

Stonestreet Green Solar

Final Statement of Common Ground with Kent County Council

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Revision History

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

Revision History

Revision	Revision Date	Authorised By	Position	Comment
Issue 7	11/03/25	MS	Senior Director	Review of draft
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Issue 9	09/05/25	MS	Senior Director	Cultural heritage updates

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Appendix 1: Skylark Mitigation and Management Strategy

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 for Energy Security and Net Zero under Section 37 of the Planning Act 2008 (PA 2008) for the proposed Stonestreet Green Solar Farm (the Scheme). The Application has been submitted by EPL 001 Limited (the Applicant).
- 1.1.2 This SoCG has been prepared between (1) the Applicant and (2) Kent County Council ('KCC') (jointly referred to as the 'Parties'). It has been prepared in accordance with The Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects guidance¹.
- 1.1.3 KCC is the host County Council. The Project is located within KCC's administrative area. KCC is listed the local authority, in accordance with section 42 of the PA 2008 and so has been consulted during the preparation of the Application and following its acceptance.
- 1.1.4 The Examining Authority has requested that the SoCG include the following matters as set out in the Rule 6 Letter [\[PD-004\]](#), Annex G (dated 22 October 2024).
- Principle of Development
 - Traffic and Transport, including traffic modelling and assessment of alternatives
 - Effects on the Public Rights of Way network and on non-motorised users
 - Environmental Impact Assessment, including cumulative effects
 - Water Environment and Flood Risk
 - Any other potential effects, including on heritage assets, biodiversity, air quality, emissions and contamination
 - Various Environment Management Plans, both during construction and operation
 - Good Design
 - Economic and Social Effects
 - The dDCO, including requirements and protective provisions.
- 1.1.5 It is agreed that matters of Good Design, Economic and Social Effects are agreed between the parties. The Applicant understands that KCC have reviewed the dDCO (including Schedule 2: Requirements) and have no comments.
- 1.1.6 It is agreed that matters not specifically referred to in this SoCG are not of material interest or relevance to the representations submitted to the Examining Authority by

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

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

1.2 Description of the Project

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

1.3 Record of Engagement

- 1.3.1 The Applicant has undertaken consultation and engagement with KCC throughout the development of the Application. The Applicant consulted KCC, a the local authority, in accordance with section 42 of the PA 2008, about the Project and environmental impact assessment as part of the formal pre-application consultation and publicity procedures. This process afforded KCC the opportunity to provide responses to the information provided at various stages of the pre-application process.
- 1.3.2 Table 1.1 shows a summary of the feedback that has taken place between the Applicant (including consultants on its behalf) and KCC in relation to the Application.

Table 1.1: Record of Engagement

Date	Form of Feedback	Key topics discussed and outcomes (the topics should align with the issues table)
11 March 2022	Meeting with KCC and ABC, including visit to existing Sellindge Solar Farm site	Introduction to the Project and solar generation

Date	Form of Feedback	Key topics discussed and outcomes (the topics should align with the issues table)
25 March to 29 April 2022	Non-Statutory Consultation 2022	No specific comments were received.
18 May 2022	EIA Scoping – KCC consultation response to EIA Scoping Opinion (response to the Applicant's request for a Scoping Opinion submitted to PINS on 19 April 2022)	<p>Response dated 18 May 2022. Key issues:</p> <ul style="list-style-type: none"> ■ PRow ■ Agricultural Land and Soils ■ Land Contaminations (Minerals and Waste) ■ Cultural Heritage ■ Biodiversity ■ Water Environment ■ Socio Economics ■ Traffic and Access ■ Noise ■ Cumulative Effects
7 June 2022	Meeting with KCC and ABC	Discussion to provide an update on the PPA
13 June 2022	Meeting with KCC and ABC	<p>Key Topics:</p> <ul style="list-style-type: none"> ■ KCC PRow strategy ■ key challenges in the local area ■ KCC's response to the Scoping Report
17 June 2022	Meeting with KCC and ABC	<p>Key Topics:</p> <ul style="list-style-type: none"> ■ 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:

Date	Form of Feedback	Key topics discussed and outcomes (the topics should align with the issues table)
		<ul style="list-style-type: none"> PPA SoCC
2 August 2022	Meeting with KCC and ABC	Applicant provided a Project update and discussed the PPA with the councils
30 August 2022	Meeting with KCC and ABC	Applicant provided a Project update and discussed the PPA with the councils
29 September 2022	Meeting with KCC and ABC officers	Applicant provided an overview of proposed changes to PRowS and footpaths
10 October 2022	ABC, FHDC, KCC Members	Project briefing with members and officers
2 November 2022	Meeting with KCC	Key Topic: <ul style="list-style-type: none"> Potential PRow impacts
25 October to 29 November 2022	Statutory Consultation 2022 – KCC consultation response	Key Topics: <ul style="list-style-type: none"> Approach to PRow network Scope of heritage assessment Consultation with KCCs officers in relation to the Draft DCO Requirements. Assessment of landscape on the nearby Kent Downs National Landscape. Agreement of cumulative schemes for assessment
1 March 2023	Meeting with KCC and ABC	Key Topics: <ul style="list-style-type: none"> Project update Programme update Spring/summer consultation 2023

