



# Stonestreet Green Solar

## Statement of Common Ground with Natural England (Tracked)

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## Revision History

Revision	Revision Date	Authorised By	Position	Comment
V1	17.9.24	MS	Senior Director	For NE review
V2	10.12.24	MS	Senior Director	To reflect NE updates
<a href="#">V2</a>	<a href="#">7/01/25</a>	<a href="#">MS</a>	<a href="#">Senior Director</a>	<a href="#">Finalisation</a>

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## Annexes

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

# 1 Introduction

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## 1.1 Purpose of this Statement of Common Ground

1.1.1 This Statement of Common Ground ('SoCG') has been prepared to support an application ('the Application') made to the Secretary of State for Energy Security and Net Zero for a Development Consent Order ('DCO') under Section 37 of the Planning Act 2008 ('PA 2008') for the proposed Stonestreet Green Solar Farm (the 'Project'). The Application has been submitted by EPL 001 Limited ('the Applicant').

1.1.2 This SoCG has been prepared jointly between (1) the Applicant and (2) Natural England ('NE') (jointly referred to as 'the Parties') in accordance with The Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects guidance<sup>1</sup>.

1.1.3 The Solar PV Area of the Project is located within land containing important ecological features, including protected species and habitats. Parts of the Project also have potential pathways for effects on designated ecological sites and are subject to consideration in the **Information for Habitats Regulation Assessment (Doc Ref. 7.19) [APP-164]** as part of the Application. NE is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009<sup>2</sup> and so has been consulted during the preparation of the Application and following its Acceptance.

1.1.4 The Examining Authority has requested that the SoCG include the following matters as set out in the Rule 6 Letter [PD-004]:

- Biodiversity, habitats and nature conservation including issues relating to:
- The effects on protected species and habitats
- Mitigation measures, including the likely effectiveness of mitigation, monitoring procedures and their being secured
- Water environment, water protection, drainage and impact on habitats and species
- Landscape and Visual ; appropriateness of mitigation ,ZTC, and impact on Kent Downs National Landscape
- Various Environment Management Plans, both during construction and operation
- 'Shadow' licence applications
- The dDCO

1.1.5 It is agreed that any matters not specifically referred to in this SoCG (Section 2) of this SoCG are not of material interest or relevance to NE's Representations and therefore have not been considered in this document.



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

## 1.2 Description of the Project

1.2.1 The Project comprises the construction, operation and maintenance, and decommissioning of solar photovoltaic ('PV') arrays and energy storage, together with associated infrastructure and an underground cable connection to the existing National Grid Sellindge Substation.

1.2.2 The Project will include a generating station (incorporating solar arrays) with a total capacity exceeding 50 megawatts ('MW'). The agreed grid connection for the Project will allow the export and import of up to 99.9 MW of electricity to the grid. The Project will connect to the existing National Grid Sellindge Substation via a new 132 kilovolt ('kV') substation constructed as part of the Project and cable connection under the Network Rail and High Speed 1 ('HS1') railway.

## 1.3 Current Position

~~1.3.1 Section 2 of this SoCG addresses the position of the Applicant and NE, following a series of meetings and discussions with respect to the key areas of the Project and NE's Representations.~~

~~1.3.2 This is intended to be a 'live' document and some aspects are still under discussion between the Parties. The intention is to provide a final position in subsequent versions of the SoCG, addressing and identifying where changes have been made and ultimately both Parties agree on relevant points.~~

### 1.4.1.3 Record of Engagement

~~1.4.1.3.1~~ There has been engagement with NE throughout the development of the Application. The Applicant consulted NE, as a prescribed consultee in accordance with section 42 of the Planning Act 2008 (as amended) about the Project and EIA process as part of the formal pre-application consultation and publicity procedures. This process afforded NE the opportunity to provide responses to the information presented in the following stages of the pre-application process.

~~1.4.21.3.2~~ Table 1.1 shows a summary of the meetings and correspondence that has taken place between the Applicant (including consultants on its behalf) and NE in relation to the Application.

