

Stonestreet Green Solar

Responses to Deadline 2 Submissions

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1 Introduction

1.1 Purpose of the Report

- 1.1.1 This Report provides the Applicant's responses to submissions received at Deadline 2 in respect of the proposed Stonestreet Green Solar project (the Project).

1.2 Structure

- 1.2.1 Section 1 of this report sets out the purpose, structure and approach taken in the report.
- 1.2.2 Section 2 provides the Applicant's responses to the Interested Party submissions, including sign posting to previous responses and application documents where appropriate.

1.3 Approach

- 1.3.1 A total of six Deadline 2 submissions from Interested Parties were received. These were submitted by:
- Aldington and Bonnington Parish Council (ABPC);
 - Aldington and Mersham Support Group (AMSG);
 - Elaine Rose;
 - Kent County Council;
 - Kent Ramblers Association; and
 - National Highways.
- 1.3.2 This report does not look to duplicate the Applicant's **Responses to Relevant Representations (Doc Ref. 8.2)** [\[REP1-061\]](#) or the **Responses to Deadline 1 Submissions (Doc Ref. 8.8)** [\[REP2-034\]](#) which were submitted at Deadline 2. Where appropriate to avoid repetition the Applicant has sought to cross-refer back to responses provided in those documents, supplemented by additional information that has been entered into the Examination since those documents were prepared.
- 1.3.3 The ABPC submission was a summary of their **Deadline 1 Submission at Deadline 2** [\[REP2-034\]](#). As the Applicant has already responded to these comments as part of the **Responses to Deadline 1 Submissions (Doc Ref. 8.8)** [\[REP2-034\]](#) this submission, and the Applicant's previously provided responses, are not duplicated in this report.

2 Response to Deadline 2 Submissions

2.1 Overview

2.1.1 This report contains responses to the Deadline 2 submissions made by the following parties:

- AMMSG [\[REP2-039\]](#);
- Elaine Rose [\[REP2-040\]](#);
- Kent County Council [\[REP2-037\]](#);
- Kent Ramblers Association [\[AS-022\]](#); and
- National Highways [\[REP2-038\]](#).

2.2 Responses to AMMSG Deadline 2 Submission

Table 2-1: Response to AMMSG Deadline 2 Submission

Summary Position	Applicant Response
Aldington & Mersham Support Group [REP2-039]	
BESS	
<p><i>“The Applicant has consulted with Kent Fire and Rescue (‘FRS’) on the layout and approach to BESS. The Outline Battery Safety Management Plan (Doc Ref. 7.16) [APP-161] (‘OBSMP’) explains how the BESS will be safely managed across the Site in accordance with National Fire Chiefs Council Guidance, and also details the engagement to date with Kent FRS (section 3.1)”.</i></p> <p>The OBSMP does not provide sufficient details on the amount of water that will be stored on site, but from the stated size of the water towers, it is totally insufficient for one BESS fire, let alone multiple fires occurring simultaneously. The advice given by Kent FRS regarding the amount of water required to fight a BESS fire is at odds with that given by other Fire and Rescue Services. The OBSMP does not describe how KENT FRS will access each of the 26 BESS sites. It is essential that the OBSMP has to be of sufficient detail to justify the concept distributed battery locations.</p>	<p>The Applicant has consulted Kent FRS in relation to the Project. Kent FRS has confirmed it has no objection to the Project provided the National Fire Chiefs’ Council (NFCC) Guidance is followed in the design and management of the Project.</p> <p>The Outline Battery Safety Management Plan (BSMP) (Doc Ref. 7.16) [APP-161] secures a number of Project commitments, including in Table 2.1, to ensure the Project complies with the NFCC Guidance.</p> <p>In relation to water supply, Table 2.1 confirms that each BESS compound will include a hydrant that is connected to an on-Site water tank that will be capable of delivery in line with NFCC Guidance.</p> <p>In relation to access, Table 2.1 confirms that two access tracks will be provided to each BESS location, with access roads at least 3.7m wide and with a carrying load in compliance with Building Regulations. Both of these commitments address NFCC Guidance requirements in respect of access.</p> <p>Section 5.2 of the Outline BSMP confirms that the Illustrative Project Drawings – Not for Approval (Doc Ref. 2.6(B)) indicate the fire access route designations (permanent access tracks for operations) and entry points/gates Kent FRS could use in the event of a fire. The plan also shows the indicative locations of the BESS Units. A version of this plan was provided to Kent FRS in November 2023.</p>
<p><i>“Section 16.7 of ES Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2) [APP-040] assesses the risk of</i></p>	<p>The Applicant notes there are over 120 operational BESS projects in the UK, with the first installation in 2006, and there has been a single significant failure to date</p>

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major accidents or disasters as a result of the Project. The assessment concludes that, given the proposed mitigation and best practice measures proposed, and the low risk of an event occurring for this type of development, no significant effects are likely”.

Worldwide experience has shown that Lithium-Ion batteries are inherently dangerous with a significant risk of both fire and explosion. The probability of such an event maybe relatively low, but the consequences will be very significant and the worst-case scenario has to be planned for adequately.

“It is noted that the distances for battery locations secured in the Works Plans (Doc Ref. 2.3(B)) significantly exceed the National Fire Chief’s Council and National Fire Protection Agency recommended distances”.

The recommended distances (from residential properties) are totally at odds with modelling work carried out by the Engineering Consultancy Atkins for the Northern Ireland HSE. This work shows that levels of Hydrogen Fluoride can cause an Imminent Danger to Life and Health at a distance of 240m downwind from a BESS fire. There are more than 25 residential properties within 300m of at least one battery enclosure.

(Liverpool), with no injury resulting to local residents and no impact to nearby residential properties. It is also noted that the majority of Development Consent Orders already granted by the Secretary of the State for solar installations include co-location of BESS with solar generation.

The **Outline BSMP (Doc Ref. 7.16)** [\[APP-161\]](#) ensures that the NFCC Guidance for this type of infrastructure will be complied with. Specifically, Section 5.3 commits that an Emergency Response Plan will be produced in consultation with Kent FRS which will be openly available to first responders and the local authority in the unlikely event of a fire incident.

The Applicant notes that AMSG refers to a report prepared for HSE Northern Ireland, prepared in 2019 and which therefore predates both the NFCC Guidance (April 2023) and the Health and Safety Executive’s (HSE) statutory consultation response to the Project (dated November 2022). The Applicant notes that this report was also cited by the Faversham Society, an objector group to the consented Cleve Hill solar project. The report itself contains a disclaimer that “the intention was not to provide a comprehensive review or assessment”, that the note “is only intended to provide brief advice in most of the above areas” and that “the information presented in this Technical Note would benefit from regular review”. The report makes a number of erroneous assumptions which were considered in review of the consented Cleve Hill Solar project.

The HSE are a prescribed consultee for NSIPs and the Applicant consulted with the relevant part of HSE as part of the pre-application stage. The HSE reviewed the proposals at the pre-application stage and noted it was ‘unlikely that HSE would advise against the development’. They were subsequently consulted in 2023 and as part of the acceptance of the DCO application in 2024 and have

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made no further comment. The HSE have therefore raised no objection in respect of the Project.

Kent FRS has been consulted and confirmed it has no objection to the Project provided the NFCC Guidance is followed in the design and management of the Project.

“ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) [AS-010] sets out that the design for the Project employs a distributed approach with four individual containerised BESS Units located at any one Inverter Station, with a maximum of two Inverter Stations (and therefore eight units) being located in any one area of the Site, as opposed to locating all BESS Units in a single centralised compound area. Table 5.4 of ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) [AS-010] sets out a number of benefits to this approach”.

