Stonestreet Green Solar

Draft Statement of Common Ground with Kent County Council (Tracked)

PINS Ref: EN010135
Doc Ref. 8.3.4(B)
Version 3
Deadline 3
January 2025

EP Rule 8(1)(e)
Planning Act 2008
The Infrastructure Planning (Examination Procedure) Rules 2010

Revision History

Revision	Revision Date	Authorised By	Position	Comment
Issue 1	3/9/24	MS	Senior Director	For KCC Review
Issue 1	11/10/24	FP	Principal Strategic Planning and Infrastructure Officer	KCC comments
Issue 2	4/11/24	MS	Senior Director	Update to reflect KCC Comments
Issue 3	17/11/24	MS	Senior Director	Updated to reflect further transport comments
Issue 3	05/12/24	FP	Principal Strategic Planning and Infrastructure Officer	KCC comments
Issue 4	05/12/24	MS	Senior Director	Updated to reflect KCC SuDS and mineral updates
Issue 5	09/12/24	MS	Senior Director	D1 Finalisation
Issue 5	22/12/24	MS	Senior Director	Updates to reflect KCC comments
Issue 6	21/01/25	MS	Senior Director	Updates to reflect response to KCC comments

Table of Contents

List of Tables

Appendices

1 Introduction

1.1 Purpose of this Statement of Common Ground

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

1.1.2 This SoCG has been prepared between (1) the Applicant and (2) Kent County Council ('KCC') (jointly referred to as the 'Parties'). It has been prepared in accordance with The Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects guidance[1].

1.1.3 KCC is the host County Council. The Project is located within KCC's administrative area. KCC is listed the local authority, in accordance with section 42 of the PA 2008 and so has been consulted during the preparation of the Application and following its acceptance.

1.1.4 The Examining Authority has requested that the SoCG include the following matters as set out in the Rule 6 Letter [PD-004], Annex G (dated 22 October 2024).

- Principle of Development
- Traffic and Transport, including traffic modelling and assessment of alternatives
- Effects on the Public Rights of Way network and on non-motorised users
- Environmental Impact Assessment, including cumulative effects
- Water Environment and Flood Risk
- Any other potential effects, including on heritage assets, biodiversity, air quality, emissions and contamination
- Various Environment Management Plans, both during construction and operation
- Good Design
- Economic and Social Effects
- The dDCO, including requirements and protective provisions.

1.1.5 It is agreed that matters of Good Design, Economic and Social Effects are agreed between the parties. The Applicant understands that KCC have reviewed the dDCO (including Schedule 2: Requirements) and have no substantive comments.

1.1.6 It is agreed that matters not specifically referred to in this SoCG are not of material interest or relevance to the representations submitted to the Examining Authority by

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

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

1.2 Description of the Project

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

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

1.3 Current Position

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

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

1.4 Record of Engagement

1.4.1 The Applicant has undertaken consultation and engagement with KCC throughout the development of the Application. The Applicant consulted KCC, a the local authority, in accordance with section 42 of the PA 2008, about the Project and environmental impact assessment as part of the formal pre-application consultation and publicity procedures. This process afforded KCC the opportunity to provide responses to the information provided at various stages of the pre-application process.

1.4.2 Table 1.1 shows a summary of the feedback that has taken place between the Applicant (including consultants on its behalf) and KCC in relation to the Application.

Table 1.1: Record of Engagement

Date	Form of Feedback	Key topics discussed and outcomes (the topics should align with the issues table)
11 March 2022	Meeting with KCC and ABC, including visit to existing Sellindge Solar Farm site	Introduction to the Project and solar generation
25 March to 29 April 2022	Non-Statutory Consultation 2022	No specific comments were received.
18 May 2022	EIA Scoping – KCC consultation response to EIA Scoping Opinion (response to the Applicant's request for a Scoping Opinion submitted to PINS on 19 April 2022)	Response dated 18 May 2022. Key issues: ▪ PRoW ▪ Agricultural Land and Soils ▪ Land Contaminations (Minerals and Waste) ▪ Cultural Heritage ▪ Biodiversity ▪ Water Environment ▪ Socio Economics ▪ Traffic and Access ▪ Noise ▪ Cumulative Effects
7 June 2022	Meeting with KCC and ABC	Discussion to provide an update on the PPA
13 June 2022	Meeting with KCC and ABC	Key Topics: ▪ KCC PRoW strategy ▪ key challenges in the local area ▪ KCC's response to the Scoping Report
17 June 2022	Meeting with KCC and ABC	Key Topics: ▪ KCC's response to the Scoping Report related to archaeological matters raised

Date	Form of Feedback	Key topics discussed and outcomes (the topics should align with the issues table)
21 June 2022	Meeting with KCC and ABC	Applicant provided a Project update and discussed the PPA with the councils
19 July 2022	Meeting with KCC and ABC	Key Topics: ▪ PPA ▪ SoCC
2 August 2022	Meeting with KCC and ABC	Applicant provided a Project update and discussed the PPA with the councils
30 August 2022	Meeting with KCC and ABC	Applicant provided a Project update and discussed the PPA with the councils
29 September 2022	Meeting with KCC and ABC officers	Applicant provided an overview of proposed changes to PRoWs and footpaths
10 October 2022	ABC, FHDC, KCC Members	Project briefing with members and officers
2 November 2022	Meeting with KCC	Key Topic: ▪ Potential PRoW impacts
25 October to 29 November 2022	Statutory Consultation 2022 – KCC consultation response	Key Topics: ▪ Approach to PRoW network ▪ Scope of heritage assessment ▪ Consultation with KCCs officers in relation to the Draft DCO Requirements. ▪ Assessment of landscape on the nearby Kent Downs National Landscape. Agreement of cumulative schemes for assessment
1 March 2023	Meeting with KCC and ABC	Key Topics:

Date	Form of Feedback	Key topics discussed and outcomes (the topics should align with the issues table)
		▪ Project update ▪ Programme update ▪ Spring/summer consultation 2023
20 March 2023	Meeting with KCC and ABC	Key Topics: ▪ Programme update ▪ Landscape and visual ▪ Heritage ▪ Archaeology ▪ PRoWs ▪ Cumulative impacts ▪ Overview of SoCC 3
29 March 2023	Meeting with KCC archaeology officers	Confirmation of approach to responding to KCC archaeology officer's comments to the 2022 Statutory Consultation in relation to archaeology and heritage matters
3 April 2023	Landscape and visual impacts meeting with ABC, FHDC and KCC planning officers	Key Topics: ▪ 2022 Statutory Consultation comments
19 April 2023	Meeting with KCC ecology officers	Key Topics: ▪ Overview of the ecology proposals ▪ Changes in response to the 2022 Statutory Consultation feedback
24 April 2023	Meeting with KCC archaeology officer	Provision of feedback on the pre and post consent archaeology strategy
25 April 2023	Meeting with ABC, FHDC and KCC planning officers	Key Topics: ▪ Project development update ▪ Engagement with

Date	Form of Feedback	Key topics discussed and outcomes (the topics should align with the issues table)
		stakeholders ▪ Cumulative schemes ▪ Alternatives ▪ 2023 Consultation
4 May 2023	Meeting with KCC PRoW officer	Key Topics: ▪ Proposed PRoW strategy
5 June 2023	Meeting with ABC, FHDC and KCC planning officers	Key Topics: ▪ Project Overview ▪ Draft Site layout ▪ Landscape strategy plans ▪ Engagement with stakeholders ▪ Approach to PEIR Addendum ▪ Update on 2023 Statutory Consultation
30 June 2023	Heritage meeting with KCC and ABC officers	Provision of proposed approach to address ABC's comments to the 2022 Statutory Consultation in relation to heritage matters.
15 August 2023	Statutory Consultation 2023 – KCC Response	Written response to matters raised within KCC's 2023 Statutory Consultation Response Letter (dated 17 July 2023) (See Appendix 1)
7 December 2023	Meeting with KCC	Key Topics: ▪ KCC's 2023 Statutory Consultation feedback
13 November to December 2023	Targeted Consultation 2023 – KCC Response	Key Topics: ▪ Traffic and Access (Site Access) ▪ Changes to Order limits

Date	Form of Feedback	Key topics discussed and outcomes (the topics should align with the issues table)
12 February to 12 March 2024	Targeted Consultation 2024 – KCC Response	Key Topics: ▪ PRoW Red line boundary change
21 March 2024	Meeting with KCC and ABC	Project update meeting
8 August 2024	Metting with KCC	Key Topics: ▪ Archaeology Management Strategy ▪ SoCG
27 August 2024	Meeting with KCC	Discussion regarding initial highway comments.
3 September 2024	Draft documents issued for KCC comment	Draft SoCG report issued to KCC for comment.
30 September 2024	Meeting with KCC and ABC	Review of the requirements submitted as part of the Draft DCO.
11 October 2024	Written response to KCCs SoCG issued	KCCs comments to SoCG (Draft 1) issued to Applicant
21 October 2024	Meeting with KCC PRoW Officer	To respond to RR issues
13 November 2024	Meeting with KCC Highways Officer	To respond to detailed feedback on the SoCG
17 December 2024	Meeting with PRoW Officer	To respond to further feedback
19 December 2024	Meeting with Heritage Officer	To respond to further feedback
6 January 2025	Email discussion regarding updates to SoCG.	Updated SoCG agreed.

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

1.5 Format of Document and Terminology

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

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

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

1.5.3 The following terminology is applied in Section 2:.

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

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

2 Areas of Discussion between the Parties

2.1 Principle of Development

Table 2.1: Principle of Development

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

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

2.2 Highways and Transportation

Table 2.2: Highways and Transportation

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

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
				(Doc Ref. 5.3) [APP-044] shows the main areas of the Site. As the assessment includes the impact on the local highway network and the PRoW network, there are effectively two study areas. The highway study area comprises the roads that form the construction traffic route shown on **ES Volume 3, Figure 13.1: Construction Traffic Route and Traffic Data Location Plan (Doc. Ref. 5.3)** [APP-056]. In summary the study area consists of: ▪ Goldwell Lane and C609 Station Road between the Goldwell Lane Access and the A20 Hythe Road junction; ▪ A20 Hythe Road between the junction with C609 Station Road and M20 motorway Junction 10a; ▪ M20 motorway Junction 10a; and ▪ Roman Road/Bank Road at the Site frontage. The PRoW study area for the purposes of the traffic and access assessment comprises all existing	

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
				PRoW which either pass through the Site or provide a connection with the Site. Based on the KCC Definitive Map, which is represented on **ES Volume 3, Figure 3.1: Existing Access Network (Ref. Doc Ref. 5.3)** [APP-045], public footpaths and one Byway Open to all Traffic ('BOAT') are included within the Site boundary. The extent of the study area has been agreed with National Highways (NH) and KCC as highway authorities responsible for the strategic road network ('SRN') and the local road network ('LRN') respectively.	
2.2.3	S42 Consultation Response to 2023 Statutory Consultation	Traffic Survey Data	The scope of the traffic surveys in the Applicants Traffic and Access assessment is agreed and considered to be robust by KCC.	Traffic surveys have been undertaken and are included within **ES Volume 4, Appendix 13.3: Traffic Survey Data (Doc Ref. 5.4)** [APP-109]. The Applicant consulted KCC throughout the pre-application phase and the approach to traffic surveys was agreed with KCC.	Agreed
2.2.4	S42 Consultation Response to	Baseline Traffic Data	The baseline of the Applicant's Traffic and Access assessment is agreed.	A summary of the current baseline traffic data is provided in Table 13.3A: Current Baseline Traffic Data Summary of **ES Volume 4,**	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
	2023 Consultation			**Appendix 13.4: Summary of Traffic Data** [APP-109]**.** A summary of the future baseline traffic data, including projected background traffic growth but excluding trips associated with the cumulative schemes, is provided in Table 13.3B: Future Baseline (2026) Traffic Data Summary of **ES Volume 4, Appendix 13.4: Summary of Traffic Data (Doc Ref. 5.4)** [APP-110]. The associated cumulative traffic flows are shown in Table 13.3I: 2026 Future Baseline plus Committed Development Traffic of **ES Volume 4, Appendix 13.4:Summary of Traffic Data (Doc Ref. 5.4)** [APP-110].	
2.2.5	S42 Consultation Response to 2023 Consultation	Identification of Sensitive Receptors	The sensitive receptors of the Applicant's Traffic and Access assessment is agreed.	Table 13.10: Cumulative Effects of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))** [REP1-026] presents the sensitive receptors identified along the construction traffic route from the M20 Junction to the most south-easterly existing Site access on Goldwell Lane.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
				ES Volume 3, Figure 13.4: Sensitive Receptor Location Plan (Doc Ref. 5.3) [APP–056] shows the location of these receptors. The level of sensitivity is based on the sensitivity matrix in Table 13.5 of this ES chapter. Whilst the receptors may be sensitive to changes in traffic levels, it is the adjacent links that carry the traffic to, from or past them, therefore the roads that front or provide access to these receptors have been classified in accordance with the sensitivity matrix. Paragraph 13.5.58 of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))** [REP1-026] confirms that all receptors are existing with no changes anticipated in the future baseline year.	
2.2.6	S42 Consultation Response to 2023 Statutory Consultation	Assessment Methodology	The scope and methodology of the Applicant's Traffic and Access assessment is agreed.	Section 13.3 of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))** [REP1-026] summarises key stakeholder engagement undertaken to inform the assessment. It also summarises the key matters raised by consultees in relation to the EIA on the topic of	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
				Traffic and Access and explains how the ES has had regard to those comments or how they have been addressed in the ES. Section 13.4 of **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))** [REP1-026] then sets out the Assessment Methodology. The Applicant consulted KCC throughout the pre-application phase and the Assessment Methodology was agreed with KCC.	
2.2.7	S42 Consultation Response to 2023 Statutory Consultation	Safety Mitigation measures for PRoW users during the Construction Phase	KCC require appropriate measures to be employed for construction works proposed that could affect PRoW during the construction phase to ensure the safety of PRoW users. KCC confirms that the measures included in the Outline CTMP, Outline DTMP and Outline Rights of Way and Access Strategy secures the controls required in relation to this matter.	The **Outline CTMP (Doc Ref. 7.9(B))**) and **Outline DTMP (Doc Ref. 7.13(B))** secures the safety measures to be employed on the construction traffic route to protect pedestrians crossing between PRoW. These include but are not limited to: ▪ additional signage, ▪ banksmen/marshals; and ▪ escort vehicles.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
P.2 Traffic generation and routing	RR	Engagement between the Applicant and KCC	With regard to the highway access and operational elements of the proposal, the County Council, as Local Highway Authority, notes that the applicant has been generally receptive to concerns previously raised regarding the original vehicle routing and access points. The applicant has made several revisions to the proposed access strategy and has also updated site-specific issues as each stage of consultation has been carried out. The County Council has welcomed this positive engagement from the applicant.	Noted.	Agreed
P.2 Traffic generation and routing	RR	Construction Traffic (Impacts on the local highway network)	It is acknowledged that the additional traffic is temporary for the estimated 12-month period of construction. The Local Highway Authority notes that normal operational traffic levels for the completed site would be so low as to have near zero impact on the highway network. In practice, it is likely these would be lower than the associated farm use of the site area.	Noted.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
P.2 Traffic generation and routing	RR	Primary routing to the Proposal (via the M20 Junction 10a and A20)	Primary routing to the proposal is via the M20 Junction 10a and A20. As a newly completed motorway junction, Junction 10a has sufficient operational capacity on the arms used by traffic relating to this proposal. The County Council, as Local Highway Authority, notes that in Table 13.4 of the Environmental Statement (ES) Volume 2 Chapter 13 (APP-037), National Highways has raised no objection	Noted.	Agreed
P.2 Traffic generation and routing	RR	Vehicle Routing (Via the Smeeth crossroads junction on the A20.)	The vehicle routing for all development related traffic arrives via the Smeeth crossroads junction on the A20. In the intervening time since the previous formal response from the Local Highway Authority (July 2023), the Smeeth crossroad junction (A20 / Station Road / Church Road) has been flagged on Kent County Council's yearly crash investigation cycle with the crash record for the most recent three years now meeting the criteria for investigation.	As indicated in the Applicant's email dated 27th August 2024, this point was not known at the time of the assessment. This change has now been considered and it is not considered to change the outcome of the assessment. The western and southern arms are classified as High sensitivity in the assessment given the proximity to The Caldecott School. The commitment to avoid school start and end times mitigates our impact on these links.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
P.2 Traffic generation and routing	RR	Smeeth Crossroads junction (Church Lane)	Liaison has taken place across the County Council, as Local Highway Authority. The primary area of concern is the northern arm of the junction, Church Road, with its limited visibility. Taking account which arms of the junction would be used by vehicles associated with the proposal, the daily vehicle movements, HGV movements being outside the peak traffic hours and the fact that the traffic impact is only for a temporary 12-month period, it is not considered that the resulting uplift in traffic would significantly worsen the crash record in this location. In reaching this conclusion, several assumptions in relation to the traffic generation from the proposal have been made based on the supporting application information – commentary raised in this representation should be clarified by the applicant prior commencement of the Examination to ensure this view is maintained.	Noted. The Applicant confirms the assumptions provided in the supporting application documentation remain accurate.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
P.3 Traffic generation and routing	RR	Traffic Generated by the Proposal (Workers Vehicles)	Supporting data has been provided in relation to traffic generated by the proposal. The predicted traffic generation figures are shown in Table 4.1 in the Outline Construction Traffic Management Plan (OCTMP) (APP-154). The figures as presented are averaged out over the whole work day to present a vehicle number per hour value. This may be reasonable for delivery vehicles; however, for workers, their arrivals are usually prior to a set start time or to meet a specific shift pattern and as such would be far more concentrated than shown.	As indicated in the Applicant's email dated 27th August 2024, it is standard practice to average trips. The impact of the construction worker trips is forecast, using robust assumptions, to vary between the average figure of 30 one-way trips to 44 one-way trips. The majority, but not all, will arrive at Site before 8am and after 6pm which avoids the network peak hours. There is no evidence to suggest that this temporary impact could result in a severe impact.	Agreed
P.3 Traffic generation and routing	RR	The Modal Split for Workers (Travel by Minibus)	The modal split for worker arrivals states that 75% of workers would arrive/depart site by minibus. Considering the travel time from Ashford Town Centre is 20 minutes one way, this is ambitious. For 75% capture of the peak workforce of 199 workers, at 13 passengers per vehicle this would require multiple minibus trips. The	As indicated in the Applicant's email dated 27th August 2024, the Applicant will have full control of who can access the Site, to the extent that only workers travelling by a vehicle needed for their trade, such as transit vans/trucks containing tools, being allowed on-site. Suitable locations for mini-bus pick-up and drop-off will be identified as part of the Detailed CTMPs, which is secured by DCO	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			County Council, as Local Highway Authority, is mindful that the requested working hours of 8am to 6pm would enable slight split shift start times and the OCTMP does detail “mini-buses”, so multiple vehicles are anticipated. The County Council notes that a Travel Plan is intended to be prepared, however, the issue of minibus transport requires further clarification by the applicant ahead of the commencement of the Examination. In terms of workers arriving by car, considering that the site is remote from the main nearby urban settlements and there is no bus service nearby, a degree of car sharing is highly likely and would quite possibly exceed the three workers per two vehicles as proposed in the supporting information.	Requirement. The majority of workers will be expected to be picked-up from locations accessible by sustainable modes of transport, such as Ashford town centre and Ashford International. Suitable locations for park and ride trips can be identified for workers who will need to travel by car with the mini-bus completing the ‘final mile’. Locations for park and ride will be set out within the Detailed CTMP, but could include one or more of Ashford’s larger car parks such as one of Ashford International’s numerous car parks, Civic Centre & Stour Centre and County Square, all of which offer parking at reasonable daily rates. Whilst a single mini-bus can make multiple trips, it is likely that at least two mini-buses will be used. Again, this will be confirmed as part of the Detailed CTMP.	
P.3 Traffic generation and routing	RR	Proposed Start Time and Working Hours (Workers)	Supporting information relating to proposed start time and working hours on site indicates that the majority of workers would be	As indicated in the Applicant’s email dated 27th August 2024, the majority, but not all, of construction workers will arrive at Site before 8am and	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			arriving on site to begin their day shifts at 8am. If this is the case, the worker related traffic would all navigate the Smeeth crossroad junction prior to the standard AM traffic peak hour of 8-9am. This issue needs to be clarified by the applicant ahead of the commencement of the Examination	leave after 6pm which avoids the network peak hours. There is no evidence to suggest that this temporary impact could result in a severe impact. Again, this will be confirmed as part of the Detailed CTMP.	
P.3 Traffic generation and routing	RR	HGV Deliveries	The maximum HGV deliveries are noted within application material as predicted at 37 two-way trips across the day (18.5 in, 18.5 out) using the main site access on Station Road only. The OCTMP confirms that the AM and PM weekday traffic peaks times will be avoided for deliveries so that the large delivery vehicles do not coincide with other road users in the busiest traffic period. Drop-off/collection times for Caldecott School are also to be avoided. This level of HGV traffic accessing Station Road only from the A20 is acceptable to the	Noted	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			County Council, as Local Highway Authority.		
P.3 Traffic generation and routing	RR	Construction Traffic (Goldwell Lane Access)	It is also detailed that construction traffic in relation to the Goldwell Lane Access will, where possible, be coordinated to arrive/depart outside the drop-off and pick-up times for Aldington Primary School. This is welcomed by the County Council.	Noted.	Agreed
P.3 Traffic generation and routing	RR	Traffic Generation Figures (Uplifted by 40%)	The County Council notes that all supporting traffic generation figures have now been uplifted by 40% of the initial predicted figures by the applicant, to provide a robust representation. As such, this adds some flexibility in terms of worker arrival numbers and some of these quoted daily movements may in practice be lower than the figures provided.	Noted.	Agreed
P.4 Access Points	RR	Management measures associated with the Primary Site Access	The primary site access is on Station Road. Vehicle tracking has been provided to demonstrate that the access/exit movements are achievable.	Noted	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			Adequate visibility is available, including vegetation cut back on the northwest verge to allow for warning signage and provide maximum forward visibility of large vehicles manoeuvring from Station Road into the site access. The OCTMP also confirms that a banksman will be present at the roadside to assist, if necessary		
P.4 Access Points	RR	Amendments to the proposed Primary Access	This entrance will take all HGV deliveries, other deliveries, and direct staff arrivals. This is an important revision to the original proposal, meaning that delivery vehicles would not have to negotiate the constrained highway at Evegate Mill which is south of this site access. This is welcomed by the County Council, as Local Highway Authority.	Noted	Agreed
P.4 Access Points	RR	Unloading of HGVs and Deliveries	HGVs and deliveries will then be unloaded within the site compound and transferred to the other parts of the proposal site via tractor and trailer. This will mainly be via internal haul roads with highway crossing points indicated on Station Road, Bank	Noted	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			Road and Laws Lane. These are to be controlled by temporary traffic management to stop traffic and allow construction vehicles to cross safely. This methodology also prevents the need to remove large sections of hedgerow for traditional visibility splays and is therefore supported.		
P.4 Access Points	RR	Provision of Adequate On-Site Parking	Supporting documents state that no off-site parking will be permitted for workers. This is welcomed by the County Council, as Local Highway Authority, however, as the public highway in the surrounding area is not subject to formal parking restrictions, it may not be within the developer's ability to prevent this. Verge parking would cause damage and may also limit access and visibility. With this in mind, full details regarding the layout of the primary site compound will need to be provided within the CTMP and approved accordingly by the Local Highway Authority. Within the CTMP, the applicant will be	Noted	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			required to demonstrate adequate parking space, in addition to access, turning and manoeuvring for delivery vehicles.		
P.4 Access Points	RR	Access to South-east cluster (Fields 20,21 and 22)	To access the south-east cluster (fields 20, 21 and 22), the tractor and trailer arrangement will need to route via Station Road, south from the proposed site access crossing and use Goldwell Lane to the existing site access just north of Goldwell Close. For this five month construction period, the OCTMP confirms that escort vehicles will be used to manage traffic and enable passage of the right-angled bend on Goldwell Lane. ES Volume 2 Chapter 1-19 states that, on average, nine construction vehicles per day will use this section of road. This is not considered by the Local Highway Authority to be unreasonable in a rural area that is already subject to large agricultural vehicles on the surrounding network.	Noted	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
P.4 Access Points	RR	Localised cutback across sections of Goldwell Lane and Station Road	There are sections of Goldwell Lane that suffer from encroachment by boundary hedges over the highway verge/edge of carriageway - particularly in the vicinity of Goldwell Farm. Similarly, there are sections of the Station Road access route that would benefit from localised cutback. The County Council recommends that these sections should be trimmed back to a reasonable level prior to the start of works such that this vegetation does not prevent users being able to use the full width of the road to pass other large vehicles. This should be included and secured as part of the pre-commencement highway inspections.	Noted	Agreed
P.5 Access Points	RR	Vehicle Track Drawings	Vehicle track drawings have been provided for the detailed access locations – the County Council considers that all of these are workable.	Noted.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
P.5 Access Points	RR	Highway Safety Management at Station Road	The applicant requested that the full width of the highway (including verge) be included within the works area to be approved in several locations. This is to ensure the County Council's previous requests for vegetation cut back can be delivered to maintain forward visibility of turning manoeuvres, mainly at the Station Road site compound entrance, but also to allow site related direction and warning signage. This is therefore welcomed by the Local Highway Authority.	Noted.	Agreed
P.5 Access Points	RR	Highway Condition Surveys	The applicant has confirmed within the application the agreement to carry out highway condition surveys before, during and after the construction period. This is to ensure any damage from vehicle overrun is recorded and repaired at the applicant's expense but will also enable localised hard surfacing improvements in the event of regular overrun from large vehicles. All verges are to be	Noted. Any damage caused as a result of the Project would be made good at the cost of the undertaker. Highway verges will be returned to their previous condition as secured in **Section 6.6** 'Condition Survey' of the **Outline CTMP (Doc Ref. 7.9(B))**. Repairs of verges to their original condition will be implemented under the detailed CTMP(s).	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			returned to their original condition after construction works are completed. An appropriate mechanism to secure this agreement through the DCO would be welcomed by the County Council, as Local Highway Authority.	No phase of the authorised development may commence until a CTMP for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with the relevant highway authority as secured by requirement 7 of the **Draft DCO (Doc Ref. ~~3.1(C))~~.3.1(C))** [REP2-004].	
P.5 Access Points	RR	Existing access road to Bank Farm	As part of the access strategy, to reach all of the plots to the south of Bank Road, the proposed routing as shown uses the existing access road to Bank Farm. Although the crossing of Bank Road itself can be undertaken via traffic management, the Bank Farm access road is already restricted in width and only wide enough for one-way working for vehicles. Visibility is not adequate from the southern end of the access road to the Bank Road junction to prevent conflicting movements. Any resulting reversing manoeuvres of large vehicles for both direct solar site traffic or	As indicated in the Applicant's email dated 27th August 2024, the Bank Farm access already regularly accommodates large farm vehicles with its yards being capable of holding several large farm vehicles at a time. Construction arrivals and departures can be managed via the measures committed to in the CTMP including the scheduling of deliveries and use of GPS vehicle tracking. Should a construction vehicle be ready to depart when an arrival is scheduled, one of the vehicles can be held within the site until the other has passed. It is considered that there is enough space at Bank Farm to either accommodate passing	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			other access users would not be welcomed. There are other business interests and access needs on Bank Farm and increased use of this access road with large vehicles with no improvements would not be sensible. Localised widening to the access road to allow for overtaking space, taking account of forward visibility, should be implemented. Revision/clarification on this issue is required by the County Council ahead of the commencement of the Examination.	places, or to hold a departing vehicle while an arrival passes. No phase of the authorised development may commence until a CTMP for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with the relevant highway authority as secured by requirement 7 of the **Draft DCO (Doc Ref. 3.1(C)).**	
2.2.7	S42 Consultation Response to 2023 Statutory Consultation	Residual Effects	KCC confirms that with the proposed mitigation measures the effects on the local highway network and PRoW network and their users are not considered significant.	The embedded mitigation measures ensure that the impact of construction traffic on the local highway network and PRoW network and their users will be minimised, particularly during the traditional network peak hours and drop-off/pick-up times at the Caldecott School. The magnitude of impact will likely remain very low to low magnitude resulting in a **Negligible to Minor Adverse** (not significant) effect.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
				A summary of residual effects is provided in Table 13.14: Summary of Residual Effects of the **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))** [REP1-026]**.**	
	Post-hearing submissions, including written submissions of oral cases' (REP1-088)	Article 15 – maintenance of visibility splays	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).	In respect of KCC's **Post Hearing Submission (dated 10 December 2024)** [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))**.	Agreed

2.3 PRoW

Table 2.3 PRoW

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P.5 PRoW	RR	Planning Policy	The County Council, in respect its role as Local Highway Authority for the PRoW network, draws on the following policies: ▪ National Planning Policy Framework, December 2023 – Paragraph 104 and 124 ▪ National Policy Statement for Renewable Energy Infrastructure (EN3) including paragraph 2.10.42 to 2.10.45. ▪ National Policy Statement for Electricity Networks Infrastructure (EN-5) ▪ Kent County Council Rights of Way Improvement Plan 2018-2028 (ROWIP) The ROWIP is a strategic policy document setting out the goals and priorities for Public Rights of Way and Access. The importance of the PRoW network, the countryside, riverside, coast, and publicly accessible green space	The Applicant recognises the policies and strategies referenced by KCC and has reflected their importance and requirements within **ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))** [REP1-024] and the **Outline Rights of Way and Access Strategy (Doc Ref. 7.15(A))** [REP1-056]**.**	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			is recognised in many national and local strategies and is afforded strong protection in law.		
P.6 PRoW	RR	Impacted PRoWs and Byway	The County Council notes that there are eighteen Public Footpaths and one Byway Open to all Traffic within the site boundary. Public Footpaths: AE385, AE442, AE370, AE377, AE378, AE448, AE447, AE431, AE438, AE657, AE457, AE656, AE454, AE475, AE455, AE474, AE436 (Ashford) and HE436 (Folkestone and Hythe). Byway Open to all Traffic: AE396 (Ashford). These routes connect to the wider network of the area and together provide significant opportunities for outdoor recreation and active travel across both the Borough of Ashford and east into the District of Folkestone and Hythe.	The Applicant notes that the PRoWs listed by KCC – with the exception of HE436 – interact with the Project's Order Limits. However, not all PRoW listed would be altered in their course by the Project (only those that are referred to within the **Outline RoWAS (Doc Ref. 7.15(A))** [REP1-056] and the **Draft DCO (Doc Ref. 3.1(C))** [REP2-004] (Part 4; and Schedules 8 and 9).	Agreed
P.6 PRoW	RR	Assessment of impacts on the PRoW Network	The site is visible from a much wider area of the network with PRoW routes designated as receptors within the Landscape and Visual Assessments.	The Applicant recognises the potential for a short-term, temporary change in environmental amenity during construction and decommissioning activity, and longer-term changes	Agreed