Table 1-1: Record of Engagement

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

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



Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
	2024 (DAS/AO13981) – provided as <b>Annex 1</b> .	<p>of updated APIS dataset</p> <ul style="list-style-type: none"> <li>▪ Agreement of no LSE on Wye and Crundale Downs SAC.</li> <li>▪ Folkestone to Etchinghill Escarpment SSSI and SAC – request for update to IHRA once transportation routes are known.</li> <li>▪ Stodmarsh SPA, SAC and Ramsar site - welcome precautionary approach adopted to foul water generated at all stages of the Project and agree with the conclusion of no LSE.</li> <li>▪ Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site and Dungeness SAC – satisfied with robustness of survey work and conclusion drawn that site is not functionally linked.</li> <li>▪ Hatch Park SSSI – Advise Draft Biodiversity Air Quality Screening Report is updated to include potential cumulative impacts with Otterpool Park.</li> <li>▪ Gibbin’s Brook SSSI – Agreement that this SSSI is not hydrologically connected to the site.</li> </ul>
10 December 2024	NE response letter to Applicant dated 10 December 2024 (SAS A015830) – provided as <b>Annex 2</b> .	<ul style="list-style-type: none"> <li>▪ Confirms the Landscape Visual Impact assessment (LVIA), specifically the field surveys and photomontage and additional response document outlined above are sufficient to accurately explain the effects of the Project on the landscape, visual resources and special qualities of the Kent Downs National Landscape.</li> </ul>
<a href="#">11 December 2024</a>	<a href="#">Email correspondence on the draft SoCG.</a>	<ul style="list-style-type: none"> <li>▪ <a href="#">Confirmation that the SoCG has been agreed.</a></li> </ul>

~~1.4.31.3.3~~ 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.

#### **1.51.4 Format of Document and Terminology**

~~1.5.11.4.1~~ This SoCG has been structured to reflect matters and topics of interest to NE in relation to the Project as set out in the NE Representations. Some additional matters

~~1.5.21.4.2~~ Matters raised by NE are included using the referencing adopted in the NE Representations (e.g. NE1). Comments are flagged by NE in Part II of their Representations as either Amber (where further information is required to determine the effects) or Green (issues which are successfully resolved subject to the appropriate requirements being adequately secured). No Red issues (fundamental concerns) were identified in the NE Representations. For ease of reference this colour coding has been applied to the right hand column of the tables in Section 2. 'RR' refers to Relevant Representations.

~~1.5.31.4.3~~ Commentary on other agreed matters which the Applicant considers it useful to highlight for Examination is also included for reference using individual reference numbers, e.g. 2.2.1, 2.2.2.

~~1.5.41.4.4~~ Section 2: summarises the issues that are 'agreed', 'not agreed' or are under discussion under the topics of interest in tables, structured within the remainder of the SoCG as follows:

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

~~1.5.51.4.5~~ The following terminology is applied in Section 2 of this SoCG:

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

## 2 Areas of Discussion between the Parties

### 2.1 International Designated Sites

Table 2-1: International Designated Sites

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

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			the Stour catchment. Natural England therefore agree with the screening conclusion of no Likely Significant Effects ('LSE').	and Outline Decommissioning Environmental Management Plan ('DEMP') [APP-157].		
NE1	RR	Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site and Dungeness SAC (C) and (O) phase	Natural England's previous advice (NE Ref: 437662, dated 17/07/2023) confirmed we are satisfied with both the robustness of the survey work and the conclusion drawn that the Site is not functionally linked to the Dungeness SPA and Ramsar site. [APP-164 (p15)] and [APP-089].	N/A	Noted.	Agreed
NE1	RR	Folkestone to Etchinghill Escarpment SSSI and SAC (C) and (O) phase	Natural England advises the conclusions of the IHRA need to address all potential in-combination and cumulative impacts. Therefore, Natural England advise the IHRA [APP-164 (p14)] is	Natural England advise that once the Applicant has confirmed the point of entry for the solar equipment, the Air Quality Screening Report and IHRA are updated accordingly. This update should also consider	<a href="#">Paragraphs 3.1 - 3.2 of ES Volume 4, Appendix 9.6: Biodiversity Air Quality Screening Report, Paragraphs 3.1–3.2 (Doc Ref. 5.4(A)) [REP1-030]</a>	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			<p>updated to address the following:</p> <p>The ES Volume 2, Chapter 13: Traffic and Access [APP-037 (p40)] confirms the majority of solar equipment, including the transformer units, will be transported from overseas. The port of entry is yet to be determined. Therefore, given the final route uncertainty, Natural England recommend the air quality assessment and IHRA is reviewed and updated once the equipment point of entry is confirmed.</p> <p>The ES Volume 2, Chapter 13: Traffic and Access [APP-037 (p35)] has screened out Otterpool Park from the in-combination and cumulative assessment due to the main access to</p>	<p>the current progression of Otterpool Park and if in-combination / cumulative impacts need to be reassessed.</p>	<p>has been updated to remove reference to the JNCC Guidance as requested. The <b>IHRA (Doc Ref. 7.19(A))</b> <a href="#">[REP1-058]</a> will also be updated to reflect this change. See Applicant's response below (<b>paragraphs 2.1.1 to 2.1.10</b>).</p>	

