

Stonestreet Green Solar

Draft Statement of Common Ground with Ashford Borough Council (Tracked)

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Revision	Revision Date	Authorised By	Position	Comment
Issue 1	6/9/24	MS	Senior Director	For ABC Review
Issue 2	15/11/24	MD	Deputy Team Leader	ABC comments
Issue 3	5/12/24	MS	Senior Director	Update to reflect ABC Comments
Issue 4	9/12/24	MS	Senior Director	Finalisation
<u>Issue 5</u>	<u>27/01/25</u>	<u>MS</u>	<u>Senior Director</u>	<u>D3 Updates</u>
<u>Issue 6</u>	<u>28/01/25</u>	<u>MS</u>	<u>Senior Director</u>	<u>Updates to reflect ABC comments</u>

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1 Introduction

1.1 Purpose of this Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared to support an application (the Application) for a Development Consent Order (DCO) from the Secretary of State (SoS) for Energy Security and Net Zero 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 between (1) the Applicant and (2) Ashford Borough Council (ABC) (jointly referred to as the 'Parties'). It has been prepared in accordance with The Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects guidance¹.
- 1.1.3 ABC is the host Local Authority. The Project is located within ABC's administrative area. ABC is a local authority within sections 43 and 56A of the PA 2008 and so has been consulted during the preparation of the Application and notified following its acceptance.
- 1.1.4 The Examining Authority has requested that the SoCG include the following matters as set out in the Rule 6 Letter [\[PD-004\]](#) Annex G (dated 22 October 2024).
- Principle of Development;
 - Economic and Social effects, including any implications for the Local Plan strategy and of transport effects on local communities
 - Construction Traffic;
 - Environmental Impact Assessment, including cumulative effects;
 - Landscape and Visual Effects, including lighting;
 - Any other potential effects, including on heritage assets, biodiversity, noise and vibration, air quality, emissions, contamination and emergency planning;
 - Good Design;
 - Various Environment Management Plans, both during construction and operation; and
 - The dDCO, including requirements and discharge mechanisms.
- 1.1.5 This SoCG has also been prepared in the context of the **Initial Assessment of Principal Issues (Rule 6 Letter, Annex C)**. It is agreed that matters of ~~Economic~~economic and ~~Social Effects~~social effects, noise and vibration, air quality, emissions, contamination and emergency planning are agreed between the parties. It is noted that Kent County Council (KCC) (the local highway authority) have reviewed construction traffic matters and agree to the assessment of impacts and the effectiveness of the mitigation measures secured. The Applicant understands

that ABC have reviewed the Environmental Management Plans, ~~and the Draft DCO (Doc Ref. 3.1(B)) (including Schedule 2: Requirements)~~ and have no substantive comments. Comments in relation to the requirements set out in Schedule 2 of the Draft DCO (Doc Ref. 3.1(D)) are set out in Table 2.8. It is also agreed that ABC would be the discharging authority for those requirements listed in Schedule 2 of the Draft DCO (Doc Ref. 3.1(B)).

- 1.1.6 It is agreed that matters not specifically referred to in this SoCG are not of material interest or relevance to the representation submitted to the Examining Authority by ABC (the 'Representation') and therefore have not been considered in this document.
- 1.1.7 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Parties, where agreement has not been reached (and that is the Parties' final position) and where discussions are still ongoing. This SoCG will be revised and updated as discussions between the Parties progress during the Examination.

1.2 Description of the Project

- 1.2.1 The Project comprises the construction, operational phase 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 ABC, following a series of meetings and discussions with respect to the key areas of the project.
- 1.3.2 This is intended to be a 'live' document and some aspects are still under discussion between the Parties. The intention is to provide a final position in subsequent versions of the SoCG, addressing and identifying where changes have been made and ultimately both Parties agree on relevant points.

1.4 Record of Engagement

- 1.4.1 The Parties have been engaged in consultation and engagement throughout the development of the Application.
- 1.4.2 The Applicant consulted ABC, the local authority, in accordance with section 42 of the PA 2008, about the Project and environmental impact assessment as part of the

formal pre-application consultation procedure. This afforded ABC with the opportunity to provide responses to the information provided at various stages of the pre-application process.

- 1.4.3 As highlighted in Table 1.1 below, the Applicant has provided a number of opportunities for ABC to engage with the Project during the pre-application and post submission stages.
- 1.4.4 Table 1.1 shows a summary of the meetings and correspondence that has taken place between the Applicant (including consultants on its behalf) and ABC 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)
11 March 2022	Meeting with KCC and ABC, including visit to existing Sellindge Solar Farm site	Introduction to the Project and solar.
7 June 2022	Meeting with KCC and ABC	Discussion to provide an update on the Planning Performance Agreement
13 June 2022	Meeting with KCC and ABC	Key Topics: <ul style="list-style-type: none"> ▪ KCC Public Rights of Way strategy ▪ Key challenges in the local area ▪ KCC's response to the Scoping Report
17 June 2022	Meeting with KCC and ABC	Key topics: <ul style="list-style-type: none"> ▪ KCC's response to the Scoping Report related to archaeological matters raised
21 June 2022	Meeting with KCC and ABC	Applicant provided a Project update and discussed the PPA with the councils
19 July 2022	Meeting with KCC and ABC	Key topics: <ul style="list-style-type: none"> ▪ PPA ▪ Statement of Community Consultation (SoCC)

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
2 August 2022	Meeting with KCC and ABC	Applicant provided a Project update and discussed the PPA with the councils
30 August 2022	Meeting with KCC and ABC	Applicant provided a Project update and discussed the PPA with the councils
29 September 2022	Meeting with KCC and ABC officers	Applicant provided an overview of proposed changes to PRowS and footpaths
3 October 2022	Site visit with ABC officers	Explanation of the proposals by the Applicant in relation to the Site context
10 October 2022	ABC, FHDC, KCC Members	Project briefing with members and officers
17 November 2022	Otterpool Park, ABC, EDF Renewables stakeholder meeting	Local area's strategic PRow network and opportunities
31 January 2023	Draft PPA issued to ABC and KCC	For ABC and KCC review.
1 March 2023	Meeting with KCC and ABC	Key Topics: <ul style="list-style-type: none"> Project update Programme update Spring/summer consultation 2023
14 March 2023	Final Draft PPA issued to ABC and KCC	For ABC and KCC signing.
20 March 2023	Meeting with KCC and ABC	Key Topics: <ul style="list-style-type: none"> Programme update Landscape and visual Heritage Archaeology PRowS Cumulative impacts

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
		<ul style="list-style-type: none"> Overview of SoCC 3
3 April 2023	Landscape and visual impacts meeting with ABC, FHDC and KCC planning officers	<p>Key Topics:</p> <ul style="list-style-type: none"> 2022 Statutory Consultation comments
25 April 2023	Meeting with ABC, FHDC and KCC planning officers	<p>Key Topics:</p> <ul style="list-style-type: none"> Project development update Engagement with stakeholders Cumulative schemes Alternatives 2023 Consultation
23 May 2023	Planning Performance Agreement finalised	PPA between ABC, KCC and the Applicant signed to enable proactive engagement throughout the pre-application and Examination Stages of the DCO.
5 June 2023	Meeting with ABC, FHDC and KCC planning officers	<p>Key Topics:</p> <ul style="list-style-type: none"> Project Overview Draft Site layout Landscape strategy plans Engagement with stakeholders Approach to Preliminary Environmental Information Report (PEIR) Addendum Update on 2023 Statutory Consultation
30 June 2023	Heritage meeting with KCC and ABC officers	Response to ABC's heritage feedback to the 2022 Statutory Consultation
15 August 2023	Written response to matters raised by ABC in their response to 2023 Statutory Consultation	<p>Applicant response to pre-application feedback.</p> <p>Draft Schedule 2 Requirements shared with ABC. No comments were provided by ABC.</p>