Date	Form of Feedback	Key topics discussed and outcomes (the topics should align with the issues table)
20 March 2023	Meeting with KCC and ABC	<p>Key Topics:</p> <ul style="list-style-type: none"> Programme update Landscape and visual Heritage Archaeology PRoWs Cumulative impacts Overview of SoCC 3
29 March 2023	Meeting with KCC archaeology officers	Confirmation of approach to responding to KCC archaeology officer's comments to the 2022 Statutory Consultation in relation to archaeology and heritage matters
3 April 2023	Landscape and visual impacts meeting with ABC, FHDC and KCC planning officers	<p>Key Topics:</p> <ul style="list-style-type: none"> 2022 Statutory Consultation comments
19 April 2023	Meeting with KCC ecology officers	<p>Key Topics:</p> <ul style="list-style-type: none"> Overview of the ecology proposals Changes in response to the 2022 Statutory Consultation feedback
24 April 2023	Meeting with KCC archaeology officer	Provision of feedback on the pre and post consent archaeology strategy
25 April 2023	Meeting with ABC, FHDC and KCC planning officers	<p>Key Topics:</p> <ul style="list-style-type: none"> Project development update Engagement with stakeholders Cumulative schemes Alternatives

Date	Form of Feedback	Key topics discussed and outcomes (the topics should align with the issues table)
		<ul style="list-style-type: none"> 2023 Consultation
4 May 2023	Meeting with KCC PRoW officer	Key Topics: <ul style="list-style-type: none"> Proposed PRoW strategy
5 June 2023	Meeting with ABC, FHDC and KCC planning officers	Key Topics: <ul style="list-style-type: none"> Project Overview Draft Site layout Landscape strategy plans Engagement with stakeholders Approach to PEIR Addendum Update on 2023 Statutory Consultation
30 June 2023	Heritage meeting with KCC and ABC officers	Provision of proposed approach to address ABC's comments to the 2022 Statutory Consultation in relation to heritage matters.
15 August 2023	Statutory Consultation 2023 – Response to KCC's Feedback	Written response by the Applicant to matters raised within KCC's 2023 Statutory Consultation Response
7 December 2023	Meeting with KCC	Key Topics: <ul style="list-style-type: none"> KCC's 2023 Statutory Consultation feedback
13 November to December 2023	Targeted Consultation 2023 – KCC Response	Key Topics: <ul style="list-style-type: none"> Traffic and Access (Site Access) Changes to Order limits
12 February to 12 March 2024	Targeted Consultation 2024 – KCC Response	Key Topics: <ul style="list-style-type: none"> PRoW Red line boundary change
21 March 2024	Meeting with KCC and ABC	Project update meeting

Date	Form of Feedback	Key topics discussed and outcomes (the topics should align with the issues table)
8 August 2024	Meeting with KCC	Key Topics: <ul style="list-style-type: none"> Archaeology Management Strategy SoCG
27 August 2024	Meeting with KCC	Discussion regarding initial highway comments.
3 September 2024	Draft documents issued for KCC comment	Draft SoCG report issued to KCC for comment.
30 September 2024	Meeting with KCC and ABC	Review of the requirements submitted as part of the Draft DCO.
11 October 2024	Written response to KCCs SoCG issued	KCCs comments to SoCG (Draft 1) issued to Applicant
21 October 2024	Meeting with KCC PRow Officer	To respond to RR issues
13 November 2024	Meeting with KCC Highways Officer	To respond to detailed feedback on the SoCG
17 December 2024	Meeting with PRow Officer	To respond to further feedback
19 December 2024	Meeting with Heritage Officer	To respond to further feedback
6 January 2025	Email discussion regarding updates to SoCG.	Updated SoCG agreed.
14 February 2025	Meeting with LLFA to discuss SuDS comments	Agreement on amendment to Requirement 11 and confirmation on matters raised in respect of the Outline OSWDS.

Date	Form of Feedback	Key topics discussed and outcomes (the topics should align with the issues table)
21 February 2025	Meeting with PRoW officer to discuss KCC feedback	The Applicant sought clarification from KCC in respect of how the assessment of 'substantial impact to PRoW' had been concluded. KCC agreed to provide further clarification on this. A response has not yet been received.
4 March 2025	Email with KCC	KCC confirmed that they are now agreed on all ecological matters, including the revised skylark mitigation proposals secured in the Outline LEMP (Doc Ref. 7.10(B)) [REP3-020] .
29 April 2025	Email to KCC	Applicant issued the draft Supplementary Archaeological Trial Trenching Report.
8 May 2025	Meeting with KCC	Trial trenching discussion, including approach to the revised AMS.

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

1.4 Format of Document and Terminology

1.4.1 This SoCG has been structured to reflect matters and topics of interest to KCC in relation to the Project as set out in the EA Representations. 'RR' refers to Relevant Representations.

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

- Table 2.1: Principle of Development
- Table 2.2: Highways and Transportation

- Table 2.3: PRow
- Table 2.4: Sustainable Urban Drainage Systems (SuDs)
- Table 2.5: Minerals and Waste
- Table 2.6: Heritage Conservation
- Table 2.7: Biodiversity
- Table 2.8: Landscape and Views
- Table 2.9: Water

1.4.3 The following terminology is applied in Section 2:.

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

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

2 Areas of Discussion between the Parties

2.1 Principle of Development

Table 2.1: Principle of Development

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.1.1	S42 Consultation Response to 2023 Statutory Consultation	Need and in principle support for ground mounted solar development	The County Council acknowledges the National Policy Statement EN-1 and EN-3.	Noted.	Agreed
2.1.2	S42 Consultation Response to 2023 Statutory Consultation	Consideration of Alternatives	It is agreed that the applicant has considered a number of potential alternative sites and that the Project is located in a suitable location.	Details of the overarching site selection process for the Project are provided in ES Volume 2, Chapter 5: Alternatives and Design Evolution (Doc Ref. 5.2(A)) [AS-010] and ES Volume 4, Appendix 5.2: Site Selection Influencing Factors (Doc Ref.5.4) [APP-067] .	Agreed

