

Stonestreet Green Solar

Signed Statement of Common Ground with Natural England

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

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') made to the Secretary of State for Energy Security and Net Zero for a Development Consent Order ('DCO') under Section 37 of the Planning Act 2008 ('PA 2008') for the proposed Stonestreet Green Solar Farm (the 'Project'). The Application has been submitted by EPL 001 Limited ('the Applicant').
- 1.1.2 This SoCG has been prepared jointly between (1) the Applicant and (2) Natural England ('NE') (jointly referred to as 'the Parties') in accordance with The Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects guidance¹.
- 1.1.3 The Solar PV Area of the Project is located within land containing important ecological features, including protected species and habitats. Parts of the Project also have potential pathways for effects on designated ecological sites and are subject to consideration in the **Information for Habitats Regulation Assessment (Doc Ref. 7.19)** [\[APP-164\]](#) as part of the Application. NE is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009² and so has been consulted during the preparation of the Application and following its Acceptance.
- 1.1.4 The Examining Authority has requested that the SoCG include the following matters as set out in the Rule 6 Letter [\[PD-004\]](#):
- Biodiversity, habitats and nature conservation including issues relating to:
 - The effects on protected species and habitats
 - Mitigation measures, including the likely effectiveness of mitigation, monitoring procedures and their being secured
 - Water environment, water protection, drainage and impact on habitats and species
 - Landscape and Visual ; appropriateness of mitigation ,ZTC, and impact on Kent Downs National Landscape
 - Various Environment Management Plans, both during construction and operation
 - 'Shadow' licence applications
 - The dDCO
- 1.1.5 It is agreed that any matters not specifically referred to in this SoCG (Section 2) of this SoCG are not of material interest or relevance to NE's Representations and therefore have not been considered in this document.

- 1.1.6 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Parties. This SoCG has been finalised and confirms that all matters raised between the parties have been agreed.

1.2 Description of the Project

- 1.2.1 The Project comprises the construction, operation and maintenance, and decommissioning of solar photovoltaic ('PV') arrays and energy storage, together with associated infrastructure and an underground cable connection to the existing National Grid Sellindge Substation.
- 1.2.2 The Project will include a generating station (incorporating solar arrays) with a total capacity exceeding 50 megawatts ('MW'). The agreed grid connection for the Project will allow the export and import of up to 99.9 MW of electricity to the grid. The Project will connect to the existing National Grid Sellindge Substation via a new 132 kilovolt ('kV') substation constructed as part of the Project and cable connection under the Network Rail and High Speed 1 ('HS1') railway.

1.3 Record of Engagement

- 1.3.1 There has been engagement with NE throughout the development of the Application. The Applicant consulted NE, as a prescribed consultee in accordance with section 42 of the Planning Act 2008 (as amended) about the Project and EIA process as part of the formal pre-application consultation and publicity procedures. This process afforded NE the opportunity to provide responses to the information presented in the following stages of the pre-application process.
- 1.3.2 Table 1.1 shows a summary of the meetings and correspondence that has taken place between the Applicant (including consultants on its behalf) and NE in relation to the Application.

Table 1-1: Record of Engagement

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
18 May 2022	EIA Scoping - NE consultation response to EIA Scoping Opinion (response to the Applicant's request for a Scoping Opinion submitted to PINS on 19 April 2022)	<ul style="list-style-type: none"> Identified potential for significant effects on Kent Downs NL, designated sites and ancient woodland. Information required as part of the scope of the assessment.
25 March to 29 April 2022	Non-Statutory Consultation 2022	No comments received.

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
25 October to 29 November 2022	Statutory Consultation 2022 (Preliminary Environmental Information Report)	<ul style="list-style-type: none"> ▪ An assessment of impacts upon species associated with the designated sites. ▪ An assessment of the transport generated air quality during the construction phase. ▪ Hydrological connectivity between the application site and the Gibbin's Brook SSSI. ▪ Assessment of impacts upon Hatch Park SSSI. ▪ Potential impacts to the Stodmarsh SPA, SAC and Ramsar site from an increase in nutrient discharges to the Stour catchment. ▪ Protected and notable species. ▪ Consideration of impacts on areas of ancient woodland and veteran trees. ▪ Environmental enhancements.
12 June to 17 July 2023	Statutory Consultation 2023 (PEIR Addendum)	<ul style="list-style-type: none"> ▪ Assessment of potential for adverse effects on water quality within the East Stour River and the designated Stodmarsh SPA, SAC and Ramsar site. ▪ Assessment of potential risk of air quality effects upon Folkstone to Etchinghill Escarpment SAC. ▪ Assessment of potential risk of air quality effects upon Wye and Crundale Downs SAC. ▪ Assessment of potential risk for air quality effects upon Hatch Park SSSI. ▪ Agreement that the Site is not functionally linked to the Dungeness SPA and Ramsar site. ▪ The Shadow 'Habitats

