

# Stonestreet Green Solar

## Written Summary of Oral Submissions from Open Floor Hearing 2 and Responses to Action Points

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# 1 Introduction

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- 1.1.1 This document contains EPL 001 Limited's ('**EPL**' or 'the **Applicant**') summary of its oral submissions made at Open Floor Hearing 2 ('**OFH2**') which took place in a blended format at the Ashford International Hotel and on Microsoft Teams on 25 February 2025.
- 1.1.2 OFH2 was attended by members of the Applicant team and the Applicant is grateful to all those Interested Parties ('**IPs**') that participated and provided their comments.
- 1.1.3 A total of 20 oral submissions were made at OFH2 by IPs. Oral submissions were then made by Mr Hugh Flanagan of Francis Taylor Building on behalf of the Applicant.
- 1.1.4 The Applicant acknowledges the points raised by IPs in OFH2 which covered the following (non-exhaustive) list of topics:
- Battery energy storage system ('**BESS**') safety, fire risk, local water supply and impacts from BESS on visual amenity;
  - Impacts of construction traffic on local roads;
  - Public Rights of Way ('**PRoW**') impacts;
  - Flood risk concerns;
  - Landscape and visual impacts;
  - Concerns relating to archaeological impacts and the adequacy of trial trenching;
  - The scale of the Project;
  - Impacts on local ecology, including skylark;
  - Biodiversity impacts, both positive and negative;
  - Use of agricultural land (including best and most versatile ('**BMV**') land) and food security concerns;
  - Preference for rooftop solar; and
  - The financial standing of the Applicant.
- 1.1.5 As was the case in Open Floor Hearing 1 (see the **Written Summary of Oral Submissions at Open Floor Hearing 1** [[REP1-072](#)]) the Applicant does not intend to cover these wider topics in more detail within this submission. The concerns raised by the IPs relevant to the above topics are covered by the Applicant's previously submitted evidence at Examination deadlines and/or will be dealt with in further written submissions.

## 2 Summary of the Applicant's Oral Submissions at OFH2

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- 2.1.1 Mr Flanagan responded to the oral submissions responded on behalf of the Applicant as follows.
- 2.1.2 He noted that, as at Open Floor Hearing 1, the comments from IPs are welcomed and the Applicant recognises that important issues have been raised.
- 2.1.3 Mr Flanagan asked the Examining Authority ('**ExA**') and the Secretary of State for Energy Security and Net Zero ('**SoS**') to also consider the balancing points in respect of the Project, being the need for the Project and its benefits. In summary, these are:
- the urgent need for significant renewable energy development, noting that the Project is characterised as being a "critical national priority" in the Overarching National Policy Statement for Energy ('**NPS EN-1**'); and
  - the other benefits of the Project, these including PRow network improvements, biodiversity net gain and employment benefits.
- 2.1.4 He noted he would not respond in full to every point raised as this would be impractical. Mr Flanagan confirmed that full responses would be provided in response to written representations.
- 2.1.5 Mr Flanagan then provided the following summary on behalf of the Applicant:
- **Common determination:** In response to comments from Mr Derek Burles requesting that the Project and the East Stour Solar Project (a project falling under the Town and Country Planning Act 1990 regime) be determined together, Mr Flanagan explained that there is no obvious method for common determination of a nationally significant infrastructure project ('**NSIP**') and one which falls below the NSIP threshold. He noted that they follow different processes, different timescales and have different determining authorities (being the SoS and the local planning authority respectively). Mr Flanagan then explained that in any event this is academic, because cumulative assessment ensures that the impacts of neighbouring projects are properly assessed together and not ignored. He confirmed that this has been done in the Applicant's assessment, and therefore the ExA can be satisfied that it is a robust assessment. He added that no evidence has been adduced that raises any issues with the Applicant's cumulative assessment.
  - **Consultation and engagement:** In response to comments from Mr Burles referring to consultation on the Project as a "sham", Mr Flanagan commented that such a statement was incorrect and unfair, given the lengths that the Applicant has gone to consulting and engaging with the local community and others.