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



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

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			Threshold Publication Summary ( <a href="http://incc.gov.uk">incc.gov.uk</a> ).			

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

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

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

## 2.2 National Designated Sites (Biodiversity and Geodiversity)

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

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE2	RR	Gibbin's Brook SSSI and Hatch Park SSSI	Natural England agrees with the conclusion both Gibbin's Brook and Hatch Park SSSI can be screened out for hydrologically connected to the Site. [APP-092 (p8)] and [APP-033 (p11)].	N/A	Noted.	Agreed
NE2	RR	Hatch Park SSSI (C) and (O) phase	The ES Volume 2, Chapter 13: Traffic and Access [APP-037 (p35) s13.4.75] has screened out Otterpool Park from the in-combination and cumulative assessment due to the main access to Otterpool Park being from Junction 11 of the M20, via the A20. However, this is dependent on the direction of the associated construction traffic. Therefore, given the	Natural England advise once the Applicant has confirmed the point of entry for the solar equipment, the Air Quality Screening Report is updated accordingly. This update should also consider the current progression of Otterpool Park and if cumulative impacts need to be reassessed.	See response to NE1 at <b>paragraphs 2.1.1 to 2.1.10</b> in relation to Otterpool Park.  An assessment of the Project on Hatch Park SSSI is provided in <b>ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. <a href="#">5.4(A)</a><del>5.4(A)</del>) [REP1-032] with reference to <b>ES Volume 4, Appendix 9.6: Biodiversity Air</b></b>	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			<p>uncertainties in the potential transport route, Natural England advise the air quality report is updated to include potential cumulative impacts with Otterpool Park.</p>		<p><b>Quality Screening Report (Doc Ref. <a href="#">5.4(A)</a>)-<a href="#">5.4(A)</a> [REP1-030].</b></p> <p>The assessment concludes that the Project would not result in an adverse effect on Hatch Park SSSI or in combination with other plans and projects.</p>	



## 2.3 Protected Species

Table 2-3: Protected Species

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

being issued, should the DCO be granted, subject to revisions. Letter of confirmation sent on the 03/07/2024.

identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. The Applicant was made aware of these issues in NE ref: 2024-68013-EPS-AD1, dated 03/07/2024.

2024-68013-EPS-AD1, dated 03/07/2024) are acceptable (hence issuing of the LONI) will be addressed as part of an enabling stage, formal EPS mitigation licence application after the DCO has been granted.

## 2.4 Biodiversity Net Gain

Table 2-4: Biodiversity Net Gain

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE4	RR	Biodiversity net gain (C) phase	BNG. The Applicant has confirmed [APP-146] a BNG of a minimum 100% for habitat units, 10% for hedgerow units 10% for river units during the operational phase of the authorised development. Nature England advise the Applicant to ensure the report provides a clear mitigation hierarchy, prior to BNG compensation measures.	Natural England is not able to assess biodiversity net gain calculations [APP-146] and defers to the relevant authorities.	Noted	Agreed
2.5.4	S42 Consultation Response to 2023 Statutory Consultation	Kent Biodiversity Strategy 2020 to 2045 (Kent Nature Partnership, 2020)	NE confirms that the Outline LEMP secures the controls that have been agreed with the Applicant in relation to this matter.		The habitat proposals for the Site as set out in the <b>Outline LEMP (Doc Ref. 7.10(A)) [REP1-048]</b> have been designed to help meet objectives of the Kent Biodiversity Strategy 2020 to 2045 (Kent	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					<p>Nature Partnership, 2020).</p> <p>The detailed design will embed relevant design principles and components of county and district green infrastructure strategies, where possible.</p>	

