loss against the significance of the heritage asset.	
LIR 9.4 to 9.6	<p>As identified by Historic England in their Relevant Representation, the application site lies in a sensitive area for the historic environment which is notably rich in historic assets. Although there are no designated built heritage assets within the site the ES has identified two Grade I Listed buildings, six Grade II* Listed buildings, seventy Grade II Listed buildings and two Conservation Areas within 1km of the application site boundary.</p> <p>In assessing the impact of the proposed development on built heritage, the Council has had regard to ES Volume 2, Chapter 7: Cultural Heritage (APP-031). This includes a Heritage Statement that provides an assessment of the proposed development's likely effects on heritage assets, including a description of the significance of the heritage assets. It also considers the contribution of their setting to their significance. The assessment is informed by consideration of representative visualisations, where appropriate.</p> <p>The Council has engaged with the applicant throughout the pre-application process to ensure that the ES identifies all designated and non-designated heritage assets and is informed by a detailed and comprehensive qualitative</p>	<p>The Applicant notes these comments. Details of the discussions to date between the Applicant and ABC and Historic England are set out in Section 2.4 of the <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1)</b> <a href="#">[REP1-062]</a> and Table 2.1 of the <b>Statement of Common Ground with Historic England (Doc Ref. 8.3.3(A))</b>.</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>General</i>		
LIR 9.7 to 9.9	<p>assessment of their significance and landscape setting. The Council and Historic England has also inputted to the identification and assessment of long-range views.</p> <p>The Council concurs with the findings of the Heritage Statement which concludes that the proposed development would cause harm to designated and non-designated heritage assets through introducing changes within their setting which will affect how the asset is experienced. The proposed development would cause indirect and adverse impacts to the following designated and non-designated heritage assets:</p> <p>The Heritage Assessment also contains an assessment of effects on historic landscape character which, although temporary and reversible upon decommissioning will be long term and adverse.</p> <p>The assessment of cumulative effects identifies there is potential for cumulative effects to 12 designated and three non-designated heritage assets where the proposed development and other proposed, consented or built out developments would be visible; however in all instances the cumulative effects would remain the same as identified from the proposed development in isolation.</p>	The Applicant notes these comments.

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

**Table 2-4: Land Contamination**

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>General</i>		
LIR 10.1	<p>Criterion 'c' of Policy ENV10 is relevant to issues of land contamination insofar as it requires that <i>“Provision is made for the decommissioning of the infrastructure once operation has ceased, including the restoration of the site to its previous use;”</i>.</p>	<p>Policy ENV10 relates to planning applications rather than development consent applications for NSIPs and the tests within it are considered to be in conflict with the policy set out in NPS EN-3. In accordance with paragraph 4.1.15 of NPS EN-1 where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project.</p> <p>Requirement 2 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> provides that the Project must cease generating electricity on a commercial basis no later than the 40th anniversary of the date on which electricity is first exported from the Project to the national grid commercially and Requirement 14 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> provides the decommissioning works must commence no later than this date.</p> <p>The Project is compliant with NPS EN-3. Paragraph 3.10.56 states:</p> <p><i>‘Applicants should consider the design life of solar panel efficiency over time when determining the period for which consent is required. An upper limit of 40 years is typical, although applicants may seek consent without a time-period or for differing time-periods of operation.’</i></p>
LIR 10.2	<p>Section 15 (Conserving and enhancing the natural environment) of the NPPF (2023) is also relevant. Paragraph 180 requires planning decisions to contribute to and enhance the natural and local environment</p>	<p><b>ES Volume 4, Appendix 11.2: Phase 1 Geoenvironmental and Geotechnical Desk Study (Doc Ref. 5.2)</b> <a href="#">[APP-100]</a> - <a href="#">[APP-104]</a> concludes that there is a very low to low risk classification for potential contamination at the Site.</p> <p>Section 6.3 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> confirms that the Project complies with all relevant policies relating to land contamination.</p>



LIR/WR Para Ref.	Summary Position	Applicant Response
<i>General</i>		
LIR 10.3	ES Volume 2, Chapter 11: Land Contamination (APP-035) provides an assessment on the environment in relation to land contamination to meet the requirements of the EIA regulations.	The Applicant notes this comment.
LIR 10.4	Information, area identification, PPE and practices to keep exposure to a minimum is contained in the CEMP and is acceptable.	The Applicant notes this comment.
LIR 10.5	A watching brief was requested and is detailed in the Construction Environmental Management Plan (APP-153), Outline Operational Management Plan (APP-156) and Decommissioning Environmental Management Plan (APP-157).	The Applicant notes this comment.
LIR 10.6	The Council note the Environment Agency have raised concerns relating to the potential contamination of controlled waters and this has been considered. The Council defers to the Environment Agency with regards to potential impacts on controlled waters and ground water.	Please refer to Section 2.4 of <b>Statement of Common Ground with the Environment Agency (Doc Ref. 8.3.2(A))</b> for the agreed position between the Environment Agency and the Applicant on this matter.
LIR 10.7	The Council has assessed the proposed development as having a <b>neutral</b> impact on the local area with regards to land contamination.	The Applicant notes ABC's neutral weighting of this topic.

Table 2-5: Noise

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>General</i>		
LIR 11.1	Criterion 'b' of Policy ENV10 is relevant to consideration of noise impacts	As set out in Section 3.3 of the <b>Planning Statement (Doc Ref. 7.6)</b> [ <a href="#">APP-151</a> ], Policy ENV10 and AB10 relate to planning applications rather than development consent applications for NSIPs and the tests within it are considered to be in conflict with the policy set out in NPS EN-3. In accordance with paragraph 4.1.15 of NPS EN-1 where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project.  Section 6.6 of the <b>Planning Statement (Doc Ref. 7.6)</b> [ <a href="#">APP-151</a> ] confirms that the Project complies with all relevant policies relating to noise and vibration.
LIR 11.2	Criterion 'A.ii' of Policy AB10 of the A&BNP requires development proposals to demonstrate that proposals do not adversely affect residential amenity through noise generation.	
LIR 11.3	Part (e) of NPPF paragraph 180 outlines that planning decisions should prevent <i>“new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of...noise pollution”</i> . At paragraph 191(a) it also states that decisions should <i>“mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”</i> .	Section 6.6 of the <b>Planning Statement (Doc Ref. 7.6)</b> [ <a href="#">APP-151</a> ] confirms that the Project complies with all relevant policies relating to noise and vibration.
LIR 11.4 - 5	The ES includes a noise assessment (APP-038). The report assesses the following: Construction noise, Construction traffic noise, Operational noise;	The Applicant notes these comments.

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>General</i>		
	<p>Decommissioning noise; and Decommissioning traffic noise.</p> <p>All assessments were satisfactory for the operational phase. Main noise sources have been identified as from the substation, inverter substations and intermediate substations, other noise generating plant will be located at the Sellindge Substation. The illustrative layout has sought to minimise and mitigate noise impacts on receptors. The report advises that noise sources will be located away from receptors and toward boundaries with the road and rail network with acoustic barriers around the substation and inverter stations.</p>	
LIR 11.6	<p>An Operational Noise Mitigation and Monitoring Scheme ('ONMMS') will be prepared to provide details of the plant specification, noise mitigation measures and monitoring procedures and to demonstrate that with those measures in place the authorised development is not likely to result in any new or different noise effects from those assessed in ES Volume 2, Chapter 14: Noise (APP-038). This is secured by a requirement in the Draft Development Consent Order (APP-015).</p>	The Applicant notes this comment.
LIR 11.7	<p>An element of noise and vibration will be experienced during the 12-month construction phase. Construction noise levels will be controlled</p>	The Applicant notes this comment.

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>General</i>		
	through the use of mitigation including the Outline Construction Environmental Management Plan ('CEMP') (APP-153).	
LIR 11.8 - 9	The effects of construction traffic noise from traffic flows have been shown to be negligible (not significant) at all receptors.  Decommissioning would entail a similar operation to construction and minimal disturbance is expected. The acoustic report is acceptable.	The Applicant notes these comments.
LIR 11.10	With mitigation in place and adherence to phase specific management plans and best practice, the assessment has found that the proposed development is not likely to give rise to any significant noise effects during construction, operation or decommissioning	The Applicant notes the Council's position that subject to implementation of the secured mitigation there would be no significant effects during construction, operation or decommissioning.
LIR 11.11 – 11.12	In summary, the Council is satisfied that the development would result in <b>neutral</b> noise and vibration impacts.	The Applicant notes ABC's neutral weighting of this topic.

### Table 2-6: Socio-economics

LIR/WR Para Ref.	Summary Position	Applicant Response
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### Tourism

LIR/WR Para Ref.	Summary Position	Applicant Response
LIR 12.1 - 4	In assessing the impact of the proposed development on socio-economics, the Council has had regard to ES Volume 2, Chapter 12: Socio-economics (APP-036).	The Applicant notes this comment.
LIR 12.5	<p>Construction employment</p> <p>The ES concludes that the construction phase of the proposed development will generate demand for an average of 132 direct FTE jobs over the 12 month construction period which could increase to 199 direct jobs. In the context of the wider study area (ABC and FHDC), there is likely to be a temporary negligible to minor beneficial (not significant) effect on job creation reducing to negligible beneficial (not significant effect) at the regional level. In the Council's view the local impacts associated with construction employment in the construction and decommissioning phases would be <b>neutral</b>.</p>	The Applicant notes this comment.
LIR 12.6 - 7	<p>Construction workforce spending</p> <p>The ES acknowledges that in the absence of any information relating to on-site welfare and food/drink facilities, it is not possible to accurately quantify the level of construction workforce spending from direct employee expenditure over the 12-month construction phase. Whilst local businesses that are accessible to the construction site may experience greater benefits from employee spending, the ES concludes that the</p>	The Applicant notes these comments.

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>spending impact on the local economy would be indirect, temporary and negligible/minor beneficial (not significant effect). In the Council's view the local impacts associated with construction workforce spending would be <b>neutral</b>.</p> <p>The ES also concludes Negligible Beneficial (not significant) effects in respect of Gross Value Added (GVA) from direct Contributions to Construction Output and from indirect construction supply chain effects. On the basis the contribution from the proposed development to the regional construction economy would represent 0.03% of total construction sector GVA at the South-East level, the local and wider level effects would be less and therefore these effects would have a <b>neutral</b> local impact.</p>	
LIR 12.8	<p>In relation to the agricultural economy and food security, the ES concludes the proposed development would result in a negligible (not significant) effect which would be short-term and temporary.</p>	<p>The Applicant notes this comment.</p>
LIR 12.9 - 12.11	<p>The ES assesses the potential effects of the development on Tourist Sector Accommodation and on Community, Recreational and Tourist Facilities. The ALP [Aldington Local Plan] recognises that large areas of countryside surrounding the urban area of Ashford makes a valuable contribution to the current tourism offer in the Borough as well as providing for future</p>	<p>NPS EN-1 states that the construction, operation and decommissioning of energy infrastructure may have socio-economic impacts and that:</p> <p><i>“Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES... which may include effects on tourism”</i> (paragraph 5.13.2-6).</p> <p>It also sets out that that:</p>



LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>opportunities to expand and enhance the offer. Tourism has a number of benefits, including to create and support employment; generate local income; and also to enhance the image of an area as a place to live, work and invest.</p> <p>The ES concludes the proposed development would have a negligible (not significant) effect on tourist sector accommodation at the wider scale and that there would be a limited likelihood for substantial significant effects that would be of a scale to alter the accessibility to or normal operation of community facilities or receptors with recreational or tourist value.</p> <p>The A&amp;BNP supports rural tourism in the parish which largely relies on the natural and historic environment as the key ‘pull’ factor for visitors. The Council supports Aldington Parish Council’s concerns in their Relevant Representation that the ‘industrialising’ nature of the proposal will directly impact local businesses and the overall economy of the area. Whilst the ES reports there is likely to be a Negligible to Minor Adverse effect overall (not significant) on community and recreational facilities and tourism during construction of the development, the Council consider that based on the potential for changes in environmental amenity and accessibility relevant to tourist sector receptors the development would have a negative impact in this regard.</p>	<p><i>“The Secretary of State may conclude that limited weight is to be given to assertions of socio-economic impacts that are not supported by evidence (particularly in view of the need for energy infrastructure as set out in this NPS)”</i> (paragraph 5.13.10).</p> <p>As such, policy dictates that any potential effects on tourism should be evidence-based and therefore draw upon primary evidence of effects relevant to tourist sector receptors, and secondary data sources including public data, local/regional published assessments, and literature review, as well as a summary of reported likely significant effects across the range of environmental topic areas that may contribute to visitor amenity or the operation of existing tourist sector businesses and facilities.</p> <p>The socio-economic assessment in <b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b> <a href="#">[REP1-024]</a> has been scoped to consider the direct effects of the Project on recreational facilities and tourism, determined by the extent to which there are local assets or facilities, landscape or cultural heritage receptors in the area likely to be affected by the construction, operation and decommissioning of the Project in terms of accessibility and changes to environmental amenity.</p> <p>In recognition of the value ascribed to PRow and experience of the outdoor environment as a recreational attractor, a consideration of PRow and effects on users as reported by other chapters of the ES has been included, concluding that while users will experience a change in noise and visual environment, this is likely to be transitory, temporary and would not contribute to a significant effect on the wider tourist economy.</p> <p>The assessment of effects relating to individual tourist-related topic aspects and receptors is included in the following locations within <b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b> <a href="#">[REP1-024]</a>:</p> <ol style="list-style-type: none"> <li>a) Construction phase effects – paragraphs 12.7.38 to 12.7.57; and</li> <li>b) Operational phase effects – paragraphs 12.7.85 to 12.7.104.</li> </ol>

LIR/WR Para Ref.	Summary Position	Applicant Response
		<p>Those assessments consider each relevant assessment within ES Volume 2 and their relevance to local tourism receptors, concluding that in most cases, environmental effects are negligible or adverse but not significant, but in one case are adverse and significant (regarding landscape and visual effects and receptors).</p> <p>Overall, effects on community and recreational facilities and tourism are determined by the extent to which there are local community and commercial facilities, landscape or cultural heritage receptors in the area likely to be affected by the operation of the Project in terms of accessibility and changes to environmental amenity. Section 2.7 of <b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b> <a href="#">[REP1-024]</a> summarises all relevant environmental assessments and their receptors, and concludes that there is limited likelihood for significant effects that would be of a scale to alter the accessibility to or normal operation of community facilities or receptors with recreational or tourist value, resulting in an overall Negligible to Minor Adverse (not significant) effect.</p> <p>It is noted that in most cases during construction, the effects are short-term (12 months), temporary, reversible and highly localised, and would be managed by reactive and responsive management plans.</p> <p>During the operational phase, significant adverse effects are limited to landscape and visual effects, and during the operational phase there are anticipated to be few (if any) other significant environmental effects. An enhanced PRoW network would be in place as secured by the <b>Draft DCO (Doc Ref. 3.1(C))</b> (via Requirement 10, which states that no phase of the Project incorporating any part of a PRoW which is to be temporarily closed or permanently stopped up pursuant to Article 18 of the Draft DCO may commence until a Rights of Way and Access Strategy (RoWAS) for the phase has been submitted to and approved by ABC, such approval to be in consultation with KCC). The RoWAS(s) must be generally in accordance with</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
		<p>the <b>Outline RoWAS (Doc Ref.7.15(A))</b> <a href="#">[REP1-056]</a> and must be implemented as approved.</p> <p>The effects assessed are localised and reversible, albeit long-term (noting that significance decreases over time as vegetation provided as mitigation matures). In general, the Site represents a small overall area within the wider rural Kent countryside, and is outside of (with limited impact on) designated landscapes (such as the Kent Downs National Landscape) which are a predominant tourist draw.</p> <p>The Applicant contends that there is no substantive evidence based on environmental assessment that the change in landscape / visual amenity from the Project would result in a change in visitor behaviour or would adversely affect resources, assets or facilities with tourist draw. A similar conclusion was reached by the Planning Inspectorate<sup>1</sup> and agreed by the Secretary of State<sup>2</sup> in similar circumstances (and in-line with the NPS EN-1 policy test) regarding Cleve Hill Solar Park.</p> <p>There is limited secondary evidence or literature review relating specifically to changes in tourist and visitor behaviour in relation to solar farms. While each tourist/visitor economy has specific tourist draw factors, it is notable that in most cases there is limited attribution of a predicted change in behaviour to the presence of renewable energy infrastructure given the effects of this technology do not extend to a significant wider area.</p>
WR 28 and 29	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).	The Applicant notes these comments.

<sup>1</sup> [ExA's Recommendation Report for Cleve Hill Solar Park](#)

<sup>2</sup> [Secretary of State's Decision Letter for Cleve Hill Solar Park](#)

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>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.</p>	
WR 30	<p>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.</p>	<p>In response to feedback received by ABC and KCC during the pre-application period, section 3.1 of the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> includes a commitment to deliver improvements including the strategic accessibility across the Site and linking the Site towards the Otterpool Park Development (Cumulative scheme ID No. 10) to the east and towards Ashford to the west, as well as enhancing internal circular and riverside walks and links between Aldington and Mersham (e.g. via a potential new cycle path subject to third party landowner agreement).</p> <p>Requirement 10 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> states that no phase of the Project incorporating any part of a PRoW which is to be temporarily closed or permanently stopped up pursuant to article 18 of the Draft DCO may commence until a Rights of Way and Access Strategy (RoWAS) for the phase has been submitted to and approved by ABC, such approval to be in consultation with KCC). The RoWAS(s) must be generally in accordance with the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> and must be implemented as approved.</p>
WR 31 and 32	<p>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</p>	<p>An assessment of rural tourism effects is set out in section 12.7.57 of <b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b> <a href="#">[REP1-024]</a> which includes a consideration of PRoW and effects on users as reported by other chapters of the ES, concluding that while users will experience a</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>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).</p> <p>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).</p>	<p>change in noise and visual environment, this is likely to be transitory, temporary and would not contribute to a significant effect on the wider tourist economy, which is substantial.</p> <p>The Applicant's proposals include improvements and enhancements to the PRoW within the Order limits that will be in place during the operational phase. These include the following proposals, as set out within Section 3 of the <b>Outline Rights of Way and Access Strategy (Doc Ref. 7.15(A))</b> [<a href="#">REP1-056</a>]:</p> <p>New PRoW acting as alternative / substitutions to existing routes include:</p> <ul style="list-style-type: none"> <li>▪ <b>FN-1</b> - new PRoW linking to the east of Field 23 to AE 657, as an alternative to the proposed diversion to the west of Field 23.</li> <li>▪ <b>FN-6</b> - new PRoW between Roman Road and Handen Farm, which would run parallel to an existing PRoW (AE 377) that currently shares a driveway into Handen Farm with motorised users, to the west side of the hedge next to Field 12. This is intended to improve user safety.</li> <li>▪ <b>FN-7</b> - PRoW running between AE 378 and AE 448 on the west side of Goldwell Lane has the benefit of removing the need for users to cross Goldwell Lane when travelling between these links, and creates a new circular recreational walk around Field 19.</li> <li>▪ <b>AE 657 Extension / FN-AE657</b> - new link between the AE 657 and the west of Field 23 connecting to the AE 381 diversion.</li> </ul> <p>New PRoW for improvements to wider connectivity between destinations (in particular between Otterpool and Mersham) and amenity (rather than mitigation) include:</p> <ul style="list-style-type: none"> <li>▪ <b>FN-2</b> - new PRoW running from the existing AE 657 at the south of Field 28 / west of Backhouse Wood and New 3 / FN-3 at the East Stour River.</li> <li>▪ <b>FN-3</b> - new PRoW running from the existing intersection of AE 657 and</li> </ul>

LIR/WR Para Ref.	Summary Position	Applicant Response
		<p>AE 457 at the East Stour River, and running alongside the river to meet the diverted AE 431 at the north east corner of Field 25.</p> <ul style="list-style-type: none"> <li>▪ <b>FN-8</b> - new PRoW that would link AE 457 and AE 657 to the north of Backhouse Wood resulting in a more direct route and a decrease in journey length.</li> </ul> <p>A 'riverside walk' will be created by FN-3 running east to west through the north of the Site and connecting existing route AE 376 directly to AE 657, thereby directly connecting the network between Mersham and Sellindge.</p> <p>Improved connectivity will also be provided through the north eastern part of the Site via FN-2, FN-3 and FN-8 along with a proposed diversion of AE 656 and AE 657 (to improve amenity by moving the route away from the railway line and linking it to FN-3, the 'riverside walk').</p> <p>New circular walks will be created around the edge of Fields 19 and 23 through the diversion of AE 378, AE 448 and AE 428 and the implementation of FN-7, and the diversion of AE 436 and AE 431 and the implementation of FN-1.</p> <p>A new link (FN-AE380) will be provided between the replacement for the diverted AE 385 east of Bank Road, where it would link to the existing AE 380 (north of Bank Road). This would have the benefit of connecting the existing AE 380 path (that terminates at Bank Road) with AE 385, avoiding the need to walk on Bank Road and Laws Lane to continue progress. The Bank Road / Laws Lane route will remain in place for individuals who prefer this route.</p> <p>Subject to third party landowner agreement and appropriate permissions for areas outside the Order limits, a shared walking / cycleway could be provided (delivered to a specification and design standard to be agreed with KCC) along the route of the diverted AE 370 from Aldington towards Mersham. The Applicant will engage with KCC to develop a proportionate provision of</p>



LIR/WR Para Ref.	Summary Position	Applicant Response
		<p>contributions to assist the delivery of the sections outside of the Order limits with the aim of creating a continuous offroad link between the two villages.</p> <p>The Applicant acknowledges ABC and KCC's emerging joint proposals for off-site PRoW improvements and will consider the reasonableness and proportionality of the proposals when shared, in the context of the mitigation and enhancements already secured by the <b>Outline Rights of Way and Access Strategy (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a>.</p> <p>Requirement 10 of Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> secures that no phase of the Project incorporating any part of a PRoW which is to be temporarily closed or permanently stopped up pursuant to article 18 of the Draft DCO may commence until a RoWAS for the phase has been submitted to and approved by ABC, such approval to be in consultation with KCC. The RoWAS(s) must be generally in accordance with the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> and must be implemented as approved.</p> <p>The Applicant's approach to ensure compliance with "Design Objective 8" is summarised in the design response provided against this objective in the <b>Design Approach Document (DAD) (Doc Ref. 7.4)</b> <a href="#">[APP-149]</a>.</p>
<b>S106 Agreement</b>		
WR 33 - 35	<p>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-</p>	<p>A Planning Performance Agreement is in place with ABC, which has facilitated more than 30 meetings or discussions between the parties. This engagement has afforded ABC with the opportunity to provide responses to the information provided at various stages of the pre-application process. At no point has ABC directly or indirectly sought a Section 106 Agreement or provided any rationale for why any such agreement would be necessary to make the scheme acceptable in planning terms.</p> <p>Nether ABC nor KCC has sought a Section 106 Agreement with the Applicant until this point. Neither party has clarified the terms of the obligation</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>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.</p> <p>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.</p> <p>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.</p>	<p>being sought, or clarified the impact such additional mitigation is being sought to address.</p> <p>The Applicant recognises that there are a number of PRowS in the area and has worked closely through formal consultation and engagement with KCC, ABC, Kent Ramblers and other stakeholders to evolve the design approach to minimise the need to divert or extinguish PRow as a result of the Project and to ensure that management and design principles are appropriate.</p> <p>KCC, the relevant highways authority, has reviewed and commented on the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> and <b>Streets, Rights of Way and Access Plans (Doc Ref. 2.5)</b> <a href="#">[APP-011]</a>. Requirement 10 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> secures that no phase of the Project incorporating any part of a PRow which is to be temporarily closed or permanently stopped up pursuant to article 18 of the Draft DCO may commence until a RoWAS for the phase has been submitted to and approved by the local planning authority, such approval to be in consultation with KCC. The RoWAS(s) must be generally in accordance with the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> and must be implemented as approved.</p> <p>Except where public rights of way are to be permanently stopped up and where no substitute is to be provided (Part 3 of Schedule 8 of the <b>Draft DCO (Doc Ref. 3.1(C))</b>), no PRow would be extinguished or diverted without a replacement being in place, to avoid breaks in connectivity.</p> <p>An assessment of the effect of the construction and operational phase on PRow and PRow users has been undertaken across two chapters of the Environmental Statement – focusing on the network's connectivity, severance of communities, pedestrian delay and amenity, fear and intimidation and pedestrian safety of the network during the construction and decommissioning phase:</p> <ul style="list-style-type: none"> <li>▪ <b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b></li> </ul>

LIR/WR Para Ref.	Summary Position	Applicant Response
		<p data-bbox="1086 263 1249 295"><a href="#">[REP1-024]</a></p> <ul style="list-style-type: none"> <li data-bbox="1041 311 2027 391"> <span style="display: inline-block; width: 1em; height: 1em; background-color: black; margin-right: 0.5em;"></span> <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b>  <a href="#">[REP1-026]</a> </li> </ul> <p data-bbox="1012 406 2094 518">Both have concluded that PRow and their users will experience change during the construction phase, but that effects are not considered significant as a result of embedded mitigation and in several cases are negligible.</p> <p data-bbox="1012 534 2110 678">The <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> includes a commitment to agree a proportionate provision of contributions to assist the delivery of the sections outside of the Order limits with the aim of creating a continuous offroad link between the two villages.</p> <p data-bbox="1012 694 2105 997"><i>"Subject to third party landowner agreement and appropriate permissions for areas outside the Order Limits, a shared walking / cycleway will be provided (delivered to a specification and design standard to be agreed with ABC, in consultation with KCC) along the route of the diverted AE 370 from Aldington towards Mersham. <b>The Applicant will engage with KCC to agree a proportionate provision of contributions to assist the delivery of the sections outside of the Order limits with the aim of creating a continuous offroad link between the two villages"</b></i></p> <p data-bbox="1012 1013 2072 1085">On this basis, additional offsite PRow mitigation is not considered to meet the tests of a Planning Obligation.</p> <p data-bbox="1012 1101 2116 1244">Please also refer to paragraph 1.5.33 of the Applicant's <b>Written Summary of Oral Submissions from Issue Specific Hearing 1 and Responses to Action Points (Doc Ref. 8.5.3)</b> <a href="#">[REP1-073]</a> which sets out the Applicant's response to that point when it was raised in that hearing.</p>

### *Amenity and human health*

LIR/WR Para Ref.	Summary Position	Applicant Response
LIR 12.12	<p>The Council are satisfied that the effects on amenity and human health have been appropriately considered, including in terms of noise, air quality, traffic and access and landscape and views and whilst no significant effects are predicted, the overall effect is considered to be negligible to minor adverse. This does not represent a positive or neutral impact and so the Council consider the local impacts on amenity and human health must be regarded as negative.</p>	<p>The Applicant acknowledges that ABC is satisfied that that the effects on amenity and human health have been appropriately considered, including in terms of noise, air quality, traffic and access and landscape and views.</p> <p>During the construction and operational phases, the environmental factors reported and assessed within relevant technical chapters of the <b>Environmental Statement (Doc Ref. 5.1 – 5.4)</b>, including the impact of embedded mitigation, would not result in multiple significant effects that could lead to health or wellbeing effects. During both phases, the only topic area likely to lead to significant effects relates to landscape and views, though in isolation this is not considered to translate into a significant effect on amenity and health at a population scale.</p> <p>As set out at paragraph 12.7.102 of <b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b> <a href="#">[REP1-024]</a>, during the operational phase, there are improvements to accessibility and active travel that may cause localised and individual benefits to amenity and health.</p> <p>As set out at paragraph 12.7.71 of <b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b> <a href="#">[REP1-024]</a>, Given the range of factors that are not considered significant, and the Applicant’s approach to proactive management strategies, monitoring and engagement secured by the various control documents, the effect on amenity and health is considered to be negligible to minor adverse (not significant) during construction (albeit a short-term, temporary and localised effect that can be managed pro-actively), and negligible (not significant) during operation.</p> <p>The Applicant recognises that ABC agrees that these effects will not be significant.</p>

### Public Rights of Way (PRoW)

LIR/WR Para Ref.	Summary Position	Applicant Response
LIR 12.13	<p>The effects on Public Rights of Way (PRoW) and Access will be assessed by KCC in their role as Highway Authority, albeit the Council note that the effects are assessed as overall negligible to minor adverse at all scales. Criterion 'A.iii' of Policy AB10 of the A&amp;BNP requires existing rights of way to be retained and where not possible, redirection within the site will be considered. Furthermore opportunities will be sought to enhance access for walking, cycling and equestrianism within and across the site to provide linkages to local amenities and neighbouring settlements. As noted in the A&amp;BNP, the area benefits from a particularly dense network of PRoW footpaths. The importance of these historic routes that link parishes, farmsteads and churches to the local community is reflected in the volume of Relevant Representations submitted by local residents and supported by the Council. In the Council's view the proposed development would have a negative impact on Public Rights of Way and Access across the site and local area.</p>	<p>The policies within the ABNP relate to planning applications rather than development consent applications for NSIPs and the tests within both are considered to be in conflict with the policy set out in NPS EN-3. In accordance with paragraph 4.1.15 of NPS EN-1 where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project.</p> <p>The Applicant considers that what is proposed complies with and is supported by the policies in NPS EN-1 (paragraph 5.11.30) and NPS EN-3 (paragraphs 20.10.40-2.10.45).</p> <p>The proposals are secured through the provisions within the <b>Draft DCO (Doc Ref. 3.1(C))</b> and the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> and ensure that the network retains connectivity and maintains recreational use during the operational stage with as little disruption as practicable. The proposed new PRoWs have been designed having regard to the potential for improvements to wider connectivity and in consultation with the KCC PRoW Officer and other stakeholders to minimise visual impact for PRoW users. The <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> sets out detail of how the PRoWs will be managed to ensure they are safe to use.</p> <p>Of particular importance in achieving this, paragraph 6.1.2 of the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> confirms that <i>“Save in respect of those for which no alternative is to be provided (Part 3 of Schedule 8 of the Draft DCO (Doc Ref. 3.1(C))), no PRoW will be permanently closed during the construction or decommissioning phase without a suitable alternative in place, which in most cases for the construction phase would be the proposed alternative PRoW for the operational phase”</i>.</p> <p>This is secured by Article 18(2) in the <b>Draft DCO (Doc Ref. 3.1(C))</b> which provides that, save in respect of those for which no alternative is to be provided (Part 3 of Schedule 8 of the <b>Draft DCO (Doc Ref. 3.1(C))</b>), no</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
		<p>PRoW may be stopped up pursuant to paragraph (1)(a) or (1)(c) of that article unless the respective substitute PRoW has first been provided pursuant to paragraph (1)(b) or (1)(d) to the reasonable satisfaction of the relevant highway authority..</p> <p>An assessment of the effect of the construction and operational phase on PRoW and PRoW users has been undertaken across two chapters of the Environmental Statement:</p> <ul style="list-style-type: none"> <li>▪ <b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b> <a href="#">[REP1-024]</a></li> <li>▪ <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b> <a href="#">[REP1-026]</a></li> </ul> <p>NPS EN-3 paragraph 2.10.40 confirms that proposed developments may affect the provision of public rights of way networks. During the construction phase (ahead of the operational phase) the PRoW network would change in several ways:</p> <ul style="list-style-type: none"> <li>▪ Two routes – <b>a section of AE 455 within the order limits, and AE 447 (entire footpath)</b> would be permanently stopped up before end of construction phase without direct substitution. It should be noted that while these are presented as ‘extinguishments’ rather than diversions, they actually could be characterised as diversions via existing or new / improved routes which would be in place prior to their extinguishment.</li> <li>▪ The entire length of three routes - <b>AE 448, AE 454 and AE 431</b> - would be diverted during the construction phase to temporary replacement PRoW for the duration of the Project rest of the construction, operational and decommissioning phases, and then re-instated at the end of the decommissioning phase</li> <li>▪ Sections of 9 routes - <b>AE 475, AE 656 and AE 657, AE 370, AE 377, AE 385, AE 378, AE 428 and AE 436</b> - would be diverted during the</li> </ul>



LIR/WR Para Ref.	Summary Position	Applicant Response
		<p>construction phase to either permanent replacement PRoW, or temporary replacement PRoW for the duration of the rest of the construction, operational and decommissioning phases, and then re-instated at the end of the decommissioning phase.</p> <ul style="list-style-type: none"> <li>▪ Six new routes - <b>FN-1, FN-2, FN-3, FN-6, FN-7, FN-8</b>, a route for the diverted <b>AE 385 and Bank Road</b>, where it would link to the existing AE 380 (north of Bank Road) and a route for the diverted <b>AE 431</b> would be introduced to the network as PRoWs during the construction phase.</li> </ul> <p>For a link by link summary of the proposed changes and interactions between existing, replacement and new routes, please refer to Table 12.18 of <b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b> <a href="#">[REP1-024]</a> and Table 2-1 of the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a>.</p> <p>The changes proposed together with the commitments secured in the Outline RoWAS ensure the public rights of way across the Site remain open during construction and protect users where a public right of way borders or crosses the Site during construction (as required by NPS EN-3 paragraph 2.10.41).</p> <p>The changes to the PRoW network have been designed to ensure continued recreational use of public rights of way where possible during construction, and in particular during operation (as required by NPS EN-3 paragraph 2.10.42). In summary, based on an average walking speed of 1.4 m/s, the walking time per route on average across the diverted routes within the Order Limits would increase by just over 1 min (1 min 15 seconds). The overall increase in walking distance is around 18% of the existing length of PRoW within the Site to be diverted. KCC has confirmed that a diversion of this length (below 20%) would have a low magnitude of effect.</p> <p>NPS EN-3 paragraph 2.10.43 encourages Applicants where possible to minimise visual impacts for those using public rights of way, considering the impacts this may have on other visual amenities in the surrounding landscape. The Applicant notes footnote 89 that references the impact</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
		<p>extensive screening of a solar park may have on the PRoW users ability to appreciate the surrounding landscapes. The proposed new PRoWs have been designed in consultation with input from the KCC PRoW Officer and other stakeholders to seek to minimise visual impact for PRoW users. This has resulted in the inclusion of a PRoW corridor for each PRoW of at least 10m, which is double the 5m width requested by KCC and an appropriate screening approach that has been agreed with KCC. The Project therefore is therefore considered to be compliant with NPS EN-3 paragraph 2.10.43.</p> <p>NPS EN-3 paragraph 2.10.44 states that Applicants should consider and maximise opportunities to facilitate enhancements to the PRoW network by providing new opportunities for the public to access and cross solar sites. The Project will deliver a number of improvements and enhancements to the network (as noted in the list below) and therefore complies with this policy:</p> <ul style="list-style-type: none"> <li>▪ <b>FN-6</b> - new PRoW between Roman Road and Handen Farm, which would run parallel to an existing PRoW (AE 377) that currently shares a driveway into Handen Farm with motorised users, to the west side of the hedge next to Field 12. This is intended to improve user safety.</li> <li>▪ <b>FN-7</b> - PRoW running between AE 378 and AE 448 on the west side of Goldwell Lane has the benefit of removing the need for users to cross Goldwell Lane when travelling between these links, and creates a new circular recreational walk around Field 19.</li> <li>▪ <b>AE 657 Extension / FN-AE657</b> - new link between the AE 657 and the west of Field 23 connecting to the AE 381 diversion.</li> <li>▪ <b>FN-2</b> - A new PRoW running from the existing AE 657 at the south of Field 28 / west of Backhouse Wood and New 3 / FN-3 at the East Stour River improving connectivity in this area.</li> <li>▪ <b>FN-3</b> - new PRoW running from the existing intersection of AE 657 and AE 457 at the East Stour River running alongside the river to create a 'riverside walk' and meet the diverted AE 431 at the north east corner of</li> </ul>

LIR/WR Para Ref.	Summary Position	Applicant Response
		<p>Field 25. This will also improves connectivity between Mersham and Sellindge.</p> <ul style="list-style-type: none"> <li>▪ <b>FN-8</b> - new PRoW that would link AE 457 and AE 657 to the north of Backhouse Wood resulting in a more direct route and a decrease in journey length, improving connectivity.</li> <li>▪ <b>FN-AE380</b> – this will connect the existing AE 380 path (that currently terminates at Bank Road) with AE 385, avoiding the need to walk on Bank Road and Laws Lane to continue progress and improving connectivity and user safety. The Bank Road / Laws Lane route will remain in place for individuals who prefer the on-road route.</li> </ul> <p>Subject to third party landowner agreement and appropriate permissions for areas outside the Order limits, a shared walking / cycleway would be provided (delivered to a specification and design standard to be agreed with KCC along the route of the diverted AE 370 from Aldington towards Mersham. The Applicant will engage with KCC to develop a proportionate provision of contributions to assist the delivery of the sections outside of the Order limits with the aim of creating a continuous offroad link between the two villages.</p> <p>NPS EN-3 paragraph 2.10.45 requires Applicants to set out detail on how public rights of way would be managed to ensure they are safe to use. The <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> sets out this detail and was reviewed by the KCC PRoW Officer prior to submission.</p>

**Table 2-7: Glint and glare**

LIR/WR Para Ref.	Summary Position	Applicant Response

*Impacts on dwellings*

LIR/WR Para Ref.	Summary Position	Applicant Response
LIR 13.1 - 2	<p>Criterion 'b' of Policy ENV10 is relevant to issues of glint and glare insofar as it requires that <i>“The development does not generate an unacceptable level of traffic or loss of amenity to nearby residents (visual impact, noise, disturbance, odour);”</i></p> <p>Planning Practice Guidance for Renewable and low carbon energy (specifically regarding the consideration of solar farms, paragraph 013).</p>	<p>Policy ENV10 relates to planning applications rather than development consent applications for NSIPs and the tests within it are considered to be in conflict with the policy set out in NPS EN-3. In accordance with paragraph 4.1.15 of NPS EN-1 where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project. This paragraph also applies to any conflict between NPS EN-1 / NPS EN-3 and the Planning Practice Guidance.</p> <p>Section 6.12 of the <b>Planning Statement (Doc Ref. 7.6)</b> [APP-151] confirms that the Project complies with all relevant policies relating to noise and vibration.</p>
LIR 13.3 - 4	<p>The ES (Appendix 16.2) includes a Solar Photovoltaic Glint and Glare Study (APP-123) that assesses the potential impact from the proposed Development on road safety, residential amenity, railway infrastructure and operations, and aviation activity associated with surrounding airfields.</p>	<p>The Applicant notes this comment.</p>
LIR 13.5	<p>Road safety / PRow</p> <p>In terms of road safety the study predicts no impacts on users of surrounding roads with the exception of a small section of Goldwell Lane, where partial views of reflecting panels cannot be ruled out. The study predicts no significant impacts upon PRow and no mitigation is recommended. The Council defers to Kent County Council as the Highways Authority to determine the nature of these potential impacts.</p>	<p>The Applicant notes this comment. Please refer to the <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b> where KCC (the local highways authority) have reviewed the application for the Project and have raised no concerns in respect of glint and glare.</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
LIR 13.6 - 8	<p>The study has assessed the potential impacts from glint and glare on 267 dwellings and concludes that solar reflections are geometrically possible towards 246. For 198 dwellings, screening in the form of existing and proposed landscaping and/ or intervening terrain is predicted to significantly obstruct views of reflecting panels. No impact is predicted, and no further mitigation is required. For 47 dwellings, effects are predicted to occur for less than three months per year and less than 60 minutes per day or the glare scenario sufficiently reduces the level of impact. A low impact is predicted, and no further mitigation is recommended.</p> <p>Dwellings</p> <p>One dwelling (Broadbanks, Bank Road) is predicted to experience a moderate impact. The study demonstrates that views of the reflecting solar panels to the east and coinciding with direct sunlight would be geometrically possible from this dwelling for more than 3 months per year but less than 60 minutes on any given day. Subject to the proposed mitigation, including management of existing boundary hedgerows at minimum 4m in height and inclusion of opaque fencing to sections of the security fencing being secured through the DCO, the residual impacts would be reduced to negligible to low (not significant). Notwithstanding that this impact is assessed as not significant, it would still be a negative local impact.</p>	<p>Section 7.6 of <b>ES Volume 4, Appendix 16.2: Solar Photovoltaic Glint and Glare Study (Doc Ref. 5.4)</b> <a href="#">[APP-123]</a> notes that solar reflections from the Project may be experienced but no residual significant effects are identified. Accordingly, the Project is in accordance with NPS EN-3 paragraph 2.10.158 – 2.10.159.</p> <p>Mitigation measures set out within <b>ES Volume 4, Appendix 16.2: Solar Photovoltaic Glint and Glare Study (Doc Ref. 5.4)</b> <a href="#">[APP-123]</a> are then secured by the <b>Outline LEMP (Doc Ref. 7.10(A))</b> <a href="#">[REP1-048]</a>.</p> <p>The Applicant also notes that Network Rail Infrastructure Limited and High Speed 1 Limited have not raised any objections to date relating to glint and glare impacts from the Project affecting the railway network.</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>Railway / Aircraft Safety</p> <p>The study has analysed the potential glint and glare impact on nearby railway infrastructure and 4 airstrips in the vicinity of the site. The study has concluded there no impacts are predicted on the railway and either low or no impacts are predicted on aircraft safety. The Council notes that Network Rail's Relevant Representation (RR-207) states that they are <i>“continuing to review the application material, with the intention that further detail will be provided at the written representation stage”</i>. In the Council's view the proposed development is considered to have a <b>neutral</b> impact in terms of glint and glare effects.</p>	

**Table 2-8: Agricultural land**

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>Policy compliance</i>		
LIR 14.1 and 14.2	<p>Paragraph 180 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment, including (b) by <i>‘recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and</i></p>	The Applicant notes this comment.



LIR/WR Para Ref.	Summary Position	Applicant Response
	<p><i>most versatile agricultural land, and of trees and woodland’.</i></p> <p>There are no policies within the ALP relating to BMV, albeit Appendix 6 (Monitoring Framework) refers to Grade 1 and 2 agricultural land as ‘high grade’ agricultural land. While the use of higher quality agricultural land is discouraged, it is not precluded.</p>	
LIR 14.3	<p>Policy ENV10 of the ALP does not refer to BMV land or prevent the loss of agricultural land for renewable energy development. Section g) of the Council’s Guidance Note 2 seeks to steer large scale solar developments to previously developed land/brownfield sites, contaminated land or industrial land. However, it acknowledges that there are few sites of appropriate status and size within the borough. The guidance states that large scale solar PV arrays should therefore seek to avoid landscapes designated for their natural beauty, sites of acknowledged/recognised ecological/archaeological importance/interest whilst recognising that it is likely that such development will look to land currently in agricultural use. The guidance therefore seeks that development should be located on poorer quality land.</p>	<p>As set out in Section 3.3 of the <b>Planning Statement (Doc Ref. 7.6)</b> [<a href="#">APP-151</a>], the policies within the ALP relate to planning applications rather than development consent applications for NSIPs and the tests within it are considered to be in conflict with the policy set out in NPS EN-3. In accordance with paragraph 4.1.15 of NPS EN-1 where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project.</p> <p>Section 6.8 of the <b>Planning Statement (Doc Ref. 7.6)</b> [<a href="#">APP-151</a>] includes an assessment of the Project against national and local planning policy. Overall, in accordance with national and local policy the inclusion of some BMV land within the Project is justified and the impacts on BMV land have been minimised by the siting of the Project and its design. The benefits of the Project outweigh the loss of BMV land, particularly noting that NPS EN-3 paragraph 2.10.29 states that land type should not be the predominating factor in determining the suitability of a site for solar development.</p> <p>Section 6.2 in <b>ES Volume 4, Appendix 1.1: Scoping Report (Doc Ref. 5.4)</b> [<a href="#">APP-059</a>] sets out that effects related to agricultural land and soils have been scoped out of the assessment because no significant effects are anticipated. This approach has been accepted by the Planning Inspectorate as confirmed</p>
LIR 14.4	<p>Section h) of Guidance Note 2 goes further to state that the Council will not normally support development that would result in the loss of Grade</p>	

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>1 and 2 agricultural land stating that the best quality agricultural land should be used for the purposes of agriculture. If development is proposed on Grade 1 and 2 agricultural land the applicant must provide clear justification demonstrating the benefits the development would have for the land to be taken out of full agricultural use. The Council is mindful that the Guidance Note was published in 2013 and has, in many respects, been superseded by local and national planning policy and guidance.</p>	<p>in <b>ES Volume 4, Appendix 1.2: EIA Scoping Opinion (Doc Ref. 5.4)</b> [<a href="#">APP-062</a>].</p>
LIR 14.5	<p>Criterion (vi) of Policy AB10 of the A&amp;BNP requires proposals to demonstrate how land beneath or surrounding panels will be managed and how the applicant has avoided land with high potential for agriculture ('Best and Most Versatile Land').</p>	
LIR 14.6 – 7	<p>Whilst this topic was scoped out of the ES a Soils and Agricultural Land Report has been undertaken and is provided as ES Volume 4, Appendix 16.1: Soils and Agricultural Land Report (APP-122). This was informed by a desk-based study using published data sources and soil survey undertaken in 2021 and 2023. Approximately 20% (38.64ha) of the agricultural land within the Site is classed as Best and Most Versatile ('BMV'). It is anticipated that the retained landscape and habitat mitigation would lead to a permanent loss of 11.43ha of agricultural land, of which 5.58ha is BMV representing a loss of 14.4% of the BMV within the</p>	<p>The Applicant notes these comments.</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>Site and 0.017% of the BMV within the borough of Ashford.</p> <p>The Council notes that measures will be in place to manage soil during construction and decommissioning and that the development provides potential for the land. Whilst the Council concurs this would not have a material impact on the overall supply of BMV land in the Borough, the development would result in a loss of BMV land, albeit this would comprise a small part of the overall land take. The Council is mindful that the development would allow for the land beneath and around the PV panels to continue in some form of agricultural use during its operational lifetime, with potential for agricultural grazing and whilst 40 years is a long period of time, it is not permanent.</p>	
LIR 14.8	<p>The Council notes Natural England's request in their Relevant Representation for all 'built infrastructure' development to take place on grade 3b soils in preference to those of higher quality and it is not clear whether this can be the case. In conclusion, the development would have a negative impact on the availability of BMV land contrary to Policy AB10 of the A&amp;BNP, albeit this could be reduced to neutral if it can be demonstrated that the built infrastructure has been located so as to avoid high quality agricultural land.</p>	<p>In Natural England's Written Representation [<a href="#">REP1-096</a>], they note the following:</p> <p><i>'Soils and best and most versatile (BMV) agricultural land. Natural England consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land.'</i></p> <p>...</p> <p><i>Natural England confirms all outstanding matters have been satisfactory [SIC] addressed by EPL 001 Limited, subject to the appropriate mitigation as outlined in the application documents being adequately secured, as summarised in Section 2 above and outlined in further detail in Part II and Part III below</i></p>

LIR/WR Para Ref.	Summary Position	Applicant Response
		Overall, in accordance with national and local policy the inclusion of some BMV land within the Project is justified and the impacts on BMV land have been minimised by the siting of the Project and its design. The benefits of the Project outweigh the loss of BMV land, particularly noting that NPS EN-3 paragraph 2.10.29 states that land type should not be the predominating factor in determining the suitability of a site for solar development.

**Table 2-9: Telecommunications, television reception and utilities**

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>General</i>		
LIR 15.1	The Council concurs with the conclusions of the ES that subject to the embedded mitigation proposed, the development would have no significant effects on telecommunications, television reception and utilities. The local impacts would therefore be <b>neutral</b> .	The Applicant notes ABC's neutral weighting of this topic.

**Table 2-10: Major accidents and disasters**

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>General</i>		
LIR 16.1	The Council is satisfied with the approach taken to identifying possible major accidents or disasters that could be relevant to the proposed	The Applicant notes these comments.