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
		<p>Regulations Assessment' ('HRA').</p> <ul style="list-style-type: none"> Explanation of the absence of any hydrological pollution pathway between the Site and Gibbin's Brook SSSI. European Protected Species Mitigation ('EPSM') for Great Crested Newts ('GCNs') and hazel dormouse. Protected species mitigation licences for badger and otter.
13 November to 13 December	Targeted Consultation 2023	<ul style="list-style-type: none"> No specific comments were received.
12 February to 12 March 2024	Targeted Consultation 2024	<ul style="list-style-type: none"> No specific comments were received.
12 October 2023	Meeting between the Applicant, Lloydbore and NE.	<p>Key topics of discussion:</p> <ul style="list-style-type: none"> Letters of No Impediment ('LONI's).
16 April 2024	Draft IHRA and Draft Biodiversity Air Quality Screening Report issued to NE for comment.	<ul style="list-style-type: none"> Draft documents were shared with NE for comment pre-submission.
12 July 2024	NE response letter to Applicant dated 12 July 2024 (DAS/AO13981) – provided as Annex 1 .	<ul style="list-style-type: none"> Request removal of JNCC Guidance in Draft Biodiversity Air Quality Screening Report and use of updated APIS dataset Agreement of no LSE on Wye and Crundale Downs SAC. Folkestone to Etchinghill Escarpment SSSI and SAC – request for update to IHRA once transportation routes are known. Stodmarsh SPA, SAC and Ramsar site - welcome precautionary approach adopted to foul water generated at all stages of the Project and agree with the

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
		<p>conclusion of no LSE.</p> <ul style="list-style-type: none"> ■ Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site and Dungeness SAC – satisfied with robustness of survey work and conclusion drawn that site is not functionally linked. ■ Hatch Park SSSI – Advise Draft Biodiversity Air Quality Screening Report is updated to include potential cumulative impacts with Otterpool Park. ■ Gibbin's Brook SSSI – Agreement that this SSSI is not hydrologically connected to the site.
10 December 2024	NE Deadline 1 Written Representation dated 10 December 2024 [REP1-96].	<ul style="list-style-type: none"> ■ Confirms the Landscape Visual Impact assessment (LVIA), specifically the field surveys and photomontage and additional response document outlined above are sufficient to accurately explain the effects of the Project on the landscape, visual resources and special qualities of the Kent Downs National Landscape.
11 December 2024 28/02/2025	Email correspondence on the draft SoCG.	<ul style="list-style-type: none"> ■ Confirmation that the SoCG has been agreed.

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

1.4 Format of Document and Terminology

1.4.1 This SoCG has been structured to reflect matters and topics of interest to NE in relation to the Project as set out in the NE Representations. 'WR' refers to Written Representations. Matters raised by NE are included using the referencing adopted in the NE Representations (e.g. NE1).

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

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

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

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

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

2 Areas of Discussion between the Parties

2.1 International Designated Sites

Table 2-1: International Designated Sites

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE1	WR	Wye and Crundale Downs SAC (C) and (O) phase	Section 9.5.10 on page 62 of ES Volume 2, Chapter 9: Biodiversity [APP-033] confirms Wye and Crundale Downs SAC as approximately 5.2km to the north of the Site, at its closest point. Table 4.1 of the Information to Inform Habitats Regulations Assessment [APP-164] confirms no roads within 200m of the SAC will be used by construction and decommissioning traffic.	Wye and Crundale Downs SAC has been considered as part of the (Information to inform the Habitat Regulations Assessment ('IHRA') and given the lack of impact pathways, Natural England advise that a likely significant effect can be screened out.	Noted.	Agreed
NE1	WR	Stodmarsh Special Protection Area (SPA), SAC and Ramsar site (C) and (O) phase	Natural England welcome the precautionary approach used in the IHRA [APP-164 (p12)] for all foul water generated at all	Natural England agrees this commitment is secured through the Outline CEMP (Doc Ref. 7.8(A)) [REP1-044] , Outline OMP (Doc	Noted.	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			stages of the Project will be transported, treated and released outside of the Stour catchment. Natural England therefore agree with the screening conclusion of no Likely Significant Effects ('LSE').	Ref. 7.11(A) [REP1-050] , and Outline DEMP (Doc Ref. 7.12) [APP-157] .		
NE1	WR	Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site and Dungeness SAC (C) and (O) phase	Natural England's previous advice (NE Ref: 437662, dated 17/07/2023) confirmed we are satisfied with both the robustness of the survey work and the conclusion drawn that the Site is not functionally linked to the Dungeness SPA and Ramsar site. [APP-164 (p15)] and [APP-089] .	N/A	Noted.	Agreed
NE1	WR	Folkestone to Etchinghill Escarpment SSSI and SAC (C) and (O) phase	Natural England advises the conclusions of the IHRA need to address all potential in-combination and cumulative impacts. Therefore, Natural England advise the IHRA	Natural England advise that once the Applicant has confirmed the point of entry for the solar equipment, the Air Quality Screening Report and IHRA are updated accordingly. This	Paragraphs 3.1 - 3.2 of ES Volume 4, Appendix 9.6: Biodiversity Air Quality Screening Report (Doc Ref. 5.4(A)) [REP1-030]	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			<p>[APP-164 (p14)] is updated to address the following:</p> <p>The ES Volume 2, Chapter 13: Traffic and Access [APP-037 (p40)] confirms the majority of solar equipment, including the transformer units, will be transported from overseas. The port of entry is yet to be determined. Therefore, given the final route uncertainty, Natural England recommend the air quality assessment and IHRA is reviewed and updated once the equipment point of entry is confirmed.</p> <p>The ES Volume 2, Chapter 13: Traffic and Access [APP-037 (p35)] has screened out Otterpool Park from the in-combination and cumulative assessment due to the main access to</p>	<p>update should also consider the current progression of Otterpool Park and if in-combination / cumulative impacts need to be reassessed.</p>	<p>has been updated to remove reference to the JNCC Guidance as requested. The IHRA (Doc Ref. 7.19(A)) [REP1-058] has also been updated to reflect this change. See Applicant's response below (paragraphs 2.1.1 to 2.1.11).</p>	

