Stonestreet Green Solar

Responses to Deadline 3 Submissions

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1 Introduction

1.1 Purpose of the Report

1.1.1 This report provides the Applicant's responses to submissions from Interested Parties received at Deadline 3 in respect of the proposed Stonestreet Green Solar project (the Project).

1.2 Structure

1.2.1 Section 1 of this report sets out the purpose, structure and approach taken in the report.

1.2.2 Section 2 provides the Applicant's responses to the Interested Party submissions made at Deadline 3, including sign posting to previous responses and application documents where appropriate.

1.2.3 Section 3 provides the Applicant's responses to Mr Andrew Swarbrick's written submission received at Deadline 1 [REP1-112] at the request by the Examining Authority in the Issue Specific Hearing 3.

1.3 Approach

1.3.1 A total of nine submissions were made by Interested Parties at Deadline 3 and four additional submissions made shortly after Deadline 3 were accepted at the discretion of the Examining Authority. These were submitted by:

- Ashford Borough Council (ABC) [REP3-049]
- CPRE Kent [REP3-050]
- Environment Agency [REP3-051]
- Kent County Council (KCC) [REP3-052]
- Kent Wildlife Trust [REP3-053]
- Natural England [REP3-054]
- Aldington and Bonnington Parish Council (ABPC) [REP3-055]
- Aldington & Mersham Support Group (AMSG) [REP3-056]
- Kent Ramblers [REP3-057]
- Dr Patricia Anne Bromley [AS-023]
- Mr Jeremy Bromley [AS-024]
- Derek Burles [AS-025]
- Womble Bond Dickinson (UK) LLP on behalf of National Grid Electricity Transmission PLC (published on 26 February 2025) [AS-026]

1.3.2 This report does not look to duplicate the Applicant's responses to the previous submissions at Deadline 1, 2 and 3 [REP1-061] [REP2-034] [REP3-046], or **Responses to First Written Questions (Doc Ref. 8.11)** [REP3-047]. Where appropriate to avoid repetition the Applicant has sought to cross-refer back to responses provided in those documents, supplemented by additional information that has been entered into the Examination since those documents were prepared.

1.3.3 Additionally, this report does not respond to every matter raised in the Interested Party submissions at Deadline 3 which the Applicant's **Responses to First Written Questions (Doc Ref. 8.11)** [REP3-047] dealt with comprehensively.

1.3.4 The Environment Agency, Natural England and Kent Ramblers submissions did not raise any outstanding or further matters for the Applicant to respond to, and so these matters have not been included in this report.

1.3.5 The Applicant's responses to the submission made by Womble Bond Dickinson (UK) LLP on behalf of National Grid Electricity Transmission PLC has been addressed in the **Written Summary of Oral Submissions from Compulsory Acquisition Hearing 2 and Responses to Action Points (Doc Ref. 8.14.4)**, so is not addressed in this report.

2 Response to Deadline 3 Submissions

2.1 Overview

2.1.1 This report contains responses to the Deadline 3 submissions made by the following parties:

- Ashford Borough Council (ABC) [REP3-049]
- CPRE Kent [REP3-050]
- Kent County Council (KCC) [REP3-052]
- Kent Wildlife Trust [REP3-053]
- Aldington and Bonnington Parish Council (ABPC) [REP3-055]
- Aldington & Mersham Support Group (AMSG) [REP3-056]
- Mr Jeremy Bromley [AS-023]
- Dr Patricia Anne Bromley [AS-024]
- Derek Burles [AS-025]

2.2 Responses to ABC Deadline 3 Submission

Table 2-1 Responses to ABC Deadline 3 Submission

ExQ1 Ref	Summary of Interested Party's Comments	Applicant's Response
Heritage Environment		
Q5.02	**Heritage Assets – construction phase** ABC agrees that there will be no significant direct construction phase effects on cultural heritage assets within 5km of the order limits. ABC agrees that there would be indirect effects arising from the construction phase on historic landscape character that would not be significant. ABC refers to the ABC's LIR, which stated that these effects are considered to result in negative impacts on community, recreational and tourist facilities in the area.	Please refer to the **Response to Deadline 1 Submissions (Doc Ref. 8.8)** [REP2-034], submitted by the Applicant at Deadline 2, in particular the response to LIR Ref. 12.9 – 12.11 on pages 59 – 60 in Table 2-6: 'Socio-economics' in Section 2.2. Both ABC and Historic England have confirmed in the **Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1(A))** [REP3-026] and **Statement of Common Ground with Historic England (Doc Ref. 8.3.3(C))** that there would be no significant effects on cultural heritage assets. Historic England has no objection to the effect on community, recreational facilities and tourism.

2.3 Responses to CPRE Kent Deadline 3 Submission

Table 2-2 Responses to CPRE Deadline 3 Submission

ExQ1 Ref	CPRE Kent Comments	Applicant's Response
Site Selection and Alternatives		
1.2.1	**Alternative Sites – justification of search radius of 5km** As referenced within our original relevant representation, it has been our overarching view that insufficient information has been provided with respect to the alternatives studied. Firstly, it remains unclear to us as to why a radius of only 5 kilometers (km) from the point of connection (POC) has been tested. In this respect, we note it is the applicant's position that 5km or less was chosen as a distance beyond this would not be economically viable (Environmental Statement, Volume 2, Chapter 5: Alternatives and Design Evolution Document Ref 5.2). We however also note that other NSIP schemes, such as the recently approved West Burton Solar Project, routinely test a radius of 15km on the basis that this is the distance at which the project becomes economically unviable. It therefore remains unclear to us as to what is so uniquely special about this project to have justified a much smaller search radius.	The Applicant has responded on this matter of the search radius of 5km in the **Responses to Deadline 2 Submission (Doc Ref. 8.10)** [REP3-046] on page 19 in Table 2-1: ''Site Selection/Consideration of Alternatives' in Section 2.2. Appendix 2 (Sequential and Exception Test Report) of the **Planning Statement (Doc Ref. 7.6)** [APP-151] sets out the justification of the maximum distance of the Search Area, which has been agreed with the Environment Agency and Ashford Borough Council, as set out in the **Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1(A))** [REP3-026] and in the **Statement of Common Ground with the Environment Agency (Doc Ref. 8.3.2(C))**. The search area for each project is determined on a case-by-case basis. For this Project, the search area of 5km has been determined as the maximum distance from the point of connection. Beyond the 5km distance, the environmental and social effects are likely to increase. The West Burton Solar Project is more than four times larger than the Project, with a grid

ExQ1 Ref	CPRE Kent Comments	Applicant's Response
		connection agreement of 480MW and a site area of 886ha of area. The Applicant considers a 5km Search Area is proportional to the scale of the Project.
1.2.1	**Alternative Sites – Fields 20, 21 and 22** More significantly, however, the site selection justifications put forward by the applicant appear to signally focus upon the substantive area of the application though do not hold up when applied to fields 20, 21 and 22. As previously stated, these fields are distinct and separate from the rest of the development, meaning that the siting of solar panels on these fields unnecessarily fragments the development, exacerbating the landscape harm. Siting panels upon these fields also brings the impact of the development much closer to the main residential area of Aldington, has a particular and unique impact upon the enjoyment of the local PROWs, has a particular impact upon local heritage assets and increases the loss of BMV. NPS EN-3 sets out the key siting considerations that need to be taken into account with respect to site selection. Among other considerations, these include proximity to dwellings (addressing visual amenity and glint), land type (favouring poorer-quality or previously developed land), site accessibility, public rights of way (minimising visual impact) and potential visual and landscape impacts, especially within National Landscapes and their settings. In view of these policy requirements and the very particular impact of fields 20, 21 and 22, it is CPRE Kent's view that it would assist the examination to understand further why an assessment of an alternative scheme that did not include these fields has not been undertaken during the site selection process. While we have seen the applicant's assertion that they need these fields to maximise generating capacity, surely this assertion needs to be properly quantified in terms of benefits versus impacts?	The Applicant's position on the removal of panels from Fields 20, 21 and 22 is explained in the **Responses to Deadline 1 Submissions (Doc Ref. 8.8)** [REP2-034], submitted by the Applicant at Deadline 2, from page 180 onwards in Table 4-2: 'The South Eastern Area, Fields 20, 21, 22'.

ExQ1 Ref	CPRE Kent Comments	Applicant's Response
	Overall, CPRE Kent maintains that the removal of panels from fields 20, 21 and 22 would significantly reduce the impact of the proposal and that this should be an option being considered as an improvement upon the submitted scheme. In this regard, we note that the recent approval of the West Burton Solar Project dealt with a similar issue, with the approved DCO having been amended to remove a similarly contentious parcel of land	
Biodiversity		
2	**Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))** While CPRE Kent welcome the ExQs on Biodiversity and Natural Environment issues, we are concerned to note that there does not appear to be an ISH planned to explore the details of the concerns we and other have already raised. In particular, we note that there remains a significant difference of opinion as to the likely effectiveness of the proposed Skylark mitigation. CPRE Kent in particular are concerned to note that it remains the plan for footpaths to go directly though the proposed Skylark mitigation areas and not be diverted around. We also have remaining concerns regarding the impact of security lighting; buffer zones with respect to the area of ancient woodland; and the surveys undertaken and to be undertaken. We also have not yet had the chance to scrutinise the BNG claims as the BNG Excel spreadsheet has not yet been made publicly available despite our previous request. We would therefore like to flag our outstanding concerns at this time as we trust there will be the opportunity to explore these issues further as the examination progresses.	The need for Issue Specific Hearings is determined by the Examining Authority. In terms of the matters raised by CPRE, the Applicant notes the following. **Skylark Mitigation:** Section 5.2 of the **Outline LEMP (Doc Ref. 7.10(B))** [REP3-020] provides details on how mitigation will be in place for breeding birds (particularly skylark). Further details on the skylark mitigation strategy were shared with KCC in March 2025 and agreed, as confirmed in the **Statement of Common Ground with KCC (Doc Ref. 8.3.4(C))**. Further details including the minimum number of and indicative location of the skylark plots, has also been set out within the Deadline 3 version of the **Outline LEMP (Doc Ref. 7.10(B))** [REP3-020], which reflects the agreed position with KCC. The detailed design and management of these areas will be provided in the detailed LEMP(s) and the detailed landscape drawings, as secured by

ExQ1 Ref	CPRE Kent Comments	Applicant's Response
		Requirements 8 and 4 of Schedule 2 of the **Draft DCO (Doc Ref. 3.1(E))** The mitigation proposals for skylark are considered to reflect best practice and KCC has confirmed their acceptance in writing that they are appropriate for the Project. As set out in Section 5.5 of the **Outline LEMP (Doc Ref. 7.10(B))** [REP3-020], the mitigation measures will be monitored to critically assess whether they are proving effective and to inform adaptive site management if needed. Operational lighting will be limited for emergency and overnight maintenance purposes only at Inverter Stations, Intermediate Substations and the Project Substation and will be directed within the Order limits. This is secured by the **Design Principles (Doc Ref. 7.5(B))** [REP3-016]. In the event lighting is required, it will be directed within the Site limits away from sensitive receptors and will include features to reduce light spill beyond the areas required to be lit. This is secured by the **Design Principles (Doc Ref. 7.5(B))** [REP3-016]and **Outline OMP (Doc Ref. 7.11(A))** [REP1-050]. KCC and Natural England have both accepted the Project approach to ancient woodland buffers which is secured through the **Design Principles (Doc Ref. 7.5(B))** [REP3-016] and management plans where relevant. The BNG Excel spreadsheet (**Appendix 3 Detailed Results of Statutory Biodiversity**

ExQ1 Ref	CPRE Kent Comments	Applicant's Response
		Metric (Doc Ref. 7.1) [APP-145]) was submitted with the Application and was published by PINS in July 2024
Draft Development Consent Order		
4.2.1	**Tree Preservation Orders** The removal of TPOs must be subject to the usual process during the post-consent phase. These deserve particular scrutiny as quite clearly TPOs cannot just simply be replaced.	Paragraph 2.1.2 of the **ES Volume 4, Appendix 9.3: Arboricultural Impact Assessment (Doc Ref. 5.4(A))** [AS-017] confirms that there are no trees protected by Tree Preservation Orders ('TPO') or Conservation Areas present on or immediately adjacent to the Site.