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
4 September 2023	Meeting with ABC and and Landscape Management Services (LMS) to discuss design and landscape strategy.	<p>Key Topics:</p> <ul style="list-style-type: none"> ▪ ABCs response to 2023 Statutory Consultation ▪ Design approach ▪ Aldington Ridge ▪ Tree planting ▪ Design review.
10 November 2023	Written response to ABC's further written comments (dated 15 th September 2023) (See Appendix 2)	Applicant responses to the matters raised by ABCs letter
7 December 2023	Meeting with ABC	<p>Key Topics:</p> <ul style="list-style-type: none"> ▪ Project design ▪ Project evolution
14 February 2024	Written response to matters raised by ABC in their response to the 2023 Targeted Consultation	Applicant Response
21 March 2024	Meeting KCC and ABC	Provision of a Project meeting update
4 April 2024	Updated Draft Schedule 2 Requirements issued to ABC	Draft Schedule 2 Requirements shared with ABC. No comments were provided by ABC.
19 April 2024	Written response to ABC's further written comments (dated 12 th April 2024) (See Appendix 3)	Applicants responses to ABCs letter
30 September 2024	Meeting with KCC and ABC	Review of the requirements submitted as part of the Draft DCO.
20 November 2024	Email to ABC in relation to verbal feedback received <u>during ISH1</u> regarding Schedule 2 Requirements	The Applicant set out its response to the feedback received at the ISH1 Hearing held on 20 November 2024 and sought an opportunity to discuss the

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
		comments. No response has been provided by ABC.
<u>09 December 2024</u>	<u>Email from ABC in relation to Schedule 2 Requirements</u>	<p><u>Confirmed ABC content with the Applicant's amendments to requirements 2 (Phases of the authorised development), 6 (CEMP), 7 (CTMP), 8 (LEMP), 9 (AMS), 10 (RoWAS), and 14 (Decommissioning).</u></p> <p><u>Outstanding matters related to:</u></p> <ul style="list-style-type: none"> <u>Requirement 5 (BSMP): ABC wish to specify EA and KCC as a consultee.</u> <u>Requirement 11 (OSWDS): timing of requirement to be commencement.</u> <u>Part 2: discharge process: to be working days, and more time for ABC to consider requests.</u>
<u>10 December 2025</u>	<u>Applicant's Deadline 1 submission</u>	<p><u>Confirmed updates to the Draft DCO to include:</u></p> <ul style="list-style-type: none"> <u>Requirement 5 (BSMP): EA added, as per the EA's request. KCC have stated they do not wish to be a consultee and so have not been included.</u> <u>Requirement 11 (OSWDS): timing of requirement has been amended to commencement.</u> <u>Part 2: discharge process: Article 18 changed to business days.</u>
<u>11 December 2025</u>	<u>Email from Applicant to ABC</u>	<u>Seeking a meeting to discuss the remaining SoCG matters.</u>

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
<u>24 January 2025</u>	<u>Email from ABC replying to the Applicant's request for a meeting</u>	<u>N/A</u>
<u>27 January</u>	<u>Applicant issues updated SoCG to reflect current ABC position</u>	<u>N/A</u>
<u>28 January</u>	<u>Meeting between ABC and Applicant</u>	<u>To discuss and agree changes the the SoCG. In respect of:</u> <ul style="list-style-type: none"> • <u>Landscape and visual effects</u> • <u>Lighting</u> • <u>Schedule 2 Requirements</u>

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

1.5 Format of Document and Terminology

1.5.1 This SoGC has been structured to reflect matters and topics of interest to ABC in relation to the Project as set out in ABC's Representation, and through its submissions made in respect of pre-application consultation.

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

1.5.3 The following terminology is applied in Section 2:

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

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

2 Areas of Discussion between the Parties

2.1 Principle of Development

Table 2-1: Principle of Development

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
2.1.1	S42 Consultation Response to 2023 Statutory Consultation	Principle of Development	ABC agree that there is a compelling need, as a matter of principle, to increase renewable energy generation in order to support the Government's national agenda to reach net zero carbon by 2050.	It is understood that the principle of development is agreed and that ABC support the Project's commitment to reducing the reliance on fossil fuels. ABC also agree that there is a compelling need, as a matter of principle, to increase renewable energy generation in order to support the Government's national agenda to reach net zero carbon by 2050.	Agreed
2.1.2	S42 Consultation Response to 2023 Statutory Consultation	Principle of Large-Scale Solar PV	ABC agree that the principle of large-scale solar PV is capable of being acceptable, subject to: <ul style="list-style-type: none"> (i) the appropriate siting of such schemes (ii) the provision of appropriate mitigation in 	The primary policy support for ground mounted solar development is the Overarching National Policy Statement for Energy (NPS EN-1) and the National Policy Statement for Renewable Energy (NPS EN-3).	Agreed

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
			<p>order to deal with any significantly harmful impacts that would arise, and</p> <p>(iii) such mitigation being tailored specifically and sensitively to matters of location and related context.</p> <p>As set out in ABC's Relevant Representation it does not agree that the Project has been designed to mitigate environmental impacts as far as possible or has been designed to respond sensitively to local context.</p>	<p>NPS EN-1 confirms there is an urgent need for new (and particularly low carbon) electricity nationally significant infrastructure projects (NSIPs) to be brought forward as soon as possible (para 3.3.58) and that there is a critical national priority for the provision of nationally significant low carbon infrastructure (para 4.2.4).</p> <p>The Project has been designed to mitigate environmental impacts as far as possible and has been designed to respond sensitively to local context. ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2 (A)) [AS-010] sets out the evolution of the Project design.</p> <p>After applying the mitigation hierarchy, NPS EN-1 clearly states that any residual effects from a proposal are unlikely to outweigh the need for this type of infrastructure. It goes on to confirm that in all but the most</p>	

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				exceptional circumstances it is unlikely that consent will be refused on the basis of these residual impacts (para 4.2.15).	
2.1.3	S42 Consultation Response to 2023 Statutory Consultation	Justifying the Scale of Development	ABC question whether optimising the amount of energy generation can really be considered a design objective as per the Design Approach Document ('Design Objective 1') (APP-149) as opposed to being the applicant's ambitions for the project as set out in ES Volume 2 Chapter 5 Alternatives and Design Evolution (APP-029). Explaining those ambitions, the applicant makes clear that significantly reducing the scale of the proposal is not considered (by the applicant) to be a reasonable alternative project requirement (in the opinion of the applicant) because doing so would reduce energy generation and that would be contrary to the project requirements (that are set by the applicant) which include maximisation of energy	<p>As set out in paragraph 6.2.7 of the Planning Statement (Doc Ref. 7.6) [APP-151], paragraph 3.2.6 of NPS EN-1 states that the SoS should assess all DCO applications for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for such infrastructure which is urgent.</p> <p>Paragraph 3.2.7 of NPS EN-1 states that the SoS has determined that substantial weight should be given to this need when considering DCO applications.</p> <p>The Applicant does not consider that a reduction in scale would have a significant benefit in terms of reducing visual and landscape impacts and that the loss in function</p>	Under Discussion

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
			<p>generation and provision of resilience to the electricity network.</p> <p>By framing the project in this manner, the applicant appears to contend that the scheme can be as extensive as the applicant desires and that any reductions in terms of its scale and extents will be unacceptable if these are 'significant' (in the applicant's opinion). No clarification is given as to that which the applicant considers would constitute a significant reduction. No mention is given in respect of the commercial aspects of the scheme such as viability and commercial return to the applicant and the ability to reach a commercial agreement with the landowners.</p>	<p>would be more than a "marginal loss".</p> <p>In this context the Applicant does not consider that there is any policy justification for the applicant to consider an alternative Project design that would reduce the generating capacity of the Project.</p>	

2.2 Planning Policy

Table 2-2: Planning Policy

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
2.2.1	S42 Consultation Response to 2023 Statutory Consultation	Compliance with NPS-EN1 and NPS EN-3	<p>ABC does not agree that the Project is in full compliance with NPS EN-1 and NPS EN-3.</p> <p>For example EN-1 (5.10.6) states: <i>“Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.”</i> ABC does not agree that the aim to minimise harm to the landscape as required by the NPS has been complied with.</p>	<p>The Applicant considers the Project is fully in compliance with the policies set out in both NPS EN-1 and NPS EN-3.</p> <p>As set out within the Planning Statement (Doc Ref. 7.6) [APP-151] (paragraph 7.3.12) <i>‘Given the level and urgency of need, paragraph 4.1.3 of NPS EN-1 states that the SoS should “start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the NPSs clearly indicate that consent should be refused”. In the present case, there are no such policies which clearly indicate that consent should be refused. Accordingly, the presumption in favour applies</i></p>	Under discussion