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>development and acknowledges that the potential effects have been taken into account in topic specific chapters of the ES. Of the major accidents identified in Chapter 16 of the ES, the potential operational phase fire risk associated with the BESS is considered to be particularly relevant and the Council welcomes the submission of an Outline BSMP and provision to secure a detailed BSMP through the DCO.</p>	
LIR 16.2 to 3	<p>There are a number of watercourses within and adjacent to the site that the Council is concerned would be vulnerable, for example from leaching of chemicals arising from tackling a fire incident. In this respect the Council consider that the BSMP needs to ensure that the implications of tackling an incident on such environmental matters is fully appreciated and that the BSMP does not solely deal with matters of Fire and Rescue but informs other detailed site design and any related Management Plans.</p> <p>As set out in Appendix 1, the Council therefore considers that it would be appropriate that consultation on the BSMP be widened to include environmental safety measures. Subject to these changes the Council is satisfied that the proposed development would have a neutral impact in respect of major accidents and/or disasters.</p>	<p>Section 4.4.15-4.4.16 of the <b>Outline Battery Safety Management Plan (Doc Ref. 7.16)</b> <a href="#">[APP-161]</a> ('OBSMP') confirms that the BESS is designed to ensure firewater is contained such that there will be no leakage of polluted water into the surrounding area following a fire event, with firewater pumped to a tanker and remove from Site for treatment and disposal at a suitable licenced facility. Section 4.8 of the <b>Outline OSWDS (Doc Ref. 7.14(A))</b> <a href="#">[REP1-054]</a> relates to firewater storage, and sets out the measures that would be put in place to prevent impacts to waterways. These measures have been discussed with both the Environment Agency and KCC (the Local Lead Flood Authority).</p> <p>Requirement 5 and 11 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> secures that an BSMP and OSWDS much be submitted to and approved by the local planning authority, such approval to be in consultation with Kent Fire and Rescue Service (in relation to the BSMP) and KCC (in relation to the OSWDS).</p> <p>The Applicant has consulted with Kent Fire and Rescue ('FRS') on the layout and approach to BESS. The OBSMP explains how the BESS will be safely managed across the Site in accordance with National Fire Chiefs Council (NFCC) Guidance, and also details the engagement to date with Kent FRS (section 3.1). Section 16.7 of <b>ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2)</b> <a href="#">[APP-040]</a> assesses the risk of major accidents or disasters as a</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
		<p>result of the Project. The assessment concludes that, given the proposed mitigation and best practice measures proposed, and the low risk of an event occurring for this type of development, no significant effects are likely.</p> <p>The Applicant has consulted with KCC and the Environment Agency. KCC have confirmed they do not require consultation on the detailed BSMP. The Environment Agency have confirmed that the measures set out in the BSMP are satisfactory and would like to be consulted on the Detailed BSMP. They have therefore been added to Requirement 5 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>. Notwithstanding this, there is nothing in the text of the requirement that would prevent ABC from requesting input from any other party prior to approving the final plan if it considers this to be necessary.</p> <p>The Applicant notes that ABC considers that the potential for operational fire risk associated with the BESS is considered to be particularly relevant and welcomes the submission of an Outline BSMP. In relation to this topic, the Applicant notes ABC's position that the Project will have a neutral impact.</p>

**Table 2-11: Other impacts**

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>Lighting</i>		
LIR 17.1	<p>During the construction and decommissioning phases temporary lighting will be required. During the operational phase, no part of the development will be continuously lit (with the exception of the Sellindge Substation Extension), with lighting limited to emergency and overnight maintenance lighting only around plant.</p>	<p>The Applicant notes these comments.</p>



LIR/WR Para Ref.	Summary Position	Applicant Response
LIR 17.2	<p>Paragraph 191 of the NPPF requires planning decisions to (c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Policy EN4 of the ALP is consistent with the NPPF insofar as it seeks to limit light pollution and promote dark skies in accordance with the Dark Skies SPD. Policy AB5 of the A&amp;BNP supports the need for lighting to be carefully considered in all developments.</p>	<p>The lighting proposals for the Project have been developed having regard to the Dark Sky policy and are considered to be entirely consistent with both Local Plan Policy ENV4 and ABNP Policy AB5.</p> <p>Section 4.11 of the <b>Outline CEMP (Doc Ref. 7.8(A))</b> <a href="#">[REP1-044]</a> sets out the control measures that would be in place for the use of lighting during the construction phase which are in line with good practice to avoid light pollution effects. It secures that temporary construction phase lighting will be designed in accordance with the relevant British Standards. Section 4.11 details a number of controls and states that <i>“full details on temporary construction lighting requirements and positions will be outlined within the detailed CEMP(s).”</i> Construction phase lighting will be agreed with the local planning authority as part of the detailed CEMP(s) (production, approval and implementation of which is secured through Requirement 6 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>). The <b>Design Principles (Doc Ref. 7.5(A))</b> <a href="#">[REP1-042]</a> state that operational lighting will be limited to emergency and overnight maintenance purposes only at Inverter Stations, Intermediate Substations and the Project Substation. Any lighting will be directed within the Order limits and will include features designed to reduce light spill beyond the areas required to be lit. As such, light pollution effects are not predicted.</p>
LIR 17.3	<p>Whilst measures to avoid or minimise lighting impacts are secured through the Design Principles (APP-150), Outline CEMP (APP-153), Outline OMP (APP-156) and Outline DEMP (APP-157), the Council notes that the site is in a rural location and is unlit. The Council note this topic was scoped out of the ES and no significant effects are identified; however Interested Parties have drawn attention to the light pollution from adjacent construction sites. Notwithstanding the mitigation measures and controls proposed, the development</p>	<p>See response immediately above.</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>would necessarily have a negative impact from the requirement for lighting, albeit this would be temporary during the construction and decommissioning phases. The Council recommend that details of construction phase lighting should be submitted for approval.</p>	
WR 39 - 40	<p>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).</p> <p>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.</p>	

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

**Table 2-12: Traffic and access**

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>Construction traffic management</i>		
WR 41 - 44	<p>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.</p> <p>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.</p> <p>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.</p> <p>Given that the application site is spread out over a large area, the Council requests reassurance that regular internal connection services will be</p>	<p>The Application is accompanied by an <b>Outline CTMP (Doc Ref. 7.9(B))</b> which includes a range of construction traffic management measures. The detailed CTMP must be in accordance with the Outline CTMP and must be approved by ABC as the local planning authority, in consultation with the relevant highway authority, before construction works commence. The construction works must then be implemented in accordance with the approved CTMP. Both KCC and National Highways have confirmed in the <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b> and <b>Statement of Common Ground with National Highways (Doc Ref. 8.3.6(A))</b> respectively that the <b>Outline CTMP (Doc Ref. 7.9(B))</b> secures all relevant measures needed during the construction stage.</p> <p>The Applicant is willing to detail internal Site transport arrangements within the Site as part of the detailed CTMP(s), and the <b>Outline CTMP (Doc Ref. 7.9(B))</b> has been updated to include this commitment.</p> <p>In respect of the comments relating to how construction workers will travel to and from the Site and local parking, please also refer to the Applicant's written submissions on these matters in the <b>Written Summary of Oral Submissions from Issue Specific Hearing 2 and Responses to Action Points (Doc Ref. 8.5.5)</b> [<a href="#">REP1-075</a>].</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>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.</p>	

### *Crossing of Bank Road*

WR 45	<p>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.</p>	<p>The Application is accompanied by an <b>Outline CTMP (Doc Ref. 7.9(B))</b> which in section 6 includes a range of construction traffic management measures. In accordance with Requirement 7 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>, the detailed CTMP must be approved by ABC as the local planning authority, in consultation with the relevant highway authority, before construction works commence. Both KCC and National Highways (as parties falling within the definition of "relevant highway authority") have confirmed that the <b>Outline CTMP (Doc Ref. 7.9(B))</b> secures all relevant measures needed during the construction stage.</p> <p>Please also refer to the Applicant's written submissions relating to the Bank Road crossing and potential queuing in paragraphs 1.4.26 and 1.5.51 of the <b>Written Summary of Oral Submissions from Issue Specific Hearing 2 and Responses to Action Points (Doc Ref. 8.5.5)</b> <a href="#">[REP1-075]</a>.</p>
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### *PRoW AE 474*

LIR/WR Para Ref.	Summary Position	Applicant Response
WR 46	<p>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.</p>	<p>The Goldwell Lane access relates to an existing field access point, which avoids the need for further vegetation clearance, including Important Hedgerows.</p> <p>The use of Goldwell Lane for temporary construction access and the works to lay the cable in Goldwell Lane are not expected to give rise to significant environmental effects and the Applicant therefore does not consider that alternative routes, particularly routes involving third party land, are necessary or proportionate.</p> <p>Please also refer to the Applicant's written submissions relating to the Goldwell Lane access in paragraphs 1.5.8, 1.5.24, 1.5.27 1.5.28 and 1.5.55 of the <b>Written Summary of Oral Submissions from Issue Specific Hearing 2 and Responses to Action Points (Doc Ref. 8.5.5)</b> [<a href="#">REP1-075</a>].</p> <p>The Applicant notes in particular response 1.5.27 which confirms that up to 8 two-way peak hour construction trips, inclusive of 2 heavy vehicles are forecast which is the equivalent of one trip every 7.5 minutes and that the impacted section of AE 474 is around 170m which, at a leisurely pace, would take around one minute to walk such that the scope for conflict is very limited.</p>

**Table 2-13: Conclusions**

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>LIR Conclusion</i>		
LIR 18.1 to 18.3	<p>This LIR has undertaken consideration of the potential impacts of the Stonestreet Green Solar NSIP at the local level in respect of the Ashford</p>	<p>The Applicant notes these comments.</p>



LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>Borough Council administrative area, within which the whole development will be located. It has considered positive, negative and neutral impacts, within the context of its knowledge and understanding of the area.</p> <p>While it is noted that the delivery of renewable energy of this nature is in accordance with key strategic policies of the Ashford Local Plan, offering in principle support for such development, this is subject to a number of detailed considerations regarding the impacts of the proposed development. There is uncertainty about how the overarching positive impacts will benefit members of the local community.</p> <p>The ExA will need to be satisfied that any residual impacts arising from the proposed development can be outweighed by the public benefits brought about by the proposed development.</p>	
LIR 18.4	<p>Of the matters that fall within the Council's jurisdiction <b>positive</b> local impacts have been identified in terms of:</p> <ul style="list-style-type: none"> <li>▪ Contribution to the production of renewable energy in the Borough;</li> <li>▪ Potential for the introduction of new PRow to provide new facilities for active travel, recreation and links between communities and developments.</li> </ul>	The Applicant notes these comments.

LIR/WR Para Ref.	Summary Position	Applicant Response
LIR 18.5	<p>Of the matters that fall within the Council's jurisdiction, we have identified a number of potential <b>negative</b> local impacts, which can be summarised as follows:</p> <ul style="list-style-type: none"> <li>▪ The scale and significance of the impact on the landscape and visual amenity of the area, both in isolation and cumulatively;</li> <li>▪ The impacts arising from the harm (identified as less than substantial) to a high number of designated and non-designated heritage assets and to landscape character;</li> <li>▪ The impacts arising from changes in environmental amenity and accessibility to local tourism;</li> <li>▪ The impacts on amenity and human health;</li> <li>▪ The impacts arising from glint and glare to a single dwelling;</li> <li>▪ The impacts arising from lighting during the construction and decommissioning phases;</li> <li>▪ The impacts arising from the loss of agricultural land, including a small proportion of BMV, although with clarification such impacts could potentially be considered neutral.</li> </ul>	<p>The Applicant notes these comments and has responded to the matters summarised in the following tables within Section 2.2 of the Report:</p> <ul style="list-style-type: none"> <li>▪ Table 2-2: Landscape and visual amenity</li> <li>▪ Table 2-3 Cultural Heritage</li> <li>▪ Table 2-6: Socio-economics</li> <li>▪ Table 2-7: Glint and Glare</li> <li>▪ Table 2-8: Agricultural Land</li> <li>▪ Table 2-11: Other impacts</li> </ul>
LIR 18.6	<p>Of the matters that fall within the Council's jurisdiction the following <b>neutral</b> local impacts</p>	<p>The Applicant notes these comments.</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>have been identified, subject to appropriate mitigation where necessary, and are listed below:</p> <ul style="list-style-type: none"> <li>▪ The impacts on land contamination;</li> <li>▪ The impacts arising from noise and vibration effects;</li> <li>▪ The impacts associated with construction employment;</li> <li>▪ The impacts associated with construction workforce spending and construction supply chain effects;</li> <li>▪ The impacts associated with the agricultural economy and food security;</li> <li>▪ The impacts associated with glint and glare effects on railway and aircraft safety;</li> <li>▪ The impacts on telecommunications, television reception and utilities;</li> <li>▪ The impacts from a major accident and/or disaster;</li> <li>▪ The impacts associated with matters relating to Electric, Magnetic and Electromagnetic Fields, Air Quality and Dust and Daylight, Sunlight and Overshadowing.</li> </ul>	

Table 2-14: Other topics

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>DCO Drafting</i>		
Appendix 1	ABC have raised a number of points relating to the drafting of Schedule 2 to the Draft DCO (Doc Ref. 3.1(C)).	<p>The Applicant notes that the comments made in Appendix 1 to the LIR replicate the comments made verbally by ABC during Issue Specific Hearing 1 on 20 November 2024, and relate to a now superseded version of the Draft DCO from July 2024 <a href="#">[AS-004]</a>.</p> <p>The Applicant refers ABC to the <b>Written Summary of Oral Submissions from Issue Specific Hearing 1 and Responses to Action Points (Doc Ref. 8.5.3) <a href="#">[REP1-073]</a></b> which sets out the Applicant's responses to the points raised by ABC. In particular, please refer to Action Point 2, Action Point 3 and Further Action Point 4 which demonstrate how the Applicant updated the Draft DCO at Deadline 1 in response to ABC's comments.</p> <p>The Applicant has agreed to the majority of changes requested by the Applicant, except in relation to the drafting of Requirement 5 (Battery Safety Management Plan) and the timescale referred to in paragraph 19(2)(d) of Schedule 2 to the <b>Draft DCO (Doc Ref 3.1(C))</b> relating to the procedure for discharge of the requirements. The response to LIR 16.2 in this report explains why the Applicant does not consider it appropriate to amend the drafting of Requirement 5. The response to Further Action Point 4 in the <b>Written Summary of Oral Submissions from Issue Specific Hearing 1 and Responses to Action Points (Doc Ref. 8.5.3) <a href="#">[REP1-073]</a></b> explains that the updated drafting of the procedure for discharge of the requirements is based on recent precedent from the Mallard Pass Solar Farm Order 2024 and so is considered acceptable.</p>

## 3 Response to Kent County Council's LIR and WR

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### 3.1 Overview

3.1.1 The following topics were raised by KCC in their LIR [[REP1-087](#)] and WR [[REP1-091](#)]:

- Traffic and access;
- PRoW;
- Sustainable Urban Drainage Systems (SuDS);
- Minerals and waste;
- Heritage conservation; and
- Biodiversity.

3.1.2 The tables below provide the Applicant's response to these topics arranged under the headings listed above, supported by identification of sub-themes for clarity.

## 3.2 Responses to KCC's LIR and WR

**Table 3-1: Traffic and access**

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>General</i>		
LIR 4.1 - 16	Operational Solar Farm and Construction and Decommissioning Traffic Impacts	<p>The Applicant notes these comments, in particular the confirmation at LIR 4.16 that “the County Council is satisfied that the impact of the construction and decommissioning traffic can be suitably managed through the imposition of the Construction Traffic Management Plan (CTMP) and Decommissioning Traffic Management Plan respectively, in line with the mitigation measures already identified in the ES Outline Construction Traffic Management Plan (Document 7.9, 9 July 2024) (APP-153)”.</p> <p>Table 2.2.1 of the <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b> confirms that agreement has been reached between KCC and the Applicant on all remaining traffic and access matters.</p>
LIR 4.17	<p>A draft Statement of Common Ground has been produced which includes commitment from the applicant to resolve the only remaining highway concerns resulting from previous Relevant Representations; these were the Bank Farm Access and clarification regarding minibus provision for worker transport.</p> <p>Based on the above, the increase in vehicle movements on the highway network, including HGV and tractor/trailer arrangement, is viewed to have a negative impact on the local highway network. However, the impact is temporary in nature, purely for the construction/decommissioning periods and the</p>	The Applicant notes this comment.



LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>impact would not be considered severe in nature. As such, when viewed against the criteria set in the National Planning Policy Framework, this would not be of a scale that would warrant objection from KCC as the Local Highway Authority.</p>	

### *Construction Traffic Management Plan (CTMP)*

WR	<p>As outlined in the Local Impact Report and the County Council's Relevant Representation (AS-018), the Local Highway Authority is not concerned regarding the level of traffic generated by the completed and operational solar farm.</p> <p>The site access proposals and measures outlined in the Outline Construction Traffic Management Plan (CTMP) (APP-154) are sufficient and the Local Highway Authority is satisfied that the construction related traffic can be managed to minimise its impact and maintain highway safety. A fully detailed CTMP, inclusive of a worker travel plan, should be provided.</p> <p>The County Council also accepts Requirement 7 within the Development Consent Order (AS-004) which secures a detailed CTMP and would welcome engagement with the applicant ahead of the submission of this requirement should this development be consented.</p> <p>The County Council has worked with the applicant to finalise and agree the highway aspects of the</p>	<p>The Applicant notes these comments. The purpose of the <b>Outline CTMP (Doc Ref. 7.9(B))</b> submitted as part of the Application is to set out the measures that will be used during the construction phase to mitigate construction phase traffic effects and mitigate temporary disruption effects on road users, the local community and environment. 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, in consultation with the relevant highway authority, as secured through Requirement 7 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p>
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LIR/WR Para Ref.	Summary Position	Applicant Response
	Draft Statement of Common Ground and will continue to work proactively with the applicant post decision should the development be consented to ensure commitments are secured and delivered.	

**Table 3-2: PRow**

LIR/WR Para Ref.	Summary Position	Applicant Response
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*Visual amenity and air quality impacts on users*

LIR 4.25	There is likely to be visual and air quality impact on users participating in recreational activity on the PRow network in both the affected area and the wider network during the construction, operational and decommissioning stages of the project.	<p>Section 6.3 of <b>ES Volume 4, Appendix 1.1: Scoping Report (Doc Ref. 5.4)</b> <a href="#">[APP-059]</a> sets out that effects related to air quality have been scoped out of the assessment because no significant effects are anticipated. This approach has been accepted by the Planning Inspectorate as confirmed in <b>ES Volume 4, Appendix 1.2: EIA Scoping Opinion (Doc Ref. 5.4)</b> <a href="#">[APP-062]</a>.</p> <p>Section 8.7 of <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a> assesses the likely effects to landscape and views of PRow users, including an assessment of the impacts to the experiential qualities of the PRow which concludes that there are anticipated to be some significant adverse effects on the landscape and visual amenity of PRow users during construction and operation of the Project. The Project includes buffers to PRow, greater than those requested by KCC, to include new hedgerow planting, reinforcement of existing hedgerows, new woodland planting area and new grassed areas, as set out in paragraph 8.6.23 of <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a>.</p> <p>This approach to assessment is agreed with KCC, which is reflected in section 2.8.1 in the <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b>, which states: <i>“It is agreed that the assessment</i></p>
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LIR/WR Para Ref.	Summary Position	Applicant Response
		<p><i>adequately considers the impact of the proposed Project on the ProW network and the necessary mitigation to limit the impact”.</i></p> <p>KCC notes in its Relevant Representations <a href="#">[RR-156]</a> that it has “<i>engaged with the Landscape consultancy commissioned by Ashford Borough Council to provide a suitably qualified response to the applicant’s assessments</i>”. The findings of that assessment broadly align with the Applicant’s assessment in terms of reporting significant effects.</p>

### *Impacts on PRow*

LIR 4.19 to 23	<p>There are eighteen (18) Public Footpaths and one (1) Byway Open to all Traffic within the site boundary. Public Footpaths: AE385, AE442, AE370, AE377, AE378, AE448, AE447, AE431, AE438, AE657, AE457, AE656, AE454, AE475, AE455, AE474, AE436 (Ashford) &amp; HE436 (Folkestone &amp; Hythe). Byway Open to all Traffic: AE396 (Ashford).</p> <p>These routes connect to the wider PRow Network of the area and together provide significant opportunities for outdoor recreation and active travel across both the Borough of Ashford and east into the District of Folkestone and Hythe. The site is visible from a much wider area of the Network with PRow routes designated as receptors within the Landscape and Visual Assessments.</p> <p>The importance of the PRow network, the countryside, riverside, coast and publicly accessible green space is recognised in many national and local strategies and is afforded strong</p>	Please refer to the responses set out above in Table 2-3: Landscape and visual relating to the assessment of impacts to PRow and the proposed mitigation measures.
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LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>protection in law through individual statutes, regulations and judgements have a direct relevance to its protection, use and development.</p> <p>PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. The value of the PRoW network is in providing the means for residents and visitors to access and appreciate landscapes for personal health and wellbeing, enhancing community connectivity and cohesion, reducing local traffic congestion for economic benefit and improvement in air quality, and much more. The existence of the Rights of Way are a material consideration.</p> <p>The substantial size of this development will have an adverse impact on the PRoW network, through loss of amenity and user experience related to the impact on the landscape and rural character of the wide area affected, and also on area connectivity and directness of routes due to the proposed diversions. The severity of the impact is heightened by the development being in place for a significant period of time.</p>	
WR P.2	<p>The County Council, as Local Highway Authority in respect of PRoW, draws upon the County Council's Relevant Representation (AS-018) for detail of the position and overall views on the application.</p>	<p>The Applicant considers that KCC's position as stated in the Local Impact Report (and to an extent the Written Representation) does not recognise the extent of mitigation for the proposed diversions of PRoW and also ignores the addition and enhancement of the network within the Site which contributes to wider connectivity. It also conflates or 'double counts' two elements of the EIA (the assessment of effects on PRoW and their users, and the LVIA which</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>The County Council considers that this development would have a substantial adverse impact on the PRow Network. The agreed Outline Rights of Way and Access Strategy (APP-160) will go some way to maintaining the accessibility and connectivity of the Network, however, the severe impact on the open countryside, landscape and rural character of the area is inescapable and cannot be fully mitigated.</p>	<p>assesses effects on PRow users) in its conclusion that the proposal would impose a substantial adverse impact on the PRow Network.</p> <p>The Applicant notes – as set out within KCC’s Relevant Representation <a href="#">[RR-156]</a> and reflected as ‘agreed’ within the Section 2.3 of the <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b> – that:</p> <ol style="list-style-type: none"> <li>The importance attributed to PRow in national and local policy, including the KCC Rights of Way Improvement Plan (<b>ROWIP</b>), has been reflected in <b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b> <a href="#">[REP1-024]</a> and the <b>Outline Rights of Way and Access Strategy (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a>;</li> <li>There was proactive engagement on the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> during the pre-application period, resulting in an agreed Strategy that will secure detail of the management of each PRow route affected in terms of access and connectivity. Engagement has resulted in KCC’s stated position that: <i>“the number of PRow that were originally proposed to be extinguished has been reduced to two, and the number of routes to be diverted during the operational stage has been reduced to the minimum”</i>; and</li> <li>Sufficient measures and controls are in place to ensure there is no temporary reduction in network accessibility and connectivity during the construction phase in the PRow network and on local roads which allow transition between PRow. Paragraph 6.1.2 of the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> states that <i>“Save in respect of those for which no alternative is to be provided (Part 3 of Schedule 8 of the Draft DCO (Doc Ref. 3.1(C))), no PRow will be permanently closed during the construction or decommissioning phase without a suitable alternative in place, which in most cases for the construction phase would be the proposed alternative PRow for the operational phase”</i>.</li> </ol>

LIR/WR Para Ref.	Summary Position	Applicant Response
		<p>This provision is secured by Part 4, Article 18(2) in the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p> <p>KCC's conclusion of "<i>substantial adverse impact[s]</i>" cannot be justified for the reasons below:</p> <p>a) The affected PRow have been agreed with KCC as being of low to medium sensitivity, with a low to medium magnitude of effect being caused by the Project.</p> <p>It has also been agreed with KCC that the PRow effects have been mitigated as far as reasonably practicable through the Project's design evolution and mitigation secured in the agreed <b>Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056]</b> in terms of network accessibility and connectivity / alignment, and in some cases enhanced through inherent improvements to the network included within the Project and set out in section 3 of the <b>Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056]</b>.</p> <p>b) The Applicant has worked to ensure that there is no loss of access or connectivity, and overall the network within the site is increased in length, but only by 18% (in terms of distance collated across all extinguished and displaced / replacement PRow) which results in a low level of impact.</p> <p>The Applicant considers that what is proposed complies with and is supported by the policies in NPS EN-1 (paragraph 5.11.30) and NPS EN-3 (paragraphs 20.10.40-2.10.45).</p> <p>The Applicant considers that what is proposed complies with and is supported by this policy through the provisions within the <b>Draft DCO (Doc Ref. 3.1(C))</b> and the <b>Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056]</b> to ensure that the network retains connectivity and maintains recreational use during the operation stage with as little disruption as practicable. The proposed new PRows have been designed having regard to the potential for improvements to wider connectivity and in consultation with the KCC PRow Officer and</p>



LIR/WR Para Ref.	Summary Position	Applicant Response
		<p>other stakeholders to minimise visual impact for PRow users. The <b>Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056]</b> sets out detail of how the PRowS will be managed to ensure they are safe to use.</p> <p>The Applicant understands KCC’s fundamental point to be that both the connectivity of routes, and the amenity of users of the routes should be considered in the assessment. The Applicant considers that the former has been mitigated as far as is reasonably practicable, and so it is inferred that KCC’s conclusion of ‘substantial harm’ is primarily based on the assessment of effects on the amenity of users (i.e. changes in landscape/visual and other environmental factors such as noise or air quality).</p> <p>Section 8.7 of <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]</b> assesses the likely effects to landscape and views of PRow users, including an assessment of the impacts to the experiential qualities of the PRow which concludes that there are likely to be some significant effects on the landscape and visual amenity of PRow users during construction and operation. The Project includes buffers to PRow, to include new hedgerow planting, reinforcement of existing hedgerows, new woodland planting area and new grassed areas, as set out in paragraph 8.6.23 of <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]</b>.</p> <p>This position is agreed with KCC, which is reflected in the <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b>, section 2.8.1 which states: <i>“It is agreed that the assessment adequately considers the impact of the proposed Project on the PRow network and the necessary mitigation to limit the impact”</i>.</p> <p>KCC notes in its Relevant Representations <b>[RR-156]</b> that it has <i>“engaged with the Landscape consultancy commissioned by Ashford Borough Council to provide a suitably qualified response to the applicant’s assessments”</i>. The findings of that assessment broadly align with the Applicant’s assessment in</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
		<p>terms of reporting significant effects, but it is notable that that neither assessment considers the effects to be “substantial adverse”.</p> <p>The Applicant notes that KCC’s position regarding level of effect is the highest possible level of harm that could be ascribed. The agreed EIA methodology (See Section 2.3 of <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1(A))</b> and Section 2.8 of <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b>), confirms that the value of PRoW receptors as being of medium, or medium – high sensitivity. . KCC appears to be judging the impact on the PRoWs equivalent to a scenario which involved the extinguishment a nationally important footpath.</p> <p>Given the agreed position that has been reached with KCC in respect of the EIA methodology, and when considering the agreed sensitivity of the PRoW receptors and the magnitude of effect, as set out in <b>ES Volume 4, Appendix 8.9: Visual Effects Table (Doc Ref. 5.4) [APP-081]</b>, the conclusion of a ‘substantial adverse’ effect cannot be justified and is without foundation.</p>
LIR 4.24 and 4.26 to 31	<p>The County Council Considers that the proposal would impose a substantial adverse impact on the Public Rights of Way Network, a network that not only provides a safe, sustainable means of travel but also delivers the benefits that access to the network, countryside, and green spaces can make to improve the quality of life for Kent’s residents and visitors. The severe impact on the open countryside, landscape and rural character of the area cannot be underestimated, is inescapable and cannot be mitigated for.</p>	<p>See response immediately above.</p>

### New links

LIR/WR Para Ref.	Summary Position	Applicant Response
WR	<p>There is one area on which the County Council still requires consideration by the applicant, as set out within the submitted Relevant Representation (AS-018):</p> <p><i>“Through pre application discussions and formal responses, the County Council advised the applicant that the project provides an opportunity to improve the PRow network and develop new links for active travel and outdoor recreation, which would be considered as positive outcomes of the scheme. The public benefits of such work would help to compensate for any disruption caused by the construction of the proposal and the negative effects on the PRow network, which result from the delivery of the solar park and are unavoidable. However, to date there has been little confirmation of new links or the means of improving the network in the wider area. The County Council, as Local Highway Authority, therefore seeks positive engagement with the application to explore opportunities for positive PRow outcomes, ideally ahead of the commencement of the Examination. Through engagement with the applicant, the County Council ensured that the applicant was aware of the County Council ROWIP in which the County Council aims “to create a network that not only provides a safe, sustainable means of travel but also delivers the benefits that access to the network, countryside, coast and green spaces can make to improve the quality of life for Kent’s residents and visitors”. The County Council would</i></p>	<p>A summary of the PRow measures included within the Project was provided during Issue Specific Hearing 2, and a summary of the Applicant’s response is provided at paragraph 1.5.15 to 1.5.24 of <b>Written Summary of Oral Submissions from Issue Specific Hearing 2 and Responses to Action Points (Doc Ref. 8.5.5)</b> [<a href="#">REP1-075</a>]. Section 2.3 of the <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b> also sets out the position agreed with KCC.</p> <p>The Applicant acknowledges ABC and KCC’s forthcoming joint proposals for off-site PRow improvements and will consider the reasonableness and proportionality of the proposals when shared, in the context of the mitigation and enhancements already secured by the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> [<a href="#">REP1-056</a>] and the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p> <p>The Applicant’s proposals include improvements and enhancements to the PRow within the Order limits that will be in place during the operational phase of the Project. These include – as set out within Section 3 of the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> [<a href="#">REP1-056</a>]:</p> <p>New PRow acting as alternative / substitutions to existing routes include:</p> <ul style="list-style-type: none"> <li>▪ <b>FN-1</b> - new PRow linking to the east of Field 23 to AE 657, as an alternative to the proposed diversion to the west of Field 23.</li> <li>▪ <b>FN-6</b> - new PRow between Roman Road and Handen Farm, which would run parallel to an existing PRow (AE 377) that currently shares a driveway into Handen Farm with motorised users, to the west side of the hedge next to Field 12. This is intended to improve user safety.</li> <li>▪ <b>FN-7</b> - PRow running between AE 378 and AE 448 on the west side of Goldwell Lane has the benefit of removing the need for users to cross Goldwell Lane when travelling between these links, and creates a new circular recreational walk around Field 19.</li> <li>▪ <b>AE 657 Extension / FN-AE657</b> - new link between the AE 657 and the</li> </ul>

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p><i>request that enhancements to the PRow network should be made in addition to mitigation, compensation, and management strategies that will provide some form of mitigation of the severe impact that the public, residents and visitors alike, will experience on the quantity and quality of access provision”</i></p> <p>The Outline Rights of Way and Access Strategy (APP-160) refers to Strategic and Wider Benefits (3.1.2, 3.1.3 and 3.1.4) to connect Mersham to Sellindge. The County Council requests confirmation as to how this is proposed to come forward in terms of land ownership consent, due legal process and funding. The applicant has previously referred to aiding any negotiations regarding landowner consent. The County Council is currently preparing a detailed map, technical specification, works required and cost estimate can be provided by the Examining Authority. This scheme meets the policies and objectives of the KCC ROWIP, Ashford Borough Council Local Plan and Aldington and Bonnington Neighbourhood Plan.</p>	<p>west of Field 23 connecting to the AE 381 diversion.</p> <p>New PRow for improvements to wider connectivity and amenity (rather than mitigation) include:</p> <ul style="list-style-type: none"> <li>▪ <b>FN-2</b> - A new PRow running from the existing AE 657 at the south of Field 28 / west of Backhouse Wood and New 3 / FN-3 at the East Stour River.</li> <li>▪ <b>FN-3</b> - new PRow running from the existing intersection of AE 657 and AE 457 at the East Stour River, and running alongside the river to meet the diverted AE 431 at the north east corner of Field 25.</li> <li>▪ <b>FN-8</b> - new PRow that would link AE 457 and AE 657 to the north of Backhouse Wood resulting in a more direct route and a decrease in journey length.</li> </ul> <p>A ‘riverside walk’ will be created by FN-3 running east to west through the north of the Site and connecting existing route AE 376 directly to AE 657, thereby directly connecting the network between Mersham and Sellindge.</p> <p>Improved connectivity will also be provided through the north eastern part of the Site via FN-2, FN-3 and FN-8 along with a proposed diversion of AE 656 and AE 657 (to improve amenity by moving the route away from the railway line and linking it to FN-3, the ‘riverside walk’).</p> <p>New circular walks will be created around the edge of Fields 19 and 23 through the diversion of AE 378, AE 448 and AE 428 and the implementation of FN-7, and the diversion of AE 436 and AE 431 and the implementation of FN-1</p> <p>A new link (FN-AE380) will be provided between the replacement for the diverted AE 385 east of Bank Road, where it would link to the existing AE 380 (north of Bank Road). This would have the benefit of connecting the existing AE 380 path (that terminates at Bank Road) with AE 385, avoiding the need to walk on Bank Road and Laws Lane to continue progress. The</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
		<p>Bank Road / Laws Lane route will remain in place for individuals who prefer this route.</p> <p>Subject to third party landowner agreement and appropriate permissions for areas outside the Order limits, a shared walking / cycleway would be provided (delivered to a specification and design standard to be agreed with KCC along the route of the diverted AE 370 from Aldington towards Mersham. The Applicant will engage with KCC to develop a proportionate provision of contributions to assist the delivery of the sections outside of the Order limits with the aim of creating a continuous offroad link between the two villages.</p>

Table 3-3: SuDS

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>Surface water flow</i>		
WR P.3	<p>As Lead Local Flood Authority, from a flood risk management perspective there is no objection to the general principles proposed for managing surface water runoff. There are, however, concerns raised with regards to the technical data contained within the detailed design aspects (and mentioned within the County Council's Relevant Representation (AS-018). However, given the recent commitments within the latest Statement of Common Ground for the required adjustments and updated information to be provided prior to Deadline 1, the Lead Local Flood Authority</p>	<p>The <b>Outline OSWDS (Doc Ref. 7.14(A))</b> <a href="#">[REP1-054]</a> was updated at Deadline 1 to reflect comments from KCC. The updated material is being reviewed by KCC.</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>considers that it is likely that these concerns can be 'designed out'.</p>	
	<p>The County Council as Lead Local Flood Authority notes that the application proposes to manage surface water via the use of a system of attenuation with a restricted outflow to the surrounding water bodies.</p> <p>For surface water management purposes, the application site has been considered in four distinct subsets: Project substation, Inverter Station, the PV panels themselves,</p> <p>It is proposed for the Project Substation and Inverter Substations to be connected into the created water network within the limits, the PV panels will simply shed water to ground and the Sellindge Substation expansion connecting into the existing network.</p> <p>It is likely that both the permanent and associated temporary works required for the installation of the infrastructure will have implications for various watercourses along the route.</p>	
LIR 4.36 - 4.38	<p>There are also several, some considerable, existing surface water flow paths throughout the order limits which again the permanent and temporary works will have implications on.</p> <p>Whilst the volume of water being shed from the site is not expected to alter greatly (given the existing impermeable geology), there is a risk that</p>	<p>As set out in the <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b>, the Applicant has provided KCC with updated versions of the <b>Outline OSWDS (Doc Ref. 7.14(A))</b> <a href="#">[REP1-054]</a> and <b>ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A))</b> <a href="#">[REP1-036]</a> <a href="#">[REP1-037]</a> and <a href="#">[REP1-038]</a> which were submitted at Deadline 1. KCC are reviewing these updates and the Applicant is confident that agreement will be reached on these matters.</p>



LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>this could be conveyed in concentrated pathway where before a sheet flow was experienced. This poses the risk of causing scarification to the existing land essentially reducing the flora available and also could lead to the mobilisation of silts from site where none occurred (in comparison) before, resulting in possibility of downstream blockages and increased flood risk.</p> <p>For any surface water leaving site it should be demonstrated that the mechanisms proposed 'manage' the surface water so as to be in compliance with the requirements of DEFRA's Sustainable Drainage Systems Non Statutory Technical Standards, the relevant chapters of the NPPF and County Council Drainage and Planning Policy (2019).</p>	

### Other consents

LIR 4.39 - 4.40	<p>Any works that will (or has the potential to) affect a designated 'main river' will require the prior formal written Consent of the Environment Agency (EA). This requirement also covers any works that fall within any main river's byelaw margins. In this area, the byelaw margins extend to 8m from the banks of any non-tidal main river, and 15m where a watercourse is tidally influenced.</p> <p>Any works to any non-main river watercourse that lies within River Stour (Kent) Internal Drainage Board's administrative boundaries will require their formal written Consent. 'Ordinary watercourses'</p>	<p>As set out in section 4 of the <b>Schedule of Other Consents and Licences (Doc Ref. 3.4)</b> <a href="#">[APP-018]</a>, the Applicant expects to seek Flood Risk Activity Permits from the EA and IDB Land Drainage Consent from the River Stour (Kent) Internal Drainage Board for the works identified. This consenting approach was agreed with those bodies at the pre-application stage, as detailed in table 10.2 in <b>ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B))</b> <a href="#">[REP1-022]</a>.</p>
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LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>are the watercourses which are not maintained by the EA or by an Internal Drainage Board. In the absence of any express agreement to the contrary, maintenance will be the responsibility of the riparian owners. Irrespective of any planning permission granted, any diversion, culvert, weir, dam, or obstruction to the flow of any such watercourse will also require the explicit consent of the Lead Local Flood Authority (KCC) under the Land Drainage Act 1991, as amended by regulations of the Flood and Water Management Act 2010. This requirement also covers potential temporary works.</p>	

### Table 3-4: Minerals and waste

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>General</i>		
LIR 4.42 - 4.44	<p>The adopted Kent Minerals and Waste Local Plan 2013-30 (KMWLP) safeguards economic land-won minerals in Kent and any minerals and waste infrastructure. This is in line with the National Planning Policy Framework (NPPF) and National Planning Policy for Waste (NPPW) requirements to ensure that the county has sufficient mineral supply and waste management provisions.</p>	<p>The Applicant notes KCC's position of no objection regarding this topic. Please refer to Section 2.5 of <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b>.</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>The County Council would refer to its commentary raised within its Relevant Representation (AS-018) and has no further comments to raise.</p> <p>The proposed development does not have an impact on any safeguarded waste management facility or minerals processing or Infrastructure.</p>	

**Table 3-5: Heritage conservation**

LIR/WR Para Ref.	Summary Position	Applicant Response
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*ES Non-Technical Summary*

LIR 4.45 and 4.46	<p>The County Council has been engaged in discussions with the applicant on this project, and provided detailed commentary on the relevant submitted application material within its Relevant Representation submission. The County Council would highlight that this engagement has not been consistent, nor has it enabled a resolution of concerns to be reached as raised by the County Council throughout its consultation responses.</p> <p>Within the 5.1 Environmental Statement Volume 1: Non-Technical Summary (APP-023), there is no mention of heritage issues or protection for significant archaeology or attempts to minimise impact on heritage or even enhancement measures such as interpretation boards informing results of archaeological investigations. The</p>	<p><b>ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref 5.4)</b> [APP-070] and [APP-071] includes the desk-based assessment and a full geophysical survey that was undertaken by the Applicant covering the areas where physical development is proposed within the Order limits to establish a baseline understanding of the potential for sub-surface archaeology. The Applicant understands that KCC has raised concerns that archaeology may be present within the Site in areas where the geophysical survey has not identified any potential archaeology. However, if this is the case, the Applicant believes it is unlikely that this archaeology would be significant other than potentially in a local context.</p> <p>Further, the <b>Archaeological Management Strategy (AMS) (Doc Ref. 7.17)</b> [APP-162] commits the Applicant to a clear framework of controls that would avoid and reduce the effects of the Project on potential archaeology. Section 5 of the AMS secures the publication of any information or find, including</p>
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LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>scheme does not put forward any proposals for positive benefits for heritage, even to mitigate harm from construction and installation works - positive enhancement could help to balance the harm that the development would cause to heritage.</p>	<p>should no archaeology be revealed. This includes the online OASIS form<sup>3</sup>, or such equivalent website as may be in place at the time of the works being completed, and once the reporting is in the public domain by submission to the KCC and Historic England National Record of the Historic Environment.</p> <p>In terms of mitigation, section 5 of the <b>AMS (Doc Ref. 7.17 (A)) [APP-162]</b> sets out the approach to archaeological mitigation works in relation to the Project which will include further invasive archaeological evaluation before the commencement of construction works. The AMS will inform measures to avoid impacts on archaeological remains. The <b>Works Plans (Doc Ref. 2.3(B)) [REP1-003]</b> include flexibility to respond to archaeological features which may be identified during further archaeological investigation and to respond to features identified during construction works, including through the relocation of sub-surface infrastructure (for example Inverter Stations) and, if required, use of a non-invasive alternative to piling to avoid impacts. Requirement 9 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> secures that no phase of the Project may commence until certain specified details for that phase have been submitted to and approved by the local planning authority, such approval to be in consultation with KCC. The specified details are a written scheme for the investigation of areas of archaeological interest within that phase; identification of any areas where a programme of archaeological investigation is required within that phase, and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found. These details must be generally in accordance with the AMS.</p> <p>The Applicant notes that matters in respect of archaeology are still under discussion with KCC and further progress on these matters will be reported at Deadline 3.</p>

<sup>3</sup> <http://oasis.ac.uk/>

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>Scope of assessment</i>		
LIR 4.47 - 4.49	<p>The County Council considers that the setting out of the impacts on heritage assets within the application is not informed by robust or comprehensive data.</p> <p>The County Council that the Environmental Statement Volume 1: Non-Technical Summary [sic] does not consider the impacts on all heritage assets within the impact zone during the construction phase (APP-023).</p> <p>The Environmental Statement Volume 2 Chapter 7: Cultural Heritage (APP-031) contains no consideration as to the impacts on as yet unknown non-designated heritage assets. The County Council is therefore unable to comment further on any potential impacts arising from the scheme on as yet unknown non-designated heritage assets.</p>	<p>The approach to the assessment of designated and non-designated heritage assets has been discussed and agreed with KCC, and has been reported within Section 2.6 of the <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b> (see Table 2-6, rows 2.6.1 to 2.6.6). The same position has been reached with both ABC and Historic England. This is set out in the SoCG prepared with each party – Section 2.4 of the <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1)</b> <a href="#">[REP1-062]</a> and Table 2.1 of the <b>Statement of Common Ground with Historic England (Doc Ref. 8.3.3(A))</b>.</p> <p>The Applicant notes that matters in respect of archaeology are still under discussion with KCC and further progress on these matters will be reported at Deadline 3.</p>
<i>Glint and glare</i>		
LIR 4.50	<p>Furthermore, there is a need for consideration and assessment of the impacts of Glint and Glare on nearby heritage assets.</p>	<p>Section 6.12 of <b>ES Volume 4, Appendix 1.1: Scoping Report (Doc Ref. 5.4)</b> <a href="#">[APP-059]</a> sets out that effects related to glint and glare have been scoped out of the assessment because no significant effects are anticipated. This approach has been accepted by the Planning Inspectorate as confirmed in <b>ES Volume 4, Appendix 1.2: EIA Scoping Opinion (Doc Ref. 5.4)</b> <a href="#">[APP-062]</a>.</p> <p>In relation to glint and glare, paragraph 6.2.3 of <b>ES Volume 4, Appendix 7.2: Heritage Statement (Doc Ref. 5.4)</b> <a href="#">[APP-072]</a> confirms that the assessment of impact to the significance of a given heritage asset has been</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
		<p>informed by the visualisations and the <b>Illustrative Landscape Drawings (Doc Ref. 2.7(A))</b> <a href="#">[REP1-005]</a> produced alongside <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a> and <b>ES Volume 4, Appendix 16.2: Solar Photovoltaic Glint and Glare Study (Doc Ref. 5.4)</b> <a href="#">[APP-123]</a>. This confirms that appropriate regard has been had to glint and glare in the assessment of potential significant effects.</p>

### Archaeology

LIR 4.51	<p>There is also potential for harm to buried archaeological remains from enabling works, construction works, or environmental protection or enhancement works. The County Council would request details of archaeological protection measures be provided.</p>	<p>Direct effects to archaeological remains will be mitigated through the implementation of a programme of archaeological works such as targeted watching brief(s) of ground disturbance, as part of the <b>AMS (Doc Ref. 7.17)</b> <a href="#">[APP-162]</a>. This is secured by Requirement within the <b>Draft DCO (Doc Ref. 3.1(C))</b>. Further pre-construction trial trenching is also secured in the AMS.</p> <p>Please refer to the response to LIR 4.45 and 4.46 above for further information.</p>
LIR 4.52 - 4.53	<p>The County Council considers that there has been inadequate assessment in the field to test geophysical anomalies and desk based assessment. Therefore, the understanding of the actual presence/absence of as yet unknown significant archaeological remains is extremely limited and, at this stage, the County Council considers insufficient fieldwork has been undertaken.</p> <p>The County Council therefore considers that the Cultural Heritage assessment has not yet considered the direct physical effects of the Project on below ground heritage assets. There needs to be a better and far more detailed understanding of</p>	<p>The Applicant and KCC are continuing to engage in relation to the matters raised and an update to the ExA will be provided at Deadline 3.</p> <p>From a planning policy perspective, NPS EN-3 confirms that appropriate desk-based assessment, and where necessary, a field evaluation, in consultation with the local planning authority, should identify archaeological study areas and propose appropriate schemes of investigation, and design measures, to ensure the protection of relevant heritage assets (paragraph 2.10.113).</p> <p>In some instances, field studies may include investigation work to assess the impacts of any ground disturbance, such as proposed cabling, substation foundations or mounting supports for solar panels on archaeological assets. <i>"The extent of investigative work should be proportionate to the sensitivity of,</i></p>



LIR/WR Para Ref.	Summary Position	Applicant Response
	the negative impact of this scheme on buried non-designated heritage assets, especially potentially buried significant heritage assets.	<i>and extent of proposed ground disturbance in, the associated study area” (paragraph 2.10.114).</i>
LIR 4.54 - 4.56	<p>The applicant has not undertaken reasonable fieldwork including trial trenching. The number of intrusive trial trenches is only 12, not even 1% of the development site, the potential impact on as yet unknown non-designated, potentially significant, heritage assets is currently still unclear. The lack of ground-truthing trenching across the site means that the mitigation for buried heritage assets is not evidence-based and therefore not sound or reasonable.</p> <p>Therefore, the County Council does not have a reasonable understanding of the extent, range, or significance of the buried archaeological resource across the site. This means that the impact of the development is not clear. Therefore, the County Council concludes the applicant’s proposed archaeological mitigation is insufficiently informed.</p> <p>The application has noted that there will be further trial trenching evaluation prior to construction but this will not enable the need to consider preservation in situ for significant archaeology, especially as most of the proposed Works are already established in location, scale, and methodology. In accordance with NPPF (2023) heritage assets need to be preserved in a manner proportionate to their significance. This proposal is on “undeveloped” land and has the potential for yet</p>	<p><i>“Applicants should consider steps to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting” (paragraph 2.10.117). “Careful consideration should be given to the impact of large-scale solar farms which depending on their scale, design and prominence, may cause substantial harm to the significance of the asset” (paragraph 2.10.118).</i></p> <p>Table 7.1 in <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011]</b> recognises that groundworks during construction have the potential to affect buried archaeological remains, although it states that the overall footprint of the Project (including piling, topsoil stripping, cable trenching and foundation excavation) is anticipated to be limited in extent, and subsequently the potential for remains to be potentially encountered is also low.</p> <p>In terms of mitigation, NPS EN-3 states that the ability to microsite specific elements during construction should be an important consideration when assessing the risk of damage to archaeology (paragraph 2.10.137) and that the Secretary of State, where requested, should consider granting consents that allow for micro siting (paragraph 2.10.138).</p> <p><b>ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref 5.4)</b> [APP-070] and [APP-071] includes the desk-based assessment and a full geophysical survey that was undertaken by the Applicant covering the areas where physical development is proposed within the Order limits to establish a baseline understanding of the potential for sub-surface archaeology.</p> <p>The Applicant recognised and responded to comments raised by the County Archaeologist during the pre-application stage (KCC responses to the 2022 Statutory Consultation and 2023 Statutory Consultation, and responded to</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>unknown significant buried archaeological remains. The County Council consider it is appropriate in view of the scale and extent of the proposed scheme that reasonable testing for significant buried archaeology is an essential requirement of pre-determination assessment.</p>	<p>within <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b> regarding potential delivery risk for the Project in the event that archaeology was identified post-determination. To mitigate this, the Applicant has included flexibility in the <b>Works Plans (Doc Ref. 2.3(B)) [REP1-003]</b> to respond to archaeological features which may be identified during further archaeological investigation and to respond to features identified during construction works, to allow the relocation of Project infrastructure and/or utilise non-invasive installation methods (ballast) to avoid any impact on sub-surface archaeology. The exception to this is the Project Substation area as, unlike other aspects of the Project, there is limited flexibility to relocate this infrastructure. To address KCC concerns the Applicant completed a number of trial-trenches in this area pre-submission which did not indicate the presence of any significant archaeological remains. These results are presented in Annex 7 of <b>ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref 5.4) [APP-070]</b> and <b>[APP-071]</b>.</p>
LIR 4.57	<p>The County Council considers that the Archaeological Management Strategy (AMS) (APP-0162) is not appropriately based on reasonable information and in accordance with NPPF (2023) paragraph 200. The County Council therefore raises considerable concerns that this strategy can only be considered draft at this stage until further evidence, as set out, is gathered and the impact of archaeology is clear.</p>	<p>In addition, the Applicant agreed a number of other targeted trenches and bore holes with the County Archaeologist. These targeted the areas of greatest archaeological potential identified during the desk-based assessment and geophysical survey and also where the geophysical survey had interpreted discoveries as being of likely geological origin rather than archaeological interest and in areas where there was no specific intelligence to suggest archaeology, but to test the quality of the geophysical survey. The geophysical survey informed the baseline assessment presented in <b>ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref 5.4) [APP-070]</b> and <b>[APP-071]</b>.</p> <p>The nature of much of the Project is considered to result in minimal ground disturbance and a suite of proposed mitigation measures in section 5 of the</p>
WR	<p>The County Council considers that the Archaeological Management Strategy and archaeological mitigation is completely unacceptable as they are not suitably informed by a robust evidence base. Such scarcity of ground truthing through evaluation trenches means that the archaeological mitigation proposals are not evidence-based. Therefore, the County Council would draw to the attention of the applicant and the Examining Authority that if these matters are not dealt with ahead of the close of Examination, the proposal is at risk of encountering significant archaeological remains post consent when details</p>	<p>In addition, the Applicant agreed a number of other targeted trenches and bore holes with the County Archaeologist. These targeted the areas of greatest archaeological potential identified during the desk-based assessment and geophysical survey and also where the geophysical survey had interpreted discoveries as being of likely geological origin rather than archaeological interest and in areas where there was no specific intelligence to suggest archaeology, but to test the quality of the geophysical survey. The geophysical survey informed the baseline assessment presented in <b>ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref 5.4) [APP-070]</b> and <b>[APP-071]</b>.</p> <p>The nature of much of the Project is considered to result in minimal ground disturbance and a suite of proposed mitigation measures in section 5 of the</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
	are agreed and there are few options to avoid or mitigate in a proportionate manner.	
LIR 4.58 - 4.59	<p>The Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070) does not reflect a fully comprehensive understanding of the potential time depth of the landscape. The Summary of Impacts (section 4.2) seems to focus entirely on direct physical impact. There seems to be no regard for impact on wider setting/understanding of nearby archaeological landscape features or from other impacts, e.g. Glint and Glare.</p> <p>With regard to Direct Impacts (section 4.3), the County Council raises a question as to how many of the hedgerows to be removed are of archaeological significance in accordance with the Hedgerow Regulations. Furthermore, would also question; how many of the public footpaths to be re-directed may be along the alignment of a post medieval or earlier routeways. The County Council would also question how many field boundaries of archaeological interest will be impacted by this scheme – this information would aid an understanding of the impact that this scheme may have.</p>	<p><b>AMS (Doc Ref. 7.17) [APP-162]</b>, including the commitment to pre-construction trial trenching, will be delivered. Please refer to the response to LIR 4.45 and 4.46 above for further information regarding how this is secured in the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p> <p>Following the implementation of the proposed embedded mitigation, the ES concludes that the effects on potential archaeological remains, including Roman Road, Roman roadside features, former field systems, boundary and agricultural features, are all assessed as Neutral or Neutral / Slight Adverse (not significant) (See Section 7.7 of <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011]</b>).</p> <p>The Applicant notes the Solar Energy UK Position Statement (“Solar farms and the assessment of buried archaeological remains<sup>4</sup>”) which has been informed by input from the Chartered Institute of Archaeologists (CifA). It suggests the impact of piling in an absolute worst-case scenario equates to 6m<sup>2</sup> per hectare (or 0.06% of PV Array area), but typically will be much less than this. By comparison effects for residential or commercial developments are 100% of the area of the Site. It also notes that there are disadvantages with pre-determination trial trenching, including carbon emissions, and therefore pre-determination trenching should only be used where absolutely necessary to confirm the significance of a potential asset.</p> <p>The Applicant considers the combination of desk based assessment, geophysical survey and targeted trial trenching has resulted in a thorough understanding of the likely impacts of the Project, which the Applicant considers are relatively limited. Additional pre-construction trial trenching is secured in section 1.9 of the <b>AMS (Doc Ref. 7.17) [APP-162]</b> and, in the event that this identifies new archaeology, the <b>Works Plans (Doc Ref. 2.3(B)) [REP1-003]</b> includes the flexibility to mitigate any impact on this heritage assets without any significant impact on the delivery of the Project.</p>
LIR 4.60 - 4.62	The East Stour is a major river for this part of Kent. The immediate river valley zone has potential to contain important and rare Palaeolithic remains such as stone artefacts and palaeoenvironmental	

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>remains, such as seeds, wood, shell. The river valley was a focus for Prehistoric human activity ranging from travel corridor, utilisation of water environment, to utilisation of water for industry. The East Stour would also be a focus for Roman and Early Medieval and later activity and settlement. The range and significance of archaeological remains within the channel of the East Stour could be considerable. As such works close to the river need to be particularly mindful of archaeological remains.</p> <p>The extent of archaeological investigations will be dependent upon the extent of impact but the archaeological mitigation for this watercourse crossing proposal need to be informed and robust.</p> <p>The County Council recommend that informed archaeological mitigation is undertaken as soon as possible, and the results of preliminary investigations being used to guide further mitigation during the challenging crossing works themselves.</p>	<p>This approach is considered to be consistent with NPS EN-3 and is consistent with recent NSIP decisions, such as for the Mallard Pass Solar Farm Order 2024.</p> <p>In relation to glint and glare, please refer to the response provided to KCC LIR 4.50.</p> <p>The effects of the limited hedgerow removal have been considered, and reported in Section 7.7 of <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))</b> [<a href="#">AS-011</a>], with Table 7.10 confirming that these impacts are not considered to be significant.</p> <p>As set out in section 7.6 of <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))</b> [<a href="#">AS-011</a>], the Project has sought to minimise impacts on heritage assets through design, including the diversion of PRoW along field boundaries.</p>
WR	<p>Overall, the County Council's current concern is the lack of preliminary ground truthing through evaluation trenches. Since submitting its Relevant Representation, the County Council has not received any confirmation of further field assessment work following the desk based assessment and geophysical survey and some localised, targeted fieldwork trenching.</p>	

LIR/WR Para Ref.	Summary Position	Applicant Response
LIR 4.63	The County Council wishes to advise the Examining Authority that it continues to engage with the applicant. The County Council notes proposals for discussions with the applicant regarding evaluation work being undertaken post consent, but it must be noted that the County Council remains concerned that the AMS is not evidence based at this stage and a reasonable amount of ground truthing is still required. The County Council will update the Examining Authority accordingly regarding any progress made through this engagement.	The Applicant notes that matters in respect of archaeology are still under discussion with KCC and further progress on these matters will be reported at Deadline 3.