## 2.5 National Designated Landscapes

Table 2-5: National Designated Landscapes

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE5	RR	National designated landscapes (C) phase	Natural England advise the information provided within the LVIA does not comment specifically on how the relevant key characteristics or special qualities of the Kent Downs National Landscape could be affected. Natural England advises the effects are considered not just in terms of potential visibility, but also how key characteristics could be impacted.	Natural England welcome the requirement for all landscape and biodiversity enhancement works associated with the Project in each phase must be carried out in accordance with the approved LEMP for that phase.	The Project does not include land which falls within the designated area. The majority of the Kent Downs NL's Special Qualities relate to the characteristics of the designated area itself, which the Project will not have a direct effect on. Notwithstanding, a draft of the <b>Kent Downs National Landscape Special Qualities Assessment (Doc Ref. <del>8.6</del>8.6) [REP1-076]</b> provides further consideration of how key characteristics or Special Qualities of the Kent Downs NL could	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					be affected by the Project.	
NE5	RR	National Designated Landscapes (C) phase	Natural England note the scale of the effect is described as 'none, compact, modest, ample or extensive'. Natural England requests definition clarity for these terms.		<p>The criteria used for establishing the scale of landscape and visual change are set out in Table 4 and Table 7 (respectively) of <b>ES Volume 4 Appendix 8.12: LVIA Methodology (Doc Ref. 5.4(A))</b> <a href="#">[AS-016]</a>.</p> <p>There is no requirement in GLVIA3 to use specific wording to assess different scales of effect. GLVIA3 Paragraph 3.27 recommends two key principles: that numerical scores are avoided; and that <i>'Word scales, with ideally three or four but a maximum of five categories, are preferred as the</i></p>	Agreed



Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					<p><i>means of summarising judgements for each of the contributing criteria'.</i></p> <p>The LVIA methodology, including effect categories and definitions was agreed with ABC/LMS through the 2022 and 2023 consultations and is a matter of agreement in the Ashford Borough Council ('ABC') SoCG.</p>	
NE5	RR	National Designated Landscapes (C) phase	A Zone of Theoretical Visibility (ZTV) plan is provided at Figure 8.1 of Chapter 8 in ES Volume 3 Figures. Natural England advises the use of LiDAR data can over or underestimate visibility, depending upon the time of year when the data was collected. For example, woodland can read as a more solid screen when it		<p>A Zone of Theoretical Visibility (ZTV) plan is provided at <b>ES Volume 3 Figure 8.1 (Doc Ref. 5.3)</b> <a href="#">[APP-050]</a>.</p> <p>As set out in Paragraph 8.4.10 of <b>ES Volume 2, Chapter 8; Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a>, the</p>	Agreed

[Application Document Ref: 8.3.7\(A\)](#)

[Planning Inspectorate Scheme Ref: EN01035](#)

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

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					<i>surveys are therefore essential to provide an accurate baseline assessment of visibility'. The assessment is considered to fully adhere to the requirements of GLVIA3, and includes a robust assessment of visual effects on receptors in multiple locations within the NL.</i>	
NE5	RR	National Designated Landscapes (C) phase	Paragraph 8.5.155 of Chapter 8, Table 8.7 summarises the value, susceptibility and sensitivity of landscape receptors. Natural England advise the examination of landscape receptors consider the landscape of the site as a single entity, rather than disaggregating the landscape into its		<b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a> includes both individual landscape features and the landscape of the Site as a single entity. The effects on the character of the Site	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			component parts (fields, hedges, trees, woodland etc) and assigning each a value, a susceptibility and a sensitivity.		<p>are reported in ES as follows:</p> <ul style="list-style-type: none"> <li>▪ Paragraph 8.7.1 (Construction);</li> <li>▪ Paragraph 8.7.23 (Operational - Year 1);</li> <li>▪ Paragraph 8.7.34 (Decommissioning); and</li> <li>▪ Paragraph 8.9.5 (Operational – Year 15).</li> </ul> <p>Full details of the assessment of effects on individual landscape features and the character of the Site as a whole are set out in <b>ES Volume 4, Appendix 8.8: Landscape Effects Table (Doc Ref. 5.4) [APP-080]</b>.</p> <p>The approach to the assessment of</p>	