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p><i>and consent should be granted.'</i></p> <p>A full analysis of how the Project complies with the requirements of the NPSs are set out within the Planning Statement (Doc Ref. 7.6) [APP-151], including a detailed assessment of the Project against the policies set out within the NPSs (presented in Appendix 1: Policy Compliance Checklist).</p>	
2.2.2	S42 Consultation Response to 2023 Statutory Consultation	Criteria for Good Design	ABC does not agree that the Project complies with the good design policies set out in both NPS EN-1 and NPS EN-3.	<p>As set out in Appendix 1 of the Planning Statement (Doc Ref. 7.6) [APP-151], good design has been a key consideration from the outset. The landscape and visual impact assessment ('LVIA') has informed the iterative design process, including taking account of published landscape character assessment guidance and fieldwork analysis.</p> <p>ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2 (A))</p>	Under discussion

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>[AS-010] then sets out the evolution of the Project design.</p> <p>The potential significant effects on the landscape and visual amenity have been identified and assessed in ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]. The Illustrative Landscape Drawings - Not for Approval (Doc Ref. 2.7(AB)) have been prepared to assist in communicating the extent and vision of the landscape mitigation strategy.</p> <p>The Applicant proposes extensive landscape and biodiversity mitigation measures, including new hedgerows, new woodland planting and trees and new habitat and biodiversity areas to minimise the impacts to views. These are detailed in the Illustrative Landscape Drawings - Not for Approval (Doc Ref. 2.7(AB)) and approval of the detailed landscape design is secured</p>	

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>by a requirement in Schedule 2 of the Draft Development Consent Order (Doc Ref. 3.1(BD)), with the Outline LEMP (Doc Ref. 7.10(AB)) setting out details of the management of the landscape and ecological areas.</p> <p>The Project therefore complies with the good design polices set out in both NPS EN-1 and NPS EN-3.</p>	
2.2.3	S42 Consultation Response to 2023 Statutory Consultation	Engagement with Independent Professional Advice on the Design Aspects of the Project	Whilst there has been engagement between the Applicant and ABC, ABC regret that such discussions have not materially influenced the Project in terms of its extents and layout as part of macro-scale good design.	<p>The design of the project has been subject to consultation with a range of interested Parties, including ABC and their independent landscape consultant: <u>(LMS)</u>. These discussions have influenced the landscape strategy and the design of the project.</p> <p>Through the design process, the Applicant has sought to refine the proposals through ongoing and meaningful engagement with a wide range of interested parties.</p>	Under discussion

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>As explained at the meeting on 4 September 2023, the Applicant has continued to refine the scheme following the 2023 Statutory Consultation. A summary of these changes include:</p> <ul style="list-style-type: none"> ▪ a reduction in the number of PV panels in Fields 3, 5, 12, 13, 16, 17, 20, 25 and 27 to allow for increased setbacks and allow for further biodiversity and landscape planting; ▪ the removal of PV panels from Fields 26 to 29, with the area retained within the Project exclusively for landscape, biodiversity and public access benefits; ▪ refinement of the PRow strategy, including the straightening of the 'dog-leg' route in Field 13; and ▪ significant additional landscape works, resulting in substantial increases in new hedgerows and woodland and tree planting 	

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>for instance, between the 2022 and 2023 Statutory Consultation designs, with further landscaping added post the 2023 Statutory Consultation in direct response to ABC's proposals.</p> <p>The above changes made to the Project demonstrates how the Applicant has revised the scheme following consultation.</p> <p>This extensive process has sought to integrate landscape design and is considered to be wholly consistent with the NPS.</p>	
2.2.4	S42 Consultation Response to 2023 Statutory Consultation	Landscape and Visual Impacts	<p>ABC consider that the Project does not comply with the landscape and visual policies and the good design policies set out in both NPS EN 1 and NPS EN 3.</p> <p>ABC does not agree that the Project Design Objectives, including Objectives 2 (to sensitively locate the Project within the landscape) and 3 (to</p>	<p>An assessment of the likely landscape and visual effects arising from the Project has been undertaken as set out in ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012].</p> <p>The Site is not a designated landscape and no significant effects have been identified on</p>	Under discussion

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
			<p>Minimise impacts on views from people's homes and other viewpoints) have been achieved.</p>	<p>the Kent Downs National Landscape.</p> <p>A comprehensive series of mitigation measures has been embedded in the design of the Project from the outset, with the aim of reducing adverse effects resulting from its introduction.</p> <p>The design of the Project has evolved as part of an iterative process and has been informed by the findings of the baseline landscape and visual amenity conditions. Specific Landscape Mitigation measures are secured within section (4.2) of the LEMP (Doc Ref 7.10(A)).</p> <p>NPS EN-1 notes that virtually all NSIPs will have adverse effects on the landscape (para 5.10.5) and that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites (para 5.10.13).</p> <p>NPS EN-1 confirms that the scale of energy projects</p>	

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Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>means they will often be visible across a very wide area and that the Secretary of State should judge whether adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project (para 5.10.35).</p> <p>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]</p> <p>confirms, as a result of Site selection, design and proposed mitigation, significant (in environmental impact assessment (EIA) terms) effects will be largely limited to a small number of receptors that are located within or immediately adjacent to the Site and that wider impacts are limited.</p> <p>The Project therefore complies with the landscape and visual policies and the good design policies set out in both NPS EN-1 and also NPS EN-3.</p>	

2.3 Landscape Character and Visual Amenity (ES Volume 2, Chapter 8 (Doc Ref. 5.2))

Table 2-3: Landscape Character and Visual Amenity

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
2.3.1	S42 Consultation Response to 2023 Statutory Consultation	Engagement with ABC Landscape Team (including their independent landscape advisors Landscape Management Services)	It is agreed that there has been engagement with ABC Landscape Officers (and their independent landscape advisors Landscape Management Services) on the topic of Landscape and Views assessment ABC regret that these discussions have not materially influenced the macro-scale design of the Project.	<p>As set out above, the Applicant has sought to refine the proposals through ongoing and meaningful engagement with a wide range of interested parties, as set out above, and described in detail within the application.</p> <p>The Applicant has not agreed to a reduction in solar panels from Aldington Ridge, or the introduction of new tree belts through the solar arrays, as these would result in a significant reduction in the generating capacity of the Project and was therefore not considered to be a reasonable change. These changes would also not reduce the magnitude of change predicted in the Environmental Statement (ES).</p> <p>Section 8.3 of the ES, Volume 2, Chapter 8: Landscape and</p>	Agreed

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				Views (Doc Ref. 5.2(A)) [AS-012] summarises key stakeholder engagement undertaken to inform the assessment. It also summarises the key matters raised by consultees in relation to the EIA on the topic of Landscape and Views and explains how the ES has had regard to those comments or how they have been addressed in the ES.	
2.3.2	S42 Consultation Response to 2023 Statutory Consultation	Scope of Landscape and Views Assessment	The scope of the Applicant's Landscape and Views assessment is agreed.	The scope for the assessment in ES, Volume 2: Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012] was discussed with statutory consultees and the Planning Inspectorate. Table 8.1 of ES, Volume 2: Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012] provides a summary of the EIA Scoping Opinion (ES Volume 4, Appendix 1.2: EIA Scoping Opinion (Doc Ref. 5.4)) [APP-062] responses of relevance to the assessment of landscape	Agreed

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>and views traffic and access and how the issues raised have been responded to.</p> <p>Of relevance is that the scope of the landscape and visual assessment was discussed and agreed with ABC's independent landscape advisor's, LMS, whose advice was appended to ABC's response to the 2022 Statutory Consultation. This noted:</p> <p><i>'The proposed LVIA Methodology (PEIR Appendix 7.2) is consistent with guidance set out in 'Guidelines for Landscape and Visual Impact Assessment' (3rd Edition) (GLVIA3) prepared by the Landscape Institute and the Institute of Environmental Management and Assessment, and also additional guidance on landscape and visual matters set out in Technical Guidance Notes prepared by the Landscape Institute. Methodologies for the preparation of LVIA's will vary</i></p>	