2.4 Responses to KCC Deadline 3 Submission

Table 2-3 Responses to KCC Deadline 3 Submission

ExQ1 Ref	KCC Comments	Applicant's Response
Biodiversity		
Q2.0.13	**Ecology - mitigation measures** With regard to the potential impact of solar farms on aquatic invertebrates, the County Council understands that some studies have indicated that PV solar panels can attract aquatic insects to lay their eggs upon them. However, there is a lack of ecological monitoring and research that exists on the impact of solar farms and such behaviour on invertebrate populations and the wider ecological implication. Details of available studies is provided below: […] The County Council is supportive of the mitigation proposals for the areas adjacent to the Stour, however, would also recommend that there is a need for monitoring on the site to be carried out to further support an understanding of this issue.	In respect of the need for monitoring to be carried out, the **Outline LEMP (Doc Ref. 7.10(B))** [REP3-020] secures a programme of monitoring of aquatic invertebrates. This is secured by Requirement 8 of Schedule 2 of the **Draft DCO (Doc Ref. 3.1(E))**. Further details on the monitoring of aquatic invertebrates is set out in **Responses to Relevant Representations (Doc Ref. 8.2)** [REP1-061], on page 45 in Table 3-3 in Section 3.4 and on page 87 in Table 3-14 in Section 3.15.
Draft Development Consent Order		
Q4.1.2	**Requirement 11 Operational Surface Water Drainage Strategy (OSWDS)** The County Council, as Lead Local Flood Authority, recommends that a minor amendment is made to this requirement for the Operational Surface Water Drainage Strategy to be "submitted to and approved by the local planning authority, such approval to be	As stated in the **Statement of Common Ground with KCC (Doc. Ref. 8.3.4(C))**, the Applicant and KCC have reached agreements on the amendments to **the Outline OSWDS (Doc Ref. 7.14(C))** and to Requirement 11 of the **Draft DCO (Doc Ref. 3.1(E)).**

ExQ1 Ref	KCC Comments	Applicant's Response
	in consultation ~~with Kent County Council~~ with the relevant Lead Local Flood Authority" The Lead Local Flood Authority also agrees that the Operational Surface Water Drainage Strategy should be approved prior to commencement, rather than prior to operation. However, the County Council would note that the Draft Development Consent Order (REP2-004) does state 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". Clarity on this point is requested as there appears to be differing drafting of this requirement between REP2-004 and within the First Written Questions published on 10 January 2025. Furthermore, the County Council would also suggest that this detail could be included within Requirement 4 – Detailed Design Approval. The County Council, as Lead Local Flood Authority, recommends that a minor amendment is made to this requirement for the Operational Surface Water Drainage Strategy to be "submitted to and approved by the local planning authority, such approval to be in consultation with Kent County Council with the relevant Lead Local Flood Authority"	
Q11.0.6 – Q11.0.7	**OSWDS and Storm Scenarios** The County Council, as Lead Local Flood Authority, would draw attention to commentary submitted on 7 January 2025 which noted that although some further information has been provided by the	Refer to the response immediately above.

ExQ1 Ref	KCC Comments	Applicant's Response
	Applicant, this has not alleviated all concerns. The Lead Local Flood Authority notes that if the applicant accepts the alterations proposed to the Requirement wording as provided in the County Council's response to Q4.1.2, or moves the Operational Surface Water Drainage Strategy matter into Requirement 4 – Detail Design Approval, this would be acceptable. Therefore, matters could be agreed as being considered as part of the detailed design. Clarity on the different drafting of Requirement 11 is requested, as detailed in the County Council's response to Q.4.1.2.	

2.5 Responses to Kent Wildlife Trust Deadline 3 Submissions

Table 2-4 Responses to Kent Wildlife Trust Deadline 3 Submissions

ExQ1 Ref	Kent Wildlife Trust Comments	Applicant's Response
Biodiversity		
Q2.0.10	**Barn Owl Survey** The Examining Authority have directed KWT to Table 9.5 of the Applicant's Environmental Statement (Vol 2, Chapter 9, Biodiversity) which sets out that barn owl survey efforts have been focused upon any trees or nesting boxes that are in proximity to future construction works. No further details are provided however reference is made to a confidential document which has been submitted to the Planning Inspectorate but not published in the public domain. The table also states that the survey area comprised the site and up to a maximum of 50m beyond with the desk study extending to 1km. The reference to barn owl specific survey efforts seems to contradict other statements made in the submission. For example, under paragraph 9.5.94 of the above document it is stated that no barn owls were recorded during the bat surveys implying that standalone surveys were not carried out. Elsewhere the submission states that the only nocturnal bird survey conducted was for nightingale and makes clear that the presence of barn owls was not assessed during this survey.	**ES Volume 4, Appendix 9.5n: Schedule 1 Bird Species Report (Doc Ref. 5.4)** provides the ExA with details of the methods and findings of a Schedule 1 Breeding Bird Survey, which included barn owl. The results of the Schedule 1 Breeding Bird Survey were provided to the ExA and KCC but due to their protected status these are confidential. The survey area comprised the Site and to a maximum of 50m beyond, with key observations recorded up to 250m (i.e., records of species listed on Schedule 1 of the Wildlife and Countryside Act 1981) where visibility permitted. In the case of barn owl, the survey study area was limited to trees assessed as suitable for roosting barn owls as there are no buildings present on the Site suitable for barn owl and the Project is offset from adjacent off-Site buildings. The survey was undertaken to establish whether barn owl occurred within the Site and to assess their distribution and use through a three-stage approach as detailed in Shawyer et al (2011)[1]: ▪ Stage 1 – site walkover, to record habitat features suitable for nesting or roosting barn owl, as well as an overall assessment of habitat suitability for foraging;

ExQ1 Ref	Kent Wildlife Trust Comments	Applicant's Response
		▪ Stage 2 – a detailed investigation of the features identified during Stage 1 to record potential nest sites (PNS), active roost sites (ARS), temporary rest sites (TRS), and potential foraging habitat (PFH); and ▪ Stage 3 – further detailed investigation during the barn owl breeding survey (specifically between June - July) to identify breeding activity. Paragraph 9.5.94 of the **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** [APP-033]: states *"Barn owl was not recorded during the bat surveys conducted during 2020 to 2023, which were undertaken during optimal barn owl foraging periods, but the species is known anecdotally to use the Site."* This sentence is not to imply that barn owls were assessed only during bat surveys, rather to provide extra context that they were also not seen during the bat surveys, which were undertaken at the same time as the optimal barn owl foraging periods (i.e. at dusk).
Q2.0.10	**Barn Owl Survey – methodology** It should be noted that a barn owl home range (used for hunting, roosting, and breeding) is approximately 1km around the nest site when breeding and 4km at other times. It is therefore considered that any surveys of just the site in proximity to construction work and up to a maximum of 50m beyond is not sufficient. KWT have also been made aware of the existence of a separate barn owl box situated on land adjoining the application site which, after being erected in 2019, has had a nesting pair of barn owls each year. Barn owls do not try to defend their home range and so their range can overlap	See above response for details of survey extent. The extents of the barn owl survey area are considered appropriate and proportionate to the predicted effect of the Project upon this species and are accepted by KCC. Taken together, the dedicated barn owl survey and the extensive multi-year bat activity survey data provide more than sufficient data. The conclusions of **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** [APP-033]

ExQ1 Ref	Kent Wildlife Trust Comments	Applicant's Response
	with other individuals and pairs. It is therefore possible that any occupants of this box could be utilising the site in addition to any barn owls using the two boxes within the application site. Taking the above into account it is advised that all barn owl boxes in and around the application site should be inspected by a suitably licenced ecologist during the barn owl breeding season (the ecologist should hold a Schedule 1 Licence and/or CL29 Barn Owl Licence). This will enable an appropriate and detailed barn owl mitigation strategy to be devised. As stated in our earlier submission barn owl are included in Schedule 1 of the Wildlife and Countryside Act, 1981 which affords them protection against disturbance whilst nesting, in addition to the basic level of protection afforded to most breeding birds. Under Part 1, Section 1 (5) it is an offence to intentionally or recklessly disturb a barn owl whilst it is building a nest or is in, on, or near a nest containing eggs or young. It is also an offence to intentionally or recklessly disturb a barn owl's dependent young.	of no adverse effect on barn owl is accepted by KCC. The Project will deliver a significant increase in the extent and quality of barn owl foraging habitat since suitable foraging habitats for barn owl is currently restricted to narrow field margins and limited small fields. Compliance with the Wildlife and Countryside Act, 1981 is a legal duty which must be adhered to during all stages of the Project. The **Outline LEMP (Doc Ref. 7.10(B))** [REP3-020] secures pre-commencement surveys for Schedule 1 nesting birds (including barn owl) and mitigation measures would be included in the detailed LEMP (s) and/or detailed CEMP(s) as appropriate.

2.6 Responses to ABPC Deadline 3 Submission

Table 2-5 Responses to ABPC Deadline 3 Submission

ExQ1 Ref	ABPC Comments	Applicant's Response
Site Selection and Alternatives		
Q1.2.2	**Alternative Sites** We welcome this question. We strongly believe that alternative sites in the vicinity have not been adequately demonstrated to be unsuitable or reasonable alternatives. As previously stated by ABPC, the identification of alternative sites – notably as alternatives to Fields 20, 21 and 22, which are considered to have significant community, landscape and heritage impacts – would be supported by APBC. Incidentally, in their response to ABPC's Deadline 1 submission on this matter and the related matter of the size of the site, the Applicant states that removal of the Fields 20, 21 and 22 (or reducing the size at all) is not an option "because a smaller Project would not be capable of delivering the same generation capacity as the current proposals and would therefore not meet the Project requirements" (Application Document Ref: 8.8, p. 151). This remains incorrect as output of energy is relative to impact, as endorsed by national policy: National Policy Statement EN-1 positively endorses the need to ensure that schemes must be suited to their proposed locations and requires applicants to avoid, reduce, mitigate or compensate any adverse impacts of their projects (for example, on the environment) "so far as possible". [Refer to para 5.10.26 of the NPS EN-1]. There is a precedent in schemes such as this being required to reduce their scale, for instance the (Planning Act 2008) Application for Development Consent for The West Burton Solar Project, decided 24 January 2025.	<u>Justification of alternative sites to Fields 20, 21 and 22</u> Two alternative sites raised during the Statutory Consultation – the Land north and south of the M20 (to the north of the Site) and the Industrial areas near the M20 and Ashford were assessed. Table 5.1 of the **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))** [AS-010] provides commentary on why the Applicant does not consider them to be suitable alternatives which would meet the Project requirements. The Sequential and Exception Test Report (Appendix 2 of the Planning Statement (Doc Ref. 7.6) [APP-151]) confirms that there are no suitable and reasonably available sites appropriate for the Project in areas with a lower risk of flooding. This has been agreed by the EA and ABC in the **Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1(A))** [REP3-026] and the **Statement of Common Ground with the Environment Agency (Doc Ref. 8.3.2 (C))**. Therefore, there are no alternative sites available to Fields 20, 21 and 22.

