

Stonestreet Green Solar

Draft Statement of Common Ground with Ashford Borough Council

PINS Ref: EN010135

Doc Ref. 8.3.1(B)

Version 3

Deadline 6

April 2025

EP Rule 8(1)(e)

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010



Revision History

Revision	Revision Date	Authorised By	Position	Comment
Issue 1	6/9/24	MS	Senior Director	For ABC Review
Issue 2	15/11/24	MD	Deputy Team Leader	ABC comments
Issue 3	5/12/24	MS	Senior Director	Update to reflect ABC Comments
Issue 4	9/12/24	MS	Senior Director	Finalisation
Issue 5	27/01/25	MS	Senior Director	D3 Updates
Issue 6	28/01/25	MS	Senior Director	Updates to reflect ABC comments
Issue 7	29/04/25	MS	Senior Director	Update to reflect ABC Comments

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1 Introduction

1.1 Purpose of this Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared to support an application (the Application) for a Development Consent Order (DCO) from the Secretary of State (SoS) for Energy Security and Net Zero under Section 37 of the Planning Act 2008 (PA 2008) for the proposed Stonestreet Green Solar Farm (the Project). The Application has been submitted by EPL 001 Limited (the Applicant).
- 1.1.2 This SoCG has been prepared between (1) the Applicant and (2) Ashford Borough Council (ABC) (jointly referred to as the 'Parties'). It has been prepared in accordance with The Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects guidance¹.
- 1.1.3 ABC is the host Local Authority. The Project is located within ABC's administrative area. ABC is a local authority within sections 43 and 56A of the PA 2008 and so has been consulted during the preparation of the Application and notified following its acceptance.
- 1.1.4 The Examining Authority has requested that the SoCG include the following matters as set out in the Rule 6 Letter [\[PD-004\]](#) Annex G (dated 22 October 2024).
- Principle of Development;
 - Economic and Social effects, including any implications for the Local Plan strategy and of transport effects on local communities
 - Construction Traffic;
 - Environmental Impact Assessment, including cumulative effects;
 - Landscape and Visual Effects, including lighting;
 - Any other potential effects, including on heritage assets, biodiversity, noise and vibration, air quality, emissions, contamination and emergency planning;
 - Good Design;
 - Various Environment Management Plans, both during construction and operation; and
 - The dDCO, including requirements and discharge mechanisms.
- 1.1.5 This SoCG has also been prepared in the context of the **Initial Assessment of Principal Issues (Rule 6 Letter, Annex C)**. It is agreed that matters of economic and social effects, noise and vibration, air quality, emissions, contamination and emergency planning are agreed between the parties. It is noted that Kent County Council (KCC) (the local highway authority) have reviewed construction traffic matters and agree to the assessment of impacts and the effectiveness of the mitigation measures secured. The Applicant understands that ABC have reviewed

the Environmental Management Plans and have no substantive comments. Comments in relation to the requirements set out in **Schedule 2 of the Draft DCO (Doc Ref. 3.1(F))** [\[REP5-003\]](#) are set out in Table 2.8. It is also agreed that ABC would be the discharging authority for those requirements listed in Schedule 2 of the **Draft DCO (Doc Ref. 3.1(B))**.

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

1.2 Description of the Project

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

1.3 Record of Engagement

- 1.3.1 The Parties have been engaged in consultation and engagement throughout the development of the Application.
- 1.3.2 The Applicant consulted ABC, the local authority, in accordance with section 42 of the PA 2008, about the Project and environmental impact assessment as part of the formal pre-application consultation procedure. This afforded ABC with the opportunity to provide responses to the information provided at various stages of the pre-application process.
- 1.3.3 As highlighted in Table 1.1 below, the Applicant has provided a number of opportunities for ABC to engage with the Project during the pre-application and post submission stages.
- 1.3.4 Table 1.1 shows a summary of the meetings and correspondence that has taken place between the Applicant (including consultants on its behalf) and ABC in relation to the Application.

Table 1.1: Record of Engagement

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
11 March 2022	Meeting with KCC and ABC, including visit to existing Sellindge Solar Farm site	Introduction to the Project and solar.
7 June 2022	Meeting with KCC and ABC	Discussion to provide an update on the Planning Performance Agreement
13 June 2022	Meeting with KCC and ABC	Key Topics: ▪ KCC Public Rights of Way strategy ▪ Key challenges in the local area ▪ KCC's response to the Scoping Report
17 June 2022	Meeting with KCC and ABC	Key topics: ▪ KCC's response to the Scoping Report related to archaeological matters raised
21 June 2022	Meeting with KCC and ABC	Applicant provided a Project update and discussed the PPA with the Councils
19 July 2022	Meeting with KCC and ABC	Key topics: ▪ PPA ▪ Statement of Community Consultation (SoCC)
2 August 2022	Meeting with KCC and ABC	Applicant provided a Project update and discussed the PPA with the councils
30 August 2022	Meeting with KCC and ABC	Applicant provided a Project update and discussed the PPA with the councils
29 September 2022	Meeting with KCC and ABC officers	Applicant provided an overview of proposed changes to PRoWs and footpaths

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
3 October 2022	Site visit with ABC officers	Explanation of the proposals by the Applicant in relation to the Site context
10 October 2022	ABC, FHDC, KCC Members	Project briefing with members and officers
17 November 2022	Otterpool Park, ABC, EDF Renewables stakeholder meeting	Local area's strategic PRoW network and opportunities
31 January 2023	Draft PPA issued to ABC and KCC	For ABC and KCC review.
1 March 2023	Meeting with KCC and ABC	Key Topics: - Project update - Programme update - Spring/summer consultation 2023
14 March 2023	Final Draft PPA issued to ABC and KCC	For ABC and KCC signing.
20 March 2023	Meeting with KCC and ABC	Key Topics: - Programme update - Landscape and visual - Heritage - Archaeology - PRoWs - Cumulative impacts - Overview of SoCC
3 April 2023	Landscape and visual impacts meeting with ABC, FHDC and KCC planning officers	Key Topics: 2022 Statutory Consultation comments
25 April 2023	Meeting with ABC, FHDC and KCC planning officers	Key Topics: - Project development update - Engagement with stakeholders