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

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

2.2 National Designated Sites (Biodiversity and Geodiversity)

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

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE2	WR	Gibbin's Brook SSSI and Hatch Park SSSI	Natural England agrees with the conclusion both Gibbin's Brook and Hatch Park SSSI can be screened out for hydrologically connected to the Site. [APP-092 (p8)] and [APP-033 (p11)].	N/A	Noted.	Agreed
NE2	WR	Hatch Park SSSI (C) and (O) phase	The ES Volume 2, Chapter 13: Traffic and Access [APP-037 (p35) s13.4.75] has screened out Otterpool Park from the in-combination and cumulative assessment due to the main access to Otterpool Park being from Junction 11 of the M20, via the A20. However, this is dependent on the direction of the associated construction traffic. Therefore, given the uncertainties in the	Natural England advises that once the Applicant has confirmed the point of entry for the solar equipment, the Air Quality Screening Report should be updated accordingly. This update should also consider the current progression of Otterpool Park and if cumulative impacts need to be reassessed.	See response to NE1 at paragraphs 2.1.1 to 2.1.11 in relation to Otterpool Park. An assessment of the Project on Hatch Park SSSI is provided in ES Volume 4, Appendix 9.7: Assessment of Effects (Doc Ref. 5.4(A)) [REP1-032] with reference to ES Volume 4, Appendix 9.6: Biodiversity Air Quality Screening	Agreed

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

2.3 Protected Species

Table 2-3: Protected Species

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE2	WR	Great Crested Newt (GCN) (C) phase	Natural England confirmed on the 23/07/2024, that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.	Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted.	Noted.	Agreed
NE2	WR	Badger (C) phase	Natural England sees no impediment to a licence being issued, should the DCO be granted. Letter of confirmation sent on the 15/05/2024.	Should the DCO be granted that an updated survey will be required prior to the submission of the final application which Natural England will assess accordingly.	Noted.	Agreed.
NE2	WR	Dormouse (C) phase	Natural England sees no impediment to a licence being issued, should the	Should the DCO be granted several issues have been identified within the current	The issues identified in NE's letter (NE ref: 2024-68013-EPS-AD1,	Agreed

		<p>DCO be granted, subject to revisions. Letter of confirmation sent on the 03/07/2024.</p>	<p>draft of the method statement that will need to be addressed before the licence application is formally submitted. The Applicant was made aware of these issues in NE ref: 2024-68013-EPS-AD1, dated 03/07/2024.</p>	<p>dated 03/07/2024) are acceptable (hence issuing of the LONI). They will be addressed as part of an enabling stage, formal EPS mitigation licence application after the DCO has been granted.</p>
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2.4 Biodiversity Net Gain

Table 2-4: Biodiversity Net Gain

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE4	WR	Biodiversity net gain (C) construction phase	The Applicant has confirmed [APP-146] a BNG of a minimum 100% for habitat units, 10% for hedgerow units 10% for river units during the operational phase of the authorised development. Nature England advise the Applicant to ensure the report provides a clear mitigation hierarchy, prior to BNG compensation measures.	Natural England is not able to assess biodiversity net gain calculations [APP-146] and defers to the relevant authorities.	Noted	Agreed
2.5.4	Outline LEMP (Doc Ref. 7.10(A)) [REP1-048]	Management of habitats	NE confirms that the Outline LEMP secures the controls that have been agreed with the Applicant in relation to this matter.	Requirement 8 secures the measures set out within the Outline LEMP (Doc Ref. 7.10(A)) [REP1-048]	The habitat proposals for the Site as set out in the Outline LEMP (Doc Ref. 7.10(B)) [REP3-020] have been designed to help meet objectives of the Kent Biodiversity Strategy 2020 to 2045 (Kent	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					Nature Partnership, 2020).	