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<i>between Consultancies, but it is our view that the proposed Methodology provides an approach which should inform a comprehensive and reasonable assessment of the anticipated impacts and effects of the scheme on landscape character and visual amenity.'</i>	
2.3.3	S42 Consultation Response to 2023 Statutory Consultation	Study Area for the Assessment (Zone of Theoretical Visibility)	The study area of the Applicant's Landscape and Views assessment is agreed.	<p>A desktop review of the study area was undertaken, including a review of published landscape character information and relevant landscape and visual planning policy, and analysis of landscape context, landform, landscape features and landscape designations. Sources for information on designations are set out on ES Volume 3, Figure 8.2: Site Context Plan (Doc Ref. 5.3) [APP-049].</p> <p>To determine the extent of visual influence, a visual appraisal was undertaken of the Site and study area to consider the nature of existing</p>	Agreed

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>views from publicly accessible viewpoints including roads, PRow and public open space.</p> <p>Following the site visits and desktop review, 33 viewpoints were initially selected.</p> <p>Following feedback received from ABC as part of the 2022 Non-Statutory Consultation three additional viewpoints were included.</p> <p>As part of 2022 Statutory Consultation an additional viewpoint was included at the request of Natural England, resulting in a final count of 38 viewpoints for the assessment of visual effects.</p> <p>Representative viewpoint photographs for the 38 viewpoints are provided to support this assessment including winter and summer baseline annotated viewpoint photographs (TGN 06/19 Type 1). Spring and summer verifiable photomontages (TGN 06/19 Type 4) are also provided for a selection of the</p>	

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>representative viewpoints, the locations of which were consulted upon as part of the 2023 Statutory Consultation. The methodology for preparing the verifiable photomontages is included alongside the photomontages themselves, in ES Volume 4, Appendix 8.10: LVIA Visualisations (Doc Ref. 5.4(A)) [AS-014] and Appendix 8.11: Cumulative LVIA Visualisations (Doc Ref. 5.4(A)) [AS-015].</p> <p>On the basis of the above, a series of landscape and visual receptors have been selected to form the basis of the assessment of landscape and visual effects. The value of receptors has been appraised based on a combination of landscape-related planning designations and the attributes drawn from relevant guidance (Box 5.1 of the GLVIA3 and TGN 02-21) and cultural/historical associations of existing views.</p>	

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
2.3.4	S42 Consultation Response to 2023 Statutory Consultation	Identified Sensitive Receptors	The sensitive receptors identified in the Applicant's Landscape and Views assessment are agreed.	<p>Paragraph 8.5.150 to paragraph 8.5.164 of ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012] presents a 'Summary of Receptors and Sensitivity'</p> <p>This section identifies the landscape and visual receptors that have been defined through the baseline analysis and refined as a result of the consultation process.</p> <p>For each receptor, the value, susceptibility and resultant sensitivity is set out. Full commentary is set out in ES Volume 4, Appendix 8.8: Landscape Effects Table (Doc Ref. 5.4) [APP-080] and ES Volume 4, Appendix 8.9: Visual Effects Table (Doc Ref. 5.4) [APP-081].</p>	Agreed
2.3.5	S42 Consultation Response to 2023 Statutory Consultation	Assessment Methodology	The scope and methodology of the Applicant's Landscape and Views assessment is agreed.	Section 8.4 ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. (5.2(A)) [AS-012] sets out the agreed Assessment Methodology.	Agreed

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				An assessment of impacts on Area of Outstanding Natural Beauty (AONB) is also included in ES Volume 2, Chapter 8: Landscape and views (Doc Ref. 5.2(A)) [AS-012].	
2.3.6	S42 Consultation Response to 2023 Statutory Consultation	Landscape Strategy	<p>ABC welcomes the engagement to date on the Landscape Strategy however but does not agree that the specific landscape mitigation measures proposed would sufficiently mitigate the impacts of the development.</p> <p>ABC recommends that greater use of tree belts for example would help break up and reduce the prominence and scale of panels, in particular in views from the north. In addition, ABC recommend that the planting of more occasional trees with open crowns (such as <i>Betula pendula</i>) would be of visual benefit.</p> <p>Notwithstanding the point made in respect of whether the Landscape Strategy sufficiently</p>	<p>As noted above, the Landscape Strategy was amended during the pre-application stage to incorporate a greater amount of landscape and tree planting, which was in direct response to ABC's request for an increased level of tree planting. Paragraph 6.5.2 of the Outline LEMP (Doc Ref. 7.10(AB)) notes '<i>Hedgerow tree planting has been included as a direct response to consultee feedback received as part of the 2022 Statutory Consultation</i>'. It goes on to refer to '<i>larger tree species including field maple, alder hornbeam and oak; and smaller tree species including hawthorn and crab apple</i></p>	Under discussion

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
			<p>mitigates the impacts arising from the Project, ABC is satisfied that the outline LEMP would secure the necessary controls in relation to the landscape mitigation that the Applicant proposes. ABC consider that details relating to species selection (River birch/Betula nigra is not native and may not be acceptable in a native planting mix context) and establishment and watering regimes are capable of being secured through future detailed LEMP(s).</p> <p>ABC defers to Kent County Council in relation to the acceptability of the Ecology measures to be secured in the Outline LEMP.</p>	<p><i>where shading of proposed PV panels is a factor’.</i></p> <p>The principles of the landscape and ecology strategy have been based on the objectives set out in the Design Approach Document (Doc Ref. 7.4) [APP-149].</p> <p>The Outline LEMP (Doc Ref 7.10(AB)) provides the overarching principles for minimising, managing and / or mitigating and enhancing the environmental effects of the Project. It sets out:</p> <ul style="list-style-type: none"> ▪ Specific landscape mitigation measures, ▪ Illustrative Planting, ▪ Illustrative Maintenance and Management Schedules, and ▪ Illustrative Mitigation and Enhancement measures. <p>The Landscape Strategy and planting types secured by the Outline LEMP (Doc Ref</p>	

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>7.10(AB)) are considered to provide a comprehensive landscape proposal.</p> <p>The Applicant notes ABC's comment in relation to Betula nigra (River birch) and this will be amended in the planting schedule to be Populus nigra (Black poplar). This change has been made in the Deadline 1 version of the Outline LEMP (Doc Ref 7.10(AB)).</p> <p>The Applicant notes that it has reached agreement with KCC ecology in relation to the ecological mitigation measures.</p>	
2.3.7	S42 Consultation Response to 2023 Statutory Consultation	Forms of Mitigation (Embedded Design Mitigation)	<p>ABC does not agree that the Embedded Design Mitigation is acceptable.</p> <p>Notwithstanding this ABC agree that the Outline CEMP, Outline LEMP and Outline DEMP are capable of securing the proposed mitigation subject to the comments in Ref 2.3.6 above.</p>	<p>The Project has been designed, as far as possible, to avoid adverse effects on the landscape and views through option identification, appraisal, selection and refinement, as described in ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) [AS-010].</p>	Under discussion

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
			<p>Where matters are subject to consideration by Kent County Council (for example relating to highways mitigation in the Outline CEMP and Outline DEMP and ecology mitigation in the Outline LEMP) ABC defers to Kent County Council in these matters.</p>	<p>The heights of the Project components are limited by the Design Principles (Doc Ref. 7.5(A)). These include but are not limited to:</p> <ul style="list-style-type: none"> ▪ PV panel heights will have a maximum height of 3.5m; ▪ Above Ground Level ('AGL'), Inverter Stations, BESS Units and Intermediate Substations will have a maximum height of 4m AGL; ▪ security fencing will have a maximum height of 2.5m AGL. <p><i>Construction Phase</i></p> <p>In the consideration of effects relating to construction activities, mitigation measures are embedded into the design of the Project for the construction stage and are set out in the Outline CEMP (Doc Ref. 7.8(A)).</p> <p><i>Operational Phase</i></p>	