ExQ1 Ref	ABPC Comments	Applicant's Response
		NPS EN-1 Policy Compliance NPS EN-1 paragraph 5.10.26 states: *"Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function - for example, electricity generation output. There may, however, be* ***exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in function****. In these circumstances, the Secretary of State may decide that the benefits of the mitigation to reduce the landscape and/or visual effects outweigh the marginal loss of function."* The Applicant's position on the reduction in scale was stated in Table 4-1 of the **Response to Deadline 1 Submissions (Doc Ref. 8.8)** [REP2-034]), on page 126. A reduced scale proposal to the Project is not considered by the Applicant to be a reasonable alternative, as a smaller Project would not be capable of delivering the same generation capacity as the current proposal and would therefore not meet the Project requirements. The Applicant is not aware of any changes that could deliver a "very significant benefit" with only a "small reduction in function" and therefore does not

ExQ1 Ref	ABPC Comments	Applicant's Response
		meet the exceptional circumstances anticipated by NPS EN-1. West Burton Decision At paragraph 7.11 of the Decision Letter for the West Burton Solar Project, the Secretary of State concluded that "*due to the substantial harm to the Stow Park [Scheduled Ancient Monument], which is a designated asset of the highest significance, the public benefits do not outweigh the harm. The loss of designated assets of the highest significance should be wholly exceptional and the Secretary of State has concluded wholly exceptional circumstances do not exist and that therefore consent should be refused.*" Paragraph 7.11 goes on to state that the Secretary of State "*considered whether the policies relating to "critical national priority" in 2024 NPS EN-1 should be applied here, such that the Proposed Development might be treated as if it had met the test of exceptional circumstances*" but concluded that "*the policies on critical national priority should not be applied in this way during the transitional period because 2024 NPS EN-1 is not yet in effect for the purposes of decision-making*". The Secretary of State therefore decided to exclude solar arrays from the deer park land at Stow Park, referred to as the Stow Park Alteration, in order to reduce the harm from the Project from substantial harm to less than substantial harm. In granting consent on that basis, the Secretary of State accepted that harm of that level did not

ExQ1 Ref	ABPC Comments	Applicant's Response
		outweigh the benefits of solar renewable energy generation, and noted more widely that "*The Secretary of State acknowledges that all NSIPs will have some potential adverse impacts*" (paragraph 7.19). This is in clear contrast to the Project. The 2024 version of NPS EN-1 does have effect for the Project, which is critical national priority infrastructure. As explained in paragraphs 7.4.4 to 7.4.5 of the **Planning Statement (Doc Ref. 7.6)** [APP-151], "*the benefits of the scheme, particularly the delivery of new solar generating capacity, are overwhelmingly greater than the residual adverse effects*" and "*there is no basis for suggesting that the Project qualifies as a most exceptional case to warrant refusal of the application for consent*". There is no substantial harm or other such justification for the Project to be altered to remove panels and reduce the generating capacity. To do so would be wholly at odds with the urgent need for critical national priority infrastructure to achieve the UK's energy objectives as set out in NPS EN-1.
Traffic and Access		
Q10.0.6	**PRoWs** We consider the Applicant has not adequately considered the community impact of the proposed development on AE 474. This is a critical path linking pedestrians from Aldington village to the Church. It has social and historic significant. Development in this area will be detrimental to that. In response to ABPC's question about why access into the site here does not use the	The Applicant has considered the social and community impacts in relation to the users' enjoyment, health and wellbeing. These effects have been assessed in 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

ExQ1 Ref	ABPC Comments	Applicant's Response
	footpath further north (AE 475), the Applicant states "The Goldwell Lane access relates to an existing field access point on land which the Applicant has privately contracted and limits the need for further vegetation clearance. The use of Goldwell Lane for temporary construction access and the works to lay the cable in Goldwell Lane reduces the amount of additional land that would be otherwise be required and is not expected to give rise to significant environmental effects and the Applicant therefore does not consider that the consideration of alternative options is necessary to make the scheme acceptable in planning terms" (Application Document Ref: 8.8, p. 154). This response does not address the social and community impacts of this, and we would respectively ask the Inspector to press this matter further. On the delivery of new public rights of way, we remain disappointed that the Applicant does not intend to deliver any new or improved rights of way as bridleways. There appears to be little consideration of ABNP Policy AB12 (D), which explicitly supports such provision; there are many horse riders locally who have no choice but to ride on the rural lanes. The provision of additional bridleways would offer a demonstrable community benefit. Finally on this matter, we reiterate that there has been little approach from the Applicant to discuss PROWs with ABPC. Our ABNP includes a number of proposals around potential improvements and better connectivity – that could be delivered as part of this project. This includes, for instance, the introduction of a link between Aldington and Mersham, which would bring significant community benefits.	effects) and from paragraph 12.7.105 (for operational effects). Based on the assessment sets out in the ES, the Applicant considers that the proposal complies with the policies in NPS EN-1 (paragraph 5.11.30) and NPS EN-3 (paragraphs 2.10.40-2.10.45). KCC have reviewed the mitigation measures proposed in relation to PRoW in the **Outline RoWAS (Doc Ref. 7.15(A))** [REP1-056] and agreed that the effects on PRoW have been mitigated as far as reasonably practicable, as set out in in the **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(C))**. The Applicant notes that there are currently no bridleways within the Site. There is one Byway Open to All Traffic (BOAT) – AE 396 which is currently not passable. As such, no significant effects on equestrian users are identified. The Applicant has addressed concerns regarding the bridleways raised by the British Horse Society in Table 3-21 of the **Responses to Relevant Representations (Doc Ref. 8.2)** [REP1-061] and in Table 4-14 of the **Response to Deadline 1 Submissions (Doc Ref. 8.8)** [REP2-034]. No further responses from the British Horse Society were submitted at Deadline 2 or Deadline 3. The Applicant considers the discussions with ABPC to be appropriate. During the pre-application process, representatives of ABPC were invited to participate in the Community Liaison Panel (CLP). Direct engagement has also taken place in

ExQ1 Ref	ABPC Comments	Applicant's Response
		response to ABPC's submissions at Deadlines 1 and 2, as recorded in the **Responses to Relevant Representations (Doc Ref. 8.2)** [REP1-061] and **Response to Deadline 1 Submissions (Doc Ref. 8.8)** [REP2-034]. In particular to PRoW, the Applicant has engaged with residents, community groups, and local authorities through statutory and non-statutory consultations. Responses to the stakeholder feedback received during the preceding statutory and non-statutory consultations were provided in the **PEIR Addendum at Volume 3, Chapter 11, Appendix 11.1 (Changes to PRoW)**, which was submitted as an annex to **Written Summary of Oral Submissions from Issue Specific Hearing 2 and Responses to Action Points (Doc Ref. 8.5.5)** [REP1-075]. The PRoW approach has also been actively discussed throughout the examination process and agreed upon with KCC, as is reflected in section 2.8.1 in the **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(C)).**

2.7 Responses to AMSG Deadline 3 Submissions

Table 2-6 Responses to AMSG Deadline 3 Submissions

ExQ1 Ref	AMSG Comments	Applicant's Response
Biodiversity		
Q2.0	**Supplemental Questions and areas of further clarification.** • We hope the Applicant will be asked to provide evidence from other similar solar schemes of where 16 m² Skylark nesting plots have been shown to provide meaningful mitigation. On what basis does the Applicant maintain that because these plots have been successful in wheat fields this approach will work equally well if surrounded by panels and other infrastructure? • We have identified in our Deadline 2 submission what we believe to be a badger set which the Applicant and its ecologists have either failed to identify (the panel footprint is within 30 m of the set) or is it not considered to be a set? How can we possibly get an answer on this if all survey work on badgers is confidential?	It is important to note that skylark plots form only part of the Project components to compensate for the expected displacement of skylark territories. Other measures include the provision of open grassland areas (without PV arrays) to provide extensive suitable habitat for skylark nesting and foraging, provision of additional and enhanced local foraging resources 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). Appendix 1: Skylark Note of the **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(C))** provides evidence to support the skylark mitigation strategy which is secured through the **Outline LEMP (Doc Ref. 7.10(B))** [REP3-020]. Skylark plots will be a minimum of 16sqm to simulate the effect of an open space within a tall crop field. This minimum size is based on available advice from the Royal Society for the Protection of Birds ('RSPB'), Rural Payments and Natural England in relation to skylark plots on arable cropland as set out in Appendix 1: Skylark Note of the **Statement of Common Ground with Kent**

ExQ1 Ref	AMSG Comments	Applicant's Response
		County Council (Doc Ref. 8.3.4(C)). KCC has agreed with the proposed approach and is satisfied on to the skylark mitigation through their **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(C))**. The **Outline LEMP (Doc Ref. 7.10(B))** [REP3-020] secures monitoring which will be used to assess the effectiveness of this measure and inform iterative development of site management for skylark and the wide array of other protected and priority species that the Project will benefit. The **Outline LEMP (Doc Ref. 7.10(B))** [REP3-020] details at paragraph 5.5.5. that *Skylark plot effectiveness is to be monitored during the operation of the Project. Further monitoring may be undertaken for specific species to monitor the success of habitat establishment measures. The results of such monitoring may result in additional or revised management recommendations, which will need to be incorporated into revisions of future detailed LEMP(s).* The detailed LEMP(s) will provide further details on the monitoring required to critically assess whether the approach proves successful and to inform changes in site management regime, if needed. **ES Volume 2, Chapter 9: Biodiversity (Doc Ref. 5.2)** [APP-033] includes an assessment of the potential impacts on biodiversity, including badgers. The results of badger surveys have been provided to the ExA but due to their protected status these are confidential. KCC has confirmed

ExQ1 Ref	AMSG Comments	Applicant's Response
		they are content with the approach to the surveys. Badgers are a mobile species and therefore further badger surveys will be undertaken prior to construction, as secured by the **Outline LEMP (Doc Ref. 7.10(B))** [REP3-020]. Where pre-commencement surveys determine that a Natural England mitigation licence or species mitigation strategy is required, these will be submitted and reviewed by the relevant statutory body (e.g. Natural England).
Historic Environment		
Q5.0	**Supplemental Questions and areas of further clarification.** • Based on the representations we have made alongside experts in this field of work we support the contention that the amount of "truthing" work involving trial trenching, based on the huge area of the scheme, is woefully inadequate. A full explanation as to this approach taken of intending to deal with things "on the hoof" during construction needs to be provided. • We note that there is currently (w/c 20.01.25) further trial trenching works being carried out within the fields1 and 2 in appalling weather conditions (see photo below). • The Applicant maintains in its Works Plans that it has included "flexibility to respond to archaeological features which may be identified during further archaeological investigation and to respond to features identified during construction works". Why then is the Applicant, at this late stage, (mid Examination) setting about further trial trenching, particularly when ground conditions are so unsuitable and certain to result in serious soil damage and compaction?	The Applicant and KCC have discussed and agreed the scope for additional trial trenching to be undertaken, which is currently underway. 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. Please refer to section 2.6 of the **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(C))** for further details. Section 6 Soil Management Plan of the **Outline CEMP (Doc Ref. 7.8(A))** [REP1-044] considers the potential impact on soils, that includes the risk of soil compaction. It sets out measures to minimise damage to soil that remains in place, and to soil being excavated and stockpiled during the construction phase. Soil Handling Tasks will be implemented based on the soil condition and weather condition. Relevant implementation and

ExQ1 Ref	AMSG Comments	Applicant's Response
	• Does the Applicant not recognise the risk of soil compaction, and if it does is it considering avoiding "winter working" and if so, by how much might it expect such a policy to extend the projected construction phase?	monitoring measures are extracted from paragraph 6.3.1 of the Outline CEMP, as follows: *"Soil handling methodology to be determined based upon soil moisture content. Where practicable soil handling when soil moisture content is above the lower plastic limit (the moisture content at which soil begins to behave as a plastic material and the soil is deemed too wet to handle without causing damage to the soil structure) will be avoided;* *Where soils are wet or damp, to minimise compaction, soils will be handled using excavators rather than dozers;* *No handling of soils to be carried out during periods of prolonged, heavy rainfall, where possible;* *Where possible, operate plant and machinery only when ground or soil surface conditions mean it can be operated efficiently (i.e. when machinery is not at risk of being bogged down or skidding causing compaction or smearing);* *Daily records of operations undertaken and Site and soil conditions will be maintained during soil handling activities."* A detailed CEMP for each phase of the authorised development will be submitted to the local planning

