

Stonestreet Green Solar Project

Planning Inspectorate Reference: EN010135

Deadline 3 - Response to the Examining Authority's Written Questions by CPRE Kent

Unique Reference Number: 20050315

Q1.0.2 -	<p>Protected Landscapes</p> <p>Application of the amended duty on relevant authorities in respect of their functions that affect land in National Landscapes is now a significant campaigning issue for CPRE Kent. Specifically, we are currently the claimant challenging the Secretary of State's application of this duty within a recent planning decision within the High Weald National Landscape. We therefore welcome this ExA exploring this issue.</p> <p>The applicant accepts within the Kent Downs National Landscape Special Qualities Assessment (Application Document Ref 8.6) that for visual receptors in the National Landscape to the south of the Site, an isolated, glimpsed and partial view of the Project from Roman Road could be experienced, leading to a minor adverse effect (which they consider is not significant). The Kent Downs National Landscape Team also recognise that there will be impacts to the Kent Downs National Landscape and potential intervisibility from the part of the National Landscape that wraps around to the south of the proposed site of the solar array. They, however, accept that this would not be significant. They have, however, stated they are keen to ensure that sufficient planting is incorporated to help mitigate visual impacts from the AONB to the south.</p> <p>Regardless as to the level of impact, clearly the new duty to 'seek to further' the statutory purposes imposes a much higher threshold than the previous duty to 'have regard to' those purposes. Merely mitigating harm is not sufficient. Rather, it is now for the applicant to demonstrate how the proposed development actively contributes to the enhancement of the landscape and its enjoyment. This should emphasise the preservation and enhancement of landscape character, the protection of agricultural land and the maintenance of public access and enjoyment of these landscapes. Put simply, the development must actively improve the landscape and its experience, not merely avoid further harm.</p> <p>It is CPRE Kent's view that large solar farms, by their nature, cannot 'seek to further' the purposes of Protected Landscapes due to their industrial character and the visual impact they inflict on the landscape. This includes development within its setting. We will therefore be particularly interested in the applicant's response to this question, including whether the applicant considered this new duty within their consideration of alternative sites that have an impact upon the National Landscape.</p>
Q1.2.1	<p>Plan of Alternative Sites</p> <p>As referenced within our original relevant representation, it has been our overarching view that insufficient information has been provided with respect to the alternatives studied.</p> <p>Firstly, it remains unclear to us as to why a radius of only 5 kilometers (km) from the point of connection (POC) has been tested. In this respect, we note it is the applicant's position that 5km or less was chosen as a distance beyond this would not be economically viable (Environmental Statement, Volume 2, Chapter 5: Alternatives and Design Evolution Document Ref 5.2). We however also note that other NSIP schemes, such as the recently approved West Burton Solar Project, routinely test a radius of 15km on the basis that this is the distance at which the project becomes economically unviable. It therefore remains unclear to us as to what is so uniquely special about this project to have justified a much smaller search radius.</p> <p>More significantly, however, the site selection justifications put forward by the applicant</p>