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
		▪ Cumulative schemes ▪ Alternatives ▪ 2023 Consultation
23 May 2023	Planning Performance Agreement finalised	PPA between ABC, KCC and the Applicant signed to enable proactive engagement throughout the pre-application and Examination Stages of the DCO.
5 June 2023	Meeting with ABC, FHDC and KCC planning officers	Key Topics: ▪ Project Overview ▪ Draft Site layout ▪ Landscape strategy plans ▪ Engagement with stakeholders ▪ Approach to Preliminary Environmental Information Report (PEIR) Addendum ▪ Update on 2023 Statutory Consultation
30 June 2023	Heritage meeting with KCC and ABC officers	Response to ABC's heritage feedback to the 2022 Statutory Consultation
15 August 2023	Written response to matters raised by ABC in their response to 2023 Statutory Consultation	Applicant response to pre-application feedback. Draft Schedule 2 Requirements shared with ABC. No comments were provided by ABC.
4 September 2023	Meeting with ABC and Land Management Services (LMS) to discuss design and landscape strategy.	Key Topics: ▪ ABCs response to 2023 Statutory Consultation ▪ Design approach ▪ Aldington Ridge ▪ Tree planting ▪ Design review.

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
10 November 2023	Written response to ABC's further written comments (dated 15 th September 2023)	Responses to the matters raised by ABC's letter
7 December 2023	Meeting with ABC	Key Topics: - Project design - Project evolution
14 February 2024	Written response to matters raised by ABC in their response to the 2023 Targeted Consultation	Responses to ABC's letter
21 March 2024	Meeting KCC and ABC	Provision of a Project meeting update
4 April 2024	Updated Draft Schedule 2 Requirements issued to ABC	Draft Schedule 2 Requirements shared with ABC. No comments were provided by ABC.
19 April 2024	Written response to ABC's further written comments (dated 12 th April 2024) (See Appendix 3)	Applicant's responses to ABC's letter
30 September 2024	Meeting with KCC and ABC	Review of the requirements submitted as part of the Draft DCO.
20 November 2024	Email to ABC in relation to verbal feedback received during ISH1 regarding Schedule 2 Requirements	The Applicant set out its response to the feedback received at the ISH1 Hearing held on 20 November 2024 and sought an opportunity to discuss the comments. No response has been provided by ABC.
09 December 2024	Email from ABC in relation to Schedule 2 Requirements	Confirmed ABC content with the Applicant's amendments to Requirements 2 (Phases of the authorised development), 6 (CEMP), 7 (CTMP), 8 (LEMP), 9 (AMS), 10 (RoWAS), and 14 (Decommissioning).

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
		Outstanding matters related to: - Requirement 5 (BSMP): ABC wish to specify EA and KCC as a consultee. - Requirement 11 (OSWDS): timing of requirement to be commencement. - Part 2: discharge process: to be working days, and more time for ABC to consider requests.
10 December 2025	Applicant's Deadline 1 submission	Confirmed updates to the Draft DCO to include: - Requirement 5 (BSMP): EA added, as per the EA's request. KCC have stated they do not wish to be a consultee and so have not been included. - Requirement 11 (OSWDS): timing of requirement has been amended to commencement. - Part 2: discharge process: Article 18 changed to business days.
11 December 2025	Email from Applicant to ABC	Seeking a meeting to discuss the remaining SoCG matters.
24 January 2025	Email from ABC replying to the Applicant's request for a meeting	N/A
27 January	Updated SoCG to reflect current ABC position	N/A
28 January	Meeting between ABC and Applicant	To discuss and agree changes the SoCG. In respect of: Landscape and visual effects

Date	Form of correspondence	Key topics discussed and outcomes (the topics should align with the issues tables)
		• Lighting • Schedule 2 Requirements
31 March	Email from ABC in relation to the latest SoCG position	ABC agreed with the overall findings in relation to cumulative visual effects. Confirmed areas of disagreement related to: • Cumulative Landscape Effects • Scale of Development • Compliance with NPS EN-1 and NPS EN-3, including the good design policies • Engagement with Independent Professional Advice on the Design Aspects of the Project

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

1.4 Format of Document and Terminology

- 1.4.1 This SoGC has been structured to reflect matters and topics of interest to ABC in relation to the Project as set out in ABC's Representation, and through its submissions made in respect of pre-application consultation.
- 1.4.2 Section 2 summarises the issues that are 'agreed' and 'not agreed' under the topics of interest in the tables in that section.
- 1.4.3 The following terminology is applied in Section 2:
- 'Agreed' indicates where the issue has been resolved.
 - 'Not Agreed' indicates a position where both Parties have reached a final position that a matter is not agreed.