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>The design of the Project and its integrated landscape strategy has evolved as part of an iterative, mitigation by design process in accordance with GLVIA3 and the NPSs.</p> <p>Details relating to the evolution of the design with respect to landscape and visual matters are set out in ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) [AS-010] and in the Design Approach Document (Doc Ref. 7.4) [APP-149].</p> <p>The principles of the landscape and ecology strategy have been based on the objectives set out in the Design Approach Document (Doc Ref. 7.4) [APP-149].</p> <p>The Outline LEMP (Doc Ref 7.10(A)) provides the overarching principles for minimising, managing and / or mitigating and enhancing the environmental effects of the Project, including the specific</p>	

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>landscape mitigation measures.</p> <p><i>Decommissioning Phase</i></p> <p>The decommissioning phase will be subject to mitigation measures to protect existing trees and other vegetation, similar to the construction phase, and secured through the Outline DEMP (Doc Ref. 7.12(A)).</p>	
2.3.8	S42 Consultation Response to 2023 Consultation <u>LIR</u>	Forms of Mitigation (Additional Mitigation, Monitoring and Enhancement Measures) <u>Outline Management Plans (Outline CEMP, Outline LEMP, Outline DEMP and Outline DTMP)</u>	<p>ABC does not agree that the Additional Mitigation, Monitoring and Enhancement Measures are acceptable.</p> <p>Notwithstanding this ABC agree that the Outline CEMP, Outline LEMP and Outline DEMP are capable of securing the proposed mitigation subject to the comments in Ref 2.3.6 above.</p> <p>Where matters are subject to consideration by Kent County Council (for example relating to highways mitigation in the Outline CEMP and Outline DEMP and ecology mitigation in</p>	<p><i>Construction Phase</i></p> <p>No further additional mitigation measures are proposed for the construction phase, beyond those included in the Outline CEMP (Doc Ref. 7.8(A)).</p> <p>The Outline CEMP (Doc Ref. 7.8(A)) and Outline LEMP (Doc Ref. 7.10(A)) include measures to protect retained vegetation.</p> <p><i>Operational phase</i></p> <p>The measures required to secure the successful establishment and ongoing monitoring of the proposed</p>	Under discussion <u>Agreed</u>

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
			the Outline LEMP) ABC defers to Kent County Council in these matters.	landscape planting are secured by the Outline LEMP (Doc Ref. 7.10(A)) which is Embedded Mitigation. Monitoring arrangements to ensure the successful establishment of the planting proposals are set out in the Outline LEMP (Doc Ref. 7.10(A)), which include measures for the 40 year lifetime of the Project. Decommissioning Phase No further additional mitigation measures are proposed for the decommissioning phase, beyond those included in the Outline DEMP (Doc Ref. 7.12(A)). <u>Noted</u>	
2.3.9	S42 Consultation Response to 2023 Statutory Consultation	Assessment of Effects (Construction, Operational and Decommissioning phase)	ABC agree that with the proposed embedded and additional mitigation measures the landscape and visual effects relating to the (construction, operational and decommissioning phases) will result in a number of identified	Construction Phase Full explanatory commentary on the magnitude and significance of effects for the receptors is set out in ES Volume 4, Appendix 8.8: Landscape Effects Table (Doc Ref. 5.4) [APP-080] and ES Volume 4, Appendix 8.9:	Agreed

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
			receptors experiencing significant adverse effects.	<p>Visual Effects Table (Doc Ref. 5.4) [APP-081].</p> <p><i>Operational Phase</i></p> <p>Full explanatory commentary on the magnitude and significance of effects for the receptors is set out in ES Volume 4, Appendix 8.8: Landscape Effects Table (Doc Ref. 5.4) [APP-080].</p> <p>As set out in ES Volume 4, Appendix 8.2: LVIA Methodology (Doc Ref. 5.4(A)) [AS-016] the assessment of residual effects relating to the operational phase accounts for the growth and establishment of proposed planting as secured by the measures set out in the Outline LEMP (Doc Ref. 7.10(AB)).</p> <ul style="list-style-type: none"> At Year 15, out of the 11 identified landscape receptors, five are likely to experience adverse and beneficial significant effects as a result of the Project. Open fields, Hedgerows 	

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>and Canopy trees will be subject to a moderate beneficial (significant) effect.</p> <ul style="list-style-type: none"> ▪ The Character of the Site and LCA Aldington Ridge will be subject to a combination of moderate adverse and beneficial (significant) effects. ▪ The remaining landscape receptors are judged likely to experience effects that are minor or negligible, which are not significant. <p>In regard to Landscape and Visual Effects, full explanatory commentary on the magnitude and significance of effects for the receptors is set out in ES Volume 4, Appendix 8.9: Visual Effects Table (Doc Ref. 5.4) [APP-081].</p> <ul style="list-style-type: none"> ▪ At Year 15, out of a total of 44 of the identified visual receptors, 4 (Users of PRow within the Site, People travelling along Bank Road, Users of PRow 	

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>AE401 and Users of PROW AE428) are likely to experience significant adverse visual effects as a result of the Project.</p> <ul style="list-style-type: none"> Five further receptors are identified as likely to experience minor-moderate adverse effects which are not significant, as a result of the Project at year 15. The remainder of visual receptors are likely to be subject to residual effects that are either minor, negligible or nil (no effect), which are not significant. <p><i>Decommissioning Phase</i></p> <p>Full explanatory commentary on the magnitude and significance of effects for the receptors is set out in ES Volume 4, Appendix 8.8: Landscape Effects Table (Doc Ref. 5.4) [APP-080] and ES Volume 4, Appendix 8.9: Visual Effects Table (Doc Ref. 5.4) [APP-081].</p>	

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>The residual landscape and visual effects relating to the decommissioning phase will be set out in Paragraphs 8.7.33 – 8.7.37 of the ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012].</p> <p>Due to the elevated position of visual receptors on Collier's Hill, the decommissioning phase is likely to result in a moderate adverse effect; the only significant visual effect from this phase of the Project.</p>	
2.3.10	S42 Consultation Response to 2023 Statutory Consultation	Assessment of Effects (Summary of Landscape Effects)	<p>The Summary of Landscape Effects in section 8.10 of ES Volume 2, Chapter 8: Landscape and Views Doc Ref (5.2) identifies that three landscape receptors are considered likely to experience significant effects as a result of the Project as below:</p> <p><i>Landscape Effects</i></p> <ul style="list-style-type: none"> ▪ The Character of the Site 	<p>A summary of Landscape Effects is contained in section 8.10 of ES Volume 2, Chapter 8: Landscape and Views (Doc Ref (5.2(A)) [AS-012].</p> <p>An assessment of the likely landscape and visual effects of the Project has been undertaken during the construction phase and at Years 1 and 15 of operation, the latter accounting for the</p>	Agreed

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
			<ul style="list-style-type: none"> LCA Aldington Ridge. <p><i>Visual Effects</i></p> <ul style="list-style-type: none"> Users of public rights of way within the site; Locations on Bank Road and PRoW AE370, AE377, AE474 which provide panoramic views towards the North Downs; Viewpoint on PRoW AE401 on Colliers Hill; Viewpoints on PRoW AE370 and AE428 and residents in Merham on the northern side of the Stour valley. <p>No significant effects have been identified on any landscape and visual receptors within the Kent Downs National Landscape.</p>	<p>growth and establishment of proposed planting.</p> <p>The effects relating to the decommissioning of the Project have also been considered.</p> <p>In summary, no landscape receptors are anticipated to experience significant effects as a result of the construction and decommissioning phases of the Project. This is as a result of:</p> <ul style="list-style-type: none"> The scale of LCAs in relation to the Site, The lack of widespread, permanent and substantial changes to the physical fabric of the Site, and The very short duration of effects relating to the construction and decommissioning phases. <p>Three visual receptors are considered likely to experience significant effects during the</p>	