**Table 3-6: Biodiversity**

LIR/WR Para Ref.	Summary Position	Applicant Response
<i>Protected species mitigation</i>		
LIR 4.64	The County Council considers that with the exception of breeding birds, the majority of species can be retained on site on the understanding that the habitats can be retained/enhanced/created as proposed. The County Council highlights that there is a need to ensure that any fencing will ensure connectivity through the site for any terrestrial species.	<p>The Applicant agrees with the County Council that the majority of species can be retained on site on the understanding that the habitats can be retained/enhanced/created as proposed.</p> <p>In relation to Breeding Birds, section 4.6 of the <b>Outline LEMP (Doc Ref. 7.10(A))</b> <a href="#">[REP1-048]</a> provides details on how mitigation will be in place for wintering and breeding birds (particularly skylark and yellowhammer).</p> <p>The <b>Outline LEMP (Doc Ref. 7.10(A))</b> <a href="#">[REP1-048]</a>, section 5.2 sets out plans to include ground level gaps and / or mammal gates to allow the movement of species through the Site. Annex 2 of the <b>Outline LEMP (Doc Ref. 7.10(A))</b> <a href="#">[REP1-048]</a> provides an illustrative maintenance and</p>



LIR/WR Para Ref.	Summary Position	Applicant Response
		<p>management schedule for the existing and proposed vegetation / habitats, including details on when the gaps in the fencing will be cleared. Production and implementation of detailed LEMP(s) is secured through Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>. This provides that no phase of the Project may commence until a LEMP covering that phase has been submitted to and approved by the local planning authority. The LEMP must be in accordance with the <b>Outline LEMP (Doc Ref. 7.10(A)) [REP1-048]</b>, the approved biodiversity design strategy and the <b>Design Principles (Doc Ref. 7.5(A)) [REP1-042]</b>.</p>

### *Biodiversity Net Gain*

LIR 4.65	<p>In respect of the submitted Biodiversity Net Gain Assessment (BNG) (APP-146), this document does suggest that BNG is achievable as the proposal will result in a gain substantially over 10% for rivers, hedgerows and habitats. However, it should be noted that BNG can only be achieved if the proposed habitats are managed as intended and achieve the intended condition.</p>	<p>The Applicant is proposing extensive biodiversity and landscape mitigation proposals which have been developed by competent expert ecologists and are set out in section 3.12 of <b>ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2(A)) [REP1-018]</b>. This includes securing at least 100% Biodiversity Net Gain ('BNG') for habitat units and at least 10% for hedgerow and river units as set out in paragraph 1.1.10 of the <b>Biodiversity Net Gain Assessment (Doc Ref. 7.1) [APP-146]</b>. The proposed biodiversity and landscape enhancements secured through Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>. This provides that the Project must not commence until a biodiversity design strategy (to include the requirement to deliver the stated biodiversity net gain levels above) has been submitted to and approved by the local planning authority, such approval to be in consultation with KCC and the relevant statutory nature conservation body (Natural England). It also provides that no phase of the Project may commence until a LEMP covering that phase has been submitted to and approved by the local planning authority. The LEMP must be in accordance with the <b>Outline LEMP (Doc Ref. 7.10(A)) [REP1-048]</b>, the approved biodiversity design strategy and the <b>Design Principles (Doc Ref. 7.5(A)) [REP1-042]</b>.</p>
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LIR/WR Para Ref.	Summary Position	Applicant Response
<i>Grazing</i>		
LIR 4.66	<p>The application sets out that a moderate condition for other neutral grassland can be achieved. The submitted Outline Landscape and Ecological Management Plan (APP-155) details that for existing grassland, grazing will be carried out; and paragraph 4.5.11 states the following: “Existing grassland within the perimeter fence will be subject to grazing during Spring and Summer months to prevent shading of the panels and security features. In the interests of biodiversity, the existing grassland will be managed to increase floral diversity and to provide an extensive habitat network for a range of species”. Conservation/low intensity grazing is to be encouraged. The County Council understands that issues have been raised with other applications about the ability to carry out conservation grazing and therefore any management proposed must be achievable.</p>	<p>An updated <b>Outline LEMP (Doc Ref. 7.10(A))</b> <a href="#">[REP1-048]</a> was submitted at Deadline 1. Paragraph 4.5.11 now reads: <i>Existing grassland within the perimeter fence may be subject to grazing during Spring and Summer months to prevent shading of the panels and security features. In the interests of biodiversity, the existing grassland will be managed to increase floral diversity and to provide an extensive habitat network for a range of species. If grazing is feasible for the Project, conservation/low intensity grazing is to be encouraged.</i> (emphasis added).</p> <p>The use of grazing will be confirmed within the detailed LEMP(s) following suitable site surveys and / or consultation.</p>
<i>Wintering bird crop strips</i>		
LIR 4.67	<p>The Outline Landscape and Ecological Management Plan (APP-155) provides details of Proposed Winter Bird Crop Strips management in paragraph 4.6.9. The winter bird crop strips will be managed (i.e. stripped and replanted) on a biennial rotation with the strip being removed at the end of its second winter. Insects and weed seeds are important components of the diet of farmland birds,</p>	<p>The location of the Proposed Winter Bird Crop Strips is provided within <b>Illustrative Landscape Drawings (Doc Ref. 2.7(A))</b> <a href="#">[REP1-005]</a>. Paragraph 4.6.9 of the <b>Outline LEMP (Doc Ref. 7.10(A))</b> <a href="#">[REP1-048]</a> outlines that the winter bird crops stripped will also only be managed on a biennial rotation. The Bird Crop Strips have been designed with sufficient space that the biennial maintenance can occur without damage to the strips. Specific details will be provided in the detailed LEMP(s).</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>so the use of insecticides and herbicides should be avoided if possible. These areas are within the solar farm area and therefore there is a need for any site layout to demonstrate that there is sufficient space to create and manage these for the lifetime of the development.</p>	

### Bats

LIR 4.68	<p>The County Council understand that the layout has yet to be finalised - Illustrative Landscape Drawings - Not for Approval (APP-013). The County Council would highlight that any layout needs to be designed to ensure the final design will achieve a minimum of the anticipated BNG.</p> <p>In addition, the retained boundaries must ensure that the proposed, enhanced, retained landscaping is fit for purpose regarding any species mitigation. For example, with bats – the County Council would highlight that is limited scientific data regarding the effect of solar farms on bats. However, a recent research article on this subject was published in June 20231 [Sic]. This article indicates that “ground-mounted solar photovoltaic developments have a significant negative effect on bat activity, and should be considered in appropriate planning legislation and policy. Solar photovoltaic developments should ...[have]...appropriate mitigation (e.g. maintaining boundaries, planting vegetation to network with surrounding foraging habitat) and monitoring should be implemented to</p>	<p>The Applicant is proposing extensive biodiversity and landscape mitigation proposals which have been developed by competent expert ecologists and are set out in section 3.8 of <b>ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2(A))</b> <a href="#">[REP1-018]</a>. This includes securing at least 100% Biodiversity Net Gain ('BNG') for habitat units and at least 10% for hedgerow and river units as set out in the in section 1.1.10 of <b>Biodiversity Net Gain Assessment (Doc Ref. 7.1)</b> <a href="#">[APP-146]</a>. The proposed biodiversity and landscape enhancements are considered appropriate to mitigate the effects of the Project and are secured through Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>. This provides that the Project must not commence until a biodiversity design strategy (to include the requirement to deliver the stated biodiversity net gain levels above) has been submitted to and approved by the local planning authority, such approval to be in consultation with KCC and the relevant statutory nature conservation body (Natural England). It also provides that no phase of the Project may commence until a LEMP covering that phase has been submitted to and approved by the local planning authority. The LEMP must be in accordance with the <b>Outline LEMP (Doc Ref. 7.10(A))</b> <a href="#">[REP1-048]</a>, the approved biodiversity design strategy and the <b>Design Principles (Doc Ref. 7.5(A))</b> <a href="#">[REP1-042]</a>.</p>
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LIR/WR Para Ref.	Summary Position	Applicant Response
	highlight potential negative effects.” As detailed above it has been demonstrated that this is the intention but there is a need to ensure it is demonstrated in the final plans.	
<i>Skylarks</i>		
LIR 4.69 - 4.71	<p>Ground nesting birds are a concern to the County Council. The main issue is Skylarks. The submitted information has detailed the site has 39-46 territories and to mitigate the impact they have highlighted the open space in fields 26,27 and 28 and the increase in foraging opportunities within the site.</p> <p>The submitted Illustrative Landscape Drawings - Not for Approval (APP-013) does confirm that the intention is for these habitats not to be included within solar panel area. Research indicates that fields with two skylark plots per ha can accommodate more nesting skylarks compared with conventional winter-sown wheat management (0.3 territories per ha compared to 0.2 territories per ha: - Conservation Evidence; PR 416 SAFFIE Project Report 1 (nerc.ac.uk)). If skylark plots are combined with arable field margins, 0.4 territories per ha could be supported. The County Council does not disagree that additional foraging opportunities will be created within the wider site and this will increase foraging opportunities for the wider area. In addition, the County Council acknowledges that open space will be managed to</p>	<p>Section 5.2 of the <b>Outline LEMP (Doc Ref. 7.10(A))</b> <a href="#">[REP1-048]</a> provides details on how mitigation will be in place for breeding birds (particularly skylark). Further details on the mitigation, including the location of the skylark plots, will be provided in the detailed LEMP(s) and the detailed landscape drawings.</p> <p>The proposed habitat measures were determined based on available literature relating to skylark breeding ecology and use of skylark plots but the Applicant notes the research is limited and in some cases the conclusions are not clear. The mitigation proposals are considered to reflect best practice and should deliver appropriate mitigation for the loss of skylark breeding habitats. As set out in Section 5.5 of the <b>Outline LEMP (Doc Ref. 7.10(A))</b> <a href="#">[REP1-048]</a>, the effectiveness of the mitigation measures will be monitored to ensure they are effective and adapt site management if needed.</p> <p>The Applicant will continue to engage with KCC and will provide an update at Deadline 3 on this matter.</p>

LIR/WR Para Ref.	Summary Position	Applicant Response
	<p>provide optimum nesting habitat for skylarks but the reduction of land where skylarks can breed cannot be ignored.</p> <p>The submitted information has detailed that ongoing monitoring will be carried out but if the submitted information demonstrates there has been a reduction in skylark numbers within the wider area it's not clear how this will then subsequently addressed.</p> <p>The County Council would highlight that there is a need for additional [sic] to be submitted addressing how this loss of breeding habitat will impact the skylark population.</p>	
<i>General</i>		
WR	<p>As set out within the County Council's Relevant Representation (AS-018), and the submitted Local Impact Report, the County Council remains concerned regarding the impact of the development on ground nesting birds.</p> <p>Furthermore, the County Council raises matters around the management of grazing and Proposed Winter Bird Crop Strips within its Local Impact Report. The County Council would encourage the applicant to address the concerns raised.</p>	The Applicant has responded to these points in the rows above.

## 4 Written Representations – Category 2 Stakeholders

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### 4.1 Overview

4.1.1 The following stakeholders have provided WRs for which responses have been provided:

- Aldington and Bonnington Parish Council;
- Aldington and Mersham Support Group;
- Buglife – The Invertebrate Conservation Trust;
- Councillor Clair Bell (Kent County Councillor for Ashford Rural East);
- Councillor Linda Harman;
- Councillor Paul Bartlett;
- CPRE Kent;
- Katie Lam MP (Conservative Party);
- Kent Countryside Access Forum;
- Kent Police;
- Kent Wildlife Trust;
- National Grid Interconnectors Limited Plc;
- River Stour (Kent) Internal Drainage Board;
- The British Horse Society.

## 4.2 Aldington and Bonnington Parish Council

**Table 4-1: Aldington and Bonnington Parish Council**

WR Para Ref.	Summary Position	Applicant Response
<p>Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a></p>		
<p><i>Aldington and Bonnington Neighbourhood Plan</i></p>		
<p>7</p>	<p>The Aldington and Bonnington Neighbourhood Plan (ABNP) was developed in collaboration with the local residents of the parishes and 'made' in 2024. It forms part of the Local Development Framework and provides an important reflection of the views and aspirations of the community. Its content should be considered carefully in relation to this Application. It is disappointing to note that there is little, if any, reference to this document within the Application. The ABNP is uploaded to the portal.</p>	<p>The ABNP was adopted by ABC on 18 October 2024. It was made part of ABC's Local Plan on 23 October 2024. The policies within the ABNP relate to planning applications rather than development consent applications for NSIPs and the tests within it are considered to be in conflict with the policy set out in NPS EN-3. In accordance with paragraph 4.1.15 of NPS EN-1 where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project.</p>
<p><i>The generating capacity of the site must be balanced against potential negative impacts</i></p>		
<p>12</p>	<p>Throughout the Application, and re-emphasised at the Hearings, the Applicant regularly voices that due to the 'critical national priority' status applied by Government to low-carbon infrastructure, the overall size and footprint of the site should be considered as a given and not be questioned due the fact that it can contribute to energy generation. This is an incorrect approach. National Policy Statement</p>	<p>The Project has been designed, as far as possible, to avoid adverse effects on the environment through option identification, appraisal, selection and refinement, as described in sections 5.6, 5.7 and 5.8 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a>.</p> <p>Whilst some limited significant adverse effects have been identified, these are considered to be acceptable for a Project of this nature. NPS EN-1 recognises that virtually all NSIPs will have adverse impacts on the landscape. The landscape strategy has sought to minimise harm to the</p>



WR Para Ref.	Summary Position	Applicant Response
Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a>		
	<p>EN-1 positively endorses the need to ensure that schemes must be suited to their proposed locations and requires applicants to avoid, reduce, mitigate or compensate any adverse impacts of their projects (for example, on the environment) “so far as possible”, stating that:</p> <p>“Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function – for example, electricity generation output. There may, however, be exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in function. In these circumstances, the Secretary of State may decide that the benefits of the mitigation to reduce the landscape and/or visual effects outweigh the marginal loss of function” (para 5.10.26).</p>	<p>landscape, providing reasonable mitigation where possible and appropriate. Therefore, the Project is considered to be in accordance with NPS EN-1 and NPS EN-3.</p> <p>As the Applicant explained in row 9 of Table 1-1 of the <b>Response to Additional Submission made at Procedural Deadline A (Doc Ref. 8.1)</b> <a href="#">[REP1-060]</a>, the overall footprint of the Site in terms of land take is consistent with paragraph 2.10.17 of the 'NPS EN-3 which recognises that a solar farm requires around two to four acres per megawatt. A reduced scale proposal to the Project is not considered by the Applicant to be a reasonable alternative. This is because a smaller Project would not be capable of delivering the same generation capacity as the current proposal and would therefore not meet the Project requirements. This approach was recently endorsed in the Secretary of State’s decision letter for the Sunnica Energy Farm DCO (dated 12 July 2024).</p> <p>A response to the potential for technological improvement of the scheme was provided as ISH2, and a summary of the Applicant’s response is provided at paragraph 1.3.3 of <b>Written Summary of Oral Submissions from Issue Specific Hearing 2 and Responses to Action Points (Doc Ref. 8.5.5)</b> <a href="#">[REP1-075]</a>.</p> <p>It is noted that paragraph 5.10.26 of NPS EN-1 makes reference to <i>‘exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in function’</i>. The Applicant is not aware of any changes that could deliver a “very significant benefit” with only a “small reduction in function” and therefore meet the exceptional circumstance anticipated by NPS EN-1.</p>
13	<p>As a principle of the Examination, therefore, we respectfully urge the Inspector to bear in mind that it is the community of our Parishes that will live with the scheme for a generation. Opportunities to mitigate the inevitable impacts of the scheme – which could include reducing</p>	

WR Para Ref.	Summary Position	Applicant Response
<b>Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a></b>		
	<p>the overall footprint of the site, even if it impacts overall energy output – should be carefully considered and not be ruled out. In fact, the house of Commons Library Research Briefing, “Planning for Solar Farms”, states that <i>“as solar technology becomes more efficient, the size of a solar farm capable of generating 50 MW might decrease”</i> (p.14). The Applicant themselves acknowledge that by the time of construction, it is highly likely that higher wattage panels will be readily available.</p>	
<b><i>Alternatives and site selection</i></b>		
14	<p>The Applicant discounts a significantly reduced scale proposal to the Project as a reasonable alternative stating that it would not be capable of delivering the same generation capacity as the current proposals and would therefore not meet the Project requirements (APP-029, para 5.5.4). What is not considered at all, however, is a slightly reduced scale proposal and we consider this an oversight. A smaller-scale proposal could yield similar outputs (noting that by the time of construction, it is highly likely that higher wattage panels will be readily available), with reduced impacts to the landscape and local community. We respectfully urge the</p>	<p>It is widely acknowledged that there is a scarcity in available grid capacity. In this context, the Project aims to optimise the amount of renewable energy that can be generated in the Site area to help decarbonise electricity generation and achieve net zero carbon emissions, in line with the Government’s commitments.</p> <p>The principle of the need for new renewable energy, and that this need is urgent, is firmly established in NPS EN-1 and NPS EN-3. In accordance with NPS EN-1, substantial weight should be given to the contribution which projects would make towards satisfying this need.</p> <p>Given the level and urgency of need, paragraph 4.1.3 of NPS EN-1 states that the Secretary of State should <i>“start with a presumption in favour of granting consent to applications for energy NSIPs”</i>. Paragraph 3.2.7 states that <i>“the Secretary of State has determined that substantial weight should be given to this need when considering applications for development consent under the Planning Act 2008”</i>.</p>

WR Para Ref.	Summary Position	Applicant Response
Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a>		
	Inspector to require such a scenario to be fully explored.	
15.	<p>In terms of location, the Applicant states that two parcels of potentially developable land north and south of the M20 have been discounted for the following reason: <i>“not of a sufficient scale to deliver the Project requirements and are subject to third party arrangements and therefore they were not commercially viable”</i> (APP-029, Table 5.1). We contest this. The spaces are considerable in size and should have been fully considered, notably as a substitute for Fields 20, 21 and 22, which will have the most significant negative impact on the local community. Alternative sites in the vicinity have been actively put forward to Ashford Borough Council through their most recent Call for Sites. For instance, HELAA/LP41/246 (Parcels south of M20) is an 8.88ha site that has been submitted with a proposed use for Biodiversity Net Gain, Energy Generation, Other (Potential for battery storage). We do not consider that third party arrangements would be insurmountable to pursue. Such alternative sites are located closer to the substation and within a significantly less obtrusive part of the landscape. Such sites should be fully explored.</p>	<p>Details of the alternatives that have been considered are provided in section 5.7 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a>.</p> <p>It is noted that ABC have agreed the following points in the <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1)</b> <a href="#">[REP1-062]</a>:</p> <ul style="list-style-type: none"> <li>▪ It is agreed that the maximum distance from the POC at Sellindge Substation (The Search Area) is 5km.</li> <li>▪ The conclusions of the both the Sequential and Exception Test are agreed.</li> <li>▪ Two potential sites were identified by the Applicant, but neither were suitable or available for the Project.</li> </ul> <p>The conclusion of the above is that there are no reasonable alternative sites that could accommodate the Project.</p>

WR Para Ref.	Summary Position	Applicant Response
Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a>		
<i>Impacts on local heritage and archaeology</i>		
16	There are a number of designated heritage assets in the proposed footprint of the site and, in view of the history of the area, there is potential for significant below-ground deposits. This should be fully explored prior to any works being carried out.	Refer to Table 4-4 in Section 4.5 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> .
17	A Heritage Assessment in relation to the proposed development has been commissioned by ABPC and is included in Appendix A. An assessment of LiDAR data in relation to the proposed development was also prepared on behalf of ABPC and this is included in Appendix B.	<p>The Applicant has reviewed the submitted information and notes that the value of features is consistent with that set out within <b>ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref 5.4)</b> <a href="#">[APP-070]</a> and <a href="#">[APP-071]</a>, as being between low to medium value.</p> <p>The pre-submission evaluation fieldwork (trial trenching) was undertaken for the area of the proposed Project Substation and along the alignment of Roman Road to the southwest of the Site to help inform the design of the Project and the assessment included within <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))</b> <a href="#">[AS-011]</a>. The programme of trial trenching was undertaken in accordance with the agreed WSI (<b>Appendix B</b>).</p> <p>Section 5 of the <b>AMS (Doc Ref. 7.17)</b> <a href="#">[APP-162]</a> sets out the approach to archaeological mitigation works in relation to the Project which will include further archaeological evaluation before the commencement of construction works. The <b>AMS (Doc Ref. 7.17)</b> <a href="#">[APP-162]</a> will inform measures to avoid impacts on archaeological remains.</p> <p>Requirement 9 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> secures that no phase of the Project may commence until certain specified details for that phase have been submitted to and approved by the local planning authority, such approval to be in consultation with KCC. The specified details</p>

WR Para Ref.	Summary Position	Applicant Response
Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a>		
		<p>are a written scheme for the investigation of areas of archaeological interest within that phase; and identification of any areas where a programme of archaeological investigation is required within that phase, and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found. These details must be generally in accordance with the <b>AMS (Doc Ref. 7.17)</b> <a href="#">[APP-162]</a>.</p>
18 – 20	<p>A notable designated heritage asset in the parish is the Church of St Martin, a Grade I listed building dating to the 11th century and located to the east of Aldington village at the end of Footpath AE474 in the conservation area. This is the primary place of worship for many parishioners and also regularly hosts events, celebrations and community activities, including with local school children. It has been a core feature of the community for many generations and is accessed via the footpath, which has been used for many centuries. Kent Heritage maps show it marked on official maps dating from the 1870s. The Applicant states that the Zone of Theoretical Visibility (ZTV) between the Church (at ground level) and the land within the Site will not be possible. The Applicant considers that the experience of the church from within its immediate churchyard setting would not be affected. Furthermore, the experience of the church within its medieval manorial setting, which is expressed by the physical relationship with nearby Court Lodge</p>	<p>Table 7.1 (Heritage Assets with Identified Impact by the Project and Harm Category Assessment Summary) of <b>ES Volume 4, Appendix 7.2: Heritage Statement (Doc Ref. 5.4)</b> <a href="#">[APP-072]</a> confirms that a slight impact (not significant in EIA terms) has been predicted on the Church of St Martin. This is categorised as ‘less than substantial harm’ (lowest end of the spectrum).</p> <p>Paragraphs 7.6.16 and 7.6.17 of <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2 (A))</b> <a href="#">[AS-011]</a> set out the embedded mitigation measures that have been included within the design of the Project.</p> <p>The detailed design of the landscape mitigation is secured by Requirement 8 (Landscape and biodiversity) in the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p> <p>The position has been discussed and agreed with Historic England, and is set out in Table 2-1 of the <b>Statement of Common Ground with Historic England (Doc Ref. 8.3.3(A))</b>.</p> <p>The <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> notes at paragraph 6.13.8 that the <i>‘limited harm to heritage assets is considered to be demonstrably outweighed by the substantial public benefits that would only be realised if the Project was delivered’</i>.</p>

WR Para Ref.	Summary Position	Applicant Response
Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a>		
	<p>Farmhouse and outbuildings, Parsonage Farmhouse and Church Farmhouse would also be conserved.</p> <p>In fact, the Church is visible from the western part of Footpath AE474 and from Goldwell Lane itself. The view from this location to the Church (<i>Figure 1</i>) is identified in the ABNP as a Locally Significant View, where the “<i>church is clearly visible on the horizon</i>”. This was a view specifically identified as significant by the community and is included within ABNP Policy AB4 (Locally Significant Views).</p>	
22 - 23	<p>From the higher St. Martin’s Church end of PROW AE474, a panoramic view across open fields takes in Aldington to the west and benefits from the landscape rising in the far distance to extend across to Mersham in the north-west and include the Kent Downs National Landscape on the northern horizon (<i>Figure 2</i>).</p> <p>The introduction of solar panels in this field (the PV panels will have a maximum height of 3.5m Above Ground Level (‘AGL’) and will be mounted with a minimum clearance of 0.8m AGL) will clearly be visible. Passage along Footpath AE474 to and from the Church will also be greatly compromised in terms of enjoyment. This will be from a visual</p>	<p>Table 7.1 (Heritage Assets with Identified Impact by the Project and Harm Category Assessment Summary) of <b>ES Volume 4, Appendix 7.2: Heritage Statement (Doc Ref. 5.4)</b> <a href="#">[APP-072]</a> confirms that a slight impact (not significant in EIA terms) has been predicted on the Church of St Martin. This is categorised as ‘less than substantial harm’ (lowest end of the spectrum).</p> <p>The <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> notes at paragraph 6.13.8 that the <i>‘limited harm to heritage assets is considered to be demonstrably outweighed by the substantial public benefits that would only be realised if the Project was delivered’</i>.</p> <p>The likely visual effects on users of PROW AE474 have been assessed in the LVIA under the visual receptor groups ‘Users of PROW within/adjacent to the Site with Open Panoramic Views towards the Kent Downs NL’ and Users of PROW AE474 with reference to Viewpoints 24 and 28 respectively. The assessment has identified major-moderate adverse effects at Year 1 for receptors on the route travelling in close proximity to Field 20. However, in</p>



WR Para Ref.	Summary Position	Applicant Response
Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a>		
	<p>perspective, but also due to the fact that this Footpath coincides with the main traffic entry point identified to access Fields 20, 21 and 22.</p>	<p>elevated views from the route further east, the Project will be barely perceptible as demonstrated by the visualisation prepared for Viewpoint 28 (<b>ES Volume 4, Appendix 8.10: LVIA Visualisations</b> <a href="#">[AS-014]</a>). The visual effect in this location has been assessed as negligible. At Year 15, following establishment of hedgerow planting that has been designed in consultation with the Kent Downs National Landscape Team, the effect on visual receptors in close proximity to Field 20 is predicted to reduce to minor-moderate adverse.</p>
24 - 25	<p>The impacts on this important heritage asset, a focal Church in the community, and the historic Footpath used to reach it, could be mitigated by removing Fields 20, 21 and 22 from the overall scheme. This would mitigate a significant community impact, while not necessarily impacting the overall energy generation (in light of anticipated advances in technology). Alternatively, we would question why the entry point is not moved further north, to avoid this Footpath altogether. A location further north would also negate the need for additional traffic to be traveling the majority of the way along Goldwell Lane which, at the southern end, is closest to the school and residential properties.</p> <p>This would align with NPD-EN1, which states that <i>"The applicant is encouraged, where opportunities exist, to prepare proposals which can make a positive contribution to the historic environment, and to consider how their scheme</i></p>	<p>As the Applicant explained in row 9 of Table 1-1 of the <b>Response to Additional Submission made at Procedural Deadline A (Doc Ref. 8.1)</b> <a href="#">[REP1-060]</a>, the overall footprint of the Site in terms of land take is consistent with paragraph 2.10.17 of NPS EN-3 which recognises that a solar farm requires around two to four acres per megawatt. A reduced scale proposal to the Project is not considered by the Applicant to be a reasonable alternative. This is because a smaller Project would not be capable of delivering the same generation capacity as the current proposals and would therefore not meet the Project requirements. This approach was recently endorsed in the Secretary of State's decision letter for the Sunnica Energy Farm DCO (dated 12 July 2024).</p>

WR Para Ref.	Summary Position	Applicant Response
<i>Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a></i>		
	<i>takes account of the significance of heritage assets affected. This can include, where possible: enhancing, through a range of measures such a sensitive design, the significance of heritage assets or setting affected” (para 5.9.13).</i>	
<i>Landscape and visual impact</i>		
26	At Appendix C, we attach a report prepared for the Parish Council by local residents in a response to the Landscape and Visual Impact Assessment (LVIA).	<p>It is noted that the Parish Council's Appendix C has not been prepared by a suitably qualified landscape professional and largely focuses on PRoW impacts.</p> <p>Several legislative frameworks (such as the Planning Act 2008), national (including all relevant National Policy Statements) and local (KCC and ABC) policy documents and technical guidance relating to addressing effects on human health have been considered in the assessment of likely significant effects on PRoW and their users during the Project – these are referenced within Section 12.2 of <b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b> <a href="#">[REP1-024]</a> and described in detail at <b>ES Volume 4, Appendix 12.1: Policy Review</b> <a href="#">[APP-106]</a>. It is recognised that at all scales, human health and wellbeing are considered important in the assessment of effects, and the design of projects and their mitigation (where needed). The Applicant has considered these carefully throughout project design in order to address the potential effects of changes to public access to active travel via PRoW.</p> <p>The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) require the EIA to identify, describe and assess in an appropriate manner, in light of each individual case, the significant effects of the proposed development on human health. In accordance with the EIA Regulations, the effects on human health have been considered in the socio-</p>

WR Para Ref.	Summary Position	Applicant Response
Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a>		<p>economic chapter of the ES qualitatively, drawing on the findings of other environmental assessments across the ES (and within the scope of that chapter). Technical assessments within the EIA, where relevant under IEMA guidelines and EIA Regulations, consider health effects proportionately including through presentation of baseline positions, policy context, and consideration of health pathways for people relevant to each technical assessment. As such, measures are identified as part of the relevant technical assessments within the EIA to reduce and/or minimise adverse environmental effects resulting from the proposed development which could impact on human health. Where effects are likely to be significant they are summarised in <b>ES Volume, 2 Chapter 12: Socio-economics (Doc Ref. 5.2(B))</b> <a href="#">[REP1-024]</a>.</p> <p>Active travel is a key contributor to health and wellbeing. It is not anticipated that any PRoW would be permanently closed during the construction phase without a suitable alternative in-place. The distance of any necessary diversion during the construction phase will be minimised and would be subject to the commitments of the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a>. A number of engagement, monitoring and management measures to ensure safe and convenient access to and use of the PRoW network during the construction phase are secured by the <b>Outline CTMP (Doc Ref. 7.9(B))</b> and the <b>Outline CEMP (Doc Ref. 7.8(A))</b> <a href="#">[REP1-044]</a> and the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a>. As such, it is not anticipated that there would be a residual significant effect on active recreation or the ability to continue to access community facilities during the construction phase which may otherwise have the potential to adversely affect health and wellbeing.</p> <p>At and during the operational phase, the Project will have completed the diversion, replacement and implementation of new routes to address the routes affected by the Project – and to provide new routes for the benefit of</p>

WR Para Ref.	Summary Position	Applicant Response
Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a>		<p>wider connectivity. The effect on access and recreational use would be in some cases adverse (but not significant) and in some cases beneficial. The <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> sets out the framework of the proposed approach to design, engagement, governance, implementation, maintenance and management of the proposed routes which would ensure no disadvantage to active travel and accessibility to community facilities and commercial and residential locations currently accessible by the network in this area. As such, the effect of changes to PRow during the operational phase is not considered to adversely contribute towards health and wellbeing and in some cases would support positive health pathways.</p> <p><b>ES Volume 4, Appendix 8.2: LVIA Methodology (Doc Ref. 5.4(A))</b> <a href="#">[AS-016]</a> sets out that <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a> has been prepared by an experienced and qualified landscape professional based on a robust methodology which is consistent with the industry best practice principles set out in Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> Edition (GLVIA3). The criteria for the assessment have been discussed and agreed with ABC and their independent landscape consultants, LMS.</p> <p>Landscape and Visual Impact Assessment relies heavily on the professional judgements of experienced landscape professionals; however judgements must also must follow a clear and consistent methodology based on agreed criteria, in accordance with GLVIA3. The sensitivity of visual receptors is assessed by combining the value of views and the susceptibility of a particular visual receptor to change. GLVIA3 paragraph 6.37 states that the value of views is determined based on:</p> <p><i>“recognition of the value attached to particular views, for example in relation to heritage assets, or through planning designations;</i></p>

WR Para Ref.	Summary Position	Applicant Response
	<p>Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a></p>	<p><i>indicators of the value attached to views by visitors, for example through appearances in guidebooks or on tourist maps, provision of facilities for their enjoyment (such as parking places, sign boards and interpretive material) and references to them in literature or art (for example 'Ruskin's View' over Lunedale, or the view from the Cob in Porthmadog over Traeth Mawr to Snowdonia which features in well-known Welsh paintings, and the 'Queen's View' in Scotland)"</i></p> <p>The susceptibility of visual receptors is determined by the <i>“occupation or activity of people experiencing the view at particular locations; and the extent to which their attention or interest may therefore be focused on the views and the visual amenity they experience at particular locations”</i> (GLVIA3, paragraph 6.32).</p> <p>Examples of higher susceptibility visual receptors include residents in their homes, people using PRoW, visitors to heritage assets or other attractions (GLVIA3, paragraph 6.33). The same paragraph states that <i>“Travellers on road, rail or other transport routes tend to fall into an intermediate category”</i> for susceptibility.</p>
WR 27	<p>The proposed site is within the setting of the Kent Downs National Landscape, the boundary of which is only approximately 220m from the southern boundary of Field 20. This setting should be taken into consideration, as expressed in the Kent National Landscape (AONB) Unit's "Setting Position Statement":</p> <p>"The setting of the Kent Downs AONB does not have a geographical border. In most cases, the setting comprises land outside the AONB which</p>	<p>The Project is located within the setting of the North Downs National Landscape, however its siting has been informed by the objective of minimising the visibility of the Project from the designated landscape including that:</p> <ul style="list-style-type: none"> <li>▪ The Site does not include land that is within the National Landscape, thereby avoiding direct effects on the designated landscape;</li> <li>▪ The Site is predominantly located on lower lying land either within the valley of the East Stour river or on the western extent of the Aldington Ridge, which has a limited visual relationship with the North Downs</li> </ul>

WR Para Ref.	Summary Position	Applicant Response
	<p>is visible from the AONB and from which the AONB can be seen. The setting may be wider however, for example when affected by features such as noise and light. In some cases, the setting area will be compact and close to the AONB boundary, perhaps because of natural or human made barriers or because of the nature of the proposed change. However, the setting area maybe substantial for example where there is a contrast in topography between higher and lower ground. Setting can also affect views within the AONB, such as where other landscapes are visible constituting part of the view however it may be difficult to distinguish between differences in landscape character. Similarly, development in the setting could detract from associated views within the AONB, for example polytunnels could be visible from a distance within the AONB, affecting the integrity of internal views of the AONB landscape.” (p.5)</p>	<p>ridgeline relative to the more elevated eastern extent of the ridgeline;</p> <ul style="list-style-type: none"> <li>▪ The Site has no visual relationship with the south facing scarp slopes of the greensand ridge, where expansive views of the Romney Marshes are experienced;</li> <li>▪ The Site is located approximately 4km south of the south facing chalk scarp of the North Downs, however the parts of the Site that are visible from the elevated ridgeline are approximately 6km distant, where change of the type proposed will be barely perceptible; and</li> <li>▪ Furthermore, as set out in Table 5.2 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a>, land to the south of Field 20 was originally considered to form part of the Project, but this land was excluded due to its elevation and associated intervisibility with the North Downs ridge, thereby reducing the potential for significant visual effects.</li> </ul> <p>Following consultations with Natural England carried out as part of the preparation of the <b>Statement of Common Ground with Natural England (Doc Ref. 8.3.7(A))</b>, a Special Qualities assessment was prepared to provide further clarity on the impact on the Kent Downs National Landscape with specific reference to the eight Special Qualities of the National Landscape as set out in the Kent Downs AONB Management Plan 2021-2026. The assessment concluded that seven of the eight Special Qualities would not be affected by the Project. With respect to the remaining Special Quality – ‘Dramatic landform and views; a distinctive landscape character’ – the assessment concluded that the <i>‘Project is considered to result in a very limited effect’</i>. Natural England has agreed with the findings of the Special Qualities assessment.</p>
WR 28 - 29	<p>The Setting Position Statement provides examples of adverse impacts on the setting of the Kent Downs National Landscape including:</p> <ul style="list-style-type: none"> <li>▪ development which would have a significant impact on views in or out of the AONB;</li> <li>▪ loss of tranquillity through the introduction</li> </ul>	



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Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a>	<p>or increase of lighting, noise, or traffic movement or other environmental impact including dust, vibration and reduction in air quality;</p> <ul style="list-style-type: none"> <li>▪ introduction of abrupt change of landscape character;</li> <li>▪ loss or harm to heritage assets and natural landscape, particularly if these are contiguous with the AONB;</li> <li>▪ development giving rise to significantly increased traffic flows to and from the AONB, resulting in erosion of the character of rural roads and lanes; and</li> <li>▪ increased recreational pressure as a result of development in close proximity to the AONB.</li> </ul> <p>All of these points are relevant in relation to this Application.</p>	
WR 30 - 32	<p>The footprint of the site covers the following Landscape Character Areas (<i>Figure 3</i>): Aldington Ridge, Romney Marsh, Old Romney Shoreline Wooded Farmland, East Stour Valley and Royal Military Marshlands.</p> <p>Aldington Ridge is defined in the Ashford Landscape Character Assessment (2005) as comprising large open arable fields, traversed</p>	<p>The likely significant effects on landscape receptors are set out in <b>ES Volume 4, Appendix 8.8: Landscape Effects Table (Doc Ref. 5.4)</b> <a href="#">[APP-080]</a>. The landscape effects on the Aldington Ridge LCA were identified as moderate adverse at Year 1, and moderate adverse and beneficial at Year 15. As set out in the section 8 of <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a> the majority of the LCA (i.e. the more elevated ridgeline to the east of the Site) will remain unchanged with little intervisibility with the Project.</p>

WR Para Ref.	Summary Position	Applicant Response
	<p>Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a></p> <p>by Bank Road (along the ridgeline) – a Roman Road with high hedges and localised tree cover – offering extensive views north to Mersham, west and north-west to Ashford and the North Downs and south to Dungeness. Landscape sensitivity here is graded as High in terms of sense of place, landform and visibility. Management principles include conserving these views and planting additional hedgerows.</p> <p>Romney Marsh, which encompasses much of Fields 20, 21 and 22, is considered one of England's most distinctive and unique landscapes. Much of this area lies below sea level and the landscape comprises wide fields, endless skies, meandering ditches, isolated farms and villages. It has been identified as a biodiversity opportunity area by the Kent Nature Partnership. The majority of this landscape is within Fields 20 and 21 and would be taken over to industrialised panels.</p>	<p>As set out in paragraph 8.10.14 of <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a>, the Site is within the setting of Romney Marsh, but due to topography there is <i>'little interaction or intervisibility with the Site, and therefore reduced susceptibility'</i>.</p>
33 - 36	<p>Within this rural undulating landscape and as part of the ABNP, the Parish Council worked closely with the community to identify a series of viewpoints that are particularly important from a local perspective. These are identified in ABNP Policy AB4. Whilst it is true to say that the Site is not visible in its entirety from any one location, its scale means that the following</p>	<p>It should be noted that the purpose of the representative viewpoints is to provide an appropriate basis for assessment. <b>ES Volume 3, Figure 8.8: Visual Appraisal Plan – Site (Doc Ref. 5.3)</b> <a href="#">[APP-049]</a> presents the location of representative viewpoints as well as the combined ZTV for the Project within the study area. The selection of viewpoints and receptor groups, which include viewpoints from PRow within and adjacent to the site, for the LVIA were agreed with ABC and KCC, and followed the LVIA methodology in</p>

WR Para Ref.	Summary Position	Applicant Response
	<p data-bbox="107 277 909 312">Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a></p> <p data-bbox="293 333 920 403">locally significant long-distance views will be impacted by the Application.</p> <p data-bbox="293 424 969 932">View 1 From Station Road (<i>Figure 4</i>): a panorama across the East Stour Valley up towards Aldington Ridgeline - this view in fact is visible along Station Road as you exit the A20, beyond the parish boundary. From this approach, the undulating landscape provides sweeping and expansive views of rolling fields and woodland leading up to the Aldington Ridgeline and round towards Mersham in the north-west. The view continues during the descent into the valley. At the Aldington entry sign, the view remains open and expansive, with buildings at Bank Farm (Bank Road) visible on the horizon.</p> <p data-bbox="293 954 965 1136">This view is even more expansive when viewed from further north along Station Road. This is the location of a key gateway into the parish and villages and experience and will be severely compromised visually.</p> <p data-bbox="293 1158 958 1299">Views 2a and 2b: From Goldwell Lane towards St Martin's Church along PROW AE474 and the reverse have been detailed earlier in this submission.</p>	<p data-bbox="1025 333 2069 403"><b>ES Volume 4, Appendix 8.2: LVIA Methodology (Doc Ref. 5.4(A))</b> <a href="#">[AS-016]</a>.</p> <p data-bbox="1025 424 2096 676">The LVIA has been carried out on the basis of the impact on the agreed representative views and visual receptors. The views included in the ABNP are not considered to provide additional considerations that <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a> has not already taken appropriate account of. PRoW users are identified in <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a> as a receptor.</p>
37	<p data-bbox="293 1339 969 1409">Views 6a and 6b (<i>Figure 5</i>): From Roman Road and PROW AE449, from Roman Road, in the</p>	

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Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a>		
	<p>centre of Aldington, Reynolds Playing Field and Quarry Field provides an expansive open viewpoint at the highest point of Aldington Ridge (View 6a). Enjoyed from the garden of The Walnut Tree public house, this is very much a village view: mature trees edge the 'village green' and fill the middle ground; the children's play area is visible in the foreground; and there are views of the Kent Downs National Landscape in the distance across gently rising farmland. This more distant view is best appreciated from PROW AE449, which runs down the field beyond Reynolds Playing Field and Quarry Wood (View 6b).</p>	
38	<p>View 8 is from Calleywell Lane and PROW AE446 looking to the northwest. The field entrance at the Roman Road end of Calleywell Lane and PROW AE446 that traverses the field provide expansive and long-distance views. These range northwards and north-westwards over open Mersham, including the Norman church of St John. Ashford is in the far distance.</p>	Please refer to the response above at ref. 33 - 37.
39	<p>Finally View 10 is from Bank Road and PROWs AE370, AE377 and AE445, northwards. Gaps in the hedgerow along Bank Road, and all three footpaths to the north, provide a cluster of extensive views across the East Stour Valley</p>	Please refer to the response above at ref. 33 - 37.

WR Para Ref.	Summary Position	Applicant Response
Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a>		
	up to the Kent Downs National Landscape, which lines the northern horizon. The sweeping open landscape rolls gently away from the ridgeline providing a view that extends from beyond Mersham, to the north-west, right across towards Aldington Reservoir and Church Lane to the north-east.	
40	Some of these views (6, 8 and 10) are from the core of Aldington settlement, in contrast to the Applicant's assertion (APP-032, para 8.13.8).	Please refer to the response above at ref. 33 - 37.
41	The visual impacts on users of the PRoWs within /adjacent to proposed solar PV areas (which is relevant notably to Views 2a and 2b from FP AE474) are considered by the Applicant to be <b>temporary and moderately adverse</b> (APP-032, Table 8.12). We disagree with this assessment, as many impacted Footpaths are located wholly within the scheme perimeter and will inevitably be more than moderately impacted. Screening will be difficult as it in itself would impact the overall viewpoint and rurality of these ancient routeways.	<p>The Applicant considers the visual effects to Views 2a and 2b from the PRoW FB AE 474 to be <i>“temporary and moderately adverse”</i>. As stated in the <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1) <a href="#">[REP1-062]</a></b> and <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b>, the visual impacts on PRoW users has been agreed with ABC Landscape and KCC in line with the agreed LVIA methodology and GLVIA3.</p> <p>The sensitivity of receptors travelling on the PRoW network within the Site has been assessed as medium to medium-high based on their value and susceptibility. This reflects the fact that the views are not from within a designated landscape, with no notable cultural or historical associations, albeit where viewed from higher ground there is an indirect visual relationship with the Kent Downs National Landscape. The judgements are also reflective of the fact that visual receptors are users of a PRoW who are likely to be focused on the landscape and therefore have high susceptibility.</p> <p>Section 8.7 of <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) <a href="#">[AS-012]</a></b> assesses the likely effects to landscape and views of PRoW</p>

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Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a>		
		<p>users, including an assessment of the impacts to the experiential qualities of the PRow which concludes that there are anticipated to be some significant adverse effects on the landscape and visual amenity of PRow users during construction and operation of the Project. The Project includes buffers to PRow, to include new hedgerow planting, reinforcement of existing hedgerows, new woodland planting area and new grassed areas, as set out in paragraph 8.6.23 of <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a>.</p>
42	<p>The Applicant states that the Site is also partially within an area proposed to be designated as a Dark Sky Zone (APP-032, para 8.13.4). In fact, the ABNP includes a policy relating to Dark Skies (Policy AB5), which relates to the entire parish and therefore the entirety of this site within the parish. All lighting, for instance security lighting, should adhere to Dark Skies policy. This is particularly important in the context of both biodiversity and general enjoyment by the community of the dark skies.</p>	<p><b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a>, paragraph 8.5.17 notes that <i>'the south-western part of the study area, including the majority of the Site, is within the Proposed Dark Sky Zone (Policy ENV4 of the ABC Local Plan)</i>. The ABNP then clarifies at paragraph 4.53 <i>'the Local Plan designates a dark sky zone, which includes the whole of the neighbourhood area'</i>. The Study Area and the Order limits for the Project is wider than both the Proposed Dark Sky Zone and the boundary of the ABNP.</p> <p>The lighting proposals for the Project have been developed having regard to the Dark Sky policy and are considered to be entirely consistent with both Local Plan Policy ENV4 and ABNP Policy AB5.</p> <p>Section 4.11 of the <b>Outline CEMP (Doc Ref. 7.8(A))</b> <a href="#">[REP1-044]</a> sets out the control measures that would be in place for the use of lighting during the construction phase which are in line with good practice to avoid light pollution effects. Construction phase lighting will be agreed with the local planning authority as part of the detailed CEMP(s) (production and approval of which is secured through Requirement 6 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(B))</b>). For Work No.5, the <b>Design Principles (Doc Ref. 7.5(A))</b> <a href="#">[REP1-042]</a> states that operational lighting will be limited to emergency and overnight maintenance purposes only at Inverter Stations, Intermediate</p>



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<i>Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a></i>		
		Substations and the Project Substation. Any lighting will be directed within the Order limits and will include features designed to reduce light spill beyond the areas required to be lit. As such, light pollution effects are not predicted.
<i>Environmental designations, landscape features and biodiversity</i>		
43	Fields 28 and 29 directly border Backhouse Wood, which is designated as ancient woodland and is also a Local Wildlife Site. NPS-EN1 states that national planning policy expects plans to identify and map Local Wildlife Sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks (Para 5.4.13). The Applicant often omits these designations on the maps, for instance the Illustrative Landscape Drawings Doc Ref 2.7.	It is not necessary or appropriate to include all designations on every plan within the Application. Local Wildlife Sites are shown on <b>ES Volume 3, Figure 9.2: Locations of Local Wildlife Sites</b> <a href="#">[APP-051]</a> .  The <b>Outline LEMP (Doc Ref. 7.10(A))</b> <a href="#">[REP1-048]</a> , section 6.3 secures native woodland and scrub planting around Backhouse Wood which would help to improve it.
44	The Mid Kent Greens and Gault Biodiversity Opportunity Area (identified by the Kent Nature Partnership) falls across much of the northern part of the site. It is defined by thin, sandy soils supporting lowland heathland and acid grassland. It is a distinctive landscape, which supports specific wildlife and vegetation and needs to be protected to thrive. It does not	The majority of the Mid Kent Greens and Gault Biodiversity Opportunity Area that falls within the Site relates to Field 19 and Fields 23 to 29. There are significant biodiversity improvements located in these areas.  More generally the Applicant proposes extensive biodiversity and landscape mitigation proposals as set out in section 3.8 of <b>ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2(A))</b> <a href="#">[REP1-018]</a> . This includes at least 100% BNG for habitat units and at least 10% for hedgerow and river units as

WR Para Ref.	Summary Position	Applicant Response
Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a>		
	appear to have been considered in the Application.	set out in section 1.1.10 of the <b>Biodiversity Net Gain Assessment (Doc Ref. 7.1)</b> <a href="#">[APP-146]</a> .
45	In addition to these sites, the ABNP (p.22-25) details areas of importance in the parish for flora and fauna that should be conserved, enhanced and, where possible, better connected (Figure 6). These have been identified in consultation with the community and with the support of a local ecologist. Many of these features are located within the proposed site footprint, including trees, woods, ponds and hedgerows, as well as the Ashford Green Corridor that extends into the parish from the northwest, forming part of a wider network of green (and blue) infrastructure. The features are not identified in the Application (for instance APP-051 biodiversity Figures 9.1-9.11). It is concerning that some of these features may be removed - and lost - as part of the Application.	<b>ES Volume 4, Figures 9.1 – 9.11 (Doc Ref. 5.3)</b> <a href="#">[APP-051]</a> include all features that are relevant to the Project. Figure 6 of the ABNP does not include any additional features to those already identified.
46	National policy states that Applicants should include measures to mitigate fully the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both construction and operational phases (NPS-EN1, para 5.4.32) and should consider any reasonable opportunities to maximise the restoration,	The <b>Explanatory Memorandum (Doc Ref. 3.3(C))</b> explains that Article 8 of the Draft DCO makes a number of amendments with regard to vegetation removal that bring the position for DCO development in line with the position that already exists under planning permissions or deemed permissions (such as under the Transport and Works Act 1992), which is considered appropriate for a DCO project with national importance.