The distributed location of the BESS is we believe a unique proposition in this country and possibly globally. It is noteworthy that the National Fire Chiefs Council Guidance does not cater for such a scenario. Table 5.4 of ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) [AS-010] does indeed set out a number of benefits to the distributed approach of locating the BESS. We do believe that it is a reasonable expectation that the Applicant consider the pros and cons of their approach to locating the batteries, rather than just listing the benefits, as they have done in this

Please refer to Table 3-2: Response to Aldington and Mersham Support Group, ‘BESS’, **Responses to Relevant Representations (Doc Ref. 8.2)** [\[REP1-061\]](#).

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document. Given the significant impact of a BESS fire on residential properties, a single battery compound should be located as close as possible to the Sellindge Converter Station and as far as possible from residential properties, as is the case with the approved EDF (Pivot Power) BESS. The benefits of a centralised location away from residential properties include,

- Better security.
- Better and clearer access for fire services.
- Easier provision of the large quantities of water required for handling fires.
- Reduced visual impact and industrialisation of the rural landscape.
- Reduced risk to the community from toxic fumes

Biodiversity

The Applicant refers us to Design Principles (Doc. Ref 7.5 (A)). *“Security Fencing / Boundary Treatments. Security fence gates will be provided for maintenance, habitat management, passage of mammals, security purposes and fire response access. Security fencing within Fields 19, 23 and 24 will have a minimum clearance space of 0.2m between the bottom of the security fence and the ground, and with minimum mesh spacing of 0.1m”.*

The Applicant also directs us to Requirement 4 of Schedule 2 Draft DCO Doc. 3.1 indicating that the DCO

As stated in **Responses to Relevant Representations (Doc Ref. 8.2)** [\[REP1-061\]](#), the **Design Principles (Doc Ref. 7.5)** [\[REP1-042\]](#) secure the use of mammal gates within the security fencing to ensure mammal movements are not restricted. Requirement 4 of Schedule 2 to the **Draft DCO (Doc Ref. 3.1(D))** secures that the detailed design of the Project that is submitted for approval by the local planning authority must accord with the **Design Principles (Doc Ref. 7.5)** [\[REP1-042\]](#). The **Outline LEMP (Doc Ref. 7.10(B))** provides details of the habitat provision to mitigate effects on protected species.

The position and number of mammal gates will be defined in submissions to discharge Requirement 4 of Schedule 2 to the **Draft DCO (Doc Ref. 3.1(D))**.

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will *“secure the use of mammal gates within the security fencing to ensure mammal movements are not restricted”*.

The true position is that mammal movements will be restricted because the only means of them accessing existing foraging areas will be through an unspecified number of mammal gates. Why has the Applicant not indicated a minimum number of these gates to be installed? The Applicant refers to the Outline Landscape and Ecological Management Plan Doc ref 7.10 and at 5.2.2 confirms that “The Project boundary fences will look to include ground level gaps and/or mammal gates to allow movement of species, such as brown hare and badger”. (Bold font our emphasis). Why has the Applicant not said, “will include” rather than that it will “look to include”?

Such submissions will be submitted to and approved by the local planning authority.

Biodiversity - Skylark

Why does the Applicant refer to arable land as “arable monoculture cropland”. It seems to be a phrase unique to this scheme, not used at all in the agricultural world.

Arable monoculture cropland is a large field where a single crop is grown. It is a term used in **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** [\[APP-033\]](#) to describe the biodiversity value of the existing land. It is a well established term used in the assessment of environmental impacts.

Ironically it is exactly this land which, as the Applicant has observed, provides habitat that supports important ground nesting birds like Skylark and Lapwing. The Applicant makes much of the biodiversity improvement areas that have been included notably to the north of the East Stour River. Large parts of this area are

Please refer to Table 3-2: Response to Aldington and Mersham Support Group, ‘Biodiversity’, **Responses to Relevant Representations (Doc Ref. 8.2)** [\[REP1-061\]](#).

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destined to be Tussock Grassland. This may suit land like this which routinely floods each winter but is hardly suitable as replacement Skylark habitat particularly when this species favours short grassland or arable fields which are not close to woodland (because of predation risk). Note fields 27 and 29 are relatively small (not optimal for Skylark), adjacent to established hedges, sporadic woodland by the river and Backhouse Wood. This leaves the so-called “Skylark Plots” to achieve compensation for lost nesting habitat which are the tiny green squares on the plan below which is an extract from the Applicant’s illustrative plan Doc. Ref 2.7 (note, not for approval).

Possibly the Applicant’s ecologists consider that the recommended 2 No.16 m² Skylark plots/HA recommended for increasing Skylark numbers in autumn sown cereals (as shown below) is equally applicable when located in the middle of the metal and glass of a solar array. If so, where is the evidence that this has worked in the same way to increase Skylark nesting, and what happens if this mitigation proves to be inadequate? Will some of the panels be removed?

Locating these tiny squares in amongst the panels which themselves can be 3.5 m high (very suitable for predator perching) will offer nothing by way of compensation habitat for the loss of the large amount of so-called arable monoculture cropland which in recent years has seen increasing numbers of ground nesting

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birds – particularly Skylark (where the main landowner has in the past erected signs to encourage dog walkers to keep dogs on leads to avoid disturbing nesting Skylark).

Compensation

The Applicant has pointed to the availability of the Compensation Code in response to the concerns we have raised. During the Preliminary Hearings, we specifically asked the Exa whether the right for an individual to claim for any physical effects that amount to a statutory nuisance (e.g. noise from batteries and/or inverters) would be available on account of disapplication provisions. We were specifically told that the Land Compensation Act 1973 would not apply (which would ordinarily allow individuals to claim for physical effects on property value caused by a scheme with statutory powers but where no land was taken).

Despite the suggestion from the Applicant for individuals to speak to its agent, unless the Applicant chooses to compensate such individuals, it seems there is absolutely no recourse available to any affected homeowner, no matter how grievous the physical effect/nuisance may be over the next 40 years. If the position is otherwise, then perhaps the Applicant can explain.

Please refer to Table 4-8: Land value of the **Responses to Relevant Representations (Doc Ref. 8.2)** [[REP1-061](#)].

As set out in Schedule 11 of the **Draft DCO (Doc Ref. 3.1(D))**, the Land Compensation Act 1973 has effect subject to the modifications set out in that Schedule.

With regard to the defence to proceedings in respect of statutory nuisance contained in Article 10 of the **Draft DCO (Doc Ref. 3.1(D))**, the purpose and effect of this provision is explained in section 3.8 of the **Explanatory Memorandum (Doc Ref. 3.3(D))**.

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The Applicant makes much of the fact that changes to the design were made “as far as possible” and “where possible”. It should perhaps consider what EDF Renewables (East Stour Solar Farm – Appeal Ref: AP-90705) has done on its adjoining scheme where the panel footprint is at no point closer than 150 m from any residential property. Contrast this with the attitude adopted in this Applicant’s dealings with Mrs Chafer at Beckett’s Green which stands to be transfigured by the scheme. We know from discussions with Mrs Chafer that she was not consulted prior to the first statutory consultation and since then she has had to fight for every small change.

The plan below shows the meagre changes offered by way of reduced footprint (shaded orange to the northwest of her house).

Why can’t the applicant offer the same safeguarded area to Mrs Chafer as EDF have offered to homeowners and if not, why won’t they volunteer to compensate her for her loss?

The Applicant all too quickly relinquished fields 26 – 29 apparently without any material impact on the scheme’s viability. Why can it not be more generous to Mrs Chafer while at the same time reducing visual impact on this highest part of the scheme? All the land within the circle is above the 58m contour – the area of the scheme with the greatest visual impact.