- **Cultural Heritage (above ground assets):** In response to comments made by Mr Padraig Herlihy relating to impacts to the Mersham Grade 1 listed Church of St John the Baptist, Mr Flanagan confirmed that these impacts have been assessed as set out in **Environmental Statement Chapter 7: Cultural Heritage** [\[AS-011\]](#). He explained that this chapter considered, on a structured basis, the heritage assets in the locality and has assessed the impacts to below and above ground assets and concludes that there are no assets that meet the threshold of experiencing substantial harm. He further noted that the assessments of less than substantial harm are at the lower end of that spectrum.
- **Post Hearing Note:** *by way of clarification of the above oral submissions, **Environmental Statement Chapter 7: Cultural Heritage** [\[AS-011\]](#) concludes that the harm would be at the lowest level of the 'less than substantial' spectrum for all assets (including the Church of St John the Baptist) other than Stonelees which is at the lower end of the spectrum (paragraph 7.4.33).*
- **Cultural Heritage (archaeology):** In respect of the comments made by several IPs on impacts to archaeology, Mr Flanagan noted that following further discussions with the Kent County Council ('KCC') county archaeologist, a written scheme of investigation for 68 further predetermination trial trenches was agreed in January. He explained that the aim is to provide further data regarding the veracity of the geophysics and other survey data, thus providing a better understanding of the ground conditions such as depth of topsoil and subsoil and the archaeological horizon across much of the Project site, all to inform the archaeological mitigation strategy. Mr Flanagan confirmed that additional trenching work commenced on 20 January 2025 and that 30 trenches have been completed in the western extent of the Site. He confirmed that, to date, the majority of the trenches have been blank, with no archaeological assets having been discovered in the majority of the area identified by the geophysical survey as having the potential for archaeology. He confirmed that an update on the progress of the trenching work would be provided in writing.
- **Post-hearing note:** *Please refer to the Applicant's response to Action Point 1 in Section 3 below.*
- **Landscape and Visual Impact:** In response to comments made by several IPs relating to the impacts of the Project on landscape and views, Mr Flanagan referred to the evidence provided by Mr Markwell on behalf of the Applicant earlier today (see **The Applicant's written summary of oral submissions at Issue Specific Hearing 3 and responses to Action Points (Doc Ref. 8.14.1)**). He confirmed that the National Landscape Unit are satisfied with the Applicant's assessment and have not objected to the Project, due to the distance of the Project to PRowS within the Kent Downs National Landscape. Mr Flanagan added that impacts within the Site were explained by Mr Markwell, and they have been assessed to be localised and generally modest. Mr Flanagan also noted that the landscape expert from Ashford Borough Council ('ABC') was at Issue Specific Hearing 3 and raised no issue with the Applicant's assessment, so the Applicant's and

ABC's experts are in agreement.

- **Tree planting and species mix:** In response to oral submissions made by Mr Richard Rix, Mr Flanagan noted that the Applicant did not think that these comments made it into Mr Rix's relevant representation [\[RR-239\]](#) or written representation [\[REP1-139\]](#). He confirmed that the Applicant would provide a response if the comments were put in writing.
- **Views from local properties:** In response to Mrs Valerie Chaffer's comments relating to the visual impacts of the Project, Mr Flanagan explained that certain areas of the Site have purposefully been kept clear of solar panels and other infrastructure, and that buffers around residential properties have been built into the design of the Project, as shown on the **Works Plans** [\[REP1-003\]](#) and the **Illustrative Project Drawings – Not for Approval** [\[REP3-004\]](#). He explained that, in respect of the specific property that Mrs Chaffer referred to, Beckett's Green, these plans show that looking west and looking south from the property, areas in the fields directly adjacent to that property have been kept clear. To the east of that property is the byway open to all traffic, which is heavily vegetated and therefore provides screening of views of the Project. The north of the property runs along Bank Lane where there is a high hedge which also provides screening. Mr Flanagan concluded that it is the Applicant's view that mitigating the visual impacts of the Project from that property has been carefully considered.
- **Land between the M20 and the railway:** In response to comments from Mr Sojan Joseph, MP for Ashford, relating to whether land between the M20 and High Speed 1/ Network Rail railway had been considered for the Project, Mr Flanagan confirmed that this land has been considered, as is set out in **ES Volume 2, Chapter 5: Alternatives and Design Evolution** [\[AS-010\]](#).
- **Traffic:** In response to comments raised by several IPs relating to the traffic impacts of the Project, Mr Flanagan noted that these matters were comprehensively dealt with during Issue Specific Hearing 2 (see the **Written Summary of Oral Submissions from Issue Specific Hearing 2 and Responses to Action Points** [\[REP1-075\]](#)). He also confirmed that traffic management measures have been agreed with Kent County Council to make the effects of the Project acceptable.
- **BESS / fire safety:** In response to comments made by several IPs, Mr Flanagan noted that the Applicant has responded comprehensively in respect of these matters in written submissions. In response to Ms Katie Lam, MP for the Weald of Kent, Mr Flanagan noted that the Applicant has offered to meet with her a number of times but has not been taken up on the offer to date. He confirmed that the Applicant would be willing to arrange a meeting to discuss BESS and fire safety concerns.
- **Use of agricultural land:** In response to comments raised by several IPs relating to the use of agricultural land and BMV land, Mr Flanagan confirmed that over 80% of the land within the Order Limits is not BMV land. He confirmed that no alternative sites were identified within the search area from the point of connection to the grid that could fulfil the requirements of

the Project and would have a lesser effect on BMV agricultural land.