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Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a>	<p>creation, and enhancement of wider biodiversity, and the protection and restoration of the ability of habitats to store or sequester carbon (NPS-EN1, Para 5.4.33). We are therefore concerned about the extent to which the DCO, as currently worded, would effectively give carte blanche to remove or partially remove (including roots) natural features, both within the site boundary and encroaching onto it (APP-015, Article 8, p.12, and APP-011 Article 45, p.33), often without the need for any license. This will make it very challenging to monitor and enforce. The positioning of panels and associated infrastructure should be such that it adapts to existing features, which themselves might help to mitigate against the visual intrusion of the scheme.</p>	<p>As set out in the <b>Explanatory Memorandum (Doc Ref. 3.3(C))</b>, Article 45 is based on a model provision and is included in numerous made DCOs, including the Sunnica Energy Farm Order 2024. Article 45(2) provides that in carrying out any activity authorised by paragraph (1), the undertaker must do no unnecessary damage to any tree, or shrub and must pay compensation to any person for any loss or damage arising from such activity.</p> <p>Vegetation removal is controlled by the <b>Vegetation Removal Plan (Doc Ref. 2.8) <a href="#">[APP-014]</a></b>, the <b>Design Principles (Doc Ref. 7.5(A)) <a href="#">[REP1-042]</a></b> and the <b>Outline LEMP (Doc Ref. 7.10(A)) <a href="#">[REP1-048]</a></b>. The Applicant therefore considers the use of Article 8 and 45 appropriate and in accordance with previously made Orders.</p>
47 – 48	<p>As noted in NPS-EN1, where green infrastructure is affected, the imposition of requirements should be considered to ensure the functionality and connectivity of the green infrastructure network is maintained in the vicinity of the development and that any necessary works are undertaken, where possible, to mitigate any adverse impact.</p> <p>It is unclear why the area proposed by the Applicant for biodiversity improvements has been placed adjacent to Fields 20, 21 and 22,</p>	<p>Vegetation removal is controlled by the <b>Vegetation Removal Plan (Doc Ref. 2.8) <a href="#">[APP-014]</a></b>, the <b>Design Principles (Doc Ref. 7.5(A)) <a href="#">[REP1-042]</a></b> and the <b>Outline LEMP (Doc Ref. 7.10(A)) <a href="#">[REP1-048]</a></b>.</p> <p>The limited vegetation removal required to facilitate project construction is offset by extensive biodiversity and landscape mitigation proposals which have been developed by competent expert ecologists and are set out in <b>ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2(A)) <a href="#">[REP1-018]</a></b>. This includes securing at least 100% BNG for habitat units and at least 10% for hedgerow and river units as set out in the <b>Biodiversity Net Gain Assessment (Doc Ref. 7.1) <a href="#">[APP-146]</a></b>.</p>

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	as opposed to within one or more of the areas already identified strategically as a biodiversity opportunity areas, where positive ecological impacts could be optimised.	The <b>Outline LEMP (Doc Ref. 7.10(A)) [REP1-048]</b> section 5, provides details of proposed landscape and ecological management measures and are secured through Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> .
<b>Traffic and access</b>		
49	The area is severely impacted by increased traffic during any disruption to the M20 or A20, which are nationally strategic routes due to their port connections. The A20/M20 motorway and corridor borders Aldington village to the north, providing highway connections to Maidstone to the north-west, and Folkestone, Dover and the Channel Tunnel to the east. The neighbouring village of Mersham is adjacent to the new Inland Border Facility at M20 Junction 10a, created following Brexit. The facility has introduced heavy goods vehicle traffic to local roads and brought development scheduled in the Ashford Local Plan 2030 into reality far sooner than anticipated and in a very different format.	<p>The Applicant notes this comment but is not clear what relevance this has to the Project.</p> <p>The Applicant notes that KCC has confirmed that HGVs already use the construction route proposed for the Project and that National Highways and KCC have not raised any concerns regarding this topic.</p>
51 - 53	<i>Figure 7</i> shows an aerial view of Smeeth Crossroads illustrating the ghost island on the approach from Junction 10a, the nominated entry point to the entire site. This island is 50m long, however the demarcation line at the end is halfway across Station Road, effectively	As set out during Issue Specific Hearing 2, and summarised in <b>Written Summary of Oral Submissions at Issue Specific Hearing 2 and Response to Action Points (Doc Ref. 8.5.5) [REP1-075]</b> , the Smeeth Road Crossing includes a ghost island which has an effective length of 50m, which is long enough to accommodate three 16.5m long articulated HGVs or around 8 cars without them blocking ahead movements on the A20.

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	<p data-bbox="107 277 909 312">Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a></p> <p data-bbox="293 331 965 512">meaning that traffic looking to exit Station Road onto Church Road will be unable to do so if a lorry is sitting waiting to turn into Station Road. For those seeking to turn right to go towards Folkestone, it will be a blind bend.</p> <p data-bbox="293 531 965 788">The Application states that three lorries can fit on to the ghost island without impeding the carriageway. If the lorries are 16.5m (APP-037, para 13.7.41) as quoted this would be a total length of 49.5m with no gap between them therefore there would be a need for the rear lorry to impede the highway.</p> <p data-bbox="293 807 965 987">No swept path analysis has been provided for the crossroads to ascertain if a 16.5m lorry can exit Station Road without the need to utilise the coast bound lane. We respectfully urge the Inspector to require this.</p>	<p data-bbox="1025 331 2123 735">The Applicant considers that the junction is suitable for the types of Project vehicles anticipated, which KCC (the local highway authority) agrees with (as set out within the <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b>). Paragraph 13.7.41 of <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(C))</b> notes that it can accommodate “<i>up to three 16.5m long articulated lorries</i>”, although it is highly unlikely that three 16.5m long HGVs will be turning right at the same time. As outlined in Table 4:1 of the <b>Outline CTMP (Doc Ref. 7.9(B))</b> only two HGV based deliveries, not all of which will be 16.5m long, are forecast in any one hour and it is highly unlikely that there will be more than one non-Project related HGV waiting in the ghost island at any one time.</p> <p data-bbox="1025 754 2123 863">This is an existing junction already used by a variety of HGVs including 16.5m long articulated HGVs. The HGV drivers are qualified and will choose a suitable opportunity to make a safe turning.</p> <p data-bbox="1025 882 2123 1099">Given the above, swept path analysis of the junction is not considered necessary. The Applicant notes that this has not been requested by KCC, as the highways authority. The Applicant further notes that KCC has confirmed (see LIR 4.12) that HGVs already use this part of the highway network and that “it is not considered that the resulting uplift in traffic would significantly worsen the crash risk in this location” (see LIR 4.9).</p>
54	<p data-bbox="293 1137 965 1355">The Application also states that Otterpool Park has been scoped out of the Application as the plans for this development show all traffic will utilise J11 of the M20 and not the A20 towards Ashford (APP-037, para 13.4.74). We strongly question this omission, particularly in light of the</p>	<p data-bbox="1025 1137 2123 1355">Use of Junction 11 for Otterpool Park construction traffic is far more logical than Junction 10a as it is best practice for construction traffic to maximise the use of strategic roads and minimise the use of local roads. As Otterpool Park’s CTMP progresses KCC and National Highways are likely to agree a ‘fixed’ construction traffic route with the applicant. The Project’s <b>Outline CTMP (Doc Ref. 7.9(B))</b> commits to liaising with other developers</p>

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	fact that the M20 is regularly severely compromised as a result of Operation Brock.	<p>considered in the cumulative assessment to align deliveries to minimise impacts where overlap is identified.</p> <p>Operation Brock should only directly impact construction traffic heading to or from the Port of Dover. One of the key reasons for Operation Brock is to allow HGVs that are not heading to the Port to continue their journey as per normal on the M20. Junctions 11 and 10A do not form part of the diversion route. National Highways has not raised the impact of Operation Brock on construction traffic as an issue either for the Project in isolation or cumulatively.</p>
55	<p>Whilst strategic development at Sellindge has been considered as part of the cumulative impact, the Applicant suggests that this is near built. In fact, this is not quite correct; the current build comprised the first phase of two phases of 250 dwellings, the second stage comprises a further 350 dwellings which has not yet taken place (it is to take place at the masterplan stage). This should therefore be factored into the cumulative impacts.</p>	<p><b>ES Volume 2, Chapter 6: EIA Methodology (Doc Ref. 5.2(A))</b> <a href="#">[REP1-020]</a> sets out that a review of other developments was undertaken which encompassed a Zone of Influence ('Zoi') of 15km from the boundary of the Order limits. An initial planning search was undertaken of the ABC, KCC and Folkestone and Hythe District Council online planning portals and the National Infrastructure Planning portal to establish the 'Initial Long List' of other developments to be considered. Screening criteria were developed to identify a 'Focused Long List' from the 'Initial Long List' to identify which 'other developments' should be subject to assessment. The list of cumulative schemes was agreed with ABC and KCC in March 2023 (paragraph 6.9.10 of <b>ES Volume 2, Chapter 6: EIA Methodology (Doc Ref. 5.2(A))</b> <a href="#">[REP1-020]</a>).</p> <p>The strategic development at Sellindge referred to is understood to relate to cumulative site ID No. 14 ( Land Rear Rhodes, House, Main Road Sellindge Kent, LPA Ref: Y16/1122/SH), which was granted planning permission in 2019 and has commenced construction. A Reserved Matters Application (LPA Ref: 22/0053/FH) was submitted in 2022 but has not yet been</p>



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		approved. Phase 2 forms part of the Outline Planning Permission and therefore has been taken into account.
56	<i>Figure 8</i> is a screenshot taken to show the view of traffic exiting Station Road looking towards Folkestone. Traffic on this stretch is subject to the national speed limit of 60mph. Beyond the traffic island, the road drops away as the crossroad is on the brow of the hill. This significantly impacts visibility for large vehicles exiting Station Road, giving oncoming traffic little chance to slow down.	As set out in Section 2.2 of the <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b> , KCC, as the relevant highway authority, has agreed to the traffic route and raised no concerns in this regard.  The A20 Hythe Road descends a gradient to the east of the junction, with a continual, steady and slight fall until approximately 400m east, where the gradient steepens more significantly. A clear sightline in excess of around 200m is achievable. It is also important to note that HGV driver eye height is considered to be 2.0m, as per CD 109 of the Design Manual for Roads and Bridges. This is almost double the 1.05m car driver eye height, so HGV drivers have a notably greater level of visibility than a typical car or van driver.
57	At Issue Specific Hearing 2 (Traffic and Construction), the Applicant responded to a question about increased traffic due to closure of M20 and A20. They suggested that the effect of any closures would last only a couple of hours at most. We contest this point.	As set out in the <b>Written Summary of Oral Submissions from Issue Specific Hearing 2 and Responses to Action Points (Doc Ref. 8.5.5 <a href="#">[REP1-075]</a>)</b> , the Applicant's response at the hearing was as follows: <i>"When the M20 is closed, it's unlikely that it's ever closed for a full day, it's generally a few hours maybe half a day at most."</i>  National Highways, which was present during ISH2, has not raised this as a concern.
58 - 59	<i>Tables 1</i> and <i>2</i> contain information derived from data obtained from the Parish Council Speed Indicator Device. This records traffic in one direction and is helpful in demonstrating the effect of issues on the surrounding road	Limited details of this data have been provided including the dates of the measurements, which limits the ability to verify its accuracy. The data suggests that traffic volumes naturally fluctuate on a day to day basis, indicating that the roads can accommodate higher traffic flows than its typical baseline.

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Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a>	<p>network as SatNav users are diverted away from localised hotspots. It should be noted that each location is a different date as the device rotates between four posts.</p> <p>It is a reasonable assumption that these traffic flows reflect movement into the parish from the junction of Station Road and the A20, as the device reads traffic entering the Village.</p>	<p>The Applicant notes that, with the exception of Goldwell Lane, construction traffic will not utilise the local highway network that is identified in the submitted tables, as construction traffic will use the Internal Haulage Road.</p>
60	<p>A further concern of the Parish is the width of Station Road, which will need to accommodate numerous and large vehicles, some oversized. There are sections of this road with no central markings (for instance as shown in Figure 9, taken just before the proposed entry point A). This will inevitably lead to some road widening, which will have an irreparable impact on the rural lanes in the parish, which are characteristic of this part of Kent.</p>	<p>Based on multiple site visits, the Applicant has determined that Station Road has a sufficient width to accommodate the forecast level of construction traffic. The roads are already used by large HGVs, agricultural vehicles and coaches. KCC, as highway authority, has confirmed that HGVs already use this part of the highway network and has not raised concerns.</p> <p>Section 4.4 of the <b>Outline CTMP (Doc Ref. 7.9(B))</b> notes that only up to two abnormal loads are forecast, primarily due to weight rather than width. The standard abnormal load booking procedure will be followed in coordination with KCC and National Highways for such movements.</p> <p>Section 6.6 of the <b>Outline CTMP (Doc Ref. 7.9(B))</b> includes the Applicant's commitment to the following:</p> <ul style="list-style-type: none"> <li>▪ Undertaking a highway condition survey prior to commencement, post-completion and at regular set intervals throughout the construction period.</li> <li>▪ Any damage resulting solely from construction activities will be rectified at the cost of the Applicant. Additionally, highway verges will be restored to their previous condition should temporary surfacing be laid across them to aid the passage of construction traffic.</li> </ul>

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61 - 62	<p>The Parish Council is particularly concerned about the impact of traffic and construction on Goldwell Lane, the route to the second proposed access point where it coincides with footpath AE 474. This is a one of the main routes into the village (the school end of the village). The lane here is narrow, rural and frequently used by non-car users, such as cyclists and horseriders (Figure 10); the lack of bridleways in the parish means that such users must use the roads to get around. There are also no pavements here.</p> <p>Almost the entire length of Goldwell Lane (from the northern bend down to Roman Road) will be impacted. This stretch is approximately 1.13km in length, of which approximately 937m will coincide with construction traffic. Only the southern end will be outside the footprint, a stretch measuring just 200m. This is of great concern to residents as it is a core village route. This lane is also the subject of a community aspiration in the ABNP, endorsed by Kent County Council; the development of an attractive, safe circular route connecting with Calleywell Lane for all road users. The presence of construction traffic would not enable this (ABNP Appendix D).</p>	<p>As outlined in paragraph 6.4.1 in the <b>Outline CTMP (Doc Ref. 7.9(B))</b>, escort vehicles will be used to ensure the safe passage of the construction tractor-trailer traffic and its safe interaction with other road users over the approximate 5-month period within which Goldwell Lane will be used to transport materials and personnel during construction of the South Eastern Area.</p> <p>As set out in Section 6.2, PRow User Safety Measures including signage and banksmen will be in place at the Goldwell Lane access as will a buffer to provide separation between construction traffic and users of AE 474. A temporary 5mph speed limit will also be in place for Project vehicles at the Primary Site Access, internal haulage road crossing points with PRowS and along the shared section with AE474 at the Goldwell Lane access. It is anticipated that just 1 round tractor-trailer trip will be made per hour during the construction period.</p> <p>The purpose of the <b>Outline CTMP (Doc Ref. 7.9(B))</b> submitted as part of the Application is to set out the measures that will be used during the construction phase to mitigate construction phase traffic effects and mitigate temporary disruption effects on road users, the local community and environment. 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, in consultation with the relevant highway authority, as secured through Requirement 7 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p>

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63	<p>The Application shows Works (No. 20) on Goldwell Lane, presumably for the cable connection to be installed (APP-011 Streets, Rights of Way and Access Plans). There is no mention in the documentation as to the width of trench that needs to be dug the length of Goldwell Lane and the implication to road users and more importantly the businesses and residents that reside on this stretch. Article 11 of the draft DCO appears not only to enable, among other things, the undertaker to break up streets, but also to give permission to divert all traffic away during the undertaking of works with a requirement only to provide pedestrian access to those premises. There is no consideration for car users or indeed pedestrians, cyclists or horseriders. Only temporary measures are required to be reverted back to their original state. Permanent alterations – including road widths, surfacing, reduction of footpaths etc. – do not need to be reinstated (APP-011, Article 12). This needs to be reconsidered as it could detrimentally impact the character of the village and wider parish in the longer term.</p>	<p>The <b>Design Principles (Doc Ref. 7.5(A))</b> <a href="#">[REP1-042]</a> control cable trench widths for Work No. 5, which includes cable laying on Goldwell Lane, stating: <i>“Where the Electrical Cables are installed below ground via trenching methods this will have a maximum width of 2m and a maximum depth of 1.5m BGL”</i>.</p> <p>With regard to the temporary closure, alteration or diversion of a street, paragraph 6 of Article 11 of the <b>Draft DCO (Doc Ref. 3.1(C))</b> provides that <i>“The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary closure, alteration or diversion of a street under this article if there would otherwise be no such access.”</i></p> <p>With regard to the carrying out of street works pursuant to Article 12, paragraph 4 confirms that <i>“The powers conferred by paragraph (2) may not be exercised without the consent of the street authority.”</i> The street authority will therefore have control over the works. Where it is agreed with the street authority that the works should be temporary, paragraph 3 provides that: <i>“The undertaker must restore any street that has been temporarily altered pursuant to paragraph (2) to the reasonable satisfaction of the street authority.”</i></p> <p>It is considered that these are appropriate mechanisms by which to control the street works that may be required in order to deliver the Project.</p>
64	<p>The Parish Council considers that these three ‘outlying’ fields, 20, 21 and 22 should be removed from the scheme as they potentially</p>	<p>As detailed in section 5.5 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a>, a reduced scale proposal to the Project is not considered by the Applicant to be a reasonable alternative.</p>

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	impose some of the greatest negative impacts on the community and day-to-day life.	This is because a smaller Project would not be capable of delivering the same generation capacity as the current proposals and would therefore not meet the Project requirements. This approach was recently endorsed in the Secretary of State's decision letter for the Sunnica Energy Farm (dated 12 July 2024).
65	As noted previously, if Fields 20, 21 and 22 must be included, which we strongly query, why is the access not provided further north, perhaps to coincide with footpath AE 475? This would negate the need for construction traffic at the more residential end of this lane. It would also help to protect Footpath AE 474 which, as expressed previously, is a much treasured and used route to access the church, from industrialisation, light pollution and general obstruction.	<p>The Goldwell Lane access relates to an existing field access point on land which the Applicant has privately contracted and limits the need for further vegetation clearance.</p> <p>The use of Goldwell Lane for temporary construction access and the works to lay the cable in Goldwell Lane reduces the amount of additional land that would be otherwise be required and is not expected to give rise to significant environmental effects and the Applicant therefore does not consider that the consideration of alternative options is necessary to make the scheme acceptable in planning terms.</p>
66	On public rights of way more generally, the Parish Council remains disappointed that the Applicant has not actively worked with the community to explore how the overall network could be improved in the places most helpful to local people. Some of these aspirations are set out in Appendix D of the ABNP and include, for instance, the desire for a route connecting Aldington village to Mersham through the East Stour Valley utilising the Ashford Green corridor. Despite such suggestions being raised via the Community Liaison Panel, the Applicant	The Applicant has addressed the approach to consultation regarding PRoW in Table 3-2 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> .

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	has chosen alternative minor route additions that have not been endorsed by the community.	
67	Any new PRowS should be required to be delivered as bridleways. In addition, Article 18 clause (g) (APP-011) should only apply to a stated list of PRowS.	<p>Schedule 9 of the <b>Draft DCO (Doc Ref. 3.1(C))</b> lists the status of PRow created or improved pursuant to Article 19. In each case, the new status shall be as a footpath. As explained in paragraph 12.5.37 of <b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(A)) [REP1-024]</b>, according to KCC's Definitive Map, there are 16 public footpaths and one Byway Open to All Traffic within or interacting with the Site boundary. On this basis, it is considered appropriate that the new PRow are created as footpaths and not as bridleways. It is noted that KCC has not requested that these be delivered as bridleways.</p> <p>Article 18(1)(g) of the <b>Draft DCO (Doc Ref. 3.1(C))</b> authorises the use of motor vehicles on classes of PRow where there is otherwise no public right to use motor vehicles. This power is limited such that it only applies in connection with the carrying out of the authorised development and the period of time over which it may apply must be reasonable. It is not necessary for the Draft DCO to include a list of PRow in respect of which such power applies, as it is already appropriately controlled as drafted. This article has precedent in a number of made DCOs, including Article 11(1) of The Cottam Solar Project Order 2024 and Article 11(1) of The Longfield Solar Farm Order 2023, which both state that <i>"The undertaker...may for any reasonable time... authorise the use of motor vehicles on classes of public rights of way where, notwithstanding the provisions of this article, there is otherwise no public right to use motor vehicles"</i>.</p>

*Design of the site*



WR Para Ref.	Summary Position	Applicant Response
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68	<p>NPS-EN1 para 4.7.5 states that to ensure good design is embedded within the project development, a project board level design champion could be appointed, and a representative design panel used to maximise the value provided by the infrastructure. We query why a site of this size, in this location, should not have followed this advice. In particular, the Design Council can be asked to provide a design review for nationally significant infrastructure projects and applicants are encouraged to use this service (para 4.7.8). ABNP Policy AB10 provides detail on design considerations but is not quoted at all in the documentation, notably APP-029.</p>	<p>Good design has been a key consideration from the outset. The <b>Design Approach Document (Doc Ref. 7.4)</b> <a href="#">[APP-149]</a> describes the design of the Project and how the design process has responded to its context and how it has been shaped through consultation to meet the design vision and the Design Objectives. Paragraph 2.1.8 explains that <i>'The design evolution has been an iterative process, with the final design evolving as constraints and opportunities have emerged over time, following the stages of assessment work and consultation. This process has been truly collaborative and has enabled the Applicant to present a scheme which is appropriate bearing in mind the context of the Site and the Government's overarching requirements for new solar infrastructure'</i>.</p> <p>Whilst a formal Design Review has not been undertaken for the reasons noted in response to Ashford Borough Council's Written Representation 9-11 above, the design has been subject to multiple rounds of consultation, including input from ABC's independent landscape design advisor, Landscape Management Services. The majority of this feedback has been incorporated.</p> <p>The design process and basis of design decisions taken are described in section 5.8 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> and the <b>Design Approach Document (Doc Ref. 7.4)</b> <a href="#">[APP-149]</a>.</p>
69	<p>In terms of design and layout, it is unclear why a south-facing arrangement of panels has been selected for the entire site, where for example, an east-west layout, whilst likely to result in reduced output compared to south-facing panels on a panel-by-panel basis, may allow for</p>	<p>An east-west layout would result in a lower level of renewable electricity generation than the submitted design which proposes a conventional south facing layout. The use of the BESS allows generated power to be exported throughout the day as opposed to only at the time of generation.</p> <p>Increasing panel density would increase generation (irrespective of panel orientation) but would lead to increased impacts on biodiversity and</p>

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	<p>a greater density of panels to compensate and therefore for generation to be spread more evenly throughout the day. A denser arrangement could allow for a reduction in the overall footprint, in particular in the most visually sensitive areas, which would be of significant benefit to the community.</p>	<p>landscape due to the removal of green corridors of land between panel rows and it would also create challenges in respect of access for maintenance activities.</p> <p>As the Applicant explained in row 9 of Table 1-1 of the <b>Response to Additional Submission made at Procedural Deadline A (Doc Ref. 8.1) <a href="#">[REP1-060]</a></b>, the overall footprint of the Site in terms of land take is consistent with paragraph 2.10.17 of NPS EN-3 which recognises that a solar farm requires around two to four acres per megawatt.</p>
<b><i>Lack of local economic benefit</i></b>		
-70 - 71	<p>NPS-EN1 states that one benefit that projects such as this can bring is the creation of jobs (para 4.1.5). The proposal is projected to have little, if any, direct positive economic impact on the local economy. In terms of jobs, whilst the proposal would be expected to generate employment opportunities during the construction phase, the Applicant states that it is not possible to make a quantitative assessment of this cumulative level of employment. (APP-036, para 12.10.1). The Applicant states that during the peak activity, of the 199 on-site workers envisaged, at least 75% of these will be minibussed in and out from Ashford town centre and railway station points (APP- 037, para 13.4.87), which implies they are unlikely to be local people, nor are they likely to contribute to the local economy.</p>	<p><b>ES Volume 2, Chapter 12: Socio-economics ((Doc Ref. 5.2(B)) <a href="#">[REP1-024]</a></b> includes an assessment of socio-economic impacts at local and regional levels, including employment, the local economy, users of PRow, residential properties, business properties and community facilities.</p> <p>The Project therefore complies with NPS EN-1 policy.</p>

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	There are no projections for increased spend with local business, development of a supporting business ecosystem etc.	
<b>Agricultural land</b>		
72 - 73	<p>The updated NPS EN-3 states that, although the suitability of a site should not be mainly determined by land type, solar farms should be sited on previously developed and non-agricultural land “where possible”. Though it is “likely” that some agricultural land will need to be used for solar farms “at this scale”. The statement also recommends that developers should try using poorer-quality instead of higher-quality agricultural land and avoid the use of best and most versatile (BMV) land “where possible”.</p> <p>As shown in Figure 11, the land in much of this area ranges from Grade 3 (Good to Moderate) to Grade 2 (Very Good), with notable pockets of Grade 2 along Goldwell Lane.</p>	<p>There are no brownfield or previously developed land areas available within the agreed 5km search area that could deliver the Project Requirements. As such the use of agricultural land is required to deliver the Project.</p> <p>Paragraph 5.6.1 of <b>ES Volume 4, Appendix 16.1: Soils and Agricultural Land Report (Doc Ref. 5.4) <a href="#">[APP-122]</a></b> confirms that the predominant agricultural land classification (ALC) grading within the Site is Subgrade 3b (143.47 ha), with the remaining agricultural land comprising Subgrade 3a land (36.69 ha) and Grade 2 land (1.95 ha). Table 5 of the <b>Planning Statement (Doc Ref. 7.6) <a href="#">[APP-151]</a></b> confirms the total area of BMV land within Site is 38.64 ha (i.e. approximately 20% of the total Site area). The remaining areas within the Site boundary comprise 9.43 ha of non-agricultural land. The BMV agricultural land within the Site (38.64 ha) represents 0.12% of all BMV agricultural land within Ashford Borough.</p>
<b>Battery storage</b>		
74	Whilst the Parish Council support the idea of energy generated not going to waste, we remain concerned about the visual impact of	As set out in Table 5.4 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) <a href="#">[AS-010]</a></b> , the design for the Project employs a distributed approach with four individual containerised BESS Units located at any one Inverter Station, with a maximum of two Inverter Stations (and therefore eight units) being located in any one area of the Site, as

WR Para Ref.	Summary Position	Applicant Response
<b>Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a></b>		
	the sheer number of battery storage facilities to be included in the proposal.	opposed to locating all BESS Units in a single centralised compound area. Table 5.4 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) <a href="#">[AS-010]</a></b> sets out a number of benefits to this approach. <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) <a href="#">[AS-012]</a></b> assesses the visual impact of the Project, including the battery storage facilities.
<b>Consultation with the community</b>		
75	In the interests of securing sustainable development, NPS EN-1 strongly encourages early engagement with the community (para 4.1.19). Whilst a Community Liaison Panel (CLP) was established during the Pre-Application stage, the outcomes of this have been rather meagre. For example, the CLP contributed suggestions about potential footpath / bridleway improvements that could be made as a positive contribution to the Application (building on Appendix D: Potential Improvements to the Public Rights of Way in the ABNP), but these have been largely ignored.	The pre-application consultation undertaken for the Project complied with the requirements of the Planning Act 2008 and associated regulations and guidance.  This was evidenced in the <b>Consultation Report <a href="#">[APP-126]</a></b> , which was submitted to the Planning Inspectorate and accepted for examination. In accepting the Application, the Planning Inspectorate confirmed that the Applicant complied with Chapter 2 of Part 5 (pre-application procedure) of the Planning Act 2008.
76	The Examination process has been challenging for the local community to take part in. Whilst members of the public have access online to information, not all members of the community feel comfortable doing this. Approximately 20%	The Applicant notes this comment.

WR Para Ref.	Summary Position	Applicant Response
Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a>		
	of those living in Aldington parish are aged 70 years and over and not all are comfortable with online access.	
77	<p>Only one copy of only a handful of the wide suite of documents pertaining to the Application has been made available to the Parish Council in hard copy, with maps at a readable scale only supplied after a specific request at the Open Floor Hearing 1, too late for those wishing to register as an Interested Party. This has made it very difficult for the local community to get a true sense of the scale and nature of the proposal. Incidentally, even at A3 size, map keys are too small to read, footpath numbering is omitted from some figures and road names and other landscape features are often hard to place.</p>	<p>The Application form and its accompanying documents, drawings, plans and maps, including the Environmental Statement and <b>Draft DCO (Doc Ref. 3.1(C))</b>, are available to view electronically and download, free of charge, under the “Documents” tab on the Stonestreet Green Solar page of the Planning Inspectorate’s National Infrastructure Planning website.</p> <p>An electronic copy of the Application documents can be supplied free of charge on a USB memory stick which will be limited to one USB per household or business. The complete set of Application documents can be made available in hard copy format subject to a fee of £1,800. Copies of individual documents are also available on request.</p> <p>As noted in Table 2-1 of the <b>Written summary of Oral Submissions at the Preliminary Meeting and Responses to Action Points (Doc Ref. 8.5.1) [REP1-071]</b>, the Applicant has discussed this with ABPC and has provided a full size printed copy of the <b>Illustrative Drawings (Doc Ref. 2.7(A)) [REP1-005]</b>. This is in addition to the printed full size copies of the <b>Works Plans (Doc Ref. 2.3(B)) [REP1-003]</b>.</p>
78 - 79	<p>The hearings themselves have taken place in Ashford, despite the Parish Council offering the centrally located Village Hall, which has the needed facilities to host the sessions. With few buses serving the Ashford International Hotel, it has been challenging for residents to attend. Again, whilst remote attendance has been</p>	<p>This point was discussed at the Preliminary meeting and the position is summarised in <b>Written summary of Oral Submissions at the Preliminary Meeting and Responses to Action Points (Doc Ref. 8.5.1) [REP1-071]</b>.</p>

WR Para Ref.	Summary Position	Applicant Response
Aldington and Bonnington Parish Council WR <a href="#">[REP1-104]</a>		
	<p>possible, not all residents are comfortable with this technology.</p> <p>As a result, local participation in the process has been severely impacted. This only serves to imply that the views of local residents are not considered as important as others.</p>	
80	<p>If the Applicant secures planning permission, the Parish Council is concerned that the site, with planning permission, may be sold on. This could lead to a new owner taking forward the application with little or no contact with the community whatsoever. We would request that a clause is included in the DCO to require the ultimate undertaker to actively engage with the community throughout the construction, delivery and decommissioning of the site.</p>	<p>Unlike planning permission which runs with the land and is rarely stated as being for the benefit only of a particular person, development consent (which is what is required for NSIPs) is granted to a specified entity or entities. The duties and requirements in the <b>Draft DCO (Doc Ref. 3.1(C))</b> will be imposed upon the "undertaker", which is defined in Article 1 as the Applicant or any person who for the time being has the benefit of the DCO in accordance with Articles 6 (benefit of the Order) and 7 (consent to transfer benefit of the Order). Therefore, any entity that undertakes the role of the undertaker will be required to deliver the Project with adherence to the controls and commitments established for the Project through the DCO.</p>
81	<p>Should the DCO for Stonestreet Green Solar be granted, the Applicant has proposed the setting up of a Community Grant. As the representative of the most significantly affected parishes, ABPC would welcome further discussion to understand exactly how the proposed community grant will be managed, from when it will commence and over what period.</p>	<p>As set out in Section 4.5 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a>, the Applicant has committed to providing up to £40,000 per annum (index linked) during the operational life of the Project to be awarded in the form of grants to help fund local social or environmental initiatives.</p> <p>This does not form part of the Application and is not required to mitigate the effects of the Project. Therefore, the Secretary of State cannot, and should not, apply any weight to this when balancing the positives and negatives of the Project.</p>



### 4.3 Aldington and Mersham Support Group

**Table 4-2: Aldington and Mersham Support Group<sup>4</sup>**

WR Para Ref.	Summary Position	Applicant Response
<p>Aldington and Mersham Support Group Summary of WR <a href="#">[REP1-108]</a> and WR <a href="#">[REP1-109]</a></p>		
<p><i>Battery Energy Storage Systems (BESS)</i></p>		
<p>P.1</p>	<p>Lithium-Ion batteries are inherently dangerous with a significant risk of both fire and explosion.</p> <p>The distributed location of 26 BESS installations across undulating countryside is totally inappropriate.</p> <p>There are more than 25 houses within 300m of a BESS installation which are therefore at serious risk health risk from toxic fumes in the event of fire.</p> <p>The quantities of water proposed to be stored at Stonestreet Green are totally insufficient for one BESS fire let alone multiple fires occurring simultaneously.</p> <p>Contaminated water used to treat fires poses a serious environmental threat to fragile ecosystems along the East Stour River if</p>	<p>The Applicant's response to matters relating to BESS is set out in Section 4.3 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>.</p> <p>The Applicant has consulted Kent FRS on the proposed layout, fire access and firefighting arrangements. Kent FRS has confirmed it has no objection to the Project provided the National Fire Chiefs' Council ('NFCC') Guidance is followed in the design and management of the Project. Table 2.1 of the <b>Outline BSMP (Doc Ref. 7.16)</b> <a href="#">[APP-161]</a> provides details of the design and fire prevention measures proposed, and confirms that it complies with the NFCC Guidance, including in relation to access and water supply. Section 4 within the <b>Outline OSWDS (Doc Ref. 7.14(A))</b> <a href="#">[REP1-054]</a> confirms the process to managing firewater in the event this is required to ensure no contamination of the local environment.</p> <p>AMSG state that this Project is one of the largest installations globally. This is not correct. Within the UK only there are over 50 BESS facilities that are either operational, under construction or have received planning permission that are larger than the size proposed as part of the Project<sup>5</sup>. It is also noted that the majority of Development Consent Orders already granted by the Secretary of the State for solar installations include co-location of BESS and that the size of</p>

<sup>4</sup> Note: Due to the length of the WR, the "Summary Position" of this WR has been based primarily upon the Executive Summary in the WR. However, the Applicant has considered and responded to all matters raised in the full WR.

<sup>5</sup> <https://www.gov.uk/government/publications/renewable-energy-planning-database-monthly-extract>

WR Para Ref.	Summary Position	Applicant Response
Aldington and Mersham Support Group Summary of WR <a href="#">[REP1-108]</a> and WR <a href="#">[REP1-109]</a>		
adequate facilities for containment are not put in place.	<p>BESS included as part of those projects is greater than proposed as part of the Project.</p> <p>AMSG also raise concerns regarding “catastrophic” failures of BESS installations, noting an incident at Liverpool. For context the Liverpool BESS is located in an urban setting – there was a fire incident in February 2020 but there was no injury to local residents and no impact to nearby residential properties. It is noted that there are over 120 operational projects in the UK, with the first installation in 2006, and the Liverpool incident is the only significant failure to date.</p> <p>AMSG has engaged an external consultant (David Melville) to assist with its representations. Mr Melville was a key contributor to representations made by The Faversham Society objecting to the Cleve Hill Solar Park on the basis of BESS safety. The points raised by AMSG are very similar to those presented during the examination of the Cleve Hill Solar Park DCO application which were considered in detail by the ExA.</p> <p>The ExA for the Cleve Hill Solar Park concluded at paragraph 8.7.57 of its Recommendation Report that:</p> <p><i>“Overall, if development consent is granted, further details of the proposed installation would need to be submitted to Swale Borough Council and relevant consultees. We are thus satisfied that this process would secure all of the necessary information required by Kent Fire and Rescue Service, including access arrangements for fire appliances and access to water supplies, to ensure an appropriate response in the event of an incident occurring.”</i></p> <p>The Secretary of State’s decision letter for the Cleve Hill Solar Park DCO noted the following:</p> <p><i>4.167 The ExA asked about battery leakage and was told that the management systems would be able to detect leaks and initiate automatic shut down. The ExA</i></p>	

WR Para Ref.	Summary Position	Applicant Response
Aldington and Mersham Support Group Summary of WR <a href="#">[REP1-108]</a> and WR <a href="#">[REP1-109]</a>		
		<p><i>was content that any leakage would be small and confined within the affected container. [ER 8.7.46]</i></p> <p><i>4.168 The ExA noted that the outline Battery Fire Safety Management Plan set out the minimum information that would need to be included at the detailed design stage for the proposal. The ExA also notes that Requirement 3 of the Order it recommended to the Secretary of State requires the approval of a Battery Safety Management Plan which would set out minimum requirements for safety matters. The ExA was happy that in setting out minimum requirements for information, the relevant local planning authority or Kent Fire and Rescue Service would be able to ask for more information to allow them to fulfil their duties. [ER 8.7.47 et seq]</i></p> <p><i>4.169 In terms of the risk of the escape of gases from the battery storage facility, the ExA concludes on the basis of the information provided by the Applicant that there would be no material threat to health arising from a battery fire at the proposed Development. [ER 8.7.50 et seq]</i></p> <p><i>4.175 The ExA's overall conclusions on safety and security were that there were a large number of representations about this issue which flowed from the scale of the proposed battery storage facility, the fact that it was a new technology, the risk of major fires and the proximity of the battery storage facility to local populations. The ExA acknowledged those concerns. However, it took comfort from the legislation and guidance and the Battery Safety Management Plan which would be subject to consultation with relevant bodies and the ExA was, therefore, confident that the risks could be managed or mitigated appropriately. As far as site safety was concerned, the ExA noted that the measures proposed by the Applicant might be viewed as minimal but there was no evidence before it that anything else was needed – there was a sound basis for managing and</i></p>

WR Para Ref.	Summary Position	Applicant Response
Aldington and Mersham Support Group	Summary of WR <a href="#">[REP1-108]</a> and WR <a href="#">[REP1-109]</a>	<p><i>mitigating site safety risks. The ExA's overall conclusion on this matter, therefore, was that there was nothing of weight to carry into the overall planning balance.</i></p> <p>The Secretary of State concludes at paragraph 4.176 of the decision letter for the Cleve Hill Solar Park DCO:</p> <p><i>"The Secretary of State notes that the safety and security of the Development generated many concerns from Interested Parties to the Examination who were worried about the potential health risks of a fire or explosion within the battery storage facility that formed part of the proposed Development. In addition, the Secretary of State notes that the ExA's analysis of this matter was informed by a range of views and considerations, including from the Kent Fire and Rescue Service. He considers, therefore, that its consideration is robust and wide-ranging. While noting the strength of feeling among local people about this matter (since the receipt of the ExA's Report, a considerable number of representations have been received about the impacts of the Development, with many citing the safety of the battery storage unit as a key 29 issue), the Secretary of State does not see any reason to disagree with the conclusions reached by the ExA."</i></p> <p>The Applicant notes that Cleve Hill was the first large scale solar and BESS DCO, granted in May 2020 shortly after the Liverpool fire incident. At that time Cleve Hill was the largest BESS installation proposed in the UK and it is appropriate that the ExA for that project ensured these aspects were fully examined given the project's size and the nascent status of large scale BESS technology at that time.</p> <p>Since 2020 numerous larger BESS projects have been consented and the Government has excluded BESS of any size from the list of technologies determined under the NSIP regime. The vast majority of Development Consent Orders granted by the Secretary of the State for solar installations include co-</p>

WR Para Ref.	Summary Position	Applicant Response
Aldington and Mersham Support Group Summary of WR <a href="#">[REP1-108]</a> and WR <a href="#">[REP1-109]</a>		
2.2	It is noteworthy that there is no NFCC guidance on BESS units located in multiple locations and we believe this to be a unique proposition nationally and globally.	<p>location of BESS and that in all cases the Secretary of State has been comfortable that the proposal does not result in any health or safety risks.</p> <p>The BESS proposal for this Project and the <b>Outline BSMP (Doc Ref. 7.16) <a href="#">[APP-161]</a></b> are consistent with precedent Development Consent Order versions. The only key design difference is that the number of BESS Units in one location is limited to a maximum of eight as opposed to locating all BESS Units in one location. In the unlikely event of a fire incident this approach limits the potential for cross-contamination between BESS Units that would be theoretically possible were all BESS Units located in a single area, as is the approach for the precedent granted DCO decisions. As such this design is lower risk than designs that have previously been granted consent by the Secretary of State.</p> <p>The Applicant notes that Lithium Ion Phosphate battery technology that is expected to be used for the Project is commonly used on other sites being developed in the UK, including multiple projects that have already been granted a Development Consent Order by the Secretary of State.</p> <p>The Applicant notes that Ashford Borough Council considers that the potential for operational fire risk associated with the BESS is considered to be particularly relevant and notes ABC's position that the Project will have a neutral impact in relation to major accidents and disasters.</p> <p>The NFCC Guidance remains applicable to the Project.</p> <p>The Applicant notes that the Tillbridge Solar Project (PINS Ref. EN010142) has also taken a dispersed approach to BESS in its DCO application. Globally there are multiple examples of this approach including one of the largest operational projects in the United States (Gemini Solar).</p>

WR Para Ref.	Summary Position	Applicant Response
Aldington and Mersham Support Group Summary of WR <a href="#">[REP1-108]</a> and WR <a href="#">[REP1-109]</a>		
2.3	In the Outline Battery Safety Management Plan it makes a project commitment that BESS units will be at least 150m from the nearest residential receptor. There does not appear to be any modelling of the potential toxic flume to support this commitment.	The NFCC Guidance recommends a minimum of 25m from occupied buildings. The commitment of 150m therefore exceeds this recommendation, and is secured by the <b>Design Principles (Doc Ref. 7.5(A))</b> .
2.8	The Applicant claimed at the recent Preliminary Hearing that the BESS is a necessary add on to the solar panels. This cannot be the case since the majority of large solar installations around the world operate perfectly well without an associated BESS. In reality the BESS is a separate project which the Applicant is unable to justify in terms of the viability of the solar project.	<p>The inclusion of BESS as associated development to support a solar DCO is clearly established in planning policy.</p> <p>Paragraph 2.10.49 of NPS EN-3 states <i>“Applications for solar farms are likely to comprise a number of elements including solar panel arrays, piling, inverters, mounting structures, cabling, earthworks, and measures associated with site security, and may also include associated infrastructure such as energy storage....”</i></p> <p>Paragraph 2.10.10 of NPS EN-3 provides explicit Government support for the Applicant’s proposals stating <i>“It [the British Energy Security Strategy] sets out that government is supportive of solar that is “co-located” with other functions (for example, agriculture, onshore wind generation, or storage) to maximise the efficiency of land use”</i>.</p> <p>Paragraph 2.10.32 of NPS EN-3 further suggests that co-location of solar with other functions, including storage, should be considered to maximise the efficiency of land use.</p>

### Alternative land

P.2	The Applicant from an early stage made the conscious decision that it would rely on the land that it had been offered and failed to properly	Section 5.6 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> sets out how the site selection process for the Site was undertaken and the consideration of alternatives. The Applicant notes that
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WR Para Ref.	Summary Position	Applicant Response
Aldington and Mersham Support Group Summary of WR <a href="#">[REP1-108]</a> and WR <a href="#">[REP1-109]</a>		
	investigate other land that might have been reasonably available.	<p>design changes were implemented following consultation feedback and considers that this demonstrates that the Project has responded to consultation.</p> <p>Section 5.8 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> sets out the evolution of the Project's design, including a number of changes to the layout of the Project to ensure that infrastructure is located away from residential properties and that impacts are minimised where possible.</p> <p>As set out within the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> at paragraphs 7.3.7 – 7.3.8:</p> <p><i>“A comprehensive series of mitigation measures has been embedded in the design of the Project, with the aim of reducing adverse effects resulting from its introduction.</i></p> <p><i>The national and local benefits of the Project are considered to outweigh the localised effects. Therefore, it is policy compliant with NPS EN-1”.</i></p>
P.2	The Sequential and Exemption tests do not provide evidence of any serious investigation with a view to seeking possible options that would allow the removal of land from areas of high flood risk – specifically fields 19, 23 and 24.	<p>The approach to the consideration of alternatives is set out in Section 4.7 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>.</p> <p>The Applicant has provided its assessment of the Project in line with both the Sequential Test and the Exception Test in <b>Planning Statement, Appendix 2: Sequential and Exception Test Report (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a>. This concludes that there is no reasonable alternative site with a lower probability of flooding and that the benefits of the Project outweigh flood risk. The <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1)</b> <a href="#">[REP1-062]</a> in Table 2-5 confirms that ABC agrees with the conclusions of the both the Sequential and Exception Test. Table 2-1 of the <b>Statement of Common Ground with the Environment Agency (Doc Ref. 8.3.2(A))</b> confirms that the</p>

WR Para Ref.	Summary Position	Applicant Response
Aldington and Mersham Support Group Summary of WR <a href="#">[REP1-108]</a> and WR <a href="#">[REP1-109]</a>		
		<p>Environment Agency also agrees that the Application passes the Sequential and Exception Test.</p> <p><b>ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A))</b> <a href="#">[REP1-036]</a> <a href="#">[REP1-037]</a> and <a href="#">[REP1-038]</a> has been reviewed by both the Environment Agency and KCC (as the Lead Local Flood Authority) who have confirmed that they have no in-principle objection to the measures proposed.</p>
P.2	<p>Whilst there is a Human Rights aspect to consider as part of any proposed CA, this factor should not have inhibited serious investigation by the Applicant of the alternative possibilities there may have been available to the Applicant.</p> <p>Such opportunities may well have provided a better scheme, of good design while still allowing the Applicant to meet its stated “project requirements”.</p> <p>The Applicant failed to properly assess this issue at the earliest stage in the life cycle of this project (as the guidelines indicate it should do). Instead, it chose to use the “reasonably available” caveat and as a direct result, has located parts of its scheme in areas which are incapable of adequate mitigation.</p>	<p>The approach to the consideration of alternatives is set out in Section 4.7 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>.</p> <p>Table 2-5 of the <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1)</b> <a href="#">[REP1-062]</a> confirms that ABC agrees with the conclusions of the both the Sequential and Exception Test.</p>

### Visual Impact

WR Para Ref.	Summary Position	Applicant Response
Aldington and Mersham Support Group Summary of WR <a href="#">[REP1-108]</a> and WR <a href="#">[REP1-109]</a>		
P.2	The visual impact of the elevated parts of the scheme on the Aldington Ridge is very significant and unacceptable. The parts of the scheme on the Aldington Ridge cannot be adequately screened, even after 15 years of growth.	Please refer to Table 4.9 in Section 4.10 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> for the Applicant's responses on landscape and visual matters.
P.2	The Applicant has failed to adequately represent the visual impact of the scheme to consultees, because of the poor landscape visualisations produced.	Please refer to Table 3-2 in Section 3.3 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> for the Applicant's responses on landscape visualisations.
P.2	The visual impact of the scheme could be significantly reduced by excluding those areas higher than 58m, with the additional benefits of preserving the majority of BMV land, the rich archaeological heritage along Bank Road and important habitats for red listed Skylark.  The 99.9MW output can still be achieved with this reduced area.	The Applicant believes that the reference to "excluding those areas higher than 58m" is primarily focussed on removal of panels within Fields 10 and 12.  Assuming this is the case please refer to responses provided to ABC above in relation to LIR 8.18 – 8.21 and Written Representation 12-16.  As the Applicant explained in row 9 of Table 1-1 of the <b>Response to Additional Submission made at Procedural Deadline A (Doc Ref. 8.1)</b> <a href="#">[REP1-060]</a> the overall footprint of the Site in terms of land take is consistent with paragraph 2.10.17 of NPS EN-3 which recognises that a solar farm requires around two to four acres per megawatt.  As detailed in section 5.5 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> , a reduced scale proposal to the Project is not considered by the Applicant to be a reasonable alternative. This is because a smaller Project would not be capable of delivering the same generation capacity as the current proposals and would therefore not meet the Project requirements.