Please refer to Table 4-9: Landscape and visual of the **Responses to Relevant Representations (Doc Ref. 8.2)** [[REP1-061](#)].

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The Applicant relies on the Planning Inspectorate's acceptance of its compliance with the PA 2008 and associated regulations without addressing the many omissions in what it has done. The Applicant talks about the way in which it undertook non-statutory engagement and how it consulted in a variety of ways to *"maximise Consultee participation"*.

On 31st January 2024 we submitted to Ashford Borough Council a very detailed critique on what we saw as the inadequacy of the Applicant's consultation. What we and so many in the local community see as the failure of this phase of the DCO is not in relation to the sequencing of the various consultations and notifications that were undertaken but instead the quality of the work done and the way it was presented – particularly at information events. The lack of open and genuine engagement with the community means that the community is still largely in the dark about the impact this scheme will cause.

It is no coincidence that the thread of the applicant's failure to engage with the community in a genuine and open way with information and material presented in a way that allowed them to make an informed view about this proposal, runs through each of the various aspects of the scheme we have identified as being completely unacceptable.

Please refer to the 'Consultation' row in Section 4.7 of the **Responses to Relevant Representations (Doc Ref. 8.2)** [\[REP1-061\]](#).

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It would have been so much easier to achieve a viable scheme, of good design, if the applicant had taken a different and more open approach. Instead, the community is now left waiting to see what will be handed down to it at the end of the process, most realising that there has been (and will be) nothing more that they can do to lessen the impact the project will cause to Aldington and Mersham residents for at least the next 40 years.

Cultural Heritage

With reference to the Heritage Statement (REP1-105) prepared by Peter Spencer BA MA MCIfA on behalf of Aldington and Bonnington Parish Council, the Applicant has concluded that the “archaeological landscape” within the DCO order limits is of low importance, when in fact their own contractor’s work and that of Peter Spencer have shown that the presence of Iron Age and Romano-British period remains either side of Bank Road are likely of regional importance. The potential for Palaeolithic remains along the cable route corridor as identified by Peter Spencer would be considered to be of high national and regional significance.

Please refer to the **Planning Statement (Doc Ref. 7.6)** [\[APP-151\]](#) which at paragraph 6.13.8 states that the *‘limited harm to heritage assets is considered to be demonstrably outweighed by the substantial public benefits that would only be realised if the Project was delivered’*.

The piling of solar panels and other infrastructure would impact directly on potential archaeological remains and it is clear that for large areas of the proposed scheme the panels will have to be located on concrete pads to avoid such damage. At this stage it is clear that both

ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref 5.4) [\[APP-070\]](#) and [\[APP-071\]](#) includes the desk-based assessment and a full geophysical survey that was undertaken by the Applicant covering the areas where physical development is proposed within the Order limits to establish a baseline understanding of the potential for subsurface archaeology.

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Peter Spencer and KCC conclude that a robust evidence base has not been collected to sufficiently inform the proposed archaeological mitigation. In particular the paucity of trial trenching in relation to the size of the site and archaeological potential is of particular concern.

Further, the **Archaeological Management Strategy (AMS) (Doc Ref. 7.17) [\[APP-162\]](#)** commits the Applicant to a clear framework of controls that would avoid and reduce the effects of the Project on potential archaeology. Section 5 of the AMS secures the publication of any information or find, including should no archaeology be revealed. This includes the online OASIS form, or such equivalent website as may be in place at the time of the works being completed, and once the reporting is in the public domain by submission to the KCC and Historic England National Record of the Historic Environment.

In terms of mitigation, section 5 of the **AMS (Doc Ref. 7.17) [\[APP-162\]](#)** sets out the approach to archaeological mitigation works in relation to the Project which will include further invasive archaeological evaluation before the commencement of construction works. The AMS will inform measures to avoid impacts on archaeological remains. The **Works Plans (Doc Ref. 2.3(B)) [\[REP1-003\]](#)** include flexibility to respond to archaeological features which may be identified during further archaeological investigation and to respond to features identified during construction works, including through the relocation of sub-surface infrastructure (for example Inverter Stations) and, if required, use of a non-invasive alternative to piling to avoid impacts. Requirement 9 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(D))** secures that no phase of the Project may commence until certain specified details for that phase have been submitted to and approved by the local planning authority, such approval to be in consultation with KCC. The specified details are a written scheme for the investigation of areas of archaeological interest within that phase; identification of any areas where a programme of archaeological investigation is required within that phase, and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found. These details must be generally in accordance with the AMS.

Above ground we are concerned about the impact on the setting of listed buildings within the DCO order limits and adjacent areas. In particular the setting of the

Table 7.1 (Heritage Assets with Identified Impact by the Project and Harm Category Assessment Summary) of **ES Volume 4, Appendix 7.2: Heritage Statement (Doc Ref. 5.4) [\[APP-072\]](#)** confirms that there is a slight / moderate

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Grade II* listed Stonelees along Laws Lane will be very badly affected by the proposed industrial landscape. The following infrastructure will be located in close proximity to Stonelees:

- solar panels,
- battery enclosures
- a water storage tank
- fencing with CCTV cameras
- a permanent site entrance

In our opinion this will undoubtedly have a significant effect on the setting of this important building.

impact (which is not significant in EIA terms) on Stonelees, which would be 'less than substantial harm' (which is at the lower end of the spectrum of harm).

The position in respect of impacts to Stonelees, including the mitigation proposals, has been discussed and agreed with Historic England, and is set out in Table 2-2 of the **Statement of Common Ground with Historic England (Doc Ref. 8.3.3(B))**. The Applicant and Historic England are in agreement that "*The identified harm to significance to all assets would be less than substantial with the Applicant assessing the harm at the lower or lowest level of the spectrum and HE assessing the harm at the low end of the spectrum*". The parties agree that the difference in relative assessment level is not material.

The **Planning Statement (Doc Ref. 7.6) [APP-151]** also states at paragraph 6.13.8 that the '*limited harm to heritage assets is considered to be demonstrably outweighed by the substantial public benefits that would only be realised if the Project was delivered*'.

No further changes to the Project are therefore considered necessary in order for the Project to be compliant with the relevant policy tests in the NPSs.¹

Section 7.7.67 of the ES Vol 2 Chapter 7_Cultural Heritage (APP-031) claims that new hedgerow planting will screen the project from the approach to Stonelees, along Laws Lane. If indeed this were the case, it would not apply in the winter months when fields 3 and 7 can be seen clearly through the hedges. The same report does not consider the approach to Stonelees from the southeast along PROW AE370, from which the setting of the property on the flanks of the Aldington Ridge can

The position in respect of impacts to Stonelees, including the mitigation proposals, has been discussed and agreed with Historic England, and is set out in **Table 2-1 of the Statement of Common Ground with Historic England (Doc Ref. 8.3.3(B))**.

¹ The Applicant notes that there is a typographical error in row WR 26 & LIR 9.10 in Table 2-2 on page 42 of the Responses to Deadline 1 Submissions (Doc Ref. 8.8) [REP2-034]. The response in that row of Table 2-2 should be treated as being superseded by the text in this row of this Response to Deadline 2 Submissions.

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be appreciated by walkers. All of this will be lost if the proposed project goes ahead.

The country's need for renewable energy is clear, but this should not be at the unnecessary expense of our historic buildings. As per Historic England's advice the solar panels, batteries, permanent site access and associated infrastructure should be removed from the southern part of fields 3 and 7.

