



Stonestreet Green Solar

Statement of Common Ground with Kent County Council

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Revision History

Revision	Revision Date	Authorised By	Position	Comment
Issue 1	3/9/24	MS	Senior Director	For KCC Review
Issue 1	11/10/24	FP	Principal Strategic Planning and Infrastructure Officer	KCC comments
Issue 2	4/11/24	MS	Senior Director	Update to reflect KCC Comments
Issue 3	17/11/24	MS	Senior Director	Updated to reflect further transport comments
Issue 3	05/12/24	FP	Principal Strategic Planning and Infrastructure Officer	KCC comments
Issue 4	05/12/24	MS	Senior Director	Updated to reflect KCC SuDS and mineral updates
Issue 5	09/12/24	MS	Senior Director	D1 Finalisation
Issue 5	22/12/24	MS	Senior Director	Updates to reflect KCC comments

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1 Introduction

1.1 Purpose of this Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared to support an application (the Application) from the Secretary of State for Energy Security and Net Zero under Section 37 of the Planning Act 2008 (PA 2008) for the proposed Stonestreet Green Solar Farm (the Scheme). The Application has been submitted by EPL 001 Limited (the Applicant).
- 1.1.2 This SoCG has been prepared between (1) the Applicant and (2) Kent County Council ('KCC') (jointly referred to as the 'Parties'). It has been prepared in accordance with The Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects guidance¹.
- 1.1.3 KCC is the host County Council. The Project is located within KCC's administrative area. KCC is listed the local authority, in accordance with section 42 of the PA 2008 and so has been consulted during the preparation of the Application and following its acceptance.
- 1.1.4 The Examining Authority has requested that the SoCG include the following matters as set out in the Rule 6 Letter [[PD-004](#)], Annex G (dated 22 October 2024).
- Principle of Development
 - Traffic and Transport, including traffic modelling and assessment of alternatives
 - Effects on the Public Rights of Way network and on non-motorised users
 - Environmental Impact Assessment, including cumulative effects
 - Water Environment and Flood Risk
 - Any other potential effects, including on heritage assets, biodiversity, air quality, emissions and contamination
 - Various Environment Management Plans, both during construction and operation
 - Good Design
 - Economic and Social Effects
 - The dDCO, including requirements and protective provisions.
- 1.1.5 It is agreed that matters of Good Design, Economic and Social Effects are agreed between the parties. The Applicant understands that KCC have reviewed the dDCO (including Schedule 2: Requirements) and have no substantive comments.
- 1.1.6 It is agreed that matters not specifically referred to in this SoCG are not of material interest or relevance to the representations submitted to the Examining Authority by

KCC's (the 'Representations') and therefore have not been considered in this document.

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

1.2 Description of the Project

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

1.3 Current Position

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

1.4 Record of Engagement

- 1.4.1 The Applicant has undertaken consultation and engagement with KCC throughout the development of the Application. The Applicant consulted KCC, a the local authority, in accordance with section 42 of the PA 2008, about the Project and environmental impact assessment as part of the formal pre-application consultation and publicity procedures. This process afforded KCC the opportunity to provide responses to the information provided at various stages of the pre-application process.
- 1.4.2 Table 1.1 shows a summary of the feedback that has taken place between the Applicant (including consultants on its behalf) and KCC in relation to the Application.

Table 1.1: Record of Engagement

Date	Form of Feedback	Key topics discussed and outcomes (the topics should align with the issues table)
11 March 2022	Meeting with KCC and ABC, including visit to existing Sellindge Solar Farm site	Introduction to the Project and solar generation
25 March to 29 April 2022	Non-Statutory Consultation 2022	No specific comments were received.
18 May 2022	EIA Scoping – KCC consultation response to EIA Scoping Opinion (response to the Applicant’s request for a Scoping Opinion submitted to PINS on 19 April 2022)	<p>Response dated 18 May 2022. Key issues:</p> <ul style="list-style-type: none"> ▪ PRow ▪ Agricultural Land and Soils ▪ Land Contaminations (Minerals and Waste) ▪ Cultural Heritage ▪ Biodiversity ▪ Water Environment ▪ Socio Economics ▪ Traffic and Access ▪ Noise ▪ Cumulative Effects
7 June 2022	Meeting with KCC and ABC	Discussion to provide an update on the PPA
13 June 2022	Meeting with KCC and ABC	<p>Key Topics:</p> <ul style="list-style-type: none"> ▪ KCC PRow strategy ▪ key challenges in the local area ▪ KCC’s response to the Scoping Report
17 June 2022	Meeting with KCC and ABC	<p>Key Topics:</p> <ul style="list-style-type: none"> ▪ KCC’s response to the Scoping Report related to archaeological matters raised

Date	Form of Feedback	Key topics discussed and outcomes (the topics should align with the issues table)
21 June 2022	Meeting with KCC and ABC	Applicant provided a Project update and discussed the PPA with the councils
19 July 2022	Meeting with KCC and ABC	Key Topics: <ul style="list-style-type: none"> ▪ PPA ▪ SoCC
2 August 2022	Meeting with KCC and ABC	Applicant provided a Project update and discussed the PPA with the councils
30 August 2022	Meeting with KCC and ABC	Applicant provided a Project update and discussed the PPA with the councils
29 September 2022	Meeting with KCC and ABC officers	Applicant provided an overview of proposed changes to PRowS and footpaths
10 October 2022	ABC, FHDC, KCC Members	Project briefing with members and officers
2 November 2022	Meeting with KCC	Key Topic: <ul style="list-style-type: none"> ▪ Potential PRow impacts
25 October to 29 November 2022	Statutory Consultation 2022 – KCC consultation response	Key Topics: <ul style="list-style-type: none"> ▪ Approach to PRow network ▪ Scope of heritage assessment ▪ Consultation with KCCs officers in relation to the Draft DCO Requirements. ▪ Assessment of landscape on the nearby Kent Downs National Landscape. Agreement of cumulative schemes for assessment
1 March 2023	Meeting with KCC and ABC	Key Topics:

Date	Form of Feedback	Key topics discussed and outcomes (the topics should align with the issues table)
		<ul style="list-style-type: none"> ▪ Project update ▪ Programme update ▪ Spring/summer consultation 2023
20 March 2023	Meeting with KCC and ABC	<p>Key Topics:</p> <ul style="list-style-type: none"> ▪ Programme update ▪ Landscape and visual ▪ Heritage ▪ Archaeology ▪ PRowS ▪ Cumulative impacts ▪ Overview of SoCC 3
29 March 2023	Meeting with KCC archaeology officers	Confirmation of approach to responding to KCC archaeology officer's comments to the 2022 Statutory Consultation in relation to archaeology and heritage matters
3 April 2023	Landscape and visual impacts meeting with ABC, FHDC and KCC planning officers	<p>Key Topics:</p> <ul style="list-style-type: none"> ▪ 2022 Statutory Consultation comments
19 April 2023	Meeting with KCC ecology officers	<p>Key Topics:</p> <ul style="list-style-type: none"> ▪ Overview of the ecology proposals ▪ Changes in response to the 2022 Statutory Consultation feedback
24 April 2023	Meeting with KCC archaeology officer	Provision of feedback on the pre and post consent archaeology strategy
25 April 2023	Meeting with ABC, FHDC and KCC planning officers	<p>Key Topics:</p> <ul style="list-style-type: none"> ▪ Project development update ▪ Engagement with

Date	Form of Feedback	Key topics discussed and outcomes (the topics should align with the issues table)
		stakeholders <ul style="list-style-type: none"> ▪ Cumulative schemes ▪ Alternatives ▪ 2023 Consultation
4 May 2023	Meeting with KCC PRoW officer	Key Topics: <ul style="list-style-type: none"> ▪ Proposed PRoW strategy
5 June 2023	Meeting with ABC, FHDC and KCC planning officers	Key Topics: <ul style="list-style-type: none"> ▪ Project Overview ▪ Draft Site layout ▪ Landscape strategy plans ▪ Engagement with stakeholders ▪ Approach to PEIR Addendum ▪ Update on 2023 Statutory Consultation
30 June 2023	Heritage meeting with KCC and ABC officers	Provision of proposed approach to address ABC's comments to the 2022 Statutory Consultation in relation to heritage matters.
15 August 2023	Statutory Consultation 2023 – KCC Response	Written response to matters raised within KCC's 2023 Statutory Consultation Response Letter (dated 17 July 2023) (See Appendix 1)
7 December 2023	Meeting with KCC	Key Topics: <ul style="list-style-type: none"> ▪ KCC's 2023 Statutory Consultation feedback
13 November to December 2023	Targeted Consultation 2023 – KCC Response	Key Topics: <ul style="list-style-type: none"> ▪ Traffic and Access (Site Access) ▪ Changes to Order limits

Date	Form of Feedback	Key topics discussed and outcomes (the topics should align with the issues table)
12 February to 12 March 2024	Targeted Consultation 2024 – KCC Response	Key Topics: <ul style="list-style-type: none"> ▪ PRow Red line boundary change
21 March 2024	Meeting with KCC and ABC	Project update meeting
8 August 2024	Meeting with KCC	Key Topics: <ul style="list-style-type: none"> ▪ Archaeology Management Strategy ▪ SoCG
27 August 2024	Meeting with KCC	Discussion regarding initial highway comments.
3 September 2024	Draft documents issued for KCC comment	Draft SoCG report issued to KCC for comment.
30 September 2024	Meeting with KCC and ABC	Review of the requirements submitted as part of the Draft DCO.
11 October 2024	Written response to KCCs SoCG issued	KCCs comments to SoCG (Draft 1) issued to Applicant
21 October 2024	Meeting with KCC PRow Officer	To respond to RR issues
13 November 2024	Meeting with KCC Highways Officer	To respond to detailed feedback on the SoCG
17 December 2024	Meeting with PRow Officer	To respond to further feedback
19 December 2024	Meeting with Heritage Officer	To respond to further feedback
6 January 2025	Email discussion regarding updates to SoCG.	Updated SoCG agreed.

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

1.5 Format of Document and Terminology

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

1.5.2 Section 2 summarises the issues that are 'agreed', 'not agreed' or are under discussion under the topics of interest in tables as follows:

- Table 2.1: Principle of Development
- Table 2.2: Highways and Transportation
- Table 2.3: PRow
- Table 2.4: Sustainable Urban Drainage Systems (SuDs)
- Table 2.5: Minerals and Waste
- Table 2.6: Heritage Conservation
- Table 2.7: Biodiversity
- Table 2.8: Landscape and Views
- Table 2.9: Water
- Table 2.10: Detailed County Council Heritage Conservation Commentary on application material for Stone Street Green Nationally Significant Infrastructure Project

1.5.3 The following terminology is applied in Section 2.:

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

1.5.4 For any issues that are 'Under Discussion', the Parties have also indicated the likelihood that disagreement will remain by the end of the Examination using a "Low" (Green), "Medium" (Amber) and "High" (Red) traffic light model, as requested in the Rule 6 letter.

2 Areas of Discussion between the Parties

2.1 Principle of Development

Table 2.1: Principle of Development

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.1.1	S42 Consultation Response to 2023 Statutory Consultation	Need and in principle support for ground mounted solar development	The County Council acknowledges the National Policy Statement EN-1 and EN-3.	<p>There is support for the principle of ground mounted solar development in existing and emerging national government energy and planning policy. Solar development can make a significant contribution to achieving the UK's renewable energy and carbon reduction targets. Action to achieve the UK's renewable and carbon reduction targets is necessary and urgent.</p> <p>The primary policy support for ground mounted solar development is the Overarching National Policy Statement for Energy (NPS EN-1) and the National Policy Statement for Renewable Energy (NPS EN-3). NPS EN-1 confirms there is an urgent need for new (and</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p>particularly low carbon) electricity NSIPs to be brought forward as soon as possible (para 3.3.58) and that there is a critical national priority for the provision of nationally significant low carbon infrastructure (para 4.2.4).</p> <p>After applying the mitigation hierarchy, EN-1 clearly states that any residual effects from a proposal are unlikely to outweigh the need for this type of infrastructure. It goes on to confirm that in all but the most exceptional circumstances it is unlikely that consent will be refused on the basis of these residual impacts (para 4.2.15).</p>	
2.1.2	S42 Consultation Response to 2023 Statutory Consultation	Consideration of Alternatives	It is agreed that the applicant has considered a number of potential alternative sites and that the Project is located in a suitable location.	Details of the overarching site selection process for the Project are provided in ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) [AS-010] and ES Volume 4, Appendix 5.2: Site Selection Influencing Factors (Doc Ref.5.4) [APP-067] .	Agreed

2.2 Highways and Transportation

Table 2.2: Highways and Transportation

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
2.2.1	S42 Consultation Response to 2023 Consultation	Scope of the Traffic and Access Assessment	The scope and methodology of the Applicant's Traffic and Access assessment is agreed.	<p>The scope for the assessment in ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B)) [REP1-026] was discussed with statutory consultees and the Planning Inspectorate.</p> <p>Table 13.1: EIA Scoping Opinion of ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B)) [REP1-026] provides a summary of the EIA Scoping Opinion (ES Volume 4, Appendix 1.2: EIA Scoping Opinion (Doc Ref. 5.4) [APP-062] responses of relevance to the assessment of traffic and access and how the issues raised have been responded to.</p>	Agreed
2.2.2	S42 Consultation Response to 2023 Consultation	Study Area for the Assessment	The study area of the Applicant's Traffic and Access assessment is agreed.	ES Volume 2, Chapter 2: Site and Context (Doc Ref. 5.2(A)) [REP1-016] includes a description of the Site's location and context. ES Volume 3, Figure 2.1: Field Boundaries and Site Area Plan (Doc Ref. 5.3) [APP-	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
				<p>044 shows the main areas of the Site.</p> <p>As the assessment includes the impact on the local highway network and the PRoW network, there are effectively two study areas. The highway study area comprises the roads that form the construction traffic route shown on ES Volume 3, Figure 13.1: Construction Traffic Route and Traffic Data Location Plan (Doc. Ref. 5.3) [APP-056].</p> <p>In summary the study area consists of:</p> <ul style="list-style-type: none"> ▪ Goldwell Lane and C609 Station Road between the Goldwell Lane Access and the A20 Hythe Road junction; ▪ A20 Hythe Road between the junction with C609 Station Road and M20 motorway Junction 10a; ▪ M20 motorway Junction 10a; and ▪ Roman Road/Bank Road at the Site frontage. 	