ExQ1 Ref	AMSG Comments	Applicant's Response
		authority for approval prior to the commencement of construction of that phase.
Landscape and Visual		
Q7.0	**We do not believe that the Applicant has addressed this critical issue and request an additional Issue Specific Hearing** **Supplemental Questions and areas of further clarification.** • As identified by the Exa, throughout the consultation process and in the Environmental Statement the Applicant referred to the proposed site as a "bowl", the implication being that a bowl improves the screening of the solar and BESS infrastructure. The below topography map and cross-section show the reality, with the dominant topographic feature within the order limits being the SE-NE trending Aldington Ridge and no evidence of the claimed bowl feature. • "Visual amenity and site topography" are two of the criteria used for selecting the Stonestreet Green site (Ref APP-067 Appendix 5.2 (1.1.1)). With this statement in mind how can the Applicant justify locating solar and BESS infrastructure on the high ground of Aldington Ridge? • We maintain that the Applicant's repeated failure to provide representative photomontages of the completed development from various viewpoints is no accident. Can it explain why it failed to do this? • Further, even at this late stage in the process the photomontages produced are of an inadequate resolution. • We ask that the Exa questions the Applicant on this issue and asks it to identify on the photographs presented, the BESS and inverter enclosures and the water tanks. We cannot see them and do not believe they have been included in the dataset.	The majority of the Site where solar arrays are proposed is within a 'bowl' in the landscape as stated in paragraph 6.3.20 of the **Planning Statement (Doc Ref. 7.6)** [APP-151]. A cross-section of the bowl was submitted as Appendix 1 to the **Responses to First Written Question (Doc Ref. 8.11)** [REP3-047] at Deadline 3. Appendix 2 (Sequential and Exception Test Report) of the **Planning Statement (Doc Ref. 7.6)** [APP-151], which provides the justification of site selection, has been reviewed and agreed by the Environment Agency and Ashford Borough Council. This agreement is documented in the **Statement of Common Ground with Ashford Borough Council (Doc Ref. 8.3.1(A))** [REP3-026] and **the Statement of Common Ground with the Environment Agency (Doc Ref. 8.3.2 (C))**. Further details on the landscape and visual impact on Aldington Ridge can be found in the **Responses to Relevant Representations (Doc Ref. 8.2)** [REP1-061], on page 14 in Table 3-1: 'Landscape and Visual' in Section 3.2. The Applicant notes that AMSG raised concerns on the resolution of landscape visualisations at Deadline 1 and Deadline 3. The Applicant provided clarifications in the **Responses to Relevant**

ExQ1 Ref	AMSG Comments	Applicant's Response
	• We are pleased that the Exa has enquired about the possibility of planting standards (semi-mature standards) because we have seen no mention of this. We presume it can only be a cost issue since there are locations (e.g. along the northern boundary of Field 25) where the planting of such trees would serve to immediately ameliorate the horrendous visual impact of the scheme when viewed on approach along Station Road with views towards Bank Road/Aldington Ridge. We hope the Applicant will be pressed as to what opportunities it has considered for such strategic planting here and elsewhere.	**Representations (Doc Ref. 8.2)** [REP1-061], submitted by the Applicant at Deadline 1, on page 37, in Table 3-2: 'Landscape and Visual'. The photomontages were prepared in accordance with The Landscape Institute's Technical Guidance Note (TGN 06/19): Visual Representation of Development Proposals. As noted in paragraph 1.2.9 of the guidance: *"Visualisations should provide the viewer with a fair representation of what would be likely to be seen if the proposed development is implemented and should portray the proposal in scale with its surroundings. In the context of landscape / townscape and visual impact assessment, it is crucial that visualisations are objective and sufficiently accurate for the task in hand. In short, visualisation should be fit for purpose."* The Applicant therefore considers that the submitted landscape visualisations set out in **ES Volume 4, Appendix 8.10: LVIA Visualisations (Doc Ref. 5.4(A))** [AS-014] provide an accurate representation of the Project. For details on planting standards and semi-mature planting, please refer to the Applicant's response to ExQ1 Q7.0.7 in the **Responses to First Written Questions (Doc Ref. 8.11)** [REP3-047].

Traffic and Access

ExQ1 Ref	AMSG Comments	Applicant's Response
Q10.0	**PROWS** **Supplemental Questions and areas of further clarification.** • The Applicant offered to establish a Working Group in relation to rights of way – an offer made at the Community Liaison Panel meetings. It then withdrew the offer. We hope the Exa will ask why the Applicant changed its position and instead now makes much of the proposed working group which will look solely at the implementation phase. • Why has the Applicant steadfastly refused to engage with the idea of planting hedges adjacent to the security fencing which would, over time, ameliorate their impact and provide valuable habitat replacement? • Why does the Applicant maintain that the Site "was selected, based on a series of influencing factors" including PROW (App-029 Environmental Statement, Volume 2, Chapter 5: 5.6.2 Alternatives and Design Evolution) when at least 12 PROW stand to be so seriously affected? On what basis does this pronouncement make any sense at all?	The provision of a Rights of Way and Access Working Group is secured in the **Outline RoWAS (Doc Ref. 7.15(A))** [REP1-056] and Requirement 10 of the Schedule 2 of the **Draft DCO (Doc Ref. 3.1(E))**. The Rights of Way and Access Working Group is responsible for reviewing Implementation Plans (the detailed approach to managing changes to PRoW) with the aim of minimising disruption and amenity loss to PRoW users during implementation. The Applicant considers it appropriate to review the Implementation Plans in the post-consent phase, once a detailed RoWAS strategy is in place. The buffer between the security fencing and hedgerow is secured in the **Design Principles (Doc Ref. 7.5(B))** [REP3-016] which states that "*Distance between the security fencing and hedgerows outside of the security fence would be at least 3.2m*". The buffer ensures adequate access for maintenance vehicles to the security fence gate. The Applicant is also committed to substantive hedgerow enhancement measures. A Biodiversity Net Gain ('BNG') of at least 100% BNG for habitat units and at least 10% for hedgerow and river units is secured by Requirement 8 in Schedule 2 to the **Draft DCO (Doc Ref. 3.1(E))**. The Applicant noted the concerns on site selection. Further details can be found in the **Responses to Deadline 2 Submission (Doc Ref. 8.10)** [REP3-046] on page 19 in Table 2-1: ''Site

ExQ1 Ref	AMSG Comments	Applicant's Response
		Selection/Consideration of Alternatives' in Section 2.2.
Water Environment		
Q11.0	**We do not believe that the Applicant has addressed this critical issue and request an additional Issue Specific Hearing.** **Supplemental Questions and areas of further clarification.** • We are very pleased to see that the Exa has identified the representation submitted by Ally Payne and hope that the Applicant can be asked to explain in detail the way in which it believes run-off within this catchment has been accurately modelled. We maintain that far from the proposed use of this land reducing the speed of run-off, it will, on account of the large surface area of impermeable panels and the inevitable compaction of soils caused through construction, result in exacerbating flooding issues at Mrs Payne's property. Since it appears that Mrs Payne will be unable to make any "eligible claim" (as we established in questions raised at the Preliminary Meeting) the scheme should include a design which adequately safeguards her property. • We hope the Environment Agency will be asked to explain why they believe that the Applicant's scheme design (its drainage design, compaction caused in construction, etc) will not create downstream flooding problems. • It remains of grave concern to note the Environment Agency's caveat in its written statement where it says that "The Examining authority must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk" (Ref Rep 1-083 Flood Risk 2.1). We only hope the Exa shares our concern about this statement and will wish to ask this Statutory Consultee to explain whether it is concerned or not about increased risk of flooding arising from these proposals.	As set out in the **Statement of Common Ground with the Environment Agency (Doc Ref. 8.3.2 (C))**, agreement with the EA has now been reached on all matters.

2.8 Responses to Additional Submissions

Table 2-7 Responses to Additional Submissions to Deadline 3

IPs	Summary of Interested Parties' Comments	Applicant's Response
BESS		
Dr Patricia Anne Bromley [AS-023]	Concerns have been raised regarding the practical ability to manage fire risks associated with battery placement, particularly following Kent Fire's inability to contain a fire incident on 18 January 2025. Given that the Project proposes 54 battery containers, with each battery unit will contain batteries of estimated 20-40, equating to a minimum of 1080 batteries, it is considered unviable to manage the fires and the fatally toxic smoke. The volumes of water is inadequate to manage fire at even one battery unit . The water will easily overflow the proposed bunds and contaminate the surrounding land and East Stour killing fish and wildlife for miles downstream. The batteries must be relocated to a single site where fire risk can be adequately managed and planned for, without risking the lives of local residents, our firefighters and the environment.	The Applicant has submitted several documents which reference the points relating to Fire Safety from BESS. These include: • Table 4.3 in the **Responses to Relevant Representations (Doc Ref. 8.2)** [REP1-061] • Table 5-2 in the **Responses to Deadline 1 Submissions (Doc Ref. 8.8)** [REP2-034] • Table 2-1 in the **Responses to Deadline 2 Submissions (Doc Ref. 8.10)** [REP3-046], starting on page 4 • Row Q1.1.1 in the **Responses to First Written Questions (ExQ1) (Doc Ref. 8.11)** [REP3-047] Please also refer to the Applicant's responses on the water volume and BESS impacts in the **Written Summary of Oral Submission from ISH4 and Responses to Action Points (Doc Ref. 8.14.2).** BESS layout As secured in the **Design Principles (Doc Ref. 7.5(B))** [REP3-016], the Project will comprise up to

IPs	Summary of Interested Parties' Comments	Applicant's Response
		32 Inverter Station locations. There will be up to four individual containerised BESS Units located at any one Inverter Station, indicating that there will be up to 128 BESS units in total. Fire Risk The **Outline Battery Safety Management Plan (BSMP) (Doc Ref. 7.16**) [APP-161] provides details of the design and fire prevention measures proposed, which commits the project to ensuring the final scheme design is in accordance with the National Fire Chiefs' Council (NFCC) Guidance for battery installations of this type. Kent FRS have raised no objection in respect of the Project. Impacts of Gas Emissions and Firewater Runoff The Applicant has undertaken BESS Plume Assessment at Deadline 4 (see Appendix 2 of the **Written Summary of Oral Submission from ISH4 and Responses to Action Points (Doc Ref. 8.14.2)**) to demonstrate that in the unlikely event of an incident no unacceptable impacts would arise from the gas emissions. Section 4 within the **Outline OSWDS (Doc Ref. 7.14(C))** [REP1-054] confirms the process to managing firewater in the event this is required to ensure no contamination of the local environment.
Mr Jeremy Bromley [AS-024]	Following the fire incident mentioned above, the Respondent questioned why the applicant has not proposed the use of Bi-facial panels when the 10% extra cost would be offset by an 18% uplift in power generation which would allow them to remove 83 acres of panels whilst maintaining the same	See response immediately above. Please note that the Project incorporates bi-facial panels as confirmed in paragraph 1.3.3 of the **Written Summary of Oral Submissions from Issue**