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

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			The combined effects of all the aspects of the development, such as the severance and loss of the physical resource, construction traffic, noise, visual intrusion, and loss of tranquillity, would all impact significantly and detrimentally on the quality of the user experience inherent in a recreational walk or ride. The impact of each of these criteria on a stand-alone basis might be assessed as not significant, but if the impacts are considered collectively, they are significant. A walker, cyclist or horse rider using a public right of way or open access land experiences the countryside, and hence any impacts, holistically; namely the quality and diversity of the views, wildlife and natural features, the sense of wildness, peace and quiet, the presence (and absence) of traffic, noise, lighting and air quality, and the connectivity of the network.	Identified visual effects on PROW users are considered in the ES LVIA Chapter. The **Outline RoWAS (Doc Ref. 7.15(A))** [REP1-056] seeks to manage this where practicable and notes that: ▪ Paragraph 4.2.10 - Any works on or to, or provision of new or diverted PRoW would be undertaken in accordance with the Kent Design Guide and KCC Countryside Access Objectives and Policy ▪ Paragraph 4.3.1 - Any new or diverted PRoW implemented by the Applicant shall be designed in accordance or with regard to design standards adopted by KCC, including details such as surfacing of routes to create an appropriate high-quality network. Accordance to those standards will be reviewed on completion prior to adoption of any new or diverted PRoW into the local highway network ▪ Paragraph 5.2.4 - A Rights of Way and Access Working	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			The impact on both the physical access resource and the amenity value of the public rights of way and access network must be addressed through the application and examined. This should also include both the effect on the physical resource from temporary or permanent closures and diversions, as well as the quality of user experience and amenity value.	Group will be formed to review the Implementation Plans with the aim of minimising disruption and amenity loss to PRoW users during implementation ▪ Paragraph 5.2.8-9 - All new or diverted PRoW crossing or within the Order limits shall have a detailed design that is safe and considers the convenience of the users and appropriateness to the context of the adjacent landscape character, with changes in level minimised where possible. The Applicant has taken a pragmatic and balanced approach to screening and openness, with proposed routes through the Order limits determined with legibility in mind – in some cases following tree and meadow planting, and new and/or historic hedgerows where practicable ▪ Paragraph 5.2.12 - Certain routes and locations within the network are anticipated to be recognised as opportunities for	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				enhancing recreational experience, through the provision of suitable wayfinding, design features and where appropriate, facilities such as seating. ▪ Paragraph 5.2.16-17 - Surfacing, signage, boundary treatments and access controls shall be designed with the intent of being efficient and integrated, appropriate to the type of usage permitted and appropriate to its surrounding context as much as is reasonably practicable. Design shall be in accordance or with regard to design standards adopted by KCC. Where practicable and proportionate to the existing network, in order to improve access to the existing network and for travel and outdoor recreation, the design of new or diverted routes shall maximise access for users (including those with limited mobility) through good design, while considering the use of robust design elements to prevent and	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				mitigate the potential for misuse of the network by unauthorised vehicles and to prevent and deter anti-social behaviour The **Outline Landscape and Ecological Management Plan ('LEMP') (Doc Ref. 7.10(A))** [REP1-048] sets out plans for annual inspection and maintenance/management of this environment including litter collection, weed control, clearance and management of scrub. It is anticipated to include management principles including: ▪ Footpaths checked for wear and tear. Any areas of settlement or damage will be made good in accordance with current UK safety standards. Vegetation will also be managed along the routes of PRoW to allow for safe passage where appropriate; ▪ Footpaths kept free of litter, weeds, grass cuttings, and general debris; and ▪ Any furniture and signage inspected monthly to ensure	

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

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			understand and discuss concerns. 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. The County Council also recognises that there will be increased widths for each route to ensure that the PRoW are not channelled into "alleyways" between solar parcels. The PRoW Management Strategy will secure detail of the management of each PRoW route affected in terms of access	in the need for extinguishment of PRoW, and agreement on the approach to design, location and management of PRoW during operation, construction and decommissioning. The Applicant recognises the particularly dense PRoW network in this location and has used engagement with KCC and others, and the helpful direction of local and national policy, to set out the proposed outline approach with appropriate safeguards to ensure KCC and other stakeholders are involved in the process.	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			and connectivity. The PRoW Management Strategy will secure detail of the management of each PRoW route affected in terms of access and connectivity.		
P.7 PRoW	RR	Decommissioning and Re-instatement	An agreement has been secured that upon decommissioning, a survey will be undertaken involving local interested parties, to determine whether or not the PRoW that will be diverted during operation, are to be reverted to their current, pre-development alignments.	The Applicant has worked with Kent County Council to reach an agreement on the approach to management of PRoW during the decommissioning phase, and Kent County Council's options for future management of PRoWs affected during the Proposed Development's lifetime at the end of the decommissioning phase. For clarity, this is secured by Section 6 of the **Outline RoWAS (Doc Ref. 7.15(A))** [REP1-056] and the **Draft DCO (Doc Ref. 3.1(C))** (Schedule 8). The **Outline RoWAS (Doc Ref. 7.15(A))** [REP1-056] states that: ▪ Paragraph 6.1.4 - New or diverted PRoW temporarily implemented by the Applicant as new paths or diversions to existing PRoW would be re-instated to their original alignment at the end of the	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				decommissioning phase – this applies to AE 378, AE 428, AE 448, AE 431, AE 436 and AE 454. ▪ Paragraph 6.1.5 - KCC has indicated that it may wish to amend the network permanently to adopt temporary replacements for these PRoW following decommissioning and the Applicant will look to facilitate discussions between KCC and the landowners should that be the case. ▪ Paragraph 6.1.6 - KCC has agreed that certain replacement PRoW implemented as part of the Project should be permanent amendments and continue beyond the decommissioning stage of the Project. This position applies to AE 385, AE 370, AE 377, AE 656 and 657, and AE 475. The Applicant agrees that Kent County Council's statement regarding future use of the PRoW will be subject to consultation at the end of the decommissioning	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				phase and has sought to ensure flexibility by defining some diversions as temporary, and others as permanent where there has been agreement with KCC.	
P.7 PRoW	RR	Construction Temporary Closures	The construction and decommissioning periods would necessitate temporary closures of PRoW, the effect of which should not be underestimated, as their value for local amenity could be severely reduced or removed during works.	Paragraph 6.1.2 of **Outline RoWAS (Doc Ref. 7.15(A))** [REP1-056] states that *"no PRoW will be permanently closed during the construction or decommissioning phase without a suitable alternative in place, which in most cases for the construction phase would be the proposed alternative PRoW for the operational phase".* This provision is secured by Part 4, Article 18(2) in the **Draft DCO (Doc Ref. ~~3.1(C))~~3.1(C))** [REP2-004] which requires the Highway Authority to have confirmed the replacement route has been provided to its reasonable satisfaction.	Agreed
P.7 PRoW	RR	Combined Effects – Road and PRoW	The impact of the project on quiet rural lanes during construction and decommissioning in particular (HGVs and abnormal loads cited) should be considered in conjunction with the PRoW	Information is set out within **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))** [REP1-026] confirms the	Agreed

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

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			advised the applicant that the project provides an opportunity to improve the PRoW network and develop new links for active travel and outdoor recreation, which would be considered as positive outcomes of the scheme. The public benefits of such work would help to compensate for any disruption caused by the construction of the proposal and the negative effects on the PRoW network, which result from the delivery of the solar park and are unavoidable. However, to date there has been little confirmation of new links or the means of improving the network in the wider area. The County Council, as Local Highway Authority, therefore seeks positive engagement with the application to explore opportunities for positive PRoW outcomes, ideally ahead of the commencement of the Examination. Through engagement with the applicant, the County Council ensured that the applicant was aware of the County Council	network, where practical, reasonable and proportionate, and has set this out within Section 3 'Strategic and Wider Benefits' of the **Outline RoWAS (Doc Ref. 7.15(A))** [REP1-056] which includes: ▪ The creation of new PRoW in addition to those that are being created to address diversions directly – these include measures to improve public safety, reduce reliance on the road network for wider PRoW connectivity, reducing some existing journey lengths and improving amenity and wider access in the north eastern portion of the Site. ▪ A 'riverside walk' will be created by FN-3 / New 3 running east to west through the north of the Site and connecting existing route AE 376 directly to AE 657 thereby directly connecting the network between Mersham and Sellindge. ▪ Subject to third party landowner agreement and appropriate	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			ROWIP in which the County Council aims *"to create a network that not only provides a safe, sustainable means of travel but also delivers the benefits that access to the network, countryside, coast and green spaces can make to improve the quality of life for Kent's residents and visitors".* The County Council would request that enhancements to the PRoW network should be made in addition to mitigation, compensation, and management strategies that will provide some form of mitigation of the severe impact that the public, residents, and tourists alike, will experience on the quantity and quality of access provision. However, the County Council appreciates that mitigation measures can only apply to the access and connectivity of the PRoW Network in terms of amenity, and quality of user experience; nothing will reduce the severity of the impact.	permissions for areas outside the Order Limits, a shared walking / cycleway will be provided (delivered to a specification and design standard to be agreed with ABC, in consultation with KCC) along the route of the diverted AE 370 from Aldington towards Mersham. The Applicant will engage with KCC to agree a proportionate provision of contributions to assist the delivery of the sections outside of the Order limits with the aim of creating a continuous offroad link between the two villages. ▪ The Applicant will clear and maintain access along the Byway Open to All Traffic ('BOAT') AE 396 to the appropriate standards for a BOAT as set out in legislation, policy and guidance referred to in this Strategy. This link is not extinguished or diverted, but the Applicant and KCC recognise that it forms an important part of the network	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			The County Council notes that reference is made in National Policy Statement for Electricity Networks Infrastructure (EN-5) to the principle of connecting people to the environment via footpaths constructed in tandem with environmental enhancement. The County Council considers that the local importance of the PRoW network cannot be underestimated. The Council is working with ABC to provide an outline technical specification for off-Site enhancement for existing PRoW between Sellindge and Mersham.	▪ Improved connectivity through the north-eastern part of the Site via FN-2 / New 2, FN-3 / New 3 and FN-8 / New 8, along with a proposed diversion of AE 656 and AE 657 (to improve amenity by moving the route away from the railway line and linking it to FN-3 / New 3, the 'riverside walk') will be provided with the long-term aim of providing wider network improvements between the forthcoming Otterpool Park, the Project, and on to Mersham and Ashford. KCC has aspirations for strategic network improvements that accord with these proposals. ▪ New circular walks will be created around the edge of Fields 19 and 23 through the diversion of AE 378, AE 448 and AE 428 and the implementation of FN-7 / New 7, and the diversion of AE 436 and AE 431 and the implementation of FN-1 / New 1.	

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

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

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

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

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

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

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			landscape and rural character of the area is inescapable and cannot be mitigated for.		
2.3.1	S42 Consultation Response to 2023 Statutory Consultation	Stopping up, diversion, design (e.g. widths and surfacing) and the management of PRoWs via the principle of the **Outline Rights of Way and Access Strategy ('RoWAS') (Doc Ref 7.15)**	KCC confirms that the Outline Rights of Way and Access Strategy secures the controls that have been agreed with the Applicant in relation to this matter and that the proposed diversions/extinguishments as specified in the draft Development Consent Order are consistent with the approach agreed with the Applicant.	The **Outline RoWAS (Doc Ref. 7.15(A))** [REP1-056] was shared with KCC for input/comment prior to submission of the Application and sets out the agreed position between the Applicant and KCC in relation to PRoWs. It sets out: ▪ Details of the retained, diverted and new PRoWs. ▪ The measures for implementation and management of rights of way and access during the construction and decommissioning phases, the operational phase and proposals for monitoring and maintenance. The **Streets, Rights of Way and Access Plans (Doc Ref. 2.5)** [APP-011] and Schedules 8 and 9 from the **Draft DCO (Doc Ref. ~~3.1(C))~~3.1(C))** [REP2-004] were also agreed with KCC prior to	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				submission of the Application. KCC confirmed that it was happy with these documents and had no further comments.	
2.3.2	S42 Consultation Response to 2023 Statutory Consultation	Enhancement of PRoW outside of the Order Limits	KCC advised the Applicant that the Project provides an opportunity to improve the PRoW network and develop new links for active travel and outdoor recreation, and request that enhancements to the PRoW network should be made in addition to mitigation, compensation, and management strategies that will provide some form of mitigation of the impact that the public, residents, and tourists alike, will experience on the quantity and quality of access provision, and in light of cumulative effects from other Projects in the wider area. The Council is working with ABC to provide an outline technical specification for off-Site enhancement for existing PRoW between Sellindge and Mersham.	The Applicant has included information on proposed enhancements within Section 3 of the **Outline RoWAS (Doc Ref. 7.15(A))** [REP1-056]. The Applicant notes that the **Draft DCO (Doc Ref. ~~3.1(C))~~3.1(C))** [REP2-004] requires that KCC and ABC agree to the (detailed) RoWAS and Implementation Plan before it is adopted, allowing for further consideration of potential enhancements. The Applicant has discussed the potential for enhancements with KCC, and note that KCC and ABC will revert to the Applicant with potential enhancement proposals for its consideration.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.3.3	S42 Consultation Response to 2023 Statutory Consultation	Decommissioning and re-instatement of PRoW	KCC confirms that the approach to management of diverted PRoW at the end of the Project's lifetime as reflected in Schedules 8 and 9 from the **Draft Development Consent Order (Doc Ref 3.1)** and **Section 6 of the Outline Rights of Way and Access Strategy (Doc Ref. 7.15)** is agreed.	The Applicant has worked with Kent County Council to reach an agreement on the approach to management of PRoW during the decommissioning phase, and KCC's options for future management of PRoWs affected during the Proposed Development's lifetime at the end of the decommissioning phase. As agreed with KCC, this is reflected in Schedules 8 and 9 from the **Draft DCO (Doc Ref. ~~3.1(C))~~ 3.1(C))** [REP2-004] and Section 6 of the **Outline RoWAS (Doc Ref. 7.15(A))** [REP1-056].	Agreed

2.4 Sustainable Urban Drainage Systems (SuDS)

Table 2.4: Sustainable Urban Drainage Systems (SuDS)

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P.8 SuDs	RR	Principle of proposed SuDs	The County Council, as Lead Local Flood Authority responsible for matters relating to the surface water environment, is generally accepting of the principles proposed for managing surface water run-off, namely via a system of attenuation with a restricted outflow to the surrounding water bodies.	Noted.	Agreed
P.2 SuDS	D2 Submission	Outline OSWDS	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	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P.2 SuDS	D2 Submission	Outline OSWDS	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.	Agreed
P.~~8 SuDs~~2 SuDS	~~RR~~D2 Submission	~~Calculating the existing Greenfield Runoff rate~~Outline OSWDS	~~However, the Lead Local Flood Authority notes that there are some fundamental concerns raised with regards to the methodology proposed for calculating the existing Greenfield Runoff Rate and the associated allowable post development discharge rate proposed. These matters must be resolved by the applicant ideally ahead of the~~	Noted. As set out in paragraph 4.8.2 of the **Outline OSWDS (Doc Ref. 7.14(A))** [REP1-054], 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(A))** [REP1-054] includes measures to ensure that	Agreed~~Und er Discussion~~

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			~~commencement of the Examination to the satisfaction of the Lead Local Flood Authority.~~ ~~The hydraulic calculations include a total area of 0.86Ha which exceeds the 0.68Ha for the substation area used to calculate the greenfield runoff rates. The Ciria SuDS design manual specifically states in paragraph 24.2.2:~~ *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 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*	post development runoff rates will not exceed the existing greenfield runoff rates entering the East Stour River, and thus have negligible impact on flood risk. The detailed design would set out how this would be applied, which is secured by Requirement 11 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(C)).** ~~The apparent discrepancy highlighted is a result of the conservative assumption the methodology has applied by the Applicant in the assessment process. The outcome of this approach is that the illustrative design allows for a greater allowance for the attenuation volume. To remove confusion and better align with the LLFA expectation this apparent discrepancy will be addressed with revised drainage calculations shared with KCC in advance of Deadline 1.~~ 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	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			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."	in accordance with the **Outline OSWDS (Doc Ref. 7.14(A))** [REP1-054] and must be implemented as approved.	
P.2 SuDS	D2 Submission	Outline OSWDS	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	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 / 970m^2 with approximately 0.048ha / 485m^2 impermeable area. The remaining 0.048ha / 485m^2 is available within the Inverter Station footprint for permeable gravel cover (underlined to prevent infiltration)."	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			that will be required to be attenuated as result.		
P.2 SuDS	D2 Submission	Outline OSWDS	Further to the above, the County Council would advise that, with reference to paragraph 4.2.5 of the O[outline] OSWDS - 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 will be updated to clarify this point.	Under Discussion
P.2 SuDS	D2 Submission	Outline OSWDS	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.	Under Discussion
P9 SuDs	RR	Compliance with Ashford Borough Council Local Plan - Policy ENV 9 – Sustainable Drainage (Proposed Discharge Rates)	In addition to this, the County Council, as Lead Local Flood Authority, raises concerns with regards to the proposed discharge rates complying with the Ashford Borough Council Local Plan, where Policy ENV 9 - Sustainable Drainage states: *"On greenfield sites, development should discharge at a maximum of*	Noted. **Project substation:** The Applicant will amend the specification of the hydrobrake to align with the requirements of Policy ENV9 and this will be captured in an updated version of the Outline Operation Surface Water Drainage Strategy. This will be shared with KCC in advance of Deadline 1.	Agreed~~Under Discussion~~

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			4l/s/ha, or 10% below current greenfield rates for the existing 1:100 storm event, whichever is lower. There must be no increase in discharge rate from less severe rainfall events, with evidence submitted to demonstrate this principle." The discharge rates as proposed in the Outline Operational Surface Water Drainage Strategy (OOSWDS) (APP-159) do not appear to comply with the requirements of the policy above. Whilst accepting of the principles proposed for the 3.6l/s outfall in association with the substation area, subject to the alterations requested above, the inverter station area(s) would appear to be discharging in excess of the requirements of Policy ENV9. It is proposed for the inverter stations to discharge individually at 1l/s for all events. However, given that table 4.1 of the OOSWDS states for all events below the 3.3% AEP the greenfield runoff rate is below 1l/s (0.9l/s for the	**Inverters**: The Applicant ~~can commit~~has committed to reducing the peak discharge rate for the 1 in 100 AEP + 45% climate change storm, for each inverter station from 1l/s to 0.4l/s to align with the requirements of Policy ENV9. This ~~will be~~is captured in ~~an updated~~the Deadline 1 version of the **Outline Operation Surface Water Drainage Strategy**. This ~~will be shared~~has been agreed with ~~KCC in advance of Deadline 1.~~the LLFA.	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			3.3% and 0.4l/s for the 50% and 100%), this would appear to be contrary to the policy requirements. This becomes more evident as an issue when considering the total number of inverter stations proposed - circa 30 Inverter Stations at 1l/s = total discharge rate of 30l/s, existing 100% run off rate = 30 x 0.4l/s = 12l/s an excessive discharge of 18l/s. Whilst understanding the practicalities associated with low discharge rates, the County Council would suggest modifications to the design, such as the provision of additional attenuation with controls as part of the network, and not individually locating these at each inverter station position. These changes are in order to demonstrate compliance with the requirements of Policy ENV9 in association with the total area associated with the inverter stations.		

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
~~P.9 SuDs~~	~~RR~~	~~Storm Scenarios~~	~~As the Lead Local Flood Authority, the County Council now seeks the 'upper end' allowance is designed for both the 30 (3.3%) and 100 (1%) year storm scenarios. The latest information on the allowances and map can be found at the following link: https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances~~ ~~Analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk. The design may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or provision of exceedance routes. This will tie into existing designing for exceedance principles. The design submission received only applies climate change uplift to the 100 (1%) year storm. The County Council would seek continued engagement, ideally ahead of the~~	~~The Applicant will undertake this additional modelling and will be shared with KCC in advance of Deadline 1.~~	~~Under Discussion~~

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			~~commencement of the Examination on the matters of concern for the Lead Local Flood Authority.~~		

2.5 Minerals and Waste

Table 2.5: Minerals and Waste

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

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

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

2.6 Heritage Conservation

Table 2.6: Heritage Conservation

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

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

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

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				the potential cultural heritage receptors (heritage assets) identified as being potentially sensitive to the Project comprise the following included within Table 7.9 of **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))** [AS-011]**.**	
2.6.6	S42 Consultation Response to 2023 Statutory Consultation	Assessment Methodology	The scope and methodology of the Applicant's Cultural Heritage assessment is agreed.	Section 7.4 of **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))** [AS-011] sets out the agreed assessment methodology.	Agreed
2.6.7	S42 Consultation Response to 2023 Statutory Consultation	Assessment of Designated Heritage Assets	The Applicant's assessment has reported a number of effects to Designated Heritage Assets, which are considered to be of less than substantial harm. KCC agree to the level of harm and assessment presented in the **Appendix 7.2: Heritage Statement (Doc Ref. 5.4)** [APP-072].	Noted.	Agreed
P.10 Heritage Conservation	RR	Engagement	The County Council has welcomed engagement on this project and has reviewed the	Noted.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			documents and archaeological reports submitted at this stage.		
P.10 Heritage Conservation	RR	Further field assessment work, (Geophysical survey and some localised, targeted fieldwork trenching.)	The County Council has welcomed the liaison to date from the applicant's heritage team, although it is noted that this liaison has not been consistent. County Council Officers have also engaged in meetings and discussed archaeological assessment approaches and requirements. The County Council recognises that the submitted documents include updated desk based assessment, Archaeological Landscape Assessment as well as Archaeological Management Strategy (AMS) and the inclusion of archaeological mitigation in general scheme documentation. The County Council has not received any confirmation of further field assessment work following the desk based assessment and geophysical survey and some localised, targeted fieldwork trenching. The County Council requires	The archaeological investigations followed a structured sequence starting with a desk-based assessment, which was enhanced by a geophysical survey to identify anomalies. Following discussions with the KCC Archaeological Officer, the Applicant conducted intrusive investigations, including geoarchaeological surveys and trial trench evaluations, focusing on high-potential areas. The comprehensive evaluation provided a proportionate baseline to assess potential significant effects on archaeological assets. Further trial trenching is proposed before construction to fully investigate archaeological potential and mitigate any residual risk. The approach to archaeological mitigation is set out within the **AMS (Doc Ref. 7.17)** [APP-162]. The Applicant does not intend to provide any further significant changes to its approach.	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			reasonable ground truthing to be carried out, via trenching, and some geoarchaeological work but the County Council has not had any clarification on this from the applicant or their consultant, Wardell-Armstrong. Clarification on this matter would be welcomed, ideally ahead of the commencement of the Examination.	A full response to the approach to the scope and proportionality of the archaeological assessment work is set out below (See paragraph 2.6.1 onwards).	
P.10 Heritage Conservation	RR	Archaeology Management Strategy and Archaeology Mitigation	The County Council would like to take this opportunity to provide comments on submitted documents relating to archaeology, including the AMS and mitigation; and where relevant, the County Council has also provided commentary against the general Consultation Response Tables. – this is provided within Appendix A.	Noted.	Under Discussion
P.10 Heritage Conservation	RR	Lack of Preliminary Ground Truthing through Evaluation Trenches	Overall, the County Council's current concern is the lack of preliminary ground truthing through evaluation trenches. Through this Representation, the County Council has recommended some	The Applicant discussed the approach to this matter with the County Council and the Planning Inspectorate during the pre-application stage but would	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			amendments to Cultural Heritage documentation and would welcome engagement with the applicant as these documents are reviewed.	welcome further discussion on this point. A full response to the approach to the scope and proportionality of the archaeological assessment work is set out below (See paragraph 2.6.1 onwards).	
P.10 Heritage Conservation	RR	Archaeological Management Strategy and Mitigation	However, the County Council considers that the Archaeological Management Strategy and archaeological mitigation is completely unacceptable as they are not suitably informed by a robust evidence base. Such scarcity of ground truthing evaluation trenches means that the archaeological mitigation proposals are not evidence-based. Therefore, the County Council would draw to the attention of the applicant and the Examining Authority that if these matters are not dealt with either at Pre-Examination or Examination stages, the proposal is at risk of encountering significant archaeological remains post consent when details are agreed and there are	**The AMS (Doc Ref. 7.17)** [APP-162] sets out the scope, guiding principles and methods for the planning and implementation of the required WSI(s) for the programme of archaeological mitigation post DCO consent and prior to any construction works. The **AMS (Doc Ref. 7.17)** [APP-162] sets out the approach to archaeological management, which will be submitted to the local planning authority for approval prior to commencement as secured by a Requirement in the **Draft DCO (Doc Ref. 3.1(C))** [REP2 -004]~~**3.1(C))**~~. Requirement 9 in the **Draft DCO (Doc Ref. 3.1(C))** [REP2- 004] requires that each phase of work will require a standalone Written	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			few options to avoid or mitigate in a proportionate manner.	Scheme of Investigation (WSI) to be submitted to and approved by the local planning authority in consultation with KCC, for the areas of archaeological interest within that phase post DCO consent. If archaeological findings are identified, the **Works Plans (Doc Ref. 2.3(B))** [REP1-003] secure flexibility to relocate infrastructure and the **Design Principles (Doc Ref. 7.5(A))** [REP1-042] allow flexibility for the use of alternative construction techniques for the PV array areas to reduce impacts. The only exception to this is the location of the Project Substation (Works No. 3) and therefore trial trenching in this area was undertaken during the pre-examination stage. A full response to the approach to the scope and proportionality of the archaeological assessment work is set out above (See paragraph 2.6.1 onwards).	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.6.7	S42 Consultation Response to 2023 Statutory Consultation	Archaeology Mitigation (Decommissioning Phase)	KCC confirms that the DCO and AMS secures the controls that have been agreed with the Applicant in relation to decommissioning phase works.	Section 4.2, 'Cultural Heritage' of the **Outline DEMP (Doc Ref. 7.12)** [APP-157] sets out the archaeological mitigation, secured during the decommissioning phase.	Agreed
2.6.8	S42 Consultation Response to 2023 Statutory Consultation	Messerschmitt Bf109E crash site	KCC confirms the controls that have been agreed with the Applicant in relation to this matter.	**The Schedule of Other Consents and Licences (Doc Ref. 3.4)** [APP-018] sets out the applicant's mitigation approach to the Messerchmitt Bf1o9E crash site. This includes the obtaining of a licence from the Ministry of Defence (Licence 1921) to excavate any remains associated with the PMR crash.	Agreed
2.6.9	S42 Consultation Response to 2023 Statutory Consultation	Assessment of Effects	KCC does not agree that there will be no likely significant effects upon below ground archaeological remains and heritage assets to result from the project. Without a robust trial trenching (ground truthing) evaluation, this cannot be stated.	**ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))** [AS-011] outlines the potential for the Project to impact upon below ground archaeological remains and heritage assets during the construction, operational and decommissioning phase. The archaeological investigations followed a structured sequence starting with a desk-based	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				assessment, which was enhanced by a geophysical survey to identify anomalies. Following discussions with the KCC Archaeological Officer, the Applicant conducted intrusive investigations, including geoarchaeological surveys and trial trench evaluations, focusing on high-potential areas. The comprehensive evaluation provided a proportionate baseline to assess potential significant effects on archaeological assets. Further trial trenching is proposed before construction to fully investigate archaeological potential and mitigate any residual risk. In terms of the potential for direct effects on the archaeological resource within the Site, it is appropriate to note that the physical impact of the Project would be very low over the majority of the Site. The **Works Plans (Doc Ref. 2.3(B))** [REP1-003] include flexibility to respond to archaeological features which may be identified during archaeological	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				investigation that will be undertaken pre-construction as secured by the AMS and to respond to features identified during construction works. During construction, there is potential for temporary impacts to the historic landscape character; and off-site heritage assets, in terms of changes to their setting. *Operational Phase* **ES Volume 4, Appendix 1.2: EIA Scoping Opinion (Doc Ref. 5.4)** [APP-062] confirmed that an assessment of the direct physical effects on below ground assets (i.e., archaeological remains) during the operational phase could be scoped out of the ES as direct physical effects will only occur during construction phase of the Project. Table 7.8 of **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))** [AS-011] presents a table of 'Operational Phase Cultural Heritage Indirect	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				Effects, all of which are considered to be not significant. *Decommissioning Phase* **ES Volume 4, Appendix 1.2: EIA Scoping Opinion (Doc Ref. 5.4)** [APP-062] confirmed that an assessment of the direct physical effects on below ground assets (i.e., archaeological remains) during decommissioning could be scoped out of the ES as direct physical effects will only occur during construction phase of the Project. Decommissioning related impacts will be temporary and slight, due to the relative ease of returning the land back to agricultural use, with minimal effects. As such, all direct and indirect effects are considered to be no more than slight adverse and not significant. *Residual Effects* Residual effects on archaeological remains within the Order limits have taken into account the measures set out within Section 7.6 of **ES Volume 2, Chapter 7:**	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] and the **AMS (Doc Ref. 7.17)** [APP-162]. Table 7.9 of **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))** [AS-011] presents a 'Summary of Residual Effects.' Measures set out in the **AMS (Doc Ref. 7.17)** [APP-162] and the **Works Plans (Doc Ref. 2.3(B))** [REP1-003] allow for areas of important archaeological remains to be preserved through design alternatives, where appropriate. Residual effects on off-Site heritage assets, through changes to their setting, will remain as Section 7.7 'Assessment of Effects' of **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))** [AS-011] as no additional mitigation monitoring and enhancement measures have been identified for indirect effects for the (Operational and decommissioning phase).	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.6.10	S42 Consultation Response to 2023 Statutory Consultation	Assessment of Effects (Cumulative Effects)	KCC agree that no likely significant cumulative effects are considered to result from the Project.	Section 7.10 'Cumulative Effects of **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))** [AS-011] assesses the likely cultural heritage effects of the Project in cumulation with the effects of the following schemes as outlined within **ES Volume 4, Appendix 6.1: List of Cumulative Schemes (Doc Ref. 5.4)** [APP-068]. Full details of the cumulative schemes, are included **in ES Volume 4, Appendix 6.1:List of Cumulative Schemes (Doc Ref. 5.4)** [APP-068]. *Construction Phase* It is confirmed within **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))** [AS-011] that there would be no cumulative construction phase indirect effects on those receptors identified, once the construction phase has ended. *Operational Phase* The cumulative assessment is also supported by cumulative heritage visualisations which illustrate the	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				appearance of the Project alongside the main parameters of each cumulative scheme. The cumulative heritage visualisations are included in **ES Volume 4, Appendix 7.2: Heritage Statement, Annex 2 (Doc Ref. 5.4)** [APP-072]. The only potential cumulative effects indicated by the prepared visualisations are those on the Grade I listed Church of St Martin (NHLE 1071208). No other cumulative effects are indicated in any of the other heritage viewpoints.	

Archaeology: Pre-determination trial trenching

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

2.6.1 **Applicant Response:** The Applicant and KCC continue to discuss this matter ~~and are working to provide the Examining Authority an update at Deadline 3 on this matter.~~. The Applicant and KCC have discussed and agreed the scope for additional trial trenching to be undertaken, which is currently underway. This work is expected to be available for submission at Deadline 4. Both parties continue to engage on this matter and are confident that an agreement can be reached in advance of the end of the Examination.

2.6.2 For background and context, EN-3 confirms that appropriate desk-based assessment, and where necessary, a field evaluation, in consultation with the local planning authority, should identify archaeological study areas and propose appropriate schemes of investigation, and design measures, to ensure the protection of relevant heritage assets (paragraph 2.10.113).

2.6.3 In some instances, field studies *may* include investigation work to assess the impacts of any ground disturbance, such as proposed cabling, substation foundations or mounting supports for solar panels on archaeological assets (paragraph 2.10.114). The extent of investigative work should be proportionate to the sensitivity of, and extent of proposed ground disturbance in, the associated study area (paragraph 2.10.114).

2.6.4 Applicants should consider steps to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting (paragraph 2.10.117). Careful consideration should be given to the impact of large-scale solar farms which depending on their scale, design and prominence, may cause substantial harm to the significance of the asset (paragraph 2.10.118).

2.6.5 ~~The ES~~**ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))** [AS-011] recognises that groundworks during construction have the potential to affect buried archaeological remains, although it states that the overall footprint of the development (including piling, topsoil stripping, cable trenching and foundation excavation) is anticipated to be very limited in extent, and subsequently the potential for remains to be potentially encountered and impacted is also limited.