2 Areas of Discussion between the Parties

2.1 Principle of Development

Table 2-1: Principle of Development

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
2.1.1	S42 Consultation Response to 2023 Statutory Consultation	Principle of Development	ABC agree that there is a compelling need, as a matter of principle, to increase renewable energy generation in order to support the Government's national agenda to reach net zero carbon by 2050.	It is understood that the principle of development is agreed and that ABC support the Project's commitment to reducing the reliance on fossil fuels. ABC also agree that there is a compelling need, as a matter of principle, to increase renewable energy generation in order to support the Government's national agenda to reach net zero carbon by 2050.	Agreed
2.1.2	S42 Consultation Response to 2023 Statutory Consultation	Principle of Large-Scale Solar PV	ABC agree that the principle of large-scale solar PV is capable of being acceptable, subject to: (i) the appropriate siting of such schemes (ii) the provision of appropriate mitigation in	The primary policy support for ground mounted solar development is the Overarching National Policy Statement for Energy (NPS EN-1) and the National Policy Statement for Renewable Energy (NPS EN-3).	Agreed

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

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				exceptional circumstances it is unlikely that consent will be refused on the basis of these residual impacts (para 4.2.15).	
2.1.3	S42 Consultation Response to 2023 Statutory Consultation	Justifying the Scale of Development	ABC question whether optimising the amount of energy generation can really be considered a design objective as per the Design Approach Document ('Design Objective 1') (APP-149) as opposed to being the applicant's ambitions for the project as set out in ES Volume 2 Chapter 5 Alternatives and Design Evolution (APP-029). Explaining those ambitions, the applicant makes clear that significantly reducing the scale of the proposal is not considered (by the applicant) to be a reasonable alternative project requirement (in the opinion of the applicant) because doing so would reduce energy generation and that would be contrary to the project requirements (that are set by the applicant) which include maximisation of energy	As set out in paragraph 6.2.7 of the Planning Statement (Doc Ref. 7.6) [APP-151], paragraph 3.2.6 of NPS EN-1 states that the SoS should assess all DCO applications for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for such infrastructure which is urgent. Paragraph 3.2.7 of NPS EN-1 states that the SoS has determined that substantial weight should be given to this need when considering DCO applications. Paragraph 5.10.26 of NPS EN-1 identifies that reducing the scale of a project can help to mitigate the visual and landscape impacts of a proposed project but could result in a reduction in	Not agreed

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
			generation and provision of resilience to the electricity network. By framing the project in this manner, the applicant appears to contend that the scheme can be as extensive as the applicant desires and that any reductions in terms of its scale and extents will be unacceptable if these are 'significant' (in the applicant's opinion). No clarification is given as to that which the applicant considers would constitute a significant reduction. No mention is given in respect of the commercial aspects of the scheme such as viability and commercial return to the applicant and the ability to reach a commercial agreement with the landowners.	function, for example electricity generation output. It goes on to recognise there may be exceptional circumstances where mitigation could have a very significant benefit and warrant a small reduction in function such that the landscape and/or visual effects may outweigh the marginal loss of function. The Applicant does not consider that a reduction in scale in this case would have a significant benefit in terms of reducing visual and landscape impacts but the associated loss in function would be more than a "marginal loss". In this context the Applicant does not consider the Project represents an "exceptional" case that requires the Applicant to consider an alternative Project design that would reduce the generating capacity of the Project.	

2.2 Planning Policy

Table 2-2: Planning Policy

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

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

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				[AS-010] then sets out the evolution of the Project design. The potential significant effects on the landscape and visual amenity have been identified and assessed in ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]. The Illustrative Landscape Drawings - Not for Approval (Doc Ref. 2.7(B)) [REP3-005] have been prepared to assist in communicating the extent and vision of the landscape mitigation strategy. The Applicant proposes extensive landscape and biodiversity mitigation measures, including new hedgerows, new woodland planting and trees and new habitat and biodiversity areas to minimise the impacts to views. These are detailed in the Illustrative Landscape Drawings - Not for Approval (Doc Ref. 2.7(B)) [REP3-005] and approval of the detailed	

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				landscape design is secured by a requirement in Schedule 2 of the Draft Development Consent Order (Doc Ref. 3.1(F)) [REP5-003], with the Outline LEMP (Doc Ref. 7.10(B)) [REP3-020] setting out details of the management of the landscape and ecological areas. The Project therefore complies with the good design policies set out in both NPS EN-1 and NPS EN-3.	
2.2.3	S42 Consultation Response to 2023 Statutory Consultation	Engagement with Independent Professional Advice on the Design Aspects of the Project	Whilst there has been engagement between the Applicant and ABC, ABC regret that such discussions have not materially influenced the Project in terms of its extents and layout as part of macro-scale good design.	The design of the project has been subject to consultation with a range of interested Parties, including ABC and their independent landscape consultant (Land Management Services). These discussions have influenced the landscape strategy and the design of the project. Through the design process, the Applicant has sought to refine the proposals through ongoing and meaningful	Not agreed

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				engagement with a wide range of interested parties. As explained at the meeting on 4 September 2023, the Applicant has continued to refine the scheme following the 2023 Statutory Consultation. A summary of these changes include: ▪ a reduction in the number of PV panels in Fields 3, 5, 12, 13, 16, 17, 20, 25 and 27 to allow for increased setbacks and allow for further biodiversity and landscape planting; ▪ the removal of PV panels from Fields 26 to 29, with the area retained within the Project exclusively for landscape, biodiversity and public access benefits; ▪ refinement of the PRoW strategy, including the straightening of the 'dog-leg' route in Field 13; and ▪ significant additional landscape works, resulting	

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				in substantial increases in new hedgerows and woodland and tree planting for instance, between the 2022 and 2023 Statutory Consultation designs, with further landscaping added post the 2023 Statutory Consultation in direct response to ABC's proposals. The above changes made to the Project demonstrates how the Applicant has revised the scheme following consultation. This extensive process has sought to integrate landscape design and is considered to be wholly consistent with the NPS.	
2.2.4	LIR Paragraph 12.8	BMV Land	The Council notes that the use of BMV Land and the degree of impact on BMV Land is a matter of agreement between the Applicant and Natural England. The Council agree that the proposed use of the land would not have a material impact on the nation's food security. On	The Applicant agrees this is a neutral impact.	Agreed

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			the basis that the development is for a temporary period, that the land take represents 0.1% of the total BMV agricultural land in Kent, or 0.02% of the farmed land in the South East region or 0.002% of the total farmed land at the national (England) level, the effect would have a neutral local impact.		