WR Para Ref.	Summary Position	Applicant Response
<b>Aldington and Mersham Support Group Summary of WR <a href="#">[REP1-108]</a> and WR <a href="#">[REP1-109]</a></b>		
		This approach was recently endorsed in the Secretary of State's decision letter for the Sunnica Energy Farm (dated 12th July 2024).
P.2	The cumulative visual impact of the Stonestreet Green and East Stour schemes will be very significant and overwhelm the area.	Please refer to Table 2-2 in Section 2.2 of this document for the Applicant's response regarding cumulative landscape impacts.

### *Water Environment*

P.2	<p>Existing surface water flooding at the junction of Laws Lane and Bank Road affects both Bow and Spring Cottages, which flood regularly.</p> <p>This area has been identified by the Environment Agency as having a high risk of surface water flooding, although the actual frequency of flooding is greater than predicted.</p>	<p>An assessment of the effects of the Project on flood risk both within the Site and to the surrounding area is provided in section 10.7 of <b>ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B))</b> <a href="#">[REP1-022]</a> with supporting information provided in <b>ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A))</b> <a href="#">[REP1-036]</a> <a href="#">[REP1-037]</a> and <a href="#">[REP1-038]</a>. The assessment concludes that with appropriate mitigation measures which are secured, the Project would not increase flood risk within the Site or to the surrounding area. The Applicant also notes that the approach to flood risk has been agreed with the Environment Agency and is set out within the <b>Statement of Common Ground with the Environment Agency (Doc Ref. 8.3.2(A))</b>.</p> <p>The <b>Outline OSWDS (Doc Ref. 7.14(A))</b> <a href="#">[REP1-054]</a> has been developed to ensure existing flood risk within the Site or in the surrounding area is not increased.</p> <p>Requirement 11 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> secures that no phase of the authorised development may commence until an OSWDS for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with KCC. This must be in accordance with the <b>Outline OSWDS (Doc Ref. 7.14(A))</b> <a href="#">[REP1-054]</a> and must be implemented as approved.</p>
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WR Para Ref.	Summary Position	Applicant Response
<b>Aldington and Mersham Support Group Summary of WR <a href="#">[REP1-108]</a> and WR <a href="#">[REP1-109]</a></b>		
P.2	The PEIR produced by the Applicant identifies a number of factors associated with the construction and operation of the scheme, that could impact the frequency and magnitude of surface water flooding.	An assessment of the effects of the Project on flood risk both within the Site and to the surrounding area is provided in section 10.7 of <b>ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B)) <a href="#">[REP1-022]</a></b> with supporting information provided in <b>ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A)) <a href="#">[REP1-036]</a> <a href="#">[REP1-037]</a> and <a href="#">[REP1-038]</a></b> . This has had appropriate regard to the magnitude and frequency of surface water flooding, along with the site specific characteristics of the catchment area. The assessment concludes that with appropriate mitigation measures which are secured the Project would not increase flood risk within the Site or to the surrounding area. The Applicant also notes that the approach to flood risk has been agreed with the Environment Agency, and is set out within the <b>Statement of Common Ground with the Environment Agency (Doc Ref. 8.3.2(A))</b> .  The <b>Outline OSWDS (Doc Ref. 7.14(A)) <a href="#">[REP1-054]</a></b> has been developed to ensure existing flood risk within the Site or in the surrounding area is not increased.
P.2 - 3	<p>The Applicant has not modelled the effects of the construction and operation of the scheme on the magnitude and frequency of surface water flooding.</p> <p>The Applicant has not taken into account the key site specific factors of catchment area, topography and soil type.</p> <p>A case study from Ontario Canada has highlighted the impacts that these site specific factors can have on surface water flooding, that if not properly managed can result in negative impacts on neighbouring and downstream properties.</p>	
<b>Construction traffic</b>		
P.3	Notwithstanding the responses provided by KCC to the Applicant's proposed arrangements for safe provision of construction access to this huge scheme we believe that the arrangements are completely inadequate.	Please refer to Section 3.2 (Aldington and Bonnington Parish Council) of the <b>Responses to Relevant Representations (Doc Ref. 8.2) <a href="#">[REP1-061]</a></b> and paragraphs 1.5.18 to 19 of <b>Written Summary of Oral Submissions from Issue Specific Hearing 1 and Responses to Action Points (Doc Ref. 8.5.5) <a href="#">[REP1-073]</a></b> .

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Aldington and Mersham Support Group Summary of WR <a href="#">[REP1-108]</a> and WR <a href="#">[REP1-109]</a>		
P.3	<p>The Construction Route between the Smeeth Crossroads and the Primary Access and beyond is, in its unaltered state, not suitable for the huge amount of additional traffic it will have to accommodate nor, in terms of its width in certain areas, capable of enabling HGVs (scheme based and otherwise) to pass safely.</p> <p>The need to use of Goldwell Lane as both a construction access and route for cable laying has not been proven. There is no evidence that the Applicant has ever made any serious attempt to look at an alternative route to service this block of land.</p> <p>The disruption that this proposal will cause to local people and those living in the lane is unacceptable and disproportionate to the net additional output that the small area will deliver.</p>	<p>The access proposals for the Project have been developed in consultation with KCC as the Local Highway Authority and National Highways, both of whom agree that the construction route is appropriate for the Project.</p> <p>The Application is accompanied by an <b>Outline CTMP (Doc Ref. 7.9(B))</b> which includes a range of construction traffic management measures. The detailed CTMP for each phase must be submitted to and approved by the local planning authority, in consultation with the relevant highway authority before commencement of that phase. Table 4.1 of <b>Outline CTMP (Doc Ref. 7.9(B))</b> presents a summary of the anticipated vehicle types along with the anticipated number of BESS related one-way and two-way trip frequencies.</p> <p>KCC as the Local Highway Authority and National Highways have reviewed the <b>Outline CTMP (Doc Ref. 7.9(B))</b> in their representations and agree that it secures appropriate construction traffic mitigation measures.</p> <p>During construction, Goldwell Lane would only be affected for a period of approximately 5 months. Management measures to address impacts on Goldwell Lane during construction and to set out the process for managing the points where the internal haulage road crosses the public highway are identified within the <b>Outline CTMP (Doc Ref. 7.9(B))</b>.</p> <p>Given that the works to lay the cable along Goldwell Lane are not expected to give rise to significant environmental effects the Applicant does not consider that alternative routes, particularly routes involving third party land, are necessary or proportionate.</p> <p>Production and approval of the final CTMP(s), in accordance with the <b>Outline CTMP (Doc Ref. 7.9(B))</b>, is secured through Requirement 7 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p>



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Aldington and Mersham Support Group Summary of WR <a href="#">[REP1-108]</a> and WR <a href="#">[REP1-109]</a>		
P.3	<p>The Primary Access is not the easy and safe access claimed by the Applicant. The configuration of the access itself means that those using Station Road will not only suffer severe disruption throughout the construction period, but the swept path arrangement is quite simply not safe without modification to the highway.</p>	<p>The access proposals for the Project have been developed in consultation with KCC as the Local Highway Authority and National Highways, both of whom agree that the construction route is appropriate for the Project.</p>
P.3	<p>Further, as we raised at the ISH2, it is as yet unclear whether fields 25 and 26 are capable of accommodating everything they need to provide for alongside the construction of the huge substation and a battery compound.</p> <p>The Applicant has yet to provide detailed plans showing the detailed layout of this compound area and through that demonstrate its ability to remove the inherent risk of vehicles waiting and/or parking in and on the verges of Station Road.</p>	<p>Please refer to the illustrative construction compound locations provided in the <b>Written Summary of Oral Submissions from Issue Specific Hearing 2 and Responses to Action Points (Doc Ref. 8.5.5)</b> <a href="#">[REP1-075]</a>.</p>
P.3	<p>The Applicant has failed to properly assess the cumulative impact the scheme will have on the local highway network and how, because of existing, ongoing and proposed infrastructure projects which are all accessed off the only other access route the village has to the A 20</p>	<p>The potential for cumulative traffic effects with other projects is set out in Section 13.10 of <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(C))</b>.</p> <p>KCC as the Local Highway Authority and National Highways have reviewed the <b>Outline CTMP (Doc Ref. 7.9(B))</b> and agree that it secures appropriate construction traffic mitigation measures.</p>

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	<p>(Church Lane) the problems in Station Road will be much worse than forecast.</p> <p>The scale of the issues relating to construction traffic is sufficient to require, in this instance, not a simple draft CTMP to be agreed before any Grant but instead consideration as to whether the proposal as a whole is fit for purpose (and safe for the travelling public) without properly planned prior Highway modifications.</p>	
6.2	<p>The Applicant maintains that the operational phase of the solar project, which involves infrequent HGV access, is "scoped out," but concerns are raised over the wide-reaching provisions in the Development Consent Order (dDCO) that allow for "reconstruction" during the 40-year operational period. This could lead to more extensive and frequent traffic access than expected.</p>	<p>As set out in paragraph 1.5.19 of <b>Written summary of Oral Submissions at Issue Specific Hearing 1 and Responses to Action Points (Doc Ref. 8.5.3)</b> <a href="#">[REP1-074]</a>, the definition of "maintain" in Article 2 of the <b>Draft DCO (Doc Ref. 3.1(C))</b> contains the wording <i>"provided such works do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement"</i>. This approach is not novel and is well precedented in made DCOs. The drafting is intended to cover the sort of maintenance activities needed to keep the Project operating and in good condition. It is not intended to enable the Applicant to build a completely new project: it relates to maintenance in relation to the authorised development only. It is therefore not an open ended power and is not outside the scope of what has been assessed in the Environmental Statement.</p>
6.3	<p>Kent County Council (KCC) failed to investigate alternative routes or address the safety concerns along the narrow Goldwell Lane, where large construction vehicles may struggle to pass. The proposed mitigation by KCC—trimming hedges—seems inadequate given the</p>	<p>The Applicant notes these comments are addressed to KCC.</p> <p>KCC as the Local Highway Authority and National Highways have confirmed that the construction route is appropriate and have reviewed the <b>Outline CTMP 7.9(B)</b> and agree that it secures appropriate construction traffic mitigation</p>

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	lane's narrowness and the difficulty large vehicles will have navigating it, especially during cable laying and trenching activities. The use of stop/go traffic lights is also questioned, as there are areas of the lane too narrow to allow vehicles to pass safely.	measures. <b>(Doc Ref. 7.9(B))</b> and agree that it secures appropriate construction traffic mitigation measures.
6.4	KCC's professional officers have stated that the increased traffic from the project is unlikely to worsen the crash record, based on assumptions made from the Applicant's traffic generation estimates. However, the Applicant has yet to provide the requested clarifications, and the issue was not addressed during the ISH 2.	Please refer to Section 2.2, page 21 of the Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A)).
6.5	Table 13.11 provides average construction traffic figures but lacks details on peak HGV traffic, which could be much higher during intense periods of activity. The Applicant is keen to talk about the way it has assumed the "worst case scenario" on numerous aspects but in this respect, there is no sign of it having done that., raising concerns about the suitability of the Construction Route during peak times. The use of averages hides potential risks that need further investigation.	Please refer to Section 2.2, page 22 of the Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A)).
6.5	13.6.16 The Applicant confirms that internal haulage roads will be reinstalled for the decommissioning phase but does not specify	As set out in paragraph 13.4.31 of <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(C))</b> : <i>'once operational, the Project would generate no more than 2 x two-way trips per day, which would be associated with</i>

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	<p>any plans for their use during the Operational Phase. However, the section between the primary site access and Station Road will be crucial for future major refurbishments or complete reconstruction. If construction traffic were to use Station Road, especially the narrow section near Everage Mill, it would be unacceptable, similar to the construction phase. This issue should be clarified in the dDCO (paragraph 21).</p>	<p><i>maintenance. Such trips will be made by 4x4 vehicles (pick-up trucks) and LGVs. HGVs will only require infrequent access to the Site, such as for maintenance, servicing or to deliver replacement equipment, across the lifetime of the Project. Operational traffic is therefore not likely to give rise to any significant effects and has been scoped out of the assessment.</i></p>
6.5	<p>13.7.31 The Applicant states that <i>“HGVs will only require infrequent access to the Site, such as for maintenance, servicing or to deliver replacement equipment, across the lifetime of the Project”</i>. As per 13.6.16 above, this broad statement is incorrect because it ignores what is likely to be major works of refurbishment/reconstruction during the lifetime of the temporary consent, if granted.</p>	<p>Please refer to paragraphs 1.5.18 to 19 of the <b>Written Summary of Oral Submissions from Issue Specific Hearing 1 and Responses to Action Points (Doc Ref. 8.5.5)</b> <a href="#">[REP1-073]</a>.</p>
6.5	<p>13.7.33 The Applicant maintains that the only delay will be through construction traffic slowing down to make a left turn into the primary site access. The swept path analysis shows that 16.5-meter-long articulated lorries will need to swing across onto the opposite carriageway to complete the turn. This issue is only mentioned in the swept path plan and not fully addressed elsewhere. The concern is raised about the risk</p>	<p>KCC as the Local Highway Authority have reviewed the <b>Outline CTMP (Doc Ref. 7.9(B))</b> and agree that it secures appropriate construction traffic mitigation measures.</p> <p>The detailed CTMP will include any mitigation required in relation to the Primary Site Access is implemented as agreed with KCC to ensure the safety of road users is not impacted.</p>

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	of a vehicle behind the turning HGV swinging into the path of oncoming traffic from the opposite direction, which could be unsighted and pose a danger.	
6.5	The Applicant does not address the impact of peak travel periods to and from Evegate Business Centre, which accommodates at least 150 cars, including both workers with varying shift patterns and visitors. This will likely worsen traffic congestion at the Smeeth Crossroads, particularly during school run times. There is also concern that the Project staff shifts, which may involve a similar number of vehicles, could coincide with these peak periods, further exacerbating traffic issues.	Table 4.1 of the <b>Outline CTMP (Doc Ref. 7.9(B))</b> presents a summary of the anticipated vehicle types along with the one-way and two-way trip frequencies during the worker peak time period to show the maximum expected impact. These figures further include a 40% buffer to provide additional margin of error.  The Outline CTMP provides a commitment to avoid HGV deliveries during the weekday AM and PM peak hours so that they do not coincide with the busiest peak periods on the local highway network.
6.5	13.8.3 The Applicant states that it will monitor traffic and collisions, with the possibility of amending the Construction Traffic Management Plan (CTMP) if needed. However, once the project is operational, it will be impossible to stop the project if, as we suspect, the inadequacy and dangers associated with the Construction Route (particularly at the Smeeth Crossroads junction) are found to be such that it is, viewed as unsafe for such an increased use.	The purpose of the <b>Outline CTMP (Doc Ref. 7.9(B))</b> is to set out the measures that will be used during the construction phase to mitigate construction phase traffic effects and mitigate temporary disruption effects on road users, the local community and environment.  Once the project is operational then no further construction traffic impacts will be possible.

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6.6	<p>The Applicant has excluded Church Lane from consideration, stating that no "significant effects" are expected. However, the crossing point south of the East Stour River bridge, which serves as access for both the Applicant's project and an EDF Renewables solar project (currently under appeal), will be heavily impacted. Both projects involve cable laying at the same location in 2026, likely causing significant traffic disruption and requiring substantial excavations and possibly directional drilling, which will worsen traffic conditions at this already congested access point.</p>	<p>The potential for cumulative traffic effects with other projects, including the East Stour Solar scheme (ID.9) is set out in Section 13.10 of <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(C))</b>.</p> <p>As set out in paragraphs 13.4.24 to 27 of <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(C))</b>, <i>"The extension works required at Sellindge Substation will require HGV access to the north of the railway bridge on Church Lane. It is expected that these works will take up to two months to be completed and it is anticipated that less than 10 construction trips per day will be made in each direction from/to the A20 Hythe Road along Church Lane.</i></p> <p>...</p> <p><i>An assessment of effects resulting from the Project on Church Lane has been scoped out of the assessment as significant effects are not expected".</i></p>
6.6	<p>13.10 The Applicant in this section refers to cumulative effects but in its reference to "other schemes" it has failed to adhere to the guidelines to which it refers. It should also refer to "existing" schemes and in the case of Church Lane it has not mentioned the two UKPN substations, the Southern Water Sewage Works and most important of all the huge National Grid Converter Station.</p>	<p>Section 13.10: Cumulative Effects of <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(C))</b> provides an assessment of the cumulative impact of the Project with other cumulative schemes within the study area. Existing schemes (i.e. that have been completed) are included within the baseline traffic flows.</p>
6.6	<p>Page 13-18 The response from KCC in relation to maintaining safe roads clear of mud and debris indicates that there should be a mechanised street sweeper on site. "The Site workings should have available on-Site a</p>	<p>The Outline CTMP (Doc Ref. 7.9(B)) has been agreed with KCC, as set out in Section 2.2 of Statement of Common Ground with Kent County Council 8.3.4(A)).</p> <p>The <b>Outline CTMP (Doc Ref. 7.9(B))</b> commits (paragraph 6.9.2) the undertaker to the following <i>'A mechanised road sweeper will be deployed on the approach to</i></p>



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	<p>mechanised street sweeper to ensure that any material dragged from the Site onto the highway is cleared as soon as possible so as to prevent a hazard to highway use". This means KCC's requirement is for the machine to be available on site whereas the Applicant states at Page 13-50 "A mechanised road sweeper will be deployed on the approach to the Primary Site Access, the Goldwell Lane access and at the highway crossing points to remove any debris, if required." This does not appear to be the same thing unless the Applicant can confirm otherwise.</p>	<p><i>the Primary Site Access, the Goldwell Lane access and at the highway crossing points to remove any debris. The surfaced accesses / haulage road will help to reduce the transfer of any mud or other debris onto the public highway'.</i></p> <p>This measure has been agreed with KCC, and the Applicant considers that this provides an appropriate control to ensure that any debris is cleared as soon as possible.</p>
<i>The South Eastern Area, Fields 20, 21, 22</i>		
	<p>We maintain that this remote remnant of the main farm holding was only ever included because of its awkward and small area.</p> <p>The Applicant estimates the scheme's maximum output at between 140 MW - 165 MW. It also says that multiplying the connection capacity by a factor of 1.4 is "normal". That being so, and knowing that this small area will only yield 7.9% of the overall scheme output why is its inclusion considered a necessity rather than a nice to have?</p> <p>If the overall scheme can still produce as much as 140 MW without the Outlier how can the</p>	<p>As the Applicant explained in row 9 of Table 1-1 of the <b>Response to Additional Submission made at Procedural Deadline A (Doc Ref. 8.1) <a href="#">[REP1-060]</a></b>, the overall footprint of the Site in terms of land take is consistent with paragraph 2.10.17 of NPS EN-3 which recognises that a solar farm requires around two to four acres per megawatt.</p> <p>A reduced scale proposal to the Project is not considered by the Applicant to be a reasonable alternative. This is because a smaller Project would not be capable of delivering the same generation capacity as the current proposals and would therefore not meet the Project requirements. This approach was recently endorsed in the Secretary of State's decision letter for the Sunnica Energy Farm DCO (dated 12 July 2024).</p>

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	case be made for its inclusion knowing the significant impacts it will cause?	
	<p>The way the Applicant has treated public rights-of-way on the scheme, involving the many and major diversions (and closures) is exemplified by what is proposed on the Outlier.</p> <p>The proposed changes to the footpath here may be indicative of the way in which the viability of this small area is very finely balanced and therefore requiring of every square metre of panel footprint to the detriment of footpath enjoyment.</p>	Please refer to the response provided above in relation to the ABC LIR, Section 12.13.
	The proximity of this block to the North Downs AONB is something which the Applicant cannot change – nor adequately mitigate for the change of use it proposes.	The likely visual effects on users of PRow have been assessed in the LVIA. The Project has been assessed as leading to minor-negligible adverse (not significant) effects for visual receptors within the Kent Downs National Landscape.
	In a similar way only more so, this element of the scheme will jar with those using the most used footpath in the parish – footpath AE 474 - that leads from the village towards the original pre-plague village and the Grade 1 listed St Martin’s Church.	The assessment identifies a major-moderate adverse effect in relation to AE474 at year 1. At Year 15, following establishment of hedgerow planting that has been designed in consultation with the Kent Downs National Landscape Team, the effect on visual receptors using this PRow reduces to minor-moderate adverse. However, in elevated views from the route further east, the Project will be barely perceptible as demonstrated by the visualisation prepared for Viewpoint 28 ( <b>ES Volume 4, Appendix 8.10: LVIA Visualisations</b> <a href="#">[AS-014]</a> ).
7.4	The Outlier, a small land parcel included in the project, is uniquely affected by its hosting of three footpaths, notably AE 454, which is a	The visual effect in this location has been assessed as negligible.  The assessment identifies a moderate adverse effect in relation to AE454 at year 1 and year 15.

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<p>popular route connecting the Aldington Ridge to the East Stour Valley. This footpath offers panoramic views of the valley and the North Downs, which will be disrupted by the Applicant's proposed rerouting. The Applicant plans to divert AE 454 into the valley, removing these views, and proposes the complete removal of footpath AE 455. This decision raises questions about the necessity of such changes, especially since AE 454 is a significant and well-used route. The Applicant has justified this by citing the need to maximize the solar panel footprint, but this seems to overlook the harm caused to local walkers and the established footpath network.</p> <p>Additionally, the Applicant intends to temporarily disrupt AE 474, another popular footpath, to facilitate construction. Despite claiming precautions (such as speed limits and barriers), the disruption will last for five months, leading to concerns that walkers, especially those with dogs, will abandon the path in favour of car travel. There is also no evidence of consultation with the community about potential diversions or mitigation measures. The inclusion of the Outlier in the project is seen as problematic, as it will cause significant disruption to the local footpath network and negatively impact residents who regularly use these paths.</p>	<p>In relation to construction traffic impacts during a 5 month construction period on AE 474 these can be managed as outlined in the <b>Outline CTMP 7.9(B)</b> which has been agreed with KCC, as set out in Section 2.2 of <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b>.</p> <p>Table 7.1 (Heritage Assets with Identified Impact by the Project and Harm Category Assessment Summary) of <b>ES Volume 4, Appendix 7.2: Heritage Statement (Doc Ref. 5.4)</b> <a href="#">[APP-072]</a> confirms that there is a slight impact to the Church of St Martin (not significant in EIA terms). This is categorised as 'less than substantial harm' (lowest end of the spectrum).</p> <p>Please refer to Section 4.14 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> for responses to matters raised in relation to consultation on the proposed changes to PRow, and the overall PRow management Strategy.</p>	

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	<p>The Applicant has failed to properly investigate the way in which it could have negotiated (or indeed sought CA powers as it has done elsewhere) terms for a temporary access and cable laying route.</p>	<p>The Goldwell Lane access relates to an existing field access point on land which the Applicant has privately contracted and limits the need for further vegetation clearance.</p> <p>The use of Goldwell Lane for temporary construction access and the works to lay the cable in Goldwell Lane are not expected to give rise to significant environmental effects and the Applicant therefore does not consider that alternative routes, particularly routes involving third party land, are necessary or proportionate.</p>
	<p>At least 50% of this small block of land is BMV. All relevant policy guidance, states that this should be avoided where possible. This quite simply is one such case - it is possible to avoid it by excluding it from the scheme.</p>	<p>Section 5.6 of <b>ES Volume 4, Appendix 16.1: Soils and Agricultural Land Report (Doc Ref. 5.4)</b> <a href="#">[APP-122]</a> confirms that the predominant ALC grading within the Site is Subgrade 3b (143.47 ha), with the remaining agricultural land comprising Subgrade 3a land (36.69 ha) and Grade 2 land (1.95 ha). Table 5 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> confirms the total area of BMV land within Site is 38.64 ha (i.e. approximately 20% of the total Site area). The remaining areas within the Site boundary comprise 9.43 ha of non-agricultural land. The BMV agricultural land within the Site (38.64 ha) represents 0.12% of all BMV agricultural land within Ashford Borough.</p> <p>As the Applicant explained in row 9 of Table 1-1 of the <b>Response to Additional Submission made at Procedural Deadline A (Doc Ref. 8.1)</b> <a href="#">[REP1-060]</a>, the overall footprint of the Site in terms of land take is consistent with paragraph 2.10.17 of the National Policy Statement for Renewable Energy Infrastructure (January 2024) (NPS EN-3) which recognises that a solar farm requires around two to four acres per megawatt. A reduced scale, and therefore generating capacity, is not considered by the Applicant to be a reasonable alternative to the proposed design of the Project. This is because a smaller Project would not be capable of delivering the same generation capacity as the current proposals and would therefore not maximise its potential benefits in terms of renewable energy</p>

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		generation. This approach was recently endorsed in the Secretary of State's decision letter for the Sunnica Energy Farm (dated 12 July 2024).
	We cannot know the extent to which the Applicant has provided for the badger population which we know from our own research is well established within this block of land. It however seems clear that the proposals will interfere with foraging areas and where excavation in open fields takes place.	Section 9.5, paragraph 9.5.139 onwards of <b>ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)</b> <a href="#">[APP-033]</a> includes an assessment of the potential impacts on biodiversity, including badgers. The results of a badger survey have been provided to the ExA but due to their protected status these are confidential. The East Kent Badger Group are not a prescribed consultee and have not at any stage contacted the Applicant to express views on the Project, or share relevant baseline information.
7.8	The presence of badgers in the Outlier area is well-documented by local landowners and the East Kent Badger Group (EKBG), who have been tracking badger activity in the region for years. Despite this, the Applicant did not consult the EKBG or share key information about badger activity, raising concerns about potential oversight. The EKBG's data was not considered in the planning process, and they never received a response to their inquiries. Furthermore, the design of the project includes a "public orchard," but there was no consultation with the community about its impact, particularly on local badger populations. Concerns are also raised about the proposed site compound's location in the valley and its potential disturbance to badgers. Additionally, the Applicant's plans for security fencing around the	<p>Within section 3.3, 5.2, 5.3.3 and 6.4 of the <b>Outline LEMP (Doc Ref. 7.10(A))</b> <a href="#">[REP1-048]</a>, it sets out the measures to avoid impact on badgers and management principles for the lifespan of the Project. The <b>Design Principles (Doc Ref. 7.5(A))</b> <a href="#">[REP1-042]</a> secure the use of mammal gates within the security fencing to ensure mammal movements are not restricted.</p> <p>The proposed orchard was included in illustrative designs shared with the community during both the Autumn 2022 and Summer 2023 Statutory Consultations. The Applicant had due regard to responses received.</p> <p>The proposed biodiversity enhancements are considered appropriate to mitigate the effects of the Project and are secured through Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>. This provides that the Project must not commence until a biodiversity design strategy (to include the requirement to deliver the stated biodiversity net gain levels above) has been submitted to and approved by the local planning authority (ABC), such approval to be in consultation with KCC and the relevant statutory nature conservation body (Natural England). It also provides that no phase of the Project may commence until a LEMP covering that phase has been submitted to and approved by the</p>

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	solar panels could obstruct badger access to foraging areas, further affecting local wildlife.	local planning authority. The LEMP must be in accordance with the <b>Outline LEMP (Doc Ref. 7.10(A))</b> <a href="#">[REP1-048]</a> , the approved biodiversity design strategy and the <b>Design Principles (Doc Ref. 7.5(A))</b> <a href="#">[REP1-042]</a> .
	In short, there is insufficient justification for the Outlier being included within this proposal at all. The harms that it will cause during construction and throughout its operational life far outweigh the benefit that stands to be generated.	
7.6	The decision to use the public highway will take the disruption closer to residential and business premises here than any other part of the scheme. The narrow Goldwell lane will be used by large articulated vehicles, HGVs, and farm traffic, with additional disturbances during cable laying. This will cause severe traffic congestion, impacting properties and businesses in the area. The Applicant has not adequately engaged with local residents or explored alternative routes, leading to disproportionate disruption for a small part of the project that contributes minimally to the overall output.	<p>The Goldwell Lane access relates to an existing field access point on land which the Applicant has privately contracted and limits the need for further vegetation clearance.</p> <p>The only Project vehicles that will use Goldwell Lane will be tractor-trailer vehicles, in line with existing use of this road, and which will be escorted to help navigate the bend to the north.</p> <p>The use of Goldwell Lane for temporary construction access and the works to lay the cable in Goldwell Lane are not expected to give rise to significant environmental effects and the Applicant therefore does not consider that alternative routes, particularly routes involving third party land, are necessary or proportionate.</p>



#### 4.4 Buglife - The Invertebrate Conservation Trust

**Table 4-3: Buglife: The Invertebrate Conservation Trust**

WR Para Ref.	Summary Position	Applicant Response
<p>Buglife - The Invertebrate Conservation Trust WR <a href="#">[REP1-116]</a></p>		
<p><i>Aquatic invertebrates</i></p>		
	<p>Concerns that mitigation measures are not being implemented to safeguard populations of aquatic invertebrates from the effects of polarised light from solar panels. Since submitting our relevant representation, we are not aware that any further information has been provided on the mitigation proposals and therefore nothing has changed to allay our concerns of the impact of the scheme on aquatic invertebrates.</p> <p>To summarise our concerns, the location of the proposals is within a landscape of wetland features, both within the site and in close proximity. This includes the East Stour River, running through the northern section of the site, which alongside the adjacent fen habitat was identified in the Invertebrate Survey Report (ES Volume 4, Appendix 9.5b: Invertebrate Survey Report (Doc Ref. 5.4)) as the richest area for invertebrate diversity on the site.</p> <p>The Environmental Statement identifies the issue of polarised light from solar panels attracting aquatic invertebrates which then often lay their</p>	<p>Please refer to Table 4-4 in Section 4.3 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> for the Applicant's responses on the layout and approach to biodiversity and Table 3-3 in Section 3.4 regarding the impacts on aquatic invertebrates.</p>

WR Para Ref.	Summary Position	Applicant Response
Buglife - The Invertebrate Conservation Trust WR <a href="#">[REP1-116]</a>		
	<p>eggs on the panels, resulting in a failed breeding attempt. This impact is not being addressed at all in the mitigation proposals. Buglife remains unclear if the mitigation has not been deemed necessary due to the results of the invertebrate surveys which indicated a low abundance of mayflies at the time of the survey. Mayflies are just one of the invertebrate groups that the scientific studies have indicated are attracted to polarised light. Buglife reiterates that the invertebrate surveys undertaken are just a snapshot in time of the invertebrate communities present and that these communities could change over time, particularly as the scheme aims to enhance the wetland features on the site during the lifespan of the project.</p> <p>The mitigation measures needed involve a slight modification to panel design before installation that does not affect electricity generation and is low cost. The measures include a pattern of roughened or painted glass or a horizontal light blocking grid on the panels to reduce their attractiveness to aquatic invertebrates. For a solar park of this scale and in proximity to many wetland habitats, there is the real potential for aquatic invertebrate populations to be adversely impacted. Buglife would like to strongly recommend that to avoid adverse impacts to aquatic invertebrates, appropriate solar panel mitigation should and must be implemented if the scheme was to gain</p>	

WR Para Ref.	Summary Position	Applicant Response
Buglife - The Invertebrate Conservation Trust WR <a href="#">[REP1-116]</a>	consent. For no mitigation to be offered at all, given the site's location, is extremely worrying and counter-productive to the measures put forward to enhance biodiversity	

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

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

WR Para Ref.	Summary Position	Applicant Response
Cllr Clair Bell (Kent County Councillor for Ashford Rural East) WR <a href="#">[REP1-121]</a>		
<i>BESS</i>		
	It is well documented that large-scale battery systems located close to residential dwellings present significant risks, including fire hazards. Noise is also a concern.	<p>The Applicant has addressed the approach to BESS in Table 4-2 in Section 4.3 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>.</p> <p>The Applicant notes that Ashford Borough Council considers that the potential for operational fire risk associated with the BESS is considered to be particularly relevant and notes ABC's position that the Project will have a neutral impact in relation to major accidents and disasters.</p>
<i>Biodiversity</i>		
	The development involves loss of agricultural land and risks damaging ecologically sensitive areas, threatening wildlife habitats and disrupting natural systems like soil quality and water flow	The Applicant has addressed the approach to loss of agricultural land and biodiversity in Tables 4-1 in Section 4.2 and 4-3 in Section 4.4 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> .
<i>Landscape and Visual Effects</i>		
	The rural character of the area, including the iconic Aldington Ridge, would undergo significant changes due to the size of the solar installation. Potential mitigation efforts, such as planting trees for better screening or lowering panel heights,	The Applicant has addressed the approach to landscape and visual effects 4-9 in Section 4.10 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> .

WR Para Ref.	Summary Position	Applicant Response
<b>Cllr Clair Bell (Kent County Councillor for Ashford Rural East) WR <a href="#">[REP1-121]</a></b>		
	might help but are unlikely to fully maintain the views that local residents value.	
<b>PRoW</b>		
	This project would disrupt numerous public rights of way (PROWs), including historic paths, which reduces both their recreational appeal and cultural significance.	The Applicant has addressed the approach to PRoW in Table 4-13 in Section 4.14 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> .
<b>Traffic and Access</b>		
	The construction phase will result in increased traffic volumes, creating safety hazards on narrow rural roads which are unsuitable in particular for HGVs. The Smeeth crossroads is a notorious accident blackspot. The impact on Goldwell Lane will be considerable. The traffic management plan does not adequately address these concerns. The minibus suggestion is not practical.	<p>The Applicant has responded to the concerns with traffic safety and disruptions in Table 4-15 in Section 4.16 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>.</p> <p>The Applicant notes the concerns raised relating to the junction of Smeeth Crossroads. Paragraph 1.4.63 of <b>Written Summary of Oral Submissions at Issue Specific Hearing 2 and Response to Action Points (Doc Ref. 8.5.5)</b> <a href="#">[REP1-075]</a> confirms that the Applicant's traffic assessment has considered collision data from a 6 year period, from 1 April 2017 to 1 March 2023. No fatal accidents happened during the period, and there had been an average of 1.16 collisions per year given traffic use.</p> <p>The Applicant has reached agreement with KCC in the <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b>, which confirmed that the Project would be unlikely to cause crash accidents at Smeeth Crossroads junction (Church Lane), as it states:</p> <p><i>"The daily vehicle movements, HGV movements being outside the peak traffic hours and the fact that the traffic impact is only for a temporary 12-</i></p>

WR Para Ref.	Summary Position	Applicant Response
Cllr Clair Bell (Kent County Councillor for Ashford Rural East) WR	<a href="#">[REP1-121]</a>	
		<i>month period, it is not considered that the resulting uplift in traffic would significantly worsen the crash record in this location."</i>
<i>Cultural Heritage</i>		
	Heritage and archaeological concerns – as articulated by Historic England	The Applicant has reached agreement on all matters with Historic England, which is set out in the <b>Statement of Common Ground with Historic England (Doc Ref. 8.3.3(A))</b> .
<i>Policy Compliance</i>		
	<p>ABC's Policy ENV10 clearly states that solar developments must not significantly harm landscapes, natural or heritage assets, generate unacceptable traffic levels, negatively impact residential amenities, or fail to restore the site after use.</p> <p>This proposal falls short of these requirements. The development would become an overwhelming and intrusive feature, detracting from the village's character and compromising the area's natural beauty (referencing National Policy Statement Para 2.51.2). The proposed 40-year operational lifespan is incompatible with guidelines set out in both ABC and the National Policy Statement EN-3, which recommend a maximum lifespan of 25 years due to the limited durability of photovoltaic panels. Furthermore, ABC's guidance for large-scale solar PV arrays emphasizes the need to preserve</p>	<p>Policy ENV10 relates to planning applications rather than development consent applications for NSIPs and the tests within it are considered to be in conflict with the policy set out in NPS EN-3. In accordance with paragraph 4.1.15 of NPS EN-1 where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project.</p> <p>As set out in the <b>Planning Statement (Doc Ref. 7.6) [APP-151]</b> in paragraph 6.11.15 '<i>Whilst some limited significant adverse effects have been identified, these are considered to be limited for a Project of this nature. NPS EN-1 recognises that virtually all NSIPs will have adverse impacts on the landscape. It is clear that the landscape strategy has sought to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate. Therefore, in consideration of the above, the Project is considered to be in accordance with NPS EN-1 and NPS EN-3</i>'.</p> <p>Paragraph 2.10.65 of NPS EN-3 states: "<i>Applicants should consider the design life of solar panel efficiency over time when determining the period for which consent is required. An upper limit of 40 years is typical, although</i></p>



WR Para Ref.	Summary Position	Applicant Response
Cllr Clair Bell (Kent County Councillor for Ashford Rural East) WR <a href="#">[REP1-121]</a>	<p>agricultural use and promote biodiversity on greenfield sites. A minimum 5-meter gap between arrays is required to support biodiversity. The application neglects this standard, contravening both ABC guidance and National Policy Statement (Para 2.50.10). There is also a claim that ABC and National Planning Policy Framework (NPPF) policies may not directly influence the Planning Inspectorate's (PINS) decisions. This assertion could discourage public participation. However, the Planning Act 2008, along with NPPF and ABC policies, remains crucial and relevant in the decision-making process.</p> <p>Conclusion: The proposal is incompatible with both national and local planning policies. When combined with other issues—such as its environmental, visual, and operational failings—the location is clearly unsuitable for development, and the application should be rejected.</p>	<p><i>applicants may seek consent without a time-period or for differing time-periods of operation”.</i></p> <p>The 40 year time limit is therefore wholly consistent with the NPS.</p> <p>In relation to Renewable Energy Planning Guidance Notes for large scale Solar PV arrays<sup>5</sup>, this was published in 2013 and relates to solar schemes above 50kW, or 0.05MW. The Project is an NSIP, meaning that it has a generating capacity of more than 50MW (50,000KW). The Ashford Borough Council Renewable Energy Planning Guidance relates to small scale solar projects and is therefore not considered to be relevant to the Project.</p> <p>The Project includes a range of ecological enhancement measures that will result in a BNG of at least 100% for habitat units and at least 10% for hedgerow and river units.</p> <p>The Ashford Local Plan relates to planning applications rather than development consent applications for NSIPs and the tests within it are considered to be in conflict with the policy set out in NPS EN-3. In accordance with paragraph 4.1.15 of NPS EN-1 where there is a conflict between a Local Plan and an NPS, then the NPS prevails for the purpose of SoS decision making given the national significance of the Project.</p>

## 4.6 Councillor Linda Harman

**Table 4-5: Cllr Linda Harman**

WR Para Ref.	Summary Position	Applicant Response
Cllr Linda Harman WR <a href="#">[REP1-120]</a>		
<i>Site and Context</i>		
	<p>Cumulatively, the East Stour Solar application from EDF (currently at Appeal), the Welsh Power Grid Stability Plant, the Pivot Power Battery Storage and this application have the potential to dominate the northern, east and west sides of the village and bring disruption and increased, noise, traffic and air pollution that will last many years as well as increased crime and risks of fire. Cumulatively they are impossible to avoid as they affect both entrance/exit routes to and from the village from the A20 which should be considered alongside NPS EN-1 – Para 4.4.5 “The impacts of more than one development may affect people simultaneously so the applicant should consider the cumulative impact on health in the ES where appropriate” and Para 4.4.2 “The direct impacts on health may include; increased traffic, air or water pollution, dust, odour, hazardous waste and substances, noise, exposure to radiation and increases in pests”.</p>	<p>An assessment of cumulative effects of the Project with other developments has been undertaken as part of the EIA process. The approach to the cumulative assessment is set out in Section 6.9 of <b>ES Volume 2, Chapter 6: EIA Methodology (Doc Ref. 5.2(A))</b> <a href="#">[REP1-020]</a>. As confirmed in paragraphs 6.9.12 and 6.9.13 ABC and KCC were issued the long list of ‘other developments’ and then confirmed in March 2024 they had no comments on the cumulative list other than observations on project status.</p>
	<p>During the lengthy pre-submission period, I took part in every meeting opportunity with EPL01, the</p>	<p>The design process and basis of design decisions taken are described in section 5.8 of <b>ES Volume 2, Chapter 5: Alternatives and Design</b></p>

WR Para Ref.	Summary Position	Applicant Response
Cllr Linda Harman WR <a href="#">[REP1-120]</a>	<p>applicant for Stonestreet Green Solar. At no time was the discussion ever weighted in favour of listening to the impacted community. Many of the points raised in this Written Representation have been previously raised in public meetings though some have come from study of the draft DCO. The shockingly vague terminology of the DCO is clearly couched to ensure that, if consent is given, whoever builds this solar generation site out, will have plenty of scope to design their preferred option within the sweeping powers conveyed. Article 7 of the draft DCO Consent to transfer benefit of the Order ensures the applicant can do this. Whoever that business is, they will not have engaged with the community. As residents must live with the inconvenience, reduced amenity and multiple impacts on their quality of life that will come from the industrialisation of this highly visible rural site, it is vital that the DCO terminology is tightened and that within the document it is conditioned the developer is required to engage with the community should the benefits of this DCO be transferred. NPS EN-1 para 4.1.16 says; "The SOS should only impose requirements in relation to development consent that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other aspects." It is</p>	<p><b>Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> and the <b>Design Approach Document (Doc Ref. 7.4)</b> <a href="#">[APP-149]</a>.</p> <p>At an early stage the Applicant established an overall design vision to enable the Project to come forward and set out the objectives provided in the section 5.3 of the <b>Design Approach Document (Doc Ref. 7.4)</b> <a href="#">[APP-149]</a> and summarised in Section 6.4 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a>. The Project has been subject to a detailed and sensitive iterative design process. This has taken account of the context and features of the land within the Order limits, nearby sensitive receptors and assets, information from environmental surveys, feedback from stakeholders, and opportunities and constraints in order to develop a good design that balances the need to maximise the energy generation capacity of the Project, with the avoidance and mitigation of effects, and provision of environmental and other enhancements, where practicable.</p> <p>In the event that another entity undertakes the role of the undertaker for the DCO it will be required to deliver the Project with adherence to the controls and commitments established for the Project through the DCO.</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr Linda Harman WR <a href="#">[REP1-120]</a>	<p>reasonable and enforceable that our community should expect this DCO to cover this aspect.</p> <p>...Most of the site is in close proximity to residential areas that include a primary school and an assisted living facility for older people, both of which are sensitive receptor sites. NPS EN-1 5.2.7 says “Projects near a sensitive receptor site for air quality should only be proposed in exceptional circumstances if no viable alternative site is available.”</p>	
<i>Alternatives and Design Evolution</i>		
	<p>In the APP-023 Environmental Statement Doc 5.1 the applicant sets out The Alternatives and Design Evolution in Chapter 5. It includes in para 5.3 the implications of a ‘Do nothing’ alternative but omits to show or explore any alternative land parcels that could achieve the same energy generation and benefit from the same network connectivity.</p>	<p>Section 5.8 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> sets out the evolution of the Project design, and <b>ES Volume 3, Figures 5.1 – 5.4 (Doc Ref. 5.4)</b> <a href="#">[APP-046]</a> demonstrate the alterations made to the Project in response to engagement and Statutory Consultation feedback. The <b>Consultation Report (Doc Ref. 6.1)</b> <a href="#">[APP-126]</a> demonstrates the regard had to consultation feedback and whether this resulted in changes to the Project.</p> <p>Section 5.6 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a> also sets out how the site selection process for the Site was undertaken.</p> <p>As set out in the <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1)</b> <a href="#">[REP1-062]</a>, the consideration of alternative sites has been agreed. ABC agree with the conclusions of the both the Sequential and Exception Test.</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr Linda Harman WR <a href="#">[REP1-120]</a>	<p>Given that the applicant will be granted Powers of Land Acquisition, a better design option for this application would have included land to the north of the M20 or between the M20 and the railway, thus being accessible directly from the A20 or at least reducing use of Station Road, impacting Aldington, Marsham and Smeeth residents less, remove the need to take cable connections under the High Speed rail link, Aldington Reservoir or the East Stour River and create significantly less visual harm.</p>	<p>Assuming the land is as previously proposed by Cllr Harman this would not be sufficient to deliver the Project Requirements.</p> <p>Please see response above for further detail on site selection.</p>

### *Design Principles*

<p>If the draft DCO is allowed as proposed, the community and even the LPA will have little scope for requesting good design retrospectively. ....para 4.7.5....Design principles should be established from the outset.” The only ‘design principal on display in this application appears to be to maximise the number of solar arrays and follow a ‘dispersed model’ for placement of the BESS infrastructure that is necessary to maximise the export capacity. The later adds to many of the negative impacts of the proposal. Parameters need to be put in place to support good design going forward. For example, statements are made about biodiversity net gain being in excess of 100% - when BNG is dependent on the gaps between</p>	<p>The Applicant has prepared a <b>Design Approach Document (Doc Ref. 7.4)</b> <a href="#">[APP-149]</a> that in section 6 explains the design evolution of the Project and how it has changed in response to consultee feedback and change in response to sensitive receptors. This seeks to ensure that the Project has taken appropriate regard to good design, as set out in NPS EN-1 and the NPS EN-3.</p> <p>Design objectives and Preliminary Design Principles were included in the 2023 Statutory Consultation and were then updated and revised having regard to consultation feedback. The <b>Design Principles (Doc Ref. 7.5(A))</b> <a href="#">[REP1-042]</a> will be used to inform the detailed design stage. Compliance with the <b>Design Principles (Doc Ref. 7.5(A))</b> <a href="#">[REP1-042]</a> is secured by Requirement 4 in Schedule 2 of the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p>
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WR Para Ref.	Summary Position	Applicant Response
Cllr Linda Harman WR <a href="#">[REP1-120]</a>		
	rows of panels that are not yet decided. Areas for biodiversity enrichment are placed only in where, for technical reasons, solar arrays cannot go.	<p>The Applicant is proposing extensive biodiversity and landscape mitigation proposals as set out in Section 3.11 of <b>ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2(A))</b> <a href="#">[REP1-018]</a>.</p> <p>Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> secures the Project's commitment to a BNG of at least 100% BNG for habitat units and at least 10% for hedgerow and river units. The Project cannot commence until a biodiversity design strategy (to include the requirement to deliver the stated biodiversity net gain levels above) is approved by the local planning authority, such approval to be in consultation with KCC and the relevant statutory nature conservation body (Natural England). It also provides that no phase of the Project may commence until a LEMP covering that phase has been submitted to and approved by the local planning authority.</p>
<i>Lighting</i>		
	<p>On the subject of lighting, the applicant states Design Principles (Doc ref 7.5) and in the Environmental Statement that <i>'no part of the Project will be continuously lit ( with the exception of the Sellindge Substation Extension)... lighting only at Inverter Stations, Intermediate Substations and the Project Substation.'</i> The location is within a designated Dark Skies area, as prescribed by the LPA and the Aldington &amp; Bonnington Neighbourhood Plan. Though limited to <i>'emergency and overnight maintenance'</i>, the structures proposed in this application will incorporate a multitude of lit indicators that</p>	<p>Section 4.11 of the <b>Outline CEMP (Doc Ref. 7.8(A))</b> <a href="#">[REP1-044]</a> sets out the control measures that will be in place for the use of lighting during the construction phase which are in line with good practice to avoid light pollution effects. Construction phase lighting will be agreed with the local planning authority as part of the detailed CEMP(s) (production and approval of which is secured through Requirement 6 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>).</p> <p>The <b>Design Principles (Doc Ref. 7.5(A))</b> <a href="#">[REP1-042]</a> state that operational lighting will be limited to emergency and overnight maintenance purposes only at Inverter Stations, Intermediate Substations and the Project Substation. Any lighting will be directed within the Order limits and will</p>



WR Para Ref.	Summary Position	Applicant Response
Cllr Linda Harman WR <a href="#">[REP1-120]</a>	<p>cumulatively will impact the currently completely dark landscape. This can be seen already at the UKPN substation situated within Field 25. This once small structure has already extended to twice its original footprint and what was previously an insignificant structure now has significant presence, emits a low humming noise and is clearly visible at night as shown in the photographs above.</p>	<p>include features designed to reduce light spill beyond the areas required to be lit. As such, light pollution effects are not predicted.</p>
<i>Traffic and Access</i>		
<p>The principal entrance to Aldington is via Station Road from the A20, the main village being closer to Station Road than Church Lane and as the result of ongoing construction works at the A20 end of Church Lane. From working on the Aldington &amp; Bonnington Neighbourhood Plan, we know that most Aldington residents do not work locally and, due to lack of public transport options, travel by car to places of work or education. Should this application be consented residents will thus be forced to manoeuvre past vehicle crossings and the proposed principal site entrance daily, potentially several times a day.</p>	<p>The access proposals for the Project have been developed in consultation with KCC as the Local Highway Authority and National Highways, both of whom agree that the construction route is appropriate for the Project.</p> <p>The <b>Outline CTMP (Doc Ref. 7.9(B))</b> sets out the measures that will be used during the construction phase to mitigate construction phase traffic effects and mitigate temporary disruption effects on road users, the local community and environment. It includes a commitment to avoid HGV deliveries during the weekday AM and PM peak hours so that they do not coincide with the busiest peak periods on the local highway network.</p>	
<p>The swept analysis conducted by the applicant certainly depends upon HGV vehicles being in exactly the right position in the road in-order to not</p>	<p>The <b>Outline CTMP (Doc Ref. 7.9(B))</b> includes measures to ensure the management of construction traffic within the vicinity of the Order limits along the local and strategic highway network networks during the construction</p>	