2.2 Highways and Transportation

Table 2.2: Highways and Transportation

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
2.2.1	S42 Consultation Response to 2023 Consultation	Scope of the Traffic and Access Assessment	The scope and methodology of the Applicant's Traffic and Access assessment is agreed.	The scope for the assessment is set out in ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B)) [REP1-026] .	Agreed
2.2.2	S42 Consultation Response to 2023 Consultation	Study Area for the Assessment	The study area of the Applicant's Traffic and Access assessment is agreed.	<p>ES Volume 2, Chapter 2: Site and Context (Doc Ref. 5.2(A)) [REP1-016] includes a description of the Site's location and context. ES Volume 3, Figure 2.1: Field Boundaries and Site Area Plan (Doc Ref. 5.3) [APP-044] shows the main areas of the Site.</p> <p>The two study areas, the local highway network and the PRow network, have been agreed. Refer to ES Volume 3, Figure 13.1: Construction Traffic Route and Traffic Data Location Plan (Doc. Ref. 5.3) [APP-056] .and ES Volume 3, Figure 3.1: Existing Access Network (Ref. Doc Ref. 5.3) [APP-045]. The extent of the study area has been agreed with National Highways (NH) and KCC as highway</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
				authorities responsible for the strategic road network ('SRN') and the local road network ('LRN') respectively.	
2.2.3	S42 Consultation Response to 2023 Statutory Consultation	Traffic Survey Data	The scope of the traffic surveys in the Applicants Traffic and Access assessment is agreed and considered to be robust by KCC.	Traffic surveys have been undertaken and are included within ES Volume 4, Appendix 13.3: Traffic Survey Data (Doc Ref. 5.4) [APP-109] .	Agreed
2.2.4	S42 Consultation Response to 2023 Consultation	Baseline Traffic Data	The baseline of the Applicant's Traffic and Access assessment is agreed.	A summary of the current and future baseline traffic data is provided in Table 13.3A: Current Baseline Traffic Data Summary of ES Volume 4, Appendix 13.4: Summary of Traffic Data [APP-109] .	Agreed
2.2.5	S42 Consultation Response to 2023 Consultation	Identification of Sensitive Receptors	The sensitive receptors of the Applicant's Traffic and Access assessment is agreed.	Table 13.10: Cumulative Effects of ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B)) [REP1-026] and ES Volume 3, Figure 13.4: Sensitive Receptor Location Plan (Doc Ref. 5.3) [APP-056] present the sensitive receptors identified along the construction traffic route from the M20 Junction to the most south-easterly existing Site access on Goldwell Lane.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
2.2.6	S42 Consultation Response to 2023 Statutory Consultation	Assessment Methodology	The scope and methodology of the Applicant's Traffic and Access assessment is agreed.	Section 13.3 and Section 13.4 of ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B)) [REP1-026] sets out the Assessment Scope and Methodology.	Agreed
2.2.7	S42 Consultation Response to 2023 Statutory Consultation	Safety Mitigation measures for PRow users during the Construction Phase	KCC confirms that the measures included in the Outline CTMP, Outline DTMP and Outline Rights of Way and Access Strategy secures the controls required in relation to this matter.	Noted.	Agreed
P.2 Traffic generation and routing	RR	Engagement between the Applicant and KCC	The applicant has made several revisions to the proposed access strategy and has also updated site-specific issues as each stage of consultation has been carried out. The County Council has welcomed this positive engagement from the applicant.	Noted.	Agreed
P.2 Traffic generation and routing	RR	Construction Traffic (Impacts on the local highway network)	It is acknowledged that the additional traffic is temporary for the estimated 12-month period of construction. The Local Highway Authority notes that normal operational traffic levels for the completed site would be so low as to have near zero impact on	Noted.	Agreed

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

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

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

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			<p>199 workers, at 13 passengers per vehicle this would require multiple minibus trips. The County Council, as Local Highway Authority, is mindful that the requested working hours of 8am to 6pm would enable slight split shift start times and the OCTMP does detail “mini-buses”, so multiple vehicles are anticipated. The County Council notes that a Travel Plan is intended to be prepared, however, the issue of minibus transport requires further clarification by the applicant ahead of the commencement of the Examination.</p> <p>In terms of workers arriving by car, considering that the site is remote from the main nearby urban settlements and there is no bus service nearby, a degree of car sharing is highly likely and would quite possibly exceed the three workers per two vehicles as proposed in the supporting information.</p>	<p>Suitable locations for mini-bus pick-up and drop-off will be identified as part of the Detailed CTMPs, which is secured by DCO Requirement.</p> <p>Locations for park and ride trips for workers who will need to travel by car with the mini-bus completing the ‘final mile’ will be set out within the Detailed CTMP. Whilst a single mini-bus can make multiple trips, it is likely that at least two mini-buses will be used. Again, this will be confirmed as part of the Detailed CTMP.</p>	