2.5 National Designated Landscapes

Table 2-5: National Designated Landscapes

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

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			characteristics could be impacted.		<p>Qualities Assessment (Doc Ref. 8.6) [REP1-076] provides further consideration of how key characteristics or Special Qualities of the Kent Downs NL could be affected by the Project.</p> <p>The Outline LEMP (Doc Ref. 7.10(B)) [REP3-020] then secures these measures.</p>	
NE5	WR	National Designated Landscapes (C) phase	Natural England note the scale of the effect is described as 'none, compact, modest, ample or extensive'. Natural England requests definition clarity for these terms.	N/A	<p>The criteria used for establishing the scale of landscape and visual change are set out in Table 4 and Table 7 (respectively) of ES Volume 4 Appendix 8.2: LVIA Methodology (Doc Ref. 5.4(A)) [AS-016].</p> <p>The LVIA methodology, including</p>	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					effect categories and definitions was agreed with ABC/LMS through the 2022 and 2023 consultations and is a matter of agreement in the Statement of Common Ground with Ashford Borough Council ('ABC') (Doc Ref.8.3.1.(B))	
NE5	WR	National Designated Landscapes (C) phase	A Zone of Theoretical Visibility (ZTV) plan is provided at Figure 8.1 of Chapter 8 in ES Volume 3 Figures. Natural England advises the use of LiDAR data can over or underestimate visibility, depending upon the time of year when the data was collected. For example, woodland can read as a more solid screen when it is in leaf than it would do in winter when leafless, and views may be filtered but	N/A	An updated Zone of Theoretical Visibility (ZTV) plan with clear marking of the Kent Downs NL boundary is provided at ES Volume 3 Figure 8.1 (Doc Ref. 5.3(A)) As set out in Paragraph 8.4.10 of ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012] , the ZTV does not form the basis of the	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			not screened. As such it is a useful starting point but cannot be taken as being absolute. Natural England advise a bare ground ZTV with clear marking of the boundary of the Kent Downs National Landscape would assist in understanding the level of effect from the southern area of the Kent Downs, where the extent of screening by existing vegetation may potentially have been over estimated.		assessment of visual effects and in this case it is considered that a bare-earth ZTV would not change the assessment of significant environmental effects particularly given the combination of landform, vegetation and distance that intervene between the Site and the NL. GLVIA3 (paragraph 6.10) cautions over-reliance on ZTVs and notes that visual effects are best judged by Site Surveys. As such, a robust assessment of visual effects on receptors in multiple locations within the NL is provided.	

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE5	WR	National Designated Landscapes (C) phase	Paragraph 8.5.155 of Chapter 8, Table 8.7 summarises the value, susceptibility and sensitivity of landscape receptors. Natural England advise the examination of landscape receptors consider the landscape of the site as a single entity, rather than disaggregating the landscape into its component parts (fields, hedges, trees, woodland etc) and assigning each a value, a susceptibility and a sensitivity.	N/A	ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012] includes both individual landscape features and the landscape of the Site as a single entity. The effects on the character of the Site are reported in ES as follows: <ul style="list-style-type: none"> ■ Paragraph 8.7.1 (Construction); ■ Paragraph 8.7.23 (Operational - Year 1); ■ Paragraph 8.7.34 (Decommissioning); and ■ Paragraph 8.9.5 (Operational – Year 15). 	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					Full details of the assessment of effects on individual landscape features and the character of the Site as a whole are set out in ES Volume 4, Appendix 8.8: Landscape Effects Table (Doc Ref. 5.4) [APP-080] .	
NE5	WR	National Designated Landscapes (C) phase	Natural England advises greater consideration is given to potential cumulative impacts with Otterpool Park and surrounding proposed solar projects.	N/A	All relevant cumulative projects have been assessed and are set out in the Focused Long List in ES Volume 4 Appendix 8.12 Cumulative Effects Table (Doc Ref. 5.4(B)) [REP3-014] . It is also summarised in Section 8.12 of the ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012] .	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					<p>From the Focused Long List, the following Cumulative Schemes were considered for further assessment in the cumulative assessment, which include Otterpool Park, East Stour Solar Farm, Pivot Power Battery Storage and Walsh Power Condenser Project as well as the planned residential projects in Aldington.</p> <p>The four larger cumulative schemes demonstrate a combined impact on 18 of the agreed viewpoints. Amongst them, five viewpoints were identified in the Kent Downs NL (VPs 27, 34, 35, 36 and 38)</p> <p>Other cumulative schemes, included in the Focused Long List,</p>	