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

Table 2-3: Landscape Character and Visual Amenity

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

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

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

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				<i>between Consultancies, but it is our view that the proposed Methodology provides an approach which should inform a comprehensive and reasonable assessment of the anticipated impacts and effects of the scheme on landscape character and visual amenity.'</i>	
2.3.3	S42 Consultation Response to 2023 Statutory Consultation	Study Area for the Assessment (Zone of Theoretical Visibility)	The study area of the Applicant's Landscape and Views assessment is agreed.	A desktop review of the study area was undertaken, including a review of published landscape character information and relevant landscape and visual planning policy, and analysis of landscape context, landform, landscape features and landscape designations. Sources for information on designations are set out on ES Volume 3, Figure 8.2: Site Context Plan (Doc Ref. 5.3A)) [REP4-012]. To determine the extent of visual influence, a visual appraisal was undertaken of the Site and study area to consider the nature of existing	Agreed

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

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

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

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
				An assessment of impacts on Area of Outstanding Natural Beauty (AONB) is also included in ES Volume 2, Chapter 8: Landscape and views (Doc Ref. 5.2(A)) [AS-012].	
2.3.6	S42 Consultation Response to 2023 Statutory Consultation	Landscape Strategy	ABC welcome the engagement to date on the Landscape Strategy however but do not agree that the specific landscape mitigation measures proposed would sufficiently mitigate the impacts of the development. ABC recommend that greater use of tree belts for example would help break up and reduce the prominence and scale of panels, in particular in views from the north. In addition, ABC recommend that the planting of more occasional trees with open crowns (such as <i>Betula pendula</i>) would be of visual benefit. Notwithstanding the point made in respect of whether the Landscape Strategy sufficiently	As noted above, the Landscape Strategy was amended during the pre-application stage to incorporate a greater amount of landscape and tree planting, which was in direct response to ABC's request for an increased level of tree planting. Paragraph 6.5.2 of the Outline LEMP (Doc Ref. 7.10(B)) [REP3-020] notes <i>'Hedgerow tree planting has been included as a direct response to consultee feedback received as part of the 2022 Statutory Consultation'. It goes on to refer to 'larger tree species including field maple, alder hornbeam and oak; and smaller tree species including</i>	

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
			mitigates the impacts arising from the Project, ABC are satisfied that the outline LEMP would secure the necessary controls in relation to the landscape mitigation that the Applicant proposes. ABC consider that details relating to species selection (River birch/Betula nigra is not native and may not be acceptable in a native planting mix context) and establishment and watering regimes are capable of being secured through future detailed LEMP(s). ABC defer to Kent County Council in relation to the acceptability of the Ecology measures to be secured in the Outline LEMP.	<i>hawthorn and crab apple where shading of proposed PV panels is a factor'.</i> The principles of the landscape and ecology strategy have been based on the objectives set out in the Design Approach Document (Doc Ref. 7.4) [APP-149]. The Outline LEMP (Doc Ref 7.10(B)) [REP3-020] provides the overarching principles for minimising, managing and / or mitigating and enhancing the environmental effects of the Project. It sets out: ▪ Specific landscape mitigation measures, ▪ Illustrative Planting, ▪ Illustrative Maintenance and Management Schedules, and ▪ Illustrative Mitigation and Enhancement measures. The Landscape Strategy and planting types secured by the	

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
				Outline LEMP (Doc Ref 7.10(B)) [REP3-020] are considered to provide a comprehensive landscape proposal. The Applicant notes ABC's comment in relation to Betula nigra (River birch) and this has been incorporated into the planting schedule. This change was made in the Deadline 1 version of the Outline LEMP (Doc Ref 7.10(B)) [REP3-020]. The Applicant notes that it has reached agreement with KCC in relation to the ecological mitigation measures.	
2.3.7	LIR	Outline Management Plans (Outline CEMP, Outline LEMP, Outline DEMP and Outline DTMP)	ABC agree that the Outline CEMP, Outline LEMP and Outline DEMP are capable of securing the proposed mitigation subject to the comments in Ref 2.3.6 above. Where matters are subject to consideration by Kent County Council (for example relating to highways mitigation in the Outline CEMP and Outline	Noted	Agreed

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
			DEMP and ecology mitigation in the Outline LEMP) ABC defer to Kent County Council in these matters.		
2.3.8	S42 Consultation Response to 2023 Statutory Consultation	Assessment of Effects (Construction, Operational and Decommissioning phase)	ABC agree that with the proposed embedded and additional mitigation measures the landscape and visual effects relating to the (construction, operational and decommissioning phases) will result in a number of identified receptors experiencing significant adverse effects.	Construction Phase Full explanatory commentary on the magnitude and significance of effects for the receptors is set out in ES Volume 4, Appendix 8.8: Landscape Effects Table (Doc Ref. 5.4) [APP-080] and ES Volume 4, Appendix 8.9: Visual Effects Table (Doc Ref. 5.4) [APP-081]. Operational Phase Full explanatory commentary on the magnitude and significance of effects for the receptors is set out in ES Volume 4, Appendix 8.8: Landscape Effects Table (Doc Ref. 5.4) [APP-080]. As set out in ES Volume 4, Appendix 8.2: LVIA Methodology (Doc Ref. 5.4(A)) [AS-016] the assessment of residual	Agreed

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
				landscape effects relating to the operational phase accounts for the growth and establishment of proposed planting as secured by the measures set out in the Outline LEMP (Doc Ref. 7.10(B)) [REP3-020]. - At Year 15, out of the 11 identified landscape receptors, five are likely to experience adverse and beneficial significant effects as a result of the Project. Open fields, Hedgerows and Canopy trees will be subject to a moderate beneficial (significant) effect. - The Character of the Site and LCA Aldington Ridge will be subject to a combination of moderate adverse and beneficial (significant) effects. - The remaining landscape receptors are judged likely to experience effects that are minor or negligible,	