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
P.3 Traffic generation and routing	RR	Proposed Start Time and Working Hours (Workers)	Supporting information relating to proposed start time and working hours on site indicates that the majority of workers would be arriving on site to begin their day shifts at 8am. If this is the case, the worker related traffic would all navigate the Smeeth crossroad junction prior to the standard AM traffic peak hour of 8-9am. This issue needs to be clarified by the applicant ahead of the commencement of the Examination	As indicated in the Applicant's email dated 27th August 2024, the majority, but not all, of construction workers will arrive at Site before 8am and leave after 6pm which avoids the network peak hours. There is no evidence to suggest that this temporary impact could result in a severe impact. Again, this will be confirmed as part of the Detailed CTMP.	Agreed
P.3 Traffic generation and routing	RR	HGV Deliveries	The maximum HGV deliveries are noted within application material as predicted at 37 two-way trips across the day (18.5 in, 18.5 out) using the main site access on Station Road only. The OCTMP confirms that the AM and PM weekday traffic peaks times will be avoided for deliveries so that the large delivery vehicles do not coincide with other road users in the busiest traffic period. Drop-off/collection times for Caldecott School are also to be avoided.	Noted	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			This level of HGV traffic accessing Station Road only from the A20 is acceptable to the County Council, as Local Highway Authority.		
P.3 Traffic generation and routing	RR	Construction Traffic (Goldwell Lane Access)	It is also detailed that construction traffic in relation to the Goldwell Lane Access will, where possible, be coordinated to arrive/depart outside the drop-off and pick-up times for Aldington Primary School. This is welcomed by the County Council.	Noted.	Agreed
P.3 Traffic generation and routing	RR	Traffic Generation Figures (Uplifted by 40%)	The County Council notes that all supporting traffic generation figures have now been uplifted by 40% of the initial predicted figures by the applicant, to provide a robust representation. As such, this adds some flexibility in terms of worker arrival numbers and some of these quoted daily movements may in practice be lower than the figures provided.	Noted.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
P.4 Access Points	RR	Management measures associated with the Primary Site Access	The primary site access is on Station Road. Vehicle tracking has been provided to demonstrate that the access/exit movements are achievable. Adequate visibility is available, including vegetation cut back on the northwest verge to allow for warning signage and provide maximum forward visibility of large vehicles manoeuvring from Station Road into the site access. The OCTMP also confirms that a banksman will be present at the roadside to assist, if necessary	Noted	Agreed
P.4 Access Points	RR	Amendments to the proposed Primary Access	This entrance will take all HGV deliveries, other deliveries, and direct staff arrivals. This is an important revision to the original proposal, meaning that delivery vehicles would not have to negotiate the constrained highway at Evegate Mill which is south of this site access. This is welcomed by the County Council, as Local Highway Authority.	Noted	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
P.4 Access Points	RR	Unloading of HGVs and Deliveries	HGVs and deliveries will then be unloaded within the site compound and transferred to the other parts of the proposal site via tractor and trailer. This will mainly be via internal haul roads with highway crossing points indicated on Station Road, Bank Road and Laws Lane. These are to be controlled by temporary traffic management to stop traffic and allow construction vehicles to cross safely. This methodology also prevents the need to remove large sections of hedgerow for traditional visibility splays and is therefore supported.	Noted	Agreed
P.4 Access Points	RR	Provision of Adequate On-Site Parking	Supporting documents state that no off-site parking will be permitted for workers. This is welcomed by the County Council, as Local Highway Authority, however, as the public highway in the surrounding area is not subject to formal parking restrictions, it may not be within the developer's ability to prevent this. Verge parking would cause damage and may also limit	Noted	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			access and visibility. With this in mind, full details regarding the layout of the primary site compound will need to be provided within the CTMP and approved accordingly by the Local Highway Authority. Within the CTMP, the applicant will be required to demonstrate adequate parking space, in addition to access, turning and manoeuvring for delivery vehicles.		
P.4 Access Points	RR	Access to South-east cluster (Fields 20,21 and 22)	To access the south-east cluster (fields 20, 21 and 22), the tractor and trailer arrangement will need to route via Station Road, south from the proposed site access crossing and use Goldwell Lane to the existing site access just north of Goldwell Close. For this five month construction period, the OCTMP confirms that escort vehicles will be used to manage traffic and enable passage of the right-angled bend on Goldwell Lane. ES Volume 2 Chapter 1-19 states that, on average, nine construction vehicles per day will	Noted	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			use this section of road. This is not considered by the Local Highway Authority to be unreasonable in a rural area that is already subject to large agricultural vehicles on the surrounding network.		
P.4 Access Points	RR	Localised cutback across sections of Goldwell Lane and Station Road	There are sections of Goldwell Lane that suffer from encroachment by boundary hedges over the highway verge/edge of carriageway - particularly in the vicinity of Goldwell Farm. Similarly, there are sections of the Station Road access route that would benefit from localised cutback. The County Council recommends that these sections should be trimmed back to a reasonable level prior to the start of works such that this vegetation does not prevent users being able to use the full width of the road to pass other large vehicles. This should be included and secured as part of the pre-commencement highway inspections.	Noted	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