Flood Risk

The surface water flood risk associated with the local drainage system which drains fields 3,4,5,6 and 7 has not been properly assessed through hydraulic modelling as recommended in section 9.5.2 of the Flood Risk Assessment (APP-094). The catchment area for this drainage system is in excess of 100 acres and contains eight battery enclosures. No account has been taken of the cumulative effect of these impermeable surfaces on the increased flow of surface water through this drainage system and the potential increased flood risk at Spring and Bow Cottages and further downstream along Flood Street.

Please refer to the 'Water Environment' section of Table 4-2 in the **Responses to Deadline 1 Submissions (Doc Ref. 8.8)** [\[REP2-034\]](#).

Landscape and Visual

The submitted landscape visualisations as set out in ES Volume 4, Appendix 8.10: LVIA Visualisations (Doc Ref. 5.4(A)) [\[AS-014\]](#) are not of sufficient resolution to allow proper assessment of the visual impact of the scheme.

Please refer to Table 3-2 in Section 3.3 of the **Responses to Relevant Representations (Doc Ref. 8.2)** [\[REP1-061\]](#) for the Applicant's responses on landscape visualisations.

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For example, from Viewpoint 31 it is impossible to discern the battery enclosures and water towers due to the low resolution of the imagery.

We do not believe that the way the Landscape Visualisations were presented to the community during the consultation process followed the Landscape Institute's recommendations, as outlined in their Technical Guidance Note (TGN 06/19). When the Applicant was asked to provide better visualisations after the first Statutory Consultation in Autumn 2022, they responded by displaying none at all in subsequent consultations.

Whilst NPS EN-1 acknowledges that all proposed energy infrastructure is likely to result in some adverse visual effects, the decision to locate a large part of the proposed Stonestreet Green Solar generating station on the Aldington Ridge has resulted in an unacceptable visual impact that cannot be mitigated.

PRoW

The response by the Applicant fails to address the key points that we have made.

In the Applicant's Environmental Statement, Volume 2, Chapter 5: Alternatives and Design Evolution it states that the site was selected by the applicant based on a series of influencing factors which included the "PROW network":

Please refer to **ES Volume 4: Appendices Chapter 5: Alternatives and Design Evolution Appendix 5.2: Site Selection Influencing Factors (Doc Ref. 5.4)** [\[APP-067\]](#) for details on PRoW networks and their impact on site selection.

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How can the Applicant possibly maintain that the PROW network was an influencing factor in selecting the site when it is manifestly obvious that there are so many footpaths that stand to be adversely affected by the proposal?

In the Applicant's Outline RoWAS (Doc Ref 7.15) at paragraph 2.1.6 it provides at Table (2-1) details of no less than 14 PROW which will either be extinguished or diverted (many with radical and less convenient diversion routes). On what basis can the Applicant claim that this site was selected on account of the PROW network?

There is still no response from the Applicant as to why it is not prepared to include additional hedge planting adjacent to the security fencing to mitigate the serious visual impact that will be experienced by walkers using both the remaining and diverted footpaths? Other schemes (including the adjoining EDF Renewables project – East Stour Solar Farm (referred to above) have provided this mitigation. Why not the Applicant?

We already know that the Outline RoWAS provides for a Rights of Way and Access Working Group which will review "Implementation Plans" but this was not our question. We were asking why, despite the Applicant's clear promise to the Community Liaison Panel meeting to offer to set up a Working group to discuss the proposed changes to PROW it then decided not to do

Please refer to **ES Volume 4, Appendix 5.2: Site Selection Influencing Factors (Doc Ref. 5.4)** [\[APP-067\]](#) for details on PROW networks and their impact on site selection.

The Project includes buffers to PROW, greater than those requested by KCC, to include new hedgerow planting, reinforcement of existing hedgerows, new woodland planting area and new grassed areas, as set out in paragraph 8.6.23 of **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))** [\[AS-012\]](#).

The notes of the Community Liaison Panel meeting held on 21 September 2023 record that when asked about a PROWs working group, the Applicant confirmed that the group would be established following the grant of the DCO. The notes of this meeting were approved without any concerns being raised at the next Community Liaison Panel meeting held on 20 June 2024.

The **Outline RoWAS (Doc Ref. 7.15(A))** [\[REP1-056\]](#) secures the provision of a Rights of Way and Access Working Group. The purpose of the Rights of Way and

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this? This new proposal of discussing the way in which such major changes to the network that it has already decided upon will be implemented (post DCO) is, as the Applicant well knows, completely different from being engaged with the community (as was promised) in the formulation of the plans.

In summary our questions raised on PROW have not been addressed and we hope that the EXa will seek responses on these issues.

Access Working Group is to review Implementation Plans (the detailed approach to managing changes to PROW) with the aim of minimising disruption and amenity loss to PROW users during implementation.

The Rights of Way and Access Working Group will include the Applicant, the Contractor(s) responsible for the Project, ABC, and KCC with other parties invited to contribute where the Group considers this to be beneficial. The Applicant will have due regard to responses from the Rights of Way and Access Working Group prior to finalisation of the submission of an Implementation Plan. Any detailed RoWAS must be generally in accordance with the Outline RoWAS, as required by Requirement 10 in Schedule 2 of the **Draft DCO (Doc Ref. 3.1(D))**.

Site Selection/ Consideration of Alternatives

The Applicant has supplied very little of substance in response to our representation on Alternative Land.

It is difficult to understand how it reaches the conclusion that it does in its own Planning Statement in paragraph 6.4.48-6.4.49 (Doc. Ref 6.4).

The Applicant, in its response to our representation, states that "a number of changes were made to the layout of the Project in response to Statutory Consultation feedback....". This statement only serves to highlight again the issue that we (and we note various statutory consultees) raise. Namely that the "land made available" has actually been the foremost influencing factor in choosing this site and that alternatives were only seriously considered much later when the Applicant was asked to look at these, resulting in the token examination of other land that is to

ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) [\[AS-010\]](#) sets out how the site selection process for the Site was undertaken and the consideration of alternatives.

Appendix 2 (Sequential and Exception Test Report) of the **Planning Statement (Doc Ref. 7.6)** [\[APP-151\]](#) includes an assessment of land within the 5km search area. The Sequential and Exception Test Report has been reviewed by both the Environment Agency and Ashford Borough Council who have confirmed that the Project has passed both the Sequential and Exception Tests, as set out in **Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1(A))** and **Statement of Common Ground with the Environment Agency (Doc Ref. 8.3.2(B))**.

Summary Position

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be found within Doc. Ref 5.2. There was in fact little or no “design evolution” in the sense expected in order to comply with Overarching National Policy Statement for Energy (EN-1).

Quite simply the response provided by the Applicant underlines that this scheme has been “reverse engineered” quite contrary to EN-1 which states: *4.7.4 Given the benefits of good design in mitigating the adverse impacts of a project, Applicants should consider how good design can be applied to a project during the early stages of the project lifecycle.*

Outlier – Southeastern Block

The Applicant has chosen not to explain why it has gone out of its way to include this inaccessible small block of land when at least 50% of it is (based on its own survey) classified as BMV land.

We note the Applicant's response on the question of badgers and the claimed need to keep all reports relating to badgers confidential.

We also note that the Applicant in various documents confirms that no infrastructure will be installed closer than 30 m from any badger set (see Design Principles Doc. 7.5).

[Details redacted] Is this set identified in the confidential report? If it is, why has the Applicant not adjusted the panel footprint to the east of it and how is the Applicant

Please refer to Table 4-2: Aldington and Mersham Support Group, ‘The South Eastern Area, Fields 20, 21, 22’ of **Responses to Deadline 1 Submissions (Doc Ref. 8.8)** [\[REP2-034\]](#).