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					have been scoped out of the assessment based on a sieving process detailed in Paragraph 8.12.1 of ES Volume 2 Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012] .	
NE5	WR	National Designated Landscapes (C) phase	Natural England advise further clarity is required as to the mitigation appropriateness of 2.5-5m high hedgerows across this area of landscape and with reference to local character.	Schedule 2 of the DCO includes requirements that secure all mitigation measures relied on by the ES. The Landscape measures are secured by Requirement 8 (Landscape and biodiversity).	The majority of existing and new hedgerows are proposed to be maintained at a height of between 2.5 and 3m which is consistent with the prevailing character of existing hedgerows in the area. Taller hedgerow management has been proposed in isolated locations to respond to specific comments raised as part of the 2022 and 2023 Statutory Consultations. The	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
					additional mitigation planting on the southern boundary of Parcel E is agreed by the Kent Downs National Landscape Team ('KDNLT'). The Outline LEMP (Doc Ref. 7.10(B)) [REP3-020] then secures these measures.	
NE5	WR	National Designated Landscapes (C) phase	Natural England advise that all proposed mitigation is secured, as well as the management of the landscape for the 40-year life span of the project.	Schedule 2 of the DCO includes requirements that secure all mitigation measures relied on by the ES. The Landscape measures are secured by Requirement 8 (Landscape and biodiversity).	The Outline LEMP (Doc Ref. 7.10(B)) [REP3-020] sets out the proposed management arrangements for all existing and proposed landscape features for the 40-year lifespan of the Project.	Agreed
NE5	WR	National Designated Landscapes (C) phase	Natural England advises that for all maps the Kent Downs National Landscape boundary	N/A	The Kent Downs NL is shown in Figure 2.2 Environmental Designations in ES Volume 3, Chapter 2:	Agreed

Ref	Relevant Application Document	Description of Matter (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			should be clearly shown as.		<p>Site and Context [APP-044]. It is also shown on the following figures in ES Volume 3, Chapter 8: Landscape and Views Figures (Parts 1 and 2) (Doc Ref. 5.3(A)):</p> <ul style="list-style-type: none"> Figure 8.2 Site Context Plan Figure 8.8 Visual Appraisal Plan Figure 8.9: Visual Appraisal Plan Site Level <p>Figure 8.1 Zone of Theoretical Visibility in the chapter has also been updated to show the Kent Downs NL boundary at Deadline 4.</p>	

2.6 Soils and Best and Most Versatile Agricultural Land

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

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

Ref	Relevant Application Document	Description of Matter - (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			<p>access tracks, Inverter Stations, Project Substation and Intermediate Substations associated with Work No.s 2, 3, 4 and 5 (referred to here as 'built infrastructure'), this is estimated to be approx. 10 ha (5%) of the Site total area.' Natural England advises that to help in the understanding of where the 'built infrastructure', including the substation and the cabling route is to be sited, it would be helpful for Drawing Number: GM12014/002 – Agricultural Land Classification Map to be superimposed with said infrastructure. This map would allow Natural England to clearly understand if the works had avoided the sites BMV land. Natural England advises all 'built infrastructure'</p>		<p>Project (construction, operation and decommissioning, and post-commissioning)</p> <p>Paragraphs, 6.8.7 -6.8.24 of the Planning Statement (Doc Ref. 7.6) [APP-151] sets out the Applicant's position in terms of a) minimising the impact on BMV land and b) justifying the inclusion of some BMV within the Order limits.</p> <p>The loss of BMV land is forecasted to include the following:</p> <p>The Project will result in a temporary loss during the Project lifetime of all BMV land within the Site (38.64 ha). This represents 0.12% of all BMV agricultural land within Ashford Borough.</p> <p>In post-decommissioning, there will be 33.06ha of BMV within the Site,</p>	

Ref	Relevant Application Document	Description of Matter - (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			<p>development takes place on grade 3b soils in preference to those of higher quality. Natural England welcomes the site will apply good practice soil management measures in line with, Defra's Code of Practice for the Sustainable Use of Soils on Construction Sites, and the commitment to deliver this approach through the Outline Construction Environmental Management Plan (CEMP).</p> <p>Natural England welcomes the CEMP (APP-153 7.8 Outline Construction Environmental Management Plan) will include (p37) s6.1.1 an Outline Soil Management Plan (SMP) prepared in line with:</p> <p>Construction Code of Practice for the</p>		<p>meaning that the Project will result in the permanent loss of 5.58ha BMV land. This loss represents 14.4% of the BMV land within the Site and 0.017% of all BMV land within the Ashford Borough.</p> <p>This permanent loss is a result of the retention of habitat areas, hedgerows and woodland that have been proposed in Fields 4, 5, 6, 9, 13, 15, 17, 23 and 24 that will deliver biodiversity net gain to the site area.</p> <p>The loss of this BMV within the local area is not considered to have a material impact on the overall supply of 32,037 ha of BMV land in Ashford Borough, and therefore would not have a material impact on food</p>	

Ref	Relevant Application Document	Description of Matter - (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			<p>Sustainable Use of Soils on Construction Sites²⁸ (Defra, 2009);</p> <p>British Standard: Specification for Topsoil (BS 3882:2015); British Standard: Specification for subsoil and requirements for use (BS 8601:2013) and</p> <p>Good Practice Guide for Handling Soils (MAFF, 2000).</p>		security of the wider region.	
2.6.1	ES Volume 4, Appendix 16.1: Soils and Agricultural Land Report (Doc Ref. 5.4) [APP-122]	Scope of Assessment	<p>NE are satisfied with the soil survey work which has been undertaken.</p> <p>NE confirm, based on a total percentage of 1% of infrastructure works sited on best and most versatile (BMV) agricultural land that the overall impacts from the Project to BMV agricultural land is limited. Natural England has no further comments on the assessment undertaken.</p>	Secured by the Works Plans (Doc Ref. 2.3(B)) [REP1-003] Work Plans (Doc Ref. 2.	Noted.	Agreed