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
				<p>The PRow study area for the purposes of the traffic and access assessment comprises all existing PRow which either pass through the Site or provide a connection with the Site. Based on the KCC Definitive Map, which is represented on ES Volume 3, Figure 3.1: Existing Access Network (Ref. Doc Ref. 5.3) [APP-045], public footpaths and one Byway Open to all Traffic ('BOAT') are included within the Site boundary.</p> <p>The extent of the study area has been agreed with National Highways (NH) and KCC as highway authorities responsible for the strategic road network ('SRN') and the local road network ('LRN') respectively.</p>	

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
2.2.3	S42 Consultation Response to 2023 Statutory Consultation	Traffic Survey Data	The scope of the traffic surveys in the Applicants Traffic and Access assessment is agreed and considered to be robust by KCC.	<p>Traffic surveys have been undertaken and are included within ES Volume 4, Appendix 13.3: Traffic Survey Data (Doc Ref. 5.4) [APP-109].</p> <p>The Applicant consulted KCC throughout the pre-application phase and the approach to traffic surveys was agreed with KCC.</p>	Agreed
2.2.4	S42 Consultation Response to 2023 Consultation	Baseline Traffic Data	The baseline of the Applicant's Traffic and Access assessment is agreed.	<p>A summary of the current baseline traffic data is provided in Table 13.3A: Current Baseline Traffic Data Summary of ES Volume 4, Appendix 13.4: Summary of Traffic Data [APP-109].</p> <p>A summary of the future baseline traffic data, including projected background traffic growth but excluding trips associated with the cumulative schemes, is provided in Table 13.3B: Future Baseline (2026) Traffic Data Summary of ES Volume 4, Appendix 13.4: Summary of Traffic Data (Doc Ref. 5.4) [APP-110].</p> <p>The associated cumulative traffic flows are shown in Table 13.3I: 2026 Future Baseline plus</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
				Committed Development Traffic of ES Volume 4, Appendix 13.4: Summary of Traffic Data (Doc Ref. 5.4) [APP-110] .	
2.2.5	S42 Consultation Response to 2023 Consultation	Identification of Sensitive Receptors	The sensitive receptors of the Applicant's Traffic and Access assessment is agreed.	<p>Table 13.10: Cumulative Effects of ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B)) [REP1-026] presents the sensitive receptors identified along the construction traffic route from the M20 Junction to the most south-easterly existing Site access on Goldwell Lane.</p> <p>ES Volume 3, Figure 13.4: Sensitive Receptor Location Plan (Doc Ref. 5.3) [APP-056] shows the location of these receptors. The level of sensitivity is based on the sensitivity matrix in Table 13.5 of this ES chapter.</p> <p>Whilst the receptors may be sensitive to changes in traffic levels, it is the adjacent links that carry the traffic to, from or past them, therefore the roads that front or provide access to these receptors have been classified in</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
				<p>accordance with the sensitivity matrix.</p> <p>Paragraph 13.5.58 of ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B)) [REP1-026] confirms that all receptors are existing with no changes anticipated in the future baseline year.</p>	
2.2.6	S42 Consultation Response to 2023 Statutory Consultation	Assessment Methodology	The scope and methodology of the Applicant's Traffic and Access assessment is agreed.	<p>Section 13.3 of ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B)) [REP1-026] summarises key stakeholder engagement undertaken to inform the assessment. It also summarises the key matters raised by consultees in relation to the EIA on the topic of Traffic and Access and explains how the ES has had regard to those comments or how they have been addressed in the ES.</p> <p>Section 13.4 of ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B)) [REP1-026] then sets out the Assessment Methodology.</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
				The Applicant consulted KCC throughout the pre-application phase and the Assessment Methodology was agreed with KCC.	
2.2.7	S42 Consultation Response to 2023 Statutory Consultation	Safety Mitigation measures for PRow users during the Construction Phase	<p>KCC require appropriate measures to be employed for construction works proposed that could affect PRow during the construction phase to ensure the safety of PRow users.</p> <p>KCC confirms that the measures included in the Outline CTMP, Outline DTMP and Outline Rights of Way and Access Strategy secures the controls required in relation to this matter.</p>	<p>The Outline CTMP (Doc Ref. 7.9(B)) and Outline DTMP (Doc Ref. 7.13(B)) secures the safety measures to be employed on the construction traffic route to protect pedestrians crossing between PRow. These include but are not limited to:</p> <ul style="list-style-type: none"> ▪ additional signage, ▪ banksmen/marshals; and ▪ escort vehicles. 	Agreed
P.2 Traffic generation and routing	RR	Engagement between the Applicant and KCC	With regard to the highway access and operational elements of the proposal, the County Council, as Local Highway Authority, notes that the applicant has been generally receptive to concerns previously raised regarding the original vehicle routing and access points. The applicant has made several revisions to the proposed access	Noted.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			strategy and has also updated site-specific issues as each stage of consultation has been carried out. The County Council has welcomed this positive engagement from the applicant.		
P.2 Traffic generation and routing	RR	Construction Traffic (Impacts on the local highway network)	It is acknowledged that the additional traffic is temporary for the estimated 12-month period of construction. The Local Highway Authority notes that normal operational traffic levels for the completed site would be so low as to have near zero impact on the highway network. In practice, it is likely these would be lower than the associated farm use of the site area.	Noted.	Agreed
P.2 Traffic generation and routing	RR	Primary routing to the Proposal (via the M20 Junction 10a and A20)	Primary routing to the proposal is via the M20 Junction 10a and A20. As a newly completed motorway junction, Junction 10a has sufficient operational capacity on the arms used by traffic relating to this proposal. The County Council, as Local Highway Authority, notes that in Table 13.4 of the Environmental Statement (ES) Volume 2	Noted.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			Chapter 13 (APP-037), National Highways has raised no objection		
P.2 Traffic generation and routing	RR	Vehicle Routing (Via the Smeeth crossroads junction on the A20.)	The vehicle routing for all development related traffic arrives via the Smeeth crossroads junction on the A20. In the intervening time since the previous formal response from the Local Highway Authority (July 2023), the Smeeth crossroad junction (A20 / Station Road / Church Road) has been flagged on Kent County Council's yearly crash investigation cycle with the crash record for the most recent three years now meeting the criteria for investigation.	As indicated in the Applicant's email dated 27th August 2024, this point was not known at the time of the assessment. This change has now been considered and it is not considered to change the outcome of the assessment. The western and southern arms are classified as High sensitivity in the assessment given the proximity to The Caldecott School. The commitment to avoid school start and end times mitigates our impact on these links.	Agreed
P.2 Traffic generation and routing	RR	Smeeth Crossroads junction (Church Lane)	Liaison has taken place across the County Council, as Local Highway Authority. The primary area of concern is the northern arm of the junction, Church Road, with its limited visibility. Taking account which arms of the junction would be used by vehicles associated with the proposal, the daily vehicle movements, HGV movements	Noted. The Applicant confirms the assumptions provided in the supporting application documentation remain accurate.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			<p>being outside the peak traffic hours and the fact that the traffic impact is only for a temporary 12-month period, it is not considered that the resulting uplift in traffic would significantly worsen the crash record in this location. In reaching this conclusion, several assumptions in relation to the traffic generation from the proposal have been made based on the supporting application information – commentary raised in this representation should be clarified by the applicant prior commencement of the Examination to ensure this view is maintained.</p>		
P.3 Traffic generation and routing	RR	Traffic Generated by the Proposal (Workers Vehicles)	<p>Supporting data has been provided in relation to traffic generated by the proposal. The predicted traffic generation figures are shown in Table 4.1 in the Outline Construction Traffic Management Plan (OCTMP) (APP-154). The figures as presented are averaged out over the whole work day to present a vehicle number per hour value.</p>	<p>As indicated in the Applicant's email dated 27th August 2024, it is standard practice to average trips. The impact of the construction worker trips is forecast, using robust assumptions, to vary between the average figure of 30 one-way trips to 44 one-way trips. The majority, but not all, will arrive at Site before 8am and after 6pm which avoids the network peak</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			This may be reasonable for delivery vehicles; however, for workers, their arrivals are usually prior to a set start time or to meet a specific shift pattern and as such would be far more concentrated than shown.	hours. There is no evidence to suggest that this temporary impact could result in a severe impact.	
P.3 Traffic generation and routing	RR	The Modal Split for Workers (Travel by Minibus)	The modal split for worker arrivals states that 75% of workers would arrive/depart site by minibus. Considering the travel time from Ashford Town Centre is 20 minutes one way, this is ambitious. For 75% capture of the peak workforce of 199 workers, at 13 passengers per vehicle this would require multiple minibus trips. The County Council, as Local Highway Authority, is mindful that the requested working hours of 8am to 6pm would enable slight split shift start times and the OCTMP does detail “mini-buses”, so multiple vehicles are anticipated. The County Council notes that a Travel Plan is intended to be prepared, however, the issue of minibus	As indicated in the Applicant’s email dated 27th August 2024, the Applicant will have full control of who can access the Site, to the extent that only workers travelling by a vehicle needed for their trade, such as transit vans/trucks containing tools, being allowed on-site. Suitable locations for mini-bus pick-up and drop-off will be identified as part of the Detailed CTMPs, which is secured by DCO Requirement. The majority of workers will be expected to be picked-up from locations accessible by sustainable modes of transport, such as Ashford town centre and Ashford International. Suitable locations for park and ride trips can be identified for workers who will need to travel by car with the mini-bus completing the ‘final	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			<p>transport requires further clarification by the applicant ahead of the commencement of the Examination.</p> <p>In terms of workers arriving by car, considering that the site is remote from the main nearby urban settlements and there is no bus service nearby, a degree of car sharing is highly likely and would quite possibly exceed the three workers per two vehicles as proposed in the supporting information.</p>	<p>mile'. Locations for park and ride will be set out within the Detailed CTMP, but could include one or more of Ashford's larger car parks such as one of Ashford International's numerous car parks, Civic Centre & Stour Centre and County Square, all of which offer parking at reasonable daily rates. Whilst a single mini-bus can make multiple trips, it is likely that at least two mini-buses will be used. Again, this will be confirmed as part of the Detailed CTMP.</p>	
P.3 Traffic generation and routing	RR	Proposed Start Time and Working Hours (Workers)	<p>Supporting information relating to proposed start time and working hours on site indicates that the majority of workers would be arriving on site to begin their day shifts at 8am. If this is the case, the worker related traffic would all navigate the Smeeth crossroad junction prior to the standard AM traffic peak hour of 8-9am. This issue needs to be clarified by the applicant ahead of the commencement of the Examination</p>	<p>As indicated in the Applicant's email dated 27th August 2024, the majority, but not all, of construction workers will arrive at Site before 8am and leave after 6pm which avoids the network peak hours. There is no evidence to suggest that this temporary impact could result in a severe impact. Again, this will be confirmed as part of the Detailed CTMP.</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
P.3 Traffic generation and routing	RR	HGV Deliveries	The maximum HGV deliveries are noted within application material as predicted at 37 two-way trips across the day (18.5 in, 18.5 out) using the main site access on Station Road only. The OCTMP confirms that the AM and PM weekday traffic peaks times will be avoided for deliveries so that the large delivery vehicles do not coincide with other road users in the busiest traffic period. Drop-off/collection times for Caldecott School are also to be avoided. This level of HGV traffic accessing Station Road only from the A20 is acceptable to the County Council, as Local Highway Authority.	Noted	Agreed
P.3 Traffic generation and routing	RR	Construction Traffic (Goldwell Lane Access)	It is also detailed that construction traffic in relation to the Goldwell Lane Access will, where possible, be coordinated to arrive/depart outside the drop-off and pick-up times for Aldington Primary School. This is welcomed by the County Council.	Noted.	Agreed

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P.3 Traffic generation and routing	RR	Traffic Generation Figures (Uplifted by 40%)	The County Council notes that all supporting traffic generation figures have now been uplifted by 40% of the initial predicted figures by the applicant, to provide a robust representation. As such, this adds some flexibility in terms of worker arrival numbers and some of these quoted daily movements may in practice be lower than the figures provided.	Noted.	Agreed
P.4 Access Points	RR	Management measures associated with the Primary Site Access	The primary site access is on Station Road. Vehicle tracking has been provided to demonstrate that the access/exit movements are achievable. Adequate visibility is available, including vegetation cut back on the northwest verge to allow for warning signage and provide maximum forward visibility of large vehicles manoeuvring from Station Road into the site access. The OCTMP also confirms that a banksman will be present at the roadside to assist, if necessary	Noted	Agreed

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P.4 Access Points	RR	Amendments to the proposed Primary Access	This entrance will take all HGV deliveries, other deliveries, and direct staff arrivals. This is an important revision to the original proposal, meaning that delivery vehicles would not have to negotiate the constrained highway at Evegate Mill which is south of this site access. This is welcomed by the County Council, as Local Highway Authority.	Noted	Agreed
P.4 Access Points	RR	Unloading of HGVs and Deliveries	HGVs and deliveries will then be unloaded within the site compound and transferred to the other parts of the proposal site via tractor and trailer. This will mainly be via internal haul roads with highway crossing points indicated on Station Road, Bank Road and Laws Lane. These are to be controlled by temporary traffic management to stop traffic and allow construction vehicles to cross safely. This methodology also prevents the need to remove large sections of hedgerow for traditional visibility splays and is therefore supported.	Noted	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
P.4 Access Points	RR	Provision of Adequate On-Site Parking	Supporting documents state that no off-site parking will be permitted for workers. This is welcomed by the County Council, as Local Highway Authority, however, as the public highway in the surrounding area is not subject to formal parking restrictions, it may not be within the developer's ability to prevent this. Verge parking would cause damage and may also limit access and visibility. With this in mind, full details regarding the layout of the primary site compound will need to be provided within the CTMP and approved accordingly by the Local Highway Authority. Within the CTMP, the applicant will be required to demonstrate adequate parking space, in addition to access, turning and manoeuvring for delivery vehicles.	Noted	Agreed
P.4 Access Points	RR	Access to South-east cluster (Fields 20,21 and 22)	To access the south-east cluster (fields 20, 21 and 22), the tractor and trailer arrangement will need to route via Station Road, south	Noted	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			<p>from the proposed site access crossing and use Goldwell Lane to the existing site access just north of Goldwell Close. For this five month construction period, the OCTMP confirms that escort vehicles will be used to manage traffic and enable passage of the right-angled bend on Goldwell Lane. ES Volume 2 Chapter 1-19 states that, on average, nine construction vehicles per day will use this section of road. This is not considered by the Local Highway Authority to be unreasonable in a rural area that is already subject to large agricultural vehicles on the surrounding network.</p>		
P.4 Access Points	RR	Localised cutback across sections of Goldwell Lane and Station Road	<p>There are sections of Goldwell Lane that suffer from encroachment by boundary hedges over the highway verge/edge of carriageway - particularly in the vicinity of Goldwell Farm. Similarly, there are sections of the Station Road access route that would benefit from localised cutback. The</p>	Noted	Agreed

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			County Council recommends that these sections should be trimmed back to a reasonable level prior to the start of works such that this vegetation does not prevent users being able to use the full width of the road to pass other large vehicles. This should be included and secured as part of the pre-commencement highway inspections.		
P.5 Access Points	RR	Vehicle Track Drawings	Vehicle track drawings have been provided for the detailed access locations – the County Council considers that all of these are workable.	Noted.	Agreed
P.5 Access Points	RR	Highway Safety Management at Station Road	The applicant requested that the full width of the highway (including verge) be included within the works area to be approved in several locations. This is to ensure the County Council's previous requests for vegetation cut back can be delivered to maintain forward visibility of turning manoeuvres, mainly at the Station Road site compound entrance, but also to allow site related direction and	Noted.	Agreed