WR Para Ref.	Summary Position	Applicant Response
Cllr Linda Harman WR <a href="#">[REP1-120]</a>	affect other traffic. The applicant does not appear to have taken account of farm traffic nor accommodated seasonal peaks such as occur at harvest time in this area. The use of the word 'tractor' as being used for haulage during construction is a cynical twist to convey local relevance, given that the front part of an HGV vehicle is also referred to as a 'tractor'.	<p>period of the Project, in order to minimise any potential disruptions and implications on the wider transport network, as well as for the existing road users. It explains that the Principal Contractor will engage with local residents, businesses, schools, rambler groups and KCC prior to commencement and during key stages of the construction period advising on the works involved, duration of development and necessary contact information.</p> <p>Production and approval of the CTMP(s), in accordance with the <b>Outline CTMP (Doc Ref. 7.9(B))</b> is secured through Requirement 7 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p>
	The primary site access is a regular crash site...Should this DCO be approved, the applicant should be required to fund improvements to the road junction to improve user safety.	<p>The Primary Site Access is not a regular crash site.</p> <p>The <b>Outline CTMP (Doc Ref. 7.9(B))</b> secures a number of measures to manage the use of the Primary Site Access, including delivery management, vegetation trimming, temporary signage and use of a banksman. The <b>Outline CTMP (Doc Ref. 7.9(B))</b> secures a number of measures to manage the use of the Primary Site Access, including delivery management, vegetation trimming, temporary signage and use of a banksman.</p> <p><b>ES Volume 4, Appendix 13.7: Access Drawings (Doc Ref. 5.4) <a href="#">[APP-113]</a></b> includes swept path analysis that demonstrates HGVs can safely turn left in and right out of the Primary Site Access.</p>
	The draft DCO gives the applicant sweeping powers over the roads that form the primary village access. Article 17 (1) states "the undertaker may at any time for the purposes of, or in connection with, the construction or decommissioning of the	<p>As explained in paragraph 4.7.1 of the <b>Explanatory Memorandum (Doc Ref. 3.3(C))</b>, the powers in Article 17 of the <b>Draft DCO (Doc Ref. 3.1(C))</b> <i>"are required to safely regulate traffic during the construction or decommissioning of the Project"</i>. Article 17(5) states:</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr Linda Harman WR <a href="#">[REP1-120]</a>	<p>authorised development, temporarily place traffic signs and signals....” Despite the requirements for notice periods to statutory undertakers, these sweeping powers will create significant inconvenience on a road that residents must use every day. There is no reference to working with the Parish Council. Other applicants have shown good working relationships with the local community. In the case of this applicant this should be prescribed within the DCO because there is no history of willingness to work collaboratively, and the actual contractor responsibility is unclear</p>	<p><i>"The undertaker must not exercise the powers in paragraphs (1) or (2) unless it has—</i></p> <p><i>(a) given not less than 4 weeks’ notice in writing of its intention so to do to the chief officer of police and to the traffic authority in whose area the road is situated; and</i></p> <p><i>(b) not less than 7 days before the provision is to take effect published the undertaker’s intention to make the provision in one or more newspaper circulating in the area in which any road to which the provision relates is situated."</i></p> <p>The power to temporarily place traffic signs and signals has precedence in a number of made solar DCOs, including The Longfield Solar Farm Order 2023 and The Cottam Solar Project Order 2024.</p>
	<p>It is proposed to route cables along Goldwell Lane into Fields 20, 21 &amp; 22. This rural lane is crucial to all local vehicles, cyclists and pedestrians in, or passing through, the village. The traffic consultant, speaking on behalf of the applicant, stated in ISH2 that construction and maintenance traffic would utilise ‘a small part’ of Goldwell Lane. In fact, as proposed almost the entire length of Goldwell Lane is within the Order limits. In consultations and in Community Liaison Panel meetings the nature of Goldwell Lane, its importance to the village and the possibility of different access and connections were requested but dismissed by the applicant ( CLP Minutes 13.6.23).</p>	<p>During construction, Goldwell Lane would only be affected for a period of approximately 5 months. The Applicant has considered the likely traffic generation from the Project and undertaken an assessment of the effects of construction phase traffic. The construction traffic effects of the Project have been assessed and set out in section 13.9 and 13.10 of <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(C))</b>. This concludes that the residual effect of the Project is <i>negligible or minor adverse</i>.</p> <p>Management measures to address impacts on Goldwell Lane during construction are identified within the <b>Outline CTMP (Doc Ref. 7.9(B))</b>.</p> <p>Production and approval of the final CTMP(s), in accordance with the <b>Outline CTMP (Doc Ref. 7.9(B))</b>, is secured through Requirement 7 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p> <p>The use of Goldwell Lane for temporary construction access and the works to lay the cable in Goldwell Lane are not expected to give rise to significant</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr Linda Harman WR <a href="#">[REP1-120]</a>		environmental effects and the Applicant therefore does not consider that alternative routes, particularly routes involving third party land, are necessary or proportionate.
	<p>The applicant repeatedly stated that 'local roads are unaffected' and names Roman Road and Calleywell Lane, omitting the impact on Goldwell Lane or Bank Road. The relationship and use of Goldwell Lane has therefore not given sufficient consideration. The impact of this proposal on local roads, which includes Goldwell Lane and Bank Road, is specifically required for the former through <b>NPS EN-3 para 2.10.80</b> "<i>Applicants should consider earthworks associated with.....cable trenching.</i>"</p>	<p>From the outset the Applicant has confirmed that construction traffic will not travel through the centre of Aldington village and has included the Internal Haulage Road to minimise the impacts on the local highway network.</p> <p>The use of Goldwell Lane for temporary construction access and the works to lay the cable in Goldwell Lane are not expected to give rise to significant environmental effects.</p>
	<p>Fields 20, 21, 22 are proposed to be accessed via a field gateway adjacent to Public Right of Way (PRoW) AE474. This PRoW is the single most important footpath in the parish of Aldington as it connects the historic Grade 1 listed church of St. Martins in the Church Lane Conservation Area with the core village and services. It has been used for hundreds of years and continues to be so today by many residents and by the local primary school to attend church services at important times of the year. Fields 20,21 and 22 are disconnected from the main site. The Order limits have been drawn along Goldwell Lane however, at an earlier design stage, access to these could have been designed</p>	<p>The Goldwell Lane access relates to an existing field access point on land which the Applicant has privately contracted and limits the need for further vegetation clearance.</p> <p>Please also refer to the Applicant's written submissions relating to the Goldwell Lane access in paragraphs 1.5.8, 1.5.24, 1.5.27 1.5.28 and 1.5.55 of the <b>Written Summary of Oral Submissions from Issue Specific Hearing 2 and Responses to Action Points (Doc Ref. 8.5.5)</b> <a href="#">[REP1-075]</a>.</p> <p>The Applicant notes in particular response 1.5.27 which confirms that up to 8 two-way peak hour construction trips, inclusive of 2 heavy vehicles are forecast which is the equivalent of one trip every 7.5 minutes and that the impacted section of AE 474 is around 170m which, at a leisurely pace, would</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr Linda Harman WR <a href="#">[REP1-120]</a>	<p>to be more aligned to the field crossed by PRoW AE475. This could reduce the proximity to the core village, reduce disruption to Goldwell Lane as well as leave PRoW AE474 undisturbed.</p> <p>The applicant has failed to consider best access to these outlying fields, the proximity to the residential and potential residential properties (given that the this section of the site runs behind an allocated residential development site in the Ashford Local Plan 2030).</p> <p>Construction traffic will share a section of PRoW AE474. This will churn the surface and almost certainly make to footpath unusable by pedestrians during wet weather. Mitigation measures, such as scheduling deliveries to minimize impact, will not be effective, as working hours are daytime, which is when the PRoW is most likely to be used. A buffer zone is proposed but no detail supplied. The best mitigation would be to create a different access point. According to NPS EN-3, para 2.10.42, applicants are encouraged to design projects to ensure continued recreational use of PRoWs where possible during construction and operation. Failure to explore other options and to take regard for the importance of PRoW AE474 in connecting St. Martin's Church and the Church Lane Conservation Area to the core Aldington village is a reason to refuse this application.</p>	<p>take around one minute to walk such that the scope for conflict is very limited.</p> <p>As set out in Section 6.2 of the <b>Outline CTMP (Doc Ref. 7.9(B))</b>, signage and banksmen will be in place at the Goldwell Lane access as will a buffer to provide separation between construction traffic and users of AE 474. Just 1 round tractor-trailer trip will be made per hour during the construction period. A temporary 5mph speed limit will also be in place for Project vehicles at the Primary Site Access, internal haulage road crossing points with PRoWs and along the shared section with AE474 at the Goldwell Lane access.</p> <p>The purpose of the <b>Outline CTMP (Doc Ref. 7.9(B))</b> submitted as part of the Application is to set out the measures that will be used during the construction phase to mitigate construction phase traffic effects and mitigate temporary disruption effects on road users, the local community and environment. 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, in consultation with the relevant highway authority, as secured through Requirement 7 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr Linda Harman WR <a href="#">[REP1-120]</a>		
<p>The Outline Construction Management Plan APP-154 Doc ref 7.9 Para 4.2.1 table 4.2 references a peak 199 workers coming to the site through use of a minibus. There is no detail of how the workers will be picked up to be brought to the site or from where they will travel....There is no evidence provided that ensures that the minibus service proposed will be utilised by workers, nor any description by the applicant regarding how it will be enforced that arrival is by this means.</p>	<p>The impact of the construction worker trips is forecast, using robust worst-case assumptions, to vary between the average figure of 30 one-way trips to 44 one-way trips. It is important to note that majority, but not all, will arrive at Site before 8am and after 6pm which avoids the network peak hours. The modal split for worker arrivals states that 75% of workers would arrive/depart site by minibuses. The Applicant is also committed to timing deliveries, where possible, to avoid the highway network peak hours including school departure times, as secured in the <b>Outline CTMP (Doc Ref. 7.9(B))</b>. 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 in consultation with the relevant highway authority, as secured through Requirement 7 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p> <p>The Outline CTMP (Doc Ref. 7.9(B)) has been agreed by both KCC and National Highways as confirmed in the Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A)) and Statement of Common Ground with National Highways (Doc Ref. 8.3.6(A)).</p>	
<i>Visual Impact</i>		
<p>Fields 10-19 and 23-25 will be visible to all residents every time they drive into the village as the topography makes it impossible hide. This means that the number of potential 'receptors' is everyone in Aldington. The visual harm is increased by the multiple BESS infrastructures that are spread across the whole area. Up to 4m high these structures are bigger than a bungalow.</p>	<p>Refer to Section 4.10, Table 4-9 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>.</p>	



WR Para Ref.	Summary Position	Applicant Response
Cllr Linda Harman WR <a href="#">[REP1-120]</a>		
<i>Noise</i>		
	Noise Mitigation (for battery storage, inverters and transformer) round them as specified in NPS EN-1, aims to shield residents from noise generated continuously by these structures, but will add to the visual harm.	<p>The <b>Design Principles (Doc Ref. 7.5(A))</b> <a href="#">[REP1-042]</a> secure acoustic barriers at all Inverter Station locations.</p> <p><b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a> assesses the visual impact of the Project as a whole, including the impact of acoustic barriers.</p>
<i>Fencing</i>		
	The whole area is proposed to be fenced with industrial metal fencing which will scar the landscape and in this location be highly visible. NPS EN-3 para 2.10.132 “Applicants should aim to minimise the use and height of security fencing. Where possible...utilise existing features, such as hedges or landscaping...”	This is not accurate. As set out in the <b>Design Principles (Doc Ref. 7.5(A))</b> <a href="#">[REP1-042]</a> : <i>“The PV panels will be set within security fencing comprising deer-proof fencing (wooden posts, metal fencing) with a maximum height of 2.5m AGL”.</i>
	To assist with screening, the landowner has for the last few years allowed hedgerows to grow much taller than they previously were, and the applicant makes much of the lack of visibility of the scheme from within the village confines. This fails to acknowledge the landscape character of Aldington Ridge, where the most important views are the long views both outwards from the ridge or up to it from the East Stour valley. It is not possible to mitigate for the visual harm that will occur from the	<p>The Applicant assumes the landowner manages existing hedgerows to promote biodiversity.</p> <p>Please refer to section 8.4 paragraph 8.4.26 onwards in <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a> where the visual impact of the Project and the proposed mitigation measures are set out.</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr Linda Harman WR <a href="#">[REP1-120]</a>		
	<p>majority of this proposal. . Additionally, the increased height of the hedgerows creates a "green tunnel," where once neatly trimmed hedges provided field boundaries and views across open fields.</p>	
<i>Biodiversity</i>		
	<p>Eutrophication can affect plant growth and functioning... damaging biodiversity. In aquatic ecosystems it can cause changes to algal composition and lead to algal bloom. As the emerging impacts of renewable energy infrastructure become better understood, more weight may be given to effects such as eutrophication. In addition to the air pollution considerations, the change to rainwater runoff into the East Stour Valley that will be created by covering large areas of land with the ground mounted solar panels should also be considered.</p>	<p>There is no evidence that the Project will increase levels of eutrophication in relation to the East Stour River and that the Applicant notes that neither the EA or KCC (biodiversity) has raised any concerns regarding this.</p> <p>In respect of run-off rates, the <b>Outline OSWDS (Doc Ref. 7.14(A))</b> <a href="#">[REP1-054]</a> includes measures to ensure that post development runoff rates will not exceed the existing greenfield runoff rates entering the East Stour River, and thus have negligible impact on flood risk. It considers the implications of local geological characteristic and provides drainage for the PV Arrays to prevent rapid channelisation during extreme rainfall.</p> <p><b>ES Volume 4, Appendix 10.3: Water Framework Directive Assessment (Doc Ref. 5.4(A))</b> <a href="#">[AS-013]</a> ('WFD Assessment') has been prepared which considers chemical and biological risks to the East Stour River from the Project. The WFD Assessment has been accepted by the Environment Agency and they are in agreement that the Project would not adversely affect the chemical or biological quality of the water body. The Project will also remove land from intensive arable use over a 40-year period. There will therefore likely be a net reduction in nutrient loading from the current agricultural land use which involves the application of agro-chemicals, including fertilisers.</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr Linda Harman WR <a href="#">[REP1-120]</a>		
<i>Water Flows and Emissions</i>		
<p>The sloping site, especially in the central area with solar arrays, will drain into the East Stour River, which feeds into the Stodmarsh Lakes. While the development itself will not contribute to nutrient pollution impacting this National Nature Reserve, altered water flows and emissions may well do so.</p>	<p>As set out in the <b>Information to Inform Habitats Regulations Assessment (Doc Ref. 7.19(A))</b> <a href="#">[REP1-058]</a>, the Applicant has committed to ensure that all flows from welfare facilities will be collected and tankered from the Site for treatment and disposal at a suitably licenced facility outwith the Stour catchment. This is adopted as a precautionary approach to avoid any nutrient effects upon the Stodmarsh site complex. This commitment is secured via the <b>Outline CEMP (Doc Ref. 7.8(A))</b> <a href="#">[REP1-044]</a>, <b>Outline OMP (Doc Ref. 7.11(A))</b> <a href="#">[REP1-050]</a>, and <b>Outline DEMP (Doc Ref. 7.12)</b> <a href="#">[APP-157]</a> for construction, operational and decommissioning respectively.</p> <p>The potential water quality (nutrient) effect on Stodmarsh SAC/SPA/Ramsar site was taken forward to Stage 2: appropriate assessment and, with the commitments secured via the <b>Outline CEMP (Doc Ref. 7.8(A))</b> <a href="#">[REP1-044]</a>, <b>Outline OMP (Doc Ref. 7.11(A))</b> <a href="#">[REP1-050]</a> and <b>Outline DEMP (Doc Ref. 7.12)</b> <a href="#">[APP-157]</a> for construction, operational phase and decommissioning respectively, was found to not have an adverse effect on the integrity of the Stodmarsh SAC/SPA/Ramsar site, alone or in combination with other plans or projects.</p> <p><b>ES Volume 4, Appendix 9.6: Biodiversity Air Quality Screening Report (Doc Ref. 5.4(A))</b> <a href="#">[REP1-030]</a> also explains that because of the small volumes of generated traffic, there would be no significant effects for European sites alongside any of the identified construction routes, even if the SRN was included in the assessment.</p>	

*Flooding*

WR Para Ref.	Summary Position	Applicant Response
Cllr Linda Harman WR <a href="#">[REP1-120]</a>	<p>The introduction of large areas of metal and glass on sloping land could change rainfall absorption and increase local flooding. Field 23 is waterlogged for most of the winter and is unsuitable for solar generation infrastructure. Its value to the 'urgent and critical' need prescribed by climate change and the UK's contribution to it should be to be designated for nature recovery. This field is valued by migratory and ground nesting birds and has huge BNG potential. The introduction of hard, flat surfaces where there was once ploughed land, will change the way water collects and potential increase or speed up localised flooding during our increasingly wet winters. This will require thoughtful mitigation that must be incorporated into the design.</p>	<p>Section 4 of the <b>Outline OSWDS (Doc Ref. 7.14(A))</b> <a href="#">[REP1-054]</a> sets out principles and an outline design for managing storm water on the Site in line with best practice and the requirements of KCC, the LLFA for the area. The PV panels are not expected to adversely impact runoff rates on the Site.</p> <p>In relation to the suitability of Field 23 for energy generation, Field 23 is located within Flood Zone 3, but the design flood depth is below 0.8m, being the lowest height of the PV panels. A site-specific flood risk assessment ('FRA') is provided at <b>ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A))</b> <a href="#">[REP1-036]</a> <a href="#">[REP1-037]</a> and <a href="#">[REP1-038]</a>. The FRA confirms that the Project will be safe from flood risk and will be able to operate without significant damage even during severe flood conditions. It also confirms that the Project will not detrimentally affect flood risk elsewhere but instead will result in a small net benefit on flood risk through the increases in the flood storage capacity available on Site.</p> <p>The Applicant has provided its assessment of the Project in line with both the Sequential Test and the Exception Test in <b>Planning Statement, Appendix 2: Sequential and Exception Test Report (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a>. This concludes that there is no reasonable alternative site with a lower probability of flooding and that the benefits of the Project outweigh flood risk. The <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1)</b> <a href="#">[REP1-062]</a>, Table reference 2-5 confirms that ABC agrees with the conclusions of the both the Sequential and Exception Test. The <b>Statement of Common Ground with the Environment Agency (Doc Ref. 8.3.2(A))</b> confirms that the Environment Agency agrees that the Application passes the Sequential and Exception Test.</p>

## 4.7 Councillor Paul Bartlett

**Table 4-6: Cllr Paul Bartlett**

WR Para Ref.	Summary Position	Applicant Response
Cllr. Paul Bartlett <a href="#">[REP1-135]</a>	<p>The applicant said (at their public meeting on 8th November 2022) that the PINS Inspector, in issuing the SDO, will not be bound by ABC or NPPF policies. I think this is designed to reduce public confidence and to put residents off commenting. I expect PINS will consider both NPPF and ABC policies, alongside the Planning Act 2008 for infrastructure. Where appropriate I have included reference to National Policy Statement for Renewable Energy Infrastructure (EN-3).</p> <p>Developers are expected to consider the criteria for good design set out in EN-1 Section 4.6 in developing projects. This provides support for my reasons for refusal as the scheme is currently presented.</p> <p>Reasons for refusal are highlighted. In summary too much of the development is sited on the high ground of Aldington Ridge; in addition it is partly located on best and most valuable farmland, areas of archaeological significance and has a considerable impact on biodiversity rich area.</p>	<p>Section 6 of the <b>Planning Statement (Doc Ref 7.6)</b> <a href="#">[APP-151]</a> provides a detailed assessment of the Project against the policies in the NPSs which have effect in relation to the Application and other policies that are considered important and relevant to the Secretary of State's decision on whether to grant the DCO. Appendix 1 (Policy Compliance Checklist) of the <b>Planning Statement (Doc Ref 7.6)</b> <a href="#">[APP-151]</a> sets out an analysis of compliance with the NPS policies of EN-1, EN-3 and EN-5 as well as the NPPF and local policies. In accordance with paragraph 4.1.15 of NPS EN-1 where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project.</p> <p>NPS EN-1 recognises that all proposed energy infrastructure of this scale is likely to result in some adverse effects on the landscape. The Project has been designed and evolved to avoid and mitigate environmental impacts as far as possible as set out in section 5.2 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a>. The <b>Design Approach Document (Doc Ref. 7.4)</b> <a href="#">[APP-149]</a> further explains the design evolution of the Project, highlighting the adjustments in response to consultee feedback and to sensitive receptors. Therefore, the Project aligns with the good design principles as set out in NPSs. The conclusion is set out within the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> at paragraph 7.3.8 is that:</p>

### *Policy Compliance*

WR Para Ref.	Summary Position	Applicant Response
Cllr. Paul Bartlett [ <a href="#">REP1-135</a> ]	<p>LPA Planning Guidance</p> <p>ABC Policy ENV10 allows solar development:</p> <ul style="list-style-type: none"> <li>▪ That does not result in significant adverse impact on the landscape, natural assets or heritage assets.</li> <li>▪ That does not generate unacceptable level of traffic.</li> <li>▪ That does not cause a loss of amenity (visual impact, noise, disturbance and odour) to nearby residents.</li> <li>▪ That provides for the site to be restored to its previous use.</li> <li>▪ Where the applicant provides for effective engagement with the local community</li> </ul>	<p><i>'The national and local benefits of the Project are considered to outweigh the localised effects. Therefore, it is policy compliant with NPS EN1'.</i></p>
	<p>The development, if consented, has an operational lifespan of 40 years which is a long period of servicing equipment and vegetation management. ABC guidance specifies a maximum period of only 25 years so the 40 year term is not acceptable so this application should be turned down on this basis. This view is strongly supported by National Policy Statement at Para 2.49.12. This section puts a limit of 25 years. This means that ABC guidance is supported by National Policy Statement, and this is driven (in part) by the fact</p>	<p>Neither NPS EN-1 or EN-3 have a paragraph 2.49.12.</p> <p>Requirement 2 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> provides that the Project must cease generating electricity on a commercial basis no later than the 40th anniversary of the date on which electricity is first exported from the Project to the national grid commercially.</p> <p>The Project is compliant with NPS EN-3. Paragraph 3.10.56 states:</p> <p><i>'Applicants should consider the design life of solar panel efficiency over time when determining the period for which consent is required. An upper limit of 40 years is typical, although applicants may seek consent without a time-period or for differing time-periods of operation.'</i></p>



WR Para Ref.	Summary Position	Applicant Response
Cllr. Paul Bartlett [ <a href="#">REP1-135</a> ]		
	<p>that PV panels have a design life of between 25 and 30 years.</p>	
	<p>ABC published Renewable Energy Planning Guidance Notes for large scale Solar PV arrays (those &gt; 50kW) which recommends:</p> <p>If built on greenfield land, guidance requires continued agricultural use and encourages biodiversity improvement around arrays. The recommended gap between arrays is 5 metres, illustrated as follows.</p> <p>This application does not provide for the required gap between the solar panels to support biodiversity and so should be turned down. This ABC guidance is supported by National Policy Statement at Para 2.50.10 which required developers to extend existing habitats and create new habitats (specifically by installing new cultivated strips or plots for rate arable plants). This can only be achieved with the 5m buffer strip between solar arrays.</p>	<p>It is important to note that the ABC Planning Guidance was published in 2013 and refers to solar developments exceeding 50 kW. Such policy is not applicable to the Project, which is an NSIP generating station with a total capacity exceeding 50 MW (50,000 kW).</p> <p>NPS EN-1, EN-3 and EN-5 are the only relevant policies to be considered.</p>
	<p>Large PV array applications should ensure heritage assets are conserved in a manner appropriate to their significance, including views important to their setting. A large scale solar farm within the setting of heritage assets may cause substantial harm to the significance of the asset. This application is for a large scale development,</p>	<p>Please refer to Table 4-4 in Section 4.5 and Table 4-9 in Section 4.10 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [<a href="#">REP1-061</a>].</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr. Paul Bartlett [ <a href="#">REP1-135</a> ]	<p>disproportionate to the size of Aldington. It is also close to the North Downs ANOB. I would therefore argue refusal because the development will become a significant or defining characteristic of the village and North Downs ANOB. Guidance says that large scale PV should avoid landscapes designated for their natural beauty. A wider zone of visual influence should have been considered by the applicant and this is required under National Policy Statement at Para 2.51.2.</p>	
	<p>LPAs should take into account the economic and other benefits of the best and most versatile agricultural land (defined as land including grade 3a) and will therefore be a significant issue. The following issues need to be addressed when grade 3a is in point: The fact that a significant element of the development is on grade 3a is a reason for refusal; the developer argues that the lack of brownfield and suitable agricultural land is a reason for the application to be approved. Their point is unreasonable; the lack of suitable land does not mean that development can be brought forward on unsuitable land.</p> <ul style="list-style-type: none"> <li>▪ A management regime should be prepared by an ecological consultant</li> <li>▪ Any application should specify the location of designated and undesignated heritage assets</li> </ul>	<p>Please refer to Table 4-1 in Section 4.2 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [<a href="#">REP1-061</a>].</p>

WR Para Ref.	Summary Position	Applicant Response
<p>Cllr. Paul Bartlett [<a href="#">REP1-135</a>]</p>		
	<p>affected by the development</p> <p>The view of ABC that development is preferable outside the Best and Most Valuable land is supported in National Policy Statement at Para 2.48.13.</p>	
<p><i>Agricultural Land and Soils</i></p>		
	<p>Agricultural Land Classification of the development is 18.23% Subgrade 3a and 75.09% Subgrade 3b. 1% is grade 2.</p> <p>Draft NPS EN-3 says that the preference is for solar development on brownfield and non-agricultural land and should avoid the use of Best and Most Versatile Land which includes Subgrade 3a. NPS precludes developments such as this coming forward because this development is partly on Best and Most Valuable land.</p> <p>ABC local plan seeks to monitor the loss of Grades 1 &amp; 2 to major residential development and requires that solar development should not have an adverse effect on natural assets. I would argue that the loss of Subgrade 3a agricultural land represents an adverse impact on natural assets. This means that ABC Policy ENV10 precludes this development because it is partly on Best and Most Valuable Land.</p>	<p>Please refer to the response to Aldington and Bonnington Parish Council Written Representation 72 - 73 above.</p> <p>Natural England confirms in the <b>Statement of Common Ground with Natural England (Doc Ref. 8.3.7(A))</b> that the overall impacts from the Project to BMV agricultural land are limited.</p> <p>NPS EN-3 does not preclude developments coming forward on Best and Most Versatile Land as it is claimed. Paragraph 2.10.29 states that <i>“land type should not be a predominant factor in determining the suitability of the site location..”</i> and paragraph 2.10.30 explicitly states that <i>“the development of ground mounted solar arrays is not prohibited on Best and Most Versatile agricultural land...”</i>.</p> <p>Within this context the loss of this BMV within the local area is not considered to have a material impact on the overall supply of BMV land in Ashford Borough.</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr. Paul Bartlett [ <a href="#">REP1-135</a> ]	<p>The applicant suggests (erroneously) that because most of Ashford Borough is Best and Most Valuable Land, any solar development of a similar size in Ashford would result in a loss of Best and Most Valuable Land. They say because it is not possible to find an area in the Borough that does not include Best and Most Valuable Land, solar development on Best and Most Valuable land for solar must be permitted in Ashford. This is unacceptable.</p> <p>The Applicant has not sought to avoid the use of Best and Most Valuable land. Their reference that refers to Grade 3a land as “potentially Best and Most Versatile Land” is incorrect as NPS unambiguously defines Grade 3a as Best and Most Valuable Land.</p>	
	<p>The physical supports for the PV units go 3m into the soil. Over 40 years this would result in leaching into the soil which would damage its viability to resume agricultural activity. Any loss of viability to Best and Most Versatile land would be highly significant. Because the frames will be driven 3m into the ground they will be noisy and produce vibration - both of which can affect badgers in nearby sets. The wider ecological landscape should be taken into account.</p>	<p>As stated above and at paragraphs 6.8.13 and 6.8.14 of the <b>Planning Statement (Doc Ref. 7.6)</b> [<a href="#">APP-151</a>], the temporary loss of land as a result of the Project represents 0.12% of all BMV land in Ashford Borough. In this context, any material impact to the BMV land at local scale is insignificant and therefore would not have a material impact on the viability of agricultural activity.</p> <p>There is no evidence to suggest that there would be any potential significant effect arising from installing PV arrays on soil, or land quality. At the end of the solar farm’s operational period, given the simple construction/ decommissioning techniques associated with solar farms, the infrastructure can be easily removed and agricultural activities recommenced.</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr. Paul Bartlett [ <a href="#">REP1-135</a> ]		An assessment of noise effects from the construction and operation stages of the Project is reported in Section 14.7 of <b>ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)</b> [ <a href="#">APP-038</a> ]. This assessment concludes that effects would not be significant. Therefore, impact of noise and vibration on the wider ecological landscape is not identified.
	<p>The PV panels are 0.8m above the ground and it is proposed that this would allow grass to grow and sheep to graze and so agricultural use will continue. The average height of a sheep is 120cm so I wonder if this statement by the applicant is correct, grass growth would not be sufficient to maintain livestock throughout the year and for that reason there will be an adverse impact on soil quality. ABC guidance requires the height to be 900mm above ground level. This condition is not met and so is a reason for refusal. Were this application to be approved, I would ask for a planning obligation that 95% of the land will remain in agricultural use is required (not just “available for” agricultural use). An annual report should be prepared by the applicant confirming stocking rates month by month.</p>	<p>As set out in the <b>Design Principles (Doc Ref. 7.5(A))</b> [<a href="#">REP1-042</a>], the PV panels will have a maximum height of 3.5m Above Ground Level (‘AGL’) and will be mounted with a minimum clearance of 0.8m AGL.</p> <p>The Applicant notes that grazing under PV arrays is possible and has committed to making the land available for grazing purposes to assist with the management of the Site. The <b>Outline LEMP (Doc Ref. 7.10(A))</b> [<a href="#">REP1-048</a>] provides details of the seeding, management and remedial measures for achieving Good condition in Section 4 and includes the flexibility for an option of grazing, mowing or both. This commitment is set out in Table 7.1 of the <b>Outline LEMP (Doc Ref. 7.10(A))</b> [<a href="#">REP1-048</a>], which is secured through Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p>
	<p>The size of the development and the limited time allowed for the installation of just 12 months suggests a very intense period of construction so the dust and noise will exist during construction. The proximity of CTRL and M20 (both sources of dust) means that the cumulative effect of dust must</p>	<p>An assessment of noise effects from the construction of the Project is reported in Section 14.7 of <b>ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)</b> [<a href="#">APP-038</a>]. This assessment concludes that effects would not be significant.</p> <p>The <b>Outline CEMP (Doc Ref. 7.8(A))</b> [<a href="#">REP1-044</a>] sets out the control measures for air quality control and soil management that would be in place</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr. Paul Bartlett [ <a href="#">REP1-135</a> ]	be taken into account. These aspects point to an adverse impact on natural assets (being air quality).	<p>during the construction phase. Section 5 of the <b>Outline CEMP (Doc Ref. 7.8(A))</b> [<a href="#">REP1-044</a>] provides an Outline Air Quality and Dust Management Plan ('AQDMP'). It sets out general provisions and specific mitigation measures to reduce potential impacts on local air quality and dust from construction activities. This Outline AQDMP secures measures in line with the Institute of Air Quality Management ('IAQM') 'Assessment of dust from demolition and construction' guidance.</p> <p>Production, approval and implementation of the detailed CEMP(s), in accordance with the <b>Outline CEMP (Doc Ref.7.8(A))</b> [<a href="#">REP1-044</a>], is secured through Requirement 6 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p>
<b>BESS</b>	Put simply these battery units are similar, but on a much larger scale, to those used in mobile phones. They store energy collected from the photovoltaic units ready to be sold at a time when there is demand from the national grid. The battery units proposed to be used are at risk of "thermal runaway"; they are phosphate and are at risk of explosion and producing toxic fumes covering an area of up to 250m, in addition to fire risk.	<p>The <b>OBSMP (Doc Ref. 7.16)</b> [<a href="#">APP-161</a>] explains how the BESS will be safely managed across the Site in accordance with NFCC Guidance, and also details the engagement to date with Kent FRS (section 3.1).</p> <p>Section 16.7 of <b>ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2)</b> [<a href="#">APP-040</a>] assesses the risk of major accidents or disasters as a result of the Project. The assessment concludes that, given the proposed mitigation and best practice measures proposed, and the low risk of an event occurring for this type of development, no significant effects are likely. The Applicant notes that ABC considers that the potential for operational fire risk associated with the BESS is considered to be particularly relevant and notes ABC's position that the Project will have a neutral impact in relation to major accidents and disasters.</p> <p>Requirement 5 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> provides that prior to the commencement of the BESS, a detailed Battery Safety Management Plan ('BSMP') must be submitted to and approved by the local</p>



WR Para Ref.	Summary Position	Applicant Response
Cllr. Paul Bartlett [ <a href="#">REP1-135</a> ]		planning authority in consultation with Kent FRS. The BSMP must either accord with the OBSMP or detail such changes as the undertaker considers are required and must be implemented as approved.
	<p>The road infrastructure is not designed to provide access to large industrial developments such as Stonestreet Solar by Kent Fire and Rescue Service. There is <b>no acknowledgement in the DCO that each of the batteries are independent</b>; a potential problem for Kent Fire and Rescue Service who has only a fraction of the number of fire units needed if several of the batteries combust at the same time. There should be two access routes to each battery and routes to get a fire unit to any of the batteries is extremely tortuous and creates a red flag for safety issues.</p> <p>Battery fires cannot be put out and the only current advice is to prevent the fire from spreading as the fire needs to be allowed to burn out. A lot of water is needed to do this and the <b>DCO only provides for the standard amount of water in each tank which is not sufficient.</b></p>	<p>The Applicant has consulted Kent FRS on the proposed layout, fire access and firefighting arrangements. Table 2.1 of the <b>Outline BSMP (Doc Ref. 7.16) [<a href="#">APP-161</a>]</b> provides details of the design and fire prevention measures proposed, and confirms that the water supply and fire access route comply with the NFCC Guidance.</p>
<i>Cultural Heritage</i>		
	<p>Glint and Glare has yet to be assessed for local residents and from vantage points on PROWs including within the North Downs AONB. Long distance views of the site from the Kent Downs</p>	<p>The potential effects from glint and glare have been assessed and are presented in <b>ES Volume 4, Appendix 16.2: Solar Photovoltaic Glint and Glare Study (Doc Ref. 5.4) [<a href="#">APP-123</a>]</b>. It concludes that there is no potential</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr. Paul Bartlett [ <a href="#">REP1-135</a> ]		
	<p>ridgeline mean that the panels will be visible. There is potential for adverse glint and glare on nearby residential properties including heritage assets.</p>	<p>for significant effects as a result of glint and glare due to existing screening, proposed landscaping, and intervening terrain.</p>
	<p>There are 77 listed properties near the application site and although there is no list of non-designated heritage assets maintained by ABC, no proper investigation appears to have been carried out on the Mersham Conservation Area, Aldington Ridge and Colliers Hill footpath where there will be a loss of amenity.</p>	<p>The identification of heritage assets which may be sensitive to the Project as presented within <b>ES Volume 4, Appendix 7.2: Heritage Statement</b> [<a href="#">APP-072</a>] follows a systematic approach following Historic England guidance on setting with assets considered in terms of their significance and what their significance derives from their setting (inclusive of the land within the Site) and then ‘scoped out’ of requiring detailed assessment for various reasons where no change would result or where changes within their setting would not affect their significance. A Gazetteer of both designated and non-designated heritage assets has been included within the ES with proportionate assessments of significance / summary of significance provided and reasoning / explanation as to whether further assessment is to be undertaken or not, provided. As ABC does not hold a local list of buildings of special historic or architectural interest, built assets included within this assessment were discussed with ABC’s Conservation Officer and identified through a review of HER data and available conservation area appraisals /management plans and reflect the ZTV (refer to <b>ES Volume 3, Figure 8.1: Zone of Theoretical Visibility (Doc Ref. 5.3)</b> [<a href="#">APP-049</a>]).</p> <p>Impacts of the Project on visual receptors travelling on the PRoW network are assessed in <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref 5.2(A))</b> [<a href="#">AS-012</a>] and <b>ES Volume 4, Appendix 8.9: Visual Effects Table (Doc Ref. 5.4)</b> [<a href="#">APP-081</a>]. The scope of the assessment includes Mersham Conservation Area, Aldington Ridge LCA, and Collier’s Hill.</p> <p>In the assessment of sensitivity, receptors travelling on the PRoW network have been generally assessed as having medium sensitivity, increasing to</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr. Paul Bartlett [ <a href="#">REP1-135</a> ]		
		medium-high sensitivity in those locations where expansive views towards the North Downs are experienced. This is in line with the LVIA Methodology and GLVIA3.
<i>Biodiversity</i>		
	<p>This development should deliver an overall 20% improvement on the current baseline as set out in KCC's aspirations. This is over and above the 10% envisaged by the NPPF. The applicant claims there will be a 100% improvement in biodiversity from the development because the land currently in agricultural use which will be converted to solar is a biodiversity wasteland (which is not true) and that they will be planting additional hedges. This does not take account of disruption to existing wildlife on the proposed site or on adjacent fields.</p> <p>For the avoidance of doubt, National Policy Statement at Para 2.50.11 considers the previous land management of an application site only where it involves intensive agricultural practice. This is not the case here, so the biodiversity harm created by the existing use is not relevant here. In addition, Para 2.51.5 requires existing hedges and established vegetation to be retained which is not the case with the application as presented and is a reason for refusal.</p>	<p>The Applicant is proposing extensive biodiversity and landscape mitigation proposals as set out in <b>ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2(A))</b> [<a href="#">REP1-018</a>]. Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> secures the Project's commitment to a BNG of at least 100% for habitat units and at least 10% for hedgerow and river units. The Project cannot commence until a biodiversity design strategy (to include the requirement to deliver the stated biodiversity net gain levels above) is approved by the local planning authority, such approval to be in consultation with KCC and the relevant statutory nature conservation body (Natural England). It also provides that no phase of the Project may commence until a LEMP covering that phase has been submitted to and approved by the local planning authority.</p> <p>The Project includes a limited amount of vegetation removal shown on the <b>Vegetation Removal Plan (Doc Ref. 2.8)</b> [<a href="#">APP-014</a>]. <b>ES Volume 4, Appendix 9.3: Arboricultural Impact Assessment (Doc Ref. 5.4(A))</b> [<a href="#">AS-017</a>] concludes at paragraph 5.1.13:</p> <p><i>“Overall, the Project will have a low impact on the trees and hedgerows on the Site and it is likely that the change from agricultural activity will improve the growing conditions of many trees, including the adjacent ancient woodland and veteran/ ancient trees. The Project also includes significant additional tree and hedgerow planting which will mitigate the limited loss of trees and hedges on the Site.”</i></p>

WR Para Ref.	Summary Position	Applicant Response
Cllr. Paul Bartlett [ <a href="#">REP1-135</a> ]		<p>Hedgerow removals have been minimised throughout the iterative design process and are limited to that shown on the <b>Vegetation Removal Plan (Doc Ref. 2.8)</b> [<a href="#">APP-014</a>]. This approach complies with NPS EN-3 paragraph 3.10.91 and paragraph 3.10.92, that state:</p> <p><i>“The applicant should consider as part of the design, layout, construction, and future maintenance plans how to protect and retain, wherever possible, the growth of vegetation on site boundaries, as well as the growth of existing hedges, established vegetation, including mature trees within boundaries. Applicants should also consider opportunities for individual trees within the boundaries to grow on to maturity.</i></p> <p><i>The impact of the proposed development on established trees and hedges should be informed by a tree survey and arboricultural/hedge assessment as appropriate”</i></p>
	<p>Heritage and natural assets derive their significance from their presence and setting. The hedgerows on the development site provide landscape features that help to create and distinguish the local character and provide a strong sense of enclosure within the local landscape. These characteristics must be protected and there is so far insufficient evidence of such protection. ABC guidance requires buffer strips of 5m to provide for biodiversity, this condition is not met and so is a strong argument for refusal. Planting proposed to provide visual screening to sensitive heritage assets must be natural regeneration, not</p>	<p>Please note that the ABC Guidance is not relevant guidance for the Project.</p> <p>Please see the response above regarding hedgerows and landscape features.</p> <p>An assessment of the effects of the Project on biodiversity including habitats, protected and notable species is provided in Section 9.7 of <b>ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)</b> [<a href="#">APP-033</a>]. The mitigation measures are set out in section 3.1 of <b>ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2(A))</b> [<a href="#">REP1-018</a>] and are secured through Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p> <p>A network of Biodiversity Improvement Areas ('BIA's) distributed throughout the Site will be free of PV panels and while having to fulfil a range of enhancement and mitigation requirements will include extensive areas of diverse open grassland, specifically targeting skylark, yellowhammer and</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr. Paul Bartlett [ <a href="#">REP1-135</a> ]	<p>just planted trees. Examples of these two different approaches are shown below in Sevington:</p> <p>The one on the right has nightingales, barn owls, whitethroat and lots of lizards and slow worms; it is rich in actual demonstratable biodiversity and rare species. Removing valuable hedgerows must be kept to a minimum and any that are removed or altered should require clear and convincing justification. An annual maintenance plan is required to ensure that new planting gets properly established. It is stated that Backhouse Wood and the East Stour River will be robustly buffered so these comments apply here specifically. The East Stour River is a Habitat of Principal Importance. There is a risk of increased run off from what will become compacted exposed ground. This can cause erosion and pollution into the East Stour with resultant downstream flooding risk. Furthermore, some horizontal direction drilling will be required to cross the East Stour River.</p> <p>The applicant's plans should provide sufficient area for natural grassland habitat away from the PVs, which if grazed with cattle will bring huge benefits for biodiversity and ease of management going forwards (robust fencing will be needed to protect walkers from the cattle).</p> <p>It would be good if the biodiversity scheme was designed with specific local species in mind. Brown</p>	<p>brown hare among other species. These mitigation measures are set out in section 3.4 of the <b>Outline LEMP (Doc Ref. 7.10(A))</b> [<a href="#">REP1-048</a>].</p> <p>Details of biodiversity measures, including biodiversity improvement areas, bird crop strips and skylark mitigation are set out in in Table 3-6 of this Report.</p> <p>A minimum 6.4m spacing between panels and hedgerows outside of the security fence will be retained to prevent significant panel shading on hedgerows, as secured by the <b>Design Principles (Doc Ref. 7.5(A))</b> [<a href="#">REP1-042</a>], detailed in table relating to Work No.5.</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr. Paul Bartlett [ <a href="#">REP1-135</a> ]	<p>hare enjoy fallow or short grassy areas; can the scheme not facilitate some sort of targeted beneficial recovery scheme for brown hares? Skylarks could benefit too, if some wider spacing, open areas and corridors were provided within the panel footprint. The developer could put in some decent habitat and then have a proper bird hide installed as an asset for locals to watch wildlife, brown hares, birds etc. The area could be a destination on a walking route and a draw for a local pub.</p>	
<i>PRoW</i>	<p>Some sort of benefit for the people of Ashford and Folkestone in terms of access as well as biodiversity seems essential. Where the development creates biodiversity areas, it would be good if people can then enjoy them and experience it via a footpath etc. Can I suggest a circular route is created or at least some sort of sensible connection somewhere? All too often, the paths either lead out onto a road that you don't want to walk down, or you have to go back on yourself, which is just frankly boring, so it would be good if there was a circular route as a gain out of this proposal or perhaps some sensible links/new paths to create circular walks and connections to the current PROW system.</p>	<p>The Applicant recognises the potential for a short-term, temporary change in environmental amenity during construction and decommissioning activity, and longer-term changes in visual amenity experienced by users of the PRoW network during the operational phase.</p> <p>As set out in section 3.13.12 – 3.13.16 of <b>ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2(A))</b> [<a href="#">REP1-018</a>] and section 2.1 paragraphs 2.1.4, 2.1.5 and table 2-1 of the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> [<a href="#">REP1-056</a>], there are appropriate alternatives close by and the Applicant will be adding to the network with diversions and new paths that will ensure continued connectivity. Save in respect of those for which no alternative is to be provided (Part 3 of Schedule 8 of the <b>Draft DCO (Doc Ref. 3.1(C))</b>), no path will be closed without an alternative or replacement being opened first.</p> <p>New PRoWs are proposed within the BIA, which will provide enhancements. These are:</p>



WR Para Ref.	Summary Position	Applicant Response
Cllr. Paul Bartlett [ <a href="#">REP1-135</a> ]	<p>The proposed link to Mersham via a new bridleway needs to be led by the applicant through contact with the landowners (Church Commissioners for England) to negotiate access and not left to local authorities. Preserving and/or enhancing definitive rights of way should be part of the benefit package the scheme delivers in compensation for the impact it would cause. The applicant needs to recognise this responsibility.</p>	<ul style="list-style-type: none"> <li>▪ FN-2 - A new PRoW running from the existing AE 657 at the south of Field 28 / west of Backhouse Wood and New 3 / FN-3 at the East Stour River.</li> <li>▪ FN-3 - new PRoW running from the existing intersection of AE 657 and AE 457 at the East Stour River, and running alongside the river to meet the diverted AE 431 at the north east corner of Field 25. This would also remove the need to travel on road between AE376 and FNR-8.</li> </ul> <p>Table 2-1 of the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> [<a href="#">REP1-056</a>] has sought to ensure continued recreational use of the PRoWs during construction, operation and decommissioning of the Project. Therefore, in consideration of the above, the Project is considered to be in accordance with NPS EN-1 and NPS EN-3.</p>
	<p>Too many PROWs are at risk of being lost permanently by the scheme. Footpaths follow the historic desire lines and the diversion (and sometimes closure) results in additional distance, inconvenience and are less enjoyable due to the high 3m fencing. These historic paths are part of our heritage and many new people have moved into the area recently (with more to come) and it is essential that we give all residents the opportunity to enjoy the countryside.</p>	<p>Please refer to Table 4-13 in Section 4.14 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [<a href="#">REP1-061</a>].</p>
	<p>It is important that we use this as an opportunity to support the local tourism industry as there will be a significant effect on the socio-economic system locally. There will be a loss of local activity in the agri economy both from the loss of a poultry farm</p>	<p>Please refer to Table 4-14 in Section 4.15 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [<a href="#">REP1-061</a>].</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr. Paul Bartlett [ <a href="#">REP1-135</a> ]		
	<p>and a substantial arable acreage which will have a knock-on effect on local support businesses. Tourism is a significant driver in the area but people will not want to visit when the landscape changes unless proper mitigation and safeguards are provided.</p>	
<i>Traffic and Access</i>		
	<p>The proposed access route during construction via A20 / Station Road is unacceptable due to the crash history at that crossroads. A number of abnormal traffic movements can be expected and the speed of traffic movements at that junction can be problematic – and not just at rush hour. A more imaginative and safer arrangement for deliveries needs to be proposed.</p> <p>The developer says 80% of traffic will directly access the site from Station Road, 10% will use Goldwell Road and 10% will need to cross Station Road. There is a need to cross Bank Road. Access to the fields off Laws Lane would have to be either via Bank Road or through Bank Farm, neither of which is acceptable. Bank Road is a single track lane. It is in constant customer use, as well as being used by the various businesses located in the farm buildings and agricultural vehicles. The trenching of Goldwell Lane is unacceptable as is HGV traffic. It appears that</p>	<p>Please refer to Table 4-15 in Section 4.16 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [<a href="#">REP1-061</a>].</p> <p>Issues of traffic and access have been discussed and agreed with both KCC and National Highways, as is set out in the Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A)) and the Statement of Common Ground with National Highways (Doc Ref. 8.3.6(A)).</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr. Paul Bartlett [ <a href="#">REP1-135</a> ]	<p>access to this part of the site is proposed via the field entrance and is the single most important PRow in the village. The developer states 'no traffic impacts on the village' which suggest they only count Roman Road as 'The village' which is not the case. Goldwell Lane and Calleywell Lane are key to the community.</p> <p>National Policy Statement Para 2.54.7 requires the cumulative effect on the local road network to be considered by the highway authority to protect the residential amenity from multiple solar farm developments from impact of access routes. It goes on to say that applicants of various projects should work together. There is no evidence that this has been done so is a reason for refusal. The view of the highway authority can be taken into account by the Secretary of State (Para 2.54.9).</p>	
<i>Community Engagement</i>		
	<p>There is a lot of support for renewable energy in the UK but the key is making sure this is done in the most effective way and takes into account the views of local people. Villages around proposed solar farms aren't being offered any sort of benefit in terms of their own energy needs, so it's unsurprising there isn't a community buy-in. The applicant has failed to set out the benefits locally - including annual village funding - that it is prepared</p>	<p>Please refer to Table 4-14 in Section 4.15 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [<a href="#">REP1-061</a>].</p>

WR Para Ref.	Summary Position	Applicant Response
Cllr. Paul Bartlett [ <a href="#">REP1-135</a> ]	to offer the local community. A £40k annual sum has been mentioned but is insufficient when spread across 4 parishes and at least 2 primary schools.	Please refer to Table 4-6 in Section 4.7 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [ <a href="#">REP1-061</a> ].
	<p>An analysis of the whole supply chain is essential to properly understand the climate change impact. The supply chain for the panels needs to be assured (In 2019, China made 80 percent of the world's supply of solar panels). Buying Chinese solar panels to reduce emissions is like using gas to put out a fire. China is set to become Russia's top business partner in 2023 and will continue to increase its purchases of Russian oil &amp; gas, do we really want to support that? The developer said (8 November 2022) China using Slave Labour to build the panels will be "old news" in 3 to 4 years time as they are improving their record. This is plainly untrue. China represents a systemic challenge to our values and interests and the biggest state based threat to our economic security. We need to have a full understanding of the applicant's ESG credentials– and an understanding of the way in which Ashford can be legally assured that the entity that develops out the site, if approved, stands by the same credentials.</p> <p>John Pettigrew, the chief executive of National Grid, has said (Telegraph 2 November 2022) said they will "need to build about seven times as much</p>	