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

2.7 Ancient Woodland and ancient/veteran trees

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

Ref	Relevant Application Document	Description of Matter - (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
NE7	WR	Ancient woodland and ancient/veteran trees	Natural England advises any impacts on ancient woodland and ancient and veteran trees in line sections: 5.4.14, 5.4.14,	Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of	Noted.	Agreed

Ref	Relevant Application Document	Description of Matter - (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			5.4.32 and 5.4.54 of the Overarching National Policy Statement for Energy (EN-1). Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. [APP-033 (p19)] Identifies, 'there are no areas of ancient woodland within the Site. The Backhouse Wood LWS ancient woodland is located immediately adjacent to the Site boundary (Northern Area) but is located over 200m from the nearest Project infrastructure.' Nature England welcomes the mitigation measures required and secured in the outline CEMP [APP-	Special Scientific Interest or in exceptional circumstances.		

Ref	Relevant Application Document	Description of Matter - (C) – construction phase and (O) - operational phase	NE Current Position	NE comment on Mechanism for securing mitigation / compensation measures in the DCO	Applicant's Current Position	Status
			153] and within the Arboricultural Impact Assessment [APP-087] specifically for (p10) root protection, and (p43) a buffer zone 15 times their stem diameter or 5 metres beyond their crown spread, whichever is greater.			

2.8 Connecting People with Nature (Public Rights of Way)

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

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

2.9 Cumulative Schemes

Table 2-9: Cumulative Schemes

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

2.10 Schedule 2 Part 1 Requirements

Table 2-10: Schedule 2 Part 1 Requirements

(DCO) Page	Relevant Application Document	Description of Matter	NE Current Position	Applicant's Current Position	Status
41	WR	Schedule 2 Part 1 Requirement 2 (Expiry of development consent) of	<p>Natural England confirms the required mitigation has been secured through</p> <p>Requirement 2.—(1) The authorised development must cease generating electricity on a commercial basis no later than the 40th anniversary of the first export date.</p>	Please refer to the Draft DCO (Doc Ref. 3.1(E)) , which will be submitted at Deadline 4.	Agreed
42	WR	Schedule 2 Part 1 Requirement 6 (Construction environmental management plan)	<p>Natural England welcome the following requirements:</p> <p>.6.—(1) No phase of the authorised development may commence until a CEMP for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council.</p> <p>(2) The CEMP for each phase of the authorised development must be in accordance with the outline CEMP.</p>	<p>Amendment to Requirement 6(1) has been made at the request of the EA at Deadline 3 as follows:</p> <p>“6. —(1) No phase of the authorised development may commence until a CEMP for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with the Environment Agency and Kent County Council.”</p>	Agreed

(DCO) Page	Relevant Application Document	Description of Matter	NE Current Position	Applicant's Current Position	Status
			(3) All construction works associated with the authorised development in each phase must be carried out in accordance with the approved CEMP for that phase.	Please refer to the Draft DCO (Doc Ref. 3.1(E)) which will be submitted at Deadline 4.	
42	WR	Schedule 2 Part 1 Requirement 7 (Construction traffic management plan)	<p>Natural England welcome the following requirements:</p> <p>7.—(1) No phase of the authorised development may commence until a CTMP for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with the relevant highway authority.</p> <p>(2) The CTMP for each phase of the authorised development must be in accordance with the outline CTMP.</p> <p>(3) All construction works associated with the authorised development in each phase must be carried out in accordance with the approved CTMP for that phase.</p>	No changes have been made to this requirement in the Draft DCO (Doc Ref. 3.1(E)) .	Agreed

(DCO) Page	Relevant Application Document	Description of Matter	NE Current Position	Applicant's Current Position	Status
42	WR	Schedule 2 Part 1 Requirement 8 (Landscape and biodiversity)	<p>Natural England welcome the following requirements:</p> <p>8.—(1) The authorised development must not commence until a biodiversity design strategy has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council and the relevant statutory nature conservation body.</p> <p>(2) No phase of the authorised development may commence until a LEMP covering that phase has been submitted to and approved by the local planning authority.</p> <p>(3) The LEMP for each phase of the authorised development must—</p> <p>(a) be in accordance with the outline LEMP, the biodiversity design strategy approved pursuant to sub-paragraph (1) and the design principles;</p> <p>(b) provide details of the proposed hard and soft landscape and biodiversity enhancement works</p>	<p>Amendment to Requirement 8(1) has been made at the request of the EA at Deadline 3 as follows:</p> <p>“8. —(1) The authorised development must not commence until a biodiversity design strategy has been submitted to and approved by the local planning authority, such approval to be in consultation with the Environment Agency, Kent County Council and the relevant statutory nature conservation body.”</p> <p>Please refer to the Draft DCO (Doc Ref. 3.1(E)) which will be submitted at Deadline 4.</p>	Agreed