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			warning signage. This is therefore welcomed by the Local Highway Authority.		
P.5 Access Points	RR	Highway Condition Surveys	The applicant has confirmed within the application the agreement to carry out highway condition surveys before, during and after the construction period. This is to ensure any damage from vehicle overrun is recorded and repaired at the applicant's expense but will also enable localised hard surfacing improvements in the event of regular overrun from large vehicles. All verges are to be returned to their original condition after construction works are completed. An appropriate mechanism to secure this agreement through the DCO would be welcomed by the County Council, as Local Highway Authority.	<p>Noted.</p> <p>Any damage caused as a result of the Project would be made good at the cost of the undertaker. Highway verges will be returned to their previous condition as secured in Section 6.6 'Condition Survey' of the Outline CTMP (Doc Ref. 7.9(B)).</p> <p>Repairs of verges to their original condition will be implemented under the detailed CTMP(s).</p> <p>No phase of the authorised development may commence until a CTMP for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with the relevant highway authority as secured by requirement 7 of the Draft DCO (Doc Ref. 3.1(C)).</p>	Agreed
P.5 Access Points	RR	Existing access road to Bank Farm	As part of the access strategy, to reach all of the plots to the south of Bank Road, the proposed	As indicated in the Applicant's email dated 27th August 2024, the Bank Farm access already	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			<p>routing as shown uses the existing access road to Bank Farm. Although the crossing of Bank Road itself can be undertaken via traffic management, the Bank Farm access road is already restricted in width and only wide enough for one-way working for vehicles. Visibility is not adequate from the southern end of the access road to the Bank Road junction to prevent conflicting movements. Any resulting reversing manoeuvres of large vehicles for both direct solar site traffic or other access users would not be welcomed. There are other business interests and access needs on Bank Farm and increased use of this access road with large vehicles with no improvements would not be sensible. Localised widening to the access road to allow for overtaking space, taking account of forward visibility, should be implemented.</p> <p>Revision/clarification on this issue is required by the County Council</p>	<p>regularly accommodates large farm vehicles with its yards being capable of holding several large farm vehicles at a time. Construction arrivals and departures can be managed via the measures committed to in the CTMP including the scheduling of deliveries and use of GPS vehicle tracking. Should a construction vehicle be ready to depart when an arrival is scheduled, one of the vehicles can be held within the site until the other has passed. It is considered that there is enough space at Bank Farm to either accommodate passing places, or to hold a departing vehicle while an arrival passes.</p> <p>No phase of the authorised development may commence until a CTMP for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with the relevant highway authority as secured by requirement 7 of the Draft DCO (Doc Ref. 3.1(C)).</p>	

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			ahead of the commencement of the Examination.		
2.2.7	S42 Consultation Response to 2023 Statutory Consultation	Residual Effects	KCC confirms that with the proposed mitigation measures the effects on the local highway network and PRow network and their users are not considered significant.	<p>The embedded mitigation measures ensure that the impact of construction traffic on the local highway network and PRow network and their users will be minimised, particularly during the traditional network peak hours and drop-off/pick-up times at the Caldecott School.</p> <p>The magnitude of impact will likely remain very low to low magnitude resulting in a Negligible to Minor Adverse (not significant) effect.</p> <p>A summary of residual effects is provided in Table 13.14: Summary of Residual Effects of the ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B)) [REP1-026].</p>	Agreed

2.3 PRow

Table 2.3 PRow

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P.5 PRow	RR	Planning Policy	<p>The County Council, in respect its role as Local Highway Authority for the PRow network, draws on the following policies:</p> <ul style="list-style-type: none"> ▪ National Planning Policy Framework, December 2023 – Paragraph 104 and 124 ▪ National Policy Statement for Renewable Energy Infrastructure (EN3) including paragraph 2.10.42 to 2.10.45. ▪ National Policy Statement for Electricity Networks Infrastructure (EN-5) ▪ Kent County Council Rights of Way Improvement Plan 2018-2028 (ROWIP) <p>The ROWIP is a strategic policy document setting out the goals and priorities for Public Rights of Way and Access. The importance of the PRow network, the countryside, riverside, coast, and publicly accessible green space</p>	<p>The Applicant recognises the policies and strategies referenced by KCC and has reflected their importance and requirements within ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B)) [REP1-024] and the Outline Rights of Way and Access Strategy (Doc Ref. 7.15(A)) [REP1-056].</p>	Agreed

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			is recognised in many national and local strategies and is afforded strong protection in law.		
P.6 PRoW	RR	Impacted PRoWs and Byway	The County Council notes that there are eighteen Public Footpaths and one 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) and HE436 (Folkestone and Hythe). Byway Open to all Traffic: AE396 (Ashford). These routes connect to the wider 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 Applicant notes that the PRoWs listed by KCC – with the exception of HE436 – interact with the Project's Order Limits. However, not all PRoW listed would be altered in their course by the Project (only those that are referred to within the Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] and the Draft DCO (Doc Ref. 3.1(C)) (Part 4; and Schedules 8 and 9).	Agreed
P.6 PRoW	RR	Assessment of impacts on the PRoW Network	The site is visible from a much wider area of the network with PRoW routes designated as receptors within the Landscape and Visual Assessments.	The Applicant recognises the potential for a short-term, temporary change in environmental amenity during construction and decommissioning activity, and longer-term changes	Agreed

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			<p>The County Council considers that the impact on the PRoW Network should be seen from two overarching perspectives: that of continued access and connectivity across both the development site and the wider area, and that of the impact on user amenity and enjoyment of the existing open countryside i.e. the landscape and visual criteria.</p> <p>The proposal will transform the character of the area and will clearly have a significant impact on the PRoW network, causing disruption to path users during the construction period, significantly affecting the experience of path users during the operational phase and again causing disruption during decommissioning. The County Council has also engaged with the Landscape consultancy commissioned by Ashford Borough Council to provide a suitably qualified response to the applicant's assessments.</p>	<p>in visual amenity experienced by users of the PRoW network during the operational phase.</p> <p>Effects relating to 'amenity and health' of users have been assessed throughout relevant chapters of the ES, and summarised in ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B)) [REP1-024] from paragraph 12.7.58 (for construction effects) and from paragraph 12.7.105 (for operational effects).</p> <p>Several management plans have been put in place to address concerns relating to amenity of PRoW users, including management of construction environmental effects and construction traffic, and in terms of design, visual and landscaping measures. A comprehensive series of mitigation measures has been embedded in the design of the Project from the outset, with the aim of reducing adverse effects resulting from its introduction.</p>	

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			<p>The combined effects of all the aspects of the development, such as the severance and loss of the physical resource, construction traffic, noise, visual intrusion, and loss of tranquillity, would all impact significantly and detrimentally on the quality of the user experience inherent in a recreational walk or ride.</p> <p>The impact of each of these criteria on a stand-alone basis might be assessed as not significant, but if the impacts are considered collectively, they are significant.</p> <p>A walker, cyclist or horse rider using a public right of way or open access land experiences the countryside, and hence any impacts, holistically; namely the quality and diversity of the views, wildlife and natural features, the sense of wildness, peace and quiet, the presence (and absence) of traffic, noise, lighting and air quality, and the connectivity of the network.</p>	<p>Identified visual effects on PROW users are considered in the ES LVIA Chapter.</p> <p>The Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] seeks to manage this where practicable and notes that:</p> <ul style="list-style-type: none"> ▪ Paragraph 4.2.10 - Any works on or to, or provision of new or diverted PROW would be undertaken in accordance with the Kent Design Guide and KCC Countryside Access Objectives and Policy ▪ Paragraph 4.3.1 - Any new or diverted PROW implemented by the Applicant shall be designed in accordance or with regard to design standards adopted by KCC, including details such as surfacing of routes to create an appropriate high-quality network. Accordance to those standards will be reviewed on completion prior to adoption of any new or diverted PROW into the local highway network ▪ Paragraph 5.2.4 - A Rights of Way and Access Working 	

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			<p>The impact on both the physical access resource and the amenity value of the public rights of way and access network must be addressed through the application and examined.</p> <p>This should also include both the effect on the physical resource from temporary or permanent closures and diversions, as well as the quality of user experience and amenity value.</p>	<p>Group will be formed to review the Implementation Plans with the aim of minimising disruption and amenity loss to PRow users during implementation</p> <ul style="list-style-type: none"> ▪ Paragraph 5.2.8-9 - All new or diverted PRow crossing or within the Order limits shall have a detailed design that is safe and considers the convenience of the users and appropriateness to the context of the adjacent landscape character, with changes in level minimised where possible. The Applicant has taken a pragmatic and balanced approach to screening and openness, with proposed routes through the Order limits determined with legibility in mind – in some cases following tree and meadow planting, and new and/or historic hedgerows where practicable ▪ Paragraph 5.2.12 - Certain routes and locations within the network are anticipated to be recognised as opportunities for 	

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				<p>enhancing recreational experience, through the provision of suitable wayfinding, design features and where appropriate, facilities such as seating.</p> <ul style="list-style-type: none"> ▪ Paragraph 5.2.16-17 - Surfacing, signage, boundary treatments and access controls shall be designed with the intent of being efficient and integrated, appropriate to the type of usage permitted and appropriate to its surrounding context as much as is reasonably practicable. Design shall be in accordance or with regard to design standards adopted by KCC. Where practicable and proportionate to the existing network, in order to improve access to the existing network and for travel and outdoor recreation, the design of new or diverted routes shall maximise access for users (including those with limited mobility) through good design, while considering the use of robust design elements to prevent and 	

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				<p>mitigate the potential for misuse of the network by unauthorised vehicles and to prevent and deter anti-social behaviour</p> <p>The Outline Landscape and Ecological Management Plan ('LEMP') (Doc Ref. 7.10(A)) [REP1-048] sets out plans for annual inspection and maintenance/management of this environment including litter collection, weed control, clearance and management of scrub. It is anticipated to include management principles including:</p> <ul style="list-style-type: none"> ▪ Footpaths checked for wear and tear. Any areas of settlement or damage will be made good in accordance with current UK safety standards. Vegetation will also be managed along the routes of PRow to allow for safe passage where appropriate; ▪ Footpaths kept free of litter, weeds, grass cuttings, and general debris; and ▪ Any furniture and signage inspected monthly to ensure 	

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				<p>there is no vandalism or missing features, and no health and safety issues. Missing or broken items will be replaced. Any necessary repairs are to be carried out in accordance with UK safety standards</p> <p>The Design Principles (Doc Ref. 7.5(A)) [REP1-042] secure that all PRowS will be a minimum of 2m wide and will sit within a corridor of 10m minimum width, with the exception of the section of New 3 / FN-3 adjacent to Work No. 3 (Project Substation) which will sit within a 5m corridor. In some cases, the corridor width is likely to be much wider, and in some cases enabling interaction with existing and new open spaces where reasonably practicable (such as at AE 475 and AE 657).</p>	
P.6 PRow	RR	Engagement and PRow Management Strategy	The County Council, in respect of the PRow network, has been engaging with the applicant over the past few years, and also with Ashford Borough Council and Aldington Parish Council to	The Applicant has worked proactively with Kent County Council in detail to reach an agreed approach to the Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] and is grateful to the input that has achieved a reduction	Agreed

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			<p>understand and discuss concerns.</p> <p>Through the pre application stage of this proposal, the County Council has proactively negotiated with the applicant a PRow Management Strategy (APP-160), that covers the construction, operational and decommissioning stages.</p> <p>The proposed site covers a very dense area of the PRow network; the number of PRow that were originally proposed to be extinguished has been reduced to two, and the number of routes to be diverted during the operational stage has been reduced to the minimum. The County Council also recognises that there will be increased widths for each route to ensure that the PRow are not channelled into "alleyways" between solar parcels.</p> <p>The PRow Management Strategy will secure detail of the management of each PRow route affected in terms of access</p>	<p>in the need for extinguishment of PRow, and agreement on the approach to design, location and management of PRow during operation, construction and decommissioning.</p> <p>The Applicant recognises the particularly dense PRow network in this location and has used engagement with KCC and others, and the helpful direction of local and national policy, to set out the proposed outline approach with appropriate safeguards to ensure KCC and other stakeholders are involved in the process.</p>	

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			and connectivity. The PRow Management Strategy will secure detail of the management of each PRow route affected in terms of access and connectivity.		
P.7 PRow	RR	<u>Decommissioning and Re-instatement</u>	An agreement has been secured that upon decommissioning, a survey will be undertaken involving local interested parties, to determine whether or not the PRow that will be diverted during operation, are to be reverted to their current, pre-development alignments.	<p>The Applicant has worked with Kent County Council to reach an agreement on the approach to management of PRow during the decommissioning phase, and Kent County Council's options for future management of PRow's affected during the Proposed Development's lifetime at the end of the decommissioning phase. For clarity, this is secured by Section 6 of the Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] and the Draft DCO (Doc Ref. 3.1(C)) (Schedule 8). The Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] states that:</p> <ul style="list-style-type: none"> ▪ Paragraph 6.1.4 - New or diverted PRow temporarily implemented by the Applicant as new paths or diversions to existing PRow would be re-instated to their original alignment at the end of the 	Agreed

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				<p>decommissioning phase – this applies to AE 378, AE 428, AE 448, AE 431, AE 436 and AE 454.</p> <ul style="list-style-type: none"> ▪ Paragraph 6.1.5 - KCC has indicated that it may wish to amend the network permanently to adopt temporary replacements for these PRow following decommissioning and the Applicant will look to facilitate discussions between KCC and the landowners should that be the case. ▪ Paragraph 6.1.6 - KCC has agreed that certain replacement PRow implemented as part of the Project should be permanent amendments and continue beyond the decommissioning stage of the Project. This position applies to AE 385, AE 370, AE 377, AE 656 and 657, and AE 475. <p>The Applicant agrees that Kent County Council's statement regarding future use of the PRow will be subject to consultation at the end of the decommissioning</p>	

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				phase and has sought to ensure flexibility by defining some diversions as temporary, and others as permanent where there has been agreement with KCC.	
P.7 PRoW	RR	Construction Temporary Closures	The construction and decommissioning periods would necessitate temporary closures of PRoW, the effect of which should not be underestimated, as their value for local amenity could be severely reduced or removed during works.	Paragraph 6.1.2 of Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] states that <i>"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> . This provision is secured by Part 4, Article 18(2) in the Draft DCO (Doc Ref. 3.1(C)) which requires the Highway Authority to have confirmed the replacement route has been provided to its reasonable satisfaction.	Agreed
P.7 PRoW	RR	Combined Effects – Road and PRoW	The impact of the project on quiet rural lanes during construction and decommissioning in particular (HGVs and abnormal loads cited) should be considered in conjunction with the PRoW	Information is set out within ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B)) [REP1-026] confirms the	Agreed

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			<p>network, as these roads provide useful connections for users travelling between PRow routes.</p> <p>Continued liaison between the applicant in respect of highways and transportation, and the PRow network is requested should this proposal be granted development consent.</p>	<p>assessment undertaken via the EIA that:</p> <p>Paragraph 3.7.57 <i>“The Project would result in a temporary very low magnitude of impact on road user and pedestrian and safety. For 9 of the 10 sensitive receptors, this is considered to result in a Negligible (not significant) effect. Given that sensitive receptor no. 4, The Caldecott School, has high sensitivity and lies adjacent to the A20 Hythe Road/Station Road junction, it is considered to result in a temporary Minor Adverse (not significant) effect on road user and pedestrian safety”</i></p> <p>Safety measures to be employed on the construction traffic route to protect pedestrians crossing between PRow will include but are not limited to: additional signage, banksmen/marshals and escort vehicles as detailed in the Outline CTMP (Doc Ref. 7.9(B)) and Outline DTMP (Doc Ref. 7.13(B)).</p>	
P.7 PRow	RR	Enhancements	Through pre application discussions and formal responses, the County Council	The Applicant recognises that there is the potential for enhancement of the PRow	Under Discussion