2.6.6 In terms of mitigation, EN-3 says that the ability to microsite specific elements during construction should be an important consideration when assessing the risk of damage to archaeology (paragraph 2.10.137) and that the SoS, where requested, should consider granting consents that allow for micro siting (paragraph 2.10.138).

2.6.7 The Applicant completed a desk-based assessment and a full geophysical survey was undertaken covering the areas where physical development is proposed within the Order limits to establish a baseline understanding of the potential for sub-surface archaeology.

2.6.8 The Applicant recognised and responded to comments raised by the County Archaeologist regarding potential delivery risk for the project in the event that archaeology was identified post-determination. To mitigate this the Applicant has included flexibility in the Works Plans to relocate Project elements and/or utilise non-invasive installation methods (ballast) to avoid any impact on sub-surface archaeology. The exception to this is the Project Substation area as, unlike other aspects of the Project, there is limited flexibility to relocate this infrastructure. To address concerns regarding this area of the site the Applicant undertook a series trial-trenches in this area pre-submission which did not indicate the presence of any archaeological remains.

2.6.9 In addition, the Applicant agreed a number of other targeted trenches and ~~bore holes~~boreholes with the County Archaeologist. This has now been supplemented for further trial trenches that are currently being excavated. These have been targeted to the areas of greatest archaeological potential identified during the desk-based assessment and geophysical survey and also where the geophysical survey had interpreted discoveries as being of likely geological origin rather than archaeological interest and in areas where there was no specific intelligence to suggest archaeology, but to test the quality of the geophysical survey.

2.6.10 The nature of much of the Proposed Development is considered to result in minimal ground disturbance and a suite of proposed mitigation measures in the **AMS (Doc Ref. 7.17)** [APP-162], including the commitment to pre-construction trial trenching will be delivered. Following the implementation of the proposed embedded mitigation, the ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] concludes that the effects on potential archaeological remains, including Roman Road, Roman roadside features, former field systems, boundary and agricultural features are all assessed as Neutral or Neutral / Slight Adverse (not significant).

2.6.11 The Applicant notes the Solar Energy UK Position Statement ("Solar farms and the assessment of buried archaeological remains") which has been informed by input from the Chartered Institute of Archaeologists (CifA). It suggests the impact of piling in an absolute worse-case scenario equates to 6m2 per hectare (or 0.06% of the area), but typically is will be much less than this. By comparison effects for residential or commercial developments are 100% of the area. It also notes that there are disadvantages with pre-determination trial trenching, including carbon emissions, and therefore pre-determination trenching should only be used where absolutely necessary to confirm the significance of a potential asset.

2.6.12 The Applicant considers its approach on this matter is appropriate and proportionate. The combination of desk based assessment, geophysical survey and targeted trial trenching has resulted in a thorough understanding of the likely impacts of the Proposed Development, which it considers are relatively limited. Additional pre-construction trial trenching is secured in the AMS

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

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

2.7 Biodiversity

Table 2.7: Biodiversity

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

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

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			out but if the submitted information demonstrates there has been a reduction in skylark numbers within the wider area, it's not clear how this will then be subsequently addressed.	**Enhancement Measures** the **Outline LEMP (Doc Ref. 7.10(A))** [REP1-048] detailed information regarding the Species monitoring surveys (wintering and breeding birds) including Skylark is secured for incorporation within a notable bird strategy as part of a detailed LEMP.	
P.11 Biodiversity	RR	Assessment of loss of breeding habitat on the Skylark population.	The County Council therefore concludes that there is a need for additional information to be provided addressing how this loss of breeding habitat will impact the skylark population. This needs to be addressed ideally by the applicant prior to commencement of the Examination	The **Outline LEMP (Doc Ref. 7.10(A))** [REP1-048]**,** sets out the agreed position between the Applicant and KCC in relation to mitigation for ground nesting birds species. ~~The proposed habitat measures were~~Appendix 1 to this SoCG has ben prepared following further discussions with KCC, and include a Skylark Mitigation and Management Strategy. This has then also led to an increase in the minimum number of skylark plots (now 48). The proposed habitat measures have been determined based on available literature relating to skylark breeding ecology and use of skylark plots. The mitigation proposals are	Under Discussion
2.7.1	S42 Consultation Response to 2023 Statutory Consultation	Mitigation for Ground Nesting Birds	KCC confirms that the Outline LEMP secures the controls that have been agreed with the Applicant in relation to this matter. KCC have concerns about the area identified as ground nesting birds habitat as not being of sufficient size.		Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				considered to reflect current best practice and should deliver sufficient mitigation for the loss of skylark breeding habitats. The effectiveness of the mitigation measures would then be monitored to ensure they are effective and adapt site management if needed~~.~~, as secured by the **Outline LEMP (Doc Ref. 7.10(B))**.	
2.7.3	S42 Consultation Response to 2023 Statutory Consultation	Biodiversity Net Gain (BNG)	KCC agree the Project will provide significant Biodiversity Net Gain benefits through landscape improvements, well managed habitat and a landscape strategy	The **Biodiversity Net Gain Assessment (Doc Ref. 7.1)** [APP-146] confirms that BNG of at least 100% for habitat units and above 10% for hedgerow and river units can be achieved for the Project and is secured via a Requirement within the **Draft DCO (Doc Ref. 3.1(C))** The **Outline LEMP (Doc Ref. 7.10(A))** [REP1-048] includes the principles of habitat management that will be implemented for the lifespan of the Project, and to ensure the habitat types and conditions predicted in the **Biodiversity Net Gain**	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				Assessment (Doc Ref. 7.1) [APP-146] are achievable. Detailed landscape proposals will be developed post-grant of the DCO, and these will be used to further evidence how the BNG will be delivered. This is secured by Requirement in the **Draft DCO (Doc Ref. 3.1(C))**.	
2.7.4	S42 Consultation Response to 2023 Statutory Consultation	Assessment of impacts on Designated Sites	KCC agree that no likely significant effects upon Designated Sites are considered to result from the Project.	The **Information to Inform Habitats Regulations Assessment (Doc Ref. 7.19(A))** [REP1-058] is submitted with the DCO application, confirming that (no likely significant effects) are considered to result from the Project.	Agreed

2.8 Landscape and Views

Table 2.8: Landscape and Views

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.8.1	S42 Consultation Response to 2023 Statutory Consultation	Visual impact on users of the PRoW network	It is agreed that the assessment adequately considers the impact of the proposed Project on the PRoW network and the necessary mitigation to limit the impact.	Section 8.7 'Assessment of Effects' of **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))** [AS-012] assesses the likely effects to landscape and views of PRoW users, including an assessment of the impacts to the experiential qualities of the PRoW. With regards to embedded mitigation the Project includes buffers to PRoW, to include new hedgerow planting, reinforcement of existing hedgerows, new woodland planting area and new grassed areas.as set out in paragraph 8.6.23 of **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))** [AS-012].	Agreed

2.9 Water

Table 2.9: Water

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

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

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

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

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

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

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

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

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

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

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

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

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

2.10 Detailed Heritage Comments

Table 2.10: Detailed Heritage Comments

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
	RR	3. The Project Description	This section, which considers proposed works includes proposed mitigation for biodiversity and landscape through planting, protection, enhancement areas – the County Council is disappointed that nothing positive is proposed for heritage. There is no mention of heritage issues or protection for significant archaeology or attempts to minimise impact on heritage or even enhancement measures such as interpretation boards informing results of archaeological investigations. The County Council considers this to be a total disregard for heritage measures comparable to biodiversity and landscape mitigation and enhancement measures. The scheme does not put forward any proposals for positive benefits for heritage, even to mitigate harm from construction and installation works.	The **AMS (Doc Ref. 7.17)** [APP-162] sets out the scope, guiding principles and methods for the planning and implementation of the required WSI(s) for the programme of archaeological mitigation post DCO consent. The **AMS (Doc Ref. 7.17)** [APP-162] sets out the approach to archaeological management, which will be submitted to the local planning authority for approval prior to commencement as secured by a Requirement in the **Draft DCO (Doc Ref. 3.1(C))**. Requirement 9 in the **Draft DCO (Doc Ref. 3.1(C))** requires that each phase of work will require a standalone Written Scheme of Investigation (WSI) to be submitted to and approved by the local planning authority in consultation with KCC, for the areas of	Under Discussion

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

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

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

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

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			application site is very limited and purely deskbased or from untested, undated, uncharacterised geophysical anomalies. The information on as yet unknown non-designated, potentially significant, heritage assets is currently still unclear. This is because the applicant has not undertaken reasonable fieldwork including trial trenching. The number of intrusive trial trenches is only 12, not even 1% of the development site.	commercial developments (where the impact is 100%).	
	RR	Table 7.2: Non-Statutory Consultation	Consultations, with the archaeological consultant, have still not resulted in reasonable pre-determination evaluation work. The County Council notes the mention of "additional trenches" in the responses by the applicant to County Council comments in April 2023 but would stress these were not "additional" they were the only trenches offered at that stage. This targeted trenching was accepted, and the County Council welcomes the informative results, but the level of fieldwork is not sufficient.	The approach to archaeological mitigation is set out within the **AMS (Doc Ref. 7.17)** [APP-162]. The Applicant does not intend to provide any further significant changes to its approach. A full response to the approach to the scope and proportionality of the archaeological assessment work is set out at paragraph 2.6.1 onwards.	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			The lack of ground-truthing trenching across the site means that the mitigation for buried heritage assets is not evidence-based and therefore not sound or reasonable.		
	RR	Table 7.3: 2022 Statutory Consultation Response Summary	The County Council strongly disputes the applicant's claim in response to Ashford Borough Council's comment on the County Council's recommendation for more detailed assessment that "archaeological evaluation in the form of targeted trial trenching and geo-archaeological test pits was undertaken" and that this can be considered reasonable archaeological assessment. The quality and quantity of trenching is the key factor here and the trenching done was only 12 trenches for the entire site which is considered by the County Council to be inadequate.	Noted. Please refer to previous responses on this matter. We do agree that further evaluative trenching is required to inform design and avoid impact on the historic environment. The information compiled thus far, combined with consultation with KCC would allow for targeted and nuanced trenching. Trial trenching is a blunt tool, but it is useful in ground truthing and testing the veracity of non-intrusive surveying techniques across a large landscape. The landscape approach to evaluation envisaged would build in a knowledge-based understanding of the historic environment through an iterative process of multi-layered survey, close consultation with KCC and agreed targeted intrusive archaeological works. This will	Under Discussion

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

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

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			and agreed but at no stage was it agreed to be sufficient – as demonstrated in the tables of consultation responses.		
	RR	(Paragraph 7.4.49) 2023 Statutory Consultation Response Summary	The paragraph states that there has been "comprehensive" evaluation of the site. This not considered by the County Council to be the case. A total of 12 archaeological trenches and 4 geoarchaeological test pits across a 189 hectare site should not be considered "comprehensive".	Noted. Please refer to previous responses on this matter.	Under Discussion
	RR	(Paragraph 7.4.50) 2023 Statutory Consultation Response Summary	This paragraph states the commitment for further trial trenching evaluation prior to construction but this will not enable the need to consider preservation in situ for significant archaeology, especially as most of the proposed Works are already established in location, scale, and methodology. In accordance with NPPF (2023) heritage assets need to be preserved in a manner proportionate to their significance. This proposal is on "undeveloped" land and has the potential for yet	Noted. Please refer to previous responses on this matter.	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			unknown significant buried archaeological remains. The County Council consider it is appropriate in view of the scale and extent of the proposed scheme that reasonable testing for significant buried archaeology is an essential requirement of pre-determination assessment.		
	RR	(Paragraph 7.5.22) 2023 Statutory Consultation Response Summary	This paragraph references results from the East Stour Solar Farm scheme (22/00668/AS). For this scheme, there were 122 trenches for a c.65 hectare site - demonstrating a reasonable programme of predetermination archaeological evaluation. The recommendations for further trenching at this stage is consistent with other solar farm planning schemes, for example, Horton Solar Farm Horton Kirby: c.86 hectares with 144 preliminary trenches and Chimmens Solar Farm Fawkham: c.99 hectares with 124 preliminary trenches. Stonestreet Farm scheme is c.189 hectares and so far, only 12	Noted. Please refer to previous responses on this matter.	Under Discussion

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

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

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

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

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

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
	RR	P10 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	The Archaeological Landscape description for Post Medieval and Modern is more detailed, but this reflects data gathered as part of the LVIA process. However, again the description is heavily biased towards documentary evidence rather than ground truthing trial trench, scientific data.	Noted.	Under Discussion
		P11 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	The Archaeological Landscape description for the 20th century is limited and although it mentions the military crash sites there is no consideration of how the landscape, namely the ridge line, might have been a place to locate Royal Observer Corps observation lookouts or hides. The applicant must consider the views from Aldington Ridge south across the marsh and whether there is potential for military sites to be located along the ridgeline.	Noted.	Under Discussion
	RR	P13 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based	The Summary of Impacts (section 4.2) seems to focus entirely on direct physical impact. There seems to be no regard for impact on wider setting/understanding of	See above regarding a landscape and staged approach to evaluation and mitigation.	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
		Assessment, Annex 4 (APP-070)	nearby archaeological landscape features or from other impacts, eg Glint and Glare. For example, there is consideration of the Bronze Age barrows nearby but absolutely no assessment of impacts (such as glint and glare) on these ritual landscape features and their setting and the wider landscape meaning of them being visible from a distance.		
	RR	P13 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	With regard to Direct Impacts (section 4.3), the County Council raises a question as to how many of the hedgerows to be removed are of archaeological significance in accordance with the Hedgerow Regulations. Furthermore, would also question; how many of the public footpaths to be re-directed may be along the alignment of a post medieval or earlier routeways. The County Council would also question how many field boundaries of archaeological interest will be impacted by this scheme. Such information, including some basic data, could be displayed in figures, which	It is intended to limited truncation of historic hedgerows and where appropriate enhance. It is important to preserve the historic landscape and therefore setting of heritage assets within. The **Design Principles (Doc Ref. 7.5(A))** [REP1-042] then include a commitment to the vegetation loss indicated on the maximum extents shown on the **Vegetation Removal Plan (Doc Ref. 2.8)** [APP-014], unless otherwise agreed with the LPA.	Under Discussion

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

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

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
		Annex 4 (APP-070)	it is unlikely that many of the proposals suggested in this section would benefit Post Medieval or earlier archaeological landscapes.		
	RR	P18 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	The County Council notes that the "Indirect Impacts" and the proposed "Embedded Mitigation" for those but much of these focus on the public rights of way and there is no description of any measures of archaeological benefit. This is partly to do with the lack of comprehensive understanding of the archaeological resource of the site and partly due to limited understanding of what actual archaeological landscape features are present on the site.	See above. Also, public benefits regarding understanding the historic landscape and the underlying archaeology are important to the scheme. The information from existing knowledge and further archaeological works will provide a holistic assessment of the surrounding landscape and this will inform mitigation measures and public benefits in terms of interpretation, display and engagement.	Under Discussion
	RR	P19 Environmental Statement Volume 4, Appendix 7.1: Archaeological Desk Based Assessment, Annex 4 (APP-070)	Overall, this Archaeological Desk Based Assessment is welcomed, but the County Council would strongly recommend the following matters must be addressed, ideally, ahead of the commencement of the Examination where possible: • A far greater number of	See above.	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			plans/figures showing natural landscape (geology/topography/LiDAR); Plan showing Palaeolithic potential; a plan showing area of prehistoric potential; a plan showing Roman and Medieval potential in addition to the 17th/18th century plan. • Plans must be provided showing archaeological landscape features pre-post medieval. • The Assessment must be informed by the results of meaningful preliminary archaeological and geo-archaeological fieldwork.		
	RR	Archaeological Management Strategy (APP-0162)	This proposed management strategy is based on insufficient information. There has been reasonable deskbased assessment of the archaeological potential but there has been utterly insufficient ground truthing intrusive works. As a consequence, there is very limited information on what archaeology needs "management". The Historic	See above.	Under Discussion

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

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			(2023) paragraph 200. The County Council therefore raises considerable concerns that this strategy can only be considered draft at this stage until further evidence, as set out, is gathered. The County Council would strongly urge that this strategy is updated as soon as practically possible, to allow time for review and assessment by relevant stakeholders, including the County Council.		
	RR	Design Principles (APP-150) and Works Plans (APP-009)	The County Council does not agree with paragraph 7.4.5 that the Design Principles and Works Plans have been assessed for below ground archaeological remains. The County Council considers that there is insufficient information on below ground archaeological remains to make this statement. Paragraph 7.4.6 claims that geophysical survey, targeted trial trench evaluation and targeted geoarchaeological test pits have been undertaken. However, the County Council notes that there needs to be sufficient intrusive	See above. Note that it is assumed that this comment relates to paragraph 7.4.5 of Chapter 7, and not the Design Principles or Work Plans.	Under Discussion

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

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			the range of heritage mitigation options; should clearly outline proposed measures to limit harm to heritage assets; and preferably put forward some options for positive heritage measures. This schedule reviewed and updated by the applicant, informed by robust evidence base ahead of the commencement of the Examination. This is to allow proper consultation between the applicant and relevant stakeholders.		
	RR	ES Volume 4, Appendix 10.5: Schedule of Watercourse Crossings (APP-098) P1	The East Stour is a major river for this part of Kent. The immediate river valley zone has potential to contain important and rare Palaeolithic remains such as stone artefacts and paleoenvironmental remains, such as seeds, wood, shell. The river valley was a focus for Prehistoric human activity ranging from travel corridor, utilisation of water environment, to utilisation of water for industry. The East Stour would also be a focus for Roman and Early Medieval and later activity and settlement. The	Noted, a review of geological and geotechnical data a geoarchaeological deposit model should inform the evaluation (landscape approach and mitigation strategy.	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			range and significance of archaeological remains within the channel of the East Stour could be considerable. As such works close to the river need to be particularly mindful of archaeological remains.		
	RR	ES Volume 4, Appendix 10.5: Schedule of Watercourse Crossings (APP-098) P2	In addition, archaeological and paleoenvironmental remains could also survive at any depth in a range of mediums. As such variety of archaeological investigation techniques need to be considered. The extent of archaeological investigations will be dependent upon the extent of impact but the archaeological mitigation for this watercourse crossing proposal need to be informed and robust.	Noted. See above.	Under Discussion
	RR	ES Volume 4, Appendix 10.5: Schedule of Watercourse Crossings (APP-098) P3	Some parts of the watercourse crossing will be directional drilling, but this could still have an impact on sensitive archaeology. Substantial groundworks to support the bridge crossing could also have a major impact on sensitive archaeology and the ingress of water could restrict archaeological mitigation.	Noted.	Under Discussion

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			As such the mitigation strategy for heritage on this watercourse crossing needs to be informed and fully integrated with the programme of works. It would be preferable to ensure the archaeological mitigation is informed but at present, the mitigation for archaeology is not informed at all. There have been 4 localised geoarchaeological test pits but the specific works for this watercourse crossing have not yet been targeted sufficiently. The County Council recommend that informed archaeological mitigation is undertaken as soon as possible, and the results of preliminary investigations being used to guide further mitigation during the challenging crossing works themselves.		

3 Signatures

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

On behalf of EPL 001 Limited

Name: Signature:

Position:

Date: ……

On behalf of Kent County Council

Name: Signature:

Position:

Date: ……

References

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

Stonestreet Green Solar

Appendix 1 - Skylark Note

Table of Contents

List of Figures

List of Annexes

Executive Summary

This Skylark Mitigation and Management Strategy – Technical Note ('Technical Note') relates to the Stonestreet Green Project (the 'Project').

EPL 001 Limited (the 'Applicant') has submitted an application to the Planning Inspectorate for a Development Consent Order ('DCO') from the Secretary of State for Energy Security and Net Zero for the Project (the 'DCO Application'). The Project is a Nationally Significant Infrastructure Project ('NSIP') as defined in the Planning Act 2008 (the 'PA 2008').

This Technical Note has been prepared in response to issues raised by Kent County Council ('KCC') at paragraphs 4.69 - 4.71 of the KCC Local Impact Report in relation to Skylarks. This Technical Note provides supplementary information in relation to the skylark (Alauda arvensis) mitigation and management strategy proposed as part of the Project. It explains how the loss of breeding habitat is expected to impact the breeding population. The information provided does not alter the findings of the assessment presented in the ES (within **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** [APP-033]).

Section 1 of this Technical Note summarised the purpose of the Technical Note, and outlines the specific issues raised by KCC.

Section 2 describes the skylark ecology and population trends both nationally and on the Site, making reference to breeding bird surveys which were conducted by LloydBore (the Project Ecologist) in 2020, 2022 and 2023 on behalf of the Applicant. Skylark territories were found to be distributed across the Site but with higher concentrations in the South Western Area (Fields 1 to 9) and the Central Area (Fields 10 to 19 only). Lower territory numbers were recorded in the South Eastern Area (Fields 20 to 22), the Northern Area (Fields 26 to 29) and the eastern portion of the Central Area (Fields 23 to 25). A figure of 39 skylark territories is used for assessment purposes.

Section 3 explain how the loss of breeding habitat (as a result of the Project) will impact of the skylark population. This impact assessment considers the reduction in open space nesting habitat and potential territory displacement. It is acknowledged there would likely be limited nesting of skylark within the PV arrays and therefore the assessment concludes effects on skylark could be 'local adverse' on a precautionary basis. It is estimated that of the 39 skylark territories, 32 could potentially be displaced as a worst case. Surrounding arable land is expected to continue to support breeding skylark.

Section 4 provides an explanation of the proposed approach to skylark mitigation which forms part of the Project. The objective is to create suitable foraging and nesting habitat for skylark within the Site, and compensate for the potential loss of skylark territories as far as reasonably practicable whilst maximising the generating capacity of the Project.

The skylark mitigation strategy comprises the provision of:

- open grassland areas – providing 19.7ha of extensive suitable habitat for skylark nesting and foraging;
- skylark plots – a minimum of 48 'skylark plots' across the Site to increase opportunities for skylark to nest within the PV arrays;
- enhanced local foraging resources adjacent to existing arable land; and
- additional foraging habitats.

The residual territories likely to be displaced by the Project could potentially be in the region of between 12 – 16 territories. However, this cannot be viewed in isolation since the Project would deliver a significant increase in both winter and breeding season foraging habitat for skylark. This will in turn, likely increase the ability of skylark to raise multiple broods, increase brood success and increase winter survival rates which would have a positive effect for the local population.

Section 5 outlies the approach to bird monitoring and adaptive management for skylark with reference to the measures secured through the **Outline LEMP (Doc Ref. 7.10(B).**. An adaptive management approach is proposed with potential remedial actions for skylark nesting habitat should territory numbers not reach expected levels.

Section 6 concludes that the operational phase of the Project on skylark is assessed as a 'local (significant) effect' on a precautionary basis as a worst case. Whilst some displaced territories are inevitable due to the nature of the Project (including PV arrays on open arable fields), the Project has maximised mitigation as far as practicable. The loss of nesting habitat cannot however be considered in isolation and is balanced against the likely increased clutch success of the territories and winter survival rates due to the provision of improved foraging habitats within the Site.

1 Introduction

1.1 Purpose

1.1.1 This Skylark Mitigation and Management Strategy – Technical Note has been prepared by a Principal Ecologist at Lloydbore Ltd, the consultant ecologist for the Stonestreet Green Project.

1.1.2 It has prepared been in response to issues raised by Kent County Council ('KCC') at paragraphs 4.69 - 4.71 of the **KCC Local Impact Report** [REP1-087] in relation to Skylarks as follows:

"4.69. Ground nesting birds are a concern to the County Council. The main issue is Skylarks. The submitted information has detailed the site has 39-46 territories and to mitigate the impact they have highlighted the open space in fields 26,27 and 28 and the increase in foraging opportunities within the site. The submitted Illustrative Landscape Drawings - Not for Approval (APP-013) does confirm that the intention is for these habitats not to be included within solar panel area. Research indicates that fields with two skylark plots per ha can accommodate more nesting skylarks compared with conventional winter-sown wheat management (0.3 territories per ha compared to 0.2 territories per ha: - Conservation Evidence; PR 416 SAFFIE Project Report 1 (nerc.ac.uk)). If skylark plots are combined with arable field margins, 0.4 territories per ha could be supported. The County Council does not disagree that additional foraging opportunities will be created within the wider site and this will increase foraging opportunities for the wider area. In addition, the County Council acknowledges that open space will be managed to provide optimum nesting habitat for skylarks but the reduction of land where skylarks can breed cannot be ignored.

4.70. The submitted information has detailed that ongoing monitoring will be carried out but if the submitted information demonstrates there has been a reduction in skylark numbers within the wider area it's not clear how this will then subsequently addressed.

4.71. The County Council would highlight that there is a need for additional [information] to be submitted addressing how this loss of breeding habitat will impact the skylark population."

1.1.3 This Technical Note provides further context on the skylark (*Alauda arvensis*) mitigation and management strategy which forms part of the Project, with reference to the published research, solar monitoring results and other example schemes as a guide. This Technical Note refers to baseline conditions, determined through surveys, and the assessment of effects reported within **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** [APP-033] and **ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A))** [REP1-032]. Additional baseline survey information is provided in Annex 1: 2023 Breeding Bird Survey Results.

1.1.4 This Technical Note follows an approach to quantifying territory density that is outlined in the Chartered Institute of Ecology and Environmental Management ('CIEEM') publication 'Are Skylarks being overlooked in ecological impact assessment'[1], with reference to a range of other research and literature. Due to inherent variation in the baseline between years and degrees of potential success within the different mitigation aspects of the Project, commentary is provided on the degrees of uncertainty in both background literature and potential success of mitigation.

1.1.5 Such quantification should however provide further detail to inform future mitigation and monitoring decision making as part of a future skylark and other notable bird mitigation strategy within the detailed Landscape and Ecology Management Plans (LEMPs).

1.2 Project Context

1.2.1 The Project comprises the construction, operation, 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 Site is situated on land located to the north and west of the village of Aldington, centred at Ordnance Survey ('OS') National Grid Reference ('NGR') TR 05898 37766. The Site is approximately 192 hectares ('ha') in size. The Site is within the administrative boundaries of Ashford Borough Council ('ABC') and KCC.

1.2.3 The Site comprises primarily agricultural fields delineated by hedgerows and tree belts and is predominantly in agricultural use for arable crops and grazing. The location of the Project is shown on **ES Volume 3, Figure 1.1: Site Location Plan (Doc Ref. 5.3)** [APP-043].

1.2.4 Note that Site field references within this Technical Note follow those shown on he **Works Plans (Doc Ref. 2.3)** [REP1-003]. Fields are described as follows:

- The South Western Area, Fields 1 to 9.
- The Central Area, Fields 10 to 19 and 23 to 25.
- The South Eastern Area, Fields 20 to 22.
- The Northern Area, Fields 26 to 29.
- Project Substation (location of the Project Substation, in the north western section of Field 26).
- 'Cable Route Corridor' (export of electricity from the Project at 132 kilovolt ('kV') via underground cables (the 'Grid Connection Cable') to the Sellindge Substation).
- 'Cable Route Crossing' (use of an existing cable duct under the High Speed 1 / Channel Tunnel Rail Link ('HS1') railway or through Horizontal Directional Drilling ('HDD') beneath HS1 for the Cable Route connection).

- Sellindge Substation (location of the existing Sellindge Substation).

1.2.5 The above areas and field numbers are referred to within the context of the 'survey areas' described within Appendix 9.5g: Breeding Bird Survey Report of **ES Volume 4, Appendix 9.5: Baseline Survey Reports Appendices 9.5g - 9.5n (Doc Ref. 5.4)** [APP-090], **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** [APP-033] and **Annex 1: 2023 Breeding Bird Report** as set out in Table 1.1.

Table 1.1: Breeding bird survey areas and Fields (refer to Figure 1 for Field locations)

Survey Area	Fields
A	1, 2, 3, 4, 5, 6, 7, 8, 9 Majority of the South Western Area
B	10, 11, 12, 13, 14, 15, 16, 17 Southern half of the Central Area
C	24, 25, 26, 27, 28, 29 Northern Area and northern half of Central Area (2020 and 2023 survey season)
D	20, 21, 22 South Eastern Area
E	18, 19, 23 Northen half of Central Area
F	26, 27, 28, 29 Northern Area (includes some of Survey Area C but reduced survey extent in 2022)

2 Skylark Ecology and Site Population

2.1 Skylark Ecology Summary

2.1.1 Skylark is considered a bird of open countryside, inhabiting upland, lowland and coastal habitats inclusive of open grassland, marshland and heaths. Skylark have (along with a limited number of other farmland species) adapted to nesting within crop fields, continuing to nest in such habitats following the intensification of agricultural practices within the mid-20th century onwards.

2.1.2 The species can be multi-brooded (potentially raising up to four clutches per breeding season), however this is dependent on food availability and habitat structure. The consistent availability of invertebrate prey during the breeding season (with which to feed chicks) has been shown as a key factor in determining breeding success (Puttmanns et al., 2022[2]). Skylark foraging patterns during winter switch more towards seed and grain (Gillings et al., 2005[3]), potentially due to the availability of these food sources within an arable and grassland farm landscape and a reduced availability of invertebrate prey.

2.1.3 Open areas are preferred by nesting skylarks which generally require long, unbroken sightlines (Wilson et al. 1997[4]) and generally a vegetation height of between 20 and 60 cm (Toepfer and Stubbe 2001[5]).

2.1.4 While arable fields do provide these open areas, such benefit is often limited by the use of winter sown crops (limiting the time during breeding season when vegetation is at the preferred height and can limit skylark to one clutch per year) and lack of invertebrate food availability, especially within crop monocultures treated with pesticide. Generally, while skylark do utilise arable fields, territory density is generally lower than for semi-natural meadow, marsh or moorland habitats (Donald et al, 2021[6]) and also the number of successful broods within a season is generally reduced (one or a maximum two, as increasing crop height discourages repeat nest attempts).

2.1.5 The limiting factors for skylark nesting within arable fields are usually food availability (i.e. the crop provides sufficient nesting opportunities but foraging in the crop monoculture is limited) and the growth rate and timing of winter sown crops (i.e. crop becomes too tall and dense for nesting). The role of agricultural intensification in the 20th century decline of this species is recognised.

2.1.6 Countryside Stewardship and Sustainable Farming Incentive ('SFI') enhancement approaches target improvement of habitats for foraging. This reflects the wider appreciation of arable crop fields being of limited value for biodiversity overall.