P.5 Access Points	RR	Vehicle Track Drawings	Vehicle track drawings have been provided for the detailed access locations – the County Council considers that all of these are workable.	Noted.	Agreed
P.5 Access Points	RR	Highway Safety Management at Station Road	The applicant requested that the full width of the highway (including verge) be included within the works area to be approved in several locations. This is to ensure the County Council's previous requests for vegetation cut back can be delivered to maintain forward visibility of turning manoeuvres, mainly at the Station Road site compound entrance, but also to allow site related direction and warning signage. This is therefore welcomed by the Local Highway Authority.	Noted.	Agreed
P.5 Access Points	RR	Highway Condition Surveys	The applicant has confirmed within the application the agreement to carry out highway condition surveys before, during and after the construction period. This is to ensure any damage from vehicle overrun is recorded	Noted. Any damage caused as a result of the Project would be made good at the cost of the undertaker. Highway verges will be returned to their previous condition as secured in Section 6.6 'Condition Survey' of the	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			and repaired at the applicant's expense but will also enable localised hard surfacing improvements in the event of regular overrun from large vehicles. All verges are to be returned to their original condition after construction works are completed. An appropriate mechanism to secure this agreement through the DCO would be welcomed by the County Council, as Local Highway Authority.	<p>Outline CTMP (Doc Ref. 7.9(C)) [REP3-018].</p> <p>Repairs of verges to their original condition will be implemented under the detailed CTMP(s).</p> <p>No phase of the authorised development may commence until a CTMP for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with the relevant highway authority as secured by requirement 7 of the Draft DCO (Doc Ref. 3.1(F)) [REP5-003].</p>	
P.5 Access Points	RR	Existing access road to Bank Farm	As part of the access strategy, to reach all of the plots to the south of Bank Road, the proposed routing as shown uses the existing access road to Bank Farm. Although the crossing of Bank Road itself can be undertaken via traffic management, the Bank Farm access road is already restricted in width and only wide enough for one-way working for vehicles. Visibility is not adequate from the southern end of the access road	As indicated in the Applicant's email dated 27th August 2024, the Bank Farm access already regularly accommodates large farm vehicles with its yards being capable of holding several large farm vehicles at a time. Construction arrivals and departures can be managed via the measures committed to in the Outline CTMP (Doc Ref. 7.9(C)) [REP3-018] including the scheduling of deliveries and use of GPS vehicle tracking. Should a construction vehicle be ready to depart when an	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
			to the Bank Road junction to prevent conflicting movements. Any resulting reversing manoeuvres of large vehicles for both direct solar site traffic or other access users would not be welcomed. There are other business interests and access needs on Bank Farm and increased use of this access road with large vehicles with no improvements would not be sensible. Localised widening to the access road to allow for overtaking space, taking account of forward visibility, should be implemented. Revision/clarification on this issue is required by the County Council ahead of the commencement of the Examination.	arrival is scheduled, one of the vehicles can be held within the site until the other has passed. It is considered that there is enough space at Bank Farm to either accommodate passing places, or to hold a departing vehicle while an arrival passes. No phase of the authorised development may commence until a CTMP for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with the relevant highway authority as secured by requirement 7 of the Draft DCO (Doc Ref. 3.1(F)) [REP5-003] .	
2.2.8	S42 Consultation Response to 2023 Statutory Consultation	Residual Effects	KCC confirms that with the proposed mitigation measures the effects on the local highway network and PRoW network and their users are not considered significant.	The embedded mitigation measures ensure that the impact of construction traffic on the local highway network and PRoW network and their users will be minimised, particularly during the traditional network peak hours	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Position	Applicant Position	Status
				<p>and drop-off/pick-up times at the Caldecott School.</p> <p>The magnitude of impact will likely remain very low to low magnitude resulting in a Negligible to Minor Adverse (not significant) effect.</p> <p>A summary of residual effects is provided in Table 13.14: Summary of Residual Effects of the ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B)) [REP1-026].</p>	
2.2.9	Post-hearing submissions, including written submissions of oral cases' (REP1-088)	Article 15 – maintenance of visibility splays	The County Council still seeks a response from the applicant with regards to the points raised regarding Article 15 (AS-005) within it's 'Post-hearing submissions, including written submissions of oral cases' (REP1-088).	In respect of KCC's Post Hearing Submission (dated 10 December 2024) [REP1-088] regarding the pair of new access points on Station Road, north of Calleywell Lane, the Applicant can confirm that the associated visibility splays will be maintained as permanent visibility splays for the lifetime of the development, which is secured as part of the Outline Operational Management Plan (Doc Ref. 7.11(A)) [REP1-050] secured by Requirement 12, Schedule 2 of the Draft DCO (Doc Ref. 3.1(F)) [REP5-003] .	Agreed