	<p>appear to signally focus upon the substantive area of the application though do not hold up when applied to fields 20, 21 and 22. As previously stated, these fields are distinct and separate from the rest of the development, meaning that the siting of solar panels on these fields unnecessarily fragments the development, exacerbating the landscape harm. Siting panels upon these fields also brings the impact of the development much closer to the main residential area of Aldington, has a particular and unique impact upon the enjoyment of the local PROWs, has a particular impact upon local heritage assets and increases the loss of BMV.</p> <p>NPS EN-3 sets out the key siting considerations that need to be taken into account with respect to site selection. Among other considerations, these include proximity to dwellings (addressing visual amenity and glint), land type (favouring poorer-quality or previously developed land), site accessibility, public rights of way (minimising visual impact) and potential visual and landscape impacts, especially within National Landscapes and their settings.</p> <p>In view of these policy requirements and the very particular impact of fields 20, 21 and 22, it is CPRE Kent's view that it would assist the examination to understand further why an assessment of an alternative scheme that did not include these fields has not been undertaken during the site selection process. While we have seen the applicant's assertion that they need these fields to maximise generating capacity, surely this assertion needs to be properly quantified in terms of benefits versus impacts?</p> <p>Overall, CPRE Kent maintains that the removal of panels from fields 20, 21 and 22 would significantly reduce the impact of the proposal and that this should be an option being considered as an improvement upon the submitted scheme. In this regard, we note that the recent approval of the West Burton Solar Project dealt with a similar issue, with the approved DCO having been amended to remove a similarly contentious parcel of land.</p>
<p>Q2</p>	<p>Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))</p> <p>While CPRE Kent welcome the ExQs on Biodiversity and Natural Environment issues, we are concerned to note that there does not appear to be an ISH planned to explore the details of the concerns we and other have already raised.</p> <p>In particular, we note that there remains a significant difference of opinion as to the likely effectiveness of the proposed Skylark mitigation. CPRE Kent in particular are concerned to note that it remains the plan for footpaths to go directly though the proposed Skylark mitigation areas and not be diverted around.</p> <p>We also have remaining concerns regarding the impact of security lighting; buffer zones with respect to the area of ancient woodland; and the surveys undertaken and to be undertaken. We also have not yet had the chance to scrutinise the BNG claims as the BNG Excel spreadsheet has not yet been made publicly available despite our previous request.</p> <p>We would therefore like to flag our outstanding concerns at this time as we trust there will be the opportunity to explore these issues further as the examination progresses.</p>

Q4.0.4	<p>Felling or lopping of trees or removal of hedgerows</p> <p>Hedgerows are an iconic part of the English countryside and are more than an attractive landscape feature and living livestock pen. They are a home to flora and fauna, including 109 of our most endangered species, and a vital defence against soil erosion, flooding and global warming. That's why CPRE nationally would like to see more hedgerows planted and restored, and campaigned successfully to persuade the government to accept the Climate Change Committee's call for a 40% increase in the extent of hedgerows by 2050 to help tackle the climate emergency.</p> <p>In view of our national campaign, CPRE Kent are extremely concerned by the proposal that the applicant could remove trees and hedgerows without the prior consent of the LPA. To us, maintaining the ability of the LPA to scrutinise proposed removal of any hedgerows is a vital safeguard and this power should not just be handed to the developer.</p> <p>Further, and in line with local planning policies of both Ashford Borough Council and the adopted Neighborhood Plan, which support no unacceptable loss of trees or net loss of hedgerows, any trees or hedgerows that are removed should be replanted.</p>
Q4.2.1	<p>Removal of Important Hedgerows</p> <p>As per our response to Q4.0.4 above, any trees or hedgerows that are removed should be replanted.</p>
Q4.2.1	<p>Tree Preservation Orders</p> <p>As per our response to Q4.0.4 above, the removal of TPOs must be subject to the usual process during the post-consent phase. These deserve particular scrutiny as quite clearly TPOs cannot just simply be replaced.</p>
ExQ5	<p>Historic Environment</p> <p>While CPRE Kent welcome the ExQs on the Historic Environment, we note that there remain significant differences of opinion between the applicant and statutory consultees on a number of heritage matters. We are therefore concerned to note that there does not appear to be an ISH planned to explore the details of the conflicts and concerns further.</p> <p>We therefore will await the applicant's answers to these questions and will respond accordingly.</p>
Q6.0.1	<p>Land Use and Soils</p> <p>We welcome the ExQs on this issue and recognise that they in part respond to concerns we have previously raised.</p> <p>We therefore will await the applicant's answers to these questions and will respond accordingly.</p>

ExQ7 – Landscape and Visual	<p>Landscape and Visual</p> <p>While CPRE Kent welcome the ExQs on the Landscape and Visual Impacts, given the significant concerns raised by ourselves and others, we are extremely surprised to see that there does not appear to be an ISH planned to explore the details of the conflicts and concerns further.</p> <p>We therefore will await the applicant's answers to these questions and will respond accordingly.</p>
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