Summary Position

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proposing to manage this situation and comply with the relevant legislation and indeed its own undertaking?

South-Eastern Block (Outlier)

The Applicant's response on the question of providing a haul route and cable route in order to avoid the serious impact that will be caused by using so much of Goldwell Lane is unconvincing. We have addressed this in the submissions we have already made separately for Deadline 1 which we hope will elicit a detailed response.

For the record, Goldwell Lane is a route through Aldington and the measures set out in the Outline CTMP "to minimise any impact or disruption to other road users" is totally inadequate, because among other things it fails to recognise the physical constraints involved in using this road for public use, construction traffic and cable laying in combination.

Please refer to Table 4-2: Aldington and Mersham Support Group, 'The South Eastern Area, Fields 20, 21, 22' of **Responses to Deadline 1 Submissions (Doc Ref. 8.8)** [\[REP2-034\]](#).

Traffic and Access

We strongly disagree with the Applicant's assertion that there will not be cumulative effects caused by other major consented developments in the area. It is not just a question of traffic associated with those developments (and existing developments – like the Converter Station – which the Applicant appears to have overlooked in its assessment) but the way in which construction traffic

Section 13.10: Cumulative Effects of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(D))** provides an assessment of the cumulative impact of the Project with other cumulative schemes within the study area. Existing schemes (i.e. that have been completed) are included within the baseline traffic flows.

Summary Position

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Aldington & Mersham Support Group [\[REP2-039\]](#)

disruption will cause delays on the main access (Station Road) which in turn will result in traffic being displaced and seeking other routes. This is a cumulative impact.

It is concerning to read much of what KCC have stated in the Statement of Common Ground Document (Doc. Ref 8.3.4). We hope the EXA will ask KCC to explain why the serious safety issues arising from this proposal appear to have been overlooked.

Not least the Applicant includes an inaccurate measurement relating to the Smeeth Crossroads ghost lane and the physical highway constraints in Goldwell Lane have not been factored in for a road that is due to take public and construction traffic during cable laying.

Hopefully the Applicant has by now (as requested by KCC) provided further clarification on items P2 and P3 (within Doc Ref 8.3.4) relating respectively to traffic generation and routing (including the Smeeth Crossroads) and what we refer to as the "minibus myth" (the idea that 75% of staff will elect to park their cars somewhere in Ashford possibly at a cost in the region of £12/day and wait to be picked up by a minibus). This aspect coupled with the idea that staff will readily share lifts demands evidence based comparable data from active rural projects (like Cleve Hill Solar) evidence that we would have expected KCC to have asked for previously in light of the claims being made by the Applicant.

Please refer to section 4.5 on worker transport in the **Outline CTMP (Doc Ref. 7.9 (C))** for details on how workers will be transported to and from the Site by mini-bus.

Summary Position

Applicant Response

Aldington & Mersham Support Group [\[REP2-039\]](#)

If the indicated two minibuses are used, we calculate that each will need to do between three and five return trips at the beginning and end of each day throughout the 12-month period. Whether staff are being picked up from the same point or a number of different points this idea (which is really all it is) will mean a huge amount of wasted time and as such will be completely unviable for the Principal Contractor and elongate the scheme's construction phase.

The question on the use of minibuses and car sharing is a serious one because it directly impacts on the amount of traffic on the main access route – including the Smeeth Crossroads – and is therefore a major safety issue.

Draft DCO

Article 4 in the draft DCO states: “The undertaker may at any time maintain the authorised development, except to the extent that this Order, or an agreement made under this Order, provides otherwise”. (bold font our emphasis).

The word “maintain” is a defined term: “maintain” includes inspect, upkeep, repair, refurbish, adjust, alter, remove, reconstruct and replace in relation to the authorised development, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement; and any derivative of

Please refer to the response to this matter in the 'Definition of "maintain"' section of the **Response to Additional Submission made at Procedural Deadline A (Doc Ref. 8.1)** [\[REP1-060\]](#).

Summary Position

Applicant Response

Aldington & Mersham Support Group [\[REP2-039\]](#)

“maintain” must be construed accordingly;” (bold font our emphasis).

Bearing in mind that it is generally accepted that solar panels can expect to have a maximum useful life of not more than 25 years it is clear that future owner(s) of this development will "reconstruct and replace" the panels, and very probably the associated infrastructure (BESS, Inverters etc) over the duration of the 40 year temporary Consent. Indeed, they may wish to replace some or all of the equipment at an even earlier stage if that is found to be commercially optimal.

The caveat within the defined term which would prevent such works is if "any materially new or materially different environmental effects to those identified in the environmental statement" arise. If complete or substantial reconstruction is proposed during the 40 years;

- How will the environmental effects of a proposal be judged and by whom?
- What information about its proposals will the owner have to provide?
- Which agencies will decide whether or not the caveat is triggered?
- If triggered, what process will the then owner have to go through?
- What consultation with Statutory Consultees and the public will then be required?

Summary Position

Applicant Response

Aldington & Mersham Support Group [\[REP2-039\]](#)

It is not unreasonable for the community to expect answers on these points and to understand the implications of these provisions not only for them but also for those who will live in the area over the next 40 years. If the detail, like so much else, is to be delegated to Ashford Borough Council then where is the corresponding provision for this and what certainty is there of obtaining appropriate robust safeguards for the community post grant of a DCO?

It seems only logical that the nature of environment that will be affected by reconstruction 10 or 20 years from now will be different from that which has now been assessed by the applicant.

This will be true if only because the applicant is proposing various forms of mitigation (hedge and tree planting) which will change the environment. How will removal of any of this (if necessary for reconstruction) be considered since it was not in existence when the current environmental statement was prepared?

In short, if there is to be such a wide definition for maintenance of the development then we would ask that the Applicant (or if necessary the EXa) explains, for the benefit of the community, exactly what the process will be for any proposed reconstruction and the safeguards they can expect to rely on when dealing with the next phase of disruption.

Summary Position

Applicant Response

Aldington & Mersham Support Group [\[REP2-039\]](#)

Funding Statement

Section 2.2 of the Funding Statement (REP1-012) indicates that construction costs are estimated to be £150 million excluding the cost of decommissioning. It is evident from the information provided that neither EPL001 Limited, its parent company Evolution Power Limited nor its Finnish Shareholder Korkia Renewables Oy has the funds to finance the construction phase. The letter of support from Korkia states that it expects to have “access” to the funds necessary for construction and compulsory acquisition costs, including from private equity markets. The penultimate paragraph of the letter of support is very telling in that it makes absolutely clear that there is no commitment from Korkia to fund the project. In essence the project is unfunded beyond the DCO process and relies on the promise of fundraising from undisclosed sources.

The decommissioning costs have not been disclosed in the funding statement and if for whatever reason there are insufficient funds to meet the decommissioning liability, then it is unlikely that the landowners will have sufficient funds, contractual liability or the appetite to meet any outstanding commitments. In this scenario the community will be left with the blight of “rotting infrastructure” in our beautiful countryside. It is therefore imperative that the decommissioning costs are disclosed along with the proposed mechanism by which they will be financed through project revenues. We

Please refer to the **Written Summary of Oral Submissions at Compulsory Acquisition Hearing 1 and Response to Action Points (Doc Ref. 8.5.4)** [\[REP1-074\]](#) , in particular the Applicant's responses to Action Points 8 and 9.