2.3 PRow

Table 2.3 PRow

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P.5 PRow	RR	Planning Policy	<p>The County Council, in respect its role as Local Highway Authority for the PRow network, draws on the following policies:</p> <ul style="list-style-type: none"> ▪ National Planning Policy Framework, December 2023 – Paragraph 104 and 124 ▪ National Policy Statement for Renewable Energy Infrastructure (EN3) including paragraph 2.10.42 to 2.10.45. ▪ National Policy Statement for Electricity Networks Infrastructure (EN-5) ▪ Kent County Council Rights of Way Improvement Plan 2018-2028 (ROWIP) 	<p>The Applicant recognises the policies and strategies referenced by KCC and has reflected their importance and requirements within ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B)) [REP1-024] and the Outline Rights of Way and Access Strategy (Doc Ref. 7.15(A)) [REP1-056].</p>	Agreed
P.6 PRow	RR	Impacted PRowS and Byway	<p>The County Council notes that there are eighteen Public Footpaths and one Byway Open to all Traffic within the site boundary. Public Footpaths: AE385, AE442, AE370, AE377, AE378, AE448, AE447, AE431,</p>	<p>The Applicant notes that the PRowS listed by KCC – with the exception of HE436 – interact with the Project's Order Limits. However, not all PRow listed would be altered in their course by the Project (only those that are</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			AE438, AE657, AE457, AE656, AE454, AE475, AE455, AE474, AE436 (Ashford) and HE436 (Folkestone and Hythe). Byway Open to all Traffic: AE396 (Ashford). These routes connect to the wider network of the area and together provide significant opportunities for outdoor recreation and active travel across both the Borough of Ashford and east into the District of Folkestone and Hythe.	referred to within the Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] and the Draft DCO (Doc Ref. 3.1(F)) [REP5-003] (Part 4; and Schedules 8 and 9).	
P.6 PRow	RR	Assessment of impacts on the PRow Network	<p>The site is visible from a much wider area of the network with PRow routes designated as receptors within the Landscape and Visual Assessments.</p> <p>The County Council considers that the impact on the PRow Network should be seen from two overarching perspectives: that of continued access and connectivity across both the development site and the wider area, and that of the impact on user amenity and enjoyment of the existing open countryside i.e. the landscape and visual criteria.</p>	<p>The Applicant recognises the potential for a short-term, temporary change in environmental amenity during construction and decommissioning activity, and longer-term changes in visual amenity experienced by users of the PRow network during the operational phase.</p> <p>Effects relating to 'amenity and health' of users have been assessed throughout relevant chapters of the ES, and summarised in ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B)) [REP1-024] from</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			<p>The proposal will transform the character of the area and will clearly have a significant impact on the PRow network, causing disruption to path users during the construction period, significantly affecting the experience of path users during the operational phase and again causing disruption during decommissioning. The County Council has also engaged with the Landscape consultancy commissioned by Ashford Borough Council to provide a suitably qualified response to the applicant's assessments.</p> <p>The combined effects of all the aspects of the development, such as the severance and loss of the physical resource, construction traffic, noise, visual intrusion, and loss of tranquillity, would all impact significantly and detrimentally on the quality of the user experience inherent in a recreational walk or ride.</p> <p>The impact of each of these criteria on a stand-alone basis</p>	<p>paragraph 12.7.58 (for construction effects) and from paragraph 12.7.105 (for operational effects). The visual effects on PRow users are considered in the ES LVIA Chapter.</p> <p>Section 5 of the Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] seeks to manage the effects on connectivity, and user amenity and enjoyment where practicable.</p> <p>The Outline Landscape and Ecological Management Plan ('LEMP') (Doc Ref. 7.10(B)) [REP3-020] sets out plans for annual inspection and maintenance/management of this environment. The Design Principles (Doc Ref. 7.5(C)) [REP5-017] secure the design of PRowS.</p>	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			<p>might be assessed as not significant, but if the impacts are considered collectively, they are significant.</p> <p>A walker, cyclist or horse rider using a public right of way or open access land experiences the countryside, and hence any impacts, holistically; namely the quality and diversity of the views, wildlife and natural features, the sense of wildness, peace and quiet, the presence (and absence) of traffic, noise, lighting and air quality, and the connectivity of the network.</p> <p>The impact on both the physical access resource and the amenity value of the public rights of way and access network must be addressed through the application and examined.</p> <p>This should also include both the effect on the physical resource from temporary or permanent closures and diversions, as well as the quality of user experience and amenity value.</p>		