2.2 Population Estimates and Trends

2.2.1 Skylark are assessed as an Important Ecological Feature ('IEF') within the **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** [APP-033] due to their

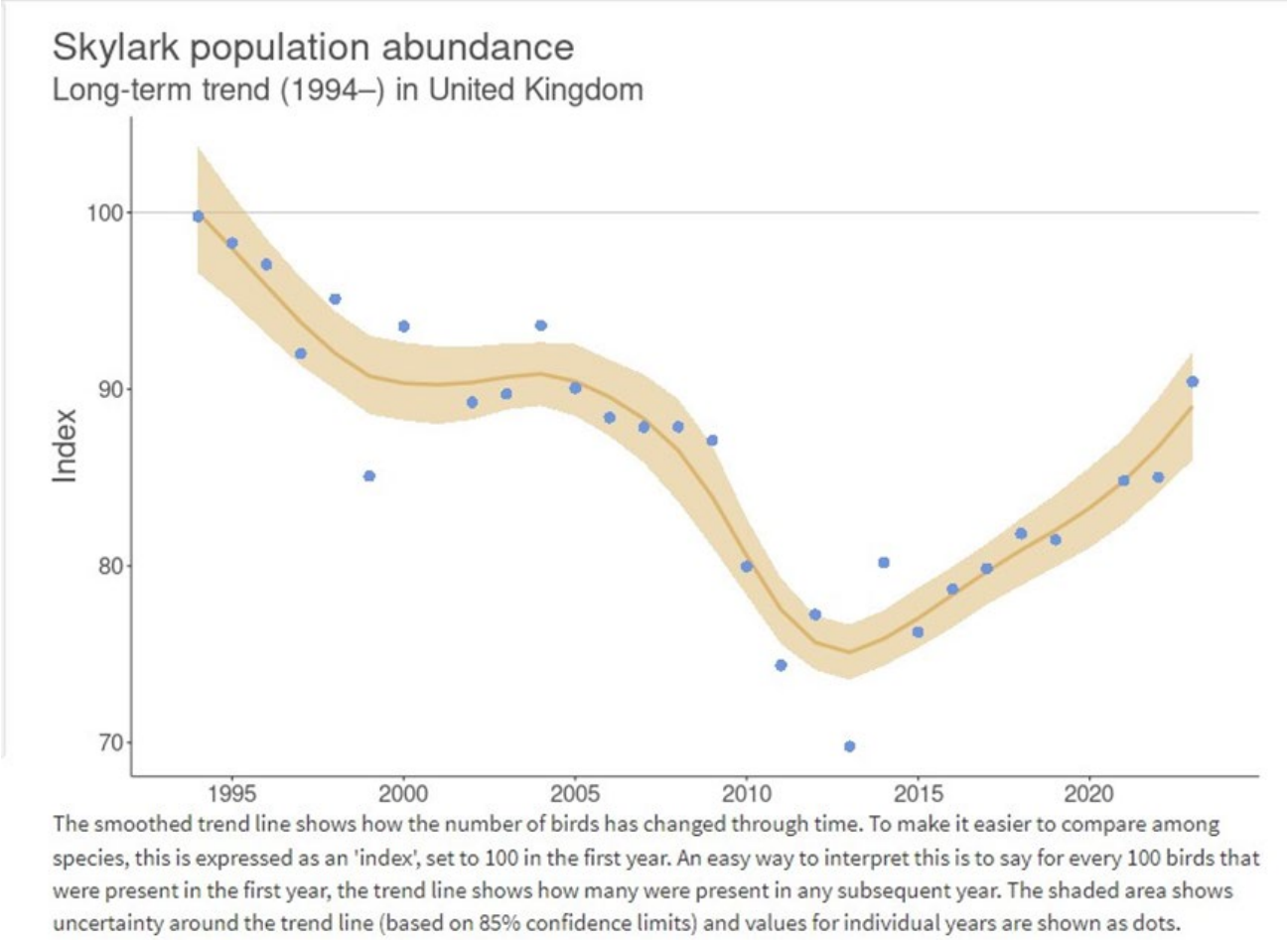
conservation status as a Species of Principal Importance under the Natural Environment and Rural Communities ('NERC') Act 2006[7] and red listed under the Birds of Conservation Concern 5 (Stanbury et al, 2021[8]).

2.2.2 This status should however be taken in the context of population estimates and trends. Skylark are one of the most abundant and widespread farmland birds, with a national population estimate of over 1.6 million territories (Heywood et al, 2024[9]).

2.2.3 While population abundance has decreased nationally between 1995 and 2011 (-11.5%) more recent national trends show increases between 2012 and 2022 (+14.6%) and between 2017 and 2022 (+8.8%). A similar trend is shown when reviewing England in isolation, with larger increases in recent years (10 year trend - 2017-2022 of +11.2% and 5 year trend - 2017 to 2022 of +13.1%).

2.2.4 Table 1.2 shows the skylark population abundance trends from the British Trust for Ornithology ('BTO') BirdTrends 2023 report (Heywood et al, 2024).

Table 1.1: Skylark Population Abundance trends from BTO BirdTrends 2023



2.2.5 Kent population estimates and trends are not readily available. The 2022 Kent Bird Report (KOS, 2024[10]) states that skylark is a *'widespread, common but much reduced resident species. Common passage migrant and winter visitor'*. While the Kent Bird Reports do not provide population estimates or tetrad distributions, the

2018 report (KOS, 2019) states that *'over surveys undertaken across nine sites in Kent, that there has been an 18% increase in breeding pair/territories, with 400 in Sheppey and 97 at Sandwich Bay'*. This description may partially reflect the relative abundance of the species within Kent.

2.2.6 Data on district or parish level populations is not known to be available. The wider landscape surrounding the Site comprises a large proportion of arable crop fields, likely to support similar skylark densities and territory numbers to those recorded within the Site.

2.3 Site Population Survey Results

2.3.1 For ease of reference, this section provides a summary of the baseline conditions relating to skylark **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** [APP-033] and Appendix 9.5g: Breeding Bird Survey Report of **ES Volume 4, Appendix 9.5: Baseline Survey Reports Appendices 9.5g - 9.5n (Doc Ref. 5.4)** [APP-090]. Comment is also made on the 2023 Breeding Bird Survey Results which are provided in Annex 1.

2020 and 2022 Survey Results

2.3.2 Four breeding bird survey visits to survey areas A, B, C and D were conducted between 15 May 2020 and 12 June 2020.

2.3.3 Four breeding bird survey visits to survey areas E and F were conducted between 12 April 2022 and 7 June 2022.

2.3.4 39 to 46 skylark territories were recorded within the Site during the combined 2020 to 2022 breeding season surveys. Given the overlap in survey boundary territory recording between years (and subsequent reduction in territories recorded later in 2023)) and utilising mapping produced for the 2020 and 2022 breeding bird survey report, a figure of 39 skylark territories is used for assessment purposes.

2.3.5 The approximate territory density within the main field expanses of the Site is within the region of 0.21 to 0.25 territories per ha using the 2020 and 2022 breeding results.

2.3.6 Skylark territories were found to be distributed across the Site but with higher concentrations in the South Western Area (Fields 1 to 9) and the Central Area (Fields 10 to 19 only). Lower territory numbers were recorded in the South Eastern Area (Fields 20 to 22), the Northern Area (Fields 26 to 29) and the eastern portion of the Central Area (Fields 23 to 25).

2.3.7 Full survey details can be found within Appendix 9.5g: Breeding Bird Survey Report of **ES Volume 4, Appendix 9.5: Baseline Survey Reports Appendices 9.5g - 9.5n (Doc Ref. 5.4)** [APP-090].

2023 Survey Results

2.3.8 Four breeding bird survey visits (six surveyor dates) to survey areas A, B, C and D were conducted between 12 April 2023 and 6 June 2023. The 2023 Bird Breeding Report is provided as Annex 1 and will be submitted for Examination at Deadline 3.

2.3.9 20 territories were recorded on Site during the 2023 bird breeding season survey. This survey covered the majority of the Site but did not include Area E. Adding the 2022 Area E records produces an aggregate total of 29 territories.

2.3.10 The approximate territory density within the 2022 and 2023 surveyed areas is within the region of 0.16 territories per hectare.

2.3.11 The highest territory concentrations were recorded in the South Western Area (Fields 1 to 9) and the Central Area (Fields 10 to 19 only).

2.3.12 Notably, there was an overall reduction in recorded territories between the 2020 and 2023 breeding surveys of survey areas A, B, C and D. A notable absence of skylark territories was recorded in survey areas C, D and F during 2023 compared to 2020, although registrations of skylark were recorded in these areas.

2.3.13 While this could be partly due to annual variations, a reduction in the extent of arable field margins had been noted and was also hypothesized to be a factor in the reduced recording of other species (i.e. brown hare (*Lepus europaeus*)) during 2023.

3 Impact Assessment Summary

3.1 Introduction

3.1.1 In the KCC LIR, additional information is requested in relation to how the loss of breeding habitat will impact the skylark population. This section therefore summarises this aspect of the skylark impact assessment presented in **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))** [AS-012], and **ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A))** [REP1-032] related to the operational phase of the Project. Whilst some further explanation is provided behind the professional judgements made by Lloydbore Ltd in relation to the assessment of skylark effects presented in the ES, this does not alter the findings of the ES assessment.

3.2 Reduction in Open Space Nesting Habitat

3.2.1 The primary impact upon breeding skylark would be the conversion of arable fields (which fulfil the broad nesting requirements for skylark at least during the early breeding season) to PV arrays. The PV arrays comprise structures within the fields which obstruct sight lines and thus reduce the 'openness' of these areas. This can result in skylark territories (and the associated nest site) being displaced from their previous nesting area (Solar Energy, 2024[11]).

3.2.2 The long term impact of uncompensated displaced territories of skylark (as a result of land use changes) is uncertain. Territorial behaviour within solar farms has been noted in the immediate years following construction, this behaviour then becomes reduced over the longer term (Fox, 2022). This may represent birds attempting to return to previous territories but being unsuccessful in nesting.

3.2.3 The impact assessment assumes (as per Fox, 2022) there would be limited nesting of skylark within the PV arrays once installed, and concludes a local adverse (significant) effect on a precautionary basis.

3.3 Potential Territory Displacement

3.3.1 Of the 39 territories recorded during the 2020 and 2022 breeding seasons (as shown on Figure 1):

- One occurs within the Biodiversity Improvement Area ('BIA') proposed in Field 26-29 and is reasonably expected to be retained once enhancement of this area is complete.
- 12 occur near the boundaries of the Site (i.e. within 75m) and are in proximity to off-Site arable or other open space nesting habitat that would be unaffected by the Project. Following the example within Fox, 2022 a 50% absorption rate of territories (i.e. 6) into adjacent land is assumed.
- 26 remaining territories are present within the centre of fields proposed for

PV arrays and are located far enough away from post-construction retained breeding habitat that localised relocation of a nest site is assessed as unlikely.

3.3.2 A resulting 32 territories are therefore assessed as likely to be displaced.

3.3.3 Of the 20 territories recorded during the 2023 breeding season:

- None occur within the largest proposed open space BIAs;
- 4 occur near the boundaries of the Site (i.e. within 75m) and are in proximity to off-Site arable or other retained open space nesting habitat post development. Following the example with Fox, 2022 a 50% absorption rate of nest sites into adjacent suitable habitat is assumed.
- 16 remaining territories are present within the centre of fields proposed for PV arrays and are located far enough away from post-construction retained breeding habitat that localised relocation of a nest Site is assessed as unlikely.

3.3.4 Combining the 2023 results with the 2022 Parcel E results (to provide a whole Site update equivalent of 29 territories) overall shows (as per Figure 1b):

- None occur within the largest proposed open space BIAs.
- 8 occur near the boundaries of the Site (i.e. within 75m) and are in proximity to off-Site arable or other retained open space nesting habitat post development. Following the example with Fox, 2022 a 50% absorption rate of nest sites into adjacent land is assumed.
- 21 remaining territories are present within the centre of fields proposed for PV arrays and are located far enough away from post-construction retained breeding habitat that localised relocation of a nest Site is assessed as unlikely.

3.3.5 A resulting 25 territories are assessed as likely to be displaced.

3.3.6 32 territories (i.e. the 2020-2022 figure) is used as the likely displaced figure as a worst case and has been used to inform the mitigation proposals. The 2023 survey data shows, however, that the number of territories present on-Site had reduced in this survey season.

Site and Adjacent Habitat Context

3.3.7 Existing agricultural habitats adjacent to the Site are expected to remain in this use, although they are generally limited in their suitability for nesting skylark by the scarcity of adjacent optimal foraging habitat (Donald et al, 2001[12]).

3.3.8 With the Project, it is likely that arable fields adjacent to the Site will be able to support greater numbers of nesting skylarks that utilise the PV arrays for foraging, though this is difficult to quantify. This may include some nesting birds displaced from the Site to adjacent habitats, as addressed when discussing the mitigation proposals. This is known as the 'edge absorption effect' which is discussed in Fox, 2022, which uses a distance of 75m.

3.3.9 The linear and 'separated' shape of the Project has potentially beneficial effects for edge absorption. The Project is segregated into separate areas, thus increasing the overall area of arable and other suitable skylark nesting habitat that is located adjacent to the Site boundary (i.e. higher edge to volume ratio) and will potentially benefit from the increased availability of skylark forage on Site.

3.3.10 The current baseline of unsecured agricultural management may not be of continued benefit to skylark in the long term. The impact of the reduction of field margins (with associated reduction in invertebrate prey) has been previously highlighted when discussing the 2023 breeding survey results, and this type of habitat depletion through agricultural management may continue to recur frequently or infrequently in the future. Additionally, a change in crop to those of lower value for skylark (such as oilseed rape and/or other brassicas) would also reduce the suitability of the Site for nesting skylark. Other habitat changes could also negatively affect skylark such as development or even an increase in scrub and tree cover.

4 Skylark Mitigation Strategy

4.1 Objective

4.1.1 The objective of the proposed mitigation scheme is to create suitable foraging and nesting habitat for skylark within the Site, and compensate for the potential loss of skylark territories as far as reasonably practicable whilst maximising the generating capacity of the Project.

4.2 Overview

4.2.1 The skylark mitigation strategy is secured through the **Outline LEMP (Doc Ref. 7.10(B))** and comprises the following broad components to compensate for the expected displacement of 32 territories:

- Provision of open grassland areas (without PV arrays) across the Site to provide extensive suitable habitat for skylark nesting and foraging. Referred to in some contexts as BIAs.
- Provision of 'skylark plots' to increase opportunities for skylarks to nest with the PV arrays (as well as providing open areas / habitat variation within the PV arrays to benefit other species).
- Provision of an enhanced local foraging resource adjacent to existing agricultural land.
- Provision of additional foraging habitats to benefit skylark populations during the winter (i.e. bird crop strips) and breeding seasons (i.e. extensive species rich grassland areas).

4.2.2 These are described further below.

4.3 Open Grassland Areas - Alternative Breeding Habitat

4.3.1 Areas across the Site have been allocated as retained open space, referred to as BIAs, to provide suitable alternative breeding and foraging habitat. These are distributed evenly across the Site, and would comprise 19.7ha of open grassland habitat types as follows:

- BIA Fields 26 – 29 - The largest of the open space areas, with c. 15.8ha comprising the optimal skylark nesting habitats of species rich grassland (including wet meadow) in large extensive open fields (with most areas being between 100m and 200m wide between the River Stour and wooded/boundary areas).
- BIA Field 20 - Includes a large open 'meadow' expanse in the southeast area of the Site, c. 0.9ha. While more linear than BIA 26-29, it is over 50m wide at its narrowest point. It is also bordered on its eastern side by extensive off-Site open arable fields, providing a large area of foraging enhancement in this area and potential to increase the number of territories

both on and off Site. This excludes the orchard which could also be used by nesting skylark.

- BIA Fields 10 – 12 - A rough grassland paddock which will comprise c. 0.9ha of open grassland during the operational phase. While it will be surrounded by PV arrays post development, it provides a localised area suitable for nesting free of PV panels as an alternative to skylark plots within the PV arrays.
- BIA Field 8 - A smaller localised mitigation area on the southern boundary of the Site which will include c. 0.4ha of open grassland. Post development it will be bordered by pasture fields to the east and the Project PV arrays to the north and west (residential areas to the south being unsuitable for skylark). It will provide an additional open area to the skylark plots in this area and also provide an alternative nesting location for skylark territories within the nearby pasture.
- BIA Field 13 - Contains a small open grassland area south of Handen Farm. This open area is c. 0.4ha in size.
- Other locations within the largest open grassland areas – these include BIA 3 (c. 0.2ha), BIA 10 (c. 0.5ha), BIA 20 (c. 0.3ha) and BIA 23 (c. 0.3ha). They will provide additional habitat to the skylark plots, though partially limited by their proximity to boundary features.
- Additional smaller grassland areas – these are present across the Site as small BIAs or rough grassland fringes. While mostly located near or along field boundaries they do provide small localised open areas which could be utilised for nesting as a location free of PV panels. They are not however counted towards the above total.

4.3.2 The density of territories that are supported by habitats equivalent to the target state of the BIAs (i.e. species rich grassland with a variable sward) varies within the reviewed literature (Browne et al, 2000[13], Donald, 2004).

4.3.3 Given that the grassland habitats will be subject to management regimes designed to benefit skylark (as secured by the **Outline LEMP (Doc Ref. 7.10(B))**, a carrying capacity comparable to enhanced arable (Clarke et al, 2007[14]) is assumed of 0.4 territories per hectare. This is comparable to set aside and organic winter cereals which are below the 0.76 used for coastal marshes but above the 0.17 for intensive cereals, provided in Donald, 2004.

4.3.4 The open grassland provision of 19.7ha would provide direct compensation for approximately 8 (c. 7.88) displaced skylark territories based on 0.4 territories per ha.

4.3.5 Note this does not account for increased breeding success allowing multiple skylark broods to be reared throughout the year in grassland habitats (in comparison to the one or maximum two within winter sown wheat).

4.4 Skylark Plots

4.4.1 The primary mitigation to increase the ability of the PV arrays to support skylark nesting territories is the inclusion of 'skylark plots', in combination with provision of a diverse grass sward. Skylark plots have been shown to increase territory density through a provision of a foraging resource and also as a nesting location.

4.4.2 It is important to note however that other areas of open grassland would be available within the PV arrays as set out under **Section 4.3**. These areas include grassland located between PV panels and the security fences, and spaces around infrastructure, such as Inverter Stations. These areas would provide similar or larger localised open areas than the skylark plots.

Plot description

4.4.3 Skylark plots in the PV arrays will provide a minimum of 16m square of open space and be a minimum of 3m wide (e.g. 4x4m, or 3x6m), simulating the effect of an open space within a tall crop field. The creation and management of plots is based on available advice for arable cropland (RPSB**Error! Bookmark not defined.** and Rural Payments and Natural England (2021)[15]) but applied in the context of PV array grassland.

4.4.4 Skylark plot locations have been determined in accordance with the broad nesting requirements for skylark as follows:

- Located within the largest fields in accordance with RSPB advice;
- Located at a distance of at least 50m away from boundary features (i.e. hedgerows and security fences) in accordance with RSPB advice;
- Within grassland and away from tall or boundary vegetation (i.e. scrub and bird crop strips that are not suitable locations for skylark plots); and
- Within areas previously recorded to be of importance of skylark.

Skylark plot provision density / numbers

4.4.5 A broad provision of approximately two plots per impacted territory has been provided within the PV arrays. This approach follows Natural England precedent on other developments[1][16] and using application of provision rates from RSPB[17] and with Countryside Stewardship AB4: Skylark Plots (Rural Payments and Natural England 2023[15]). None of these source documents are perfect analogies for the Project although they provide a metric with which to inform mitigation during the iterative design process.

[1] The Natural England advice note for 17/00818/OUT stated …'*Natural England advise compensation 'in perpetuity' will be required to address the loss of the skylark territories over the operational lifetime of the development, which may take the form of the establishment of 3 new skylark plots per territory lost*.'

4.4.6 The submitted **Illustrative Landscape Drawings – Not for Approval (Doc Ref. 2.7(A))** [REP1-005] include 38 skylark plots distributed throughout the PV arrays, providing a total open space area of 0.06ha.

4.4.7 Of the 32 territories expected to be displaced (as described in **Section 3.2**), it is expected that 8 will be mitigated through the provision of open space. The residual number of territories potentially requiring compensation is therefore assessed as 24.

4.4.8 Following this quantification, the Applicant can confirm that skylark plot provision will be increased to a minimum of 48 plots (i.e. two per displaced territory) across the Site. The **Illustrative Landscape Drawings – Not for Approval (Doc Ref. 2.7(A))** [REP1-005] will therefore be updated to reflect this revised number at Deadline 3.

4.4.9 The intention is to keep the plot distribution shown in the **Illustrative Landscape Drawings – Not for Approval (Doc Ref. 2.7(A))** [REP1-005] (to provide mitigation across the whole Site) but increase plot density within the areas identified as of importance for breeding skylark within Appendix 9.5g: Breeding Bird Survey Report of **ES Volume 4, Appendix 9.5: Baseline Survey Reports Appendices 9.5g - 9.5n (Doc Ref. 5.4)** [APP-090]. These areas of importance are broadly the fields within the South Western Area (Fields 1 to 9) and the Central Area (Fields 10 to 19 and 23 to 25), where the highest density of skylark territories has been recorded

4.4.10 The location of skylark plots would be reviewed and agreed with KCC at detailed design stage.

Skylark territory compensation assessment

4.4.11 A simplified assessment of two skylark plot compensation per territory would result in the plots compensating for 19 territories. However this is based upon literature for arable field enhancement (e.g. Clarke et al (2001[14])) and a territory density calculation (as used in Fox, 2022[1]) is more appropriate for the PV arrays.

4.4.12 An example of potential very low skylark nesting density of 0.05ha (comparable with improved grassland and intensive grassed pasture (Donald, 2004)) utilising plots or other open areas within the approximate 134 ha of PV arrays would result in c. 7 (6.715) skylark territories utilising the PV arrays. Use of 0.02ha (comparable with intensive grazed pasture and the lowest density available) results in c.3 (2.68) skylark territories utilising the PV arrays. These calculations give a realistic assessment of the level of mitigation within the PV arrays that is likely to be achievable. Given the level of mitigation with the PV arrays (grassland quality, structure and provision of open space and plots) it is expected that higher territory densities would be recorded but the above provides a reasonable worst case.

4.4.13 Research on skylark nesting within PV arrays is limited and whilst current evidence suggests nesting has yet to be recorded within PV arrays, evidence of territoriality (i.e. singing and repeat registrations) has been (Solar Energy, 2024). It is unclear as to whether any of the projects used in this literature review (Solar Energy, 2023) incorporate open areas or plots within the PV arrays as a mitigation measure.

4.4.14 While the use of 'skylark plots' specifically for nesting is debated (Fox 2022), skylarks are known to nest within arable field tramlines (Morris and Gilroy, 2008[18]), orchards (Donald, 2004) and barley field plots (Odderskær, 1997[19]), as a habitat context with similar constraints of nearby reduced visibility and enclosed space. The application of skylark plots as a supplementary mitigation tool in combination with the other measures above is therefore considered appropriate.

4.4.15 The provision of skylark plots should be seen as supplementary and secondary to the above provision of alternative open space. Regardless of their capacity to support nesting pairs, they also provide variation of habitat within the PV arrays (small open areas providing a differing vegetation structure) which will benefit other Important Ecological Features such as brown hare.

4.5 Enhanced Local Foraging Resource

4.5.1 Skylark plots within an arable field context can increase territory density from approximately 0.2 to 0.4 per ha (Clarke et al, 2007[14]). It is recognised that this occurs through provision of an improved foraging resource, more than providing potential nest sites (which are already abundant within arable fields).

4.5.2 This effect has also been observed within solar farms where nesting pairs from adjacent arable fields are able to utilise invertebrate rich grassland as a local increased foraging resource. Given the general territory size and fidelity of skylark, this effect is broadly thought to be limited to the land adjacent to the foraging resource (i.e. 75-100m) but would effectively act in a similar manner to margin enhancement or skylark plots as foraging enhancement for these arable fields.

4.5.3 The Project is surrounded extensively by adjacent arable fields which could potentially experience increases in skylark territory density as a result of the Project grassland acting as a localised breeding season foraging resource. Many skylark territories have been recorded in proximity to boundaries within the Site. Monitoring of solar farms (Solar Energy, 2023) has also recorded birds nesting within nearby arable utilising PV array grassland, even when the nest appears to be located off-site.

4.5.4 This overall edge effect is not currently well understood (Fox, 2022[1]), but is considered when assessing the overall impact of the Project.

4.5.5 When reviewing arable fields that are located adjacent to the Project (i.e. within 75m) and are suitable for nesting, an overall area of 56 ha of off-Site cropland could potentially benefit from the Project providing an enhanced local skylark foraging resource, as shown in Figure 2: Skylark Mitigation Plan.

4.5.6 This potentially results in an increase in territory density to 0.4 territories per ha (totalling approximately 22.5 territories within this area). Assuming an existing presence of 0.2 territories per ha (from literature and comparable recorded site densities), the actual increase in capacity would be approximately half of this (i.e. 11.25 territories from a 0.2 per ha increase). Additionally, this capacity increase

would likely incorporate the territories locally displaced from within the Project (6 territories using the 2020 and 2022 data and 5 from the 2023 data).

4.5.7 This 0.2ha territory density capacity increase could potentially accommodate 4.25 additional territories (increase of overall carrying capacity but discounting the 2020 and 2022 territories already assessed to be locally absorbed).

4.5.8 Such a figure is speculative but provides a degree of quantification using density figures applied in similar contexts (i.e. the enhancement of arable cropland using plots within Clarke et al, 2007).

4.5.9 KCC acknowledge that the Project will create additional skylark foraging opportunities within the wider site and this will increase foraging opportunities for the wider area.

4.6 Provision of Additional Foraging Habitats

4.6.1 The provision of additional foraging habitat across the entirety of the Site is covered within the above points, noting that the overall increase in invertebrate prey availability will benefit skylark nesting within the open areas, within the PV arrays and within adjacent habitats. The provision of winter bird crop strips is less directly applicable to the breeding impact assessment but is expected to boost overall survival rates of adult birds through provision of a mid-winter food source.

4.7 Residual Assessment

4.7.1 Table 4.1 summarises the position discussed above and shows that the Project results in a potential range of 'un-compensated displaced territories'. This is based on the number of territories to be displaced once the mitigation from the open space areas, PV array mitigation (skylark plots) and enhancement of local foraging and nesting habitat adjacent to the Site have been taken into account.

Table 4.1: Potential Territory Displacement and Mitigation

Existing Territories to be displaced	Existing territory compensation (open grassland areas)	Potential territory compensation within PV arrays (i.e. plots and open space)	Likely increased territory carrying capacity adjacent to Site (minus locally absorbed territories)	Residual un-compensated displaced territories
32 (based on 2020 and 2022 survey data)	c. 8	c. 7 to 3	c. 5.25	In the region of 12 to 16 territories
25 (2022 and 2023 survey data)	c. 8	c. 7 to 3	c. 7.25	In the region of 3 to 7 territories

4.7.2 The Table 6.1 residual territory figures are dependent on the number of skylark territories that may either nest within PV arrays or are locally displaced but instead nest in adjacent habitats (off-site arable). The territory compensation within the PV arrays is assessed as supporting a very low territory density (i.e. 0.05 – 0.02 per hectare) as a precautionary worst case. The 2022 and 2023 existing territory uncompensated figure is lower, mostly due to the lower number of baseline territories recorded.

4.7.3 Available literature on skylark territory displacement and alternative nesting from solar farms is limited although monitoring undertaken as part of the Project will provide an opportunity to produce a case study to inform future solar project developments.

4.7.4 The Project would deliver a significant increase in winter and breeding season foraging habitat for skylark. This will in turn increase the ability of skylark territories within the Site to raise multiple broods (in contrast to the generally single brooded winter cereal nesting pairs). Brood success in terms of increased number of chicks fledging has been observed from skylark plot enhancement (Stoate and Moorcroft, 2007[20]) and given the increase of available foraging, would also be expected to occur within the Project. The exact local and district effect of this increased rate of reproduction is difficult to quantify. It would a least provide more individuals that can disperse from the Site (as roving winter flocks) and make the local population more resistant to annual fluctuations (by having more individuals with increased winter survival from increased foraging availability).

4.7.5 Whilst there would be a reduction in reduced breeding territory density, multiple broods from each nest and increased clutch success are considered likely as a result of the post-development territories. Winter survival will also be boosted by the increased availability of foraging habitat to be delivered by the Project.

5 Monitoring and Management Approach

5.1 Operational Phase Monitoring

5.1.1 The **Outline LEMP (Doc Ref. 7.10(B))** requires that details of the monitoring programme for habitats and species, its objectives and what remedial actions will be taken should it be found that objectives are not being met, will be set in the relevant habitat and species strategies reviewed with stakeholders as part of the detailed LEMP(s).

5.1.2 Paragraph 5.5.5 of the **Outline LEMP (Doc Ref. 7.10(B))** states that 'Skylark plot effectiveness is to be monitored during the operation of the Project'. Table 0.2 of the Outline LEMP confirms that the detailed LEMP(s) would include a notable bird strategy and that species monitoring would be undertaken including wintering and breeding birds.

5.1.3 Outline principles for monitoring of birds, including skylark, are provided below which would be developed as part of the detailed LEMP(s). The detailed LEMP(s) would include monitoring frequency which is likely to be in line with current solar monitoring guidance (Solar Energy UK, 2002[21]) of every two to five years

5.1.4 Monitoring is expected to record the numbers, distribution and trends over time of target wintering and breeding notable bird species in comparison to the pre-development baseline, and recording the differences between different habitat types.

5.1.5 A targeted sample approach is likely to be applied (i.e. not the whole Site) which could include BIA 26-29, several PV array fields containing skylark plots and some habitats in proximity to PV arrays (especially arable). Surveys will also record changes in territory density of skylark.

5.1.6 Draft outline objectives for wintering bird monitoring are as follows:

- Record the presence, distribution and numbers / density of wintering birds within the BIAs free of PV panels including open meadow areas and wetland enhancements;
- Record the presence, distribution and numbers / density of wintering birds within the PV arrays;
- Record the presence, distribution and numbers / density of wintering birds within new and enhanced hedgerow boundaries and, margins;
- Record the presence, distribution and numbers / density of wintering birds within arable and suitable habitat adjacent to the Site boundaries;
- Record the use of bird crop strips by wintering birds;
- Record changes in presence, distribution and numbers / density in accordance with any changes in habitat management techniques; and

- Provide suitable recommendations for habitat management if presence, distribution and numbers / density of wintering is noted to decline during monitoring or if identifiable influences are limiting use of mitigation features / areas.

5.1.7 Draft outline objectives for the breeding bird monitoring are similar, as follows:

- Record the presence, distribution and numbers / territories of breeding birds within the BIAs free of PV panels including open meadow areas and wetland enhancements;
- Record the presence, distribution and numbers / territories of breeding birds (especially skylark) within the PV arrays which may include vantage point watches to record potential nest sites;
- Record the presence, distribution and numbers / territories of breeding birds within new and enhanced hedgerow boundaries, margins and adjacent off-Site arable;
- Record the presence, distribution and numbers / density of breeding birds within arable and suitable habitat adjacent to the Site boundaries;
- Record the use of skylark plots by nesting skylark (and other farmland birds);
- Record changes in presence, distribution and numbers / territories in accordance with any changes in habitat management techniques; and
- Provide suitable recommendations for habitat management if presence, distribution and numbers / territories of breeding birds noted to decline during the course of monitoring or if identifiable influences are limiting use of mitigation features / areas.

5.1.8 The effect of skylark exhibiting territorial behaviour but without confirmed nests should be addressed through use of methodologies to watch and record detailed nesting behaviour of this species. Arable and suitable habitat adjacent to the Site boundaries should also be recorded to monitor territory numbers in adjacent arable to record any potential edge absorption and localised enhancement effect.

5.1.9 The above framework provides an example scope which can refined with stakeholders in due course. The exact monitoring methods and approach are to be confirmed by the detailed LEMP(s) which will include a notable bird strategy.

5.2 Adaptive Management Approach

5.2.1 Paragraph 5.5.5 of the **Outline LEMP (Doc Ref. 7.10(B))** states that *'The results of monitoring may result in additional or revised management recommendations, which will need to be incorporated into revisions of future detailed LEMP(s).'*

5.2.2 The management of the Site (in particular the open space areas and PV arrays) is covered in outline format within the **Outline LEMP (Doc Ref. 7.10(B))** that was submitted with the DCO Application, with the intent that this will be further detailed within detailed LEMP(s). The management measures within detailed LEMP(s) can

be adjusted and improved as a result of stakeholder input and guided by the results of ecological monitoring.