IPs	Summary of Interested Parties' Comments	Applicant's Response
	power generation and save them £3M in rental costs if the stated £1000 per acre per year is correct.	**Specific Hearing 2 and Responses to Action Points (Doc Ref. 8.5.5)** [REP1-075].
Derek Burles [AS-025]	The respondent raised concerns on the cumulative effects of the Proposed Scheme and requested a ground for common determination for the Proposed Scheme and the East Stour Solar Farm Appeal Scheme, as follows: 1. The DCO application and the planning appeal would, if constructed, create a significant and intrusive cumulative impact on the small Aldington village. 2. If constructed, the DCO application and the Planning Appeal, together with the existing Partridge Farm solar generating facility, the Sellindge Converter Station, a recently approved EDF battery energy storage system facility and an under construction synchronous condenser and flywheel project by Welsh Power, would form a continuous development of generating stations and related facilities on adjacent land around Aldington village. 3. If constructed, both the DCO application and the planning appeal would be constructed on arable land used for growing food. 4. The DCO application and the planning appeal, which are proposed to be constructed on land adjacent to each other, are being pursued through different legal processes, but with the same body in the form of the Planning Inspectorate making the determinations without reference to the other scheme. 5. The main issues concerning both the DCO application and the planning appeal will be the same or similar and consequently there is considerable merit and logic in both the DCO application and the planning appeal being heard and determined on a consistent, common basis by the same Planning Inspector or Examining Authority. In this context consider, for example, that the outcome of mitigation in the form	The Applicant's responses on the cumulative effects was provided in the **Responses to Relevant Representations (Doc Ref. 8.2)** [REP1-061]. <u>Cumulative Effects</u> An assessment of cumulative effects of the Project with ID No.9 East Stour Scheme, and other developments has been undertaken as part of the EIA process. **ES Volume 4, Appendix 6.1:List of Cumulative Schemes (Doc Ref.5.4)** [APP-068] sets out all cumulative schemes that have been assessed. **ES Volume 2, Chapter 17 Cumulative Assessment (Ref. 5.2)** [APP-041] then provides the assessment summary of cumulative effects. The approach to the cumulative assessment and the list of cumulative schemes were agreed with ABC and KCC in the **Statement of Common Ground with ABC (Doc Ref. 8.3.1(A))** [REP3-026] and the **Statement of Common Ground with KCC (Doc. 8.3.4(C))**. KCC then agreed with the results of the cumulative assessment, which states that no likely significant cumulative effects on cultural heritage and water environment are considered to result from the Project as stated in row 2.6.10 of Table 2.6 and row 2.9.11 of Table 2.9 in the SoCG. <u>Common Determination</u>

IPs	Summary of Interested Parties' Comments	Applicant's Response
	of treelines could be determined to a different height/density, either side of a hedgerow. Or that a Skylark's habitat might be protected on one side of the hedge, but not the other. 6. Currently, the DCO application and the planning appeal make no reference to the combined and or cumulative environmental impacts of both schemes. 7. There is considerable support for integrated battery energy storage systems to be created in combination with solar generation arrays, not only in terms of energy generated and then stored, but also in the context of a balancing function in support of the National Grid. Given the common location of both the DCO application and the planning appeal in relation to the functionality of the Grid, why is it considered appropriate for one scheme to have battery energy storage facilities and not the other? 8. Given current timelines, there exists the potential for both the DCO application and the planning appeal to be constructed simultaneously, requiring that the community's interests would be best served by construction schedules and traffic plans being determined according to guidelines provided by the Planning Inspector or Examining Authority. 9. Given the current circumstances around the National Grid's ability to accommodate new energy generation sources, would it not be appropriate that the construction of both the DCO application and the planning appeal, if approved, are scheduled to be constructed according to the confirmed availability of grid capacity by the National Grid.	With regard to the query raised by Mr Burles about whether the DCO application for the Project and the appeal for the East Stour Solar Farm could be determined together, the Applicant responded to this during the Open Floor Hearing 2 as summarised in the **Written Summary of the Applicant's Oral Submissions at Open Floor Hearing 2 and responses to Action Points (Doc Ref. 8.14.3)**. The DCO application for the Project and the appeal for the East Stour Solar Farm are following different processes, different timescales and have different determining authorities. In any event, cumulative assessment ensures that the impacts of neighbouring projects are properly assessed together.

3 Detailed Response to Interested Parties

3.1 Overview

3.1.1 This Section provides a detailed response to the written response made by Mr Andrew Swarbrick [REP1-112] at Deadline 1 as a post-hearing actions point stated in the **Written Summary of Oral Submission from ISH3 and Responses to Action Points (Doc Ref. 8.14.1)**.

3.2 Responses to Mr Andrew Swarbrick's Deadline 1 Submission

Table 3-1 Further Responses to Mr. Andrew Swarbrick's Deadline 1 Submission

Summary of Mr Andrew Swarbrick's Comments	Applicant's Response
Mr Andrew Swarbrick [REP1-112]	
Public Rights of Way - Introduction	
As the Applicant alludes to, there is a dense network of Public Rights of Way in the Project area and no fewer than 16 ProWs will be directly affected by the proposals. Despite claims at the 2023 June/July Consultation that the Applicant's vision for the Project included a number of Key Objectives - including "Objective 8: Retain existing ProW and connectivity where possible", and various iterations of its Rights of Way and Access Strategy, the Applicant, from the outset - before any consultation, appears to have taken the decision to extinguish or substantially divert many of the ProWs rather than to seek to accommodate the existing routes within their plans. No explanation has been given as to why the stated Objective has not been met. This is in contrast to other solar farm developers, such as those at Littlebourne, Cleve Hill and the nearby East Stour projects who have, or propose to retain the existing ProW routes.	The Applicant has submitted several documents which reference the points relating to PRoW raised by Mr Swarbrick in his Deadline 1 submission [REP1-112]. These include: ▪ Table 12.18 of **ES Volume 2, Chapter 12: Socio-Economics** [REP1-024] and Table 2-1 of the **Outline RoWAS (Doc Ref. 7.15(A))** [REP1-056] which sets out a link by link summary of the proposed changes and interactions between existing, replacement and new routes; ▪ Section 5.7 of **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))** [AS-010] which sets out details of the alternatives that have been considered and how the PRoW strategy has evolved through public consultation and bilateral engagement; ▪ Appendix 11.1 from the PEIR Addendum which has now been submitted to the examination as Appendix 4 to the **Written Summary of Oral Submissions at Issue Specific Hearing 2 and Response to Action Points (Doc Ref. 8.5.5)** [REP1-075] which provides a detailed summary of how the consultation feedback was considered and presented in the PEIR Addendum leading into the 'final' scheme on a route-by-route basis; ▪ **Responses to Relevant Representations (Doc Ref. 8.2)** [REP1-061] provides thematic and detailed responses to PRoW issues raised by Interested Parties

Summary of Mr Andrew Swarbrick's Comments	Applicant's Response
Mr Andrew Swarbrick [REP1-112]	
Evolution Power, however, appear to have amended only their statements - no mention of the "Key Objectives" was made at the pre-consultation or 2022 Statutory Consultation stages - rather than their actual approach to ProWs. The Applicant has also downplayed the extent of their proposals by making reference in public information documents only to the plan to "some existing Public Rights of Way" and in describing diversions of direct routes as "improvements." In addition, maps provided by the Applicant have been of inconsistent clarity and have made it difficult even for an assiduous reader to recognise where paths are to be closed or diverted. (The current iteration of the maps in Chapter 3 of the Environmental Statement Volume 3 - is clearer, but still uses neither the more usual Ordnance Survey mapping nor the KCC online version of the Definitive PRoW maps) This version - albeit clearer - has appeared only long after the Statutory Consultations, so was not easily available at the time public views were being sought. Despite suggestions that a Rights of Way Working Group would be created, and requests from stakeholders to discuss case by case individual PRoWs, no such Group has yet been created and changes to ProWs were not discussed in detail at Community Liaison Panel meetings	(including Mr Swarbrick); ▪ **Responses to Deadline 1 Submissions (Doc Ref. 8.8) [**REP2-034] which provides thematic and detailed responses to PRoW issues raised by Interested Parties (including Mr Swarbrick) at Section 5.12; and ▪ **Responses to Deadline 2 Submissions (Doc Ref. 8.10)** [REP3-046] which includes in Table 2-4 responses to Kent Ramblers on specific PRoW raised by Mr Swarbrick. The Applicant's overall approach to the selection and design of the Project in relation to PRoW, including consideration of alternative designs, limitations of impact on the PRoW network is framed within the context of national policy. The approach has been to deliver a renewable energy project that is considered by policy to be a critical national priority, whilst seeking to minimise any impact on the PRoW network and ensuring the proposals are in full compliance with all the National Policy Statement requirements - primarily NPS EN-1 (paragraph 5.11.30) and NPS EN-3 (paragraphs 2.10.40 - 2.10.45) - which broadly recognise and accept that solar projects will affect the existing PRoWs, but encourage applicants to design project layouts to ensure continued recreational use is possible, to minimise visual impacts, to consider opportunities to enhance the PROW network and to detail how PROW would be managed to ensure they are safe to use, in the **Outline RoWAS (Doc Ref. 7.15(A))** [REP1-056]. The Applicant's proposals are secured through the provisions within the **Draft DCO (Doc Ref. 3.1(E))** and the **Outline RoWAS (Doc Ref. 7.15(A))** [REP1-056] to ensure that the network retains connectivity and maintains recreational use with as little disruption as practicable. The proposed replacement and new PRoWs have been designed having regard to the potential for improvements to wider connectivity and in consultation with the KCC PRoW Officer and other stakeholders to minimise visual impact for PRoW

Summary of Mr Andrew Swarbrick's Comments	Applicant's Response
Mr Andrew Swarbrick [REP1-112]	
Negotiations with KCC as the Highways Authority appear to have focused on the design and maintenance of eg the width of diversions and the potential creation of a few new paths, rather than any consideration of ways to "retain existing ProWs" The Applicant has shown little regard to the cumulative and detrimental impact of changes to individual ProWs to the overall network - in particular to the effect on paths which continue beyond the boundaries of the Project. Most of the affected ProWs are historic routes which existed at the time of the earliest Ordnance Surveys and are likely typically to have provided direct routes between communities and scattered farms and dwellings. They are part of the heritage of our countryside. As such, they often head directly between the points they serve taking the best "desire line" across the landscape. The current proposals fail completely to recognise this characteristic of the routes and - in several cases destroy this important feature. The legislation applicable to this application is presumably different to S119 of the Highways Act 1980, but I suggest that the standards applied should be the same - namely that the proposed alteration to the PRoWs should: "Not be substantially less convenient to users" and the "Effect on the enjoyment of the path as a whole" should be an important consideration. I feel strongly that the current proposals fail to meet these criteria.	users. The **Outline RoWAS (Doc Ref. 7.15(A))** [REP1-056] sets out detail of how the PRoWs will be managed to ensure they are safe to use. As confirmed by the **Outline RoWAS (Doc Ref. 7.15(A))** [REP1-056], the approaches taken are compliant with and take account of the Kent Design Guide and Countryside Access Objectives and Policy. Regarding all extinguishments, Section 136 of the Planning Act 2008 states: *An order granting development consent may extinguish a public right of way over land only if the Secretary of State is satisfied that— (a) an alternative right of way has been or will be provided, or (b) the provision of an alternative right of way is not required.* Section 5 (Part 4) of the **Explanatory Memorandum (Doc Ref. 3.3(E))** makes it clear that the proposals are in compliance with the Planning Act in this regard. Mr Swarbrick refers to section 119 of the Highways Act 1980, which provides a power for a council to make public path diversion orders. However, the diversions and extinguishments of the PRoW for the Project are to be made as part of the DCO pursuant to the Planning Act 2008, and not via a public path diversion order pursuant to section 119 the Highways Act 1980. Therefore, that legislative provision is not applicable to the present DCO application. The Applicant considers that the application is fully compliant with the Planning Act 2008, and is also supported by and fully compliant with the relevant applicable policy on PRoW, which is contained in NPS EN-1 (see in particular paragraphs 5.11.24 and 5.11.30) and NPS EN-3 (see in particular paragraphs 2.10.40 – 45). It is that legislation and policy which needs to be applied in the present case. Mr Swarbrick refers to tests within section 119 of the 1980 Act, which require that a path "*will not be substantially less convenient to the public in consequence of the diversion*", and that it is expedient to confirm the public path diversion order having regard, inter alia, to the effect which "*the diversion would have on public*

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	enjoyment of the path or way as a whole". As noted, section 119 does not apply to the present application, but in any event the Applicant considers that the tests would be met: the diversions would not lead to any path being substantially less convenient to the public, including when having regard to public enjoyment of the path as a whole. This is evidenced in particular by the absence of any significant adverse impacts on PRoWs identified in **ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))** [REP1-024]. It is noted that the development of PRoW diversions and alternatives has been an iterative process, which have evolved over time to balance a range of different factors and take in feedback from the Community Liaison Panel – which met 6 times before the application was submitted, and discussed PRoW diversions and design each time - including: a) The fact that policy allows and supports reasonable diversion of PRoW in the context of the critical need for energy; b) The need to design an efficient solar farm with maximised PV capacity within the fields of the Site so as not to reduce the benefits of clean energy generation at this location (while minimising disruption); c) Feedback from statutory consultees including the Local Highway Authority and interested parties who use the routes, including the Kent Ramblers; d) The need to avoid sensitive ecological areas; e) The beneficial effect of restoring historic hedgerows and field boundaries – both for cultural heritage and legibility / visual environment of routes (for example avoiding retaining a route that would pass directly through a field of panels, as opposed to an historic boundary that provides for screening and/or openness); and f) User safety.