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>construction phase of the Project. These are:</p> <ul style="list-style-type: none"> ▪ Users of PRow within/adjacent to the Site (two receptor groups) and ▪ Users of PRow AE401, Collier's Hill. <p>Once operational, at Year 1 following completion, three landscape receptors are considered likely to experience significant effects as a result of the Project:</p> <ul style="list-style-type: none"> ▪ The Open Fields of the Site, and ▪ The Overall Character of the Site will be subject to major moderate adverse effects, ▪ While the Aldington Ridge LCA will experience a moderate adverse effect. <p>However, following establishment of proposed planting at Year 15:</p> <ul style="list-style-type: none"> ▪ Those three receptors are considered likely to 	

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>experience a combination of moderate adverse and moderate beneficial effects which are significant.</p> <ul style="list-style-type: none"> Two further landscape receptors (Hedgerows and Canopy Trees) will be subject to significant moderate beneficial effects following establishment of proposed planting. <p>No significant effects on any landscape and visual receptors within the Kent Downs National Landscape have been identified at any stage of the Project.</p>	
2.3.11	S42 Consultation Response to 2023 Statutory Consultation	Assessment of Effects (Cumulative Effects)	<p>ABC consider that the list of cumulative schemes considered in the Applicants Landscape and Views Assessment is agreed however note the following:</p> <p>The cumulative effects focuses primarily on visual effects as it is concluded that the <i>Character of the Site is primarily influenced by landscape change that</i></p>	<p>A summary of Cumulative Effects is contained in section 8.12 of ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012].</p> <p>The potential for interaction of construction / operation / decommissioning effects from the Project with other schemes set out in the Focused Long List (ES Volume 4: Appendix</p>	Under discussion

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
			<p><i>occurs within the Site itself, while changes to the wider setting have the potential to alter the perceptual aspects of this receptor</i> (Para 8.12.11).</p> <p>Whilst this is true of the Site itself it does not reflect potential cumulative impacts and effects on wider rural character. The East Stour Solar Farm would also affect LCAs in the East and Upper Stour Valley and would be visible from the Aldington Ridge LCA. There would therefore be cumulative effects on these LCAs and the rural landscape setting to Aldington Village. In the opinion of ABC there would be a consequent moderate cumulative adverse effect on these LCAs (a minor adverse effect is assessed in relation to the East Stour and Upper Stour Valley in the ES and a moderate adverse effect in relation to the Aldington Ridge).</p> <p>The ES states that there would be cumulative visual effects</p>	<p>6.1: List of Cumulative Schemes (Doc. Ref. 5.4(A)) was considered.</p> <p>Full explanatory commentary on the magnitude and significance of effects for all cumulative effects is set out in ES Volume 4, Appendix 8.12: Cumulative Effects Table (Doc Ref. 5.4) [APP-084].</p> <p>A summary of effects is set out in Paragraphs 8.12.17 - 8.12.59 ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012].</p> <p>The assessment set out in ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012] has followed a transparent process in accordance with an agreed methodology and GLVIA3, with explanatory commentary detailing the sensitivity of receptors, the scale, extent and duration of change, and associated magnitude of effects, and the resultant</p>	

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
			<p>associated with views for users of public rights of way within the Site <i>as a result of sequential views of the Project and East Stour Solar Farm (ID No. 9) in quick succession due to their proximity</i>. Whilst the ES concludes this would remain as a moderate adverse effect ABC contend that with the substantial increase in the geographical extents of the effect this should be assessed as major adverse. The ES also notes the cumulative effects associated with views from PRoW AE370 and AE428 and residents in Mersham on the northern side of the Stour valley, but concludes these would not affect the overall impact assessment of moderate adverse.</p>	<p>significance of effects. This commentary, set out in ES Volume 4, Appendices 8.8: Landscape Effects Table [APP-080], Appendix 8.9: Visual Effects Table [APP-081] and Appendix 8.12: Cumulative Effects Table [APP-084], is a key part of the LVIA process.</p> <p>ABC contend that different effects should have been identified, however this is not supported by independent work undertaken by LMS on their behalf, or set out in a way that would be consistent with GLVIA3 (Table 3.1).</p> <p>The assessment presented in the ES acknowledges that there is limited visibility of the Project to the east as a result of vegetation and landform. Whilst there may be views of the East Stour Solar Farm, the lack of intervisibility with the Site limits the potential for cumulative effects.</p>	

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>There are two different levels of landscape character assessment, Ashford (East Stour Valley) and Kent (Upper Stour Valley). The assessment effectively considers these as combined receptors, as set out in LVIA paragraph 8.5.152. The cumulative assessment identified a moderate-minor adverse effect at Year 1, and a moderate (adverse and beneficial) effect at Year 15 on LCA Upper Stour Valley. The cumulative assessment identified a moderate adverse effect at Year 1, and a moderate-major adverse (and moderate beneficial) effect at Year 15, on LCA Aldington Ridge.</p> <p>Whilst the extent over which visual change will be experienced will be greater as a result of the Project in combination with East Stour Solar Farm, it is important to note that these views are sequential, with no potential for in combination or in</p>	

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				<p>succession effects (as defined by GLVIA3- Table 7.1). GLVIA3 makes clear in paragraph 7.38 that '<i>Higher levels of significance may arise from cumulative visual effects related to developments that ... are clearly visible together in views from the selected viewpoints</i>' and '<i>developments that are highly intervisible</i>'. The implication of this is in practice is that sequential views have a lower potential for significant effects than in combination or in succession views. Travelling westwards, people travelling along PRow AE457 will not experience views of East Stour Solar Farm once they have passed within the south-eastern extent of Field 29. Whilst the project substation is located in Field 26, views of this are experienced from the PRow network at a distance of approximately 300m with the substation seen in the context of existing railway infrastructure. Visual receptors</p>	

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>on PRow within fields 26-29 are identified as a receptor group within the LVIA, and were assessed as likely to experience at worst minor-moderate adverse effects (Year 1), reducing to minor adverse at Year 15, compared to moderate to major-moderate effects for visual receptors on the PRow network within the remainder of the Site.</p> <p>As there are no PV Panels within Fields 26 to 29, the physical separation between the respective visual envelopes of PV Panels in East Stour Solar Farm and the Project is approximately 800m (i.e. from the western edge of East Stour Solar Farm to the eastern edge of Fields 24/25). However, no direct route is provided by existing PRow routes, such that walkers would be required to follow PRow AE657 along the northern and western edge of Backhouse Wood, through Woodleas Farm to Field 23 in</p>	

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>order to experience the two developments sequentially. This route has a distance of approximately 1.1km, over which neither the Project (other than the Project Substation) or East Stour Solar Farm would be visible. Similar sequential views are likely to be experienced for user of PRow AE455, with a separation distance of approximately 900m.</p> <p>Considering the above, and the medium sensitivity of the receptor group, the moderate adverse cumulative effect identified in the LVIA is considered robust.</p>	

2.4 Cultural Heritage (ES Volume 2, Chapter 7 (Doc Ref. 5.2))

Table 2-4: Cultural Heritage

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
2.4.1	S42 Consultation Response to 2023 Statutory Consultation	KCC and HE role as Heritage Consultees	KCC are the relevant consultee in relation to archaeology. Historic England and ABC are relevant consultees in relation to built heritage. Historic England confirmed in their Relevant Representation that they defer advice on grade II listed buildings and conservation areas to ABC.	Section 7.3 of ES, Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [] summarises key stakeholder engagement undertaken to inform the assessment. It also summarises the key matters raised by consultees in relation to the EIA on the topic of Cultural Heritage and explains how the ES has had regard to those comments or how they have been addressed in the ES.	Agreed
2.4.2	S42 Consultation Response to 2023 Statutory Consultation	Designated and Non-designated Heritage Assets	The Designated and Non-designated Heritage Assets identified within the Applicant's Cultural Heritage assessment are agreed.	The relevant Designated and non-designated heritage assets for review <u>have been appropriately considered</u> within ES Volume 4, Appendix 7.2: Heritage Statement (Doc Ref. 5.4) [APP-072] have been agreed with ABC.	Agreed

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
2.4.3	S42 Consultation Response to 2023 Statutory Consultation	Heritage Viewpoints	The locations of the viewpoints for visualisations within the Applicant's Cultural Heritage assessment are agreed.	The locations of the viewpoints for visualisation have been discussed and agreed with ABC, as set out within ES Volume 3, Figure 7.4: Heritage Viewpoints (Doc Ref. 5.3) [APP-048] .	Agreed