WR Para Ref.	Summary Position	Applicant Response
Cllr. Paul Bartlett [ <a href="#">REP1-135</a> ]	<p>infrastructure in the next seven or eight years than we built in the last 32" to meet the demand for electricity from electric vehicles, heat pumps and industrial electrification, and to enable new renewable energy projects to connect to the grid. Changes to regulation and planning laws would be needed. National Grid will need to work with local communities who should get the benefits when they're hosting this infrastructure. How confident are we that EP (and EDF for that matter) has any agreement to connect their solar farms to the National Grid?</p>	

## 4.8 CPRE Kent

**Table 4-7: CPRE Kent**

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>		
<i>Biodiversity</i>		
4.1 – 4.2	<p>With respect to biodiversity, while we have a number of concerns that we will expand upon in due course, our principle concern at this stage remains the impact on farmland birds and in particular skylarks. As highlighted by both the county council and Kent Wildlife Trust, the reduction of land where skylarks can breed cannot be ignored.</p> <p>The project threatens habitats for Red-listed farmland birds like yellowhammers (declined by 61% since 1967) and skylarks (declining since the 1970s). Insufficient details are given on lost territories, and proposed mitigation and compensation measures lack clarity. Little evidence supports skylark plots as effective compensation, especially with potential issues from livestock grazing and predator perches.</p>	<p>Refer to the sub-section ‘Skylark’ in Table 3-6 (Biodiversity) of this Report for the Applicant’s responses to the impact on skylark and the mitigation measures.</p>
4.3	<p>At this stage, however, CPRE Kent’s ecologist wishes to make the following observations regarding the surveys undertaken so far:</p>	<p>The efficacy of mitigation measures for protected species is evidenced by the acceptance of draft protected species licences in the forms of Letters of No Impediment (‘LONI’) by the Natural England wildlife licensing service. The</p>



WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>	<p>App. 9.5i: Hazel Dormouse Survey Report</p> <p>Lloyd Bore Ecology states that a minimum of 50 nest tubes, deployed at a density of one tube per 20m within suitable Dormouse habitat, should be deployed. Yet although initial effort was made to carry out this advice, so many survey tubes were rendered useless that, in fact, only a small percentage of the tubes were able to be surveyed in the end. We counted circa 801 missing inserts from 2020 to 2022. Although the report states that some were repaired or replaced, it fails to state how many and when.</p> <p>Furthermore, Lloyd Bore Ecology claims it is not necessary to survey the nest tubes monthly and that they could be checked bimonthly. Yet it failed to carry out its own advice by missing several months at a time, even missing virtually a whole season of surveying in one instance. In 2020, it missed August and September consecutively, and in 2021, it missed six months of surveying from April through to and including September.</p> <p>While Dormouse presence was established on-site, the robustness of the data supplied is weak and patchy at best. The survey could have provided valuable data on how widespread across the site Dormice are, which would in turn</p>	<p>Applicant is in receipt of LONIs for great crested newt, badger and hazel dormouse.</p> <p>Please refer to Table 3-6 in Section 3.7 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>.</p>

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>		
4.3	<p>supply important information on how they are utilising the site. Due to the issues within the report, all that has been established is that Dormice are present in some capacity, but it is unknown in what capacity.</p> <p>As Dormice are to be directly affected by the solar farm activities—during the construction phase and the operational phase from ALAN, human disturbance, dust, and habitat fragmentation—we feel that further Dormouse surveys should be conducted so we can fully understand how the site and its existing habitat is being utilised. Only then can any kind of meaningful mitigation be carried out.</p> <p>App. 9.5j: Hedgehog Survey Report</p> <p>While no Hedgehog field signs were recorded during the survey visits, we believe it is highly likely that Hedgehogs are present and actively using the site. During our site visit, we found extensive opportunities for foraging, resting, and shelter, as well as good connectivity to gardens and the wider landscape.</p> <p>Hedgehogs are notoriously difficult to survey, and it is often a matter of luck if any Hedgehogs or their signs are spotted, especially on an area that extends to 192 ha (474 acres). Lloyd Bore Ecology adopted ‘spotlighting’ as the preferred</p>	<p>Protected species surveys have been carried out over a number of years at the Site (2020 to 2024). A summary of protected species surveys undertaken used to inform the EIA is provided in Table 9.5 of <b>ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)</b> <a href="#">[APP-033]</a>.</p> <p>The requirement to undertake future surveys is secured by the <b>Outline LEMP (Doc Ref. 7.10(A))</b> <a href="#">[REP1-048]</a> and will be prepared as part of the detailed LEMPs submitted to discharge Requirement 8 (Landscape and biodiversity) of Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p>

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>	<p>method for surveying, along with looking for field signs. While this method can be effective, particularly if the Hedgehog is looking into the light, it has its limitations. It relies on the Hedgehog being active at night and works best in areas with short sward lengths. Therefore, it is not well-suited for tall ruderal vegetation or hedgerow buffer strips. It is not the most thorough or robust research method and should be used alongside other techniques, not in isolation. Hedgehogs tend to freeze if disturbed, and it is nearly impossible for surveyors to walk quietly enough to avoid this reaction. The British Hedgehog Preservation Society states that the encounter rate for this method is low, at less than one Hedgehog per hour in most habitats. They further note that this method must be applied "rigorously and consistently to provide reliable data."</p> <p>Furthermore, the British Hedgehog Preservation Society claims that using dazzling lights to detect a Schedule 6 species at night is technically illegal unless a licence is held.</p> <p>Other methods that have been used with some success and could have been employed in this instance, alongside spotlighting, include footprint tunnels, static camera traps, and thermal imaging.</p>	

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>	<p>One of the surveys carried out on 28th October 2020 was cut short due to an imminent bat activity survey on the same day. Would it not have been possible to choose an alternative day for the survey or carry out an additional survey on another day?</p> <p>All the surveys were carried out in late October. While this is within the survey window, it is late in the season. We recommend that at least four additional surveys be conducted earlier in the season using at least two of the survey methods mentioned above, and on nights not affected by other protected species surveys or activities.</p> <p>Hedgehogs are a near-threatened species and a Priority Species under the UK Post-2010 Biodiversity Framework IUCN Red List for British Mammals, classed as vulnerable to extinction. Therefore, we would like Hedgehogs to be considered within the lighting scheme, which we have yet to comment on. Artificial Light at Night (ALAN) can act as a barrier to Hedgehogs, which actively avoid lit areas. ALAN is likely to affect their feeding behavior and territory range.</p>	
4.3	<p>App. 9.5k: Riparian Mammal Survey Report</p> <p>Riparian mammals seem to have been surveyed as one group, yet Water Vole, Beaver,</p>	<p>Section 2 of <b>ES Volume 4, Appendix 9.5k: Riparian Mammal Survey (Doc Ref. 5.4)</b> <a href="#">[APP-090]</a> provides the methodology for the riparian mammal survey. This included a search for signs of water vole, otter and beaver.</p>

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>	<p>and Otter have different optimal survey times and can be surveyed year-round. For Otter and Beaver, it is easier to assess their presence when vegetation is at its lowest. For Otter, this is in autumn, late winter, and early spring; for Beaver, it is in winter and spring; and for Water Vole, the optimal survey period is from June to September. This could have yielded suboptimal results from the surveys.</p> <p>Furthermore, we would be cautious in assuming that Beaver is absent from the whole site, as it is riddled with waterways. Beavers are highly mobile creatures and may travel through the site or linger at any point in the future. Therefore, monitoring for Beaver should be ongoing.</p> <p>We agree with Lloyd Bore Ecology's view that further Otter surveys should be conducted prior to the commencement of construction. However, we would like to see a stand-alone Water Vole survey conducted during the optimal survey period, as we do not feel confident that the conclusion of likely absence of Water Vole has been reached using robust data from a thorough survey. The Water Vole Mitigation Handbook states:</p> <p>"Water voles can be found in areas that may be assessed as being very poor habitat."</p>	<p>The requirement to undertake future surveys is secured by the <b>Outline LEMP (Doc Ref. 7.10(A))</b> <a href="#">[REP1-048]</a>, in section 3.5.3 and will be prepared as part of the detailed LEMPs submitted to discharge Requirement 8 (Landscape and biodiversity) of Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p>

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>		
4.3	<p data-bbox="255 360 734 392">App. 9.5l: Bat Tree Survey Report</p> <p data-bbox="255 411 904 627">There are a number of trees at risk across the site that could potentially host bat roosts. We question whether it is absolutely necessary to fell these mature trees. We will provide further comments on the Arboricultural report in due course.</p> <p data-bbox="255 651 927 1010">Ground-level tree assessments are not an ideal method for determining the likely presence or absence of a bat roost. The best this type of survey can achieve is assessing the potential suitability for bat use. However, even then, bats—especially Pipistrelles, which weigh just 5g—can squeeze into the tiniest crevice, not visible to someone standing feet below. Therefore, discounting any tree carries some risk.</p> <p data-bbox="255 1034 936 1289">We agree with Lloyd Bore Ecology that surveys need to be repeated before any works commence. However, we disagree with the view that trees found to be of low suitability or with a likely absence of roosting bats should not be surveyed prior to the commencement of works, for the reasons stated above.</p> <p data-bbox="255 1313 936 1415">Bats are negatively affected by Artificial Light at Night (ALAN), which disrupts their feeding behavior and use of an area. Myotis species are</p>	<p data-bbox="969 360 2101 504">The Applicant is proposing extensive biodiversity and landscape mitigation proposals which have been developed by competent expert ecologists and are set out in section 3.8 of <b>ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2(A))</b> <a href="#">[REP1-018]</a>.</p> <p data-bbox="969 523 2101 1074">Section 3.4 of the <b>Outline LEMP (Doc Ref. 7.10(A))</b> <a href="#">[REP1-048]</a> includes a range of bat mitigation measures designed to avoid adverse impacts resulting from the Project. The proposed biodiversity and landscape enhancements are considered appropriate to mitigate the effects of the Project and are secured through Requirement 8 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>. This provides that the Project must not commence until a biodiversity design strategy (to include the requirement to deliver the stated biodiversity net gain levels above) has been submitted to and approved by the local planning authority, such approval to be in consultation with KCC and the relevant statutory nature conservation body (Natural England). It also provides that no phase of the Project may commence until a LEMP covering that phase has been submitted to and approved by the local planning authority. The LEMP must be in accordance with the <b>Outline LEMP (Doc Ref. 7.10(A))</b> <a href="#">[REP1-048]</a>, the approved biodiversity design strategy and the <b>Design Principles (Doc Ref. 7.5(A))</b> <a href="#">[REP1-042]</a>.</p>



WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>		
	<p>especially sensitive to light. Therefore, we recommend that artificial lighting be turned off when no one is on-site, during both the construction and operational phases.</p> <p>It would also be prudent to have an ecological clerk of works (ECoW) present during any site activities.</p>	
<i>Cultural Heritage</i>		
5.1 – 5.2	<p>As set out within our oral statement, we are concerned as to the potential adverse impacts on historic assets, including the Grade I-listed St Martin's Church and archaeological sites along Roman Road.</p> <p>Again, however, our principal concerns are with respect to fields numbers 20, 21, and 22. The reason is that there is a uniquely high density of designated assets in the Aldington Church area (ref fig 7.1A in the Wardell heritage report).</p> <p>The connection line following the road to connect field 23 and 20 would not only intrude directly on designated assets along Goldwell Road, but there is also the risk of harm to underground heritage assets (archaeology) for these connection lines. These harms are disproportionate to the generation benefits of including fields 20, 21, and 22.</p>	<p>Please refer to the sub-section '<i>Impacts on local heritage and archaeology</i>' in Table 4-1 of Section 4.2 of this Report for the Applicant's response to the concerns raised relating to Fields 20, 21 and 22.</p>

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>		
5.3	<p>The dismissive approach of the report suggesting that agriculture will have destroyed archaeology contradicts the fact that the ground-mounted frames will be pile-driven three meters into the ground—except when underground assets require concrete footings to be used instead. The inverter, battery storage, and water tank for fire-protection installations are also going to be substantial structures located across the fields (except where they have been specifically omitted: 9, 20, 21, and 22).</p> <p>These installations will be in a highly visually and heritage-sensitive area and will need to be in defined locations. They must be assessed for heritage setting, historic environment, and landscape impacts. The archaeological potential of the site requires much greater respect for the historic environment than is shown in these proposals. This needs to be dealt with by condition or as reserved matters, but only once the level of heritage risk and potential has been considered to the Examiner’s satisfaction at a hearing.</p> <p>KCC is the statutory heritage authority for Kent, after Historic England. In its letter of 12th September, it states:  <i>“The County Council considers that the</i></p>	<p>Please refer to the sub-section ‘<i>Impacts on local heritage and archaeology</i>’ in Table 4-1 of Section 4.2 and Table 3-5 (Cultural Heritage) in section 3 of this Report.</p>

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>		
	<p><i>Archaeological Management Strategy and archaeological mitigation are completely unacceptable as they are not suitably informed by a robust evidence base. Such scarcity of ground truthing evaluation trenches means that the 11 archaeological mitigation proposals are not evidence-based. Therefore, the County Council would draw to the attention of the applicant and the Examining Authority that if these matters are not dealt with either at Pre-Examination or Examination stages, the proposal is at risk of encountering significant archaeological remains post consent when details are agreed and there are few options to avoid or mitigate in a proportionate manner”.</i></p>	
5.4	<p>The principal concern that needs to be considered is that the absence of evidence based on desk-based research and a limited amount of trenching in a small area cannot be taken as evidence of the absence of important archaeology over the very substantial area that this energy installation would cover. The site would be impacted by three-meter pile-driven panel supports, concrete bases, platforms for the 30 inverters and BESS, emergency service access roads, etc.</p> <p>In a part of the country well known for early history burial grounds and Romano-British</p>	<p>Please refer to the sub-section ‘<i>Impacts on local heritage and archaeology</i>’ in Table 4-1 of Section 4.2 and Table 3-5 (Cultural Heritage) in section 3 of this Report.</p>

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>		
	<p>infrastructure and settlement, it would be contrary to the Energy NPS to ignore this potential. Treated positively and inclusively with the community, this could be a valuable discovery opportunity.</p>	
5.5	<p>We have also identified harm to the significance of the Church of St Martin, Aldington (Grade I: NHLE 1071208), a Saxo-Norman parish church listed on 10th August 1988. The church is set on a small hill with an architecturally exceptional medieval tower that acts as a landmark in the landscape. The open fields within the application site contribute positively to the significance of the church and add to historic value as the location of the church with its surrounding fields means it is at the heart of the agrarian community who built and worshipped there. This appreciation would be altered in a key view of the church from the west by the presence of solar panels. The fields (and footpath) also act as an important land buffer showing the historic separation between church and village and this landscape separation would be eroded to a small extent by the proposed Stone Street Solar development. The historic landscape and its appreciation from the footpath connecting the church and the village will be lost</p>	<p>Please refer to the sub-section '<i>Impacts on local heritage and archaeology</i>' in Table 4-1 of Section 4.2 and Table 3-5 (Cultural Heritage) in section 3 of this Report.</p>

WR Para Ref.	Summary Position	Applicant Response
<b>CPRE Kent WR</b> <a href="#">[REP1-081]</a>		
	for a generation in a disproportionate manner if the fields 20, 21 22 are retained in the proposal.	
<i>Landscape Impact and Visual</i>		
2.1 and 2.7	<p>It is our overarching concern that the current development, as proposed, would completely redefine the landscape and not just occupy it. To us, the current design efforts fall short of the “considerable effort” national policy expects in minimising visual impact on the landscape.</p> <p>Combined, NPS EN-1 and NPS EN-3 siting and project design are important factors in minimising adverse landscape and visual effects, and that such impacts should be considered carefully in pre-application by applicants, as well as directing considerable effort towards minimising the landscape and visual impact of solar PV arrays.</p>	<p>Please refer to Table 3-6 in Section 3.7 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>. Please also refer to the responses in the sub-section titled Landscape and Visual at reference LIR 8.5 to 8.6 in Table 2-2 in Section 2 of this Report for responses relating to how the landscape and visual impacts of the Project, and the mitigation measures proposed, are compliant with relevant policy.</p>
2.8 – 2.9	<p>At a local policy level, the Ashford Local Plan 2030 includes overarching policies related to design. Specifically, Policy SP6 (Promoting High-Quality Design) requires development proposals to exhibit a high standard of design, carefully considering and positively addressing various aspects such as local character, accessibility and adaptability. The policy also outlines the importance of demonstrating</p>	<p>As set out in Section 3.3 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a>, the policies within the ALP relate to planning applications rather than development consent applications for NSIPs and the tests within both are considered to be in conflict with the policy set out in NPS EN-3. In accordance with paragraph 4.1.15 of NPS EN-1 where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project.</p> <p>The ABNP was adopted by ABC on 18 October 2024. It was made part of ABC's Local Plan on 23 October 2024. The policies within the ABNP relate to planning</p>

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>		
	<p>compliance with design principles and guidance, including national standards. Additionally, Policy ENV3a (Landscape Character and Design) stipulates that all development proposals within the borough must appropriately consider landscape characteristics, with the level of detail proportionate to the site's landscape significance. Furthermore, Policy ENV10 requires that for renewable energy installations, <i>“the scale and design of renewable energy provision is compatible with the character and appearance of the area, having special regard to nationally recognised designations and their setting, such as AONB”</i>.</p> <p>Finally, Policy AB10 of the now-made Aldington and Bonnington neighbourhood development plan requires an application to demonstrate that any harm to the local environment will be minimised and, where necessary, mitigated.</p>	<p>applications rather than development consent applications for NSIPs and the tests within it are also considered to be in conflict with the policy set out in NPS EN-3.</p>
2.10	<p>The site lies within two National Character Areas (NCAs), the NCA 120: Wealden Greensand and NCA 121: Low Weald. The key characteristics include its <i>“overall undulating and organic landform”</i> and note that in the east of Kent it <i>“has a gentler and more open aspect than in the wooded west”</i>. It notes the <i>“fields are predominantly small or medium, in irregular patterns”</i> and <i>“agricultural land comprises a</i></p>	<p>The Applicant notes these comments.</p>



WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>		
2.11 – 2.15	<p><i>mosaic of mixed farming, with pasture and arable land set within a wooded framework</i>. The NCA also references <i>“the rural settlement pattern is a mixture of dispersed farmsteads, hamlets and some nucleated villages”</i>.</p> <p>At the more local level, Aldington Ridge, Old Romney Shoreline Wooded Farmlands and Upper Stour Valley Landscape Character Areas (LCA). The Aldington Ridge LCA in particular is recorded as being of high sensitivity, where there is need to conserve and restore the landscape. Its character assessment further highlights the need to avoid large-scale development along the visually prominent ridgeline while conserving the pastoral land use and to resist further agricultural intensification.</p> <p>In refusing the adjoining EDF proposal (planning application number 22/00668/AS), Ashford Borough Council (ABC) has rightly pointed to the undulating topography of the area and the significant adverse effects on landscape character and on visual amenity this smaller EDF proposal would have.</p> <p>A key concern raised by ABC in refusing the EDF scheme was the lack of assessment of cumulative effects, in particular with regard to the current project and a lack of evidence as to how the assessment has informed the design</p>	Please refer to the response relating to the assessment of landscape and visual impacts on the LCAs in the sub-section titled ‘Cumulative Effects’ in Table 2-2 in Section 2 of this Report.

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>	<p>process and mitigation. In particular, ABC took the view that the applicant was exaggerating the anticipated benefits of mitigation.</p> <p>Clearly, at over three times the size, the impact on the local landscape is going to be far greater for the current scheme; it would dominate and transform the local landscape, altering it beyond recognition to create a new landscape altogether. This goes beyond the applicant's current assessment of a development simply occupying a wider landscape.</p> <p>The introduction of built structures covering most of the site, along with large-scale energy infrastructure, would result in a clear loss of openness. This, combined with the regimented rows of solar panels, would alter the character of the traditional agricultural landscape, leading to a long-term urbanising effect that would harm the local landscape character. It is therefore our view that these impacts, both individually though especially cumulatively should the proposed EDF proposal also proceed, would be of much higher significance than that currently being suggested by the applicant within its assessment.</p>	
2.16 – 2.17	It is our view that this would be contrary to the expectation of the national policy statements set out above, that applicants (through good	This matter is raised in the ABC's WR paragraphs 7 to 11. Please refer to the sub-section titled ' <i>Site Selection</i> ' in Table 2-2 in Section 2 of this

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>		
	<p>design) should “<i>direct considerable effort towards minimising the landscape and visual impact of solar PV arrays</i>” with that “<i>considerable effort</i>” clearly applying to the analysis informing the design and the thought processes applied to the design of a scheme as a whole, ie design at a macro-level.</p> <p>That is, while a degree of landscape impact will clearly be inevitable, our particular concern is that the applicant is failing to consider the more granular variations in landscape character and associated value and susceptibility.</p>	<p>Report for the Applicant’s responses to the Project’s compliance with the relevant NPS tests regarding good design.</p> <p>The Applicant has actively engaged relevant parties regarding the LVIA and proposed mitigation, as set out in Table 1.1 of the <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1)</b> <a href="#">[REP1-062]</a>; and Section 2.9 of the <b>Statement of Common Ground with Natural England (Doc Ref. 8.3.7(A))</b>.</p>
2.18 – 2.21	<p>Nowhere is this more apparent than through the decision to continue to include fields 20, 21 and 22 (as shown on the illustrative masterplan). Distinct and separate from the rest of the development, the siting of solar panels on these fields unnecessarily fragments the development, though in doing so brings the impact of the development much closer to the main residential area of Aldington.</p> <p>From conversations that CPRE Kent has had with local members and other concerned residents, the impact from the development of these fields is causing a disproportionately greater level of concern than other elements of this proposal. This is surprising given that, by virtue of proximity to a residential area and</p>	<p>Please refer to Table 4-1 in Section 4.2 of this Report for the Applicant’s responses to ABPC’s WR paragraphs 30 to 32, which raised the same points regarding this area.</p> <p>As the Applicant explained in row 9 of Table 1-1 of the <b>Response to Additional Submission made at Procedural Deadline A (Doc Ref. 8.1)</b> <a href="#">[REP1-060]</a>, the overall footprint of the Site in terms of land take is consistent with paragraph 2.10.17 of NPS EN-3, which recognises that a solar farm requires around two to four acres per megawatt. A reduced scale, and therefore generating capacity, is not considered by the Applicant to be a reasonable alternative to the proposed design of the Project. This is because a smaller Project would not be capable of delivering the same generation capacity as the current proposals and would therefore not maximise its potential benefits in terms of renewable energy generation. This approach was recently endorsed in the Secretary of State’s decision letter for the Sunnica Energy Farm (dated 12 July 2024).</p>

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>		
	<p>connectivity to St Martin's Church, along with the wider PROW network, obviously development of these fields would have a disproportionately greater impact on local residents' day-to-day perception and enjoyment of their landscapes.</p> <p>That is, the impact on local communities and their enjoyment of the existing landscape is significantly greater due to this fragmentation of the development. This impact would be significantly less pronounced if the project were confined to a single area and the panels were removed from fields 20, 21 and 22.</p> <p>Likewise, we support ABC's calls to reduce the panels towards the Aldington Ridge, along with its calls to further fragment the main bulk of scheme so as to lessen its visual impact and avoid large-scale development along the visually prominent ridgeline.</p>	
2.22-2.25	<p>Unfortunately, we believe that such obvious design and mitigation options available to the applicant to reduce the landscape impact have not been taken because the developer wants to maximise the output and therefore profits generated by the project.</p> <p>This was confirmed at Issue Specific Hearing 1 part 1, where it stated that, despite the grid</p>	See response in the row immediately above.

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>		
	<p>connection agreement having set the export capacity output at 99.9MW, the project as currently designed anticipates an output of up to 144MW, though rising to “<i>around 165 megawatts</i>” once likely improvements in technology are accounted for.</p> <p>It is therefore our clear view that the project is being deliberately over-specked with a theoretical output far higher than the 99.9MW connection that the agreement in place necessitates. Consequently, there is ample opportunity for the applicant to make modest reductions to the vast swathes of panels proposed.</p> <p>The benefits such relatively minor amendments would have in reducing the landscape impact of the scheme would be significant.</p>	
<i>PRoW</i>		
3.1 – 3.2	<p>Paragraph 5.10.24 of NPS EN-1 states that rights of way and other rights of access to land are important recreational facilities, for example for walkers, cyclists and horse-riders. Applicants must take appropriate mitigation measures to address adverse effects on rights of way and where this is not the case the ExA should consider what appropriate mitigation</p>	<p>The Applicant notes these comments.</p>

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>		
	<p>requirements might be attached to any grant of development consent.</p> <p>Paragraph 100 of the NPPF requires development to protect and enhance public rights of way and access, including new links. Paragraph 98 recognises the importance of attractive, well-designed, clear and legible pedestrian and cycle routes.</p>	
3.3-3.5	<p>As set out in our oral statement, our other significant concern is that the project will heavily impact public rights of way, with at least 12 ancient paths either closed or diverted. This is a particularly dense area of public rights of way, of which public enjoyment would clearly diminish if surrounded by tall solar panels, fencing and CCTV altering once-open routes.</p> <p>The site's topology and proximity to key Public Right of Way (PROW) networks amplify this impact, with insufficient mitigation proposed. Linked to the landscape impact, there is an underestimation of the significance of the effect of the development and the impact on both the physical resource and the visual amenity value for users of the PROW network.</p> <p>That is, while the effect on individual diverted or closed PROW might be regarded as minor, when considered in combination, the impact</p>	<p>Please refer to the response relating to cumulative impacts on PROWs in Table 4-1 of Section 4.2 in this Report, under the sub-section <i>'Impacts on local heritage and archaeology'</i>.</p>



WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>		
	<p>becomes significant. Walkers, cyclists and horse-riders using public rights of way or open-access land experience the countryside as an integrated whole. This includes the richness and variety of views, the presence of wildlife and natural features, the sense of remoteness, tranquillity and the absence, or presence, of traffic, noise, artificial lighting and air pollution, alongside the continuity and connectivity of the access network.</p>	
3.6	<p>Again, however, it is the impact on PROW AE474, which bisect fields 20, 21 and 22, that causes us the greatest individual concern. In addition to the views expressed to CPRE Kent by members and local residents, it is clear from the representations of Aldington Parish Council, Ashford Council and Kent County Council that this is a clearly cherished local footpath linking Aldington village to St Martin's Church. Remote from the rest of the site, it is clear it is one of the most important footpaths in the parish connecting Aldington village and St Martin's Church. Surrounding this footpath with solar panels would impact the visual amenity of that historic footpath and significantly affect the experience of path-users.</p>	<p>See response in the row immediately above. Please also refer to the sub-section 'Impacts on local heritage and archaeology' in Table 4-1 of Section 4.2 of this Report, particularly the rows responding to paragraphs 18 - 20 and 22 - 23 of Aldington and Bonnington Parish Council's WR.</p>
3.7 – 3.8	<p>We also share concerns that the documents, as presented, were and are not sufficiently clear to</p>	<p>The detail of the proposed footpath diversions is set out within the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a>, the <b>Draft DCO (Doc Ref. 3.1(B))</b> (Part</p>

WR Para Ref.	Summary Position	Applicant Response
<b>CPRE Kent WR [REP1-081]</b>		
3.9	<p>residents as to exactly where existing footpaths would be diverted or closed as existing footpaths are not shown at all on the maps. This lack of clarity makes it difficult for residents to understand the likely impact of the scheme.</p> <p>One of the proposed footpath diversions would lead through the proposed biodiversity area; it is unclear what the impact on wildlife/habitats in that area would be, notably with dog-walkers, for instance.</p> <p>We also share concerns that the collectively significant impacts that the project would have on the qualities of the PROW network may be ones that displace recreational use to other locations. In all likelihood, given the location, that would be by private vehicle, which would be a regrettable environmental consequence.</p>	<p>4; and Schedules 8 and 9), the <b>Streets, Rights of Way and Access Plans (Doc Ref. 2.5) [APP-011]</b> and <b>ES Volume 3, Figure 3.2: Proposed Access Network (Doc Ref. 5.3) [APP-045]</b>. For further details, please refer to 1) the responses to KCC's LIR and WR in Table 3-2 of this Report, under the sub-section 'New links' 2) the responses to ABC's WR in Table 2-2.</p> <p>Please refer to responses to comments relating to the effect of the Project on the local PRow network in Table 3-6 in Section 3.7 of the <b>Responses to Relevant Representations (Doc Ref. 8.2) [REP1-061]</b>.</p>
<b>Loss of Productive Farmland</b>		
6.1-6.3	<p>Avoiding and minimising the loss of best and most versatile agricultural land (BMV) is a key campaigning issue for CPRE Kent and CPRE national. BMV soil is essential to help feed the country's population. Recent world events highlight the need to protect such land. The loss of this important resource will compromise the</p>	<p>Please refer to Applicant's responses to comments relating to the effects of the Project on BMV land in Table 3-6 of Section 3.7 of the <b>Responses to Relevant Representations (Doc Ref. 8.2) [REP1-061]</b>.</p> <p>It should be noted that Natural England has confirmed in the <b>Statement of Common Ground with Natural England (Doc Ref. 8.3.7(A))</b> that the overall impacts from the Project to BMV agricultural land is limited. For further details, please refer to Table 2-8 in Section 2.2 of this Report.</p>

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>	<p>ability of future generations to meet their own needs, which is contrary to the NPPF.</p> <p>This position is supported in both national and local policy. As set out within NPS EN-1 at paragraph 5.11.12, <i>“Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2, and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4, and 5).”</i></p> <p>Further, on 15th May 2024, the Secretary of State published a written ministerial statement (WMS) stating (with our emphasis added):</p> <p><i>“The new National Policy Statement that we published in January makes clear that applicants should, [...] Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land, avoiding the use of ‘Best and Most Versatile’ agricultural land where possible.[...]. Applicants for Nationally Significant Infrastructure Projects should avoid the use of Best and Most Versatile agricultural land where possible.”</i></p>	
6.4-6.5	<p>Paragraph 180(b) of the NPPF requires that planning decisions should contribute to and enhance the natural and local environment by</p>	<p>The Applicant notes these comments.</p>

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>		
6.5-6.7	<p>recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land.</p> <p>Footnote 62 to paragraph 180 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer-quality land should be preferred to those of a higher quality. In the interests of ongoing food security, this valuable agricultural land should not be lost to development.</p> <p>Finally, Criterion (vi) of adopted Policy AB10 of the Aldington and Bonnington Neighbourhood Plan requires proposals to demonstrate how land beneath or surrounding panels will be managed and how the applicant has avoided land with high potential for agriculture ('Best and Most Versatile Land').</p> <p>The policy requirement at both national and local levels is therefore clear: first, seek to avoid development on BMV land or, where it is unavoidable, to minimise the loss of BMV.</p>	<p>The ABNP was adopted by ABC on 18 October 2024. It was made part of ABC's Local Plan on 23 October 2024. The policies within the ABNP relate to planning applications rather than development consent applications for NSIPs and the tests within both are considered to be in conflict with the policy set out in NPS EN-3. In accordance with paragraph 4.1.15 of NPS EN-1 where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project. For further details, please refer to Table 2-8 titled Agricultural Land of Section 2.2 in this Report.</p>
6.8-6.11	<p>The identified site, as detailed in the Agricultural Land Classification Report [APP-122], includes 1.95 ha of Grade 2 land, 36.69 ha of Subgrade 3a, and 143.47 ha of Sub-grade 3b. This</p>	

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>	<p>indicates that more than 21% of the land is classified as BMV, which is highly valuable for productive agricultural purposes.</p> <p>As indicated by the below map based on Natural England's Provisional Agricultural Land Classification Grade dataset (and provided at full scale within Annex 1), there are significant swathes of Grade 2 land across the southern section. Notably, this includes field 20.</p> <p>It is recognised that Natural England's Provisional Agricultural Land Classification Grade dataset does not differentiate between Sub-grade 3a (good quality, BMV) and Sub-grade 3b (moderate quality, non-BMV) and therefore does not accurately identify the coverage of BMV land.</p>	
6.12-6.15	<p>It is also not clear to CPRE Kent as to the design process undertaken to have firstly avoided any permanent construction on BMV land, or, failing this, to have minimised construction upon BMV land. Without a clear demonstration that the solar farm's design avoids higher-quality soils, the proposal remains inconsistent with national and local policies as outlined above.</p> <p>Likewise, we are concerned as to the extent that the results from the soil surveys undertaken</p>	

WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>	<p>appear to be downgraded from that indicated by Natural England's Provisional Agricultural Land Classification Grade dataset. We would like to understand better the reasons this might be the case.</p> <p>Further, we note comments made by Natural England at the Sunnica Energy Farm NSIP Examination that the overall impact of a temporary solar development on soil health was unknown, and it was not possible to conclude that it would have a beneficial impact on the soil resource during operation.</p> <p>Overall, it is our position that the applicant is not sufficiently demonstrating it has sought to minimise impacts on BMV agricultural land by giving preference to the use of land in areas of poorer quality.</p>	

### Conclusions

7.1-7.6	<p>As set out in our introduction, CPRE Kent and CPRE nationally are supportive of the successive UK governments' mission to speed up the transition away from fossil fuels and towards clean energy, but this cannot be at any cost.</p> <p>In this instance, it is clear to us that the project is being deliberately over-specked with a</p>	<p>The Applicant notes these comments. Please refer to paragraph 12, table 4-1 in section 4.2 of this Report or the Applicant's responses on these matters, and additionally please refer to Table 3-6 in Section 3.7 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>.</p>
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WR Para Ref.	Summary Position	Applicant Response
CPRE Kent WR <a href="#">[REP1-081]</a>	<p>theoretical output far higher than the 99.9MW connection that the agreement in place necessitates. Consequently, there is ample opportunity for the applicant to make modest reductions to the vast swathes of panels currently being proposed.</p> <p>By deliberately over-specking the project to such a degree and not making modest reductions in size, we find it hard to agree that the applicant is minimising <i>“harm to the landscape, providing reasonable mitigation where possible”</i> as required by NPs EN-1.</p> <p>This clear focus on maximising output from every piece of land is at the expense of some relatively minor mitigation opportunities that would go a significant way to reducing the impact of the scheme. In particular, we believe that completely removing the panels from fields 20, 21 and 22, reducing the panels towards the Aldington Ridge and further fragmenting the main bulk of the scheme would significantly reduce the currently unacceptable impact of this scheme both on the landscape and PROW network.</p> <p>Additionally, we have identified the need for further information with respect to ecology, heritage and best and most versatile soils.</p>	

## 4.9 Katie Lam MP (Conservative Party)

**Table 4-8: Katie Lam MP**

WR Para Ref.	Summary Position	Applicant Response
Katie Lam MP WR <a href="#">[REP1-129]</a>		
<i>BESS</i>		
	<p>Battery Energy Storage Systems (BESSs) use a large number of batteries, and while they're designed to store energy safely, we can't assume they're completely risk-free – especially when planned so close to people's homes.</p> <p>In 2020, residents in Liverpool experienced a BESS fire that took nearly 60 hours to put out – showing these aren't just theoretical risks. BESS fires are often caused by "thermal runaway," where heat inside a battery triggers a chain reaction. This can happen from damage, overheating, or a manufacturing fault.</p> <p>Some batteries in this installation will be just 160 metres from homes. When these systems catch fire, they burn for a long time – exposing people to toxic smoke – and need huge amounts of water to extinguish. Exact figures for how much water the applicant plans to store on site to mitigate this risk have not been made clear, so I am concerned that too much pressure will be put on the local supply</p>	<p>Please refer to Table 3-10 in Section 3.11 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> for the Applicant's responses relating to the safety of the BESS.</p> <p>Additionally, please refer to table 4-2 in Section 4.3 of this Report for the Applicant's responses on this matter.</p>

WR Para Ref.	Summary Position	Applicant Response
Katie Lam MP WR <a href="#">[REP1-129]</a>	<p>in the event of an incident. In their 2025-2029 delivery plan Kent Fire and Rescue Service specifically cite new developments and commercial projects putting pressure on the water supply as a concern when considering how much water is available to them in emergencies. Southern Water has also raised concerns that the construction of this site could involve digging in areas that risk damaging critical sewage systems, potentially disrupting essential services for thousands of residents and creating serious environmental and health risks if the systems are compromised.</p> <p>The applicant has spread over 100 batteries across the site, making it even harder for emergency services to respond effectively. Water used to fight a fire could also mix with toxic chemicals from the batteries, polluting nearby rivers like the East Stour River and cause severe harm to local wildlife and ecosystems, contrary to the standards set out in National Policy Statement EN-1 4.3.</p> <p>This application must be judged based on the reasonable worst-case scenario where the safety of local residents is concerned; we should not assume that these systems are safe until proven otherwise.</p>	

WR Para Ref.	Summary Position	Applicant Response
Katie Lam MP WR <a href="#">[REP1-129]</a>		
<i>Other Considerations</i>		
	<p>There are also practical concerns about the disruption construction will cause. With at least 12 public roads running through and around the site, as well as several public rights of way, the proposed project will lead to an increase in non-local traffic and noise in the area. This will have a serious impact on local residents, their ability to go about their everyday lives and their ability to access the countryside, contrary to the guidelines set out in section ENV10 3 of Ashford Borough Council's local plan.</p> <p>Although the final decision on this application is not being made at the local level, the local plan designed to facilitate sensible and sustainable development that both benefits and protects local residents must not be disregarded.</p> <p>I am also concerned that this project doesn't meet the standards set forward in NPS EN-1 4 and 5 when considering the harm that these proposals will have on our local landscape, as well as on several local heritage assets nearby. It's highly visible from many key points, and the developer hasn't provided enough evidence to show how it will affect the views or reduce its impact; a lot of the photos</p>	<p>Please refer to <i>Table 3-10: Response to Katie Lam MP (Conservative Party)</i> in Section 3.11 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> for the Applicant's responses on the points raised.</p> <p>In addition the Applicant provides the following further detail in response to the points raised:</p> <p><i>Non-local traffic</i></p> <p>Section 13.8 in <b>ES Volume 4, Appendix 1.1: Scoping Report (Doc Ref. 5.4)</b> <a href="#">[APP-059]</a> sets out that effects related to traffic during the operational phase of the Project have been scoped out of the assessment because no significant effects are anticipated. This approach has been accepted by the Planning Inspectorate as confirmed in <b>ES Volume 4, Appendix 1.2: EIA Scoping Opinion (Doc Ref. 5.4)</b> <a href="#">[APP-062]</a>.</p> <p>In relation to construction traffic, the Application is accompanied by an <b>Outline CTMP (Doc Ref. 7.9(B))</b> which includes a range of construction traffic management measures. Requirement 7 in Schedule 2 to the <b>Draft DCO (Doc Ref 3.1(C))</b> secures that detailed CTMP(s) must be in place before construction of the Project can commence, which must be in accordance with the Outline CTMP and must be approved by ABC as the local planning authority, in consultation with the relevant highway authority. The construction works must then be implemented in accordance with the approved CTMP(s). Both KCC and National Highways have confirmed in the <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b> and <b>Statement of Common Ground with National Highways (Doc Ref. 8.3.6(A))</b> [respectively that the <b>Outline CTMP (Doc Ref. 7.9(B))</b> secures all relevant measures needed during the construction stage.</p>

WR Para Ref.	Summary Position	Applicant Response
Katie Lam MP WR <a href="#">[REP1-129]</a>	<p>and visualisations they've shared aren't clear enough to show the true size of the project or what it will really look like. EN1 4.7.2 is clear that infrastructure projects should be 'sensitive to place' and I'm worried that this cannot be properly judged with the information currently available. If this application is approved, it will do irreparable damage to the rural character of our landscape.</p> <p>The safety risks from the BESS haven't been satisfactorily considered. Our planning system is meant to balance national goals with protecting local communities and landscapes. This project clearly goes too far and should not move forward.</p>	<p><i>Noise</i></p> <p>Noise impacts of the Project are assessed in <b>ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)</b> <a href="#">[APP-038]</a>.</p> <p>As confirmed in the ABC LIR, ABC have reviewed the assessment and confirmed it is satisfactory. ABC has further confirmed that the Project is not likely to give rise to any significant noise effects during the construction, operation or decommissioning phases and that it is satisfied that the development would result in neutral noise and vibration impacts.</p> <p><i>Landscape</i></p> <p>The impacts of the Project on landscape and visual receptors are assessed in <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref 5.2(A))</b> <a href="#">[AS-012]</a>.</p> <p>The assessment follows the LVIA methodology in <b>ES Volume 4, Appendix 8.2: LVIA Methodology (Doc Ref. 5.4(A))</b> <a href="#">[AS-016]</a> which is in accordance with the Guidelines for Landscape and Visual Impact Assessment ('GLVIA3').</p> <p>The purpose of the representative viewpoints is to provide an appropriate basis for assessment. <b>ES Volume 3, Figure 8.8: Visual Appraisal Plan – Site (Doc Ref. 5.3)</b> <a href="#">[APP-049]</a> presents the location of representative viewpoints as well as the combined ZTV for the Project within the study area. The selection of viewpoints and receptor groups was agreed with ABC and KCC.</p> <p>The viewpoint photography and photomontages provided are in accordance with the LVIA Methodology.</p> <p>The ABC landscape advisor (Land Management Services) has confirmed that the LVIA Methodology provides an approach to inform a comprehensive and reasonable assessment of the anticipated impacts and effects of the scheme on landscape character and visual amenity. The Applicant also notes there is broad</p>

WR Para Ref.	Summary Position	Applicant Response
Katie Lam MP WR <a href="#">[REP1-129]</a>		<p>agreement in respect of landscape and visual effects between the Applicant's assessment and ABC's landscape advisors.</p> <p><i>Heritage</i></p> <p>Cultural heritage has been assessed in <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))</b> <a href="#">[AS-011]</a>, along with an assessment of all relevant heritage assets set out in <b>ES Volume 4, Appendix 7.2: Heritage Statement</b> <a href="#">[APP-072]</a>.</p> <p>The approach to the assessment of designated and non-designated heritage assets has been discussed and agreed with KCC, and has been reported within Section 2.6 of the <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b> (see Table 2-6, rows 2.6.1 to 2.6.6). The same position has been reached with both ABC and Historic England. This is set out in the SoCG prepared with each party – Section 2.4 of the <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1(A))</b> and Table 2.1 of the <b>Statement of Common Ground with Historic England (Doc Ref. 8.3.3)</b> <a href="#">[REP1-064]</a>. The effects on local heritage assets are assessed at the lower or lowest end of less than substantial harm, as summarised in the <b>Statement of Common Ground with Historic England (Doc Ref. 8.3.3(A))</b>.</p> <p><i>Policy Compliance</i></p> <p>The policies within the ALP relate to planning applications rather than development consent applications for NSIPs and the tests within both are considered to be in conflict with the policy set out in NPS EN-3. In accordance with paragraph 4.1.15 of NPS EN-1 where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project. The Project is fully compliant with current planning policy as set out in Appendix 1 of the <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a>.</p>



## 4.10 Kent Countryside Access Forum

**Table 4-9: Kent Countryside Access Forum**

WR Para Ref.	Summary Position	Applicant Response
Kent Countryside Access Forum WR <a href="#">[REP1-085]</a>		
<i>Landscape and Visual</i>		
	<p>We object to the proposal as it stands particularly in relation to the public rights of way and their alignment. We are also concerned about the project harming the enjoyment of the countryside and landscape that is gained from the use of the public rights of way, particularly so close to the town of Ashford and future developments to the east of the site. Given the size of the project we would expect greater enhancement of the public rights of way within the site and externally as to encourage all users including cyclists and horse riders to enjoy the wider countryside and landscape in the area.</p>	<p>Please refer to Section 3.12 of the <b>Responses to Relevant Representations (Doc Ref. 8.2) [REP1-061]</b>, as well as the responses to ABC's and KCC's LIR and WR relating to PRow in Section 2 and Section 3 above.</p>
	<p>Specifically, The KCAF object on the following points:</p> <p>Significant negative visual impact. Local negative visual impact on Aldington village by scale and size of the panels and area covered by them, and negative impact on tranquillity of the area during construction phase and ongoing from maintenance machinery access.</p>	<p>The landscape and visual impacts of the Project are considered in <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]</b></p> <p>Please also refer to the responses to ABC's LIR and WR relating to the landscape and visual impact effects in Section 2 above.</p>

WR Para Ref.	Summary Position	Applicant Response
Kent Countryside Access Forum WR <a href="#">[REP1-085]</a>		
<i>PRoW</i>		
<p>Re-routing proposals of direct paths by the developer has been the default option with insufficient regard to various user needs/wishes or the historic nature of some of the routes.</p> <p>Linear and circular routes are both important for different types of users (specific destination/long distance user, daily circular route users) and have not been addressed.</p>	<p>As set out in the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a>, the proposal includes alternatives to any diverted routes and the Applicant will also be adding to the network with new paths that will improve local connectivity. Save in respect of those for which no alternative is to be provided (Part 3 of Schedule 8 of the <b>Draft DCO (Doc Ref. 3.1(C))</b>), no path will be closed without an alternative or replacement being opened first.</p> <p>New circular walks will be created around the edge of Fields 19 and 23 through the diversion of AE 378, AE 448 and AE 428 and the implementation of FN-7, and the diversion of AE 436 and AE 431 and the implementation of FN-1.</p> <p>For further details, please refer to the responses to ABC's and KCC's LIR and WR relating to PRoW in Section 2 and Section 3 above.</p>	
<p>Upgrades have not been sufficiently considered, and achievability not adequately investigated (most important when suggested enhancements extend into other land ownership – who appear to have had no input).</p>	<p>The Applicant's proposals include improvements and enhancements to the PRoW within the Order limits that will be in place during the operational phase. These include the proposals set out within Section 3 of the <b>Outline Rights of Way and Access Strategy (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a>, including improvements to wider connectivity between destinations (in particular between Otterpool and Mersham).</p> <p>Subject to third party landowner agreement and appropriate permissions for areas outside the Order limits, a shared walking / cycleway could be provided (delivered to a specification and design standard to be agreed with KCC) along the route of the diverted AE 370 from Aldington towards Mersham. The Applicant will engage with KCC to develop a proportionate provision of</p>	

WR Para Ref.	Summary Position	Applicant Response
	Kent Countryside Access Forum WR <a href="#">[REP1-085]</a>	
		contributions to assist the delivery of the sections outside of the Order limits with the aim of creating a continuous offroad link between the two villages.
	<p>There is currently no requirement for decommissioning of the site to occur before end of development project life (40 years). Realistic working life of solar panels is often significantly less than that, not uncommon to be half (20 years) or less (in some cases as little as 10 to 12 years). Current rapid advances in solar technology indicate that solar panels of this type and scale will soon be obsolete (or at least not the economic norm). We should ensure that if, for whatever reason, the project should become uneconomic/unviable then the panels and associated structures should be removed, and the landscape character and public access restored at that time. Not left abandoned and deteriorating in place until the 40 year end of development project life is reached.</p> <p>We ask that some form of planning condition (legally binding with safeguards to guarantee that there are funds for decommissioning and restoration whatever the financial fortunes of the business – such as ring-fencing, funds in escrow or suitable insurance arrangements) is placed on the developer and/or land owner(s) and/or their successors that the land is restored back to</p>	<p>The Applicant has committed to lifetime for the Project of a maximum of 40 years and this is secured through Requirement 2 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>, which provides that the Project must cease generating electricity on a commercial basis no later than the 40th anniversary of the date on which electricity is first exported from the Project to the national grid commercially. The undertaker will be responsible for decommissioning the Project.</p> <p>The details of decommissioning works and environmental management measures will be subject to agreement with the local planning authority before they commence. This is secured through Requirement 14 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> which provides that prior to commencement of any decommissioning works for any part of the Project, (a) a Decommissioning Environmental Management Plan (DEMP) for that part must be submitted to and approved by the local planning authority, such approval to be in consultation with KCC; and (b) a Decommissioning Traffic Management Plan (DTMP) for that part must be submitted to and approved by the local planning authority, such approval to be in consultation with the relevant highway authority. The DEMP must be in accordance with the <b>Outline DEMP (Doc Ref. 7.12(A))</b> <a href="#">[APP-157]</a> and the DTMP must be in accordance with the <b>Outline DTMP 7.13(B))</b>.</p> <p>Breach of a requirement of a DCO is a criminal offence pursuant to section 161 of the Planning Act 2008. Therefore, if the undertaker were to fail to decommission the Project or decommission the Project without preparing, submitting and obtaining the approval of the DEMP and DTMP in accordance</p>

WR Para Ref.	Summary Position	Applicant Response
Kent Countryside Access Forum WR <a href="#">[REP1-085]</a>	agricultural use along with all historic public access rights immediately post decommissioning, ensuring any improvement in the landscape and access rights during the life of the solar farm are retained after the restoration of the land.	with Requirement 14, this would amount to an offence, which is considered to be a sufficient deterrent to ensure compliance.