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	Details of the alternatives that have been considered and how the PRoW strategy has evolved through public consultation and bilateral engagement are provided in Section 5.7 of **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))** [AS-010]. A detailed summary of how the consultation feedback was considered and presented in the PEIR Addendum leading into the 'final' scheme on a route-by-route basis is set out in the **PEIR Addendum** as **Appendix 4** to the **Written Summary of Oral Submissions from Issue Specific Hearing 2 and Response to Action Points (Doc Ref. 8.5.5)** [REP1-075]. It should be noted that regarding PRoW diversions, the Applicant has engaged with residents (including Mr Swarbrick), community groups (including Kent Ramblers, of which Mr Swarbrick is a member) and Local Authorities on the approach to specific PRoW and is agreed with KCC on the approach to diversions. This is confirmed in row 'P.2 Traffic generation and routing' of the **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(C))** on page 14.
AE454 – Proposed Diversion	

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The Outline Rights of Way and Access Strategy Doc ref 7.15 (PINS ref EN010135) dated June 2024 lists 13 individual ProWs to be Extinguished or Diverted. I make the following observations on some of these: The current direct path from its junction with AE474 will be stopped up for the duration of the construction, operational and de-commissioning phases of the Project then re-instated at the end of the de-commissioning phase - i.e. the proposed change - described as "temporary" would last for at least 40 or more years. At present AE454 provides a direct link from the direction of Goldwell Lane and Aldington Corner towards the ProW network to Church Lane and beyond to Sellindge. The diverted route would be longer (EP say 34%), less direct and more inconvenient. The claim that the route would be shorter when walking from east to west is somewhat disingenuous, as few - if any - walkers are likely to use the path in that direction as there is a much smaller population in the Church Lane area, and an alternative path - AE475 would be more direct and, for anyone wishing to reach Church Lane near Hogben Farm, the more obvious route would be via Church Lane itself The proposed diversion is detrimental to users of the path and of the PRoW beyond the boundaries of the Project. The nature of the "Street Work" along part of the proposed diversion is unclear - it would appear to	The Applicant confirms that the current alignment of AE 454 would be stopped up temporarily (for the 40-year operational lifetime of the Project) and re-instated at the end of the decommissioning phase. A temporary PRoW will be provided to the east of Field 20 and between Fields 21 and 22. The southern origin of the replacement will be 172m further east than current. It is correct that the proposed diversion would be a less direct route from point to point, as it would need to run adjacent to the field used for solar panels. The route represents an increased length of 191m or 34% of the route's length, making it one of the longer diversions proposed by the Project (though it is not expected to result in a significant effect under the methodology used). The Applicant notes that the above represents the quantitative position assessed in the **ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A))** [AS-010] – however also notes that for a walker travelling westwards, it may represent as more direct route. The Applicant accepts Mr Swarbrick's opinion that this direction of travel is less likely, but the point remains true. Redirection of the footpath adjacent to proposed orchard east of the solar panels in Field 20 (west of the existing tree line) was intended to improve amenity value and help to reduce the impact of the existing overhead cables (which obscure any views to the North Downs). A re-route of AE 454 to the western edge of the field as proposed by some stakeholders had been considered, but is not considered possible as this is a protected species habitat area.

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be of little benefit and would be no improvement to the detrimental effects explained above.	
Proposed Extinguishment of part of AE455	
AE455 at present runs from its junction with AE475 towards Church Lane adjacent to Hogben Farm and can be reached from Goldwell Lane via AE475, where AE450 , across this Lane gives access to a Prow network between Goldwell and Calleywell Lanes. The extinguishment of the section of AE455 lying within the Project boundary is detrimental to the directness of the path and its wider connectivity with the rest of the ProW network within the area. The use of the phrase "retained section" is misleading as it presumably refers to the greater part of AE455 which is outside the Project boundary - no section of the path within the boundary would be retained! The suggested alternative via the diverted AE454 is less direct and less convenient.	The Applicant notes that an existing short section of the wider link (AE 455) will be extinguished where it runs diagonally across Field 21. It is noted that alternative access from AE 455 to AE 475 via the rerouted AE 454 would provide a substitution, which is less direct by 104m (around 1 minute walking time at an average speed of 1.4m/s). The proportional increase results in this change being characterised as having a 'high' magnitude under the methodology used, but due to the presence of alternatives / substitutions that are not substantially less advantageous, is unlikely to result in a significant effect.

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There is also no indication that there would be any intention to re-instate this path after the operational phase of the Project - this would therefore be a permanent loss to the network	
AE377 - Proposed Diversion	
AE377 currently follows the driveway from Bank Road towards Handen Farm, then follows the boundary hedge round to its NW corner. The path then heads in an almost straight line NNW downhill across a large field to a gap into the next field, before continuing NW in the direction of Flood Street, Mersham, thus providing a direct walking route from Aldington to Flood Street and Hanover Watermill and the Farriers Arms in Mersham. From Handen Farm, the view is towards Mersham and the direction of the path is intuitive and direct. The proposed diversion would head N E, then WNW, again N E for some distance before turning NW, making the route **much less intuitive and indirect** within the confines of the Project - although the Developers claimed at the Public Consultation stage that the "improved legibility and visual benefits of the re-route were considered important" - no explanation of the apparent supposed benefits was given and the claim appeared spurious - in particular, what "**improved legibility**" there could possibly be compared with the current straight line path and how the visual benefits of walking round the edge of the Project's compounds	AE 377 has evolved during the design development proposals in order to reduce a 'dog leg' previously consulted upon. It is a route that currently sweeps across the middle of a field, but will be diverted to follow reinstated historic hedge boundaries between Fields 14 and 15 which are key for biodiversity improvements, reduce visual impact and create legibility. The path travels broadly in the intended direction throughout, with a 175.4m (24.4%) increase in distance over the link representing less than 2 minutes additional walking time on a route that currently takes around eight and a half minutes to walk. While there remains a change in 'directness' of the link, the improved legibility, visual and biodiversity benefits of the re-route are considered important. The proposed diversion is less direct, but not to the extent that it represents a significant effect based on the agreed methodology for assessing magnitude of change. In terms of the role of these routes in the wider arterial link, a walker travelling from Aldington to Mersham from the centre of the village (or for an onward journey from the PRoW network to the south of Bank Road) would experience change over around 30% of the route, which would only increase journey distance from Aldington to Mersham by 6-7% as a result of the diversions. At a walking speed of

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could improve the current view defies belief, and how these could be "considered important" is a mystery! This, however, is typical of claims the developers made in their Public Consultations regarding PRoWs. This was at best misleading and perhaps deliberate avoidance of the truth. In Doc ref 7.15 (Version 1), this claim has been dropped but there is very little explanation of the circuitous nature of the proposed new permanent route. The current document, therefore, still tends to obscure the real nature of this proposed change. In fact, the proposed lengthy and indirect diversion is detrimental to the ProW both within and beyond the boundaries of the Project. The views from the path towards Mersham and northwards to The North Downs from this path are particularly fine and extensive but would be largely lost as the Footpath would be surrounded by fences, hedges and 3 metre high solar panels. View looking NNW from Handen Farm towards Mersham and Stone Green. Note the directness of the path as well as the extensive views.	1.4m/s this would add between 1 minute and 30 seconds to 2 minutes to a pre-existing journey time of 26 to 27 minutes. The amenity value of part of the route would change where it is moved over from the middle of the fields to the east and west, with different user experience, views and gradient for a short period of the route. The proposed new PRoWs have been designed in consultation with input from the KCC PRoW Officer and other stakeholders to seek to minimise visual impact for PRoW users. This has included a PRoW corridor for each PRoW of at least 10m, double the 5m width requested by KCC. In addition the Applicant and KCC have agreed a screening approach that typically includes hedgerow on one side and fencing only on the other side. Open panoramic views towards the North Downs ridgeline within the Kent Downs National Landscape are experienced from the southern extents of PRoW AE370, AE377 and from PRoW AE474 along the southern edge of Field 12, where the gently elevated position on the western extent of the Aldington ridgeline allows views northwards to the distant backdrop of the downs. Receptors on PRoW AE370 and AE377 experience open views across a large-scale arable landscape towards the East Stour River and the HS1 railway line. These PRoW would be subject to diversions to follow existing and proposed hedgerow field boundaries more closely. All PRoW routes would be within retained open corridors a minimum of 10m wide (and in places substantially more) thereby retaining a degree of openness experienced by visual receptors. PRoW AE370 would be diverted into a field retained as an open landscape to the west of Field 12, where open views towards the North Downs can be experienced from the Aldington Ridge. Whilst the diversion of PRoW in itself is not considered to lead to visual effects, redirecting these routes along hedgerow field boundaries, together with the sub-division of large scale field parcels (in accordance with published guidance) would

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	result in visual containment of the Project on at least one side of the PRoW. This approach, together with the provision of visual buffers to the PRoW is considered to balance using existing and proposed vegetation to screen the Project with the opportunity to retain open views as far as possible. The approach is also considered to be consistent with the prevailing character of the landscape of the Site and published landscape guidance As such, the opportunity for views northwards from the ridgeline are from PRoW AE370 and AE377. Substantial buffers of open land have been provided to mitigate visual impact on users of both of these routes, with PRoW AE370 diverted into a retained field of open land to the west of Field 12, where views northwards towards the North Downs can be enjoyed. A large buffer is also provided to the north of Field 12, where PRoW AE377 enters the Site.
AE370 - Proposed Diversion and possible new cycle path	
AE 370 currently starts from Bank Road opposite to the entrance to Bank Farm and heads northwards across the East Stour Valley towards Mersham, much of its route lies outside the boundary of the proposed Project. The proposed diversion heads initially northwestwards before following the Project boundary and re-joining the route beyond. **It is therefore initially less direct than the current route.** The developer suggests that the diverted route -which would be a permanent ProW could be accessible by (and suitable for bicycles)— subject to third party landholder agreement. To be a PRoW accessible by	The Applicant proposes to re-direct part of AE 370 within the Site boundary / Order Limits to a new route first running alongside Bank/Roman Road to the south of Field 12 before running diagonally across a field and between Fields 10/11 and 13 before re-joining existing AE 370 route west of Field 14, resulting in an increase of 128m (21%), which would add around 1 and a half minutes to the current walking time for the route within the Site boundary (around 7 and a half minutes). The proposed diversion is less direct, but not to the extent that it represents a significant effect based on the agreed methodology for assessing magnitude of change. AE 370 is the route of a proposed cycle route and therefore minimising turns has been a key consideration in its diversion. The diverted route will take walkers or cyclists through the open field to the west of Field 12, where existing views to the