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			<p>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.</p> <p>Through engagement with the applicant, the County Council ensured that the applicant was aware of the County Council</p>	<p>network, where practical, reasonable and proportionate, and has set this out within Section 3 'Strategic and Wider Benefits' of the Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] which includes:</p> <ul style="list-style-type: none"> ▪ The creation of new PRow in addition to those that are being created to address diversions directly – these include measures to improve public safety, reduce reliance on the road network for wider PRow connectivity, reducing some existing journey lengths and improving amenity and wider access in the north eastern portion of the Site. ▪ A 'riverside walk' will be created by FN-3 / New 3 running east to west through the north of the Site and connecting existing route AE 376 directly to AE 657 thereby directly connecting the network between Mersham and Sellindge. ▪ Subject to third party landowner agreement and appropriate 	

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			<p>ROWIP in which the County Council aims <i>"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"</i>.</p> <p>The County Council would 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 tourists alike, will experience on the quantity and quality of access provision.</p> <p>However, the County Council appreciates that mitigation measures can only apply to the access and connectivity of the PRow Network in terms of amenity, and quality of user experience; nothing will reduce the severity of the impact.</p>	<p>permissions for areas outside the Order Limits, a shared walking / cycleway will be provided (delivered to a specification and design standard to be agreed with ABC, in consultation with KCC) along the route of the diverted AE 370 from Aldington towards Mersham. The Applicant will engage with KCC to agree a proportionate provision of contributions to assist the delivery of the sections outside of the Order limits with the aim of creating a continuous offroad link between the two villages.</p> <ul style="list-style-type: none"> ▪ The Applicant will clear and maintain access along the Byway Open to All Traffic ('BOAT') AE 396 to the appropriate standards for a BOAT as set out in legislation, policy and guidance referred to in this Strategy. This link is not extinguished or diverted, but the Applicant and KCC recognise that it forms an important part of the network 	

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			<p>The County Council notes that reference is made in National Policy Statement for Electricity Networks Infrastructure (EN-5) to the principle of connecting people to the environment via footpaths constructed in tandem with environmental enhancement. The County Council considers that the local importance of the PRoW network cannot be underestimated.</p> <p>The Council is working with ABC to provide an outline technical specification for off-Site enhancement for existing PRoW between Sellindge and Mersham.</p>	<ul style="list-style-type: none"> ▪ Improved connectivity through the north-eastern part of the Site via FN-2 / New 2, FN-3 / New 3 and FN-8 / New 8, along with a proposed diversion of AE 656 and AE 657 (to improve amenity by moving the route away from the railway line and linking it to FN-3 / New 3, the 'riverside walk') will be provided with the long-term aim of providing wider network improvements between the forthcoming Otterpool Park, the Project, and on to Mersham and Ashford. KCC has aspirations for strategic network improvements that accord with these proposals. ▪ New circular walks will be created around the edge of Fields 19 and 23 through the diversion of AE 378, AE 448 and AE 428 and the implementation of FN-7 / New 7, and the diversion of AE 436 and AE 431 and the implementation of FN-1 / New 1. 	

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				<p>All PRow affected within the Site would be improved through design and surfacing standards.</p> <p>Paragraph 4.3.1 states that <i>“Any new or diverted PRow implemented by the Applicant shall be designed in accordance or with regard to design standards adopted by KCC, including details such as surfacing of routes to create an appropriate high-quality network. Accordance to those standards will be reviewed on completion prior to adoption of any new or diverted PRow into the local highway network”</i>.</p> <p>Section 5 sets out benefits relating to signage and information / education, design and accessibility.</p> <p>The Applicant will consider the reasonableness and proportionality of KCC’s off-site enhancement proposals in the context of enhancements already secured on-site.</p>	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P16 PRoW	RR	Recreational Displacement / Car Use	Some PRoW are the only off-road access for a community or provide the main recreational space. The impact of a development of this size and scale may well contribute to local users choosing to travel a greater distance by car in order to walk in open countryside and maintain recreation with a high amenity value.	<p>The Applicant has prepared an Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] , developed following engagement with KCC and taking onboard feedback from stakeholders as well as relevant local and national design guidance to mitigate effects on the PRoW network and its users.</p> <p>The Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] sets out that the Applicant will engage with stakeholders to agree proposals to manage the transition, diversion and closures of PRoW post DCO consent.</p> <p>It is accepted that the Project will alter the experience of some users, the Applicant notes the PROW network remains largely in place. Additionally it is noted that the surrounding area contains numerous other opportunities for public recreation and therefore the potential for local users to require the use of car to undertaken recreational activity is limited</p> <p>This approach ensures that the Project would not lead to a</p>	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				significant increase in the number of local users needing to travel by car in order to walk in open countryside and maintain recreation with a high amenity value.	
P.8 PRow	RR	Cumulative Impacts/ Knock on Impacts	<p>The boundary of the Otterpool Park Garden Town, although within the District of Folkestone and Hythe, is under two kilometres away from the eastern boundary of this proposed development. The cumulative impact of this proposal must be considered.</p> <p>The County Council, in respect of the PRow network, considers that the consequential inter-project effects will severely impact the PRow network and its users. Public amenity across a wide expanse of the County would therefore be lost by the effective sterilisation of an area due to closures and disruptions from a parallel or concurrent project.</p> <p>The Council is working with ABC to provide an outline technical</p>	<p>The Applicant acknowledges that there are potential <u>beneficial</u> cumulative effects regarding its interactions with large neighbouring developments – primarily the Otterpool Park Development (ID No. 10) which would be accessible from the Project within approximately 2km via the existing PRow network.</p> <p>The Design and Access Statement for the Otterpool Park Development states that currently there are very few public rights of way or opportunities for public access across the application site but notes that the development would “<i>deliver significant improvements in this regard...via improved connectivity to existing pedestrian routes that exist around the site and connecting these with new routes within the</i></p>	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			<p>specification for off-Site enhancement for existing PRow between Sellindge and Mersham.</p>	<p><i>development. This in turn will link and connect the new community within Otterpool with existing open space, recreational areas, landscape and the wider community”.</i></p> <p>In turn, the proposed improvements in connectivity in the Northern Area of the Project in particular would complement this by providing an enhanced network. This would allow residents of Aldington to access wider routes and destinations brought forward by the Otterpool Park Development, and form part of the wider strategic network from Ashford via Mersham onwards to Otterpool.</p> <p>In terms of the potential for cumulative adverse effects, the Applicant has reviewed the assessment undertaken for Otterpool which states in its Environmental Statement that <i>“no PRow or bridleways would be removed as a result of the Proposed Development (Otterpool). The Proposed</i></p>	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p><i>Development has been designed to complement and, where possible, enhance existing PRow and bridleways within the site and to link in with external routes adjoining the site. The proposed series of walking and cycling routes will link into the existing footpaths and footways within the site, which will be upgraded as appropriate. As such, the existing PRow and bridleways are expected to experience an increase in usage levels due to increased accessibility and an increase in local population".</i></p> <p>The Applicant will consider the reasonableness and proportionality of KCC's off-site enhancement proposals in the context of enhancements already secured on-site.</p>	
P.8 PRow	RR	Impact on PRow	Overall, the County Council considers that this development would impose substantial adverse influences on the PRow Network, a network that not only provides a safe, sustainable means of travel, but	The Applicant has worked proactively with Kent County Council in detail to reach an agreed approach to the Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] and is grateful to the input that has achieved a reduction	Under discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			<p>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 County Council would generally seek to encourage solar proposals to view local open as an asset, rather than a liability, given the proven positive associations between its quantity and value in the living environment, and community health and wellbeing.</p>	<p>in the need for extinguishment of PRow, and agreement on the approach to design, location and management of PRow during operation, construction and decommissioning.</p> <p>The outcome of these discussions has been that the PRow remains largely intact, with the extinguishments limited to a route diversion and a removal of a 'dead end'.</p> <p>The Applicant recognises the particularly dense PRow network in this location and has used engagement with KCC and others, and the helpful direction of local and national policy, to set out the proposed outline approach with appropriate safeguards to ensure KCC and other stakeholders are involved in the process.</p>	
P.8 PRow	RR	PRow Management Plan	<p>The County Council would, however, recognise that the PRow Management Plan will go some way to maintaining the accessibility and connectivity of the network, however, the severe impact on the open countryside,</p>	Noted.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			landscape and rural character of the area is inescapable and cannot be mitigated for.		
2.3.1	S42 Consultation Response to 2023 Statutory Consultation	Stopping up, diversion, design (e.g. widths and surfacing) and the management of PRowWs via the principle of the Outline Rights of Way and Access Strategy ('RoWAS') (Doc Ref 7.15)	KCC confirms that the Outline Rights of Way and Access Strategy secures the controls that have been agreed with the Applicant in relation to this matter and that the proposed diversions/extinguishments as specified in the draft Development Consent Order are consistent with the approach agreed with the Applicant.	<p>The Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] was shared with KCC for input/comment prior to submission of the Application and sets out the agreed position between the Applicant and KCC in relation to PRowWs.</p> <p>It sets out:</p> <ul style="list-style-type: none"> ▪ Details of the retained, diverted and new PRowWs. ▪ The measures for implementation and management of rights of way and access during the construction and decommissioning phases, the operational phase and proposals for monitoring and maintenance. <p>The Streets, Rights of Way and Access Plans (Doc Ref. 2.5) [APP-011] and Schedules 8 and 9 from the Draft DCO (Doc Ref. 3.1(C)) were also agreed with KCC prior to submission of the</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				Application. KCC confirmed that it was happy with these documents and had no further comments.	
2.3.2	S42 Consultation Response to 2023 Statutory Consultation	Enhancement of PRow outside of the Order Limits	<p>KCC advised the Applicant that the Project provides an opportunity to improve the PRow network and develop new links for active travel and outdoor recreation, and 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 impact that the public, residents, and tourists alike, will experience on the quantity and quality of access provision, and in light of cumulative effects from other Projects in the wider area.</p> <p>The Council is working with ABC to provide an outline technical specification for off-Site enhancement for existing PRow between Sellindge and Mersham.</p>	<p>The Applicant has included information on proposed enhancements within Section 3 of the Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056].</p> <p>The Applicant notes that the Draft DCO (Doc Ref. 3.1(C)) requires that KCC and ABC agree to the (detailed) RoWAS and Implementation Plan before it is adopted, allowing for further consideration of potential enhancements.</p> <p>The Applicant has discussed the potential for enhancements with KCC, and note that KCC and ABC will revert to the Applicant with potential enhancement proposals for its consideration.</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.3.3	S42 Consultation Response to 2023 Statutory Consultation	Decommissioning and re-instatement of PRow	KCC confirms that the approach to management of diverted PRow at the end of the Project's lifetime as reflected in Schedules 8 and 9 from the Draft Development Consent Order (Doc Ref 3.1) and Section 6 of the Outline Rights of Way and Access Strategy (Doc Ref. 7.15) is agreed.	<p>The Applicant has worked with Kent County Council to reach an agreement on the approach to management of PRow during the decommissioning phase, and KCC's options for future management of PRow's affected during the Proposed Development's lifetime at the end of the decommissioning phase.</p> <p>As agreed with KCC, this is reflected in Schedules 8 and 9 from the Draft DCO (Doc Ref. 3.1(C)) and Section 6 of the Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056].</p>	Agreed

2.4 Sustainable Urban Drainage Systems (SuDS)

Table 2.4: Sustainable Urban Drainage Systems (SuDS)

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P.8 SuDs	RR	Principle of proposed SuDs	The County Council, as Lead Local Flood Authority responsible for matters relating to the surface water environment, is generally accepting of the principles proposed for managing surface water run-off, namely via a system of attenuation with a restricted outflow to the surrounding water bodies.	Noted.	Agreed
P.8 SuDs	RR	Calculating the existing Greenfield Runoff rate	However, the Lead Local Flood Authority notes that there are some fundamental concerns raised with regards to the methodology proposed for calculating the existing Greenfield Runoff Rate and the associated allowable post development discharge rate proposed. These matters must be resolved by the applicant ideally ahead of the commencement of the Examination to the satisfaction of the Lead Local Flood Authority.	The apparent discrepancy highlighted is a result of the conservative assumption the methodology has applied by the Applicant in the assessment process. The outcome of this approach is that the illustrative design allows for a greater allowance for the attenuation volume. To remove confusion and better align with the LLFA expectation this apparent discrepancy will be addressed with revised drainage calculations	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			<p>The hydraulic calculations include a total area of 0.86Ha which exceeds the 0.68Ha for the substation area used to calculate the greenfield runoff rates. The Ciria SuDS design manual specifically states in paragraph 24.2.2:</p> <p><i>“The runoff area used in any of the runoff estimation methods should be consistent; for example, if the whole site area is used in the greenfield runoff calculations, the whole site should also be represented in the runoff calculations for the proposed development. If there is a landscaped area in the developed scenario that discharges directly to receiving waters and does not contribute to the drainage system (so is excluded from the calculations) then this area should also be excluded from the greenfield calculations.”</i></p>	shared with KCC in advance of Deadline 1.	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P9 SuDs	RR	Compliance with Ashford Borough Council Local Plan - Policy ENV 9 – Sustainable Drainage (Proposed Discharge Rates)	<p>In addition to this, the County Council, as Lead Local Flood Authority, raises concerns with regards to the proposed discharge rates complying with the Ashford Borough Council Local Plan, where Policy ENV 9 - Sustainable Drainage states:</p> <p><i>"On greenfield sites, development should discharge at a maximum of 4l/s/ha, or 10% below current greenfield rates for the existing 1:100 storm event, whichever is lower. There must be no increase in discharge rate from less severe rainfall events, with evidence submitted to demonstrate this principle."</i></p> <p>The discharge rates as proposed in the Outline Operational Surface Water Drainage Strategy (OOSWDS) (APP-159) do not appear to comply with the requirements of the policy above. Whilst accepting of the principles proposed for the 3.6l/s outfall in association with the substation area, subject to the alterations</p>	<p>Noted.</p> <p>Project substation: The Applicant will amend the specification of the hydrobrake to align with the requirements of Policy ENV9 and this will be captured in an updated version of the Outline Operation Surface Water Drainage Strategy. This will be shared with KCC in advance of Deadline 1.</p> <p>Inverters: The Applicant can commit to reducing the peak discharge rate for the 1 in 100 AEP + 45% climate change storm, for each inverter station from 1l/s to 0.4l/s to align with the requirements of Policy ENV9. This will be captured in an updated version of the Outline Operation Surface Water Drainage Strategy. This will be shared with KCC in advance of Deadline 1.</p>	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			<p>requested above, the inverter station area(s) would appear to be discharging in excess of the requirements of Policy ENV9. It is proposed for the inverter stations to discharge individually at 1l/s for all events. However, given that table 4.1 of the OOSWDS states for all events below the 3.3% AEP the greenfield runoff rate is below 1l/s (0.9l/s for the 3.3% and 0.4l/s for the 50% and 100%), this would appear to be contrary to the policy requirements. This becomes more evident as an issue when considering the total number of inverter stations proposed - circa 30 Inverter Stations at 1l/s = total discharge rate of 30l/s, existing 100% run off rate = 30 x 0.4l/s = 12l/s an excessive discharge of 18l/s.</p> <p>Whilst understanding the practicalities associated with low discharge rates, the County Council would suggest modifications to the design, such as the provision of additional attenuation with controls as part</p>		