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					<p>landscape effects is in line with GLVIA3 Paragraph 3.22 which defines landscape receptors as including <i>'the constituent elements of the landscape, its specific aesthetic or perceptual qualities and the character of the landscape'</i>.</p> <p>The above is reinforced by the Landscape Institute Technical Guidance Note, LITGN-2024-01 which states <i>'Landscape features, elements and characteristics that could be subject to change must be clearly described in their own right and could be treated as</i></p>	

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					<p><i>receptors if appropriate'.</i></p> <p>The approach followed by the ES with respect to the Site and its component landscape features has been consistent throughout both 2022 and 2023 statutory consultations.</p>	
NE5	RR	National Designated Landscapes (C) phase	Natural England advises greater consideration is given to potential cumulative impacts with Otterpool Park and surrounding proposed solar projects.	N/A	<p>All relevant cumulative projects have been taken into account.</p> <p><b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a> is considered to provide a robust and proportionate assessment of the likely significant cumulative effects of the Project in combination with an agreed list of</p>	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					<p>cumulative schemes, which include Otterpool Park, East Stour Solar Farm, Pivot Power Battery Storage and Walsh Power Condenser Project as well as planned residential projects in Aldington.</p> <p>Other cumulative schemes, included in the Focused Long List <b>ES Volume 4 Appendix 6.1: List of Cumulative Schemes (Doc Ref. 5.4)</b> <a href="#">[APP-068]</a>, have been scoped out of the assessment based on a sieving process detailed in Paragraph 8.12.1 of <b>ES Volume 2 Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a>.</p>	

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					<p>The cumulative assessment is set out in full detail in <b>ES Volume 4 Appendix 8.12 Cumulative Effects Table (Doc Ref. 5.4)(A) [APP-084]REP1-028]</b> and reported in Section 8.12 of <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A) [AS-012]</b>.</p> <p>The cumulative assessment was supported by ZTVs for the Project and the four larger cumulative schemes detailed above, as well as cumulative visualisations, demonstrating the combined impact of the schemes on 18 of the agreed viewpoints. This includes five</p>	



Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					viewpoints within the Kent Downs NL (VPs 27, 34, 35, 36 and 38).	
NE5	RR	National Designated Landscapes (C) phase	Natural England advise further clarity is required as to the mitigation appropriateness of 2.5-5m high hedgerows across this area of landscape and with reference to local character.	Schedule 2 of the DCO includes requirements that secure all mitigation measures relied on by the ES. The Landscape measures are secured by Requirement 8 (Landscape and biodiversity).	The majority of existing and new hedgerows are proposed to be maintained at a height of between 2.5 and 3m which is consistent with the prevailing character of existing hedgerows in the area. Taller hedgerow management has been proposed in isolated locations to respond to specific comments raised as part of the 2022 and 2023 Statutory Consultations, including a request from the Kent Downs National Landscape Team ('KDNLT') that planting on the	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					<p>southern boundary of Parcel E be strengthened to assist in mitigating visual impact on the Kent Downs NL to the south.</p> <p>It is noted that the Relevant Representations from the KDNLTL states:  <i>'The National Landscape Team has welcomed the positive engagement between the Applicant EPL 001 Limited and their consultants with the National Landscape Team to date, including the amendment of the proposals and incorporation additional mitigation planting in response to comments made by the Kent Downs NL</i></p>	

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					<i>Team to the statutory consultations'.</i>	
NE5	RR	National Designated Landscapes (C) phase	Natural England advise that all proposed mitigation is secured, as well as the management of the landscape for the 40-year life span of the project.	Schedule 2 of the DCO includes requirements that secure all mitigation measures relied on by the ES. The Landscape measures are secured by Requirement 8 (Landscape and biodiversity).	The <b>Outline LEMP (Doc Ref. 7.10(A))</b> sets out the proposed management arrangements for all existing and proposed landscape features for the 40-year lifespan of the Project.	Agreed
NE5	RR	National Designated Landscapes (C) phase	Natural England advises that for all maps the Kent Downs National Landscape boundary should be clearly shown as.		The Kent Downs NL is shown on the following figures in <b>ES Volume 3 (Doc Ref. 5.3) [APP-049]</b> and <b>[APP-050]</b> : <ul style="list-style-type: none"> <li>▪ Figure 8.2 Site Context Plan</li> <li>▪ Figure 8.8 Visual Appraisal Plan</li> <li>▪ Figure 8.9: Visual Appraisal Plan Site Level</li> </ul>	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					The remaining ES Figures will be updated to show the Kent Downs NL boundary.	