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
				which are not significant. In regard to Visual Effects, full explanatory commentary on the magnitude and significance of effects for the receptors is set out in ES Volume 4, Appendix 8.9: Visual Effects Table (Doc Ref. 5.4) [APP-081]. - At Year 15, out of a total of 44 of the identified visual receptors, 4 (Users of PRow within the Site, People travelling along Bank Road, Users of PRow AE401 and Users of PRow AE428) are likely to experience significant adverse visual effects as a result of the Project. - Five further receptors are identified as likely to experience minor-moderate adverse effects which are not significant, as a result of the Project at year 15. - The remainder of visual receptors are likely to be subject to residual effects	

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
				that are either minor, negligible or nil (no effect), which are not significant. <i>Decommissioning Phase</i> Full explanatory commentary on the magnitude and significance of effects for the receptors is set out in ES Volume 4, Appendix 8.8: Landscape Effects Table (Doc Ref. 5.4) [APP-080] and ES Volume 4, Appendix 8.9: Visual Effects Table (Doc Ref. 5.4) [APP-081]. The residual landscape and visual effects relating to the decommissioning phase will be set out in Paragraphs 8.7.33 – 8.7.37 of the ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]. Due to the elevated position of visual receptors on Collier's Hill, the decommissioning phase is likely to result in a moderate adverse effect; the	

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
				only significant visual effect from this phase of the Project.	
2.3.9	S42 Consultation Response to 2023 Statutory Consultation	Assessment of Effects (Summary of Landscape Effects)	The Summary of Landscape Effects in section 8.10 of ES Volume 2, Chapter 8: Landscape and Views Doc Ref (5.2) identifies that three landscape receptors are considered likely to experience significant effects as a result of the Project as below: <i>Landscape Effects</i> ▪ The Character of the Site ▪ LCA Aldington Ridge. <i>Visual Effects</i> ▪ Users of public rights of way within the site; ▪ Locations on Bank Road and PRow AE370, AE377, AE474 which provide panoramic views towards the North Downs; ▪ Viewpoint on PRow AE401 on Colliers Hill;	A summary of Landscape Effects is contained in section 8.10 of ES Volume 2, Chapter 8: Landscape and Views (Doc Ref (5.2(A)) [AS-012]. An assessment of the likely landscape and visual effects of the Project has been undertaken during the construction phase and at Years 1 and 15 of operation, the latter accounting for the growth and establishment of proposed planting. The effects relating to the decommissioning of the Project have also been considered. In summary, no landscape receptors are anticipated to experience significant effects as a result of the construction and decommissioning phases of the Project. This is as a result of:	Agreed

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
			Viewpoints on PRow AE370 and AE428 and residents in Mersham on the northern side of the Stour valley. No significant effects have been identified on any landscape and visual receptors within the Kent Downs National Landscape.	- The scale of LCAs in relation to the Site, - The lack of widespread, permanent and substantial changes to the physical fabric of the Site, and - The very short duration of effects relating to the construction and decommissioning phases. Three visual receptors are considered likely to experience significant effects during the construction phase of the Project. These are: - Users of PRow within/adjacent to the Site (two receptor groups) and - Users of PRow AE401, Collier's Hill. Once operational, at Year 1 following completion, three landscape receptors are considered likely to experience significant effects as a result of the Project: - The Open Fields of the Site,	

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
				and ▪ The Overall Character of the Site will be subject to major moderate adverse effects, ▪ While the Aldington Ridge LCA will experience a moderate adverse effect. However, following establishment of proposed planting at Year 15: ▪ Those three receptors are considered likely to experience a combination of moderate adverse and moderate beneficial effects which are significant. ▪ Two further landscape receptors (Hedgerows and Canopy Trees) will be subject to significant moderate beneficial effects following establishment of proposed planting. No significant effects on any landscape and visual receptors within the Kent Downs National Landscape have	

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
				been identified at any stage of the Project.	
2.3.10	S42 Consultation Response to 2023 Statutory Consultation	Assessment of Effects (Cumulative Landscape Effects)	ABC consider that the list of cumulative schemes considered in the Applicants Landscape and Views Assessment is agreed however note the following: The cumulative effects focus primarily on visual effects as it is concluded that the <i>Character of the Site is primarily influenced by landscape change that occurs within the Site itself, while changes to the wider setting have the potential to alter the perceptual aspects of this receptor</i> (Para 8.12.11). Whilst this is true of the Site itself it does not reflect potential cumulative impacts and effects on wider rural character. The East Stour Solar Farm would also affect LCAs in the East and Upper Stour Valley and would be visible from the Aldington Ridge LCA. There would therefore be cumulative effects	A summary of Cumulative Effects is contained in section 8.12 of ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]. The potential for interaction of construction / operation / decommissioning effects from the Project with other schemes set out in the Focused Long List (ES Volume 4: Appendix 6.1: List of Cumulative Schemes (Doc. Ref. 5.4) [APP-068]) was considered. Full explanatory commentary on the magnitude and significance of effects for all cumulative effects is set out in ES Volume 4, Appendix 8.12: Cumulative Effects Table (Doc Ref. 5.4(B)) [REP3-014]. A summary of effects is set out in Paragraphs 8.12.17 - 8.12.59 ES Volume 2, Chapter 8: Landscape and	Not agreed