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			<p>of the network, and not individually locating these at each inverter station position. These changes are in order to demonstrate compliance with the requirements of Policy ENV9 in association with the total area associated with the inverter stations.</p>		
P.9 SuDs	RR	Storm Scenarios	<p>As the Lead Local Flood Authority, the County Council now seeks the 'upper end' allowance is designed for both the 30 (3.3%) and 100 (1%) year storm scenarios. The latest information on the allowances and map can be found at the following link: https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances</p> <p>Analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk. The design may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or</p>	<p>The Applicant will undertake this additional modelling and will be shared with KCC in advance of Deadline 1.</p>	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			<p>provision of exceedance routes. This will tie into existing designing for exceedance principles. The design submission received only applies climate change uplift to the 100 (1%) year storm. The County Council would seek continued engagement, ideally ahead of the commencement of the Examination on the matters of concern for the Lead Local Flood Authority.</p>		

2.5 Minerals and Waste

Table 2.5: Minerals and Waste

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P.10 Minerals and Waste	RR	Mineral Safeguarding Assessment	The County Council, as Minerals and Waste Planning Authority, has reviewed Appendix 16.3: Minerals Safeguarding Assessment (APP-124). The County Council agrees with its basic approach in that the temporary nature of the proposal does not have a significant impact on the need to maintain a steady and adequate supply of River Terrace deposits (that may be unviable in any event). In respect of the Hythe Formation (Kentish Ragstone), though there is a greater arguable need (which the Minerals Safeguarding Assessment acknowledges) there is likely to be a limited ability to extract any meaningful quantity of hard rock and be able to do it acceptably with regard to meeting the requirements of Policy DM 9 of the adopted Kent Minerals and Waste Local Plan (KMWLP). Extraction of hard rock in this	Noted.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			locality would, in all probability, give rise to unacceptable impacts on the environment and communities.		
2.10.1	S42 Consultation Response to 2023 Statutory Consultation	Minerals Safeguarding	KCC agree that the Project is temporary and will not result in any new areas of mineral sterilisation. Post decommissioning the overwhelming majority of the Site can be returned to a condition that does not prevent any potential future mineral extraction. Further existing Site constraints have effectively already sterilised a significant portion of the minerals indicated as being present on-Site. As a result the Project complies with applicable local minerals safeguarding policies.	<p>ES Volume 4, Appendix 16.3: Mineral Safeguarding Assessment (Doc Ref. 5.4) [APP-124] has been prepared with reference to relevant policy in the NPPs, NPPF Kent Minerals and Waste Local Plan ('KMWLP') and KCC's Minerals Safeguarding Supplementary Planning Document ('SPD'). This also sets out discussions that have taken place with KCC as the relevant minerals planning authority.</p> <p>Appendix 16.3: Mineral Safeguarding Assessment (Doc Ref. 5.4) [APP-124] demonstrates that the Project is not incompatible with minerals safeguarding policies since the Project will only lead to the temporary loss of access to mineral resources.</p> <p>ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2) [APP-040] sets out the conclusions that the overall effect of the Project on</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				mineral resources is assessed to be negligible (not significant). No additional mitigation measures are required and no significant effects are anticipated as a result of the Project.	

2.6 Heritage Conservation

Table 2.6: Heritage Conservation

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.6.1	S42 Consultation Response to 2023 Statutory Consultation	Scope of Cultural Heritage Assessment	The scope and methodology of the Applicant's Cultural Heritage assessment is subject to discussion regarding pre-determination trial trenching	The scope for the Cultural Heritage assessment was discussed with statutory consultees and the Planning Inspectorate. Table 7.1 of ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] provides a summary of the responses to the EIA Scoping Report (ES Volume 4, Appendix 1.1: EIA Scoping Report (Doc Ref. 5.4)) [APP-059] , [APP-060] and [APP-061] of relevance to the assessment of Cultural Heritage and how the issues raised have been responded to.	Agreed
2.6.2	S42 Consultation Response to 2023 Statutory Consultation	Scope of Heritage Receptor Viewpoints	The scope of the Applicants heritage receptor viewpoints are agreed.	ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012] sets out the agreed scope of the heritage receptor viewpoints between the Applicant and KCC.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.6.3	S42 Consultation Response to 2023 Statutory Consultation	Study Area for the Assessment	The study area of the Applicant's Cultural Heritage assessment is agreed.	<p>Paragraphs 7.4.14-7.4.22 of ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] establishes the study area for the Cultural and Heritage assessment.</p> <p>The study areas outlined within the ES were defined to include all designated and non-designated heritage assets with the potential to be affected by the Project, and to provide information on the archaeological potential of the Site.</p>	Agreed
2.6.4	S42 Consultation Response to 2023 Statutory Consultation	Baseline Data (Archaeological remains and Heritage Assets)	The baseline data of the Applicant's Cultural Heritage assessment is agreed.	An Archaeological DBA (refer to ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref. 5.4) [APP-070] and [APP-071]) supported by a walkover survey, geophysical survey, trial trench evaluation, geoarchaeological test pits and an Archaeological Landscape Assessment and a Heritage Statement (refer to ES Volume 4, Appendix 7.2: Heritage Statement (Doc Ref. 5.4) [APP-072]) have been undertaken to assess the potential effects of the Project on the significance of	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p>buried archaeological remains and heritage assets within the Order limits and on the significance of heritage assets within the vicinity of the Site.</p> <p>A summary of the findings of the baseline reporting is provided in Section 7.5 of ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] to provide context to the assessment of the likely significant effects of the Project. Full details of the baseline conditions are included within ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref. 5.4) [APP-070] and [APP-071] and Appendix 7.2: Heritage Statement (Doc Ref. 5.4) [APP-072].</p>	
2.6.5	S42 Consultation Response to 2023 Statutory Consultation	Identification of Sensitive Receptors	The sensitive receptors identified within the Applicant's Cultural Heritage assessment are agreed.	<p>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] sets out a summary of receptor sensitivity as part of the Cultural and Heritage assessment.</p> <p>In summary, having accounted for the desk-based baseline information and Site observations,</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				the potential cultural heritage receptors (heritage assets) identified as being potentially sensitive to the Project comprise the following included within Table 7.9 of ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] .	
2.6.6	S42 Consultation Response to 2023 Statutory Consultation	Assessment Methodology	The scope and methodology of the Applicant's Cultural Heritage assessment is agreed.	Section 7.4 of ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] sets out the agreed assessment methodology.	Agreed
P.10 Heritage Conservation	RR	Engagement	The County Council has welcomed engagement on this project and has reviewed the documents and archaeological reports submitted at this stage.	Noted.	Agreed
P.10 Heritage Conservation	RR	Further field assessment work, (Geophysical survey and some localised, targeted fieldwork trenching.)	The County Council has welcomed the liaison to date from the applicant's heritage team, although it is noted that this liaison has not been consistent. County Council Officers have also engaged in meetings and discussed archaeological assessment approaches and requirements. The County	The archaeological investigations followed a structured sequence starting with a desk-based assessment, which was enhanced by a geophysical survey to identify anomalies. Following discussions with the KCC Archaeological Officer, the Applicant conducted intrusive investigations, including geoarchaeological surveys and	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			<p>Council recognises that the submitted documents include updated desk based assessment, Archaeological Landscape Assessment as well as Archaeological Management Strategy (AMS) and the inclusion of archaeological mitigation in general scheme documentation. 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. The County Council requires reasonable ground truthing to be carried out, via trenching, and some geoarchaeological work but the County Council has not had any clarification on this from the applicant or their consultant, Wardell-Armstrong. Clarification on this matter would be welcomed, ideally ahead of the commencement of the Examination.</p>	<p>trial trench evaluations, focusing on high-potential areas.</p> <p>The comprehensive evaluation provided a proportionate baseline to assess potential significant effects on archaeological assets. Further trial trenching is proposed before construction to fully investigate archaeological potential and mitigate any residual risk.</p> <p>The approach to archaeological mitigation is set out within the AMS (Doc Ref. 7.17) [APP-162]. The Applicant does not intend to provide any further significant changes to its approach.</p> <p>A full response to the approach to the scope and proportionality of the archaeological assessment work is set out below (See paragraph 2.6.1 onwards).</p>	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P.10 Heritage Conservation	RR	Archaeology Management Strategy and Archaeology Mitigation	The County Council would like to take this opportunity to provide comments on submitted documents relating to archaeology, including the AMS and mitigation; and where relevant, the County Council has also provided commentary against the general Consultation Response Tables. – this is provided within Appendix A.	Noted.	Under Discussion
P.10 Heritage Conservation	RR	Lack of Preliminary Ground Truthing through Evaluation Trenches	Overall, the County Council's current concern is the lack of preliminary ground truthing through evaluation trenches. Through this Representation, the County Council has recommended some amendments to Cultural Heritage documentation and would welcome engagement with the applicant as these documents are reviewed.	The Applicant discussed the approach to this matter with the County Council and the Planning Inspectorate during the pre-application stage but would welcome further discussion on this point. A full response to the approach to the scope and proportionality of the archaeological assessment work is set out below (See paragraph 2.6.1 onwards).	Under Discussion
P.10 Heritage Conservation	RR	Archaeological Management Strategy and Mitigation	However, the County Council considers that the Archaeological Management Strategy and archaeological mitigation is completely unacceptable as they	The AMS (Doc Ref. 7.17) [APP-162] sets out the scope, guiding principles and methods for the planning and implementation of the required WSI(s) for the programme	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			<p>are not suitably informed by a robust evidence base. Such scarcity of ground truthing 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 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.</p>	<p>of archaeological mitigation post DCO consent and prior to any construction works.</p> <p>The AMS (Doc Ref. 7.17) [APP-162] sets out the approach to archaeological management, which will be submitted to the local planning authority for approval prior to commencement as secured by a Requirement in the Draft DCO (Doc Ref. 3.1(C)).</p> <p>Requirement 9 in the Draft DCO (Doc Ref. 3.1(C)) requires that each phase of work will require a standalone Written Scheme of Investigation (WSI) to be submitted to and approved by the local planning authority in consultation with KCC, for the areas of archaeological interest within that phase post DCO consent.</p> <p>If archaeological findings are identified, the Works Plans (Doc Ref. 2.3(B)) [REP1-003] secure flexibility to relocate infrastructure and the Design Principles (Doc Ref. 7.5(A)) [REP1-042] allow flexibility for the use of alternative construction techniques for the PV</p>	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p>array areas to reduce impacts. The only exception to this is the location of the Project Substation (Works No. 3) and therefore trial trenching in this area was undertaken during the pre-examination stage.</p> <p>A full response to the approach to the scope and proportionality of the archaeological assessment work is set out above (See paragraph 2.6.1 onwards).</p>	
2.6.7	S42 Consultation Response to 2023 Statutory Consultation	Archaeology Mitigation (Decommissioning Phase)	KCC confirms that the DCO and AMS secures the controls that have been agreed with the Applicant in relation to decommissioning phase works.	Section 4.2, 'Cultural Heritage' of the Outline DEMP (Doc Ref. 7.12) [APP-157] sets out the archaeological mitigation, secured during the decommissioning phase.	Agreed
2.6.8	S42 Consultation Response to 2023 Statutory Consultation	Messerschmitt Bf109E crash site	KCC confirms the controls that have been agreed with the Applicant in relation to this matter.	The Schedule of Other Consents and Licences (Doc Ref. 3.4) [APP-018] sets out the applicant's mitigation approach to the Messerschmitt Bf109E crash site. This includes the obtaining of a licence from the Ministry of Defence (Licence 1921) to excavate any remains associated with the PMR crash.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.6.9	S42 Consultation Response to 2023 Statutory Consultation	Assessment of Effects	KCC does not agree that there will be no likely significant effects upon below ground archaeological remains and heritage assets to result from the project. Without a robust trial trenching (ground truthing) evaluation, this cannot be stated.	<p>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] outlines the potential for the Project to impact upon below ground archaeological remains and heritage assets during the construction, operational and decommissioning phase.</p> <p>The archaeological investigations followed a structured sequence starting with a desk-based assessment, which was enhanced by a geophysical survey to identify anomalies. Following discussions with the KCC Archaeological Officer, the Applicant conducted intrusive investigations, including geoarchaeological surveys and trial trench evaluations, focusing on high-potential areas.</p> <p>The comprehensive evaluation provided a proportionate baseline to assess potential significant effects on archaeological assets. Further trial trenching is proposed before construction to fully investigate archaeological potential and mitigate any residual risk.</p>	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p>In terms of the potential for direct effects on the archaeological resource within the Site, it is appropriate to note that the physical impact of the Project would be very low over the majority of the Site.</p> <p>The Works Plans (Doc Ref. 2.3(B)) [REP1-003] include flexibility to respond to archaeological features which may be identified during archaeological investigation that will be undertaken pre-construction as secured by the AMS and to respond to features identified during construction works.</p> <p>During construction, there is potential for temporary impacts to the historic landscape character; and off-site heritage assets, in terms of changes to their setting.</p> <p><i>Operational Phase</i></p> <p>ES Volume 4, Appendix 1.2: EIA Scoping Opinion (Doc Ref. 5.4) [APP-062] confirmed that an assessment of the direct physical effects on below ground assets (i.e., archaeological remains)</p>	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p>during the operational phase could be scoped out of the ES as direct physical effects will only occur during construction phase of the Project.</p> <p>Table 7.8 of ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] presents a table of 'Operational Phase Cultural Heritage Indirect Effects, all of which are considered to be not significant.</p> <p><i>Decommissioning Phase</i></p> <p>ES Volume 4, Appendix 1.2: EIA Scoping Opinion (Doc Ref. 5.4) [APP-062] confirmed that an assessment of the direct physical effects on below ground assets (i.e., archaeological remains) during decommissioning could be scoped out of the ES as direct physical effects will only occur during construction phase of the Project.</p> <p>Decommissioning related impacts will be temporary and slight, due to the relative ease of returning the land back to agricultural use, with minimal effects. As such, all direct</p>	

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				<p>and indirect effects are considered to be no more than slight adverse and not significant.</p> <p><i>Residual Effects</i></p> <p>Residual effects on archaeological remains within the Order limits have taken into account the measures set out within Section 7.6 of ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] and the AMS (Doc Ref. 7.17) [APP-162].</p> <p>Table 7.9 of ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] presents a 'Summary of Residual Effects.'</p> <p>Measures set out in the AMS (Doc Ref. 7.17) [APP-162] and the Works Plans (Doc Ref. 2.3(B)) [REP1-003] allow for areas of important archaeological remains to be preserved through design alternatives, where appropriate.</p> <p>Residual effects on off-Site heritage assets, through changes to their setting, will remain as Section 7.7 'Assessment of</p>	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				Effects' of ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] as no additional mitigation monitoring and enhancement measures have been identified for indirect effects for the (Operational and decommissioning phase).	
2.6.10	S42 Consultation Response to 2023 Statutory Consultation	Assessment of Effects (Cumulative Effects)	KCC agree that no likely significant cumulative effects are considered to result from the Project.	<p>Section 7.10 'Cumulative Effects of ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] assesses the likely cultural heritage effects of the Project in cumulation with the effects of the following schemes as outlined within ES Volume 4, Appendix 6.1: List of Cumulative Schemes (Doc Ref. 5.4) [APP-068].</p> <p>Full details of the cumulative schemes, are included in ES Volume 4, Appendix 6.1: List of Cumulative Schemes (Doc Ref. 5.4) [APP-068].</p> <p><i>Construction Phase</i></p> <p>It is confirmed within ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] that</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p>there would be no cumulative construction phase indirect effects on those receptors identified, once the construction phase has ended.</p> <p><i>Operational Phase</i></p> <p>The cumulative assessment is also supported by cumulative heritage visualisations which illustrate the appearance of the Project alongside the main parameters of each cumulative scheme. The cumulative heritage visualisations are included in ES Volume 4, Appendix 7.2: Heritage Statement, Annex 2 (Doc Ref. 5.4) [APP-072].</p> <p>The only potential cumulative effects indicated by the prepared visualisations are those on the Grade I listed Church of St Martin (NHLE 1071208). No other cumulative effects are indicated in any of the other heritage viewpoints.</p>	

Archaeology: Pre-determination trial trenching

KCC's RR: Overall, the County Council's current concern is the lack of preliminary ground truthing through evaluation trenches. Through this Representation, the County Council has recommended some amendments to Cultural Heritage documentation and would welcome engagement with the applicant as these documents are reviewed.