Summary Position

Applicant Response

Aldington & Mersham Support Group [\[REP2-039\]](#)

would expect the decommissioning costs to have been estimated by a truly independent third party. From the material in the funding statement, it seems unlikely that EPL001 Ltd will have a sufficiently strong balance sheet to meet the decommissioning liability, and we would expect to see a bond put into place to meet the liability during the construction phase and early stages of generation. It is likely that with current technology the solar panels and batteries will need replacing after 20 years. At this point the decision may be taken to cease electricity generation in the face of the new investment required and it is imperative that in this scenario the project is decommissioned at this point in time rather than at the end of the 40 year project phase.

For the reasons given above we believe that the details of the decommissioning be fully disclosed. This cannot be left in the hands of the Applicant and Land owners who may be motivated by short term gain rather than the harsh reality of decommissioning which may seem a long way off.

2.3 Responses to Elaine Rose Deadline 2 Submission

Table 2-2: Responses to Elaine Rose Deadline 2 Submission

Summary Position	Applicant Response
Elaine Rose [REP2-040]	
<i>Tourism</i>	
<p>This relates to tourism and the comment made 12.7.34 to 12.7.38</p> <p>This response entirely misses the concerns about the risk to the impact on tourism if the project goes ahead. No tourist will wish to visit or pass through Aldington as they currently do from Europe, other areas of the UK, for walking, cycling locally, horse riding. Visiting local pubs of Mersham and Aldington, attending weddings etc If the project goes ahead it will be an industrialised mess of solar panels and batteries. The impact on tourism has already been felt by solar farms throughout the UK. The proposed solar farm on Romney Marsh along with this proposed ill judged project if it goes ahead will mean there will be no countryside without a solar panel for many miles. No one in their right mind will want to visit Aldington</p>	<p>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B)) [REP1-024] assesses the potential effects on tourist and recreational receptors from environmental assessments elsewhere in the Environmental Statement, concluding that there is not likely to be a significant effect on those facilities. The natural environment is an important aspect of Kent's rural tourist economy but is not considered to be affected substantially to translate into a change in visitor behaviour given the size, scale, diverse offer of the tourist economy, and the accessibility and availability of other national recreational resources nearby, particularly within the Kent Downs National Landscape.</p>

2.4 Response to KCC Deadline 2 Submission

Table 2-3: Responses to Kent County Council Deadline 2 Submissions

Summary Position	Applicant Response
Kent County Council [REP2-037]	
<i>Highways and Transportation</i>	
<p>The County Council as the Local Highway Authority notes the revisions to the Outline Construction Traffic Management Plan (OCTMP) (REP1-046) and the Outline Decommissioning Traffic Management Plan (ODTMP) (REP1-052). Updated information has been provided in respect of:</p> <ul style="list-style-type: none"> ■ Provision of the minibus service for workers and confirming that full details would be presented and agreed through the detailed CTMP should consent be granted (paragraph 4.3.5) ■ Further clarification regarding the Traffic Regulation Measures Plan (paragraph 6.3.2) ■ Confirmation that a passing place on the Bank Farm access shall be provided with full details presented in the detailed CTMP/DCTMP (paragraph 6.3.4) <p>The changes are acceptable to the Local Highway Authority.</p> <p>The County Council still seeks a response from the applicant with regards to the points raised regarding Article 15 (AS-005) within it's 'Post-hearing submissions, including written submissions of oral cases' (REP1-088).</p>	<p>Noted. In respect of KCC's Post Hearing Submission [REP1-088] regarding the pair of new access points on Station Road, north of Calleywell Lane, the Applicant can confirm that the associated visibility splays will be maintained as permanent visibility splays for the lifetime of the development, which is secured as part of the Outline Operational Management Plan, secured by Requirement 12, Schedule 2 of the Draft DCO (Doc Ref. 3.1(D)).</p>

Summary Position

Applicant Response

Kent County Council [\[REP2-037\]](#)*Sustainable Urban Drainage Systems (SUDS)*

The changes to the Outline Operational Surface Water Drainage Strategy (OOSWDS) (REP1-054) are noted by the Lead Local Flood Authority. The County Council is pleased to note that the requested alterations to the climate change rainfall uplift values have been applied; the County Council also notes that alterations to the Greenfield Run off (GFRR) values have been undertaken.

Noted.

The Lead Local Flood Authority notes that no breakdown of the areas within the project substation station site had been previously provided with a total area quoted of 0.68Ha and this was used for the GFRR calculation. The latest version of the OOSWDS now states in paragraph 4.4.4 "The contributing area of the Project Substation is 0.788ha, however this will be split between impermeable development area, gravel (permeable, but lined) compound and areas for the proposed SuDS features. The breakdown between the land use types is 1,870m² impermeable and, 4,930m² permeable areas. and 1,080m² for open SuDS features (swale)."

Noted.

In order for the above to be acceptable, it will be essential as the design moves forward for it to be demonstrated that the permeable section of the substation proposals are lined so as to effectively become impermeable and therefore it's area allocation can be used to derive at the original greenfield runoff rate figure. If it is proposed for the area to actually be unlined, then as advised in the County

Noted. As set out in paragraph 4.8.2 of the **Outline OSWDS (Doc Ref. 7.14(B))**, the Inverter Stations and Project Substations compounds will be constructed with an impermeable lining and with stormwater storage provided above this within a gravel subbase.

In respect of run-off rates, the **Outline OSWDS (Doc Ref. 7.14(B))** includes measures to ensure that post development runoff rates will not exceed the

Summary Position

Applicant Response

Kent County Council [\[REP2-037\]](#)

Council's previous response "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."

existing greenfield runoff rates entering the East Stour River, and thus have negligible impact on flood risk.

The detailed design will set out how this would be applied, which is secured by Requirement 11 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(D))**. This ensures that no phase of the authorised development may commence until an OSWDS for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with KCC. This must be in accordance with the **Outline OSWDS (Doc Ref. 7.14(B))** and must be implemented as approved.

A similar issue applies with regards to the modelling undertaken in relation to the inverter stations; however on this occasion there is no proposal to line the permeable areas and they have been utilised in the greenfield runoff and hydraulic calculations in contravention to the above guidance taken from the Ciria SuDS design manual para 24.2.2. However, given that the discharges from the inverters are so small this adjustment should be easy to undertake as part of the detailed design going forward given the size of the red line boundary and the minimal additional volumes of water that will be required to be attenuated as a result.

See response above. In addition, paragraph 4.4.5 of the **Outline OSWDS (Doc Ref. 7.14(A))** [\[REP1-054\]](#) states:

"The Inverter Stations which are distributed across the Site are of variable sizes however typical dimensions are approximately 0.097ha / 970m² with approximately 0.048ha / 485m² impermeable area. The remaining 0.048ha / 485m² is available within the Inverter Station footprint for permeable gravel cover (underlined to prevent infiltration)."

Further to the above, the County Council would advise that, with reference to paragraph 4.2.5 of the OOSWDS - the County Council's guidance refers to the requirements of Ashford Borough Council's Local Plan, Policy ENV 9 - Sustainable Drainage.

Noted. The **Outline OSWDS (Doc Ref. 7.14(B))** has been updated to clarify this point.

Summary Position

Applicant Response

Kent County Council [\[REP2-037\]](#)

Given the above minimal issues and obviously subject to the applicant confirming their acceptance to deal with as part of the detailed design, the County Council as Lead Local Flood Authority will continue to engage and confirm matters through the SoCG.

Noted.

Heritage Conservation

As the revised Statement of Common Ground between the Applicant and the County Council notes, there are ongoing discussions regarding pre-determination trial trenching. An update will be provided at Deadline 3.

Noted.