## 2.6 Soils and Best and Most Versatile Agricultural Land

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

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

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

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

Ref	Relevant Application Document	Description of Matter - (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			<p>Outline Soil Management Plan (SMP) prepared in line with:</p> <p>Construction Code of Practice for the Sustainable Use of Soils on Construction Sites<sup>28</sup> (Defra, 2009);</p> <p>British Standard: Specification for Topsoil (BS 3882:2015); British Standard: Specification for subsoil and requirements for use (BS 8601:2013) and</p> <p>Good Practice Guide for Handling Soils (MAFF, 2000).</p>		overall supply of 32,037 ha of BMV land in Ashford Borough, and therefore would not have a material impact on food security of the wider region.	
2.6.1	S42 Consultation Response to 2023 Statutory Consultation	Scope of Assessment	NE are satisfied with the soil survey work which has been undertaken and note that around 37.75ha of BMV agricultural land will be affected by the proposal.		Noted.	Agreed



Ref	Relevant Application Document	Description of Matter - (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			NE consider that the Project is unlikely to lead to significant permanent loss of BMV land.			
2.7.3	S42 Consultation Response to 2023 Statutory Consultation	Mitigating impacts on soil quality (Proposed Mitigation Measures)	NE confirms that the measures included in the Outline SMP and Outline CEMP secures the controls required in relation to this matter.		An <b>Outline Soil Management Plan ('SMP')</b> is included within the <b>Outline CEMP (Doc Ref. <a href="#">7.8(A)</a>, <a href="#">7.8(A)</a> <a href="#">[REP1-044]</a></b> , with its principles to be incorporated into the detailed CEMP(s). The <b>Outline SMP</b> has been prepared in line with industry good practice.	Agreed

## 2.7 Ancient Woodland and ancient/veteran trees

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

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

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



## 2.8 Connecting People with Nature (Public Rights of Way)

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

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

## 2.9 Cumulative Schemes

Table 2-9: Cumulative Schemes

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

## 2.10 Schedule 2 Part 1 Requirements

Table 2-10: Schedule 2 Part 1 Requirements

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

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



(DCO) Page	Relevant Application Document	Description of Matter	NE Current Position	Applicant's Current Position	Status
			<p>8.—(1) The authorised development must not commence until a biodiversity design strategy has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council and the relevant statutory nature conservation body.</p> <p>(2) No phase of the authorised development may commence until a LEMP covering that phase has been submitted to and approved by the local planning authority.</p> <p>(3) The LEMP for each phase of the authorised development must—</p> <p>(a) be in accordance with the outline LEMP, the biodiversity design strategy approved pursuant to sub-paragraph (1) and the design principles;</p> <p>(b) provide details of the proposed hard and soft landscape and biodiversity enhancement works including (in so far as is relevant)—</p>		

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

(DCO) Page	Relevant Application Document	Description of Matter	NE Current Position	Applicant's Current Position	Status
43	RR	SCHEDULE 2 PART 1 REQUIREMENTS 10	<p><b>Public rights of way</b></p> <p><b>Natural England welcome the following requirements:</b></p> <p>10.—(1) No phase of the authorised development incorporating any part of a public right of way which is to be temporarily closed or permanently stopped up pursuant to article 18 (public rights of way – stopping up and vehicular use on public rights of way) may commence until a RoWAS for the phase has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council.</p> <p>(2) The RoWAS submitted pursuant to sub-paragraph (1) must—</p> <p>(a) include details of measures to minimise the distance of any sections of the public right of way to be temporarily closed or permanently stopped up;</p>	Noted.	Agreed

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

(DCO) Page	Relevant Application Document	Description of Matter	NE Current Position	Applicant's Current Position	Status
			<p>local planning authority, such approval to be in consultation with Kent County Council; and</p> <p>(b) a DTMP for that part must be submitted to and approved by the local planning authority, such approval to be in consultation with the relevant highway authority.</p> <p>(3) The DEMP must be in accordance with the outline DEMP and the DTMP must be in accordance with the outline DTMP.</p> <p>(4) The DEMP and DTMP must be implemented as approved for the relevant part of the authorised development.</p>		

### 3 Signatures

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

On behalf of EPL 001 Limited

Name:

Signature:

Position:

Date:

.....

On behalf of Natural England

Name:

Signature:

Position:

Date:

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## References

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

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