- 2.6.1 **Applicant Response:** The Applicant and KCC continue to discuss this matter and are working to provide the Examining Authority an update at Deadline 3 on this matter.
- 2.6.2 For background and context, 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).
- 2.6.3 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 (paragraph 2.10.114). The extent of investigative work should be proportionate to the sensitivity of, and extent of proposed ground disturbance in, the associated study area (paragraph 2.10.114).
- 2.6.4 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).
- 2.6.5 The ES recognises that groundworks during construction have the potential to affect buried archaeological remains, although it states that the overall footprint of the development (including piling, topsoil stripping, cable trenching and foundation excavation) is anticipated to be very limited in extent, and subsequently the potential for remains to be potentially encountered and impacted is also limited.
- 2.6.6 In terms of mitigation, EN-3 says 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 SoS, where requested, should consider granting consents that allow for micro siting (paragraph 2.10.138).

- 2.6.7 The Applicant completed a desk-based assessment and a full geophysical survey was undertaken covering the areas where physical development is proposed within the Order limits to establish a baseline understanding of the potential for sub-surface archaeology.
- 2.6.8 The Applicant recognised and responded to comments raised by the County Archaeologist 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 Works Plans to relocate Project elements 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 concerns regarding this area of the site the Applicant undertook a series trial-trenches in this area pre-submission which did not indicate the presence of any archaeological remains.
- 2.6.9 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.
- 2.6.10 The nature of much of the Proposed Development is considered to result in minimal ground disturbance and a suite of proposed mitigation measures in the **AMS (Doc Ref. 7.17) [APP-162]**, including the commitment to pre-construction trial trenching will be delivered. 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).
- 2.6.11 The Applicant notes the Solar Energy UK Position Statement (“Solar farms and the assessment of buried archaeological remains”) which has been informed by input from the Chartered Institute of Archaeologists (CifA). It suggests the impact of piling in an absolute worse-case scenario equates to 6m² per hectare (or 0.06% of the area), but typically is will be much less than this. By comparison effects for residential or commercial developments are 100% of the area. 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.
- 2.6.12 The Applicant considers its approach on this matter is appropriate and proportionate. The combination of desk based assessment, geophysical survey and targeted trial trenching has resulted in a thorough understanding of the likely impacts of the Proposed Development, which it considers are relatively limited. Additional pre-construction trial trenching is secured in the AMS

and, in the event that this identifies new archaeology, the Works Plans include the flexibility to mitigate any impact on this heritage assets without any significant impact on the delivery of the project.

2.6.13 This approach is considered to be consistent with EN-3 and is consistent with recent NSIP decisions, such as Mallard's Pass.

2.7 Biodiversity

Table 2.7: Biodiversity

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P.11 Biodiversity	RR	Ecological Impacts	The County Council considers that the majority of impacts on ecology have been avoided as the proposal is largely located on arable fields. Furthermore, the creation of grassland within the site will benefit species within the site and ensure connectivity is being maintained and enhanced. Habitat creation and active management of the retained, enhanced and established habitats will benefit biodiversity within the site.	Noted.	Agreed
P.11 Biodiversity	RR	Impacts on Skylark	The County Council considers that the main issue is Skylarks. The submitted information has detailed that the site has 39-46 territories and to mitigate the impact the application highlights the open space in fields 26, 27 and 28 and the increase in foraging opportunities within the site.	Noted.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P.11 Biodiversity	RR	Skylark Territories	Research indicates that fields with two skylark plots per hectare can accommodate more nesting skylarks compared with conventional winter-sown wheat management (0.3 territories per hectare compared to 0.2 territories per hectare as per - Conservation Evidence; PR 416 SAFFIE Project Report 1 (nerc.ac.uk). If skylark plots are combined with arable field margins, 0.4 territories per hectare could be supported	Noted.	Agreed
P.11 Biodiversity	RR	Nesting Habitat for Skylark	The County Council appreciates 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 the open space will be managed to provide optimum nesting habitat for skylarks. However, the reduction of land where skylarks can breed cannot be ignored. The submitted information has detailed that ongoing monitoring will be carried	The Outline LEMP (Doc Ref. 7.10(A)) [REP1-048] secures the monitoring to be undertaken during the operational phase, this includes: Skylark plot effectiveness during the operation of the Project, the results of monitoring may result in additional or revised management recommendations which will need to be incorporated into future detailed LEMPs. As set out within Annex 3: Indicative Mitigation and	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			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 be subsequently addressed.	Enhancement Measures the Outline LEMP (Doc Ref. 7.10(A)) [REP1-048] detailed information regarding the Species monitoring surveys (wintering and breeding birds) including Skylark is secured for incorporation within a notable bird strategy as part of a detailed LEMP.	
P.11 Biodiversity	RR	Assessment of loss of breeding habitat on the Skylark population.	The County Council therefore concludes that there is a need for additional information to be provided addressing how this loss of breeding habitat will impact the skylark population. This needs to be addressed ideally by the applicant prior to commencement of the Examination	The Outline LEMP (Doc Ref. 7.10(A)) [REP1-048] , sets out the agreed position between the Applicant and KCC in relation to mitigation for ground nesting birds species. The proposed habitat measures were determined based on available literature relating to skylark breeding ecology and use of skylark plots. The mitigation proposals are considered to reflect current best practice and should deliver sufficient mitigation for the loss of skylark breeding habitats. The effectiveness of the mitigation measures would then be monitored to ensure they are effective and adapt site management if needed.	Under Discussion
2.7.1	S42 Consultation Response to 2023 Statutory Consultation	Mitigation for Ground Nesting Birds	KCC confirms that the Outline LEMP secures the controls that have been agreed with the Applicant in relation to this matter. KCC have concerns about the area identified as ground nesting birds habitat as not being of sufficient size.		Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.7.3	S42 Consultation Response to 2023 Statutory Consultation	Biodiversity Net Gain (BNG)	KCC agree the Project will provide significant Biodiversity Net Gain benefits through landscape improvements, well managed habitat and a landscape strategy	<p>The Biodiversity Net Gain Assessment (Doc Ref. 7.1) [APP-146] confirms that BNG of at least 100% for habitat units and above 10% for hedgerow and river units can be achieved for the Project and is secured via a Requirement within the Draft DCO (Doc Ref. 3.1(C))</p> <p>The Outline LEMP (Doc Ref. 7.10(A)) [REP1-048] includes the principles of habitat management that will be implemented for the lifespan of the Project, and to ensure the habitat types and conditions predicted in the Biodiversity Net Gain Assessment (Doc Ref. 7.1) [APP-146] are achievable.</p> <p>Detailed landscape proposals will be developed post-grant of the DCO, and these will be used to further evidence how the BNG will be delivered. This is secured by Requirement in the Draft DCO (Doc Ref. 3.1(C)).</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.7.4	S42 Consultation Response to 2023 Statutory Consultation	Assessment of impacts on Designated Sites	KCC agree that no likely significant effects upon Designated Sites are considered to result from the Project.	The Information to Inform Habitats Regulations Assessment (Doc Ref. 7.19(A)) [REP1-058] is submitted with the DCO application, confirming that (no likely significant effects) are considered to result from the Project.	Agreed

2.8 Landscape and Views

Table 2.8: Landscape and Views

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.8.1	S42 Consultation Response to 2023 Statutory Consultation	Visual impact on users of the PRow network	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.	<p>Section 8.7 'Assessment of Effects' of ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012] assesses the likely effects to landscape and views of PRow users, including an assessment of the impacts to the experiential qualities of the PRow.</p> <p>With regards to embedded mitigation 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 ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012].</p>	Agreed

2.9 Water

Table 2.9: Water

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.9.1	S42 Consultation Response to 2023 Statutory Consultation	Engagement with the local Flood and Water Management Team	It is agreed that there has been effective engagement with KCC Flood and Water Management Team and their appointed consultants on the Water Environment assessment.	Section 10.3 of ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B)) [REP1-022] summarises key stakeholder engagement undertaken to inform the assessment. It also summarises the key matters raised by consultees in relation to the EIA on the topic of Water and explains how the ES has had regard to those comments or how they have been addressed in the ES.	Agreed
2.9.2	S42 Consultation Response to 2023 Statutory Consultation	Assessment Scope (Water Environment Assessment)	KCC agree with the Applicant regarding the scope and methodology of the Applicant's Water Environment assessment.	Noted.	Agreed
2.9.3	S42 Consultation Response to 2023 Statutory Consultation	Assessment Scope (Flood Risk Assessment)	KCC agree with the Applicant regarding the scope of the Applicant's Flood Risk assessment. KCC agree that the FRA is robust.	A site-specific Flood Risk Assessment is included ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A)) [REP1-036] [REP1-037] and [REP1-038] . Section 5 of this FRA sets out the baseline context of the Site as	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p>relevant to flood risk, describing key aspects of the topography, geology and hydrology as necessary to understand flood risk on and around the Site</p> <p>Paragraph 4.1.2 of the FRA includes a list of the tasks undertaken to ensure that the baseline data provides sufficient information to assess the risk of flooding arising from the Project in addition to the risk of flooding to the Project, taking into account the impacts of climate change;</p> <p>Section 8 of this FRA presents a screening assessment of flood risks which are relevant to the Project. This seeks to determine which types of flood risk sources are important at the Site and warrant further detailed assessment.</p> <p>Section 9 of this FRA provides a more detailed review of the flood sources that were screened into the assessment. The approach for managing and mitigating these risk in the context of the project is discussed in Section 10 of this</p>	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p>FRA with the corresponding approach for managing and mitigating flood impacts arising from the Project addressed in Section 11 of this FRA.</p> <p>The FRA is informed by a Hydraulic Modelling Report ('HMR') which is presented as Annex B of ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A)) [REP1-036] [REP1-037] and [REP1-038] Annex B sets out the approach to the construction of the hydraulic model that has been used to quantify flood risk.</p> <p>Residual risk of flooding arising from the Project in addition to the risk of flooding to the Project, taking into account the impacts of climate change are considered in Section 12 of this FRA.</p>	
2.9.4	S42 Consultation Response to 2023 Statutory Consultation	Baseline Data	KCC agree with the Applicant regarding the baseline of the Applicant's Water Environment assessment.	Section 10.5, 'Baseline Conditions' of ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B)) [REP1-022] outlines the baseline conditions for the	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				Applicants Water Environment Assessment.	
2.9.5	S42 Consultation Response to 2023 Statutory Consultation	Identification of Sensitive Receptors	KCC agree with the Applicant regarding the identified sensitive receptors included within the Water Environment Assessment.	Table 10.13: Summary of Receptors and Sensitivity of ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B)) [REP1-022] provides a summary of the water environment receptors and their sensitivity.	Agreed
2.9.6	S42 Consultation Response to 2023 Statutory Consultation	Assessment Methodology	KCC agree with the Applicant regarding the scope and methodology of the Applicant's Flood Risk assessment.	Section 10.4, 'Assessment Methodology' of ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B)) [REP1-022] sets out the agreed Assessment Methodology.	Agreed
2.9.7	S42 Consultation Response to 2023 Statutory Consultation	Embedded Mitigation	KCC confirms that the Outline CEMP secures the controls that have been agreed with the Applicant in relation to this matter.	The Outline CEMP (Doc Ref. 7.8(A)) [REP1-044] includes good practice methods that are established and effective to which the Project will be committed through the DCO. These measures are designed to prevent adverse impacts in relation to flood risk, surface water drainage and pollution control of oils, sediment, cements and other polluting sources which may be	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p>hazardous to the water environment. These measures are described in Paragraphs 10.7.8 to 10.7.25 of ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B)) [REP1-022].</p> <p>Following granting of the DCO, detailed CEMP(s) in accordance with the Outline CEMP (Doc Ref. 7.8(A)) [REP1-044] will be developed to include detail regarding the approach for construction and mitigation to protect the water environment.</p> <p>A Construction Method Statement ('CMS') based on detailed design of the Project will form part of the detailed CEMP(s), as secured by the Outline CEMP (Doc Ref. 7.8(A)) [REP1-044]. This will provide the detailed design and expand upon the approach to key activities and components such as the temporary watercourse crossings and HDD method of watercourse crossing.</p> <p>The siting of the Cable Route Corridor, Cable Route Crossing, Project Substation and the</p>	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p>construction internal haulage road have been designed to avoid, where possible, direct impacts on existing drainage networks and features.</p> <p>Flood risk embedded mitigation measures are secured through Paragraph 4.8.6 of the Outline CEMP (Doc Ref. 7.8(A)).</p>	
2.9.8	S42 Consultation Response to 2023 Statutory Consultation	Surface Water Drainage Strategy	KCC confirms that the Outline Operational Surface Water Drainage Strategy secures the controls that have been agreed with the Applicant in relation to this matter.	The Outline Operational Surface Water Drainage Strategy (OSWDS) (Doc Ref. 7.14(A)) [REP1-054] sets out the agreed position between the Applicant and KCC in relation to surface water drainage. This has been developed in line with KCC's Drainage and Planning Policy Statement.	Agreed
2.9.9	S42 Consultation Response to 2023 Statutory Consultation	Assessment of Effects (Construction, operational and decommissioning phase)	KCC confirms that the Outline CEMP, Outline OMP, Outline DEMP and Outline Surface Water Drainage Strategy secures the controls that have been agreed with the Applicant in relation to this matter.	<p>Construction Phase</p> <p>There are no likely significant adverse effects as a result of the Project in the construction phase, therefore no additional mitigation measures are required.</p> <p>Water quality monitoring will however be undertaken to</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p>establish a baseline position prior to the commencement of construction (over both wet winter and dry summer conditions). This will include the East Stour River on-Site and downstream of the Site as well as other smaller channels within the Site.</p> <p>Details of the sampling regime, including the monitoring suite and sampling frequencies, will be provided in the detailed CEMP(s) and agreed with ABC.</p> <p>Monitoring is secured through the Outline CEMP (Doc Ref. 7.8(A)) [REP1-044].</p> <p>Compliance monitoring will be undertaken throughout the construction phase to establish changes in water quality. Where there are notable detrimental changes to water quality, the relevant procedures for pollution prevention, as defined within the CEMP(s), would be revised to reduce impact. The effects of additional mitigation and their impact will be noticed in routine compliance monitoring.</p>	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p><i>Operational Phase</i></p> <p>There are no likely significant effects during the operational phase and therefore no requirement for additional mitigation, monitoring or enhancement measures.</p> <p>Regular inspection and maintenance of the drainage systems will be undertaken throughout the operational phase of the Project. All maintenance and Site works will be carried out in accordance with good practice guidance, with requirements outlined in the Outline OSWDS (Doc Ref. 7.14(A)) [REP1-054] and Outline OMP (Doc Ref. 7.11(A)) [REP1-050].</p> <p><i>Decommissioning Phase</i></p> <p>No likely significant adverse effects as a result of the Project are identified in the decommissioning phase, therefore no additional mitigation measures are required.</p> <p>Water quality monitoring will however be undertaken to</p>	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p>establish a baseline position prior to the commencement of decommissioning (over both wet winter and dry summer conditions). This will include the East Stour River on-Site and downstream of the Site as well as other smaller channels within the Site.</p> <p>Details of the sampling regime, including the monitoring suite and sampling frequencies, will be provided in the detailed DEMP(s) and agreed with ABC.</p> <p>Monitoring is secured through the Outline DEMP (Doc Ref. 7.12) [APP-157]. Compliance monitoring will be undertaken throughout the decommissioning phase to establish changes in water quality. Where there are notable detrimental changes to water quality, the relevant procedures for pollution prevention, as defined within the DEMP(s), would be adjusted appropriately to avoid or minimise impacts.</p>	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.9.10	S42 Consultation Response to 2023 Statutory Consultation	Residual Effects (Construction, Operational and Decommissioning Phase)	KCC agree that with mitigation in place no likely significant residual effects are considered to result from the Project.	<p>As confirmed within Section 10.9 of ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B)) [REP1-022].</p> <p>With mitigation in place, no significant residual effects on water environment receptors are predicted during the construction phase, operational phase and decommissioning phase of the Project.</p> <p>Projected changes in baseline condition associated with climate change do not alter this conclusion.</p>	Agreed
2.9.11	S42 Consultation Response to 2023 Statutory Consultation	Cumulative Effects (Construction, Operational and Decommissioning Phase)	KCC agree that with mitigation in place no likely significant cumulative effects are considered to result from the Project.	<p>As confirmed within Section 10.10 of ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B)) [REP1-022]. A short list of cumulative schemes is provided in Paragraph 10.12.2 of this Chapter.</p> <p>ID No. 9 East Stour Solar Farm and ID No. 10 Otterpool Park Development schemes both include commitments to managing construction phase impacts on the quality and quantity of runoff from the land. It is however still</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p>considered possible that significant cumulative effects on the East Stour River could occur if two or more of these developments are constructed concurrently. The potential cumulative effects include deterioration in water quality as a result of pollutants entering water bodies and changes in drainage characteristic that are not fully mitigated through the implementation of construction drainage.</p> <p><i>Construction Phase</i></p> <p>In order to allow such possible future cumulative impacts to be identified and managed, water quality monitoring is proposed prior to and during construction (as secured by the Outline CEMP (Doc Ref. 7.8(A)) [REP1-044]). During construction, monitoring will be undertaken so that changes in water quality resulting either from the Project or from other developments cumulatively can be identified. It is reasonable to assume that both ID No. 9 East Stour Solar Farm and</p>	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p>ID No. 10 Otterpool Park Development would also be required to undertake regular monitoring as part of CEMPs.</p> <p>In the event that adverse changes in water quality are identified, the cause would be investigated in coordination with the other development projects and remedial measures implemented, where appropriate. This is secured by the Outline CEMP (Doc Ref. 7.8(A)) [REP1-044].</p> <p>Subject to the implementation of these additional control measures the cumulative effect on the water quality within the East Stour River would be Minor Adverse (not significant).</p> <p><i>Operational Phase</i></p> <p>This assessment concludes that the Project will result in Negligible (not significant) effects on the water environment in the operational phase. In relation to this there therefore cannot be a significant cumulative effect.</p> <p><i>Decommissioning Phase</i></p>	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p>This assessment concludes that the Project will result in Minor Adverse (not significant) effects in the decommissioning phase relating to pollution to the East Stour River. If other major works were to occur nearby during the period of decommissioning this Minor Adverse effect could contribute to a significant adverse effect. Cumulative effects could also arise due to the operational effects of other developments acting in combination with those of the Project decommissioning activities.</p> <p>Water quality monitoring is proposed prior to and during the decommissioning phase (as secured by the Outline DEMP (Doc Ref. 7.12) [APP-157] to allow such impacts to be identified and appropriately managed.</p>	