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
			on these LCAs and the rural landscape setting to Aldington Village. The Cumulative Effects Table 8.12¹ from the ES only considers the Upper Stour Valley LCA (not the East Stour Valley). Both the East Stour Solar Farm development and the Project would affect parts of the Upper Stour Valley LCA. ABC therefore consider that the small/medium magnitude of change does not reflect the geographical extents of the LCA affected by both schemes. ABC agree with LMS' conclusions that there would be a consequent moderate cumulative adverse effect on these LCAs (a minor adverse effect is assessed in relation to the East Stour and Upper Stour Valley in the ES and a moderate adverse effect in relation to the Aldington Ridge).	Views (Doc Ref. 5.2(A)) [AS-012]. The assessment set out in ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012] has followed a transparent process in accordance with an agreed methodology and GLVIA3, with explanatory commentary detailing the sensitivity of receptors, the scale, extent and duration of change, and associated magnitude of effects, and the resultant significance of effects. This commentary, set out in ES Volume 4, Appendices 8.8: Landscape Effects Table [APP-080], Appendix 8.9: Visual Effects Table [APP-081] and Appendix 8.12: Cumulative Effects Table (Doc Ref. 5.4(B)) [REP3-014], is a key part of the LVIA process.	

¹ The Applicant assumes this comment refers to ES Volume 4, Appendix 8.12: Cumulative Effects Table (Doc Ref. 5.4(B)) [REP3-014] rather than Table 8.12 of the ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012] since the latter provides a summary of significant residual effects only.
Application Document Ref: 8.3.1(B)

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
			ABC note that moderate adverse cumulative landscape effects are significant for the purposes of the ES.	ABC contend that different effects should have been identified, however this is not supported by independent work undertaken by LMS on their behalf, or any evidence that has been set out in a way that would be consistent with GLVIA3 (Table 3.1). The assessment presented in the ES acknowledges that there is limited visibility of the Project to the east as a result of vegetation and landform. Whilst there may be views of the East Stour Solar Farm, the lack of intervisibility with the Site limits the potential for cumulative effects. There are two different levels of landscape character assessment, Ashford (East Stour Valley) and Kent (Upper Stour Valley). The assessment effectively considers these as combined receptors, as set out in LVIA paragraph 8.5.152. The cumulative assessment identified a	

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
				moderate-minor adverse effect at Year 1, and a moderate (adverse and beneficial) effect at Year 15 on LCA Upper Stour Valley. The cumulative assessment identified a moderate adverse effect at Year 1, and a moderate-major adverse (and moderate beneficial) effect at Year 15, on LCA Aldington Ridge. The approach to the assessment of landscape character receptors has remained consistent throughout the Project from EIA Scoping, Statutory Consultation through to the ES submitted as part of the DCO Application. The selection of receptors that forms the basis of an LVIA is a key part of the scoping process and these are already matters of agreement set out at row 2.3.2 in this Statement of Common Ground. The assessment assesses one set of combined landscape	

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
				character receptors by reference to the County level assessment, as confirmed at Paragraph 8.5.152 of ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012]. 'The boundaries of LCAs from the County level and multiple Borough level landscape character assessments are broadly similar in extents and are similarly named, however only the County level assessment provides full coverage of the Site. On this basis, and in the interests of avoiding unnecessary duplication or double counting of effects, it is considered appropriate to assess the likely significant effects of the Project on one set of combined landscape character receptors by reference to the County level assessment. However, the characteristics and guidance set out in the three landscape character assessments have been	

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
				considered as part of the assessment and design development of the Project'. This approach is consistent with Landscape Institute guidance (LITGN-2024-01: Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA3))² which states (at Paragraph 5(1)) 'It is not necessary to assess effects on every landscape character type or area identified by assessments at different levels for any development – the best scale of assessment for the project should be selected'. The County level LCAs have been used for the assessment of landscape effects, as previously agreed with ABC (see row 2.3.3), in addition to the character of the Site itself and the National Landscape LCAs. This approach is considered to be robust and proportional to the scale and	

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
				extent of the Project and in accordance with up-to-date best-practice guidance. With respect to ES Volume 4, Appendix 8.12: Cumulative Effects Table (Doc Ref. 5.4(B)) [REP3-014] and LCA Upper Stour Valley, the likely landscape effects of the Project on its own and in combination with the agreed list of cumulative schemes have been assessed in accordance with the agreed LVIA methodology on the basis of criteria for the scale, extent and duration of effects. With respect to the cumulative assessment, the assessment identifies Moderate-Minor (Adverse) Effects at Year 1 and Moderate Effects at Year 15 with a combination of Adverse and Beneficial Effects. The magnitude of change for the cumulative effects to the LCA Upper Stour Valley are assessed in ES Volume 4, Appendix 8.12:	

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
				Cumulative Effects Table (Doc Ref. 5.4(B)) [REP3-014] as 'very small/ small / medium'. This is considered to be a robust magnitude judgement taking into account the geographic scale of the LCA Upper Stour Valley and the spatial extent of both the Project and the East Stour Solar Farm.	
2.3.11	S42 Consultation Response to 2023 Statutory Consultation	Assessment of Effects (Cumulative Visual Effects)	ABC note that moderate adverse cumulative visual effects are significant for the purposes of the ES. The ES states that there would be cumulative visual effects associated with views for users of public rights of way within the Site <i>as a result of sequential views of the Project and East Stour Solar Farm (ID No. 9) in quick succession due to their proximity</i>. ABC concur with LMS' conclusions that some viewpoints (e.g. from PRow AE474) would be subject to a greater magnitude of change resulting in some localised	Whilst the extent over which visual change will be experienced will be greater as a result of the Project in combination with East Stour Solar Farm, it is important to note that these views are sequential, with no potential for in combination or in succession effects (as defined by GLVIA3- Table 7.1). GLVIA3 makes clear in paragraph 7.38 that '<i>Higher levels of significance may arise from cumulative visual effects related to developments that ... are clearly visible together in views from the selected</i>	Agreed