2.5 Response to Kent Ramblers Association Deadline 2 Submission

Table 2-4: Responses to Kents Ramblers Association Deadline 2 Submission

Summary Position	Applicant Response
Kent Ramblers [AS-021]	
<i>Consultation on the PRow network</i>	
<p>1.1. We have already commented on the apparent reluctance of the Applicant (hereafter EP, for brevity) to engage in real dialogue with us and others about their proposals for PROWs. In an early Panel meeting I was told that “a footpath in a field is a problem” - not one that EP wished to consider in detail with us or others though, it seemed, even though it is, in EP's own words, a “dense network of PROWs”.</p> <p>1.2. Our request for a focussed sub group was agreed but not realised. One meeting was arranged in late 2022 October which I unfortunately could not attend but which another Rambler, also a panel member, did get to. A senior EP spokesman talked only of 2 proposals to divert paths leading to misunderstanding as others were not mentioned and my colleague was given to believe there would be no changes to other routes. This indicated a lack of attention to issues around the large number of PROWs. In my response to the November 2022 Consultation I referred to EP's approach being “diametrically opposed” to ours.</p> <p>1.3. Probably influenced by other agencies, EP amended some proposals, with the number and length of diversions slightly but not significantly reduced. We</p>	<p>The Applicant has engaged with residents, community groups and local authorities in the approach to specific PRow. As noted by Kent County Council in its Relevant Representation [RR-156] (emphasis added):</p> <p><i>“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. 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.”</i></p> <p>At an early stage members of Kent Ramblers requested a separate focussed sub group to consider PRow matters only. As noted a meeting was held in October 2022. However, it was thereafter considered that these matters would be more fairly discussed as part of the Community Liaison Panel meetings, alongside other related community matters. Representatives of the Kent Ramblers were invited to attend the Community Liaison Panel from the outset and have attended five of the six Community Liaison Panel meetings held to date where questions and feedback have been responded to by the Applicant.</p> <p>In addition the Applicant has made a commitment in the Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056], which secures the provision of a Rights of Way and Access Working Group. The purpose of the Rights of Way and Access Working Group is to review Implementation Plans (the detailed approach to managing changes to</p>

Summary Position

Applicant Response

Kent Ramblers [[AS-021](#)]

have approached these suggestions as we do with all applications to divert routes, comparing the inconvenience to the landowner with that to walkers. When considering solar farms we recognise that moving the line of the path a short distance to the edge of the panels may sometimes improve the quality of the walker's experience, and assist the developer, and some additional distance is justified – our acceptance of some proposed diversions would not be forthcoming if the application were, for instance, for an orchard or vineyard. Surrounding paths with rows of reflective panels will significantly reduce the enjoyment of walking and could thus be described as an inconvenience in itself but our responses to proposed changes to PROWs have focussed on the routes

PRoW) with the aim of minimising disruption and amenity loss to PRoW users during implementation.

1.4. A statement in the ROW and Access strategy 5.2.9 that “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” reads like padding and is a poor substitute for a clear description of what is planned for each path. Similarly, in 5.2.11 the comment that PROWs will be “a minimum of 2 metres wide without a consideration of 10 metres” refers to something which should have been considered in a working group with clarification of, for instance, whether the width includes space between the fence and the panels. “Without” may be a technical term or perhaps

Please refer to Table 2-1 of the **Outline RoWAS (Doc Ref. 7.15(A))** [[REP1-056](#)] which describes the relationship between existing PRoW and new and diverted routes to be provided and maintained by the Project during the operational phase.

Summary Position

Applicant Response

Kent Ramblers [[AS-021](#)]

just a typo but, again, this comment reflects a lack of preparation on the actual plans for each path, and is a concern. In any event, in a large array of panels, not all on level ground, screening with hedges will only have a partial effect to lessen the impact on the experience for walkers.

Proposed PROW routes

2.1. Comments below are of course applicable only if the Application is agreed but do not imply that we are in favour it. Paths follow the order in the list of PROWs in the Outline Rights of Way strategy. AE precedes the number in all cases so is not included here. As should be realised from our comments below, we are unable to agree with EP's assertion in the Outline Rights of Way strategy, 5.6.1 that proposals have been "designed to minimise the impacts on the PROW network". We are opposing the proposals for 4 PROWs, 454, 370, 428 and 377.

The Applicant considers that what is proposed complies with and is supported by the policies in NPS EN-1 (paragraph 5.11.30) and NPS EN-3 (paragraphs 20.10.40-2.10.45).

The proposals are secured through the provisions within the **Draft DCO (Doc Ref. 3.1(D))** and the **Outline RoWAS (Doc Ref. 7.15(A))** [[REP1-056](#)] and ensure that the network retains connectivity and maintains recreational use during the operational stage with as little disruption as practicable. The proposed new PROWs have been designed having regard to the potential for improvements to wider connectivity and in consultation with the KCC PROW Officer and other stakeholders to minimise visual impact for PROW users. The **Outline RoWAS (Doc Ref. 7.15(A))** [[REP1-056](#)] sets out detail of how the PROWs will be managed to ensure they are safe to use.

The changes proposed to the PROW network together with the commitments secured in the Outline RoWAS have been designed to ensure continued recreational use of public rights of way where possible during construction, and in particular during operation (as required by NPS EN-3 paragraph 2.10.42).

The Applicant notes that engagement with the Local Highway Authority has resulted in KCC's stated position in its **Relevant Representation** [[AS-018](#)] that: *"the number of PROW that were originally proposed to be extinguished has been*

Summary Position	Applicant Response
Kent Ramblers [AS-021]	
<p>454 We are concerned about and do not support the proposal to move the line of 454 from the crest of the field down into the valley, next to a ditch, which will decrease the enjoyment of walkers and may create a boggy surface. We suggested moving this path west to the edge of the field and understood this would have been a likely diversion but there were “issues”. Some exploration of this may shed light and explain why panels can be placed here but a PROW cannot. This path which links with the very well used 474 should remain where it is. Conditions should be applied to ensure that 474 stays clear of obstructions during construction.</p>	<p><i>reduced to two, and the number of routes to be diverted during the operational stage has been reduced to the minimum”.</i></p> <p>AE 454 currently runs diagonally across a field from AE 474 north-east to intersect with AE 475.</p> <p>The proposed re-route was consulted upon with feedback considered – this is recorded and published within Appendix 4 of the Written Summary of Oral Submissions from Issue Specific Hearing 2 and Responses to Action Points (Doc Ref. 8.5.5) [REP1-075].</p> <p>A re-route to the western edge of the field as proposed by some stakeholders was considered but not considered possible due to ecology constraints. Redirection of the footpath adjacent to the proposed orchard east of the solar panels in Field 20 (west of the existing tree line) was intended to improve amenity value and help to reduce the current impact of the existing overhead cables (which obscure any views to the North Downs). As such, it was considered that the proposed route consulted on as part of the Preliminary Environmental Information Report provides amenity benefits while not substantially increasing journey length on the network or interfering with areas important for habitat protection.</p> <p>It has been noted that there is concern regarding disturbance to the AE 474 path surface due to construction traffic along a length of up to 170m. This was discussed in detail at Issue Specific Hearing 2 (Written Summary of Oral Submissions from Issue Specific Hearing 2 and Responses to Action Points [REP1-075]).</p>
<p>475 We note this minor diversion of a short section, near a pylon.</p>	<p>Noted</p>