2.10 Detailed Heritage Comments

Table 2.10: Detailed Heritage Comments

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
	RR	3. The Project Description	<p>This section, which considers proposed works includes proposed mitigation for biodiversity and landscape through planting, protection, enhancement areas – the County Council is disappointed that nothing positive is proposed for heritage. 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 County Council considers this to be a total disregard for heritage measures comparable to biodiversity and landscape mitigation and enhancement measures. The scheme does not put forward any proposals for positive benefits for heritage, even to mitigate harm from construction and installation works.</p>	<p>The AMS (Doc Ref. 7.17) [APP-162] sets out the scope, guiding principles and methods for the planning and implementation of the required WSI(s) for the programme of archaeological mitigation post DCO consent.</p> <p>The AMS (Doc Ref. 7.17) [APP-162] sets out the approach to archaeological management, which will be submitted to the local planning authority for approval prior to commencement as secured by a Requirement in the Draft DCO (Doc Ref. 3.1(C)).</p> <p>Requirement 9 in the Draft DCO (Doc Ref. 3.1(C)) requires that each phase of work will require a standalone Written Scheme of Investigation (WSI) to be submitted to and approved by the local planning authority in consultation with KCC, for the areas of</p>	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			<p>The County Council requests details of basic but informed heritage mitigation and some positive enhancement measures to balance the harm that the development would cause to heritage. The County Council would welcome these details being provided by the applicant ahead of the commencement of the examination and secured accordingly through the Development Consent Order.</p>	<p>archaeological interest within that phase post DCO consent.</p> <p>If archaeological findings are identified, the Works Plans (Doc Ref. 2.3(B)) [REP1-003] secure flexibility to relocate infrastructure and the Design Principles (Doc Ref. 7.5(A)) [REP1-042] allow flexibility for the use of alternative construction techniques for the PV array areas to reduce impacts.</p>	
	RR	7. Cultural Heritage - Construction Phase	<p>The County Council considers that the setting out of the impacts on heritage assets, is not informed by robust or comprehensive data.</p> <p>The County Council notes paragraph 7.1.4 reference to other assessments on Landscape and Views, Noise and Solar Photovoltaic Glint and Glare Study, but none of these specifically review impacts on all heritage assets within the site or within the impact zone. There is a focus on designated historic buildings and the specifically raised Bronze Age barrow areas to the east. This is of</p>	<p>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] presents an assessment of the likely significant effects on Cultural Heritage in relation to effects arising from the construction, operation, and decommissioning of the Project.</p> <p>ES Volume 4, Appendix 7.2: Heritage Statement (Doc Ref. 5.4) [APP-072] includes an assessment of the heritage assets potentially affected, including the contribution that their setting makes to their significance, in order to allow for an understanding</p>	Under discussion

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			considerable concern to the County Council	of the impact, if any, which may be experienced to their significance. Both ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] and the Heritage Statement build on the preliminary assessment work presented in the PEIR and PEIR Addendum that was the subject of consultation in 2022 and 2023 respectively.	
	RR	Outline Construction Environmental Management Plan (APP-153) / Outline Construction Traffic Management Plan (APP-154) / Outline Landscape and Ecological Management Plan (APP -155)	The County Council raises a question as there appears to be no measures in place in these documents to prevent or limit harm to buried archaeological remains by vehicle movements, enabling works, measures limiting impact on environment. So far there seems to be total disregard to the 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 within these documents – this information should be provided in liaison with the County	The AMS (Doc Ref. 7.17) [APP-162] sets out the approach to archaeological management, which will be submitted to the local planning authority for approval prior to commencement as secured by a Requirement in the Draft DCO (Doc Ref. 3.1(C)) .	Under-Discussion

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			Council and ideally be provided ahead of the commencement of the Examination.		
	RR	Environmental Statement Volume 2 Chapter 7: Cultural Heritage (APP-031)	<p>The assessment considers the potential significant effects on designated and non-designated heritage assets, but the County Council notes that there is no reference to the impacts on as yet unknown non-designated heritage assets. This approach is not informed.</p> <p>The County Council considers that there has been inadequate assessment in the field to test geophysical anomalies and deskbased 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. Deskbased assessment of buried archaeology is not definitive and even geophysical surveying can only</p>	<p>The approach to archaeological mitigation is set out within the AMS (Doc Ref. 7.17) [APP-162]. The Applicant does not intend to provide any further significant changes to its approach.</p> <p>A full response to the approach to the scope and proportionality of the archaeological assessment work is set out at paragraph 2.6.1 onwards.</p> <p>The potential for non-designated heritage assets (archaeology) has been assessed and evaluated through geophysical survey, Lidar, test pitting geo arch and targeted trial trenching with locations agreed with the County Council to targeted areas of specific interest. However, it is proposed (and secured in the AMS) to undertake a programme of evaluative trial trenching on areas of archaeological anomalies and areas devoid of archaeological</p>	Under-Discussion

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			<p>give an indication of buried remains and cannot provide clarity on date, character, depth, or significance.</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 the negative impact of this scheme on buried non-designated heritage assets, especially potentially buried significant heritage assets.</p>	<p>anomalies (blank areas) to ascertain the significance, extent and condition of presently known and unknown archaeological potential. This will allow for preservation by design and or preservation by record of archaeological features revealed. This will be undertaken in tandem with levels of impact from the scheme, for example, inverters, cable routes, station hubs, access roads and compounds. Where solar arrays are proposed some ground truthing may be required dependent on review of assessment / evaluation and consultation with KCC, and appropriate mitigation measures put in place.</p>	
	RR	Table 7.1 EIA Scoping Report Response Summary	In reference to Planning Inspectorate comments (30 May 2022) regarding direct impact on heritage assets, the County Council agrees that the applicant has considered a range of impacts on some heritage assets but the understanding and information on potential heritage assets within the	<p>Noted. Please refer to previous responses on this matter.</p> <p>As noted above the area of the site impacted by solar panel framework piling is expected to be <0.06% and therefore consideration of piling requirement for this site should not assume metrics typically used for residential or</p>	Under Discussion

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			<p>application site is very limited and purely deskbased or from untested, undated, uncharacterised geophysical anomalies. The information on as yet unknown non-designated, potentially significant, heritage assets is currently still unclear. This is because 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.</p>	<p>commercial developments (where the impact is 100%).</p>	
	RR	Table 7.2: Non-Statutory Consultation	<p>Consultations, with the archaeological consultant, have still not resulted in reasonable pre-determination evaluation work. The County Council notes the mention of “additional trenches” in the responses by the applicant to County Council comments in April 2023 but would stress these were not “additional” they were the only trenches offered at that stage. This targeted trenching was accepted, and the County Council welcomes the informative results, but the level of fieldwork is not sufficient.</p>	<p>The approach to archaeological mitigation is set out within the AMS (Doc Ref. 7.17) [APP-162]. The Applicant does not intend to provide any further significant changes to its approach.</p> <p>A full response to the approach to the scope and proportionality of the archaeological assessment work is set out at paragraph 2.6.1 onwards.</p>	Under Discussion

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			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.		
	RR	Table 7.3: 2022 Statutory Consultation Response Summary	The County Council strongly disputes the applicant's claim in response to Ashford Borough Council's comment on the County Council's recommendation for more detailed assessment that "archaeological evaluation in the form of targeted trial trenching and geo-archaeological test pits was undertaken" and that this can be considered reasonable archaeological assessment. The quality and quantity of trenching is the key factor here and the trenching done was only 12 trenches for the entire site which is considered by the County Council to be inadequate.	Noted. Please refer to previous responses on this matter. We do agree that further evaluative trenching is required to inform design and avoid impact on the historic environment. The information compiled thus far, combined with consultation with KCC would allow for targeted and nuanced trenching. Trial trenching is a blunt tool, but it is useful in ground truthing and testing the veracity of non-intrusive surveying techniques across a large landscape. The landscape approach to evaluation envisaged would build in a knowledge-based understanding of the historic environment through an iterative process of multi-layered survey, close consultation with KCC and agreed targeted intrusive archaeological works. This will	Under Discussion

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				<p>allow us to fully understand the historic landscape, the archaeology underneath and the chronological narrative of this part of Kent, allowing for avoidance of impacts and a better understanding of the archaeological resource enhancing knowledge and conservation principles.</p> <p>However, we do not consider this additional trenching is required pre-determination for the reasons outlined in 2.6.1 above.</p> <p>The Applicant proposes a further discussion with the aim of reaching agreement on this matter.</p>	
	RR	Table 7.4: 2023 Statutory Consultation Response Summary	In response to County Council commentary in July 2023 which still highlighted the lack of suitable archaeological assessment in the field, regarding ground truthing. The applicant's response on effect to the archaeological resource is still not consider by the County Council to be evidence-based. The County Council does not have a reasonable understanding of the extent, range, or significance of the	See above. It is agreed that further evidence is required prior to construction, but it is the Applicant's position that it is entirely appropriate for this to be undertaken in a staged approach. This would be a landscape led approach, which could accommodate appropriate changes once the detailed design has been confirmed.	Under Discussion

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			<p>buried archaeological resource across the site. This means the applicant's proposed archaeological mitigation is insufficiently informed.</p> <p>This continued omission of reasonable data on actual presence/absence of buried archaeological remains (ground-truthing through sufficient amount of trial trenches and geo-archaeological test pits) means that the archaeological assessment at this stage is still not acceptable to the County Council. In addition, the proposed archaeological mitigation and general approach and scope for range of impacts is not consider sound or based on reasonable information. The County Council has been provided no justification from applicant for the lack of trial trenching across the entire site.</p>	<p>This staged approach then allows the design to be informed by the further investigations undertaken, along with further consultation with KCC, which the Applicant would welcome.</p> <p>This approach combined with the knowledge and experience of KCC will allow for a detailed defining of areas of impacts, areas of archaeological density and areas that are deemed to be blank, no archaeological data, in order to avoid impacting important archaeology and appropriate recording where it is deemed necessary and proportionate to that impact and significance.</p>	
	RR	(Paragraph 7.4.30) 2023 Statutory Consultation Response Summary	The County Council notes that this lists the geophysical survey and targeted trial trenching but there is no clear indication of extent. Work conducted has been welcomed	Noted. Please refer to previous responses on this matter.	Under Discussion