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
			major adverse cumulative effects. ABC agrees with the conclusion that the Project would result in overall moderate adverse cumulative visual effects. The ES also notes the cumulative effects associated with views from PRow AE370 and AE428 and residents in Mersham on the northern side of the Stour valley, but concludes these would not affect the overall impact assessment of moderate adverse.	<i>viewpoints' and 'developments that are highly intervisible'</i>. The implication of this in practice is that sequential views have a lower potential for significant effects than in combination or in succession views. Travelling westwards, people travelling along PRow AE457 will not experience views of East Stour Solar Farm once they have passed within the south-eastern extent of Field 29. Whilst the project substation is located in Field 26, views of this are experienced from the PRow network at a distance of approximately 300m with the substation seen in the context of existing railway infrastructure. Visual receptors on PRow within fields 26-29 are identified as a receptor group within the LVIA, and were assessed as likely to experience at worse minor-moderate adverse effects (Year 1), reducing to minor adverse at Year 15, compared to moderate-minor (adverse) to	

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
				moderate (adverse) effects for visual receptors on the PRow network within the remainder of the Site. As there are no PV Panels within Fields 26 to 29, the physical separation between the respective visual envelopes of PV Panels in East Stour Solar Farm and the Project is approximately 800m (i.e. from the western edge of East Stour Solar Farm to the eastern edge of Fields 24/25). However, no direct route is provided by existing PRow routes, such that walkers would be required to follow PRow AE657 along the northern and western edge of Backhouse Wood, through Woodleas Farm to Field 23 in order to experience the two developments sequentially. This route has a distance of approximately 1.1km, over which neither the Project (other than the Project Substation) or East Stour Solar Farm would be visible. Similar	

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
				sequential views are likely to be experienced for users of PRoW AE455, with a separation distance of approximately 900m. Considering the above, and the medium sensitivity of the receptor group, the moderate adverse cumulative effect identified in the LVIA is considered robust.	

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

Table 2-4: Cultural Heritage

Ref	Relevant Application Document	Description of Matter	ABC's Position	Applicant's Position	Status
2.4.1	S42 Consultation Response to 2023 Statutory Consultation	KCC and HE role as Heritage Consultees	KCC are the relevant consultee in relation to archaeology. Historic England and ABC are relevant consultees in relation to built heritage. Historic England confirmed in their Relevant Representation that they defer advice on grade II listed buildings and conservation areas to ABC.	Section 7.3 of ES, Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] summarises key stakeholder engagement undertaken to inform the assessment. It also summarises the key matters raised by consultees in relation to the EIA on the topic of Cultural Heritage and explains how the ES has had regard to those comments or how they have been addressed in the ES.	Agreed
2.4.2	S42 Consultation Response to 2023 Statutory Consultation	Designated and Non-designated Heritage Assets	The Designated and Non-designated Heritage Assets identified within the Applicant's Cultural Heritage assessment are agreed.	The relevant Designated and non-designated heritage assets have been appropriately considered within ES Volume 4, Appendix 7.2: Heritage Statement (Doc Ref. 5.4) [APP-072] have been agreed with ABC.	Agreed

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

2.5 Design Approach

Table 2-5: Design Approach

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

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

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

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

Table 2-6: Lighting

Ref	Relevant Application Document	Description of Matter	ABC's Current Position	Applicant's Current Position	Status
17.2	LIR	Assessment of lighting effects	The Council recommend that details of construction phase lighting should be submitted for approval.	The lighting proposals for the Project have been developed having regard to the Dark Sky policy and are considered to be entirely consistent with both Local Plan Policy ENV4 and ABNP Policy AB5. Section 4.11 of the Outline CEMP (Doc Ref. 7.8(A)) [REP1-044] sets out the control measures that would be in place for the use of lighting during the construction phase which are in line with good practice to avoid light pollution effects. It secures that temporary construction phase lighting will be designed in accordance with the relevant British Standards. Section 4.11 details a number of controls and states that "full details on temporary construction lighting requirements and positions will	Agreed

Ref	Relevant Application Document	Description of Matter	ABC's Current Position	Applicant's Current Position	Status
				be outlined within the detailed CEMP(s)." Construction phase lighting will be agreed with the local planning authority as part of the detailed CEMP(s) (production, approval and implementation of which is secured through Requirement 6 in Schedule 2 to the Draft DCO (Doc Ref. 3.1(F)). The Design Principles (Doc Ref. 7.5(C)) state that operational lighting will be limited to emergency and overnight maintenance purposes only at Inverter Stations, Intermediate Substations and the Project Substation. Any lighting will be directed within the Order limits and will include features designed to reduce light spill beyond the areas required to be lit. As such, light pollution effects are not predicted.	

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

Table 2-7: Cumulative Assessment

Ref	Relevant Application Document	Description of Matter	ABC's Current Position	Applicant's Current Position	Status
2.7.1	S42 Consultation Response to 2023 Statutory Consultation	Scope of assessment	ABC consider that the list of cumulative schemes considered in the Applicant's ES is agreed.	The scope of the cumulative assessment including the list of cumulative schemes has been discussed and agreed with ABC. The list of cumulative schemes for inclusion within the Environmental Statement was issued to ABC for their review on the 5 th December 2023 and was subsequently confirmed by ABC on the 7 th March 2024.	Agreed