5.2.3 An overall management target of the open grassland is to produce a diverse sward, with the sward height and structure managed in order to maximise its suitability for skylark and other species.

5.2.4 Should monitoring record that post development skylark territory numbers are found to not reach expected levels (i.e. not be in line with the assessment outcomes), the management of the breeding habitats will be adjusted. Particular management aspects referenced within the **Outline LEMP (Doc Ref. 7.10(B))** that can adjusted as remedial actions for skylark nesting habitat include:

- Adjusting / re-applying the seed mixes used to establish grassland areas within the Site;
- Adjusting or varying the use of low-density conservation grazing and / or mowing as sward management measures;
- Adjusting the timing and intensity of such sward interventions;
- Targeting differing sward heights and structures;
- Reviewing the management of skylark plots and other open areas within PV arrays - particularly any exclusion from sward management within the nesting season;
- Adjusting the management of bird crop strips including re-seeding and crop composition; and
- Management of disturbance through changes to land management or public access.

5.2.5 If required, detailed LEMP(s) will be revised as a result of ecological monitoring recommendations and adjustments to management techniques will be made as the Project progresses.

5.2.6 The extent of the Site (particularly the number of fields) and duration of the Project give ample opportunities for different management techniques to be trialled or adjusted over the long-term to maximise the benefit for skylark within the Site.

6 Conclusion

6.1.1 The operational phase effect of the Project on the local skylark population has been assessed as local (significant). The 'un-compensated displaced territories' discussed in Section 4 forms only part of the overall assessment of effects and should not be considered in isolation. The Project has sought to maximise mitigation measures as far as reasonably practicable. Whilst the Project would likely result in a reduced breeding territory density and distribution, this is balanced against the likely multiple broods from each nest and increased clutch success of the post development territories. Winter survival of skylark will also be boosted by the increased availability of foraging habitat.

6.1.2 A minimum of 48 skylark plots will be provided across the Site. The submitted **Illustrative Landscape Drawings – Not for Approval (Doc Ref. 2.7(A))** [REP1-005] and **Outline LEMP (Doc Ref. 7.10(B))** will be updated for Deadline 3 to reflect this commitment. The location of skylark plots will be agreed at detailed design to target areas identified as of importance for breeding skylark within **Appendix 9.5g** of **ES Volume 4, Appendix 9.5: Baseline Survey Reports Appendices 9.5g - 9.5n (Doc Ref. 5.4)** [APP-090].

6.1.3 Displaced territories could potentially be further reduced through adaptive management of habitats over the long-term duration of the Project, informed by regular bird monitoring which is secured through the **Outline LEMP (Doc Ref. 7.10(A))** [REP1-048].

6.1.4 The assessment of a local (significant) effect is therefore considered to be a worst-case assessment due to uncertainties associated with the number of territories that may occur with the Site during the operational phase.

6.1.5 There is a degree of inherent conflict between different biodiversity interests (opportunity costs in habitat creation or management focussed on one species to the detriment of others). In the case of skylark, the contrast between the inherent low overall ecological value of existing arable monoculture cropland measured against the much greater overall ecological value of the proposed grassland, scrub and woodland habitats, is particularly pertinent. Skylark is one of a small range of species that use arable habitat versus the extensive assemblages of species that can utilise the proposed habitat types. On balance, the Project will therefore result in significant overall ecological gains, including for priority habitats and species.

7 Figures

Field 3 BIA

Field 10 BIA

Field 23 BIA

Fields 26-29 BIA (including East Stour River corridor)

Fields 10-12 BIA

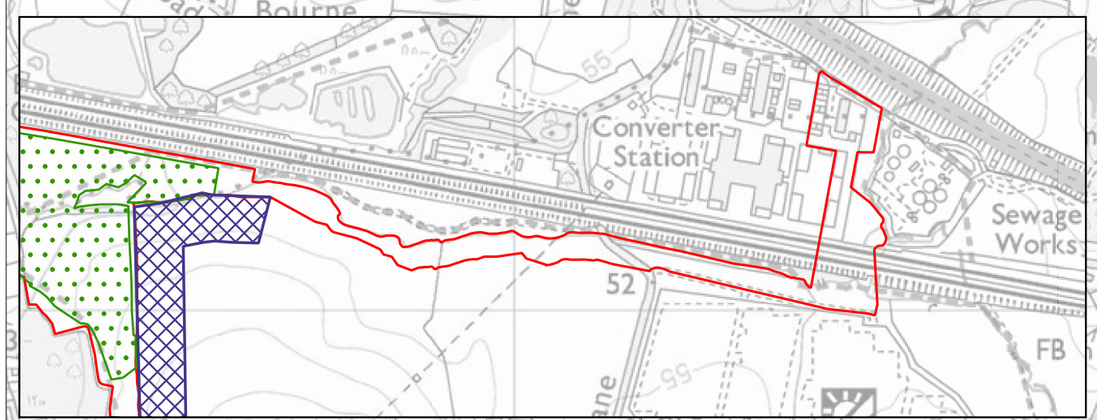
Field 13 BIA (surrounding Handen Farm)

Field 8 BIA

Field 20 BIA

Fields 20-22 BIA (including orchard)

Stone Green Farm
Sports Ground
Stonegreen Hall Farm
Broad Oak Farm
Walnut Tree Farm
Laws Lane
Frithfield Farm
Little Gains Farm
Frith Road
Aldington Frith
Bourne Road
Bourne
ROMAN ROAD
Handen Farm
The Mount
Bank Farm
Clap Hill
Calleywell La
Goldwell La
Symnell
Little Goldwell Farm
Stonestreet Green
Cottage
FBs
East Stour River
Backhouse Wood
Woodleas
Bested Hill
Hogben Farm
The Paddock
Forehead Farm
Fish Pond
Middle Park Farm
Mount Pleasant
Aldington Corner
Cobb's Hall
Blackthorn Wood
Aldington
ALDINGTON CP
Converter Station
Sewage Works



Legend

- Skylark Plots - New
- Skylark Plots
- Suitable open space nesting habitat within BIAs
- Suitable skylark nesting habitat within 75m of boundary.
- Red line boundary

0 100 200 m

1:10000

rev.	rev. date	auth.	rev. note
P01	13.12.2024	MW	Initial Issue.
P02	16.01.2025	MW	Additional plots added

rev.	rev. date	auth.	rev. note

client. *EPL 001 Limited*

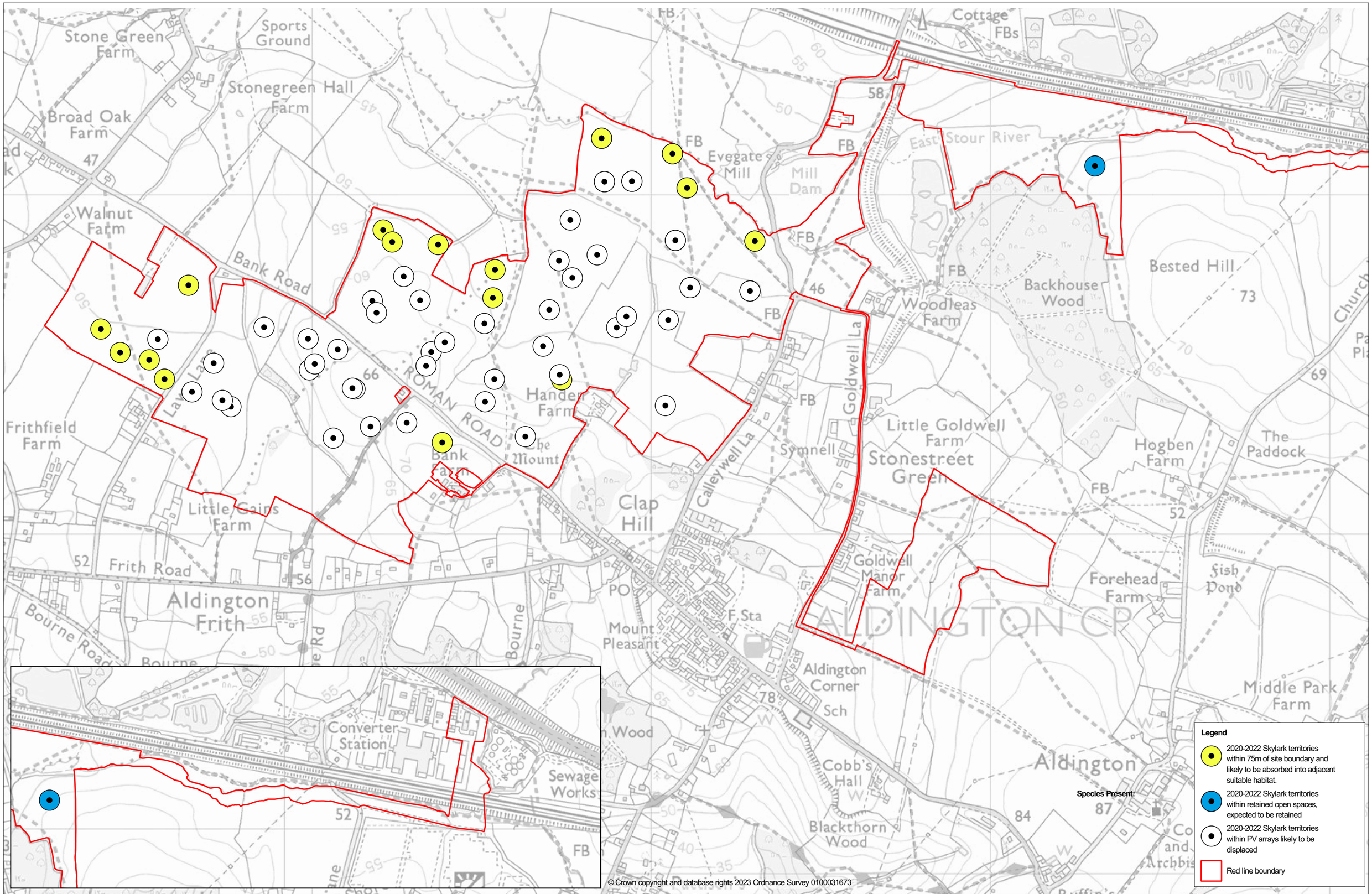
project. *Stonestreet Green Solar*
Land North And West Of Aldington
Kent

drawing no. *5535-LLB-XX-XX-DR-EC-0166* rev. *P02*

drawing title. *Ecological Mitigation Plan*
Skylark suit. *S4*

rev date. *16.01.25*
scale. *1:10000*
sheet. *A3*
drawn. *NA*
checked. *MW*

lloydbore landscape ecology arboriculture
33 ST. GEORGE'S PLACE, CANTERBURY, KENT, CT1 1UT 01227 464 340
www.lloydbore.co.uk mail@lloydbore.co.uk



Legend

- 2020-2022 Skylark territories within 75m of site boundary and likely to be absorbed into adjacent suitable habitat.
- 2020-2022 Skylark territories within retained open spaces, expected to be retained
- 2020-2022 Skylark territories within PV arrays likely to be displaced
- Red line boundary

Species Present:

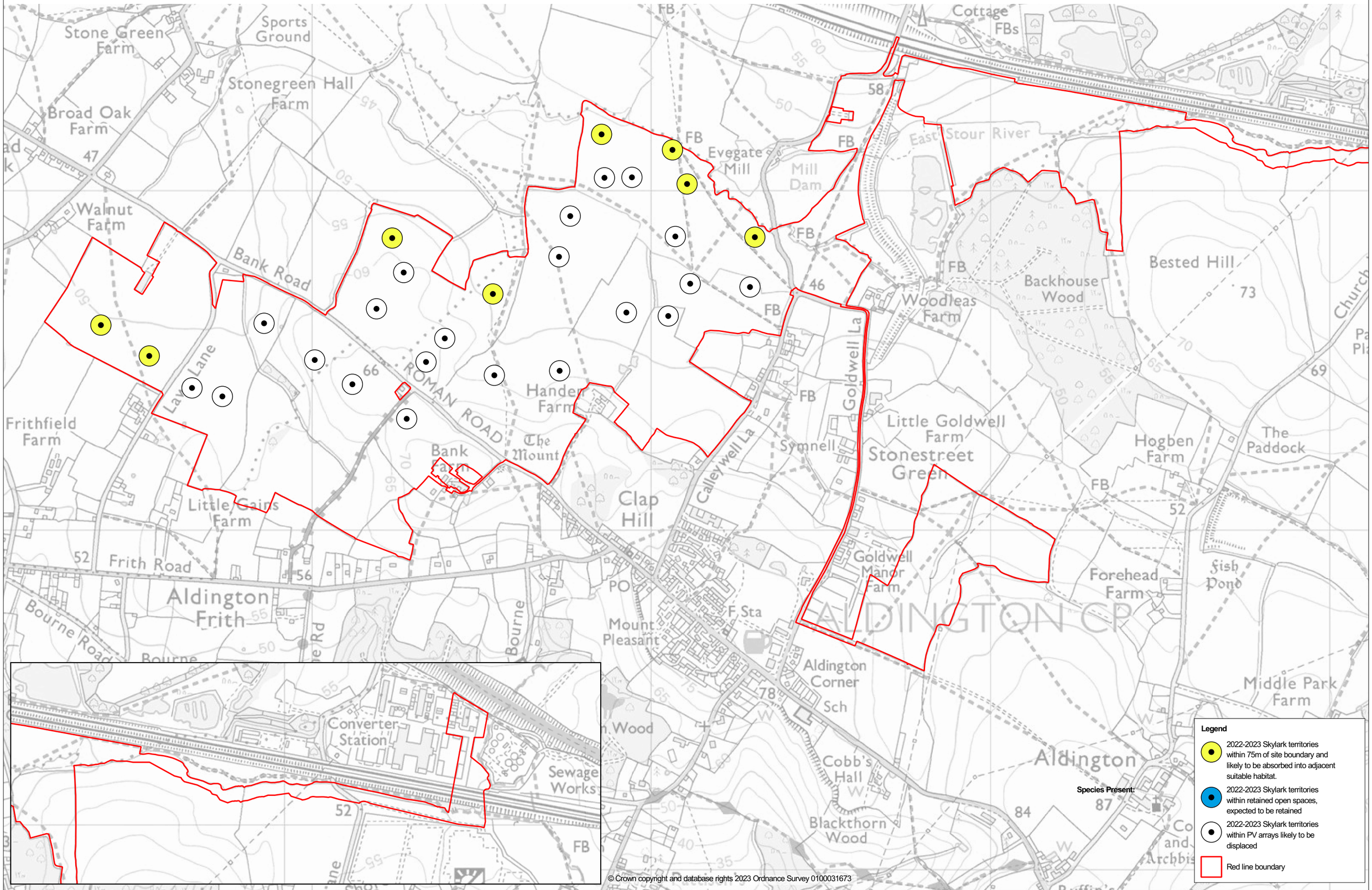
0 100 200 m

1:10000

rev.	rev. date	auth.	rev. note
P01	12.12.2024	NA	Initial Issue.
P02	08.01.2025	MW	Amended territories

client.	*EPL 001 Limited*
project.	*Stonestreet Green Solar*
	Land North And West Of Aldington
	Kent
drawing no.	*5535-LLB-XX-XX-DR-EC-0165*
drawing title.	*Impacts Plan*
	Skylark (2020 & 2022)
rev.	*P02*
suit.	*S4*
rev date.	*08.01.25*
scale.	*1:10000*
sheet.	*A3*
drawn.	*NA*
checked.	*MW*

lloydbore landscape ecology arboriculture
33 ST. GEORGE'S PLACE, CANTERBURY, KENT, CT1 1UT 01227 464 340
www.lloydbore.co.uk mail@lloydbore.co.uk



0 100 200 m

1:10000

rev.	rev. date	auth.	rev. note
P01	08.01.2025	MW	Initial Issue.

rev.	rev. date	auth.	rev. note

client. ***EPL 001 Limited***

project. ***Stonestreet Green Solar***
Land North And West Of Aldington
Kent

drawing no. ***5535-LLB-XX-XX-DR-EC-0167***

drawing title. ***Impacts Plan***
Skylark (2022 & 2023)

rev. ***P01***

suit. ***S4***

rev date. ***08.01.25***

scale. ***1:10000***

sheet. ***A3***

drawn. ***NA***

checked. ***MW***

lloydbore landscape ecology arboriculture
33 ST. GEORGE'S PLACE, CANTERBURY, KENT, CT1 1UT 01227 464 340
www.lloydbore.co.uk mail@lloydbore.co.uk

8 Annex

Annex 1: Breeding Bird Survey Report

BREEDING BIRD SURVEY REPORT

EPL 001 LIMITED

STONESTREET GREEN SOLAR

LAND NORTH AND WEST OF ALDINGTON, KENT

REVISION: P02

REF NO. 5535-LLB-RP-EC-0030

STATUS:

DOCUMENT ISSUED: 31/01/2025

LLOYD BORE LTD
33 ST GEORGES PLACE
CANTERBURY
KENT CT1 1UT

Tel: 01227 464 340
Fax: 01227 464 341

mail@lloydbore.co.uk
www.lloydbore.co.uk

CONTENTS

Author	[redacted]	Sc (Hons)
Reviewed by		BSc (Hons), CEnv, MCIEEM
Checked / Approved by		BSc (Hons), MCIEEM

EXECUTIVE SUMMARY

S.1 A breeding bird survey was conducted within the period April to June 2023, in relation to the Development Consent Order (DCO) application for Stonestreet Green Solar ('the Project'). The survey consisted of four survey visits, focused on the local breeding bird assemblage and provides supplementary data to the that previously undertaken during 2020 and 2022.

S.2 The objective of the breeding bird survey (supplemented by desk study) was to record the species, distributions, and numbers of breeding birds within and adjacent to the Site, with emphasis on any protected and notable species, Additionally, the survey was used to estimate the breeding status of each species and the number of breeding territories likely to be present within the Site.

S.3 The survey visits were conducted by experienced bird surveyors, and the survey method was broadly based on the 'line transect' (Common Birds Census, CBC) territory mapping method.

S.4 The main findings of this breeding bird survey for the Site are:

- A total of 52 bird species were recorded within the Site, with 48 directly using the Site. Of these, 32 are notable species as follows:
- Ten are listed as a Species of Principal Importance: skylark, starling, song thrush, house sparrow, dunnock, yellow wagtail, bullfinch, linnet, yellowhammer and reed bunting.
- Ten are listed as red status species: skylark, starling, mistle thrush, nightingale, house sparrow, yellow wagtail, bullfinch, greenfinch, linnet and yellowhammer.
- 13 are listed as amber status species: greylag goose, mallard, snipe, stock dove, woodpigeon, kestrel, whitethroat, willow warbler , wren, song thrush, dunnock, bullfinch and reed bunting.
- One species using the Site, kingfisher, is listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) (WCA).

S.5 The Site is assessed as being of Local (district) importance for breeding skylark and of County importance for breeding yellowhammer. Additionally, the railway embankment adjacent to the north-east land parcels of the Site is of Local (district) importance for breeding nightingale, though this will not be impacted by the Project. The Site is assessed overall to be of Local importance for its breeding bird assemblage.

S.6 The above findings are broadly similar to the findings of the 2020 and 2022 breeding bird survey work previously undertaken across the Site to inform the Development Consent Order (DCO) application. Some minor variations in the recorded species assemblage and numbers and distribution are noted (e.g, some reduction in

distribution and territory numbers of skylark) but do not alter the results of the previous assessment.

S.7 Impacts on bird breeding and foraging habitats will be avoided and minimised by design, and new habitats for breeding and foraging birds will be created on Site, to ensure that the ecological importance of the local bird populations can be maintained and improved wherever possible. Details of avoidance, mitigation, compensation and enhancement measures relating to birds are not included in this report. Instead, these measures (which remain appropriate following evaluation of the 2023 breeding survey results) are set out in the **ES Vol 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** [APP-033] and the accompanying **Outline Landscape and Ecological Management Plan (LEMP) (Doc Ref. 7.10(A))** [REP1-048]

S.8 This report contains further details of the survey methodology, results and evaluation, as such it should be read in full.

1. INTRODUCTION

INSTRUCTION

1.1 This Breeding Survey Report has been prepared on behalf of EPL 001 Limited ('the Applicant') to detail the method and results of the breeding bird survey focused on the local breeding bird assemblage in relation to the Development Consent Order (DCO) application for Stonestreet Green Solar ('the Project').

1.2 This Winter Bird Survey Report provides additional and update survey data for the 2023 breeding season, to supplement the 2021-22 breeding surveys previously completed and reported in Appendix 9.5g of **ES Volume 4, Appendix 9.5: Baseline Survey Reports Appendices 9.5g – 9.5n (Doc Ref. 5.4)** [APP-090]

THE PROJECT

1.3 The Project comprises the construction, operation, 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.

1.4 The Project will include a generating station (incorporating solar arrays) with a total capacity exceeding 50 megawatts ('MW') and on-Site battery energy storage systems. The agreed grid connection for the Project will allow the export and import of up to 99.9 MWe 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 a cable connection under the Network Rail and High Speed 1 ('HS1') railway.

1.5 The location of the Project is shown in in Figure 1.1: Site Location Plan of **ES Volume 3, Chapter 1: Introduction Figures 1.1 - 1.2 (Doc Ref. 5.3)** [APP-043]. The Project will be located within the Order limits (the land shown on the **Works Plans (Doc Ref. 2.3(B))** [REP1-003] within which the Project can be carried out). The Order limits plan is provided as Figure 1.2: Order Limits of **ES Volume 3, Chapter 1: Introduction Figures 1.1 - 1.2 (Doc Ref. 5.3)** [APP-043]. Land within the Order limits is known as the 'Site'.

THE SITE

1.6 The Site is located approximately 6.5km to the south-east of Ashford Town Centre and approximately 13.7km to the west of Folkestone Town Centre, in the county of Kent. The Site is situated on land located to the north and west of the village of Aldington, centred at Ordnance Survey ('OS') National Grid Reference ('NGR') TR 05898 37766. The Site is approximately 192 hectares ('ha') in size.

1.7 The Site is within the administrative boundaries of Ashford Borough Council ('ABC') and Kent County Council ('KCC').

1.8 The Site comprises primarily agricultural fields delineated by hedgerows and tree belts and is predominantly in agricultural use for arable crops and grazing. There

are five unnamed ponds within the Site boundary. The East Stour River flows in an east to west direction within, and adjacent to, the northern part of the Site.

1.9 Note that field references within this report follow those shown in **ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2)** [REP1-018]. Fields are described in relation to the Proposed Layout as follows:

- The South Western Area, Fields 1 to 9.
- The Central Area, Fields 10 to 19 and 23 to 25.
- The South Eastern Area, Fields 20 to 22.
- The Northern Area, Fields 26 to 29.
- Project Substation (location of the Project Substation, in the north western section of Field 26).
- 'Cable Route Corridor' (export of electricity from the Project at 132 kilovolt ('kV') via underground cables (the 'Grid Connection Cable') to the Sellindge Substation).
- 'Cable Route Crossing' (use of an existing cable duct under the High Speed 1 / Channel Tunnel Rail Link ('HS1') railway or through Horizontal Directional Drilling ('HDD') beneath HS1 for the Cable Route connection).
- Sellindge Substation (location of the existing Sellindge Substation).The South Western Area.

SCOPE OF WORKS

1.10 This report details the results of a breeding bird survey (territory mapping) of the Site conducted between 12th April 2023 and 6th June 2023.

1.11 For consistency with the previous (2020) breeding bird survey, the Site had been split into four survey Parcels (A-D), which encompassed the majority of the Site excluding additions to the Project in 2022 from a previous 2021 extension. Parcels E and F (surveyed in 2022, broadly analogous with the northern half of the Central Area (Fields 18, 19 and 21)) were not included as part of this update survey, as data for these areas was still as assessed as 'in date'.

1.12 Details of avoidance, mitigation, compensation and enhancement measures relating to birds are not included in this report. Instead, these measures are set out in **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** [APP-033] and the accompanying **Outline Landscape and Ecology Management Plan (LEMP) (Doc Ref 7.10(B))**.

ASSESSMENT OBJECTIVES

1.13 The objectives of the survey and report are to: -

- Record the species, distributions, and numbers of breeding birds within and adjacent to the Site, with emphasis on any protected and notable species (as defined in Section 4);

- Estimate the breeding status of each species and the number of breeding territories likely to be present within the Site; and
- Assess the overall ecological importance of the Site for breeding birds.

2. METHOD

DESK STUDY

2.1 A data search of all bird records within 1km of the Site was undertaken by the Kent and Medway Biological Records centre (KMBRC) on 18th August 2023.

2.2 A review of the returned records from KMBRC focused on declining farmland bird species, rare breeding birds as listed by the Rare Breeding Birds Panel (RBBP, 2024) and other relevant red listed species.

2.3 Other documents were reviewed to inform evaluation and assessment as follows:

- Published Kent Bird Reports covering a five-year period of 2017 to 2021, inclusive (KOS, 2019-2023).
- The Kent Breeding Bird Atlas 2008-13 (KOS, 2015).
- British Trust for Ornithology (BTO) Kent breeding bird survey trends for skylark and yellowhammer (BTO, undated).
- Statutory and non-statutory designated site citations within 1km of the Site.
- Local Wildlife Site (LWS) criteria (KWT, 2022).

SURVEY METHOD

FIELD SURVEY METHODOLOGY

2.4 The survey was undertaken based on a standard territory mapping (Common Birds Census, CBC) methodology for surveying breeding birds, as detailed in Bibby et al (2000) and Gilbert et a (1998).

2.5 During the survey, all species either seen or heard were recorded and any signs of breeding activity were noted. Birds were recorded using the standardised British Trust for Ornithology (BTO) two-letter species codes and standardised behaviour codes (Bibby *et al*., 2000).

2.6 All bird species seen during the survey were recorded and signs of activity and behaviour were noted. However, most survey effort was focussed on declining farmland species that are listed as Species of Principal Importance (SPI), red and amber status species (Stanbury *et al.*, 2021) and/or are listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended).

2.7 Consequently, birds flying overhead (and not using the Site) and/or some common and widespread species may have been missed on specific survey visits. Records of feral pigeon (*Columba livia*) were not made.

2.8 The Site was surveyed on foot so that the surveyor passed within 50 metres of most points within the Site. Where fields are particularly large, the distance between the surveyor and points on Site is likely to have exceeded 50m. See Annex 2 for the survey route.

2.9 The start of the bird counts was within 30 minutes after sunrise (in accordance with Bird Survey Guidelines (Bird Survey & Assessment Steering Group (2023)). Note a total of four survey visits was undertaken, based on the extensive existing data available for the Site.

2.10 Clusters of bird registrations indicate the presence of a territory. A minimum of two registrations recorded ten days apart is required to determine a cluster. A single nest recorded with eggs or young can qualify as a cluster even if no adults are observed. The extent of a territory is estimated based on the number of registrations and the specific behaviours recorded (Bibby *et al*., 2000).

2.11 For late-arriving (to the UK) trans-Saharan migrants, e.g., spotted flycatcher (*Muscicapa striata*), for which fewer potential contacts are possible, only one registration is required to form a territory cluster. A number of species are not territorial and are dealt with appropriately, e.g., linnet (*Linaria cannabina*), where survey data represents aggregations or loose colonies.

2.12 Species maps, indicating the estimate of territories present on-Site for the most significant species of conservation concern recorded, are provided in Annex 3 of this report. These maps are used to determine key habitats and assess potential impacts of the Project upon the bird species present on Site.

2.13 Breeding evidence was assigned to four categories: confirmed, probable, possible and non-breeding, using the standard BTO criteria (BTO undated), presented in the table 1 below. In some circumstances, the field evidence was unclear and professional judgement has been used, in combination with the field evidence, to assign breeding status.

Table 1 Evidence used to assign breeding status.

Non-Breeder	Possible Breeder	Probable Breeder	Confirmed Breeder
Migrant	Observed in suitable habitat	Pair in suitable habitat	Distraction behaviour
Summering	Singing male	Permanent territory	Used nest or eggshells found from this season
		Courtship and display	Recently fledged young or downy young
		Visiting probable nest site	Adults entering or leaving nest site, indicating occupied nest
		Agitated behaviour	Adults carrying faecal sac or food for young

Non-Breeder	Possible Breeder	Probable Breeder	Confirmed Breeder
		Brood patch on incubating bird	Nest containing eggs
		Nest building or excavating	Nest with young seen or heard

2.14 For the purposes of the breeding bird survey, the Site has been split into survey areas (refer to the table 2 below), comprising of field numbers as shown in **ES Volume 2, Chapter 3: Project Description (Doc Ref. 5.2) [**REP-018].

Table 2 Breeding bird survey areas and fields (refer to Fig 1 for the field locations).

Survey area	Fields
A	1, 2, 3, 4, 5, 6, 7, 8, 9 South Western Area
B	10, 11, 12, 13, 14, 15, 16, 17 Southern half of the Central Area
C	24, 25, 26, 27, 28, 29 The Northern Area and northern half of the Central Area
D	20, 21, 22 The South Eastern Area

SURVEY DATES, PERSONNEL AND WEATHER CONDITIONS

2.15 Four breeding bird survey visits (six surveyor dates) to areas A, B, C and D were conducted between 12th April 2023 and 6th June 2023.

2.16 The breeding bird surveys were carried out by suitability experienced and qualified surveyors. Surveyors had been six and over 15 years of ornithological survey experience relating to development projects.

2.17 Details of the associated weather conditions for each survey visit are provided in the table 3 below. Bird survey visits generally commenced just after sunrise to be completed by mid-morning, though generally much earlier.

2.18 Survey visits were not conducted during periods of prolonged heavy rain, strong wind (above Beaufort 4) or fog.

Table 3 Details of the associated weather conditions for each survey visit.

Date	Area	Weather
12/04/2023	A B	Sunrise: 06:13 Start: 06:40. Dry, good visibility, 20% cloud cover, light wind. End: 09:25. Dry, 100% cloud cover, good visibility, light wind.
13/04/2023	C D	Sunrise: 06:11 Start: 06:40. Dry, good visibility, 20% cloud cover, light wind. End: 09:10. Dry, 20% cloud cover, good visibility, moderate wind.
10/05/2023	A B	Sunrise: 05:18 Start: 05:40. Dry, good visibility, 100% cloud cover, light wind. End: 08:40. Dry, 50% cloud cover, good visibility, light wind.
13/05/2023	C D	Sunrise: 05:11 Start: 05:25. Dry, good visibility, 100% cloud cover, moderate wind. End: 07:45. Dry, 80% cloud cover, good visibility, moderate wind.
25/05/2023	A B C D	Sunrise: 04:57 Start: 05:25. Dry, good visibility, 0% cloud cover, light wind. End: 08:20. Dry, 80% cloud cover, good visibility, light wind.
06/06/2023	A B C D	Sunrise: 04:44 Start: 05:10. Dry, good visibility, 20% cloud cover, light wind. End: 08:20. Dry, 20% cloud cover, good visibility, moderate wind.

ASSESSMENT AND EVALUATION

ASSESSMENT CRITERIA

2.19 An assessment of the ornithological importance of the Survey Area is made by evaluating (in terms of abundance, distribution, frequency or assemblage diversity) species afforded special statutory protection or those included on one, or more, of the lists of species of conservation interest within legislation, policy and guidance (as detailed within Annex 1). The assessment and evaluation of importance of the Site is primarily focused on the bird species listed below.

- species listed on Annex 1 of the EU Birds Directive or a qualifying feature of potentially functionally linked internationally designated sites;
- species listed on Schedule 1 of the WCA, 1981 (as amended);
- priority bird species in the UK;
- species listed as priority species or additional species of interest within Kent; and
- species included in the Birds of Conservation Concern (BoCC) Red and Amber Lists (Stanbury *et al*. 2020).