## 4.11 Kent Police

**Table 4-10: Kent Police**

WR Para Ref.	Summary Position	Applicant Response
Kent Police WR <a href="#">[REP1-092]</a>	<i>Safety and Security</i>	
	<p>We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).</p> <p>Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.</p> <p>There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.</p> <p>We recommend the applicant follows SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our</p>	<p>The Applicant notes these comments and can confirm that there is no in-principle concern with these points and that it would expect to incorporate the majority of the measures proposed where practicable, noting that this will not be possible where they may conflict with other commitments such as compliance with the NFCC guidance, or biodiversity commitments set out in the <b>Outline LEMP (Doc Ref. 7.10(A))</b> <a href="#">[REP1-048]</a>. Certain physical measures to minimise security threats are secured by the <b>Design Principles (Doc Ref. 7.5(A))</b> <a href="#">[REP1-042]</a>. These include the use of perimeter security fencing with fully secured access points and CCTV. Requirement 4 of Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> secures that the detailed design of the Project that is submitted for approval by the local planning authority must accord with the Design Principles.</p> <p>A range of other potential security measures are set out in paragraph 2.3.13 of the <b>Outline OMP (Doc Ref. 7.11(A))</b> <a href="#">[REP1-050]</a>.</p> <p>Details of security measures will be finalised and will form part of the detailed OMP submitted prior to operation, as secured by Requirement 12 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p>

WR Para Ref.	Summary Position	Applicant Response
<b>Kent Police WR <a href="#">[REP1-092]</a></b>		
Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.		
<i>Security Arrangements</i>		
1.	<p>The points below identify my recommendations for the layout and design of this scheme;</p> <p>We strongly recommend that the applicant takes this opportunity to review their current security arrangements regarding the pre-existing buildings, including perimeter security, alarm systems, lighting and CCTV.</p>	Please see the response above.
2.	<p>Perimeter security of the site, including gates, should be reviewed to control site permeability and prevent theft of property. A good standard of building security is very important in rural areas, especially for outbuildings that may not be visited for weeks at a time. Each site should be fully enclosed within a minimum 2m security fencing system or higher (we note the Indicative Fencing proposal). It is, however, important that the gap between the base of any fencing and the ground is minimal, so that any equipment, such as the PV panels themselves or copper cable, cannot be easily passed underneath by thieves. Additional defensive planting of natural hedging should be considered around the boundary and along the existing footpath as an added layer of security</p>	



WR Para Ref.	Summary Position	Applicant Response
Kent Police WR [ <a href="#">REP1-092</a> ]		
3.	<p>Consideration should be given regarding property boundary for any potential places where it could be made more secure:</p> <ul style="list-style-type: none"> <li>▪ Densely planted buffers can be used to enhance boundaries. There are plenty of suitable native (non-toxic) prickly species.</li> <li>▪ digging deep ditches to control and deter unwanted vehicle access</li> <li>▪ if possible, having a single-gated access point to each site. Please refer to the Commercial 2015 Guide, Section 2: Physical Security Specifications for gates on SBD Design Guides</li> </ul>	
4.	<p>We recommend that all photovoltaic (PV) panels are individually security marked and all serial numbers recorded within a site inventory. In addition, the PV panels should be installed using one way security clutch head security bolts/screws or similar, as an added layer of security and in order to make removal more difficult for thieves. Copper cable, transformers, inverters, switch gear and any other equipment of high value should also be security marked. This can be achieved by using unique identifiers, such as serial numbers on the insulation sheathing and with the use of forensic</p>	

WR Para Ref.	Summary Position	Applicant Response
Kent Police WR [ <a href="#">REP1-092</a> ]		
	marking solutions. A full equipment inventory should be kept.	
5.	All string inverters, substations, transformer stations and buildings/ storage containers should be fully alarmed with a monitored system and covered by CCTV. All CCTV should comply with the Information Commissioner’s Office guidance. Appropriate security locks and devices should be installed on all equipment cabinets and associated buildings. Locking device screws/bolts should not be easily accessible when closed, to deter by-passing of the locks themselves by a determined offender. One way security clutch head security bolts/screws or similar can also be utilised to prevent easy removal.	
6.	We note CCTV cameras are proposed for this development “Cabling would also be required for power and data transfer associated with the CCTV system described below. This would generally follow the perimeter fence lines where the CCTV cameras would be located”, which is greatly encouraged. We recommend monitored CCTV and alarms systems to be installed and operational to cover vulnerable elevations and site entrances in addition to point 5. Appropriate crime prevention/security signage warning of the use of CCTV and forensic marking solutions should be	

WR Para Ref.	Summary Position	Applicant Response
<b>Kent Police WR [REP1-092]</b>		
	installed on the exterior face of the security fencing and any gates.	
7.	<p>Doorsets and windows should meet PAS 24:2022 as a minimum-security standard. All external doors should have a minimum of two locking points with locks that meet the British Standard. All doors and windows that are not part of a designated fire escape route, should be closed and locked. Glazing for windows should be laminated rather than just toughened for security purposes. Please refer to the Commercial 2015 Guide, Section 2: Physical Security Specifications on SBD Design Guides (<a href="http://securedbydesign.com">securedbydesign.com</a>) for doorsets and windows.</p>	
<b>General crime reduction and safety</b>		
	<p>The following recommendations may be considered planning detail, however, from a general crime reduction and safety aspect, we recommend:</p> <ul style="list-style-type: none"> <li>▪ Lone worker, emergency and staff safety procedures will need to be incorporated within operating and management processes, procedures and policy in line with any current legislation. The use of two way radios, mobile phones and other means to summon help (e.g. panic alarm) should be provided.</li> </ul>	<p>The Applicant notes these recommendations and refers to the response in the row above, and the Application documents referred to therein.</p>

WR Para Ref.	Summary Position	Applicant Response
Kent Police WR [ <a href="#">REP1-092</a> ]	<ul style="list-style-type: none"> <li>▪ All electrical compounds, inverter, substation, transformer, battery and control buildings/cabinets to be fully alarmed with 24 hour monitored systems and covered by CCTV. We note that CCTV is being proposed as detailed above.</li> <li>▪ Appropriate security locks and devices should be installed on all equipment cabinets and associated buildings. Locking device screws/bolts should not be easily accessible when closed, to deter by-passing of the locks themselves by a determined offender. One way security clutch head security bolts/screws or similar can also be utilised to prevent easy removal.</li> <li>▪ Hinge pins for equipment cabinets, associated buildings and gates should be hidden when closed and/or fitted with anti-lift devices.</li> <li>▪ All photovoltaic (PV) solar panels should be individually security marked and all serial numbers recorded within a site inventory.</li> <li>▪ PV's installed using one way security clutch head security bolts/screws or similar, as an added layer of security and in order to make removal more difficult for thieves.</li> <li>▪ Where possible, the installation of individual</li> </ul>	

WR Para Ref.	Summary Position	Applicant Response
Kent Police WR [ <a href="#">REP1-092</a> ]	<p>alarms for each PV panel, with automatic reporting to the alarm company, should the PV panel be tampered with or removed.</p> <ul style="list-style-type: none"> <li>▪ Copper cable; transformers; inverters; batteries; switch gear and any other equipment of high value should be security marked. This can be achieved by using unique identifiers, such as serial numbers on the insulation sheathing and / or with the use of forensic marking solutions. A full equipment inventory should be kept.</li> <li>▪ Appropriate crime prevention/security signage warning of the use of CCTV and forensic marking solutions should be installed on the exterior face of the security fencing and any gates.</li> <li>▪ Additional defensive planting of natural hedging can also be considered around the boundary as an added layer of security.</li> <li>▪ As detailed above, the site operational areas should be fully enclosed within a minimum 2m fencing system. It is however, important that the gap between the base of any fencing and the ground is minimal, so that any equipment, such as the PV panels themselves or copper cable cannot be easily passed underneath by thieves.</li> </ul>	

WR Para Ref.	Summary Position	Applicant Response
Kent Police WR <a href="#">[REP1-092]</a>		
	<ul style="list-style-type: none"> <li>▪ Any public footpaths through the site of the arrays should be fenced to 2m on either side of the path.</li> <li>▪ Given the large amounts of valuable equipment and copper cable likely to be on site during construction, it is essential that the main site and any smaller temporary compounds are secured with appropriate temporary alarms and CCTV systems, particularly if security guards are not to be employed during construction. Any tool containers, plant (e.g. excavators) and associated fuel bowsers/bunded fuel tanks should also be secured, alarmed and immobilised at the end of each working day.</li> </ul>	
	<p>If approved, site security is required for the construction phase. There is a duty for the principle contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.</p> <p>We welcome a discussion with the applicant/agent about site specific designing out crime.</p>	<p>The construction stage security arrangements are addressed in the <b>Outline CEMP (Doc Ref. 7.8(A))</b> <a href="#">[REP1-044]</a>. Details of security measures chosen will form part of the detailed CEMP submitted prior to construction, as secured by Requirement in the <b>Draft DCO (Doc Ref. 3.1(C))</b>. The detailed CEMP will be prepared in accordance with the <b>Outline CEMP (Doc Ref. 7.8(A))</b> <a href="#">[REP1-044]</a>.</p>



WR Para Ref.	Summary Position	Applicant Response
Kent Police WR <a href="#">[REP1-092]</a>		
	If the points above are not addressed, they can affect the development and local policing.	

## 4.12 Kent Wildlife Trust

**Table 4-11: Kent Wildlife Trust**

WR Para Ref.	Summary Position	Applicant Response
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Kent Wildlife Trust WR [\[REP1-093\]](#)

### *Alternatives and site selection*

	<p>The submission has not provided sufficient information to clearly demonstrate that suitable alternative sites have been fully considered, including those which consist of previously developed land and non-agricultural land of low biodiversity value.</p>	<p>The approach to the consideration of alternatives is set out in Section 4.7 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>. Table 2-5 of the <b>Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1)</b> <a href="#">[REP1-062]</a> confirms that ABC agrees with the conclusions of the both the Sequential and Exception Test.</p>
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### *Impacts to Biodiversity*

	<p>The project will result in the loss of habitat suitable for breeding yellowhammer and skylark as well as other red list and priority 'farmland' bird species.</p> <p>[...]</p> <p>The proposed development will result in the loss of this habitat and Kent Wildlife Trust (KWT) are concerned about the implications for these bird species. It is unclear from the submission as to how many territories will be lost and we are concerned about the effectiveness of the mitigation and compensation measures proposed to address the loss of suitable habitat.</p>	<p>These matters have been responded to in detail Section 3.15 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>.</p>
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WR Para Ref.	Summary Position	Applicant Response
Kent Wildlife Trust WR <a href="#">[REP1-093]</a>		
	<p>Barn owl surveys have not been carried out with the submission stating that no barn owl were recorded during the bat surveys.</p> <p>We are also concerned about the potential disturbance to breeding barn owl from the construction and operational phases of the development. More information regarding whether the boxes are used by breeding barn owl is therefore required so an appropriate, detailed barn owl mitigation strategy can be devised.</p>	
	<p>We are concerned that the submission does not put forward any measures to address the impacts of the solar panels on invertebrates, particularly given that supporting surveys show that the application site hosts a number of nationally scarce species.</p>	
	<p>Very limited details and data have been provided on the beaver survey that has been carried out. It is unclear from the submitted information as to the extent of the area surveyed. In addition, no measures appear to have been put forward to address the potential impact of beavers on the development in the future.</p>	

WR Para Ref.	Summary Position	Applicant Response
<i>Kent Wildlife Trust WR <a href="#">[REP1-093]</a></i>		
	<p>There is still a degree of uncertainty around the impacts of the development, in terms of noise, dust, and light pollution, on Backhouse Wood Local Wildlife Site (LWS) and its ancient woodland. Justification for the minimum buffer of 15 metres from the ancient woodland has not been provided and given the potential impacts from the proposal on this irreplaceable habitat it is strongly recommended that a larger graduated buffer is provided.</p>	
	<p>Nightingale have been recorded outside of the order limits and alongside the railway embankment. We are concerned about the potential impacts of construction work on this species. No mitigation or habitat enhancement measures have been put forward to address this matter.</p>	
<i>Impacts to the East Stour River</i>		
	<p>KWT wish to raise concerns about the proposed use of horizontal directional drilling (HDD) under the East Stour River. We have been told as part of the Sea Link project, which is currently going through the NSIP process, that it is not possible to carry out HDD under the Stour.</p>	<p>These matters have been responded to in detail Section 3.15 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>.</p>

WR Para Ref.	Summary Position	Applicant Response
<b>Kent Wildlife Trust WR <a href="#">[REP1-093]</a></b>		
	<p>Insufficient information has been provided to clearly establish that the proposed sites for temporary bridges over the East Stour River are suitable in terms of the condition of the riverbanks. We are therefore concerned about the risks that such an approach poses to the integrity of the riverbanks and the ongoing protection and enhancement of the river.</p>	
	<p>Limited information has been provided on the proposed foul water collection and treatment process as a means of removing potential impacts to the East Stour River from surface water flooding. We are concerned about the effectiveness of this approach and the biodiversity impacts of implementing this system prior to the commencement of development.</p>	
<b><i>Mitigation, Compensation, and Protected Species</i></b>		
	<p>Minimal detail has been provided in the outline CEMP (Document ref. 7.8) on the protection measures to be employed for hedgerow and boundary habitats during construction. It is unclear whether sufficient space will be provided between the hedgerow and the security fencing. The details provided within the submission have not considered the reduced separation distance that will occur over time as</p>	<p>These matters have been responded to in detail Section 3.15 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>.</p>

WR Para Ref.	Summary Position	Applicant Response
Kent Wildlife Trust WR <a href="#">[REP1-093]</a>		
	<p>the width of the hedgerow is allowed to increase to be of maximum benefit to a range of bird species. This is of particular concern given the impacts of the development on species which utilise the hedgerow such as yellowhammer. We also have concerns that designated access tracks will be in use along sections of the hedgerow during the operational phase. It is unclear from the supporting documents, including the works plan (document ref. 2.3), where these access tracks will be and their distance from the root protection areas of the hedgerow.</p>	
	<p>It is noted that the effectiveness of the proposed skylark plots will be monitored. However, it is unclear what steps will be put in place to remediate the situation if it is found that the plots are not being utilised. At that point a significant area of suitable habitat for skylark and other ground nesting birds will have been permanently lost and we are concerned that it will not be possible to implement an effective compensation strategy to address this. There is currently little evidence to show that skylark plots are effective, especially in respect of acting as nesting sites, with the species preferring to nest in open fields with clear sight lines.</p>	



WR Para Ref.	Summary Position	Applicant Response
Kent Wildlife Trust WR <a href="#">[REP1-093]</a>		
	<p>Insufficient information has been provided on the proposed management of the skylark plots if the areas of grassland around the PV panels are to be grazed by livestock. It is unclear from the submitted information what process will be put in place to ensure that suitable habitat within the designated plots is maintained for farmland birds and not impacted by conservation grazing. The location of the skylark plots is subject to flooding, insufficient information has been provided to address how this will impact on the long-term effectiveness of the proposed habitats.</p>	
	<p>Insufficient information has been provided as to the size of the proposed boundary bird crop strips and so it is not possible to fully understand the suitability or potential effectiveness of this compensation measure.</p> <p>We have concerns about the impact of recreation pressure on boundary planting proposed around Backhouse Wood Local Wildlife Site (LWS) and its ancient woodland. This area runs alongside the existing and proposed public footpath and so will be subject to recreational pressures which could impact on its potential to be an effective buffer to the</p>	

WR Para Ref.	Summary Position	Applicant Response
<b>Kent Wildlife Trust WR</b> <a href="#">[REP1-093]</a>		
	ancient woodland and of a high biodiversity value to the LWS.	
<b><i>Biodiversity Net Gain</i></b>		
	<p>We are concerned about the trading rules error shown within the submitted Biodiversity Net Gain (BNG) metric. While an explanation has been given within the BNG assessment in respect of the loss of wet woodland there are other errors shown within the BNG metric which have not been discussed. For example, there are errors shown around the condition change for on-site habitat enhancement of grassland and the like for like or better trading rule within the trading summary for hedgerows.</p> <p>It is unclear whether the arable field margins game bird mix, shown as an enhancement within the BNG metric, can be counted when it is being implemented as a means of compensating for impacts to Species of Principle Importance.</p>	<p>These matters have been responded to in detail Section 3.15 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>.</p>
	<p>It is also unclear from the submission as to whether areas of grassland subject to conservation grazing will meet the set criteria for the stated condition score within the metric. If this is not possible further details on an</p>	

WR Para Ref.	Summary Position	Applicant Response
Kent Wildlife Trust WR <a href="#">[REP1-093]</a>	<p>alternative management regime are needed to demonstrate that this can be achieved.</p> <p>The submitted metric does not appear to have followed the interim strategic significance guidance published by Making Space for Nature who are developing the Local Nature Recovery Strategy for Kent and Medway.</p>	

#### 4.13 National Grid Interconnectors Limited Plc

**Table 4-12: National Grid Interconnectors Limited Plc**

WR Para Ref.	Summary Position	Applicant Response
National Grid Interconnectors Limited WR <a href="#">[REP1-133]</a>	<p>As stated in the s56 Relevant Representation, NGIL is part of the National Grid group, which owns and operates the electricity transmission infrastructure in the UK. As a responsible statutory undertaker, NGIL's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations.</p> <p>The Book of Reference and Land Plans indicate that powers for the compulsory acquisition of rights and extinguishment of rights are included over NGIL's operational land and industrial apparatus at National Grid Sellindge Substation. NGIL cannot agree to the Applicant being granted the unfettered ability to exercise any compulsory acquisition or extinguishment of rights over its apparatus and operational land. This is not acceptable to NGIL as it would create a serious detriment to the continued safe, economic and efficient operation of its infrastructure. NGIL's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew, and repair such apparatus</p>	<p>The Applicant is working proactively with National Grid Interconnectors Limited (NGIL) and is seeking to enter into an agreement to ensure that the matters raised can be resolved. The Applicant is confident agreement will be reached between the parties during the course of the Examination. Updates will be provided to the ExA at each deadline in the relevant row of Table 3 in the <b>Schedule of Negotiations and Powers Sought (Doc Ref. 4.4.(B))</b>.</p>

WR Para Ref.	Summary Position	Applicant Response
<b>National Grid Interconnectors Limited WR <a href="#">[REP1-133]</a></b>		
	located within or in close proximity to the Order Limits should be maintained at all times and access to inspect and maintain such apparatus must not be restricted. As such the protection from compulsory acquisition of NGIL's land and interests must be included in the Protective Provisions.	
<b><i>Protective Provisions</i></b>		
	<p>NGIL requires its standard, and well precedented in DCO Protective Provisions to be included within the draft Order to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards.</p> <p>NGIL's Protective Provisions were sent to the Applicant in July and the Applicant's comments were received by NGIL in November 2024. Currently NGIL's comments in return (sent on 10 December) are being reviewed and considered by the Applicant. NGIL will continue to keep the Examining Authority updated in relation to these discussions.</p>	<p>The Applicant has been engaging with NGIL since January 2024. NGIL has confirmed it would require bespoke Protective Provisions and these Protective Provisions are currently being negotiated. The most recent draft of the Protective Provisions between the parties is included in Part 6 of Schedule 13 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>. The Applicant has informed NGIL that it has included the Applicant's preferred form of Protected Provisions in the draft DCO, but that these are subject to further negotiations between the parties.</p> <p>The Applicant provided the latest mark-up of the Protective Provisions to NGIL's solicitors on 15 November 2024. The Applicant requested an update from NGIL's solicitors, who have confirmed that they are currently awaiting further instruction.</p> <p>The Applicant is confident agreement will be reached between the parties during the course of the Examination. Updates will be provided to the ExA at each deadline in the relevant row of Table 3 in the <b>Schedule of Negotiations and Powers Sought (Doc Ref. 4.4.(B))</b>.</p>

***Side Agreement***

WR Para Ref.	Summary Position	Applicant Response
National Grid Interconnectors Limited WR <a href="#">[REP1-133]</a>		
	<p>NGIL require a Side Agreement to be entered into to manage the direct interface that the draft Order has with NGIL's apparatus and land. The first draft of the Side Agreement was sent to the Applicant in July and was received by NGIL with the Applicant's comments in November. NGIL is currently reviewing the Side Agreement.</p>	<p>As noted in the row above, the Applicant has been engaging with NGIL since January 2024. In addition to Protective Provisions, the parties are also negotiating a private side agreement. On 11 December 2024, NGIL's solicitors confirmed they were still awaiting instruction on the latest version of the draft side agreement. The Applicant looks forward to receiving this for review.</p> <p>The Applicant is confident agreement will be reached between the parties during the course of the Examination. Updates will be provided to the ExA at each deadline in the relevant row of Table 3 in the <b>Schedule of Negotiations and Powers Sought (Doc Ref. 4.4.(B))</b>.</p>
<i>Related Agreements</i>		
	<p>A Crossing Agreement will be required due to the cable route of the Applicant's Project crossing NGIL's IFA interconnector. NGIL and the Applicant have agreed not to commence specified works at any identified crossing point where the Project cable route crosses NGIL's IFA interconnector without the Applicant entering into a Crossing Agreement with NGIL. Similarly the Applicant must enter a Deed of Consent required by NGIL where any works are carried out at an identified crossing point within NGIL's easement strip.</p>	<p>The Applicant notes these comments by NGIL and confirms that these are being considered as part of the process of agreeing Protective Provisions and a private side agreement.</p>

*Summary*



WR Para Ref.	Summary Position	Applicant Response
National Grid Interconnectors Limited WR <a href="#">[REP1-133]</a>		
<p>As stated in the s56 Relevant Representation. NGIL does not object in principle to the proposals. However it is imperative that relevant and adequate protections are put in place so not to compromise NGIL's ability to deliver its statutory undertaking.</p> <p>NGIL requires the draft Order to include NGIL's standard form of its Protective Provisions for the protection of NGIL and its apparatus and operational land and to manage the interface between the Project and NGIL's infrastructure.</p> <p>For the reasons set out above, NGIL considers a Side Agreement to be the most effective way of providing NGIL with the comfort of retaining its existing rights, providing for the recovery of NGIL costs and governing the relationship between the parties.</p> <p>Discussions to date with the Applicant are progressing, however as NGIL and the Applicant are still negotiating the Side Agreement and Protective Provisions, NGIL at present must maintain its objection to the Project and reserves the right to make further representations as part of the examination process.</p>	<p>The Applicant notes these comments and refers to the rows above in this table.</p>	

#### 4.14 River Stour (Kent) Internal Drainage Board

**Table 4-13: River Stour (Kent) Internal Drainage Board**

WR Para Ref.	Summary Position	Applicant Response
River Stour (Kent) Internal Drainage Board WR <a href="#">[REP1-101]</a>	<p>As a Risk Management Authority (RMA) operating in the area in question, it is important that our concerns and comments are taken into consideration. We are responsible for water level control, watercourse maintenance, flood risk management and drainage throughout our District, which this site sits partially within.</p> <p>We have had previous discussions with the applicant/their agents and they are aware of the requirement for Land Drainage Consent from us for any works affecting any watercourse/drainage ditch (or within 8m thereof). We also understand that the applicant is not looking to disapply Section 23 of the Land Drainage Act or our byelaws. We have made previous recommendations for the applicant to design and install a formal SuDS system rather than relying on infiltration below the panels; this is considered best-practice and will ensure extreme and prolonged rainfall events will not have a detrimental off-site impact. We would like to reiterate this position. We would also strongly recommend that our approval, in principle, is sought prior to the finalisation of any part of the</p>	<p>As set out in Section 10.3 of <b>ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B))</b> <a href="#">[REP1-022]</a> both KCC and the River Stour (Kent) Internal Drainage Board (IDB) requested that measures are included to manage runoff off of the land where the PV panels will be installed. In response to this request depression storage will be provided across the Site on the downslope of PV panels to intercept runoff from the land such that the Project is anticipated to provide a minor beneficial impact in terms of runoff rates progressing to the East Stour River. These measures are secured via the <b>Outline OSWDS (Doc Ref. 7.14(A))</b> <a href="#">[REP1-054]</a>.</p> <p>Paragraph 4.7.3 of the <b>Outline OSWDS (Doc Ref. 7.14(A))</b> <a href="#">[REP1-054]</a> notes that <i>'Where required outfalls to ordinary watercourses will be subject to land drainage consent from the IDB or ordinary watercourse consent from KCC'</i>. This approach to consenting is also set out in the <b>Schedule of Other Consents and Licences (Doc Ref. 3.4)</b> <a href="#">[APP-018]</a>.</p> <p>Requirement 11 in Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b> secures that no phase of the authorised development may commence until an OSWDS for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with KCC. This must be in accordance with the <b>Outline OSWDS (Doc Ref. 7.14(A))</b> <a href="#">[REP1-054]</a> and must be implemented as approved.</p>

#### Flood Risk

WR Para Ref.	Summary Position	Applicant Response
	River Stour (Kent) Internal Drainage Board WR <a href="#">[REP1-101]</a> design that will be within 8m of any watercourse on site, however minor.	

## 4.15 The British Horse Society

**Table 4-14: The British Horse Society**

WR Para Ref.	Summary Position	Applicant Response
<p>The British Horse Society WR <a href="#">[REP1-147]</a></p>		
<p><i>BESS</i></p>		
	<p>The siting of battery storage appears to include locations adjacent to the byway. This produces a fire risk. Apart from the immediate health and safety risk, such fires are very difficult to control, produce high levels of toxins, so closure of all public access may be required. In addition, access routes may be severely damaged by operations to attend the fire.</p>	<p>Please refer to Table 3-2 and Table 3.21 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> for the Applicant's responses to comments relating to the layout and approach to BESS. For further details, see the 'BESS' section in Table 4-2 of this Report.</p>
<p><i>Mitigation for equestrians</i></p>		
	<p>There are over 40,000 horses passported to residents living in Kent, with an economic contribution of over £285 million per annum<sup>2</sup> to the economy, much of which is spent locally (livery yards, farriers, vets, feed and hay, etc.). Whilst walkers have 100% of the public rights of way (PROW) network, in Kent horse riders have just 16.7% (carriage drivers substantially less). Increasing pressure for development of houses, industry and massive infrastructure projects such as this make even fewer of those bridleways and byways available and/or safe. Traffic increases</p>	<p>Please refer to Table 3-21 in Section 3.22 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> for the Applicant's responses on mitigation strategies for route diversion for horse-riders and carriage-drivers, in compliance with the NPPF.</p>

WR Para Ref.	Summary Position	Applicant Response
The British Horse Society WR <a href="#">[REP1-147]</a>		
	<p>arising during, or as a result of, new development mean roads become even less safe for horse-riders and carriage-drivers to use in order to access the few traffic-free routes that exist for them.</p>	
	<p>Contrary to NPPF paras 96(c), 102 and 104, it seems that this application does not seek to enable or support healthy lifestyles nor protect or enhance local public rights of way, indeed rather the opposite. We would suggest, as we did during the consultation phase, that a perimeter bridleway should be provided for the duration of the solar panels being located in this area. There may be pinch points where an optimum width could not be achieved but this is acceptable provided that visibility is good. This would go some way to mitigating for the impact on local vulnerable road users such as horse riders, walkers, etc.</p>	<p>The Applicant recognises the potential for a short-term, temporary change in environmental amenity during construction and decommissioning activity, and longer-term changes in visual amenity experienced by equestrian users of the PRow network during the operational phase.</p> <p>The Applicant notes that there are currently no bridleways within the Site. There is one Byway Open to All Traffic (BOAT) – AE 396 which is currently not passable.</p> <p>Paragraph 8.2.1 of the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> sets out that the <i>“undertaker will clear and maintain access along the Byway Open to All Traffic (‘BOAT’) AE 396 to the appropriate standards for a BOAT as set out in legislation, policy and guidance referred to in this Outline Strategy. This link is not extinguished or diverted, but it forms an important part of the network”</i>.</p> <p>Please refer to Table 3-21 in Section 3.22 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> for the Applicant’s responses to comments relating to PRow enhancement.</p>
	<p>It has previously been suggested that there are very few horse riders in the area and so they were not considered a priority. Further research has indicated that there are indeed a significant number of equestrians in the area. Attached to this</p>	<p>Please refer to Table 3-21 in Section 3.22 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>.</p>

WR Para Ref.	Summary Position	Applicant Response
The British Horse Society WR <a href="#">[REP1-147]</a>		
	response is a map provided by a local rider showing the location of equestrian yards within the vicinity. One might reasonably assume a minimum number of 3 horses at the smallest yards and, potentially, 20 or more at the larger yards.	
<i>Traffic and Access</i>		
	On the SSG Construction Traffic Routing and crossing plan (Figure A1) byway AE396 is shown as having three crossing points identified (we believe one, and certainly no more than two, should suffice). I understand that it is proposed that the public will be made aware of crossing traffic by lights and noise. This is not appropriate close to a public highway used primarily by walkers and horse riders. If these routes are to be crossed by construction traffic, the banksman in place should stop the construction traffic while the PROW user continues with their journey. Following construction, traversing of the byway by site traffic needs to be strictly controlled in such a way as to ensure the byway surface is not affected adversely and nor is user safety. The byway should not be surfaced with a sealed surface as this would invite increased use by even more vehicular traffic.	Paragraph 8.2.1 of the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> sets out that the Applicant is committed to clear and maintain access along the BOAT AE 396 to the appropriate standards.  The Application is accompanied by an <b>Outline CTMP (Doc Ref. 7.9(B))</b> . The detailed CTMP must be in accordance with the Outline CTMP and must be agreed with ABC as the local planning authority, in consultation with the relevant highway authority, before construction works commence. The construction works must be implemented in accordance with the approved CTMP. Both KCC and National Highways have both confirmed in the <b>Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(A))</b> and <b>Statement of Common Ground with National Highways (Doc Ref. 8.3.6(A))</b> respectively that the <b>Outline CTMP (Doc Ref. 7.9(B))</b> secures all relevant measures needed during the construction stage. Please also refer to Table 3-21 in Section 3.22 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> .
	Further, Laws Lane appears to be similarly impacted. Laws Lane is currently a quiet country	The impacts from construction and operational traffic on Laws Lane are not considered to be significant.

WR Para Ref.	Summary Position	Applicant Response
The British Horse Society WR <a href="#">[REP1-147]</a>	<p>lane forming part of a hacking route popular with riders, often used in conjunction with Bank Road, byway AE396 and Frith Road to form a circular route. This will also be seriously impacted by crossing construction vehicles and displaced traffic from Aldington heading to the A20, further degrading the amenity of horse users .</p>	<p>The Applicant notes that byway AE 396 is currently not passable and therefore the circular route identified is not currently possible. Paragraph 8.2.1 of the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> sets out that the <i>“undertaker will clear and maintain access along the Byway Open to All Traffic (‘BOAT’) AE 396 to the appropriate standards for a BOAT as set out in legislation, policy and guidance referred to in this Outline Strategy. This link is not extinguished or diverted, but it forms an important part of the network”</i>.</p>



# 5 Written Representations – Thematic Responses

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## 5.1 Overview

5.1.1 Relevant representations received from members of the public and businesses, additional to those included in Sections 2, 3 and 4 of this report, have been grouped by topic and a thematic response has been prepared below. The themes are as follows:

- Agricultural land and soils;
- BESS;
- Biodiversity;
- Cultural heritage;
- Flood risk;
- General;
- Landscape and visual;
- Principle of development;
- PRow; and
- Traffic and access.

## 5.2 Agricultural land and soils

**Table 5-1: Agricultural land and soils**

IPs Ref.	Summary Position of Interested Party	Applicant Response
REP1-113, REP1-117, REP1-128, REP1-138, REP1-143	<p><b>Use of Farmland and Loss of High Quality Farmland:</b> Respondents disagree with the use of agricultural land for a solar park. Concerns were also raised regarding the loss of farmland over the Project's lifetime and the potential for land use changes to non-farming uses after decommissioning which could compromise national food security.</p>	<p>Please refer to Section 4.2 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> regarding to the Applicant's responses to the 'Loss of High Quality Farmland' and 'Use of Farmland' for solar project.</p> <p>It is important to note that there are no brownfield or previously developed land areas available within the agreed 5km search area that could deliver the Project Requirements. As such the use of agricultural land is required to deliver the Project.</p> <p>Approximately 80% of the site is lower-quality non-BMV agricultural land or non-agricultural land. The <b>Planning Statement (Doc Ref. 7.6)</b> <a href="#">[APP-151]</a> at paragraph 6.8.15 concludes that the loss of BMV due to the Project is not considered to have a material impact on the overall supply of over 32,000 ha of BMV land in the Ashford Borough and would therefore not have a material impact on food security in the wider region.</p>

### 5.3 Battery Energy Storage Systems (BESS)

**Table 5-2: Battery Energy Storage Systems (BESS)**

IPs Ref.	Summary Position of Interested Party	Applicant Response
REP1-111, REP1-113, REP1-114, REP1-124, REP1-137, REP1-140, REP1-148, REP1-149, REP1-150	<p><b>BESS impacts on residents and animals:</b> Fire risk, noise impacts and toxic gas impacts from the BESS posing a safety risk to residents and animals.</p>	<p>Please refer to Section 4.3 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>.</p> <p>The Applicant notes that the potential noise impacts from the BESS have been assessed and confirms that no significant effects in relation to noise are anticipated as a result of the Project. Please refer to paragraphs 14.7.27 to 4.7.81 of <b>ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)</b> <a href="#">[APP-038]</a>. Noise effects on protected and notable species are considered in section 9.9 of <b>ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)</b> <a href="#">[APP-033]</a> and section 9.7 of <b>ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A))</b> <a href="#">[REP1-032]</a>. Fire and toxic gas release prevention measures are set out in the <b>OBSMP (Doc Ref. 7.16)</b> <a href="#">[APP-161]</a>, which is secured via Requirement 5 in Schedule 2 of the Draft <b>DCO (Doc Ref. 3.1(C))</b>.</p>
REP1-110, REP1-113, REP1-126, REP1-137, REP1-140, REP1-150	<p><b>Fire Safety:</b> Concerns about the fire risk from BESS, which could be exacerbated by the unsuitable fire emergency access in Bank Road and Laws Lane.</p>	<p>Please refer to Section 4.3 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> and particularly the responses relating to fire safety. Please also refer to section 4.16 of the same document and the responses relating to the design and suitability of emergency accesses.</p> <p>Additionally, please refer to table 4-2 in Section 4.3 of this Report for the Applicant's responses on this matter.</p>
REP1-110, REP1-131, REP1-145	<p><b>BESS Design:</b> Respondents criticise the lack of consultation for the decision of the BESS location and seek clarity and updates on the scale and the</p>	<p>The design evolution of the BESS is set out in table 5.4 of <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))</b> <a href="#">[AS-010]</a>, and the detailed BESS layout is outlined in</p>

IPs Ref.	Summary Position of Interested Party	Applicant Response
	proposed siting of the batteries since the consultation in summer 2023.	<p>paragraphs 3.6.14 – 3.6.22 and 3.9.16 – 3.9.19 of <b>ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2(A))</b> [<a href="#">REP1-018</a>].</p> <p>The Applicant’s responses to queries relating to BESS location decision and design are set out in Section 4.3 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [<a href="#">REP1-061</a>].</p> <p>Please also see the responses relating to consultation on BESS design in section 4.7 of the same document.</p>

## 5.4 Biodiversity

**Table 5-3: Biodiversity**

IPs Ref.	Summary Position of Interested Party	Applicant Response
REP1-111, REP1-113, REP1-124, REP1-135, REP1-140, REP1-150	<p><b>Biodiversity Impacts:</b> The Project will lead to large scale, irreversible harm for wildlife and does not provide adequate measures to mitigate the impact on wildlife habitats or species (loss and disruption).</p>	<p>Please refer to the responses in Table 4-3 in Section 4.4 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [<a href="#">REP1-061</a>] relating to biodiversity impacts.</p>
REP1-110	<p><b>Road diversion impact on Great Crested Newts:</b> Concerns raised on how the proposed diversion of Footpath AE385 can undermine the habitat for Great Crested Newts.</p>	<p>Protected species surveys have been carried out over a number of years at the Site (2020 to 2024). A summary of protected species surveys undertaken used to inform the EIA is provided in Table 9.5 of <b>ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)</b> [<a href="#">APP-033</a>]. Annex 3: Indicative Mitigation and Enhancement Measures of the <b>Outline LEMP (Doc Ref. 7.10(A))</b> [<a href="#">REP1-048</a>] includes the commitment for pre-commencement surveys (Great Crested Newts). The requirement to undertake these future surveys is secured by the <b>Outline LEMP (Doc Ref. 7.10(A))</b> [<a href="#">REP1-048</a>] in section 5.3 and will be prepared as part of the detailed LEMPs submitted to discharge Requirement 8 (Landscape and biodiversity) of Schedule 2 to the <b>Draft DCO (Doc Ref. 3.1(C))</b>.</p>

## 5.5 Cultural Heritage

**Table 5-4: Cultural Heritage**

IPs Ref.	Summary Position of Interested Party	Applicant Response
REP1-130	<p><b>Adequacy of Assessment:</b> Lack of investigation into the archaeological evidence, especially to the north of Handen Farm, which has been noted on the Historic Environment Record (HER).</p>	<p>Please refer to Table 4-4 in Section 4.5 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [<a href="#">REP1-061</a>].</p>
REP1-128	<p><b>Impact on Designated Heritage Assets:</b> Concerns raised about the visual and traffic impacts to designated heritage assets, including St. Martin's Church, and several listed properties on Flood Street corridor and along the Roman Road.</p>	<p>Please refer to Table 4-4 in Section 4.5 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [<a href="#">REP1-061</a>] on the cultural heritage assessment and mitigation strategies.</p>
REP1-110	<p><b>Impact on Non-Designated Heritage Asset:</b> Fields 3 and 7 of the Project may adversely affect the setting of Little Gains Farm, which conflicts with paragraph 6.9.10 of the Heritage Statement. It is recommended to follow Historic England's suggestion to remove the solar panels from Fields 3 and 7 to reduce the negative impact on both Stonelees House and Little Gains Farm.</p>	<p>With regard to Little Gains Farm, paragraph 6.9.10 of <b>ES Volume 4, Appendix 7.2: Heritage Statement</b> [<a href="#">APP-072</a>] identifies that changes arising from the Project are judged to have a <b>neutral / slight adverse</b> significance in effect (Low Magnitude of Impact on a Low Asset Value). Table 7.1 of the Heritage Statement confirms that there would be less than substantial harm to Little Gains Farm (lowest end of the spectrum).</p> <p>The effects of the Project have been agreed with HE as set out in the <b>Statement of Common Ground with Historic England (Doc Ref. 8.3.3(A))</b>.</p>

## 5.6 Flood Risk

**Table 5-5: Flood Risk**

IPs Ref.	Summary Position of Interested Party	Applicant Response
REP1-111, REP1-113, REP1-117, REP1-121, REP1-128, REP1-137, REP1-146	<p><b>Increased surface runoff and impact on watercourses:</b> The loss of natural land drainage will add burden to the existing dam and East Stour River, therefore, increase the risk of flooding to the surrounding area.</p>	<p>Please refer to Section 4.6 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> for the Applicant's responses relating to flood risk.</p>



## 5.7 General

**Table 5-6: General**

IPs Ref.	Summary Position of Interested Party	Applicant Response
REP1-111, REP1-115, REP1-123, REP1-124, REP1-126, REP1-128, REP1-131, REP1-134, REP1-137, REP1-138, REP1-140, REP1-146, REP1-148, REP1-150	<p><b>General Objection:</b> General concerns about the Project's impact on the community's well-being and enjoyment of the local area. Comments that the Project contradicts the neighbourhood plan, which seeks to protect residents' well-being and their enjoyment of the village.</p> <p>Objections include:</p> <ul style="list-style-type: none"> <li>▪ loss of agricultural land</li> <li>▪ fire risk from BESS</li> <li>▪ visual impacts</li> <li>▪ disruption from the alteration of PRoW and heavy construction traffic to residents, road users and equestrians</li> <li>▪ noise, air and water pollution</li> <li>▪ degradation of property values</li> <li>▪ harm to biodiversity</li> <li>▪ misleading consultation</li> <li>▪ flood risk</li> <li>▪ and negative effects on economic growth.</li> </ul> <p>Concerns are raised about the Applicant's lack of expertise in promoting NSIPs; financial motives driving</p>	<p>Please refer to Section 4.7 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>.</p> <p>The <b>Planning Statement (Doc Ref 7.6)</b> <a href="#">[APP-151]</a> at section 6 provides a detailed assessment of the Project against the policies in the NPSs which have effect in relation to the Application and other policies that are considered important and relevant to the Secretary of State's decision on whether to grant the DCO. When considered against the relevant NPSs, the Project is considered to be wholly consistent with national policy. Appendix 1 (Policy Compliance Checklist) of the <b>Planning Statement (Doc Ref 7.6)</b> <a href="#">[APP-151]</a> sets out an analysis of compliance with the NPS policies of EN-1, EN-3 and EN-5 as well as the NPPF and local policies.</p>

IPs Ref.	Summary Position of Interested Party	Applicant Response
	the Project, which appear to override the long-term benefits to the area and net zero initiatives.	
REP1-117, REP1-124, REP1-127, REP1-145	<b>Consideration of Alternatives:</b> Alternative options for site selection have not been adequately considered to minimise the impact on rural character and agricultural land. Suggestions include redeveloping Dungeness Power Station and other nearby vacant land and warehouses. Seeking clarification on the rationale of the site chosen.	Please refer to Section 4.7 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [ <a href="#">REP1-061</a> ].
REP1-124, REP1-128, REP1-137, REP1-149	<b>Impact on Property:</b> Concerns raised about physical disruptions to properties, including visual impact, access restrictions during road closures, potential effects on water supply, and impacts on property values.	Please refer to Section 4.7 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [ <a href="#">REP1-061</a> ].
REP1-113, REP1-123, REP1-131	<b>Consultation:</b> Misleading consultation and false claims by the Applicant as stated in 2021 consultation, including inconsistent project size, misleading project's capacity of 165M and misleading visual representation.	Please refer to Section 4.7 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [ <a href="#">REP1-061</a> ].
REP1-122	General Support for the Project and its objectives.	The Applicant notes these supportive comments.

## 5.8 Landscape and Visual

**Table 5-7: Landscape and Visual**

IPs Ref.	Summary Position of Interested Party	Applicant Response
REP1-115, REP1-145	<p><b>Impacts on the Kent Downs National Landscape:</b> The Project would destroy the character of the landscape visible from the Kent Downs National Landscape (NL) and would also be visible from the NL.</p>	<p>Please refer to Section 4.10 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [<a href="#">REP1-061</a>].</p>
REP1-110, REP1-113, REP1-117, REP1-124, REP1-137, REP1-140, REP1-141, REP1-145, REP1-146, REP1-149, REP1-150	<p><b>Impact on Rural Character:</b> The Project will harm the setting of the attractive countryside, resulting in a detrimental impact on the rural character and appearance of Aldington village and the surrounding area. Inverter Stations and other infrastructure will also damage the rural character and surrounding area. Therefore, the panels should be removed.</p> <p>The impact on the setting of rural character would be contrary to Policy HOU5 of the Local Plan.</p>	<p>Please refer to Section 4.10 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [<a href="#">REP1-061</a>].</p> <p>Policy HOU5 of the ALP relates to planning applications rather than development consent applications for NSIPs and the tests within it are considered to be in conflict with the policy set out in NPS EN-3. In accordance with paragraph 4.1.15 of NPS EN-1, where there is a conflict between a Local Plan and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the Project.</p>
REP1-110	<p><b>Glint and Glare Impact on Little Gains Farm:</b> Disagree with the assessment metrics for the effects to Little Gains Farm including the survey time and receptor location, hence disagree with visual significance impact on Little Gains Farm as stated in the Solar Photovoltaic Glint and Glare desktop study.</p>	<p>Significant adverse effects relating to Glint and Glare are not anticipated as a result of the Project, and no significant impact upon Little Gains Farm has been identified in <b>ES Volume 4, Appendix 16.2: Solar Photovoltaic Glint and Glare Study (Doc Ref. 5.4)</b> [<a href="#">APP-123</a>]. Two residential receptors were assessed at Little Gains Farm (Receptors 198 and 199) as shown on Figure 21 of <b>ES Volume 4, Appendix 16.2: Solar Photovoltaic Glint and Glare Study (Doc Ref. 5.4)</b> [<a href="#">APP-123</a>]. The assessment concludes that solar reflections at these properties are geometrically possible for more than 3 months per year but less than 60 minutes on any given day and a</p>

IPs Ref.	Summary Position of Interested Party	Applicant Response
		<p>professional judgement of a 'Low impact' at these properties is assigned accordingly, i.e. following consideration of the relevant factors set out in paragraph 7.4.1 of <b>ES Volume 4, Appendix 16.2: Solar Photovoltaic Glint and Glare Study (Doc Ref. 5.4)</b> [<a href="#">APP-123</a>], the solar reflection is not deemed significant. This judgement is considered to be robust by the competent expert.</p> <p><b>ES Volume 4, Appendix 16.2: Solar Photovoltaic Glint and Glare Study (Doc Ref. 5.4)</b> [<a href="#">APP-123</a>] has been prepared by Pager Power, a suitably qualified expert, and in accordance with best practice glint and glare assessment methodology (including receptor identification) which has been subject to examination on other DCO projects and found to be robust.</p>

## 5.9 Noise

**Table 5-8: Noise**

IPs Ref.	Summary Position of Interested Party	Applicant Response
REP1-111, REP1-137, REP1-149	<p><b>BESS:</b> Constant noise produce by the inverters will impact on their health and wellbeing. Inadequate evidence to demonstrate low noise impacts over the operational phase.</p>	<p>An assessment of noise effects from BESS units and other electrical infrastructure has been undertaken by a competent expert, as reported in paragraphs 14.7.27 to 4.7.81 of <b>ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2)</b> [<a href="#">APP-038</a>]. Mitigation measures have been proposed as part of the design of the Project, which will ensure that any potential effects are reduced to acceptable levels. The assessment concludes that effects would be negligible to minor adverse (not significant).</p>

## 5.10 Principle of Development

**Table 5-9: Principle of Development**

IPs Ref.	Summary Position of Interested Party	Applicant Response
REP1-124, REP1-127, REP1-136, REP1-142	<p><b>Scale of Development and Site Suitability:</b>            Respondents disagree with the scalability and suitability of the project due to 1) the safety issue from the BESS and traffic and access disruptions. 2) impacts on rural character. The scale and design of the Project is not appropriate for its location.</p>	<p>Please refer to Section 4.7 (General, Consideration of Alternatives) and Section 4.12 (Principle of Development) in the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>.</p>

## 5.11 Waste

**Table 5-10: Waste**

IPs Ref.	Summary Position of Interested Party	Applicant Response
REP1-128, REP1-148	<p><b>Waste:</b> The disposal of solar panels is a major issue since toxic materials from these panels will leach into the soil. Respondents also raised the question how the toxic elements in solar panels are to be disposed of at the end of their life span.</p>	<p>Please refer to Section 4.7 (General, Consideration of Alternatives) and Section 4.13 (Pollution) in the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>.</p>



## 5.12 Public Rights of Way (PRoW)

**Table 5-11: Public Rights of Way**

IPs Ref.	Summary Position of Interested Party	Applicant Response
REP1-110, REP1-112, REP1-117, REP1-119, REP1-126, REP1-128, REP1-138, REP1-140, REP1-148, REP1-149, REP1-150	<p><b>Effect on Users' Enjoyment, Health and Wellbeing:</b> Respondents commented that the Project demonstrates lack of consideration of trying to retain PRoWs whenever possible.</p> <p>Respondents also noted that the proposed PRoW diversions cause substantial inconvenience to users including those accessing Little Gains Farm, equestrian users and those accessing Forrest School. Respondents also suggested the creation of separate byways for the equestrian users.</p>	<p>Please refer to Section 4.14 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [<a href="#">REP1-061</a>].</p> <p>Additionally, please refer to section 2 table 2-2 (Landscape and visual) and table 3-2 in section 3.2 in this Report relating to the Applicant's response in PRoW.</p>
REP1-112, REP1-117	<p><b>Impacts on PRoW network:</b> The individual route diversions would affect the connectivity and use of wider, strategic routes across the Order limits and beyond.</p>	<p>Please refer to Section 4.14 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [<a href="#">REP1-061</a>].</p>
REP1-112	<p><b>Consultation and engagement:</b> Respondents noted that residents have had insufficient engagement in decision-making for the route diversions. The path diversion plans are unclear and the PRoW working group has not been created as promised.</p>	<p>Please refer to Section 4.14 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> [<a href="#">REP1-061</a>].</p>

## 5.13 Traffic and Access

**Table 5-12: Traffic and Access**

IPs Ref.	Summary Position of Interested Party	Applicant Response
REP1-110, REP1-113, REP1-117, REP1-126, REP1-128, REP1-132, REP1-138 REP1-140, REP1-148, REP1-149, REP1-150	<p><b>Highway Disruption:</b> Respondents noted that local roads are not designed to accommodate heavy construction vehicles and their use could lead to hazardous conditions for local residents, equestrian users and other road users. Affected lanes include Laws Lane, Bank Road, Goldwell Lane, the Byway (AE-396), Station Road and its continuation down Rocky Bourne Road.</p>	<p>Please refer to Section 4.16 of the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a>.</p> <p>Please also refer to the Applicant's submissions in the <b>Written Summary of Oral Submissions from Issue Specific Hearing 2 and Responses to Action Points (Doc Ref. 8.5.5)</b> <a href="#">[REP1-075]</a>.</p>
REP1-110, REP1-111, REP1-119, REP1-126, REP1-138	<p><b>Emergency Access:</b> Concerns have been raised regarding the suitability of Bank Road and Laws Lane as emergency access routes for fire rescue services, and for disabled access. Clarity is sought on the traffic crossing management design in Bank Road and Laws Lane.</p>	<p>Please refer to Section 4.16 in the <b>Responses to Relevant Representations (Doc Ref. 8.2)</b> <a href="#">[REP1-061]</a> for responses relating to the suitability of the Project's emergency accesses.</p> <p>Following feedback from KCC, the <b>Outline CTMP 7.9(B)</b> was updated at Deadline 1 (paragraph 6.3.4) to clarify that the <i>'construction traffic measures will include the location of a passing place near to Bank Road within the Order limits. The full details of all construction traffic measures will be included in the detailed CTMP(s) to ensure these site access and crossing points are safely managed and to minimise disruption to all road users'</i>.</p>

## References

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- <sup>1</sup> Climate Change, Energy Action Plan. [Online]. <https://www.ashford.gov.uk/environmental-concerns/climate-change/energy/#:~:text=Community%20energy%20projects,and%20run%20by%20local%20communities>. [Accessed December 2024]
- <sup>2</sup> Kent County Council (2018). *Rights of Way Improvement Plan (2018 – 2028)*, [https://www.kent.gov.uk/\\_data/assets/pdf\\_file/0005/90491/Rights-of-Way-Improvement-Plan-2018-2028.pdf](https://www.kent.gov.uk/_data/assets/pdf_file/0005/90491/Rights-of-Way-Improvement-Plan-2018-2028.pdf) [Accessed January 2025]
- <sup>3</sup> [Redacted] [Accessed January 2025]
- <sup>4</sup> Position Statement: Solar farms and the assessment of buried archaeological remains (June 2024). [Redacted] (Accessed January 2025)
- <sup>5</sup> Ashford Borough Council, "The development of large scale (>50kW) solar PV arrays" (2013). Accessed December 2024. [https://www.ashford.gov.uk/media/iawi5uah/2\\_largescale-solar-pv.pdf](https://www.ashford.gov.uk/media/iawi5uah/2_largescale-solar-pv.pdf)