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			and agreed but at no stage was it agreed to be sufficient – as demonstrated in the tables of consultation responses.		
	RR	(Paragraph 7.4.49) 2023 Statutory Consultation Response Summary	The paragraph states that there has been “comprehensive” evaluation of the site. This not considered by the County Council to be the case. A total of 12 archaeological trenches and 4 geoarchaeological test pits across a 189 hectare site should not be considered “comprehensive”.	Noted. Please refer to previous responses on this matter.	Under Discussion
	RR	(Paragraph 7.4.50) 2023 Statutory Consultation Response Summary	This paragraph states the commitment for 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	Noted. Please refer to previous responses on this matter.	Under Discussion

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			<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>		
	RR	(Paragraph 7.5.22) 2023 Statutory Consultation Response Summary	<p>This paragraph references results from the East Stour Solar Farm scheme (22/00668/AS). For this scheme, there were 122 trenches for a c.65 hectare site - demonstrating a reasonable programme of predetermination archaeological evaluation. The recommendations for further trenching at this stage is consistent with other solar farm planning schemes, for example, Horton Solar Farm Horton Kirby: c.86 hectares with 144 preliminary trenches and Chimmens Solar Farm Fawkham: c.99 hectares with 124 preliminary trenches. Stonestreet Farm scheme is c.189 hectares and so far, only 12</p>	Noted. Please refer to previous responses on this matter.	Under Discussion

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			<p>preliminary trenches have been completed.</p> <p>The County Council would also raise that there requires further consideration and assessment of Glint and Glare on nearby heritage assets.</p>		
	RR	P1 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	<p>The County Council welcomes the submission of this report. However, the whole report does not reflect a fully comprehensive understanding of the potential time depth of the landscape. The assessment is still superficial and is predominantly focused on Victorian and Modern landscape features and patterns. For example, there are few attempts to relate the field boundaries to undocumented but traditional drove roads, use of woodland, footpaths connecting ridgeline settlements to active water channels, etc. In general, the assessments of most archaeological periods are reasonable but all lack elements which would be useful to try and include.</p>	Noted. Please refer to previous responses on this matter.	Under Discussion

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	RR	P2 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	The submitted report is not widely evidence-based using archaeological data from within the site itself. Data from the 12 trenches and 4 test pits has been used positively to support key points but due to the lack of ground-truthing archaeological data from the site itself, this report is not able to reflect the possible true time-depth of some archaeological landscape features.	Noted. Please refer to previous responses on this matter.	Under Discussion
	RR	P3 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	The sources of information are limited. There seems to be no reference to High Speed 1 archaeological landscape assessment and no use of LiDAR data.	Noted. Please refer to previous responses on this matter.	Under Discussion
	RR	P4 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	The Archaeological Landscape description for the Palaeolithic is reasonable but there is no corresponding plan. Demonstrating an understanding that the potential is strongest if there is both description and supporting map. The County Council welcomes the	Noted. Please refer to previous responses on this matter.	Under Discussion

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			inclusion of the development's archaeological data from test pits but note the geoarchaeological data is just 4 test pits. This is not considered to be meaningful data even though it is extremely useful and should have been replicated across the entire site or at least along the River Stour valley area.		
	RR	P5 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	The Archaeological Landscape description for the Mesolithic and Neolithic is reasonable. The County Council notes there is use of data from the archaeological evaluation, but it must be stressed that this data is from just 12 trenches and 4 test pits which is not meaningful. However, the results from the evaluation clearly demonstrate how useful such data is. The County Council would therefore repeat its request to the applicant to undertake more evaluation work predetermination to ensure all these assessments and the proposed mitigation is sound. This should ideally be conducted as soon as practically possible to allow time to	Noted. Please refer to previous responses on this matter.	Under Discussion

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			understand and assess results and data arising from the exercise.		
	RR	P6 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	The Archaeological Landscape description for the Bronze Age considers nearby evidence but there is no assessment on the potential for similar remains within the development site. The whole point of considering archaeological evidence nearby, especially when the data is limited for the site itself, is to predict potential and reduce the risk of encountering significant similar remains. So, although the County Council welcomes this description of Bronze Age landscape, it is entirely lacking the assessment of the potential of the site itself based on geology, topography and nearby HER data. Greater assessment of the Bronze Age landscape would be preferred.	Noted. Please refer to previous responses on this matter.	Under Discussion
	RR	P7 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based	The Archaeological Landscape description for the Iron Age is limited, but the County Council appreciates that without reasonable ground truthing	Noted. Please refer to previous responses on this matter.	Under Discussion

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		Assessment, Annex 4 (APP-070)	evaluation across the site, there is limited data to consider.		
	RR	P8 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	The Archaeological Landscape description for the Roman period is reasonable although it focuses on the early routeway at the ridge line. This period benefits from the implemented targeted trenching done and the trenching has provided useful additional information, including on a possible Roman settlement and the apparent non-Roman nature of Aldington Mount.	Noted.	Under Discussion
	RR	P9 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	The Archaeological Landscape description for the Early Medieval and Medieval Periods is reasonable although it lacks thoroughness in view of limited data from ground truthing, scientific evaluation trenches.	Noted.	Under Discussion

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	RR	P10 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	The Archaeological Landscape description for Post Medieval and Modern is more detailed, but this reflects data gathered as part of the LVIA process. However, again the description is heavily biased towards documentary evidence rather than ground truthing trial trench, scientific data.	Noted.	Under Discussion
		P11 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	The Archaeological Landscape description for the 20th century is limited and although it mentions the military crash sites there is no consideration of how the landscape, namely the ridge line, might have been a place to locate Royal Observer Corps observation lookouts or hides. The applicant must consider the views from Aldington Ridge south across the marsh and whether there is potential for military sites to be located along the ridgeline.	Noted.	Under Discussion
	RR	P13 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based	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	See above regarding a landscape and staged approach to evaluation and mitigation.	Under Discussion

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		Assessment, Annex 4 (APP-070)	<p>nearby archaeological landscape features or from other impacts, eg Glint and Glare. For example, there is consideration of the Bronze Age barrows nearby but absolutely no assessment of impacts (such as glint and glare) on these ritual landscape features and their setting and the wider landscape meaning of them being visible from a distance.</p>		
	RR	P13 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	<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. Such information, including some basic data, could be displayed in figures, which</p>	<p>It is intended to limited truncation of historic hedgerows and where appropriate enhance. It is important to preserve the historic landscape and therefore setting of heritage assets within.</p> <p>The Design Principles (Doc Ref. 7.5(A)) [REP1-042] then include a commitment to the vegetation loss indicated on the maximum extents shown on the Vegetation Removal Plan (Doc Ref. 2.8) [APP-014], unless otherwise agreed with the LPA.</p>	Under Discussion

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			could also be used to demonstrate the evidence-base of the mitigation strategy.		
	RR	P14 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	The County Council notes that there are no archaeological landscape plans. There is no geological, topographical, LiDAR plan which could indicate areas of potential for prehistoric, Roman, and Medieval settlement, industrial or land use, for example where the Alluvium and valley deposits of the East Stour extent through the site. River valley areas are known to be a focus for prehistoric travel ways and activity associated with hunting, seasonal camps, settlements, etc. An understanding of river valleys and high ground may have greater potential for prehistoric whereas high ground may have greater potential for Iron Age and Roman activity.	Agreed. The AMS process would include consideration of these plans and overlays as part of the evaluative process to support the targeting of features and areas dependent on potential impacts.	Under Discussion
	RR	P15 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based	With reference to drawing GM12014 004-013, the County Council does not consider that details of 17th/18th century land ownership is vital to the	Noted.	Under Discussion

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		Assessment, Annex 4 (APP-070)	archaeological landscape assessment although the land use information is.		
	RR	P16 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	Figure showing Surviving Historic Landscape features within the site (GM12014 004-014) only reflects post medieval features. For example, there is no demarcation of Roman Road, which survives as early routeway and may be a Roman or prehistoric high ground route. There is no assessment of prehistoric, Roman, or Medieval archaeological landscape features. This figure also just shows archaeological features "still in use." There must be consideration of those that are not in use, as well as early lanes which are now footpaths.	See comments above.	Under Discussion
	RR	P17 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment,	The proposed "Embedded Mitigation" (section 4.4) does not provide sufficient information on which proposals will benefit archaeology. Although some of the natural environment proposals will support Victorian or later land use,	See above	Under Discussion

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		Annex 4 (APP-070)	it is unlikely that many of the proposals suggested in this section would benefit Post Medieval or earlier archaeological landscapes.		
	RR	P18 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	The County Council notes that the "Indirect Impacts" and the proposed "Embedded Mitigation" for those but much of these focus on the public rights of way and there is no description of any measures of archaeological benefit. This is partly to do with the lack of comprehensive understanding of the archaeological resource of the site and partly due to limited understanding of what actual archaeological landscape features are present on the site.	See above. Also, public benefits regarding understanding the historic landscape and the underlying archaeology are important to the scheme. The information from existing knowledge and further archaeological works will provide a holistic assessment of the surrounding landscape and this will inform mitigation measures and public benefits in terms of interpretation, display and engagement.	Under Discussion
	RR	P19 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	Overall, this Archaeological Desk Based Assessment is welcomed, but the County Council would strongly recommend the following matters must be addressed, ideally, ahead of the commencement of the Examination where possible: <ul style="list-style-type: none"> ▪ A far greater number of 	See above.	Under Discussion

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			<p>plans/figures showing natural landscape (geology/topography/LiDAR); Plan showing Palaeolithic potential; a plan showing area of prehistoric potential; a plan showing Roman and Medieval potential in addition to the 17th/18th century plan.</p> <ul style="list-style-type: none"> ▪ Plans must be provided showing archaeological landscape features pre-post medieval. ▪ The Assessment must be informed by the results of meaningful preliminary archaeological and geo-archaeological fieldwork. 		
	RR	Archaeological Management Strategy (APP-0162)	This proposed management strategy is based on insufficient information. There has been reasonable deskbased assessment of the archaeological potential but there has been utterly insufficient ground truthing intrusive works. As a consequence, there is very limited information on what archaeology needs "management". The Historic	See above.	Under Discussion

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			<p>Environment Record (HER) and documentary evidence is very limited for this site due to it being undeveloped land. The geology and topography suggest there is potential for prehistoric and Roman activity and the geophysical survey suggests possible archaeology, even significant archaeology, but only trial trenching can clarify date, character, extent and significance. Mitigation is very much guided by level of significance. Although this document describes an aim of the AMS is to preserve in-situ significant archaeology, there is no archaeological data to inform design or mitigation, both of which are being determined at this stage. The opportunities to preserve in-situ significant archaeology or to provide reasonable archaeological recording programme will be severely limited if trial trench evaluation work is only carried out post consent.</p> <p>The County Council considers that this Strategy is not appropriately based on reasonable information and in accordance with NPPF</p>		

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			<p>(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. The County Council would strongly urge that this strategy is updated as soon as practically possible, to allow time for review and assessment by relevant stakeholders, including the County Council.</p>		
	RR	Design Principles (APP-150) and Works Plans (APP-009)	<p>The County Council does not agree with paragraph 7.4.5 that the Design Principles and Works Plans have been assessed for below ground archaeological remains. The County Council considers that there is insufficient information on below ground archaeological remains to make this statement.</p> <p>Paragraph 7.4.6 claims that geophysical survey, targeted trial trench evaluation and targeted geoarchaeological test pits have been undertaken. However, the County Council notes that there needs to be sufficient intrusive</p>	See above. Note that it is assumed that this comment relates to paragraph 7.4.5 of Chapter 7, and not the Design Principles or Work Plans.	Under Discussion

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			<p>evaluation undertaken to provide reasonable information and so far, the amount of ground truthing archaeological assessment has not been sufficient to ensure proposed mitigation is reasonable or sound.</p>		
	RR	<p>Table 1: Cultural Heritage – Chapter 4 Archaeology Mitigation Schedule (APP-152)</p>	<p>The County Council considers that the Archaeological Management Strategy does not secure “appropriate” mitigation as it is not evidence-based. The County Council notes that this rather superficial approach to archaeology is reflected in the mitigation mentioned being only watching brief and pre-construction investigation. There is no mention of preservation in situ or to proposed design measures to limit harm to archaeological remains, both of which would be seen as positive heritage measures. As such there are no positive heritage benefits to this scheme currently proposed.</p> <p>The Mitigation Schedule for heritage needs to be suitably informed. It also needs to reflect</p>	Noted. See above.	Under Discussion

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			<p>the range of heritage mitigation options; should clearly outline proposed measures to limit harm to heritage assets; and preferably put forward some options for positive heritage measures. This schedule reviewed and updated by the applicant, informed by robust evidence base ahead of the commencement of the Examination. This is to allow proper consultation between the applicant and relevant stakeholders.</p>		
	RR	ES Volume 4, Appendix 10.5: Schedule of Watercourse Crossings (APP-098) P1	<p>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 paleoenvironmental 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</p>	<p>Noted, a review of geological and geotechnical data a geoarchaeological deposit model should inform the evaluation (landscape approach and mitigation strategy).</p>	Under Discussion

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			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.		
	RR	ES Volume 4, Appendix 10.5: Schedule of Watercourse Crossings (APP-098) P2	In addition, archaeological and paleoenvironmental remains could also survive at any depth in a range of mediums. As such variety of archaeological investigation techniques need to be considered. 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.	Noted. See above.	Under Discussion
	RR	ES Volume 4, Appendix 10.5: Schedule of Watercourse Crossings (APP-098) P3	Some parts of the watercourse crossing will be directional drilling, but this could still have an impact on sensitive archaeology. Substantial groundworks to support the bridge crossing could also have a major impact on sensitive archaeology and the ingress of water could restrict archaeological mitigation.	Noted.	Under Discussion

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			<p>As such the mitigation strategy for heritage on this watercourse crossing needs to be informed and fully integrated with the programme of works. It would be preferable to ensure the archaeological mitigation is informed but at present, the mitigation for archaeology is not informed at all. There have been 4 localised geoarchaeological test pits but the specific works for this watercourse crossing have not yet been targeted sufficiently.</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>		

3 Signatures

This Statement of Common Ground has been prepared and agreed by EPL 001 Limited and Kent County Council.

On behalf of EPL 001 Limited

Name:

Signature:

Position:

Date:

.....

On behalf of Kent County Council

Name:

Signature:

Position:

Date:

.....

References

¹ *Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects*. [online] GOV.UK. Available at: <https://www.gov.uk/guidance/planning-act-2008-examination-stage-for-nationally-significant-infrastructure-projects> [Accessed 14 Oct. 2024]