2.5 Design Approach

Table 2-5: Design Approach

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
2.5.1	S42 Consultation Response to 2023 Statutory Consultation	Sequential Test (Maximum Search Area)	It is agreed that the maximum distance from the POC at Sellindge Substation (The Search Area) is 5km.	<p>Section 3, 'Sequential Test' of Planning Statement, Appendix 2: Sequential and Exception Test Report (Doc Ref. 7.6) [APP-151] sets out the justification in relation to the Applicants determination of the maximum distance of the Search Area within the Sequential Test.</p> <p>A distance of 5km from the POC was used as the area of search (the 'Search Area') for potential alternative sites that would meet the requirements of the Project, with the ability to connect to existing infrastructure at the Sellindge Substation. No alternative distances for the POC to achieve the network connection were considered.</p>	Agreed

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
2.5.2	S42 Consultation Response to 2023 Statutory Consultation	Sequential and Exception Test	ABC agree with the conclusions of the both the Sequential and Exception Test.	<p>The Applicant has provided its assessment of the Project in line with both the Sequential Test and the Exception Test in Planning Statement, Appendix 2: Sequential and Exception Test Report (Doc Ref. 7.6) [APP-151].</p> <p>This concludes that there is no reasonable alternative site with a lower probability of flooding and that the benefits of the Project outweigh flood risk.</p> <p>Therefore, the Project is compliant with NPS EN-1 and local policy</p>	Agreed
2.5.3	S42 Consultation Response to 2023 Statutory Consultation	Consideration of Alternatives	The applicant has considered two alternative sites, both of which have been discounted for operational and project viability reasons.	<p>Details of the overarching site selection process for the Project are provided in ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) [AS-010] and ES Volume 4, Appendix 5.2: Site Selection Influencing Factors (Doc Ref.5.4) [APP-067].</p> <p>ES Volume 2, Chapter 5: Alternatives and Design</p>	Agreed

Ref	Relevant Application Document	Description of Matter	ABC Position	Applicant Position	Status
				<p>Evolution (Doc Ref. 5.2(A)) [AS-010] then describes the changes to the Project together with the Design Approach Document (Doc Ref. 7.4) [APP-149] which explains the approach taken and the decisions made to arrive at the final Project design.</p> <p>The Project therefore complies with the good design policies set out in both EN-1 and EN-3.</p>	

2.6 Lighting (ES Volume 2, Chapter 16 (Doc Ref. 5.2))

Table 2-6: Lighting

Ref	Relevant Application Document	Description of Matter	ABC's Current Position	Applicant's Current Position	Status
17.2.6-4	N/A <u>LIR</u>	Assessment of lighting effects	ABC have not raised comment in respect of matters relating to lighting. The Council recommend that details of construction phase lighting should be submitted for approval.	<p>The lighting proposals for the Project have been developed having regard to the Dark Sky policy and are considered to be entirely consistent with both Local Plan Policy ENV4 and ABNP Policy AB5.</p> <p>Section 4.11 of Lighting considerations have been assessed and the outcome of this assessment is set out in Environmental Statement, Volume 2, Chapter 16: Other Topics (Doc Ref. 5.2) [APP-040].</p> <p>Measures to avoid or minimise lighting impacts during construction and decommissioning phases are secured through the Outline CEMP (Doc Ref. 7.8(A)) and Outline DEMP (Doc Ref. 7.12) [APP-157].</p> <p>Construction, operation and decommissioning phase</p>	Agreed

Ref	Relevant Application Document	Description of Matter	ABC's Current Position	Applicant's Current Position	Status
				<p><u>[REP1-044] sets out the control measures that would be in place for the use of lighting impacts on ecology during the construction phase which are assessed in ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2) [APP-033]. No significant effects are identified.</u></p> <p><u>Construction and decommissioning in line with good practice to avoid light pollution effects. It secures that temporary construction phase lighting impacts on the existing character of the night-sky are assessed will be designed in ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]. No significant effects are identified. An assessment of the Project's operational phase artificial light sources on the existing character of the night-sky have been scoped out in line with the Scoping Opinion, as explained in ES Volume 2, Chapter 8: Landscape and</u></p>	

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Ref	Relevant Application Document	Description of Matter	ABC's Current Position	Applicant's Current Position	Status
				<p>Views (Doc Ref. 5.2(A)) [AS-012].<u>accordance with the relevant British Standards.</u></p> <p><u>Section 4.11 details a number of controls and states that “full details on temporary construction lighting requirements and positions will be outlined within the detailed CEMP(s).” Construction phase lighting will be agreed with the local planning authority as part of the detailed CEMP(s) (production, approval and implementation of which is secured through Requirement 6 in Schedule 2 to the Draft DCO (Doc Ref. 3.1(D))). The Design Principles (Doc Ref. 7.5(B)) state that operational lighting will be limited to emergency and overnight maintenance purposes only at Inverter Stations, Intermediate Substations and the Project Substation. Any lighting will be directed within the Order limits and will include features designed to reduce light spill beyond the areas required to</u></p>	

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Planning Inspectorate Scheme Ref: EN01035

Ref	Relevant Application Document	Description of Matter	ABC's Current Position	Applicant's Current Position	Status
				<u>be lit. As such, light pollution effects are not predicted.</u>	

2.7 Cumulative Assessment (ES Volume 2, Chapter 17 (Doc Ref. 5.2))

Table 2-7: Cumulative Assessment

Ref	Relevant Application Document	Description of Matter	ABC's Current Position	Applicant's Current Position	Status
2.7.1	S42 Consultation Response to 2023 Statutory Consultation	Scope of assessment	<p>ABC consider that the list of cumulative schemes considered in the Applicant's Landscape and Views Assessment<u>ES</u> is agreed however note the following:</p> <p>The cumulative effects focuses primarily on visual effects as it is concluded that the Character of the Site is primarily influenced by landscape change that occurs within the Site itself, while changes to the wider setting have the potential to alter the perceptual aspects of this receptor (Para 8.12.11). Whilst this is true of the Site itself it does not reflect potential cumulative impacts and effects on wider rural character. The East Stour Solar Farm would also affect LCAs in the East and Upper Stour Valley and would be visible from the Aldington Ridge LCA. There would therefore be cumulative effects</p>	<p>The scope of the cumulative assessment including the list of cumulative schemes has been discussed and agreed with ABC. The list of cumulative schemes for inclusion within the Environmental Statement was issued to ABC for their review on the 5th December 2023 and was subsequently confirmed by ABC on the 7th March 2024.</p> <p>The approach to cumulative effects is set out in Section 6.6 of ES, Volume 2, Chapter 6: EIA Methodology (Doc Ref. 5.2(A)). This approach makes it clear that the assessment has looked beyond just visual impacts and has fully considered the full range of potential cumulative effects. These are set out within ES Volume 2, Chapter 7:</p>	<u>Under discussion Agreed</u>

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Ref	Relevant Application Document	Description of Matter	ABC's Current Position	Applicant's Current Position	Status
			<p>on these LCAs and the rural landscape setting to Aldington Village. In the opinion of ABC there would be a consequent moderate cumulative adverse effect on these LCAs (a minor adverse effect is assessed in relation to the East Stour and Upper Stour Valley in the ES and a moderate adverse effect in relation to the Aldington Ridge).</p> <p>The ES states that there would be cumulative visual effects associated with views for users of public rights of way within the Site as a result of sequential views of the Project and East Stour Solar Farm (ID No. 9) in quick succession due to their proximity. Whilst the ES concludes this would remain as a moderate adverse effect ABC contend that with the substantial increase in the geographical extents of the effect this should be assessed as major adverse. The ES also notes the cumulative effects associated with views from PProW AE370</p>	<p>Cultural Heritage (Doc Ref. 5.2(A)) [AS-011].</p> <p>Section 17.3, ES, Volume 2, Chapter 17: Cumulative Assessment (Doc Ref. 5.2) [APP-041] then sets out the Assessment Methodology which reflects the approach set out within the EIA Scoping Report and Scoping Opinion issued by PINS.</p> <p>Tables 17.5, 17.6 and 17.7 of ES, Volume 2, Chapter 17: Cumulative Assessment (Doc Ref. 5.2) [APP-041] present a summary of the cumulative effects of the Project with other developments identified within each of the technical chapters comprise ES Volume 2 Chapters 7 – 16, for the construction, operational and decommissioning phases, respectively.</p> <p>The matters raised by ABC in respect of the landscape and visual assessment's approach to the cumulative assessment</p>	

Ref	Relevant Application Document	Description of Matter	ABC's Current Position	Applicant's Current Position	Status
			and AE428 and residents in Mersham on the northern side of the Stour valley, but concludes these would not affect the overall impact assessment of moderate adverse.	have been responded to within Section 2.3 of this document.	