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bicycles, **this would, presumably need to be a Public Bridleway**. While a Public Bridleway would be a useful addition to the ProW in this area - as none currently exists, most of the new ProW would be on other landowners' land, so their agreement cannot be assumed or guaranteed. In addition, some quite steep gradients would be involved, as the route descends to cross the Valley and similarly climbs out of it on the other side. Extra width throughout the route to ensure its safe use by cyclists, equestrians and pedestrians - particular care would be needed on the gradients to prevent cyclists - descending perhaps at speed - from endangering other users. An alternative route along the bottom of the Valley - perhaps using AE377 and AE378 - but admittedly not starting from Bank Road - would appear to be safer in this respect but would also need the co-agreement of other landowners. Were the proposed new cycle route not to be agreed - then the ProW network would be left with a detrimental diversion from the current direct route.	North Downs can be enjoyed from the Aldington Ridge. Timber benches will be provided in this area, with existing reinforced and proposed hedgerows to limit the impact of solar panels on viewers in this location. The Applicant has developed this route from alternatives based on feedback around the length of adjacency to Bank/Roman Road, though notes that where the path is adjacent to the motorised highway, it will still be within a segregated corridor of at least 10m, with a path width of 2m, allaying any concerns about interaction with motor vehicles. The part of the diverted PRoW *within* the Order limits will be made into a route accessible by cyclists under the powers of the DCO - and additionally, subject to third party landowner agreement and appropriate 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. It is not correct to presume that AE 370 would be a bridleway – not all cycle routes are bridleways. The path would not be accessible by horses; it would not be a bridleway. The PRoW would be adopted to the Definitive Map as a public footpath with a cycle track, and would therefore accord with the gradient, surfacing, signage, safety features, visibility/legibility and other design features that supports this use, as will be determined by the Local Highway Authority (Kent County Council) under the Kent Design Guide – this is secured by the **Outline RoWAS (Doc Ref. 7.15(A))** [REP1-056].
AE447 - Proposed Extinguishment	

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AE447 currently links AE 378 with AE448 and, as such, can and does provide the possibility of circular walks for eg dog walkers in the area. North East of AE448, older maps show that the path once continued across footbridges to Evegate Mill. These bridges, however, no longer exist, so the path to Evegate Mill no longer exists. This portion of AE447, therefore, is - de facto - no longer of use, unless the footbridges were to be re-instated and the former route added to the Definitive Map. This seems very unlikely, however, if retained, it would still link with the proposed diversionary route of AE448 The extinguishment of the longer part of AE447 from the footbridge which crosses the drain on A378 N E to its junction with AE448 would be a permanent loss to the network	In the central area of the Site, PRoWs in and around Field 19 would experience change – with the current routes bisecting the field (AE 428 and AE 448) diverted around the outside, with AE 447 extinguished. AE 378 would be diverted to run alongside the field boundary next to the stream / drain, with a new PRoW (FN-7) added to the west side of Goldwell Lane, removing the need for users to cross Goldwell Lane when travelling between these links, and creating a new circular recreational walk around Field 19. FN-7 is a new proposed PRoW running between AE 378 and AE 448 on the west side of Goldwell Lane. It has the benefit of removing the need for users to cross Goldwell Lane when travelling between these links, and creates a new circular recreational walk around Field 19. AE 447 is an existing short link that runs diagonally across Field 19 linking AE 378 to AE 448. It continues past AE 448 north-easterly to a 'dead end' at the river, where the statutory extent of the PRoW as set out in the Definitive Map ends (as noted, there is no river crossing or path continuation, and no link to the motorised highway). Given the availability of alternatives (via AE 378, AE 448 diversions and New 7 / FN-7) this extinguishment is in compliance with Section 136 of the Planning Act 2008, and it is noted that the section that continues past AE 448 is a 'dead end' i.e. does not connect to the rest of the highway network (PRoW or motorised). At present, the route would offer a short circular walking route linking AE 448, Goldwell Lane and AE 337. However, survey data collected by the Applicant (see **ES Volume 3, Chapter 13: Traffic and Access Figures 13.3 - PRoW Survey Results – Daily PRoW Trips (Doc Ref. 5.3)** [APP-056]) shows very little use of these routes, and satellite imagery (most recently in 2025 (*Source: Google Imagery, Maxar Technologies 2025*) shows no demarcation of the route on the ground:

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	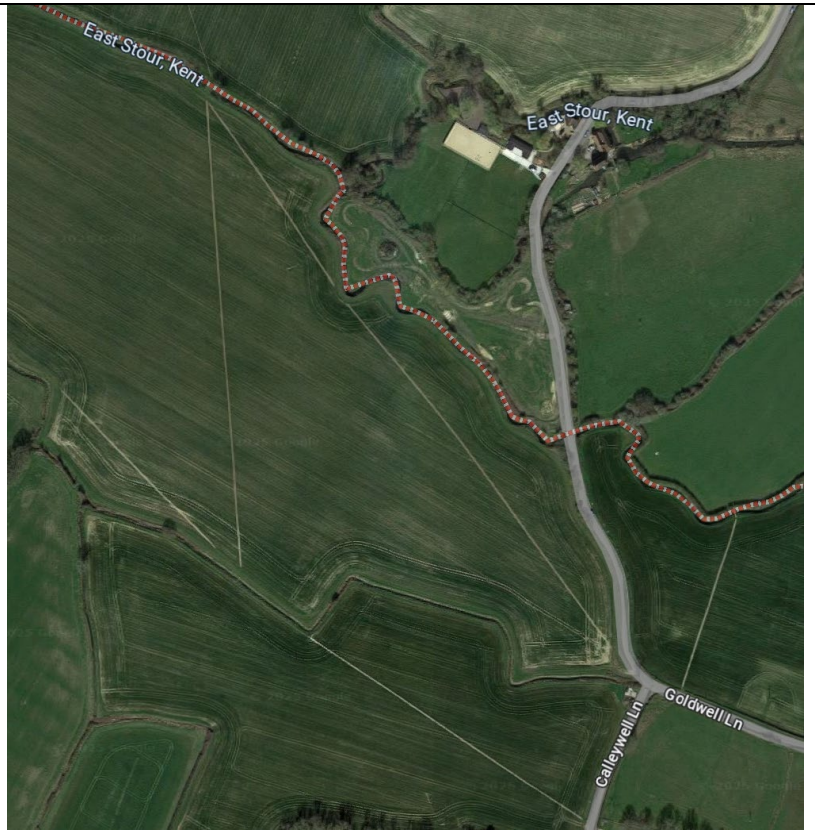 Alternatives will be available via AE 378, AE 448 diversions and New 7 / FN-7 (as referenced in the **Draft DCO (Doc Ref. 3.1(E))**, the **Streets, Rights of Way and Access Plans (Doc Ref. 2.5)** [APP-011] and **ES Volume 3, Figure 3.2: Proposed Access Network (Doc Ref. 5.3))** [APP-045].
AE378 - Proposed Diversion	

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AE378 currently provides a direct link, northwestwards to join with AE377 to Flood Street, Hanover Mill and the Farriers Arms in Mersham. It also allows connection with AE428 towards the footbridge crossing of the East Stour River and onwards to Bower Lane, as well as to AE370 northwards to Mersham church. The proposed diversion, setting off northwards instead of westwards then meandering would make the route less intuitive and less direct, and as such would be detrimental throughout the 40+ year lifetime of the Project.	The Applicant proposes that AE 378 would be diverted to run alongside the field boundary next to the stream / drain, with a new PRoW (FN-7) added to the west side of Goldwell Lane, removing the need for users to cross Goldwell Lane when travelling between these links, and creating a new circular recreational walk around Field 19. The diverted AE 378 would be a temporary PRoW to replace the current alignment of AE 378 where it runs across Fields 18 and 19. The replacement route would begin at Calleywell Lane and run adjacent to the existing field boundary where it will link to a replacement for AE 428 at the south west corner of Field 19 and run around the west and northern edge of Field 19, resulting in an increase in length of the route within the Site boundary / Order Limits of 178m (24%), or around 2 minutes additional walking time above the estimated 9 minute current walking time (based on an average walking speed of 1.4m/s). The proposed diversion is less direct, but not to the extent that it represents a significant effect based on the agreed methodology for assessing magnitude of change. There are also alternative routes – for example utilising the new FN-7 to the east of Field 19 and the diverted AE 448 around the north of Field 19.
AE428 - Proposed Diversion	
AE428 currently runs northwards from the footbridge over a drain at its junction with AE378 to cross the E. Stour River at the brick-built bridge and continues in a direct line beyond the bridge to the railway bridges near Little Stock Farm and thence to Bower Lane. The proposed diversion - including the suggested use of part of the diverted route of AE378 (shown by the green dotted line above) and to the western and	In the central area of the Site, PRoWs in and around Field 19 would experience change – with the current routes bisecting the field (AE 428 and AE 448) diverted around the outside, with AE 447 extinguished. AE 378 would be diverted to run alongside the field boundary next to the stream / drain, with a new PRoW (FN-7) added to the west side of Goldwell Lane, removing the need for users to cross Goldwell Lane when travelling between these links, and creating a new circular recreational walk around Field 19.

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northern edges of the Project is a very significant deviation from the current direct route and would constitute a serious detriment to the wider ProW network for the 40+ year duration of the Project.	A temporary PRoW will be provided replacing a section of AE 428 that runs north across the middle of Field 19, that links the diverted route of AE 378 in the south west corner of Field 19 to the continuation north of the AE 428 where it crosses the East Stour River. There are also alternative routes – for example utilising the new FN-7 to the east of Field 19 and the diverted AE 448 around the north of Field 19. The proposed diversions are less direct, but not to the extent that it represents a significant effect based on the agreed methodology for assessing magnitude of change. There are also alternative routes – for example utilising the new FN-7 to the east of Field 19 and the diverted AE 448 around the north of Field 19.
AE448 – Proposed Diversion	
AE448 currently runs from near the Junction of Calleywell Lane and Station Road in a direct line towards the brick-built bridge over the East Stour and the footpath network beyond. It is crossed by AE447 and converges at the bridge with AE428. Older editions of the Ordnance Survey maps suggest that it was once a Bridle Road and this may explain the existence of the brick-built bridge, which is more substantial than would be needed for a foot crossing. Its status as a bridle way was not, however, recognised at the time of the compilation of the Definitive ProW map. The proposed diversion from its current direct line - albeit just for the 40+ year duration of the Project would be detrimental to its current - and historic - direct route.	A temporary PRoW will be provided along the East Stour River from Station Road to intersect with the AE 428. A newly provided route (New 7 / FN-7) completes the origin-destination diversion of this link, resulting in an increase of only 20m (4%) on the existing route within the Order Limits, taking an additional 14 seconds to walk based on an average of 1.4m/s. The proposed diversion is only slightly less direct, but not to the extent that it represents a significant effect based on the agreed methodology for assessing magnitude of change. FN-7 has the benefit of removing the need for users to cross Goldwell Lane when travelling between these links, and creating a new circular recreational walk around Field 19.