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

(DCO) Page	Relevant Application Document	Description of Matter	NE Current Position	Applicant's Current Position	Status
43	WR	Schedule 2 Part 1 Requirements 10 (Public rights of way).	<p>Natural England welcome the following requirements:</p> <p>10.—(1) No phase of the authorised development incorporating any part of a public right of way which is to be temporarily closed or permanently stopped up pursuant to article 18 (public rights of way – stopping up and vehicular use on public rights of way) may commence until a RoWAS for the phase has been submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council.</p> <p>(2) The RoWAS submitted pursuant to sub-paragraph (1) must—</p> <p>(a) include details of measures to minimise the distance of any sections of the public right of way to be temporarily closed or permanently stopped up;</p> <p>(b) include details of advance publicity and signage in respect of any sections of public rights of</p>	No changes have been made to this requirement in the Draft DCO (Doc Ref. 3.1(E)) .	Agreed

(DCO) Page	Relevant Application Document	Description of Matter	NE Current Position	Applicant's Current Position	Status
			<p>way to be temporarily closed or permanently stopped up; and</p> <p>(c) be generally in accordance with the outline RoWAS.</p> <p>(3) The RoWAS for each phase of the authorised development must be implemented as approved for that phase.</p>		
44	WR	Schedule 2 Part 1 Requirements 14(Decommissioning and site restoration)	<p>Natural England welcome the following requirements:</p> <p>14.—(1) Decommissioning works must commence no later than the 40th anniversary of the first export date.</p> <p>(2) Prior to commencement of any decommissioning works for any part of the authorised development—</p> <p>(a) a DEMP for that part must be submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council; and</p> <p>(b) a DTMP for that part must be submitted to and approved by the local planning authority, such</p>	<p>Amendment to sub-paragraph (2)(a) and (5) have been made at Deadline 3 as follows:</p> <p>“14.—(2)(a) a DEMP for that part must be submitted to and approved by the local planning authority, such approval to be in consultation with the Environment Agency and Kent County Council; and</p> <p>14.—(5) For the purposes of this paragraph, “relevant highway authority” means the highway authority for the highways that are the subject of a DTMP submitted</p>	Agreed

(DCO) Page	Relevant Application Document	Description of Matter	NE Current Position	Applicant's Current Position	Status
			<p>approval to be in consultation with the relevant highway authority.</p> <p>(3) The DEMP must be in accordance with the outline DEMP and the DTMP must be in accordance with the outline DTMP.</p> <p>(4) The DEMP and DTMP must be implemented as approved for the relevant part of the authorised development.</p>	<p>pursuant to paragraph 14(2)(b)."</p> <p>Please refer to the Draft DCO (Doc Ref. 3.1(E)) which will be submit at Deadline 4.</p>	

3 Signatures

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

On behalf of EPL 001 Limited

Name: [REDACTED]

Signature:

Position: Director

[REDACTED]

Date: 11th March 2025

.....

On behalf of Natural England

Name: [REDACTED]

Signature:

Position: Principal Officer, Sussex & Kent

[REDACTED]

Date: 28/02/24

.....

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 17 Sep. 2024].

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

Date: 12/07/2024
Our ref: DAS/AO13981
Your ref: Planning Inspectorate Scheme ref: EN010135



[REDACTED]
EPL001 Limited
[REDACTED]@evolutionpower.co.uk

BY EMAIL ONLY

Dear [REDACTED],

Discretionary Advice Service (Charged Advice)

Development proposal and location: Nationally Significant Infrastructure Project (NSIP). Construction, operation, maintenance and decommissioning of solar photovoltaic arrays and energy storage. Land located to the north of the village of Aldington, Ashford, Kent.

Thank you for your consultation on the above dated 16 April 2024, which was received on the same date.

This advice is being provided as part of Natural England's Discretionary Advice Service. EPL1001 Limited has asked Natural England to provide advice upon:

- Review of the AQ DRAFT Biodiversity Air Quality Screening Report and advise on potential air quality impacts on designated sites.
- Review of the draft shadow HRA and advise on potential impacts on designated sites.

This advice is provided in accordance with the Quotation and Agreement dated 26 April 2024.

The following advice is based upon the information within:

Previous consultations:

- Stonestreet Green Solar Preliminary Environmental Information Report (PEIR)
- Natural England statutory pre-application consultation dated 24/11/2022 (NE Ref: 411172)
- Natural England statutory pre-application consultation dated 17/07/2023 (NE Ref: 437662)

Current DAS consultation:

- DRAFT Biodiversity Air Quality Screening Report: Stonestreet Green Solar. March 2024
Documentation reference: 5.4
- Stonestreet Green Solar – Information to Inform a Habitats Regulations Assessment (IHRA)
Undated. Documentation reference: 7.19
- Environmental Statement (ES), Volume 2, Chapter 10: Water Environment. 3rd draft, dated January 2024. Documentation reference: 5.4
- Environmental Statement, Volume 2, Chapter 13: Traffic and Access. Dated January 2024.
Documentation reference: 5.2
- Stonestreet AQ email response to Natural England, dated 07/06/2024

Protected sites

1) Information to Inform a Habitats Regulations Assessment

Potential air quality impacts:

In follow-on from my email (dated 23/05/2024) I understand that Natural England does not endorse the JNCC report 696 and I would recommend that reference to this report is removed from your reports.