2.8 Schedule 2, Requirements

Table 2-8: ABC Requirements for the Draft DCO

Ref	Relevant Application Document	Description of Matter	ABC's Current Position	Applicant's Current Position	Status
<i>Schedule 2 Part 1 – Requirements</i>					
P.35	LIR, Appendix 1	Part 1 – 3. (1) Phases of authorised development	Identifying the phases of the Project is agreed as being important. Equally important is how the Project will be delivered. ABC is mindful that sequentially named Phases may not subsequently be sequentially constructed (either in whole or part). The applicant has proposed that Part 3 (1) & (2) be modified to accommodate this by the following text; Phases of authorised development 3.—(1) The authorised development must not be commenced until a written scheme setting out the phases and sequencing of construction of the authorised development has been submitted to and approved by the local planning authority. (2) The authorised development must be carried out in	The Applicant has amended the wording of Requirement 3 at Deadline 1 to clarify that the phasing details would include the sequencing of the construction. Please refer to Schedule 2 Part 1 Requirements in the Draft DCO (Doc Ref. 3.1(F)) [REP5-003] .	Agreed

Ref	Relevant Application Document	Description of Matter	ABC's Current Position	Applicant's Current Position	Status
			accordance with the phasing scheme approved pursuant to sub-paragraph (1). ABC agrees with this change		
P.35	LIR, Appendix 1	Part 1 – 5. (1) Battery Safety Management Plan (BSMP)	There are watercourses in the locality whereby there could be an environmental concern that as a result of the emergency services having to attend and deal with an incident, chemicals could leach into the ground and find their way into nearby watercourses and cause environmental and ecological damage. ABC consider that the BSMP needs to ensure that the implications of tackling an incident on such environmental matters is fully appreciated and that the BSMP does not solely deal with matters of Fire and Rescue but informs other detailed site design and any related Management Plans. ABC consider that it would be appropriate that consultation on the BSMP be widened to	Please refer to Table 2-10 in the Responses to Deadline 1 Submissions (Doc Ref. 8.8) [REP2-034] where it sets out where within the Outline OBSMP (Doc Ref. 7.16(A)) [REP5-019] and the Outline OSWDS (Doc Ref. 7.14(C)) [REP4-013] the measures the Project is taking in relation to firewater safety and storage. The Environment Agency have confirmed that the measures set out in the Outline OBSMP (Doc Ref. 7.16(A)) [REP5-019] are satisfactory and would like to be consulted on the Detailed BSMP. They have therefore been added to Requirement 5 in Schedule	Agreed

Ref	Relevant Application Document	Description of Matter	ABC's Current Position	Applicant's Current Position	Status
			include environmental safety measures. ABC suggest that after 'Service' as the final word in (1) as drafted, the following be inserted;- <i>'and the Environment Agency, Kent County Council'</i> ABC has reviewed the response from the Applicant provided in Deadline 2 and agrees with the Applicant's position.	2 to the Draft DCO (Doc Ref. 3.1(F)) [REP5-003]. The Applicant has asked KCC for their views on their potential inclusion as a consultee. KCC confirmed that they do not have in house fire or battery safety expertise and so would not have remit to review such details. Notwithstanding this, there is nothing in the text of the requirement that would prevent ABC from requesting input from any other party prior to approving the final plan if it considers this to be necessary.	
P.35	LIR, Appendix 1	Part 1 – 11. (1) Operational surface water drainage strategy (OSWDS)	In (1), the submission of the OSWDS on a prior to the operation of the authorised development is not agreed. ABC suggest that it should be submitted at the same time as the detailed design approvals for the phases as per Schedule	Requirement 11 in Schedule 2 to the Draft DCO (Doc Ref. 3.1(F)) [REP5-003] secures that an no phase of the authorised development may commence until a OSWDS for that phase has been submitted to and approved	Agreed

Ref	Relevant Application Document	Description of Matter	ABC's Current Position	Applicant's Current Position	Status
			2 Requirements Part 1 – 4 (which is noted as including details of drainage alongside other above and below ground works and such works need to be informed by the Strategy).	by the local planning authority, such approval to be in consultation with Environmental Agency and KCC (in relation to the OSWDS).	

Schedule Part 2 – Procedure for discharge of requirements

P.35	LIR, Appendix 1	18.(2) Timescale	ABC consider that 14 days (i.e. 10 working days) is too tight. ABC request that this should be amended to 21 days (i.e. 15 working days).	Part 2 Schedule 2 (Requirements) of the Deadline 3 version of the DCO (Doc Ref. 3.1(F)) [REP5-003] has been amended to increase this timescale from 14 to 20 business days.	Agreed
P.35	LIR, Appendix 1	18.(3) Timescale	ABC consider that 7 days (i.e. 5 working days) is too tight. ABC request that this should be amended to 14 days (i.e. 10 working days).	Part 2 Schedule 2 (Requirements) of the Deadline 3 version of DCO (Doc Ref. 3.1(F)) [REP5-003] has been amended to increase this timescale from 7 to 10 business days.	Agreed

Ref	Relevant Application Document	Description of Matter	ABC's Current Position	Applicant's Current Position	Status
P.35	LIR, Appendix 1	18.(4) Timescale	ABC question the necessity for inclusion of this type of paragraph.	This paragraph is considered necessary. It is consistent with a number of precedent DCOs, which establish that such a provision is both justified and necessary.	Agreed.
P.35	LIR, Appendix 1	19.(2)(d) Timescale	ABC note the change to 'business days' in contrast with the Applicant's use of 'days' in 18. as per the comments above.	Updated.	Agreed.
P.35	LIR, Appendix 1	19.(2)(d) Timescale	Whilst ABC consider that this should be amended to 28 days (i.e. 20 business days), we acknowledge there is precedent for 10 business days within recently made DCOs.	The Applicant has reviewed a number of recent DCO decisions and the timescales included in the Draft DCO (10 business days) are consistent with those recently made DCOs. No change is therefore proposed.	Agreed

3 Signatures

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

On behalf of EPL 001 Limited

Name:

Signature:

Position:

Date:

.....

On behalf of Ashford Borough Council

Name:

Signature:

Position:

Date:

.....

References

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

² Landscape Institute and Institute of Environmental Management and Assessment London (2013). *Guidelines for landscape and visual impact assessment*. London: Routledge.