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Impact on the Enjoyment of the ProW network	
I believe that the **detrimental visual impact of such a large area of solar panels is understated**. Views across the East Stour Valley both South to North and North to South will be very considerably changed or completely obstructed. The experience of walking in open countryside with far-reaching views, particularly across the East Stour Valley to the North Downs beyond would be replaced by the proximity to an expanse of 3-metre high solar panel structures with their surrounding security fencing. The **claimed mitigation** of wider footpath corridors circumnavigating the enclosures and a few new paths - most of which are necessitated by the diversion of existing Rights of Way does not compensate for the detrimental effects on the network within and beyond the wider historic PRoW network	A detailed position regarding visual amenity has been provided as part of the **Written Summary of Oral Submission from Issue Specific Hearing 3 and Responses to Action Points (Doc Ref. 8.14.1)** at Deadline 4. Section 8.7 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 which concludes that there are likely to be no effects above 'moderate adverse' and several at a 'moderate to minor' or 'minor' or 'negligible' scale on the landscape and visual amenity of PRoW users during construction and operation. At the operational phase, **ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))** [AS-012] reports that users of PRoW within / adjacent to the proposed solar PV area would experience only up to a moderate adverse effect and in some cases negligible, minor and minor to moderate. KCC in row 2.8.1 of the **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(C))** accept the Applicant's assessment of visual effects on PROW users. The Project includes buffers to PRoW, to include new hedgerow planting, reinforcement of existing hedgerows, new woodland planting areas and new grassed areas, as set out in paragraph 8.6.23 of **ES Volume 2, Chapter 8: Landscape and Views** [AS-012]. This position is agreed with KCC, which is reflected in Section 2.8.1 of the **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(C))** , which states: "*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*".

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	The Applicant has taken steps to improve and enhance the network of PRoW within the Order Limits, while minimising as far as practicable the length of any diversions. This is in accordance with NPS EN-3 paragraph 2.10.44 – *"Applicants should consider and maximise opportunities to facilitate enhancements to the public rights of way and the inclusion, through site layout and design of access, of new opportunities for the public to access and cross proposed solar development sites (whether via the adoption of new public rights of way or the creation of permissive paths), taking into account, where appropriate, the views of landowners."* The Project will deliver six new routes and enhancements to the existing network, including routes that will allow PRoW users to transition between existing routes without having to use the public highway. It will also improve connectivity in the north of the Site, providing better links between the Otterpool site and Ashford, a strategic route that KCC made clear was important to them. Key enhancements are set out within the **Outline RoWAS (Doc Ref. 7.15(A))** [REP1-056] at Section 3 and include: ▪ New PRoW acting as alternative / substitutions to existing routes include: ▪ FN-1 - new PRoW linking to the east of Field 23 to AE 657, as an alternative to the proposed diversion to the west of Field 23. ▪ FN-6 - new PRoW between Roman Road and Handen Farm, which would run parallel to an existing PRoW (AE 377) that currently shares a driveway into Handen Farm with motorised users, to the west side of the hedge next to Field 12. This is intended to improve user safety. ▪ FN-7 - PRoW running between AE 378 and AE 448 on the west side of Goldwell Lane has the benefit of removing the need for users to cross

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	Goldwell Lane when travelling between these links, and creates a new circular recreational walk around Field 19. ▪ AE 657 Extension / FN-AE657 - new link between the AE 657 and the west of Field 23 connecting to the AE 381 diversion. ▪ New PRoW for improvements to wider connectivity and amenity (rather than mitigation) include: ▪ FN-2 - new PRoW running from the existing AE 657 at the south of Field 28 / west of Backhouse Wood and New 3 / FN-3 at the East Stour River. ▪ FN-3 - new PRoW running from the existing intersection of AE 657 and AE 457 at the East Stour River, and running alongside the river to meet the diverted AE 431 at the north east corner of Field 25 ▪ A 'riverside walk' will be created by FN-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. ▪ FN-8 - new PRoW that would link AE 457 and AE 657 to the north of Backhouse Wood resulting in a more direct route and a decrease in journey length. ▪ A new link (FN-AE 380) between the replacement for the diverted AE 385 east of Bank Road, where it would link to the existing AE 380 (north of Bank Road) providing the benefit of connecting the existing AE 380 path (that terminates at Bank Road) with AE 385, avoiding the need to walk on Bank Road and Laws Lane to continue progress. ▪ Clearance and maintenance of access of the BOAT (AE 396) which is

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	currently not passable due to extensive vegetation. This is the only route within or around the Site suitable for horse riding so opening this up is a local benefit; and ▪ New circular and riverside walks. The Project has also offered to make a financial contribution to the delivery of a cycle route between the urban centres of Aldington and Mersham, subject to appropriate landowner agreement and permissions outside of the Order Limits.
Traffic Disruptions	
Impact of Construction Traffic on Local Roads In Application Doc 5.2(A) as updated on 25th July 2024 in response to Aldington and Bonnington Parish Council, the Applicant states "The main road that passes through Aldington village is the section of Roman Road between Forge Hill and the B2067" I believe that the Applicant has failed to recognise here that Station Road - along with Goldwell and Calleywell Lanes is the main access road to and from Aldington village and consequently, consistently underestimates the impact that increased traffic flows during the construction phase will have on road users travelling from and to Aldington. **Smeeth Crossroads A201 Station Road Junction** I share the concerns expressed at the Hearings regarding the risks of increased heavy traffic at Smeeth Crossroads where traffic turning right into Station Road	The Applicant has substantively responded to the construction traffic impacts on Station Road and the risk of collision at the junction of Smeeth Crossroads. Refer to the following documents: • **Written Summary of Oral Submissions from Issue Specific Hearing 2 and Responses to Action Points (Doc Ref. 8.5.5)** [REP1-075] • Table 3-1 on page 25 of the **Responses to Relevant Representations (Doc Ref. 8.2)** [REP1-061] • Table 4-2 on page 174 of the **Responses to Deadline 1 Submissions (Doc Ref. 8.8)** [REP2-034] • Table 2-2 Highways and Transportation from page 12 onwards of the **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(C))** The Applicant notes the concerns raised on the impact of construction traffic along Station Road on road users and the collision risk. The impact of construction traffic on Station Road (along with Goldwell and Calleywell Lanes) on road users travelling from and to Aldington has been

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obscures the vie of drivers waiting to exit on to the A20 of traffic travelling Eastwards. Large vehicles also need to sweep across the path of vehicles heading North along Station Road - causing potential conflicting movements. Regular users of Station Road may be aware that a number of accidents have occurred at this junction - even though reported accident records do not appear to reflect this. Indeed, a collision occurred here less than a week after the November hearings.	assessed and provided within **ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(D))** [REP3-012]. KCC, as the Local Highway Authority, has not expressed any concerns with the reliability of the traffic survey and there is no evidence from the traffic survey to suggest that the Project will exacerbate the frequency or severity of collisions. This is confirmed in Row 'P.2 Traffic generation and routing' on page 16 of the **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(C))**.
Main Site Access from Station Road, Smeeth.	
During the Traffic and Construction Management Hearing on 21st November, Mr David Stoddart, on behalf of the Applicant, stated that Station Road is mainly straight and wide enough for two-way traffic, including large vehicles to pass safely. He showed dashcam footage, taken from a car, of the proposed construction traffic route along the A20 to its junction with Station Road and then southwards down Station to the turning into the site. In fact, the road is NOT straight - it has a significant bend to the left when travelling south, beginning before its junction with Bower Road and continuing beyond this junction. There are further, shallower bends near the entrance to Caldecott School and south of the Bower Road junction. Each of these bends limits visibility ahead.The section of Station Road south of Bower Road is considerably narrower. It is often necessary when driving northwards in a car to pull	The Primary Site Access has been agreed with KCC and National Highways, the relevant highway authorities. Management measures associated with the Primary Site Access are secured in the DCO. As confirmed by KCC in row 'P.4 Access Points' of the **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(C))** on page 21, the measures would provide maximum forward visibility of large vehicles manoeuvring from Station Road into the site access. The **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(C))** and the **Statement of Common Ground with National Highways (Doc Ref. 8.3.6(B))** [REP3-036] confirm that all highway matters have been agreed with the relevant highway authorities.

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hard over to the left when a large vehicle appears from round the bend immediately to the North. It is difficult I impossible for two large vehicles to pass here safely, and they would have limited warning owing to the blind bend. This road is also hazardous eg for pedestrians, cyclists. Increased volume of HGV traffic would make it even more so. When assessing the suitability of the road to carry frequent HGV traffic, the narrowest section should be the limiting factor — not generalised assertions that of the road is suitable.	
Site Entrance	
Mr Stoddart's dashcam footage stops without negotiating the proposed site entrance, so —perhaps conveniently — failing to recognise a potentially serious hazard at this point. HGVs arriving at the site will be obliged to steer across the road to their right some distance before the left turn into the site in order to negotiate the sharp turn into the site entrance. Small scale diagrams prepared by Mr Stoddart's firm, Prime Transport Planning (their reference P22034-001 — but copied below) appear to show the vehicle's' sweep will be across the entire width of the road. The same drawing also purports to show that "visibility splays" are "deliverable...existing access" — ie that the	The **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(C))** and **Statement of Common Ground with National Highways (Doc Ref. 8.3.6(B))** [REP3-036] confirm that all highway matters have been agreed with the relevant highway authorities.

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driver of a vehicle the site would have a clear view of the road in both directions before turning out on to, site and beginning to manoeuvre to enter it will have NO view of traffic approaching from the South, owing to the almost 90° bend at this point. Similarly, drivers travelling northwards will have no sight of a HGV until they round the bend. I have never seen an HGV attempt to turn into the proposed entrance, but on a number of occasions I have been confronted by vehicles injudiciously "cutting the corner" on this bend, and encountering an oncoming vehicle, necessitating avoiding action on the part of one or both drivers. Swerving vehicles have sometimes fallen off the road into the field below as a result — including an emergency ambulance on one occasion. I believe that this hazard — to be created at regular intervals throughout the duration of the construction period has NOT been properly recognised or adequately addressed.	
Internal Haulage Route crossing of Station Road	
The Applicant suggests that the bulk of the construction materials will be carried across Station Road at a point between where the road crosses a drainage stream and the junction of Calleywell Lane, Goldwell Lane and Station Road.	The **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(C))** and **Statement of Common Ground with National Highways (Doc Ref. 8.3.6(B))** [REP3-036] confirm that all highway matters have been agreed with the relevant highway authorities.

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This section of road has reverse bends and a more severe bend immediately before the junction, when travelling South. It also carries all of the traffic between the A20 and Aldington village. Although the Applicant states that traffic control measures will be put in place here, and that frequency of crossing construction traffic will be on average 4 two way crossings per hour (ie 8 crossings per hour?) and that crossing time will be 20 seconds — this combined with the traffic control — coupled with the use of a mechanised road sweeper suggests that delays will occur here — on the bends already mentioned - —every few minutes during the construction phase. This is likely to cause significant inconvenience to users travelling between Aldington and the A20 for at least the projected 12 month period — the Applicant, however, asserts in 13.4.19	
Effects on Calleywell and Goldwell Lanes	
The applicant suggests that the use of Goldwell Lane for Construction Traffic and the installation of underground cables may cause "minor adverse (not significant)" impact on road users — but that traffic can use Calleywell Lane instead. This would lead to at least a doubling of traffic on Calleywell Lane which is more residential (apart from houses in Stonestreet Green Calleywell Lane serves Quarry House, Wheaffields,	The Applicant has substantively responded to the construction traffic impacts on Goldwell Lane. Refer to the following documents: • **Written Summary of Oral Submissions from Issue Specific Hearing 2 and Responses to Action Points (Doc Ref. 8.5.5)** [REP1-075] • Table 3-1 on page 25 of the **Responses to Relevant Representations (Doc Ref. 8.2)** [REP1-061] • Table 4-2 on page 173 of the **Responses to Deadline 1 Submissions**

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Celak Close and some properties in Longsfield) than Goldwell Lane. Once again,the Applicant underestimates the impact on road users of disruption caused by during the Construction Phase.	**(Doc Ref. 8.8)** [REP2-034] The **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(C))** and **Statement of Common Ground with National Highways (Doc Ref. 8.3.6(B))** [REP3-036] confirm that all highway matters have been agreed with the relevant highway authorities.

References

[1] Shawyer, C. (2011). *Barn Owl Tyto alba Survey Methodology and Techniques for use in Ecological Assessment Developing Best Practice in Survey and Reporting*. Wildlife Conservation Partnership, Wheathampstead.