2.20 Additionally, assemblages have been assessed against the criteria for Local Wildlife Site designation within the Kent Local Wildlife Site Selection Criteria (Kent Wildlife Trust, 2022) and assemblage indicator species such as birds listed on the UK Farm Bird Indicator (Defra, 2023).

2.21 A comparison between population sizes present within the Site with the national and county breeding population estimates for certain species was also taken into account. National estimates for breeding birds are published in the paper *'Population estimates of birds in Great Britain and the United Kingdom'* (Woodward et al., 2020). The BTO Bird Atlas 2007-2011 (Balmer et. al., 2013) was also reviewed for species information on a national level and to inform the above assessment criteria.

2.22 Information on the population status of breeding bird species at a county level was sourced from the latest available issues of the Kent Bird Reports (Kent Ornithological Society, 2015-2019)

2.23 Information on populations of nationally rare species was sourced from the most recently published paper by the Rare Breeding Birds Panel (RBBP) (Hollings M. and the Rare Breeding Birds Panel, 2024).

IMPORTANCE OF BIRD POPULATIONS (VALUATION)

2.24 To inform assessment of the importance of the bird populations, their biodiversity importance has been defined with reference to geographical levels, based on guidance provided in the Chartered Institute of Ecology and Environmental Management (CIEEM)'s *'Guidelines for Ecological Impact Assessment in the United Kingdom and Ireland'* (CIEEM, 2018) as well as professional judgement.

2.25 These assessment criteria (set out in the table 4 below) have been used in conjunction an assessment of species status, abundance and diversity to assess the biodiversity importance of the bird populations recorded during the surveys.

Table 4 Biodiversity Valuation of Ornithological Features

Biodiversity Valuation	Description and examples of criteria
International or European	Resident or regularly occurring populations of species which may be considered of importance at an international or European level (1) where: • the loss of these populations would adversely affect the conservation status or distribution of the species at this geographic scale; • the population forms a critical part (2) of a wider population at this scale; or • the species is at a critical phase (3) of its life cycle at this scale.
UK or National	Areas of habitats with priority species identified in the UK Post-2010 Biodiversity Framework i.e., UK Biodiversity Action Plan (BAP), including those published in accordance with Section 41 of the NERC Act (2006) and those considered to be of principal importance for the conservation of biodiversity. Resident or regularly occurring populations of species which may be considered of value at a UK or a national level (4) where: • the loss of these populations would adversely affect the conservation status or distribution of the species at this geographic scale; • the population forms a critical part of a wider population at this scale; or • the species is at a critical phase of its life cycle at this scale.
Regional	Populations of species of value at a regional level (i.e., South-east England). Resident or regularly occurring populations of species which may be considered of value at a regional level (5) where: • the loss of these populations would adversely affect the conservation status or distribution of the species at this geographic scale; • the population forms a critical part of a wider population at this scale; or • the species is at a critical phase of its life cycle at this scale.

Biodiversity Valuation	Description and examples of criteria
County	Populations of species of value at a County (i.e. Kent) level Resident or regularly occurring populations of species which may be considered of value at a County (or District) (6) level where: • the loss of these populations would adversely affect the conservation status or distribution of the species at this geographic scale; • the population forms a critical part of a wider population at this scale; or • the species is at a critical phase of its life cycle at this scale
Local	Species populations of value in a local (i.e., within ~ 2 km of the site) or District (e.g. Ashford). context. Populations and, or communities of species considered to appreciably enrich the habitat resource within the local context (such as veteran trees), including features of value for migration, dispersal or genetic exchange.
Negligible (Site)	Habitats and associated species that is of value in the context of the Site only. Populations of common and widespread species.

Biodiversity Valuation	Description and examples of criteria
1 Such species include those listed within the Directive 2009/147/EC on the Conservation of Wild Birds (i.e. EC Birds Directive) (codified version of Council Directive 79/409/EEC as amended) or animal or plant species listed within Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna (i.e. Habitats Directive). 2 Such populations include sub-populations that are essential to maintenance of metapopulation dynamics, e.g., critical emigration and, or immigration links between otherwise discrete populations. 3 Seasonal activity or behaviour upon which survival or reproduction depends. 4 Species which may be considered at the UK or national level mean: birds, other animals and plants which receive legal protection on the basis of their conservation interest (those listed within the Wildlife and Countryside Act 1981 (as amended) Schedule 1, 5 and 8); species listed for their principal importance for biodiversity (in accordance with the Natural Environment and Communities Act 2006 Section 41 England), priority species listed within the UK Post 2010 Biodiversity Framework (i.e. UK Biodiversity Action Plan (UKBAP)), or species listed within the Red Data Book. 5 Such species include those listed in the appropriate Natural Character Area description. 6 Such species include those at county level (i.e. Kent) including unitary authority area i.e. District level (i.e. South-east England); as listed on the LBAPs; and listed as a county designated site. *As well as assigning importance there is also a need to identify all legally protected species that could be affected by the proposed scheme in order that measures can be taken to ensure that adherence to the relevant legislation is observed. This may include the adoption of mitigation and appropriate licensing which are acceptable to Natural England.	

2.26 Only ecological features within the Site and/or ZoI assessed as being of importance at a local level or above have been taken forward for future assessment within the ES. Those assessed as being at below a local level of importance, for example at the ZoI level, have been scoped out of the assessment process.

2.27 A summary of the potential impacts of the Project upon important bird species, have been assessed based on the location of birds within the Site and/or foraging areas combined with those areas most likely to be impacted by the Project. These impacts are discussed further within ES Biodiversity Chapter.

ZONE OF INFLUENCE

2.28 The ZoI of a proposed development is defined by the Ecological Impact Assessment Guidelines (EcIA) as "*…the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities*" (CIEEM, 2018).

2.29 The ZoI is determined by the source / type of impact, the potential pathway(s) for that impact and the location and sensitivity of the ecologically important feature(s) beyond the boundary.

2.30 The potential impact(s) of a development are not always limited to the boundaries of the site concerned. A development may also have the potential to result in impacts upon ecologically important sites, habitats or species that are located beyond the site boundaries.

2.31 The potential ZoI of a project in relation to breeding birds is used to determine the extents of the breeding bird survey study area.

2.32 A review of the development proposals confirmed that they will likely result in loss of suitable on-Site bird breeding and foraging habitat, including habitat loss of limited amounts of field margin, hedgerow and other boundary habitats and extensive loss of open arable habitats that are suitable for ground-nesting bird species that require open farmland habitats for nesting. Works may also result in impacts on individual animals (e.g., destruction of active nests during site works).

2.33 Furthermore, the ZoI is likely to be influenced by design effects of the development proposals including lighting and noise during both the construction and operational phases.

2.34 Additionally, the ZoI is also likely to be influenced by management of any remaining habitats with the Site and effects on adjacent land parcels.

2.35 These potential impacts could adversely affect the ecological importance of the local and wider breeding bird populations, including for species such as skylark (*Alauda arvensis*) and yellowhammer (*Emberiza citrinella*), whose territories may cover the Site as well as adjacent off-Site areas.

2.36 Therefore, in the absence of appropriate avoidance, mitigation and compensation measures, the potential ZoI of the approved development, in relation to breeding birds, is likely to extend to the Site and those habitats that fall within c.100-200m beyond this, based on a review of a combination of disturbance assessment studies including Cutts, N et al. (2013), Fernandez-Juricic, E et al (2001) and McClure, C (2013).

2.37 This ZoI was used to establish the required extents of the breeding bird survey, which included all suitable on-Site habitat, and relevant adjacent off-Site habitats (boundary scrub, treelines and hedgerows), also noting any obvious territorial behaviour that encompassed both the Site and adjacent off-Site fields.

SURVEY LIMITATIONS

2.38 An ecological survey represents a 'snapshot' in time of the ecological condition of a site. The ecological character of a site can change substantially throughout both the course of a year, and from year to year impacting on the extent and quality of habitats potential to support protected species.

2.39 The aim of a desk study is to help characterise the baseline context of the site and provide valuable background information that would not be captured by a single site survey alone. Information obtained during a desk study was dependent upon people and organisations having made and submitted records for the area of interest. As such, a lack of records for a particular habitat or species does not necessarily mean that the habitats or species do not occur in the study area. Likewise, the presence of records for particular habitats and species does not automatically mean that these still occur within the area of interest or are relevant in the context of the Project.

2.40 The survey was conducted on foot so that the surveyor passed within 50 metres of most points within the Site compartments and off-Site areas. In some circumstances, i.e. when fields are particularly large, the distance between the surveyor and some areas is likely to have exceeded 50m. However, because the surveyors passed within 50m of most points on-Site and used binoculars, any residual limitations to bird detectability are not regarded as a significant limitation to the survey.

2.41 Surveys were not conducted at night, shortly prior to sunrise or at dusk. Therefore, species that are most active during this period, such as owl species, were unlikely to be recorded. A separate survey for barn owl (*Tyto alba*) was conducted, details of this survey can be read in the associated Appendix 9.5n of **ES Volume 4, Appendix 9.5: Baseline Survey Reports Appendices 9.5g-9.5n (Doc Ref.5.4)** [APP-090].

2.42 To control for time-of-day effects, the transect route was altered on each of the survey visits.

2.43 Bird survey visits were conducted within the optimum period for detecting breeding birds and overall there are no material limitations to the survey results.

3. SURVEY RESULTS

DESK STUDY

BIOLOGICAL RECORDS

3.1 Of those relevant potential rare breeding species, the review of the returned records from KMBRC indicate that the following species occurred within the search area over the last 10 years (dates are of the most recent summer record): cattle egret (*Bubulcus ibis*) on 14/04/2019, little egret on 01/06/2019, pochard (*Aythya ferina*) on 01/04/2013, turtle dove (*Streptopelia turtur*) on 17/05/2018, quail (*Coturnix coturnix*) on 20/06/2012 and lesser-spotted woodpecker (*Dendrocopos minor*) on 06/03/2017.

3.2 The review of the returned records indicate that the following additional farmland bird species occurred within the data search area over the last 10 years: corn bunting (*Emberiza calandra*) on 18/06/2015.

3.3 Other relevant records of red listed species are: spotted flycatcher (*Muscicapa striata*) on 06/07/2017 and marsh tit (*Poecile palustris*) on 11/04/2016.

3.4 Within the returned records turtle dove, spotted flycatcher, marsh tit and corn bunting were confirmed as a breeding species however, the year of confirmed breeding is not listed.

3.5 Results returned from KMBRC of statutory and non-statutory designated sites indicate that there are no statutory sites within data search area and five Local Wildlife Sites providing woodland and pasture habitats. Given the required bird criteria (KWT, 2022), it is unlikely that these LWS have been designated for their breeding bird assemblages.

DESIGNATED SITES CONTEXT

3.6 A number of international designations of breeding and passage ornithological interest are present within 10km of the Site, as follows:

- Dungeness Romney Marsh and Rye Bay Ramsar and SPA is located approximately 6.5km to the south-west of the Site, at its closest point;

3.7 The relevant breeding and passage ornithological qualifying features and interest for these internationally designated sites is summarised below.

Dungeness Romney Marsh and Rye Bay Ramsar

3.8 The Site qualifies under Criterion 5 because it regularly supports

- *'20,000 or more waterbirds: • In the non-breeding season, the site regularly supports 34,957 individual waterbirds (5 year peak mean 2002/3 – 2006/7). '*

3.9 The Site qualifies under Criterion 6 because it regularly supports over 1% of the individuals in the populations of the following species or subspecies of waterbird in any season:

Dungeness Romney Marsh and Rye Bay SPA

3.10 The Site qualifies under Article 4.1 of the Directive (2009/147/EC) as it is used regularly by 1% or more of the Great Britain populations of the following species listed in Annex I in any season:

- '*Qualifying features with revised counts*
- *Common tern Sterna hirundo 188 pairs - breeding (5 year mean 2011-2015) 1.9 % of GB population Annex 1*
- *Sandwich tern Sterna albifrons 420 pairs - breeding (5 year mean 2011-2015) 3.8 % of GB population Annex 1*
- *Qualifying features with counts remaining as at 2016 classification using data in Departmental Brief published in 2010*
- *Avocet Recurvirostra avosetta 31 pairs – breeding (5 year mean 2004-2008) 3.5% of GB population Annex 1*
- *Little tern Sternula albifrons 35 pairs – breeding (5 year mean 1992-1996) 1.5% of GB population Annex 1*
- *Aquatic warbler Acrocephalus paludicola 2 individuals – passage (5 year mean 2004-2008) 6.1% of GB population Annex 1*
- *Marsh harrier Circus aeruginosus 4 females – breeding (5 year mean 2004-2008) 2% of GB population Annex 1*
- *Mediterranean Gull Larus melanocephalus 56 pairs – breeding (2004- 2008) 52.2% of GB population Annex 1'*

3.11 The Site also qualifies under article 4.2 of the Directive (2009/147/EC) due to:

> *' as it is used regularly by over 20,000 waterbirds (waterbirds as defined by the Ramsar Convention) in any season: During the period 2002/03 – 2006/07, Dungeness, Romney Marsh and Rye Bay SPA (including proposed extensions) supported an average peak of 34,625 individual waterbirds in the non-breeding season, comprised of almost 16,000 wildfowl and over 19,000 waders'*

3.12 Due to the international importance of these sites, the presence of any qualifying species is addressed within the evaluation.

3.13 A review of other statutory and non-designated sites within 2km found that other designated sites were designated primarily for their habitats without detailed ornithological criteria. As a result, where species assemblages may be relevant to connected designated site habitats, these are reviewed but focus is made upon the internationally designated sites listed above.

FIELD SURVEY

OVERALL RESULTS (ALL SURVEY AREAS COMBINED)

3.14 52 species were recorded across all the survey areas of the Site during the survey visits.

3.15 Of these, the following were seen flying over of the Site and making no direct use of it: herring gull (*Larus argentatus*), cormorant (*Phalacrocorax carbo*), crossbill (*Loxia curvirostra)* and greenfinch (*Chloris chloris*). Therefore, 48 species were recorded directly using the Site.

3.16 Of the 48 species that use the Site:

- Ten are listed as a Species of Principal Importance: skylark, starling, song thrush, house sparrow, dunnock, yellow wagtail, bullfinch, linnet, yellowhammer, reed bunting.
- One species using the Site: kingfisher (*Alcedo atthis*) is listed under Schedule 1 of the WCA (as amended).
- Eight are BoCC red status species: skylark, starling (*Sturnus vulgaris*), mistle thrush (*Turdus viscivorus*), nightingale, house sparrow (*Passer domesticus*), yellow wagtail (*Motacilla flava*), linnet (*Linaria cannabina*) and yellowhammer.
- 12 are BoCC amber status species: greylag goose (*Anser anser*), mallard (*Anas platyrhynchos*), stock dove (*Columba oenas*), woodpigeon (*Columba palumbus*), kestrel (*Falco tinnunculus*), whitethroat (*Curraca communis*), snipe (*Gallinago gallinago*), wren (*Troglodytes troglodytes*), song thrush (*Turdus philomelos*), dunnock (*Prunella modularis*), willow warbler (*Phylloscopus trochilus*), bullfinch (*Pyrrhula pyrrhula*) and reed bunting (*Emberiza schoeniclus*).

3.17 Of the 48 species that directly use the Site, one species was recorded as 'confirmed breeder', 20 were 'probable breeders', and 24 were 'possible breeders' and three were 'non-breeders'.

3.18 Based on the survey results, estimates of the number of territories across the Site for skylark are 20 for linnet four to five and for yellowhammer 25.

3.19 Table 5 presents the results by survey area and is followed by sections providing a species breakdown by survey area.

Table 5 Results of Breeding Bird Results by Survey Area

Species	BTO code	Status	Area A	Area B	Area C	Area D	Largest observed single survey count
			Notes	Notes	Notes	Notes	
Red-legged partridge *Alectoris rufa*	RL	No status	NR	A pair observed in arable fields on 12/04/23.	NR	NR	Pair recorded in Area B only
Pheasant *Phasianus colchicus*	PH	No status	NR	Possible breeder, adult in suitable habitat. Single recorded on 10/05/2023.	NR	Possible breeder, adult in suitable habitat. Three recorded on 06/06/2023.	Likely present throughout Site
Greylag goose *Anser anser*	GJ	Amber : WL, WI	NR	NR	Area C Non-breeder. 27 in Field 28 on 25/06/2023.	NR	Peak count of 27 in Area C
Mallard *Anas platyrhynchos*	MA	Amber : WDMp 1/2	Possible breeder on Site. Single recorded on 12/04/2023.	NR	NR	NR	Single recorded in Area A only
Stock dove	SD	Amber : BI	NR	Possible breeder, adults in suitable habitat. Four recorded foraging in Field 17 on 10/05/2023.	Probable breeder. Recorded carrying nest material on 13/04/23. Suitable habitat in woodland adjacent Fields 28/29.	Possible breeder, adults in suitable habitat. Four recorded foraging in Field 22 on 25/05/2023.	At least one territory present
Woodpigeon *Columba palumbus*	WP	Amber : BI	Possible breeder, adults in suitable habitat. Recorded on most survey visits.	Possible breeder, adults in suitable habitat. Recorded on most survey visits.	Possible breeder, adults in suitable habitat. Recorded on most survey visits.	Possible breeder, adults in suitable habitat. Recorded on most survey visits.	Likely that territories are present throughout the Site

Species	BTO code	Status	Area A	Area B	Area C	Area D	Largest observed single survey count
			Notes	Notes	Notes	Notes	
Collared dove *Streptopelia decaocto*	CD	Green	Probable breeder, adult in suitable habitat recorded singing on two occasions, 25/05/2023 and 06/06/2023.	Possible breeder, adults in suitable habitat. Single recorded on 13/04/2023.	NR	NR	At least one territory present
Snipe*Gallinago gallinago*	SN	Amber: ERLOB, WDMp1, BDMr2	Non-breeder. Single recorded on 12/04/2023.	NR	NR	NR	Single recorded in Area A only
Herring gull	HG	Section 41 species. Red: BDp2, WDp1, BI, WI	Non-breeder. Recorded flying over the Site only. Peak flock of 14 recorded on 10/05/2023.	Non-breeder. Flying over the survey area on most visits	Non-breeder. Flying over the area on most survey visits	Non-breeder Recorded flying over on most survey visits.	Flyover only
Cormorant *Phalacrocorax carbo*	CA	Green	NR	NR	Non-breeder. Recorded flying over the Site only 13/04/2023 and 13/05/2023.	NR	Flyover only
Grey heron *Ardea cinerea*	H.	Green	Non-breeder. Single on 10/05/2023.	NR	Non-breeder on-Site. However, heronry comprising a minimum of three nests located within Backhouse Wood adjacent to Field 28.	NR	Breeding off-Site in woodland block adjacent Area C

Species	BTO code	Status	Area A	Area B	Area C	Area D	Largest observed single survey count
			Notes	Notes	Notes	Notes	
Little egret *Egretta garzetta*	ET	Green	NR	NR	Non-breeder. Singles in ditches and adjacent the river Stour on 13/04/2023.	NR	Singles recorded in area C only
Buzzard *Buteo buteo*	BZ	Green	Possible breeder, adult in suitable habitat. Single recorded on 25/05/2023	Possible breeder, adult in suitable habitat. Singles recorded on 12/04/2023 and 06/06/2023	Possible breeder, adults in suitable habitat. Single recorded on 25/05/2023	Possible breeder, adult in suitable habitat. Single recorded on 06/06/2023	Likely present throughout the Site and breeding off-Site
Kingfisher	KF	WCA Sch1. Green	NR	NR	Possible breeder, adult in suitable habitat.	NR	Likely breeder within Area C
Great spotted woodpecker *Dendrocopos major*	GS	Green	NR	Possible breeder, adult in suitable habitat. Single recorded on 12/04/2023.	NR	NR	Single recorded in area A only
Green woodpecker *Picus viridis*	G.	Green	Possible breeder, adult in suitable habitat. Single recorded calling within 250m from the Site boundary on 12/04/2023	NR	NR	Possible breeder, adult in suitable habitat. Single recorded calling within 250m from the Site boundary on 25/05/2023.	Recorded in Area A and D as single individuals.
Kestrel	K.	Amber : BDMp 1/2	Possible breeder, adult in suitable habitat. Single recorded on 25/05/2023.	NR	Possible breeder, adult in suitable habitat. Single recorded on 13/05/2023	NR	Recorded in Area A and C as single individuals.

Species	BTO code	Status	Area A	Area B	Area C	Area D	Largest observed single survey count
			Notes	Notes	Notes	Notes	
Jay *Garrulus glandarius*	J.	Green	Possible breeder, adult in suitable habitat. Single recorded on 12/04/2023	NR	NR	Possible breeder, adult in suitable habitat. Singles recorded on 13/04/2023 and 25/05/2023	Recorded in Area A and D as single individuals.
Magpie *Pica pica*	MG	Green	Possible breeder, adults in suitable habitat Individuals recorded on 12/04/2023, 10/05/2023 and 06/06/2023	Possible breeder, adults in suitable habitat Individuals recorded on 12/04/2023, 10/05/2023 and 06/06/2023	Possible breeder, adults in suitable habitat Individuals recorded on 13/04/2023 and 06/06/2023	Possible breeder, adults in suitable habitat Individuals recorded on 13/04/2023, 13/05/2023 and 06/06/2023	Recorded throughout Site
Jackdaw *Corvus monedula*	JD	Green	Possible breeder, adults in suitable habitat Individuals recorded on 12/04/2023 and 25/05/2023	Possible breeder, adults in suitable habitat Flock of 9 recorded on 10/05/2023	Possible breeder, adult in suitable habitat 13/05/2023	NR	Recorded in Areas A, B and C
Carrion crow *Corvus corone*	C.	Green	Possible breeder, adult in suitable habitat. Flock of 13 recorded foraging on 12/04/2023, individuals recorded on 10/05/2023. 13/05/2023 and 06/06/2023, and flock of 40 recorded on 25/05/2023	Possible breeder, adult in suitable habitat Flock of 6 recorded on 12/04/2023 and individuals recorded on 10/05/2023, 13/15/2023, 25/05/2023 and 06/06/2023	Possible breeder, adult in suitable habitat Individuals recorded on13/04/2023 and 13/05/2023 and 25/05/2023 and 06/06/2023	Possible breeder, adult in suitable habitat Single recorded on 13/05/2023	Recorded throughout Site for foraging
Blue tit *Cyanistes caeruleus*	BT	Green	Probable breeder, adults in suitable habitat on all survey visits.	Probable breeder, adults in suitable habitat on all survey visits.	Probable breeder, adults in suitable habitat on all survey visits.	Probable breeder, adults in suitable habitat on all survey visits.	Recorded throughout the Site

Species	BTO code	Status	Area A	Area B	Area C	Area D	Largest observed single survey count
			Notes	Notes	Notes	Notes	
Great tit *Parus major*	GT	Green	Probable breeder, adults in suitable habitat on all survey visits.	Probable breeder, adults in suitable habitat on all survey visits.	Probable breeder, adults in suitable habitat on all survey visits.	Probable breeder, adults in suitable habitat on all survey visits.	Recorded throughout the Site
Long-tailed tit *Aegithalos caudatus*	LT	Green	Possible breeder, adult in suitable habitat recorded on a single survey visit 12/04/2023	NR	NR	NR	Recorded in Area A only.
Skylark	S.	Section 41 species. Red: BDp2	Probable breeder, adults within suitable habitat. Area A holds 8 permanent territories. Additional territories are present immediately off-Site Bird registrations: 28 on 12/04/2023, 16 on 10/05/2023, 15 on 25/05/2023 and 6 on 06/06/2023.	Probable breeder, adults in suitable habitat. Area B holds 12 permanent territories. Additional territories are present immediately off-Site. Bird registrations: 21 on 12/04/2023, 32 on 10/05/2023, 20 on 25/05/2023 and 19 on 06/06/2023.	Possible breeder, individuals recorded in suitable habitat on 06/06/2023. Territories are likely present in the adjacent off-Site fields to the east and west.	Possible breeder, single adult recorded in suitable habitat on 06/06/2023. Territory present in the adjacent off-Site field to the east.	Distributed throughout Site with an average recording of 39 individual registration across Area A and Area B per survey. 20 permanent territories across Area A and B.
Swallow	SL	Green	Non-breeder. Eight foraging across Area A on 06/06/2023.	NR	Non-breeder. Four foraging on 13/04/2023.	Non-breeder. 21 foraging across Area D on 25/05/2023.	Non-breeding, foraging over Site
Willow Warbler	WW	Amber: BDMp2	Possible breeder. Single recorded singing in suitable habitat on 10/05/2023.	NR	NR	NR	Recorded in Area A only.

Species	BTO code	Status	Area A	Area B	Area C	Area D	Largest observed single survey count
			Notes	Notes	Notes	Notes	
Chiffchaff *Phylloscopus collybita*	CC	Green	Probable breeder, adults in suitable habitat and permanent territory. Singles on all survey visit dates. 3 to 4 territories across Area A.	Possible breeder, adults in suitable habitat. Singles on 10/05/2023	Probable breeder, adults in suitable habitat and permanent territory. Singles on all survey visit dates. 4 territories across Area C.	Possible breeder, adults in suitable habitat. Single on 06/06/2023.	Recorded throughout Site with at least seven territories across the Site.
Blackcap *Sylvia atricapilla*	BC	Green	Probable breeder, adults in suitable habitat and permanent territory. Singles on all survey visit dates. 4 to 5 territories across Area A.	Probable breeder, adults in suitable habitat and permanent territory. Singles on all survey visit dates. 3 to 5 territories across Area B.	Probable breeder, adults in suitable habitat and permanent territory. Singles on all survey visit dates. 3 to 4 territories across Area B.	Possible breeder, adults in suitable habitat. Singles on 13/05/2023 and 06/06/2023.	Commonly recorded through all areas of the Site and multiple territories in most parcels
Lesser whitethroat	LW	Green	Possible breeder. Singles recorded singing in suitable habitat on 10/05/2023 and 06/06/2023.	Possible breeder. Singles recorded singing in suitable habitat on 10/05/2023.	NR	NR	Recorded in Area A and B as single individuals.
Whitethroat	WH	Amber : BDMp 2	Probable breeder, adults in suitable habitat. 4 to 6 territories across Area A. Bird registrations: 4 on 10/05/2023 6 on 25/05/2023 6 on 06/06/2023	Probable breeder, adults in suitable habitat. 4 to 5 territories across Area B. Bird registrations: 5 on 10/05/2023 2 on 25/05/2023 6 on 06/06/2023	Probable breeder, adults in suitable habitat. 3 territories across Area C. Bird registrations: 4 on 13/05/2023 2 on 25/05/2023	Possible breeder, adults in suitable habitat. Singles on 13/05/2023 and 06/06/2023.	Recorded throughout the Site with multiple territories recorded throughout

Species	BTO code	Status	Area A	Area B	Area C	Area D	Largest observed single survey count
			Notes	Notes	Notes	Notes	
Goldcrest *Regulus regulus*	GC	Green	Possible breeder, adult in suitable habitat. Single recorded on 12/04/2023 and 25/05/2023	Possible breeder, adults in suitable habitat. Two recorded on 10/05/2023	NR	NR	Recorded in Area A and B.
Wren	WR	Amber : BI	Probable breeder, adults in suitable habitat. 7 to 8 territories across Area A. Bird registrations: 9 on 12/04/2023 12 on 10/05/2023 9 on 25/05/2023 6 on 06/06/2023	Probable breeder, adults in suitable habitat. 4 to 5 territories across Area A. Bird registrations: 2 on 12/04/2023 8 on 10/05/2023 5 on 25/05/2023 9 on 06/06/2023	Probable breeder, adults in suitable habitat. 4 to 6 territories across Area A. Bird registrations: 5 on 13/04/2023 7 on 13/05/2023 7 on 25/05/2023 11 on 06/06/2023	Probable breeder, adults in suitable habitat. 6 to 7 territories across Area A. Bird registrations: 6 on 13/04/2023 6 on 13/05/2023 5 on 25/05/2023 7 on 06/06/2023	Distributed throughout Site, recorded on all survey visits with multiple territories at least 21 territories across the Site.
Nuthatch *Sitta europaea*	NH	Green	NR	Possible breeder, adult in suitable habitat. Two singing on 10/05/2023.	NR	NR	Recorded in Area B on one occasion.
Starling	SG	Section 41 species. Red: BDp1/2	Possible breeder, adults in suitable habitat with 4 on 10/05/2023 and 17 on 25/05/2023.	Non-breeder however, likely use of the area for foraging. 1 on 06/06/2023 .	NR	NR	Recorded foraging in Area A and B only.
Blackbird *Turdus merula*	B.	Green	Probable breeder, adults in suitable habitat. Recorded on most survey visits.	Probable breeder, adults in suitable habitat. Recorded on most survey visits.	Probable breeder, adults in suitable habitat. Recorded on most survey visits.	Probable breeder, adults in suitable habitat. Recorded on most survey visits.	Distributed throughout Site as a probable breeder with multiple territories across the Site.

Species	BTO code	Status	Area A	Area B	Area C	Area D	Largest observed single survey count
			Notes	Notes	Notes	Notes	
Song thrush	ST	Section 41 species. Amber: BDMp 2	Possible breeder, adults in suitable habitat. 1 permanent territory Bird registrations: 2 on 12/04/2023 1 on 10/05/2023 1 on 25/05/2023	Probable breeder, adults in suitable habitat. 2 permanent territories. Bird registrations: 4 on 12/04/2023 2 on 10/05/2023 1 on 25/05/2023 2 on 06/06/2023	Probable breeder, suitable habitat. 2 permanent territories. Bird registrations: 2 on 13/04/2023 1 on 13/05/2023 1 on 25/05/2023 5 on 06/06/2023	Possible breeder, adults in suitable habitat. 1 permanent territory Bird registrations: 2 on 13/05/2023 2 on 25/05/2023 1 on 06/06/2023	Distributed throughout Site as a probable or possible breeder. Six territories present across the Site.
Mistle thrush	M.	Red: BDp2, BDMp 1	Possible breeder, adult in suitable habitat on 10/05/2023	Possible breeder, adult in suitable habitat on 06/06/2023	NR	NR	Recorded in Area A and B on a single occasion.
Robin *Erithacus rubecula*	R.	Green	Probable breeder, adults in suitable habitat and permanent territories. Recorded on every survey visit across the area.	Possible breeder, adults in suitable habitat. Recorded on most survey visits.	Probable breeder, adults in suitable habitat and permanent territories. Recorded on most survey visits.	Probable breeder, adults in suitable habitat and permanent territories. Recorded on most survey visits.	Distributed throughout Site as a probable breeder with multiple territories across the Site.
Nightingale	N.	Red: BDMp 1/2, BDMr 2	NR	NR	Probable breeder, recorded in suitable habitat adjacent the railway embankments with at least a single permanent territory. Recorded on most survey visits.	NR	Recorded in Area C in association with railway embankment only.