Reason

I would advise, based on the uncertainties over the application and uncertainties of the JNCC report, that any relevant roads with development-related traffic are included in the air quality assessment and the IHRA.

I advise the updated APIS dataset is used. [[APIS dataset new version release \(11/06/2024\) | Air Pollution Information System](#)]

Reason

The report conclusions to reflect the most up to date baseline.

Wye and Crundale Downs Special Area of Conservation (SAC). Natural England's previous response acknowledged (NE Ref: 437662) a distance from the SAC to the Project site of approximately 5.5km. Natural England advised the SAC should still be taken forward into the IHRA and justification provided for the conclusion of no Likely Significant Effect (LSE).

Reason

Wye and Crundale Downs SAC has been considered as part of the IHRA and given the lack of impact pathways, a likely significant effect has been screened out which I concur with.

Folkestone to Etchinghill Escarpment SSSI and SAC. The ES Volume 2, Chapter 13: Traffic and Access confirms the majority of solar equipment, including the transformer units, will be transported from overseas. The port of entry is yet to be determined. Therefore, given the final route uncertainty I recommend the air quality assessment and IHRA is reviewed and updated once the equipment point of entry is confirmed.

Reason

The ES Volume 2, Chapter 13: Traffic and Access has screened out Otterpool Park from the in-combination and cumulative assessment due to the main access to Otterpool Park being from Junction 11 of the M20, via the A20. However, this is dependent on the direction of associated construction traffic and an assumption of no Otterpool Park construction materials arriving from the Ports of Folkestone and / or Dover. Coupled with the uncertainty around the solar equipment's point of entry it is advisable that the IHRA is updated once transportation routes are known.

Stodmarsh Special Protection Area (SPA), SAC and Ramsar site. Natural England's previous advice (NE Ref: 437662) confirmed that consideration of nutrient impacts on Stodmarsh are only required for new overnight accommodation. I welcome the precautionary approach used in the IHRA for all foul water generated at all stages of the Project will be transported, treated and released outside of the Stour catchment. I therefore agree with the screening conclusion of no LSE.

Functionally Link Land (FLL):

Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site and Dungeness SAC. Natural England's previous advice (NE Ref: 437662) confirmed it is satisfied with both the robustness of the survey work and the conclusion drawn that the Site is not functionally linked to the Dungeness SPA and Ramsar site.

2) Sites of Special Scientific Interest (SSSI)

Hatch Park SSSI.

The ES Volume 2, Chapter 13: Traffic and Access has screened out Otterpool Park from the in-combination and cumulative assessment due to the main access to Otterpool Park being from Junction 11 of the M20, via the A20. However, this is dependent on the direction of the associated construction traffic. Therefore given the uncertainties in the potential transport route, I advise the air quality report is updated to include potential cumulative impacts with Otterpool Park.

Reason

To address all potential cumulative effects from air quality impacts from all developments in the surrounding area.

Gibbin's Brook SSSI

I confirm I am in agreement that Gibbons Brook SSSI is not hydrologically connected to the Site.

For clarification of any points in this letter, please contact [REDACTED] on [REDACTED] [@naturalengland.org.uk](mailto:[REDACTED]@naturalengland.org.uk)

This letter concludes Natural England's Advice within the Quotation and Agreement dated 16 April 2024.

commercialservices@naturalengland.org.uk

As the Discretionary Advice Service is a new service, we would appreciate your feedback to help shape this service. We have attached a feedback form to this letter and would welcome any comments you might have about our service.

The advice provided in this letter has been through Natural England's Quality Assurance process

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Kind regards,

[REDACTED]
Senior Officer

Sustainable Development, Sussex and Kent – Area Team 14

Cc commercialservices@naturalengland.org.uk

Annex 1

European Protected Species

A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development. Further information can be found in Natural England's ['How to get a licence'](#) publication.

If the application requires planning permission, it is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice Natural England provides at formal consultation on the likely impacts on favourable conservation status and Natural England's [guidance](#) on how the three tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) are applied when considering licence applications.

Natural England's pre-submission Screening Service can screen application drafts prior to formal submission, whether or not the relevant planning permission is already in place. Screening will help applicants by making an assessment of whether the draft application is likely to meet licensing requirements, and, if necessary, provide specific guidance on how to address any shortfalls. The advice should help developers and ecological consultants to better manage the risks or costs they may face in having to wait until the formal submission stage after planning permission is secured, or in responding to requests for further information following an initial formal application.

The service will be available for new applications, resubmissions or modifications – depending on customer requirements. More information can be found on [Natural England's website](#).