- **Flooding:** In response to comments raised by several IPs relating to flood risk, Mr Flanagan noted that the statements of common ground with the two flood authorities (the Environment Agency and Kent County Council as lead local flood authority) submitted at Deadline 3 show very limited areas still under discussion. He explained that it was anticipated that the Deadline 4 versions of the two statements of common ground would show full agreement between the Applicant and the parties in respect of flood risk matters.
- **Post-hearing note:** Please refer to the **Statement of Common Ground with Kent County Council (Doc Ref. 8.3.4(C))** and the **Statement of Common Ground with the Environment Agency (Doc Ref. 8.3.2(C))**.
- **Noise:** In response to concerns raised by Mr Brian Collins in respect of the noise effects of the Project adversely affecting local animals, Mr Flanagan noted this matter has been responded to in writing, on page 148 of the Applicant's **Responses to Relevant Representations** [\[REP1-061\]](#). In that response, the Applicant notes that the noise assessment includes impacts on animals and wildlife and concludes no significant effects have been identified. In response to a comment from the ExA regarding whether the assessment covers impacts to dogs, Mr Flanagan confirmed that this would be taken away and checked.
- **Post-hearing note:** Please refer to the Applicant's response to Action Point 2 in Section 3 below.
- **Biodiversity:** In response to Mrs Vicky Ellis (on behalf of CPRE Kent), Mr Flanagan confirmed that the Applicant considers that issues relating to biodiversity have been comprehensively dealt with in the Applicant's written submissions at Deadline 1.

## 3 Action Points

### 3.1 List of action points arising and the Applicant's responses

Action Point	Applicant's response
<p><b>Action Point 1:</b> The Applicant to update the Inspector on the outcome of the ongoing archaeological site investigations.</p>	<p>Following further discussion with the KCC County Archaeologist a Written Scheme of Investigation for 68 further pre-determination trial trenches was agreed in early January 2025. The aim is to provide further ground truthing data regarding the veracity of the geophysics and other survey data, thus providing a better understanding of ground conditions such as depth of topsoil and subsoil and the archaeological horizon across much of the project Site to inform the Archaeological Mitigation Strategy.</p> <p>The Applicant's archaeological team began work on 20 January 2025 and to date has completed 40 trenches. The investigative works initially focussed on the north-western area as the geophysical survey suggested this area contained the greatest probability for archaeological potential in this part of the Site. To date the majority of the areas identified by the geophysical survey as containing potential for archaeology have not revealed significant archaeological features, many trenches are blank which was expected. There has been recovery of some minor pottery assemblages and metal fragments identified in a limited number of trenches, none of which appear greater than local (low) significance in value.</p> <p>Subject to weather conditions the Applicant's archaeological team expect to complete the investigative works by the end of March 2025 and has agreed that the KCC County Archaeologist will visit the Site at that time. Assuming no significant archaeology is identified during the remaining works the Applicant expects to agree an update to the Archaeological Management Strategy (<b>AMS (Doc Ref. 7.17)</b> <a href="#">[APP-162]</a>) with the KCC County Archaeologist regarding any further works, on a reasonable basis noting that all areas identified as containing potential archaeology by the geophysical survey will have already been investigated prior to determination of the DCO, with no significant archaeology identified.</p>
<p><b>Action Point 2:</b> The Applicant to confirm the extent of the assessment that has</p>	<p><b>Assessment Approach</b></p> <p>There is no specific recognised industry methodology to assess noise impacts on dogs. At lower frequencies the sensitivity of dogs and humans do not differ substantially.</p>



been carried out regarding the noise impacts of the Project on dogs.

Whilst a dog's hearing range includes higher frequencies that a human's, these higher frequencies are attenuated (reduced) more than lower frequencies over distance due to meteorological effects and ground absorption.

Government guidance issued by the National Protective Security Agency (PUB135656, Canine detection guidance notes | NPSA) is to ensure they receive the same level of protection as their owners when operating in high noise environments.

**ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2) [APP-038]** assesses the effects on The Haven residential property as noise sensitive receptor No. 11 and the associated kennels as No. 13 ('Kennels'). Operational Noise Effects (Daytime) - Light on NSR 11 and 13 are assessed as Negligible. Operational Noise Effects - Dark are assessed on NSR 11 and 13 as Minor adverse. No significant effects are identified.

The mitigation measures secured by the **Design Principles (Doc Ref. 7.5(A)) [REP1-042]** would be relevant to noise experienced by dogs, including the use of acoustic barriers to reduce any operation phase effects.

During the construction phase the **Outline CEMP (Doc Ref. 7.8(A)) [REP1-044]** includes that Best Practicable Means will be used to minimise noise, details of which would be provided in the detailed CEMP(s). The **Outline CEMP (Doc Ref. 7.8(A)) [REP1-044]** also requires the Principal Contractor to put in place community liaison, provide advance notice of works where appropriate, a complaint procedure, and ensure investigation and action of complaints as soon as practicable.

There is no policy requirement to assess the impacts on dogs but also no evidence provided to suggest that dogs located near to the Project (in particular at noise sensitive receptor 13) would be adversely impacted by noise given the negligible/minor adverse effects recorded at this location as documented in **ES Volume 2, Chapter 14: Noise (Doc Ref. 5.2) [APP-038]**.