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P.6 PRow	RR	Engagement and PRow Management Strategy	<p>The County Council, in respect of the PRow network, has been engaging with the applicant over the past few years, and also with Ashford Borough Council and Aldington Parish Council to understand and discuss concerns.</p> <p>Through the pre application stage of this proposal, the County Council has proactively negotiated with the applicant a PRow Management Strategy (APP-160), that covers the construction, operational and decommissioning stages.</p> <p>The proposed site covers a very dense area of the PRow network; the number of PRow that were originally proposed to be extinguished has been reduced to two, and the number of routes to be diverted during the operational stage has been reduced to the minimum. The County Council also recognises that there will be increased widths for each route to ensure that the PRow are not</p>	<p>The Applicant has worked proactively with Kent County Council in detail to reach an agreed approach to the Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] and is grateful to the input that has achieved a reduction in the need for extinguishment of PRow, and agreement on the approach to design, location and management of PRow during operation, construction and decommissioning.</p> <p>The Applicant recognises the particularly dense PRow network in this location and has used engagement with KCC and others, and the helpful direction of local and national policy, to set out the proposed outline approach with appropriate safeguards to ensure KCC and other stakeholders are involved in the process.</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			<p>channelled into "alleyways" between solar parcels.</p> <p>The PRow Management Strategy will secure detail of the management of each PRow route affected in terms of access and connectivity. The PRow Management Strategy will secure detail of the management of each PRow route affected in terms of access and connectivity.</p>		
P.7 PRow	RR	Decommissioning and Re-instatement	<p>An agreement has been secured that upon decommissioning, a survey will be undertaken involving local interested parties, to determine whether or not the PRow that will be diverted during operation, are to be reverted to their current, pre-development alignments.</p>	<p>The Applicant has worked with Kent County Council to reach an agreement on the approach to management of PRow during the decommissioning phase, and Kent County Council's options for future management of PRows affected during the Proposed Development's lifetime at the end of the decommissioning phase. For clarity, this is secured by Section 6 of the Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] as stated from paragraphs 6.1.4 to 6.1.6, and the Draft DCO (Doc Ref. 3.1(F)) [REP5-003] (Schedule 8).</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				The Applicant agrees that Kent County Council's statement regarding future use of the PRoW will be subject to consultation at the end of the decommissioning phase and has sought to ensure flexibility by defining some diversions as temporary, and others as permanent where there has been agreement with KCC.	
P.7 PRoW	RR	Construction Temporary Closures	The construction and decommissioning periods would necessitate temporary closures of PRoW, the effect of which should not be underestimated, as their value for local amenity could be severely reduced or removed during works.	Paragraph 6.1.2 of Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] states that <i>"no PRoW will be permanently closed during the construction or decommissioning phase without a suitable alternative in place, which in most cases for the construction phase would be the proposed alternative PRoW for the operational phase"</i> . This provision is secured by Part 4, Article 18(2) in the Draft DCO (Doc Ref. 3.1(F)) [REP5-003] which requires the Highway Authority to have confirmed the replacement route has been provided to its reasonable satisfaction.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P.7 PRow	RR	Combined Effects – Road and PRow	<p>The impact of the project on quiet rural lanes during construction and decommissioning in particular (HGVs and abnormal loads cited) should be considered in conjunction with the PRow network, as these roads provide useful connections for users travelling between PRow routes.</p> <p>Continued liaison between the applicant in respect of highways and transportation, and the PRow network is requested should this proposal be granted development consent.</p>	<p>Information is set out within ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B)) [REP1-026] confirms the assessment undertaken via the EIA that:</p> <p>Paragraph 3.7.57 <i>“The Project would result in a temporary very low magnitude of impact on road user and pedestrian and safety. For 9 of the 10 sensitive receptors, this is considered to result in a Negligible (not significant) effect. Given that sensitive receptor no. 4, The Caldecott School, has high sensitivity and lies adjacent to the A20 Hythe Road/Station Road junction, it is considered to result in a temporary Minor Adverse (not significant) effect on road user and pedestrian safety”</i></p> <p>Safety measures to be employed on the construction traffic route to protect pedestrians crossing between PRow will include but are not limited to: additional signage, banksmen/marshals and escort vehicles as detailed in the Outline CTMP (Doc Ref. 7.9(C)) [REP3-</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				018] and Outline DTMP (Doc Ref. 7.13(C)) [REP3-022] .	
P.7 PRoW	RR	Enhancements to the ProW network	Through pre application discussions and formal responses, the County Council advised the applicant that the project provides an opportunity to improve the PRoW network and develop new links for active travel and outdoor recreation, which would be considered as positive outcomes of the scheme. The public benefits of such work would help to compensate for any disruption caused by the construction of the proposal and the negative effects on the PRoW network, which result from the delivery of the solar park and are unavoidable. However, to date there has been little confirmation of new links or the means of improving the network in the wider area. The County Council, as Local Highway Authority, therefore seeks positive engagement with the application to explore opportunities for positive PRoW outcomes, ideally	<p>The Applicant recognises that there is the potential for enhancement of the PRoW network, where practical, reasonable and proportionate, and has set this out within Section 3 'Strategic and Wider Benefits' of the Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] which includes:</p> <ul style="list-style-type: none"> ▪ The creation of new PRoW in addition to those that are being created to address diversions directly – these include measures to improve public safety, reduce reliance on the road network for wider PRoW connectivity, reducing some existing journey lengths and improving amenity and wider access in the north eastern portion of the Site. ▪ A 'riverside walk' will be created by FN-3 / New 3 running east to west through the north of the Site and connecting existing 	Not agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			<p>ahead of the commencement of the Examination.</p> <p>Through engagement with the applicant, the County Council ensured that the applicant was aware of the County Council ROWIP in which the County Council aims <i>"to create a network that not only provides a safe, sustainable means of travel but also delivers the benefits that access to the network, countryside, coast and green spaces can make to improve the quality of life for Kent's residents and visitors"</i>.</p> <p>The County Council would request that enhancements to the PRow network should be made in addition to mitigation, compensation, and management strategies that will provide some form of mitigation of the severe impact that the public, residents, and tourists alike, will experience on the quantity and quality of access provision.</p> <p>However, the County Council appreciates that mitigation</p>	<p>route AE 376 directly to AE 657 thereby directly connecting the network between Mersham and Sellindge.</p> <ul style="list-style-type: none"> 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. The Applicant will clear and maintain access along the Byway Open to All Traffic ('BOAT') AE 396 to the appropriate standards for a BOAT as set out in legislation, 	

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			<p>measures can only apply to the access and connectivity of the PRow Network in terms of amenity, and quality of user experience; nothing will reduce the severity of the impact.</p> <p>The County Council notes that reference is made in National Policy Statement for Electricity Networks Infrastructure (EN-5) to the principle of connecting people to the environment via footpaths constructed in tandem with environmental enhancement. The County Council considers that the local importance of the PRow network cannot be underestimated.</p>	<p>policy and guidance referred to in this Strategy. This link is not extinguished or diverted, but the Applicant and KCC recognise that it forms an important part of the network</p> <ul style="list-style-type: none"> Improved connectivity through the north-eastern part of the Site via FN-2 / New 2, FN-3 / New 3 and FN-8 / New 8, along with a proposed diversion of AE 656 and AE 657 (to improve amenity by moving the route away from the railway line and linking it to FN-3 / New 3, the 'riverside walk') will be provided with the long-term aim of providing wider network improvements between the forthcoming Otterpool Park, the Project, and on to Mersham and Ashford. KCC has aspirations for strategic network improvements that accord with these proposals. New circular walks will be created around the edge of Fields 19 and 23 through the diversion of AE 378, AE 448 	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p>and AE 428 and the implementation of FN-7 / New 7, and the diversion of AE 436 and AE 431 and the implementation of FN-1 / New 1.</p> <p>All PRow affected within the Site would be improved through design and surfacing standards. Paragraph 4.3.1 states that <i>“Any new or diverted PRow implemented by the Applicant shall be designed in accordance or with regard to design standards adopted by KCC, including details such as surfacing of routes to create an appropriate high-quality network. Accordance to those standards will be reviewed on completion prior to adoption of any new or diverted PRow into the local highway network”</i>.</p> <p>Section 5 sets out benefits relating to signage and information / education, design and accessibility.</p>	