Species	BTO code	Status	Area A	Area B	Area C	Area D	Largest observed single survey count
			Notes	Notes	Notes	Notes	
House Sparrow	HS	Section 41 species. Red: BDp2	Possible breeder, adults in suitable habitat. Max flock of 30 recorded on 06/06/2023 within agricultural buildings adjacent the Site. Recorded on most visits in boundary habitats and associated with adjacent housing and within the agricultural buildings at Bank Farm.	Non-breeder, although probable breeder in adjacent housing. Using the area for foraging with low numbers observed on most visits.	NR	Non-breeder, although probable breeder in adjacent housing. Using the area for foraging with low numbers observed on most visits	Recorded within Area A, B and D in association with adjacent farm and house buildings as a possible breeder however likely breeding off-Site
Dunnock	D.	Section41 species. Amber: BDMp2	Possible breeder, adults in suitable habitat. 1 permanent territory Bird registrations: 3 on 12/04/2023 5 on 10/05/2023 1 on 25/05/2023 1 on 06/06/2023	Probable breeder, adults in suitable habitat. 4 permanent territories Bird registrations: 4 on 12/04/2023 1 on 10/05/2023 3 on 25/05/2023 2 on 06/06/2023	Probable breeder, adults in suitable habitat. 2 permanent territories Bird registrations: 4 on 13/04/2023 4 on 13/05/2023 3 on 25/05/2023 1 on 06/06/2023	Probable breeder, adults in suitable habitat. 3 permanent territories Bird registrations: 5 on 13/04/2023 2 on 13/05/2023 4 on 25/05/2023 2 on 06/06/2023	Recorded throughout Site as a probable or possible breeder with approximately 10 territories across the Site
Yellow wagtail	YW	Section 41 species. Red: BDp2, BDMp1, BDMr1/2	NR	Possible breeder, adult in suitable habitat. Single recorded on 06/06/2023	NR	NR	Recorded in Area B only.

Species	BTO code	Status	Area A	Area B	Area C	Area D	Largest observed single survey count
			Notes	Notes	Notes	Notes	
Pied Wagtail *Motacilla alba*	PW	Green	Possible breeder, adult in suitable habitat associated with adjacent housing and within the agricultural buildings at Bank Farm. 1 territory likely in off-Site.	NR	NR	NR	Recorded in Area A only.
Chaffinch *Fringilla coelebs*	CH	Green	Probable breeder, adults in suitable habitat and permanent territories. Recorded on every survey visit across the area.	Possible breeder, adults in suitable habitat. Recorded on every survey visit across the area.	Probable breeder, adults in suitable habitat and permanent territories. Recorded on every survey visit across the area..	Probable breeder, adults in suitable habitat and permanent territories. Recorded on every survey visit across the area.	Distributed throughout Site as a probable breeder with multiple territories across the Site.
Bullfinch	BF	Section 41 species. Amber: BDMp2	NR	Possible breeder, adult in suitable habitat. Singles on 13/04/2023	NR	NR	Recorded in Area B only, peak count of two as a possible breeder.
Greenfinch	GR	Red: BDp1/2	Single bird flying over the Site only on 13/04/2023.	NR	NR	NR	Recorded flying over the Site only.

Species	BTO code	Status	Area A	Area B	Area C	Area D	Largest observed single survey count
			Notes	Notes	Notes	Notes	
Linnet	LI	Section 41 species. Red: BDp2	Possible breeder, adults in suitable habitat. 1 permanent territory. Bird registrations: 1 on 12/04/2023 2 on 10/05/2023 3 on 25/05/2023 5 on 06/06/2023	Possible breeder, adults in suitable habitat. No confirmed territories Bird registrations: 19 on 10/05/2023 with Max flock of 16, birds recorded singing and foraging. 4 on 25/05/2023	Possible breeder, adults in suitable habitat. 1 permanent territory Bird registrations: 4 on 13/04/2023 1 on 13/05/2023 1 on 25/05/2023 3 on 06/06/2023	Probable breeder, adults in suitable habitat. 2 to 3 permanent territories 29 on 13/04/2023 with max flock of 25, birds recorded foraging, singing and aggressive behaviour display. 6 on 13/05/2023 4 on 25/05/2023 5 on 06/06/2023	Recorded throughout Site as a probable or possible breeder. Max flock of 25. 4 to 5 territories recorded across the Site though noting this is a colonial nesting species and this represents a broad estimate.
Crossbill *Loxia curvirostra*	CR	Green	NR	NR	NR	Non-breeder. Recorded flying over the Area only on 25/05/2023.	Recorded flying over the Site only.
Goldfinch *Carduelis carduelis*	GO	Green	Possible breeder, adults in suitable habitat. Recorded on most survey visits	Possible breeder, adults in suitable habitat. Recorded on most survey visits.	Possible breeder, adults in suitable habitat. Recorded on most survey visits	Possible breeder, adults in suitable habitat. Recorded on most survey visits	Distributed throughout Site as a probable or possible breeder.

Species	BTO code	Status	Area A	Area B	Area C	Area D	Largest observed single survey count
			Notes	Notes	Notes	Notes	
Yellowhammer	Y.	Section 41 species. Red: BDp2, BDMp1	Probable breeder, recorded on every survey visit within suitable habitat and permanent territories 3 permanent territories. Bird registrations: 6 on 12/04/2023 4 on 10/05/2023 3 on 25/05/2023 12 on 06/06/2023	Probable breeder, recorded on every survey visit within suitable habitat and permanent territories 13 permanent territories. Bird registrations: 26 on 12/04/2023, with one aggressive behaviour displayed. 26 on 10/05/2023 8 on 25/05/2023 19 on 06/06/2023	Confirmed breeder, recorded on every survey visit within suitable habitat, copulating and permanent territories. 5 permanent territories. Bird registrations: 9 on 13/04/2023 7 on 13/05/2023 11 on 25/05/2023 with copulation recorded. 6 on 06/06/2023	Probable breeder, recorded on every survey visit within suitable habitat and permanent territories 4 permanent territories. Bird registrations: 9 on 13/04/2023 6 on 13/05/2023 14 on 25/05/2023 9 on 06/06/2023	Distributed throughout Site as a confirmed or probable breeder with an average recording of 43 individual registration across the Site per survey. 25 territories recorded across the Site with a strong territory holding recorded in Area B.
Reed bunting	RB	Section 41 species. Amber: BDMp2	NR	Probable breeder, adults recorded in suitable habitat 2 permanent territories Bird registrations: 5 on 10/05/2023 1 on 25/05/2023 1 on 06/06/2023 singing	Probable breeder, adults recorded in suitable habitat. 2 permanent territories Bird registrations: 3 on 13/04/2023 1 on 13/05/2023 1 on 25/05/2023 2 on 06/06/2023 as aggressive encounter	Possible breeder, adults recorded in suitable habitat No confirmed territories. Single recorded on 25/05/2023	Recorded throughout Site as a probable or possible breeder with 4 territories recorded across the Site.

3.20 The following sections provide a breakdown by survey area.

RESULTS FOR SURVEY AREA A

3.21 38 species were recorded during the survey visits of Area A. Of these, two species were recorded flying over Area A and not making further use of it: herring gull and greenfinch.

3.22 Therefore, 36 species were recorded directly using Area A. Of these, six are red status species: skylark, starling, house sparrow, mistle thrush, linnet and yellowhammer and nine are amber status species: mallard, woodpigeon, kestrel, whitethroat, wren, song thrush, dunnock, willow warbler and snipe.

3.23 Seven species are listed as a Species of Principal Importance: skylark, starling, song thrush, house sparrow, dunnock, linnet and yellowhammer.

3.24 Of the 36 species that directly use Area A, three were recorded as 'confirmed breeders', 12 were 'probable breeders', 21 were 'possible breeders' and three were 'non-breeders'.

RESULTS FOR SURVEY AREA B

3.25 35 species were recorded during the survey visits of Area B. Of these, one species was recorded flying over Area B and not making further use of it: herring gull.

3.26 Therefore, 34 species were recorded directly using Area A. Of these, seven are red status species: skylark, starling, mistle thrush, house sparrow, yellow wagtail, linnet and yellowhammer and seven are amber status species: woodpigeon, stock dove, whitethroat, wren, song thrush, dunnock and reed bunting.

3.27 Nine species are listed as a Species of Principal Importance: skylark, starling, song thrush, house sparrow, dunnock, yellow wagtail, linnet, yellowhammer and reed bunting.

3.28 Of the 34 species that directly use Area B, 11 were 'probable breeders', 21 were 'possible breeders' and two were 'non-breeders'.

RESULTS FOR SURVEY AREA C

3.29 31 species were recorded during the survey visits of Areas C. Of these, two species were recorded flying over Area B and not making further use of it: herring gull and cormorant.

3.30 Therefore, 29 species were recorded directly using Areas C. Of these, four are red status species: skylark, nightingale, linnet and yellowhammer and 10 are amber status species: greylag goose, stock dove, woodpigeon, kestrel, whitethroat, wren, song thrush, bullfinch, dunnock and reed bunting.

3.31 Seven species are listed as a Species of Principal Importance: skylark, song thrush, dunnock, linnet, bullfinch, yellowhammer and reed bunting.

3.32 Of those species using the survey areas, one species: kingfisher is listed under Schedule 1 of the WCA.

3.33 Of the 29 species that directly use Area C, one was recorded as a 'confirmed breeder', 14 were 'probable breeders', 10 were 'possible breeders' and four 'were non-breeders'.

RESULTS FOR SURVEY AREA D

3.34 28 species were recorded during the survey visits of Area D. Of these, two species were recorded flying over Area D and not making further use of it: herring gull and common crossbill.

3.35 Therefore, 26 species were recorded directly using Area D. Of these, three are red status species: house sparrow, linnet and yellowhammer and seven are amber status species: stock dove, woodpigeon, bullfinch, whitethroat, wren, song thrush and dunnock.

3.36 Seven species are listed as a Species of Principal Importance: skylark, song thrush, dunnock, linnet, bullfinch, yellowhammer and reed bunting.

3.37 Of the 26 species that directly use Area D, nine were 'probable breeders', 15 were 'possible breeders' and one was a 'non-breeder'.

4. EVALUATION

SUMMARY

4.1 Of the bird species recorded, given the bird species assemblage, foraging and nesting habitat present, recorded breeding evidence, territories and peak counts the Site is likely to be of ecological importance at a Local (district) level for its breeding notable bird assemblage with the exception of:

- County importance for breeding yellowhammer (based on territories and suitable habitat availability), and
- Local (district) importance for breeding skylark and nightingale (based on territories and suitable habitat availability).

4.2 Overall, the Site is assessed as supporting a typical breeding bird assemblages for intensively managed farmland with small woodland pockets and ditch habitats. The majority of birds encountered are common and widespread species of low conservation concern.

CONSERVATION STATUS

4.3 A total of 52 bird species were recorded within the Site, with 48 directly using the Site. Of these, 32 are notable species as follows:

- Ten are listed as a Species of Principal Importance: skylark, starling, song thrush, house sparrow, dunnock, yellow wagtail, bullfinch, linnet, yellowhammer and reed bunting.
- Ten are listed as red status species: skylark, starling, mistle thrush, nightingale, house sparrow, yellow wagtail, bullfinch, greenfinch, linnet and yellowhammer.
- 13 are listed as amber status species: greylag goose, mallard, snipe, stock dove, woodpigeon, kestrel, whitethroat, willow warbler, wren, song thrush, dunnock, bullfinch and reed bunting.
- One species using the Site: kingfisher is listed under Schedule 1 of the WCA.

4.4 Due to the large size of the Site and combination of habitats present, this assemblage is assessed as typical of the habitat types present within the wider local area and county. These notable species have however been further assessed in relation to abundance, species diversity, habitat importance and ZoI, below.

DESIGNATED SITE CRITERIA

4.5 No species listed on the qualifying criteria for the Dungeness Romney Marsh and Rye Bay SPA Ramsar were recorded, therefore no further evaluation has been undertaken in respect of these designated sites.

SPECIES ABUNDANCE

4.6 No counts of any breeding bird species recorded within the Site approach 1% of national breeding population estimates (Woodward et al., 2020). As such, the Site did not support breeding populations of national importance for any species.

4.7 At a county level, territories recorded during the field survey were compared with those detailed within the Kent Bird Reports (Kent Ornithological Society, 2019 - 2024). All species were recorded in low numbers in comparison with county records aside from the species discussed below.

YELLOWHAMMER

- Breeding bird survey trend data for Kent indicates that yellowhammer breeding populations are stabilising after a steady decline however, the trend confidence limits are wide and few breeding bird survey squares are being covered. The trend for England and the south-east continues to show a decline. Across the Site important habitats to support breeding and foraging yellowhammer occurs i.e. native species hedgerows with an understorey of mixed herbaceous vegetation adjacent to field margins.
- The Site is assessed to be of County importance for breeding yellowhammer based on the recorded presence of between 33 to 36 aggregated territories of this species recorded between combined years along with confirmed or probable breeding recorded on all survey parcels and the widespread availability of breeding habitat. The aggregated territory number is based on 25 territories recorded in Areas A to D in 2023 and 8-11 territories recorded in Area E in 2022 and using a precautionary assessment of simple addition of territories with no shift in territories by birds and continued use between years.

SKYLARK

- Breeding bird survey trend data for Kent (Kent Ornithological Society (2015-2019) indicates that skylark breeding populations are stabilising and potentially increasing in-line with the trend for the south-east. However, the trend confidence limits are wide and few breeding bird survey squares are being covered. With the exceptions of survey Areas C and D, important habitats within the Site i.e. large, wide open arable fields with few high boundaries that provide suitable crop heights in spring and summer, are suitable to support breeding and foraging skylark.
- The Site is assessed as being of Local (district) importance for breeding skylark, based on the recorded presence of between 29 to 32 aggregated territories recorded between combined years along with probable breeding evidence recorded within most parcels, counts of 35+ on most visits and the widespread available nesting habitat present within the Site. The aggregated territory number is based on 20 territories recorded in Areas A to D in 2023 and an additional 9 to 12 territories recorded in Area E in 2022 and using a precautionary assessment of simple addition of territories with no shift in territories by birds and continued use between years.
- A notable absence of skylark territory presence was recorded in Parcels C, D and F during 2023 compared to 2020, although registrations of skylark were recorded in these areas. This resulted in a lower number of combined territories (29 to 32) across 2022-2023 compared to 2020 (39 to 46).

NIGHTINGALE

- The railway embankment adjacent to the survey Area C is of Local (district) level importance for breeding nightingale, based on a review of Kent Bird Reports (Kent Ornithological Society (2017-2023), but note that this area is outside the Site, not subject to any habitat changes and unlikely to be impacted.

SPECIES DIVERSITY

4.8 Of the other bird species recorded, given the total of bird species and peak counts, the Site is likely to be of ecological importance at a Local level for its breeding bird assemblage.

4.9 The Site is unlikely to qualify for Kent LWS selection criteria (which are often used to inform assessments of whether a recorded species population / assemblage may be of county level importance) but it is noted that a small number of Kent Red Data Book species (cormorant, grey heron and little egret) have been recorded on occasion within the Site. The on-Site habitats are however similar to abundant agricultural habitats within the district.

HABITAT AND DISTRIBUTION

4.10 During the breeding bird survey in 2022, it was noted that the Site supports wide field margins with tall herbaceous vegetation that are adjacent to the crop and provides hedgerows with a dense vegetated understorey. However, the 2023 survey noted that these margins were reduced in width and that this was likely to impact the availability of foraging habitat in the summer / winter months.

4.11 Bird species recorded on Site were registered utilising the woodland edges, hedgerows, scrub and ditch habitat and any adjacent gardens and associated buildings. Bird registrations within the cereal fields generally corresponded with foraging behaviour only, except for skylark which is a ground nesting bird that utilises cereal fields.

POTENTIAL IMPACTS FOR FURTHER ASSESSMENT

4.12 Details of impact assessment, avoidance, mitigation, compensation and enhancement measures relating to birds are not included in this report. Instead, these measures are be set out in the **ES Volume 2: Chapter 9: Biodiversity (Doc Ref. 5.2**) [APP-033] and the accompanying **Outline Landscape and Ecology Management Plan (LEMP) (Doc Ref 7.10(B))**. Measures within these documents remain appropriate following evaluation of the 2023 breeding season survey results.

5. REFERENCES

Balmer, D.E., Gillings, S., Caffrey, B.J., Swann, R.L., Downie, I.S. & Fuller, R.J. (2013). *Bird Atlas 2007-11: the breeding and wintering birds of Britain and Ireland*. British Trust for Ornithology.

Bibby C.J, Burgess N.D, Hill D.A and Mustoe S. (2000). *Bird Census Techniques.* London.

Bird Survey & Assessment Steering Group. (2023). *Bird Survey Guidelines for assessing ecological impacts, v.1.1.1*. https://birdsurveyguidelines.org

British Trust for Ornithology (undated). https://www.bto.org/our-science/projects/breeding-bird-survey/latest-results/population-trend-graphs

CIEEM (2018). *Guidelines for ecological impact assessment in the United Kingdom and Ireland: Terrestrial, Freshwater and Coastal.* Version 1.3 (Updated September 2024). Chartered Institute of Ecology and Environmental Management, Winchester.

Council of the European Communities. (2009) *Directive 2009/147/EC of the European Parliament and of the Council of 20 November 2009 on the conservation of wild birds (codified version)*. Official Journal of the European Communities, 20 (2009), 7-25.

Cutts, N, Hemingway, K and Spencer, J (2013). Waterbird disturbance mitigation toolkit. Informing estuarine planning and construction projects. Institute of Estuarine and Coastal Studies for TIDE.

Fernandez-Juricic, E. Jimenez, M.D and Lucas, E (2001). Alert distance as an alternative measure of bird tolerance to human disturbance: implications for park design. Environmental Conservation, 2001, 28, p. 263–269.

C. J. W. McClure et al (2013). An experimental investigation into the effects of traffic noise on distributions of birds: avoiding the phantom road. Proceedings of the Royal Society of London: Biological Sciences, 2013, 280, p. 1773.

Defra (2023). Wild Bird Populations in the UK, 1970 to 2020. Available at: ENV07 - Wild bird populations in the UK - GOV.UK (www.gov.uk). [Accessed:18/04/2024]

Department for Levelling Up, Housing and Communities (September 2023). *National Planning Policy Framework. Available at:* National Planning Policy Framework - Guidance - GOV.UK (www.gov.uk). Accessed [13/09/2023].

Donald, P.F. (2004). *The Skylark*. T & AD Poyser, London.

Eaton, M and the Rare Breeding Birds Panel (2022). *Rare breeding birds in the UK in 2020* – British Birds 115, 623–686

Evolution Power Holdings Ltd (2023a) Stonestreet Green Site Indicative Proposed Layout Plan. Issue: 23. Drawing Reference 142-02-01. November 2023

Kent Ornithological Society (2015). *Kent Breeding Atlas 2008-13. Kent Bird Report.*

KOS (2024-2020). Kent Bird Reports 2023 to 2019. Kent Ornithological Society.

Kent Wildlife Trust (2022). *Local Wildlife Sites in Kent. Criteria for Selection and Delineation. Version 1.7. June 2022*. Tyland Barn, Kent.

Lloydbore (2023). *Stonestreet Green Solar. Schedule 1 Bird Species Report. 5535-LLB-RP-Ec-0036-S4-P01*

Ministry of Housing, Communities & Local Government (February 2019). *National Planning Policy Framework.*

Whittingham, M.J., Swetnam, R.D., Wilson J.D., Chamberlain D.E. & Freckleton R.P. (2004). *Habitat selection by yellowhammers Emberiza citrinella on lowland farmland at two spatial scales: implications for conservation management*. Journal of Applied Ecology 2005 **42**, 270-280.

Morris, A.J., Whittingham, M.J., Bradbury, R.B., Wilson,J.D., Kyrkos, A., Buckingham, D.L. & Evans, A.D. (2001). *Foraging habitat selection by yellowhammers (Emberiza citrinella) nesting in agriculturally contrasting regions in lowland England.* Biological Conservation, **101**, 197–210

Natural England (2008) Natural Environment and Rural Communities (NERC) Act 2006: Section 41: Habitats and Species of Principal Importance in England. Available from: http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx.

Rare Breeding Birds Panel (2024). *Rare Breeding Birds in the UK in 2022: report summary table*. Available from: https://rbbp.org.uk/wp-content/uploads/2024/11/2022-RBBP-report-summary-table.pdf [Accessed 22/08/2024]

Stanbury, A., Eaton, M., Aebischer N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D. & Win, I. (2021). *The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain*. British Birds 114, 723-747.

Woodward, I., Aebischer, N., Burnell, D., Eaton, M., Frost, T., Hall, C., Stroud, S. & Noble, D. (2020) A*PEP 4 Population estimates of birds in Great Britain and the United Kingdom*. British Birds: 113. BTO. [Available at: https://www.bto.org/our-science/publications/peer-reviewed-papers/apep-4-population-estimates-birds-great-britain-and - accessed 13/09/23].

ANNEX 1: SUMMARY OF LEGISLATION, PLANNING POLICY AND GUIDANCE

LEGISLATION

5.1 The level of protection afforded to protected species varies dependent on the associated legislation. A full list of protected species and their specific legal protection is provided within the Schedules and/or Sections of the associated legislation. Case law may further clarify the nature of the legal protection afforded to species.

5.2 The legal protection afforded to protected species overrides all planning decisions.

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

5.3 The legislative provisions for the protection of wild birds in the UK are contained primarily in Sections 1-7 of the Wildlife and Countryside Act ('WCA') 1981 (as amended).

5.4 When breeding, all birds, their nest, eggs and nestlings are afforded protection under the Wildlife and Countryside Act 1981, as updated by the 'Countryside Right of Way Act 2000'). Therefore, it is an offence to:

- intentionally kill, injure or take any wild bird;
- intentionally take, damage or destroy the nest of any wild bird while it is in use or being built; and
- intentionally take or destroy the eggs of any wild bird.

5.5 Additionally, special penalties exist for offences related to species listed on Schedule 1 of the Wildlife and Countryside Act, 1981 (as amended) for which there are additional offences for disturbing these birds at their nest, or their dependent young. Schedule 1 birds cannot be intentionally or recklessly disturbed when nesting and there are increased penalties for doing so. Generally, no licences are available for disturbance during a development even in circumstances where that development is consented including a valid planning permission.

Conservation of Habitats and Species Regulations 2017

5.6 A number of bird species recorded in the UK (including those that are resident, overwintering and migratory) are protected at a European level under the European Commission (EC) Directive of the Conservation of Wild Birds 2009 (2009/147/EC). The Directive applies to 193 bird species or sub-species which are:

a. in danger of extinction;
b. rare, or have restricted local distribution;
c. vulnerable to specific changes in their habitat; or
d. in need of particular attention for reasons of the specific nature of their habitat.

5.7 These species are afforded enhanced legal protection and EU member states have a responsibility to maintain the populations of these species at a level that corresponds to their ecological, scientific and cultural requirements (Article 2). This Directive was

transposed into English law through the Conservation of Habitats and Species Regulations 2017 (as amended).

5.8 The UK is no longer a member of the European Union (EU). EU legislation as it applied to the UK on 31 December 2020 is now a part of UK domestic legislation. EU legislation which applied directly or indirectly to the UK before 31 December 2020 has been retained in UK law as a form of domestic legislation known as 'retained EU legislation'.

5.9 The Secretary of State for the Environment, Food and Rural Affairs and Welsh Ministers have made changes to parts of the Conservation of Habitats and Species Regulations 2017 (referred to as the 2017 Regulations) so that they operate effectively. Most of these changes involve transferring functions from the European Commission to the appropriate authorities in England. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

5.10 Species listed on Annex 1 of the Directive are those for which the UK Government is required to take special conservation measures including the designation of land as Special Protection Areas (SPAs) to ensure the survival and reproduction of these species throughout their distributions.

5.11 These sites in the UK no longer form part of the EU's Natura 2000 ecological network. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (referred to as the 2019 Regulations) have created a national site network on land. These sites are automatically included within the Bern Convention Emerald Network; a network of core breeding and resting sites that are protected for rare and threatened species. Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new national site network

NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006 (AS AMENDED)

5.12 Section 41 (S41) of the Natural Environment and Rural Communities (NERC) Act (2006) requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers, including local and regional authorities, in implementing their duty under Section 40 of the act to have regard to the conservation of biodiversity in England when carrying out their normal functions.

5.13 Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 has been used to identify habitats and species considered to be a conservation priority at a national scale. These are also called Habitats or Species of Principal Importance. The importance of these habitats and species are recognised in the National Planning Policy Framework (NPPF) (Ministry of Housing, Communities & Local Government, 2023).

5.14 The list of 49 bird 'priority species' comprises those identified as requiring action under the UK Biodiversity Action Plan (UKBAP), which continue to be regarded as species of conservation priority under the UK Post-2010 Biodiversity Framework (succeeded the UKBAP in July 2012).

PLANNING POLICY

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.15 In addition to primary legislation, the government published the National Planning Policy Framework on 12th December 2024. Within the NPPF, Chapter 15 is headed *Conserving and enhancing the natural environment* (Paragraphs 187 to 195).

5.16 Of relevance are the following statements: -

'Planning policies and decisions should contribute to and enhance the natural and local environment by… minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (Paragraph 187d).

5.17 Paragraph 188 states that: -

'Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.'

5.18 To protect and enhance biodiversity and geodiversity, plans should: -

'a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including: the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation (Paragraph 192a)*; and*

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.' (Paragraph 192b).

5.19 When determining planning applications, local planning authorities should apply the following principles (Paragraph 193): -

'a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'

5.20 In addition to the above, Paragraph 194 confirms that the following should be afforded the same protection as sites that are included within the definition at Regulation 8 of the Conservation of Habitats and Species Regulations 2017 (Special Areas of Conservation, Sites of Community Importance, Special Protection Areas and any relevant Marine Sites): -

a. *potential Special Protection Areas and possible Special Areas of Conservation;*
b. *listed or proposed Ramsar sites; and*
c. *sites identified, or required, as compensatory measures for adverse effects on Special Areas of Conservation, Special Protection Areas, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.*

5.21 Paragraph 195 states that: -

'The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.'

5.22 This statement applies to the assessment of effects in relation to all confirmed, possible, potential and/or proposed designated sites of international importance.

GUIDANCE

BIRDS OF CONSERVATION CONCERN (BOCC)

5.23 Although it does not offer any legal protection, Birds of Conservation Concern 5 (Stanbury et al., 2021) provides guidance on the conservation status of UK bird species. Thus, it can be used to inform judgements on the ecological importance of bird populations and the habitats that they rely on, particularly at a local level.

5.24 The Birds of Conservation Concern (BoCC) assigns bird species red and amber status based on a set of criteria that are summarised in the following table. Red status species are those species of highest conservation concern and green status species are those of low or no conservation concern. Amber status species are those species of some conservation concern.

Table 6 Birds of Conservation Concern (BoCC) red and amber list criteria.

Criteria	BoCC Status Code	Description
Red list	HD	Historical decline in breeding population.
	BDp[1] / BDp[2]	Severe breeding population decline over 25 years / longer term.
	BDr[1] / BDr[2]	Severe breeding range decline over 25 years / longer term.
	WDp[1] / WDp[2]	Severe non-breeding population decline over 25 years / longer term.
	WDr[1]	Severe non-breeding range decline over 25 years.
	IUCN	Globally threatened – CR (critically endangered) EN (endangered) VU (vulnerable).
Amber list	BDMp[1] / BDMp[2]	Moderate breeding population decline over 25 years / longer term.
	WDMp[1] / WDMp[2]	Moderate non-breeding population decline over 25 years / longer term.
	BDMr[1] / BDMr[2]	Moderate breeding range decline over 25 years / longer term.
	WDMr[1]	Moderate non-breeding range decline over 25 years.
	ERLOB	Threatened in Europe – CR (critically endangered) EN (endangered) VU (vulnerable).
	HDrec	Historical decline in breeding population in recovery.
	BR / WR	Breeding rarity / non-breeding rarity.
	BL / WL	Breeding localisation / non-breeding localisation.
	BI / WI	Breeding bird of international importance / non-breeding bird of international importance.
Green	N/A	Green list species are not of conservation concern and include all other commonly occurring birds in the UK..
Other	N/A	Non-native species (e.g. Canada goose (*Branta canadensis*), feral pigeon (*Columba livia domestica*)) are not afforded Red, Amber or Green list status

KENT LOCAL WILDLIFE SITE SELECTION CRITERIA

5.25 In Kent an individual LWS can be selected for birds if it meets the criteria within Kent Local Wildlife Site Selection Criteria (Kent Wildlife Trust, 2022). These guidelines state that the criterion for selection of Local Wildlife Sites applies to birds as follows

'Birds

133) A set of criteria has been established by Kent Ornithological Society, as the relevant expert organisation, for the selection of Wildlife Sites on the basis of their bird fauna (which is here taken to mean the naturally occurring populations of wild birds on a site). The criteria are based on established criteria for the selection of Sites of Special Scientific Interest, and on the Kent Red Data Book.

134) The criteria are intended to be applied to areas of habitat which are more-or-less discrete and homogenous. For example, a large block of woodland should not be treated as part of the same site as a large block of farmland. However, an intimately mixed area of small fields, hedges and small woods may be treated as a unit, as may the mix of scrub, swamp, marsh and open water vegetation associated with flood plains or around abandoned quarries.

135) The criteria have been designed to recognise

a) The rarity of certain breeding and wintering bird species;

b) Birds which may be considered vulnerable because their populations are in decline;

c) Birds which are vulnerable because of their colonial nesting habitats;

d) Birds which may be considered vulnerable because their non-breeding populations are

concentrated in a small number of sites; and

e) Sites of importance for the presence of a diversity of species.