2.8 Schedule 2, Requirements

Table 2-8: ABC Requirements for the Draft DCO

<u>Ref</u>	<u>Relevant Application Document</u>	<u>Description of Matter</u>	<u>ABC's Current Position</u>	<u>Applicant's Current Position</u>	<u>Status</u>
<u>Schedule 2 Part 1 – Requirements</u>					
<u>P.35</u>	<u>LIR, Appendix 1</u>	<u>Part 1 – 3. (1) Phases of authorised development</u>	<p><u>Identifying the phases of the Project is agreed as being important. Equally important is how the Project will be delivered. ABC is mindful that sequentially named Phases may not subsequently be sequentially constructed (either in whole or part). The applicant has proposed that Part 3 (1) & (2) be modified to accommodate this by the following text;</u></p> <p><u>Phases of authorised development 3.—(1) The authorised development must not be commenced until a written scheme setting out the phases and sequencing of construction of the authorised development has been submitted to and approved by the local planning authority.</u></p> <p><u>(2) The authorised development must be carried out in</u></p>	<u>The Applicant has amended the wording of Requirement 3 at Deadline 1 [REP1-007] to clarify that the phasing details would include the sequencing of the construction. Please refer to Schedule 2 Part 1 Requirements in the Draft DCO (Doc Ref. 3.1(D))...</u>	<u>Agreed</u>

<u>Ref</u>	<u>Relevant Application Document</u>	<u>Description of Matter</u>	<u>ABC's Current Position</u>	<u>Applicant's Current Position</u>	<u>Status</u>
			<u>accordance with the phasing scheme approved pursuant to sub-paragraph (1).</u> <u>ABC agrees with this change</u>		
<u>P.35</u>	<u>LIR, Appendix 1</u>	<u>Part 1 – 5. (1) Battery Safety Management Plan (BSMP)</u>	<p><u>There are watercourses in the locality whereby there could be an environmental concern that as a result of the emergency services having to attend and deal with an incident, chemicals could leach into the ground and find their way into nearby watercourses and cause environmental and ecological damage.</u></p> <p><u>ABC consider that the BSMP needs to ensure that the implications of tackling an incident on such environmental matters is fully appreciated and that the BSMP does not solely deal with matters of Fire and Rescue but informs other detailed site design and any related Management Plans.</u></p> <p><u>ABC consider that it would be appropriate that consultation on the BSMP be widened to</u></p>	<p><u>Please refer to table 2-10 in the Responses to Deadline 1 Submissions (Doc Ref. 8.8) [REP2-034] where it sets out where within the Outline OBSMP (Doc Ref. 7.16) [APP-161] and the Outline OSWDS (Doc Ref. 7.14 (A)) [REP1-054] the measures the Project is taking in relation to firewater safety and storage.</u></p> <p><u>The Environment Agency have confirmed that the measures set out in the BSMP are satisfactory and would like to be consulted on the Detailed BSMP. They have therefore been added to Requirement 5 in Schedule 2 to the Draft DCO (Doc Ref. 3.1(D)).</u></p> <p><u>The Applicant has asked KCC for their views on their</u></p>	<u>Agreed</u>

<u>Ref</u>	<u>Relevant Application Document</u>	<u>Description of Matter</u>	<u>ABC's Current Position</u>	<u>Applicant's Current Position</u>	<u>Status</u>
			<p><u>include environmental safety measures. ABC suggest that after 'Service' as the final word in (1) as drafted, the following be inserted:-</u></p> <p><u>'and the Environment Agency, Kent County Council'</u></p> <p><u>ABC has reviewed the response from the Applicant provided in Deadline 2 and agrees with the Applicant's position.</u></p>	<p><u>potential inclusion as a consultee. KCC confirmed that they do not have in house fire or battery safety expertise and so would not have remit to review such details.</u></p> <p><u>Notwithstanding this, there is nothing in the text of the requirement that would prevent ABC from requesting input from any other party prior to approving the final plan if it considers this to be necessary.</u></p>	
<u>P.35</u>	<u>LIR, Appendix 1</u>	<u>Part 1 – 11. (1) Operational surface water drainage strategy (OSWDS)</u>	<p><u>In (1), the submission of the OSWDS on a prior to the operation of the authorised development is not agreed.</u></p> <p><u>ABC suggest that it should be submitted at the same time as the detailed design approvals for the phases as per Schedule 2 Requirements Part 1 – 4 (which is noted as including details of drainage alongside other above and below ground</u></p>	<p><u>Requirement 11 in Schedule 2 to the Draft DCO (Doc Ref. 3.1(D)) secures that an no phase of the authorised development may commence until a OSWDS for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with Environmental Agency and</u></p>	<u>Agreed</u>

<u>Ref</u>	<u>Relevant Application Document</u>	<u>Description of Matter</u>	<u>ABC's Current Position</u>	<u>Applicant's Current Position</u>	<u>Status</u>
			<u>works and such works need to be informed by the Strategy).</u>	<u>KCC (in relation to the OSWDS).</u>	

Schedule Part 2 – Procedure for discharge of requirements

<u>P.35</u>	<u>LIR, Appendix 1</u>	<u>18.(2) Timescale</u>	<u>ABC consider that 14 days (i.e. 10 working days) is too tight. ABC request that this should be amended to 21 days (i.e. 15 working days).</u>	<u>Part 2 Schedule 2 (Requirements) of the DCO (Doc Ref. 3.1(D)) has been amended to increase this timescale from 14 to 20 business days.</u>	<u>Agreed</u>
<u>P.35</u>	<u>LIR, Appendix 1</u>	<u>18.(3) Timescale</u>	<u>ABC consider that 7 days (i.e. 5 working days) is too tight. ABC request that this should be amended to 14 days (i.e. 10 working days).</u>	<u>Part 2 Schedule 2 (Requirements) of the DCO (Doc Ref. 3.1(D)) has been amended to increase this timescale from 7 to 10 business days.</u>	<u>Agreed</u>
<u>P.35</u>	<u>LIR, Appendix 1</u>	<u>18.(4) Timescale</u>	<u>ABC question the necessity for inclusion of this type of paragraph.</u>	<u>This paragraph is considered necessary. It is consistent with a number of precedent DCOs, which establish that such a provision is both justified and necessary.</u>	<u>Agreed.</u>

<u>Ref</u>	<u>Relevant Application Document</u>	<u>Description of Matter</u>	<u>ABC's Current Position</u>	<u>Applicant's Current Position</u>	<u>Status</u>
<u>P.35</u>	<u>LIR, Appendix 1</u>	<u>19.(2)(d) Timescale</u>	<u>ABC note the change to 'business days' in contrast with the Applicant's use of 'days' in 18. as per the comments above.</u>	<u>Updated.</u>	<u>Agreed</u>
<u>P.35</u>	<u>LIR, Appendix 1</u>	<u>19.(2)(d) Timescale</u>	<u>The requirement for ABC and any consultee submitting their appeal representations in 10 working days is unrealistic. ABC consider that this should be amended to 28 days (i.e. 20 working days).</u>	<u>The Applicant has reviewed a number of recent DCO decisions and the timescales included in the Draft DCO (10 business days) are consistent with those recently made DCOs. No change is therefore proposed.</u>	<u>Under discussion</u>

3 Signatures

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

On behalf of EPL 001 Limited

Name:

Signature:

Position:

Date:

.....

On behalf of Ashford Borough Council

Name:

Signature:

Position:

Date:

.....

References

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