Summary Position	Applicant Response
Kent Ramblers [AS-021]	
455 We note the extinguishment of this very short short cut.	Noted
656 and 657 We note these minor diversions – a decision not to place panels in fields which are liable to flooding removed one substantial proposed diversion.	Noted
370 We support the notion of a shared cycle and foot path between Mersham and Aldington but oppose this diversion as the proposed route brings cyclists up to or away from a section of Bank Road which is narrow and hilly and not suitable for child cyclists especially. We recommend a rethink on this to create a cycle path along one side or other of Field 19 to finish in Aldington via either of the two wider lanes. The direct line of this arterial path between the two villages should be retained.	<p>AE 370 currently runs from Frith Road north-westerly to cross Roman Road opposite the entrance to farm buildings, and then north across a field to a crossing of a small stream, and north to intersect with AE 377. The total length of the AE 370 is 2,670m of which 625m is within the Site.</p> <p>Based on feedback received through statutory consultation, the diversion has evolved to the current proposal which would reduce the distance originally considered to 128m, equivalent to a 21% increase of the path length within the Site or a 5% increase in the total length of the path.</p> <p>Subject to third party landowner agreement and appropriate permissions for areas outside the Order limits, a shared walking / cycleway would be provided (delivered to a specification and design standard to be agreed with KCC) along the route of the diverted AE 370 from Aldington towards Mersham. The Applicant will engage with KCC to develop a proportionate provision of contributions to assist the delivery of the sections outside of the Order limits with the aim of creating a continuous offroad link between the two villages.</p> <p>The alternative route proposed by Kent Ramblers in their Deadline 2 submission was not raised by Kent Ramblers in responses received to either the 2022 or 2023 Statutory Consultations or at any of the five CLP meetings attended by representatives of Kent Ramblers pre-submission of the application.</p>

Summary Position

Applicant Response

Kent Ramblers [[AS-021](#)]

377 We wish to reserve judgement on this proposal subject to reconsideration of the proposal concerning 428. Although one large dog leg, originally proposed, has been replaced with 2 smaller ones we would wish to see the original route retained, but we would reconsider this to enable our proposal re 428. The lane down to Handen Farm is a quiet cul de sac – we are not opposing the suggestion to have a new PROW adjacent to it but do not see this as necessary for walkers.

Noted.

385 We note this diversion which will facilitate the creation of a new PROW to link across Roman road with 380.

Noted.

447 See comments on 428 below. N.B. This path crosses field 19, not 21 as in the Outline ROW strategy list.

The **Outline Rights of Way and Access Strategy** [[REP1-056](#)] was updated at Deadline 2 to amend the reference to Field 21, correcting it to refer to Field 19.

378 We agree with this diversion to move the path a few yards to the edge of the large field 19, next to a ditch, but on level ground.

Noted.

428 We support the proposal to loop PROWs around Field 19 but we strongly oppose the proposal to divert 428 as it crosses Field 19 from the footbridge over the East Stour south to the edge of Field 18 – in effect this is a closure.

This is an arterial route providing connectivity with paths to or from Evegate and Mersham. In informal

The Applicant considered the suggested addition but did not consider this was necessary. Connectivity from Evegate from the north (AE 428) remains possible via FNR-6 to AE 378 (which then connects to AE 377 to Mersham) and the Project will improve connectivity from the north-east through the introduction of FNR-8. Further north, outside the Site, direct connectivity via AE 376 between Evegate and Mersham, a more direct route than utilising Field 19 currently remains unaffected by the proposals.

Summary Position

Applicant Response

Kent Ramblers [\[AS-021\]](#)

discussion with an EP manager in the summer 2023 I suggested a small diversion of this path West to the boundary between fields 15 and 16 thus facilitating a new path to link up to 377 (see above). I thought this suggestion was well received – Field 19 is large and retaining this route could assist access for maintenance – but at a subsequent Panel was told it was not accepted, with no reason given. If this route were retained we would reconsider our approach to the doglegged proposal for 377 so that there is a link.

As regards 447 we would not oppose the closure of this path were 428 retained, but otherwise would argue for its retention as a crossing route through this large field. We believe this path used to cross the East Stour on a small bridge to a mill. 428 provides the obvious route through field 19, direct from the footbridge.

448 We accept this diversion and the creation of a short new path next to the lane, to link them, and the creation of the river path. Many walkers choose to walk by the East Stour anyway – in effect the wide verge provided under the Countryside Stewardship scheme enabled this. Whether the extended river path will be attractive when next to solar panels is a moot point.

431 and 436 We note minor changes to these paths, with panels not now being placed near it.

Noted.

Noted.

Noted.

Summary Position

Applicant Response

Kent Ramblers [[AS-021](#)]*Conclusion*

3.1. We concur with comments in the earlier KCC Highways representation that, as regards PROWs, “nothing will reduce the severity of the impact”, that “overall.....the development would impose substantial adverse influences on the PROW network” and that “the severe impact on the open countryside, landscape and rural character of the area is inescapable and cannot be mitigated.” Ramblers favour “green” energy but are anxious that large scale developments are situated appropriately.

Please refer to Table 4-11: Principle of development ‘Site Suitability’ responses in the **Responses to Relevant Representations (Doc Ref. 8.2)** [[REP1-061](#)].

3.2. We do not share the opinion expressed in 8.35 of the Environmental Statement Vol 1 that “the site is not considered to be a valued landscape.” Tens of thousand of new houses are to be built on green fields in Kent over the coming years. Rural spaces which are close to new developments, which may in themselves be nice but fairly ordinary tracts of land, now need to be safeguarded to provide for the recreation, health and well-being of residents and walkers. This site requires special consideration as a precious green space, especially the fields running down from Aldington to a babbling brook, the East Stour. Similarly, as regards the smaller area east of Goldwell lane, very close to the village and popular with local residents taking short walks. In East Kent solar farms

The suitability of the Site has been discussed and agreed with KCC and Natural England, as set out in **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(B))** and **Statement of Common Ground with Natural England (Doc Ref. 8.3.7(B))**.

Summary Position

Applicant Response

Kent Ramblers [\[AS-021\]](#)

would be better placed on flatter sites on top of the Downs or on remote parts of marshland.

3.3 We value this area. Moreover, with the nearby Otterpool development and with Ashford's continued expansion, we identify an increased need for this particular stretch of green and pleasant land to be valued. These paths provide walkers in this area an unrivalled opportunity to appreciate this rural setting from a wide variety of viewpoints. It is for this reason that we consider these paths to be of significant importance.

The suitability of the Site has been discussed and agreed with KCC and Natural England, as set out in **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(B))** and **Statement of Common Ground with Natural England (Doc Ref. 8.3.7(B))**, including in the context of the site's value in providing a rural setting with viewpoints.

The Applicant recognises the importance of the PRoW network, and this has been reflected within the approach taken to diversions and enhancements within the **Outline Rights of Way and Access Strategy** [\[REP1-056\]](#). There is a high density of PRoW in the local area, and as such maintaining connectivity and options for alternatives has been central to the overall design of the PRoW network within the Site, cognisant of its wider role in providing connectivity and amenity in the wider area.

2.6 Responses to NH Deadline 2 Submissions

Table 2-5: Responses to National Highways Deadline 2 Submission

Summary Position	Applicant Response
National Highways [REP2-038]	
<i>Outline CTMP</i>	
NH is satisfied that the tracked changes sufficiently address the points raised on this Plan in our RR.	Noted.
<i>Outline DTMP</i>	
NH is satisfied that the tracked changes sufficiently address the points raised on this Plan in our RR	Noted.
<i>Draft DCO</i>	
NH is satisfied that the tracked changes in the Draft Development Consent Order (DCO) sufficiently address the points raised on the Draft DCO in our RR.	Noted.
<i>SoCG</i>	
The only outstanding matter is the Statement of Common Ground (SoCG) between the applicant and NH. As at deadline 2, significant progress has been made but the SoCG remains a draft.	Noted.