A site should be selected as a Local Wildlife Site if it can be considered as a single, identifiable unit (as explained above) in terms of its bird fauna and where

• It is occupied regularly by at least 2.5% of the county population of any one or more bird species, based on the most recent and authoritative data;

OR

• It is occupied regularly as a breeding site by species with a Kent population of 50 or fewer territories;

OR

• It holds ten or more Kent Red Data Book 2 (KRDB2) species in the breeding season;

OR

• It holds three or more Kent Red Data Book 3 (KRDB3) species at the appropriate time of year (normally this should not include a combination of breeding and wintering species);

OR

• It holds one of the five largest colonies of colonial seabirds (with the exception of herring gull and black-headed gull), grey heron, little egret or sand martin;

OR

• It is occupied regularly by 5% or more of the county population of any one or more species in non-breeding seasons, based on the most recent and authoritative data;

OR

• It has been recorded as being regularly used in recent years by at least 50 breeding bird species;

OR

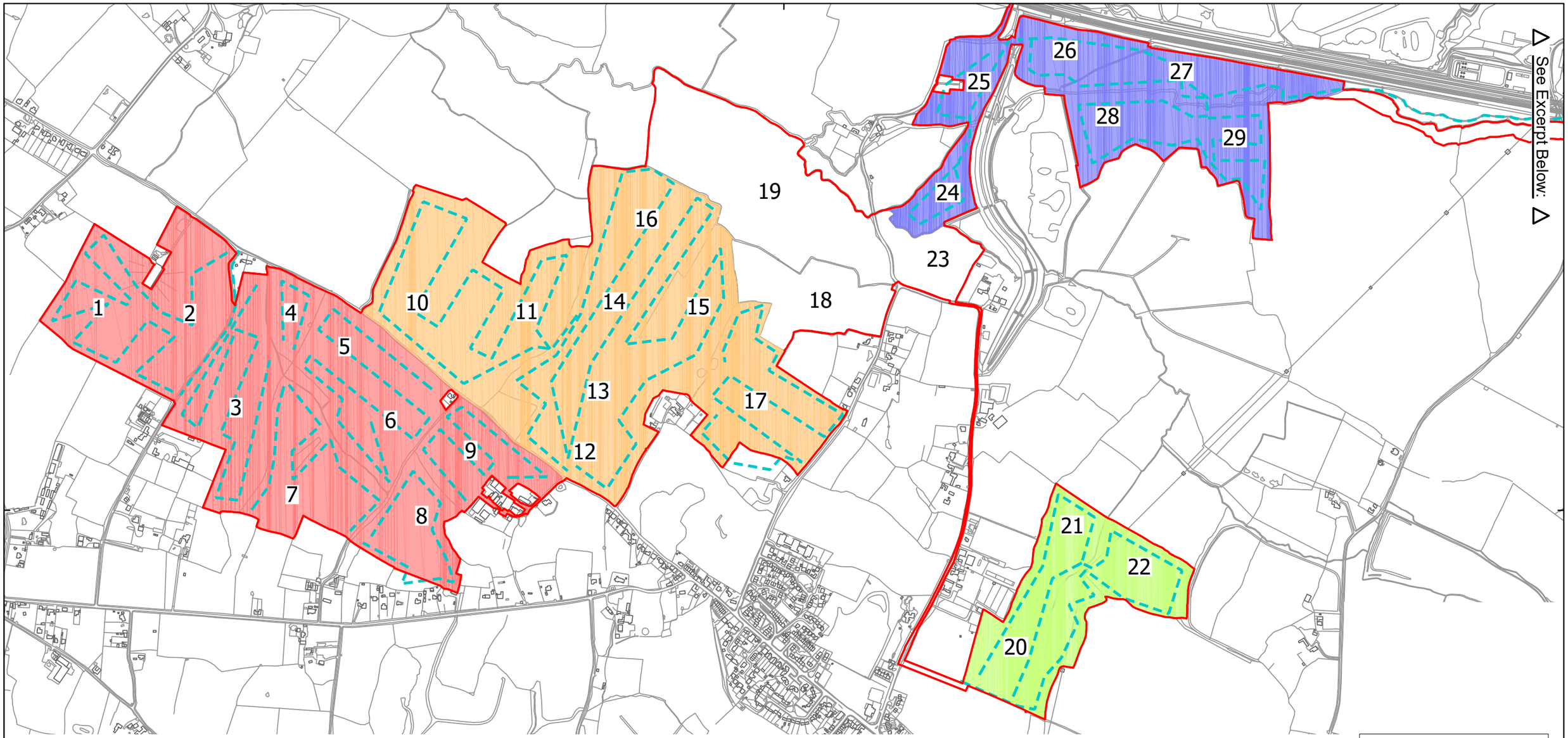
• It has been recorded as being regularly used in recent years by at least 60 wintering bird species;

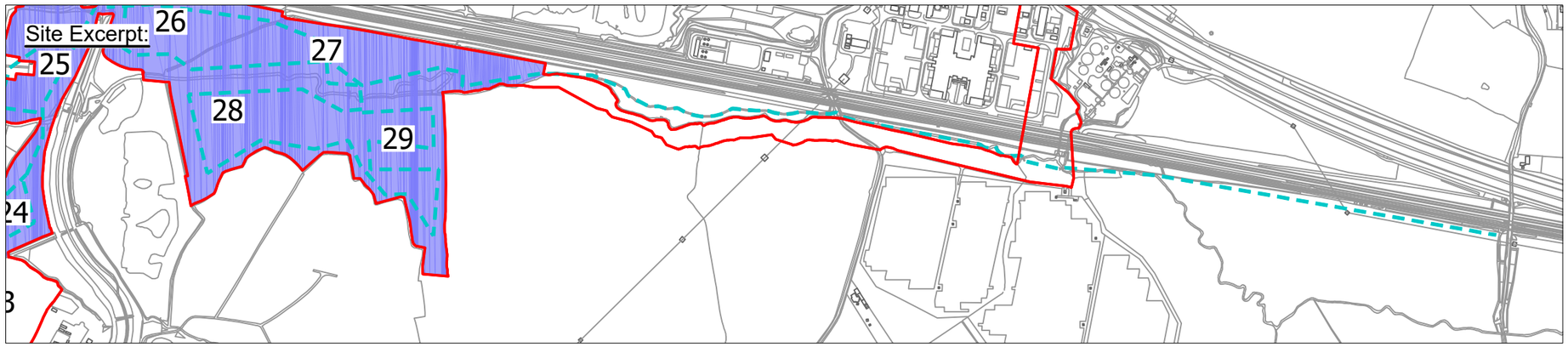
OR

• It has been recorded as being regularly used in recent years by at least 100 passage bird species.'

ANNEX 2: BREEDING BIRD SURVEY ROUTES 2023

Figure 1 *Survey route denoted by the blue dashed line.*





LEGEND:

- Survey transect route used in 2023
- Survey area A, encompassing field numbers: 1, 2, 3, 4, 5, 6, 7, 8, and 9
- Survey area B, encompassing field numbers: 10, 11, 12, 13, 14, 15, 16, and 17
- Survey area D, encompassing field numbers: 20, 21, and 22
- Survey area C & F, encompassing field numbers: 24, 25, 26, 27, 28 and 29
- Order limits
  Total area approx: 191.538 ha.

N

0 100 200 m

1:10000

rev.	rev. date	auth.	rev. note
P01	20/09/24	MW	Initial issue.

rev.	rev. date	auth.	rev. note

client. **EPL 001 Limited**

project.
Stonestreet Green Solar
Land North And West Of Aldington
Kent

drawing no. **5535-LLB-XX-XX-DR-Ec-0163** rev. **P01**

drawing title.
Report Figure 1
Breeding Bird Survey Routes 2023

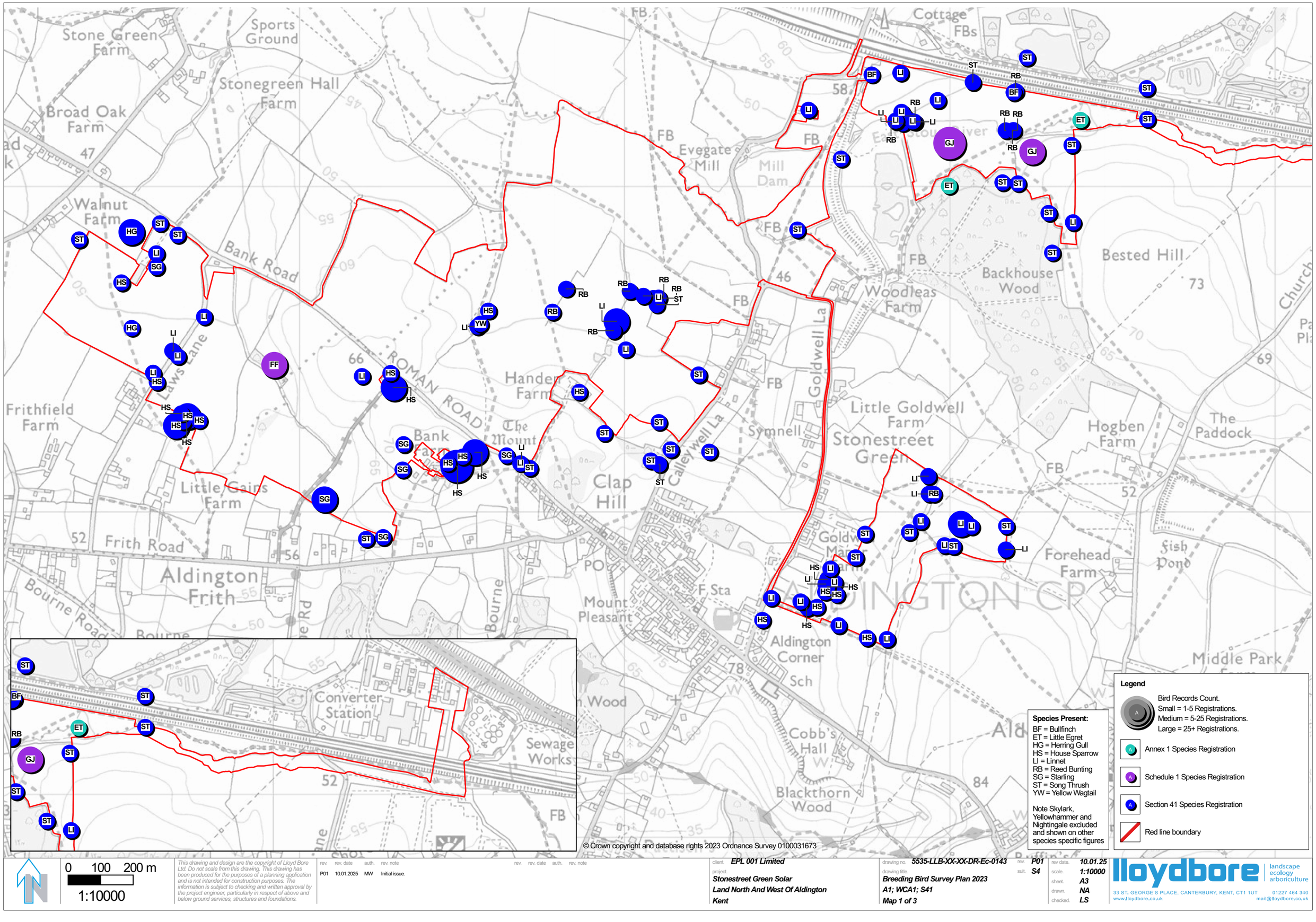
suit. **S4**

APFP **5(2)(i)(ii)**

rev date. **20/09/24**
scale. **1:10000**
sheet. **A3**
drawn. **NA**
checked. **MW**

lloydbore landscape ecology arboriculture
33 ST. GEORGE'S PLACE, CANTERBURY, KENT CT1 1UT 01227 464 340
www.lloydbore.co.uk mail@lloydbore.co.uk

ANNEX 3: BREEDING BIRD SURVEY PLANS 2023



Species Present:

BF = Bullfinch
ET = Little Egret
HG = Herring Gull
HS = House Sparrow
LI = Linnet
RB = Reed Bunting
SG = Starling
ST = Song Thrush
YW = Yellow Wagtail

Note Skylark, Yellowhammer and Nightingale excluded and shown on other species specific figures

Legend

Bird Records Count.
Small = 1-5 Registrations.
Medium = 5-25 Registrations.
Large = 25+ Registrations.

Annex 1 Species Registration

Schedule 1 Species Registration

Section 41 Species Registration

Red line boundary

0 100 200 m
1:10000

rev.	rev. date	auth.	rev. note
P01	10.01.2025	MW	Initial issue.

client. **EPL 001 Limited**

project. **Stonestreet Green Solar**
Land North And West Of Aldington
Kent

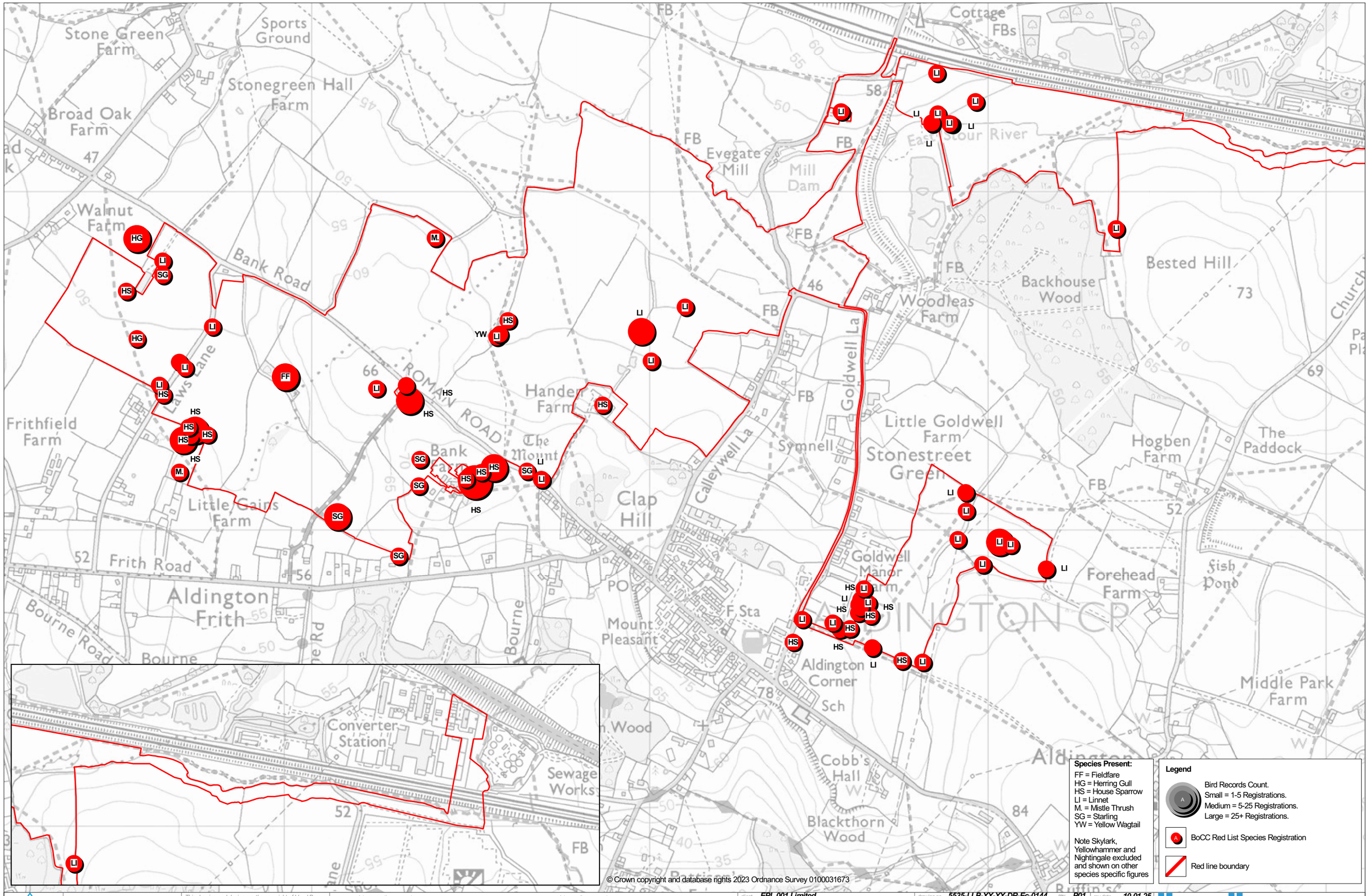
drawing no. **5535-LLB-XX-XX-DR-Ec-0143** rev. **P01**

drawing title. **Breeding Bird Survey Plan 2023**
A1; WCA1; S41
Map 1 of 3

suit. **S4**

rev date.	10.01.25
scale.	1:10000
sheet.	A3
drawn.	NA
checked.	LS

lloydbore landscape ecology arboriculture
33 ST. GEORGE'S PLACE, CANTERBURY, KENT, CT1 1UT 01227 464 340
www.lloydbore.co.uk mail@lloydbore.co.uk



Species Present:

FF = Fieldfare
HG = Herring Gull
HS = House Sparrow
LI = Linnet
M. = Mistle Thrush
SG = Starling
YW = Yellow Wagtail

Note Skylark, Yellowhammer and Nightingale excluded and shown on other species specific figures

Legend

Bird Records Count.
Small = 1-5 Registrations.
Medium = 5-25 Registrations.
Large = 25+ Registrations.

BoCC Red List Species Registration

Red line boundary

rev.	rev. date	auth.	rev. note
P01	10.01.2025	MW	Initial issue.

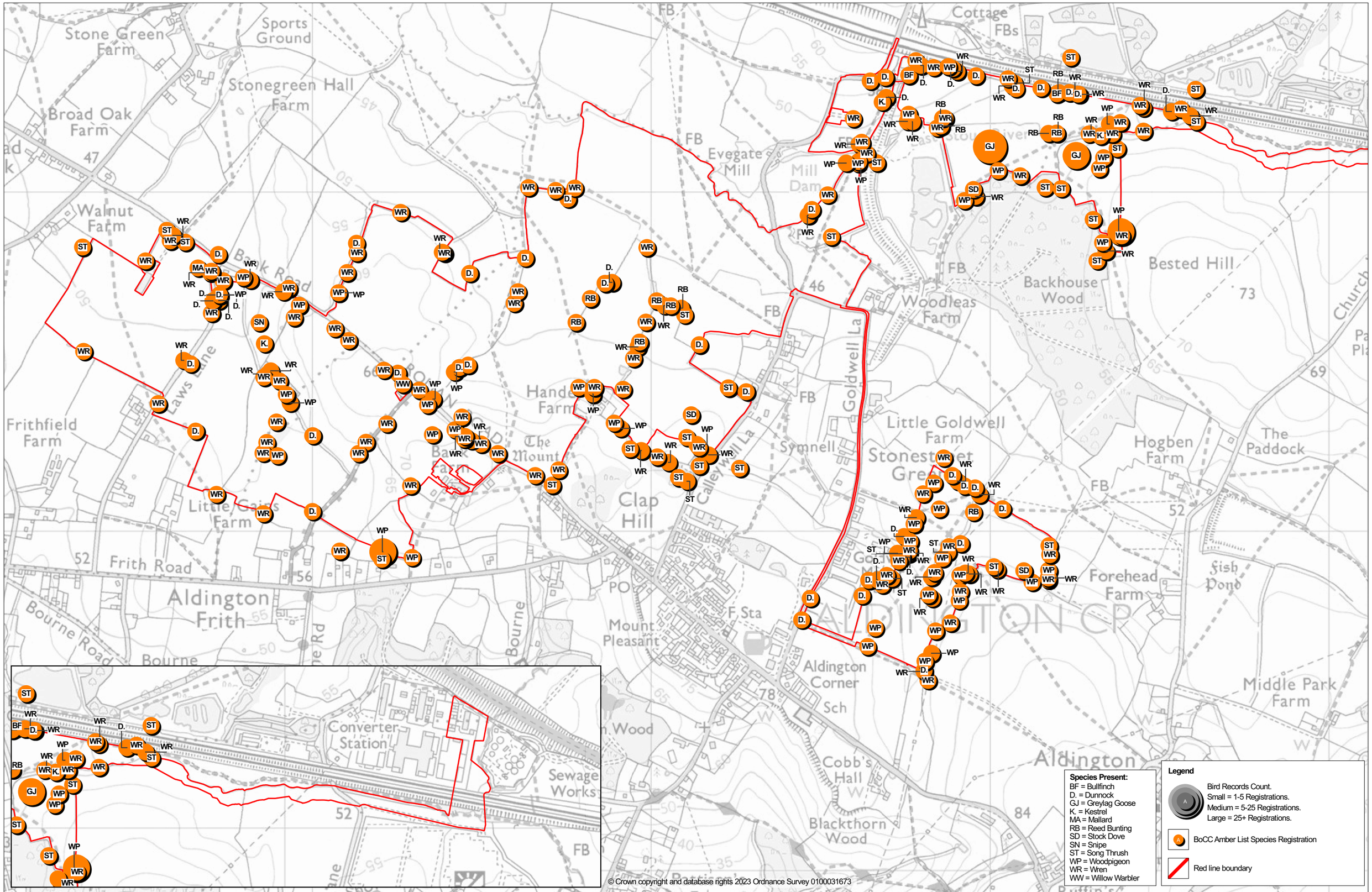
rev.	rev. date	auth.	rev. note

client. ***EPL 001 Limited***
project. ***Stonestreet Green Solar***
Land North And West Of Aldington
Kent

drawing no. ***5535-LLB-XX-XX-DR-Ec-0144***
drawing title. ***Breeding Bird Survey Plan 2023***
BoCC Red List
Map 2 of 3

rev. ***P01*** rev date. ***10.01.25***
suit. ***S4*** scale. ***1:10000***
sheet. ***A3***
drawn. ***NA***
checked. ***LS***

lloydbore landscape ecology arboriculture
33 ST. GEORGE'S PLACE, CANTERBURY, KENT, CT1 1UT 01227 464 340
www.lloydbore.co.uk mail@lloydbore.co.uk



Species Present:
BF = Bullfinch
D. = Dunnock
GJ = Greylag Goose
K. = Kestrel
MA = Mallard
RB = Reed Bunting
SD = Stock Dove
SN = Snipe
ST = Song Thrush
WP = Woodpigeon
WR = Wren
WW = Willow Warbler

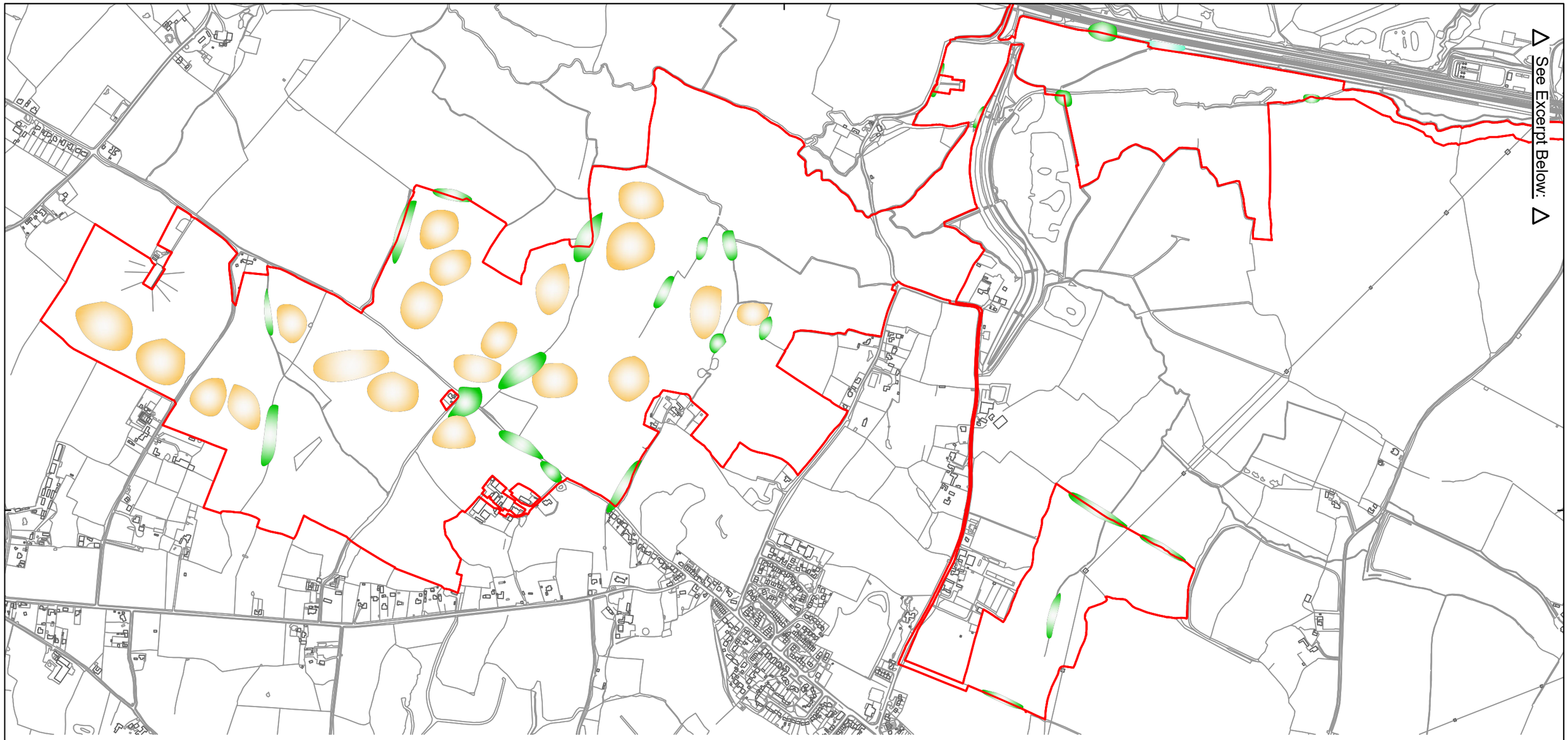
Legend
Bird Records Count.
Small = 1-5 Registrations.
Medium = 5-25 Registrations.
Large = 25+ Registrations.
BoCC Amber List Species Registration
Red line boundary

rev.	rev. date	auth.	rev. note
P01	09.01.2025	MW	Initial issue.

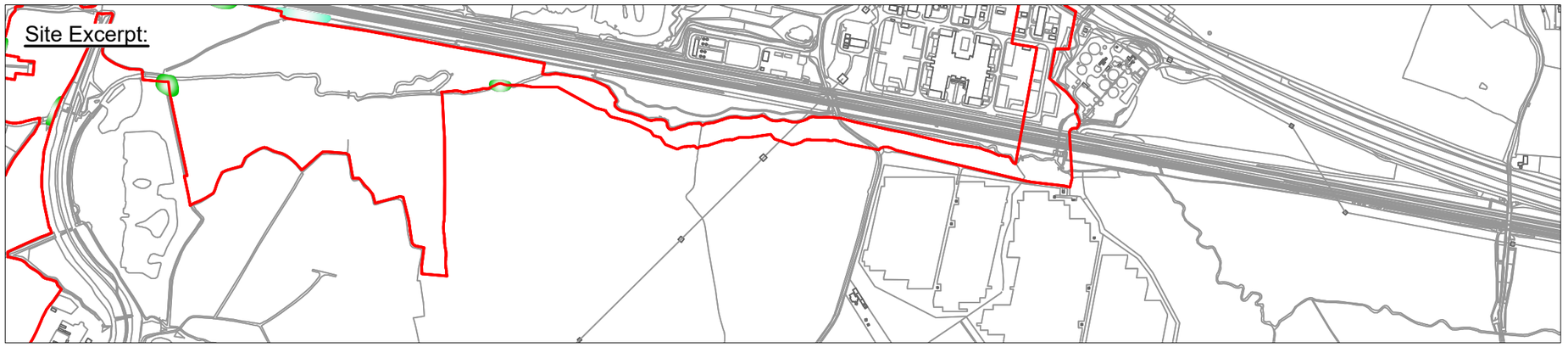
client.	*EPL 001 Limited*
project.	*Stonestreet Green Solar* *Land North And West Of Aldington* *Kent*
drawing no.	*5535-LLB-XX-XX-DR-Ec-0145*
drawing title.	*Breeding Bird Survey Plan 2023* *BoCC Amber List* *Map 3 of 3*
rev.	*P01*
suit.	*S4*
rev date.	*09.01.25*
scale.	*1:10000*
sheet.	*A3*
drawn.	*NA*
checked.	*MW*

lloydbore landscape ecology arboriculture
33 ST. GEORGE'S PLACE, CANTERBURY, KENT, CT1 1UT 01227 464 340
www.lloydbore.co.uk mail@lloydbore.co.uk

ANNEX 4: BREEDING BIRD TERRITORIES 2023



Site Excerpt:



LEGEND:

- Yellowhammer territory
- Skylark territory
- Nightingale territory
- Order Limits
  Total area approx: 191.538 ha.

0 100 200 m

1:10000

rev.	rev. date	auth.	rev. note
P01	20/09/24	MW	Initial issue.
P02	16/01/25	MW	Amended title

client. **EPL 001 Limited**

project.
Stonestreet Green Solar
Land North And West Of Aldington
Kent

drawing no. **5535-LLB-XX-XX-DR-Ec-0164** rev. **P02**

drawing title.
Report Figure 5
Breeding Bird Territories 2023

suit. **S4**

APFP **5(2)(I)(ii)**

rev date. **16/01/25**
scale. **1:10000**
sheet. **A3**
drawn. **NA**
checked. **MW**

lloydbore landscape ecology arboriculture
33 ST. GEORGE'S PLACE, CANTERBURY, KENT CT1 1UT 01227 464 340
www.lloydbore.co.uk mail@lloydbore.co.uk

9 References

[1] Fox, H. (2022). *Are skylarks being overlooked in ecological impact assessment*. CIEEM In Practice. Issue 117. September 2022.

[2] Puttmanns, M., Bottges, L., Filla, T., Lehmann, F., Martens, A.S., Siegel, F., Sippel, A., van Bassi,M., Balkenhol, N., Waltert, M., & Gottschalk. E. (2022) Habitat use and foraging parameters of breeding Skylarks indicate no seasonal decrease in food availability in heterogeneous farmland Ecology and Evolution 12 (1)

[3] Gillings, S., Newson, S.E., Noble, D.G. & Vickery, J.A. (2005) Winter availability of cereal stubbles attracts declining farmland birds and positively influences breeding population trends. Proceedings of the Royal Society B 272: 733–739.

[4] Wilson, J.D., Evans, J., Browne, S.J. and King, J.R. (1997). Territory distribution and breeding success of skylarks Alauda arvensis on organic and intensive farmland in southern England.Journal of Applied Ecology, 34(6): 1462–1478

[5] Toepfer, S. and Stubbe, M. (2001). Territory density of the Skylark (Alauda arvensis) in relation to field vegetation in central Germany. Journal für Ornithologie, 142: 184–194.

[6] Donald, P.F. (2004). The Skylark. Poyser, London

[7] HMSO (1981). *Natural Environment & Rural Communities (NERC) Act 2006)*. HMSO, London.

[8] Stanbury, A , Eaton, M, Aebischer, N, Balmer, D, Brown, A,, Douse, A, Lindley, P. McCulloch, N, Noble, D, and W, I (2021). *The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain*. British Birds 114 December 2021 723–747

[9] Heywood, J.J.N., Massimino, D., Balmer, D.E., Kelly, L., Marion, S., Noble, D.G., Pearce-Higgins, J.W., White, D.M., Woodcock, P., Wotton, S. Gillings, S. (2024) The Breeding Bird Survey 2023 BTO Research Report 765. British Trust for Ornithology, Thetford.

[10] Kent Ornithological Society (2024*). Kent Bird Report 2022*.

[11] Solar Energy UK (2024). *Solar Habitat 2024. Ecological trends on solar farms in the UK*.

[12] Donald, P.F., Evans, A.D., Buckingham, D.L. et al. (2001). Factors affecting the territory distribution of Skylarks Alauda arvensis breeding on lowland farmland. Bird Study, 48(3): 271–278

[13] S. Browne, J. Vickery & D. Chamberlain (2000) Densities and population estimates of breeding Skylarks Alauda arvensis in Britain in 1997, Bird Study, 47:1, 52-65, DOI

[14] Clarke, J.H., Cook, S.K., Harris, D., Wiltshire, J.J.J., Henderson, I.G., Jones, N.E., Boatman, N.D.,Potts, S.G., Westbury, D.B., Woodcock, B.A., Ramsay, A.J., Pywell, R.F., Goldsworthy, P.E., Holland, J.M., Smith, B.M., Tipples, J., Morris, A.J., Chapman, P. and Edwards, P. (2007). The SAFFIE (Sustainable Arable Farming for an Improved Environment) Project Report. ADAS, Boxworth, UK.

[15] Rural Payments and Natural England (2021). *AB4: Skylark plots.* https://www.gov.uk/countryside-stewardship-grants/skylark-plots-ab4

[16] Natural England (2018). 17/00818/OUT. Planning consultation: (Amended Plans) *Residential development land for schools, local centres, public open spaces, country park and supporting infrastructure. Location: Manydown Land Off Roman Road And Worting Road, Worting Road, Basingstoke*,

[17] Royal Society for the Protection of Birds (2023) *Skylark Plots*. Available online at: https://www.rspb.org.uk/our-work/conservation/conservationandsustainability/farming/advice/managing-habitats/skylark-plots/ date accessed 14/04/2023

[18] Morris, A.J. and Gilroy, J.J. (2008). Close to the edge: predation risks for two declining farmland passerines. Ibis, 150: 168–177

[19] Odderskær P., Prang A., Poulsen J., Andersen P. & Elmegaard N. (1997) Skylark (Alauda arvensis) utilisation of micro-habitats in spring barley fields. Agriculture, Ecosystems & Environment, 62, 21-29.

[20] Stoate C. & Moorcroft D.(2007) *Research-based conservation at the farm scale: development and assessment of agrienvironment scheme option*s. Aspects of Applied Biology, 81, 161-168.

[21] Solar Energy UK (2022). *Solar Energy UK Guidance. A Standardised Approach to Monitoring Biodiversity on Solar Farms*.