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

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				significant increase in the number of local users needing to travel by car in order to walk in open countryside and maintain recreation with a high amenity value.	
P.8 PRow	RR	Cumulative Impacts/ Knock on Impacts	<p>The boundary of the Otterpool Park Garden Town, although within the District of Folkestone and Hythe, is under two kilometres away from the eastern boundary of this proposed development. The cumulative impact of this proposal must be considered.</p> <p>The County Council, in respect of the PRow network, considers that the consequential inter-project effects will severely impact the PRow network and its users. Public amenity across a wide expanse of the County would therefore be lost by the effective sterilisation of an area due to closures and disruptions from a parallel or concurrent project.</p>	<p>The Applicant acknowledges that there are potential <u>beneficial</u> cumulative effects regarding its interactions with large neighbouring developments – primarily the Otterpool Park Development (ID No. 10) which would be accessible from the Project within approximately 2km via the existing PRow network.</p> <p>The Design and Access Statement for the Otterpool Park Development states that currently there are very few public rights of way or opportunities for public access across the application site but notes that the development would “<i>deliver significant improvements in this regard...via improved connectivity to existing pedestrian routes that exist around the site and connecting these with new routes within the</i></p>	Not agreed

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

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<i>Development has been designed to complement and, where possible, enhance existing PRow and bridleways within the site and to link in with external routes adjoining the site. The proposed series of walking and cycling routes will link into the existing footpaths and footways within the site, which will be upgraded as appropriate. As such, the existing PRow and bridleways are expected to experience an increase in usage levels due to increased accessibility and an increase in local population".</i>	
P.8 PRow	RR	Impact on PRow	Overall, the County Council considers that this development would impose substantial adverse influences on the PRow Network, a network that not only provides a safe, sustainable means of travel, but also delivers the benefits that access to the network, countryside, and green spaces can make to improve the quality of life for Kent's residents and visitors. The County Council	The Applicant has worked proactively with Kent County Council in detail to reach an agreed approach to the Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] and is grateful to the input that has achieved a reduction in the need for extinguishment of PRow, and agreement on the approach to design, location and management of PRow during operation, construction and decommissioning.	Not agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			would generally seek to encourage solar proposals to view local open as an asset, rather than a liability, given the proven positive associations between its quantity and value in the living environment, and community health and wellbeing.	<p>The outcome of these discussions has been that the PRow remains largely intact, with the extinguishments limited to a route diversion and a removal of a 'dead end'.</p> <p>The Applicant recognises the particularly dense PRow network in this location and has used engagement with KCC and others, and the helpful direction of local and national policy, to set out the proposed outline approach with appropriate safeguards to ensure KCC and other stakeholders are involved in the process.</p>	
P.8 PRow	RR	PRow Management Plan	The County Council would, however, recognise that the PRow Management Plan will go some way to maintaining the accessibility and connectivity of the network, however, the severe impact on the open countryside, landscape and rural character of the area is inescapable and cannot be mitigated for.	See above.	Not agreed
2.3.1	S42 Consultation	Stopping up, diversion, design	KCC confirms that the Outline Rights of Way and Access	The Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] was shared	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
	Response to 2023 Statutory Consultation	(e.g. widths and surfacing) and the management of PRowS via the principle of the Outline Rights of Way and Access Strategy ('RoWAS') (Doc Ref 7.15)	Strategy secures the controls that have been agreed with the Applicant in relation to this matter and that the proposed diversions/extinguishments as specified in the draft Development Consent Order are consistent with the approach agreed with the Applicant.	with KCC for input/comment prior to submission of the Application and sets out the agreed position between the Applicant and KCC in relation to PRowS. The Streets, Rights of Way and Access Plans (Doc Ref. 2.5) [APP-011] and Schedules 8 and 9 from the Draft DCO (Doc Ref. 3.1(F)) [REP5-003] were also agreed with KCC prior to submission of the Application. KCC confirmed that it was happy with these documents and had no further comments.	
2.3.2	S42 Consultation Response to 2023 Statutory Consultation	Decommissioning and re-instatement of PRow	KCC confirms that the approach to management of diverted PRow at the end of the Project's lifetime as reflected in Schedules 8 and 9 from the Draft Development Consent Order (Doc Ref 3.1) and Section 6 of the Outline Rights of Way and Access Strategy (Doc Ref. 7.15) is agreed.	As agreed with KCC, this is reflected in Schedules 8 and 9 from the Draft DCO (Doc Ref. 3.1(F)) [REP5-003] and Section 6 of the Outline RoWAS (Doc Ref. 7.15(A)) [REP1-056] .	Agreed

2.4 Sustainable Urban Drainage Systems (SuDS)

Table 2.4: Sustainable Urban Drainage Systems (SuDS)

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P.8 SuDs	RR	Principle of proposed SuDs	The County Council, as Lead Local Flood Authority responsible for matters relating to the surface water environment, is generally accepting of the principles proposed for managing surface water run-off, namely via a system of attenuation with a restricted outflow to the surrounding water bodies.	Noted.	Agreed
P.2 SuDS	D2 Submission	Outline OSWDS	The changes to the Outline Operational Surface Water Drainage Strategy (OOSWDS) (REP1-054) are noted by the Lead Local Flood Authority. The County Council is pleased to note that the requested alterations to the climate change rainfall uplift values have been applied; the County Council also notes that alterations to the Greenfield Run off (GFRR) values have been undertaken.	Noted	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P.2 SuDS	D2 Submission	Outline OSWDS	The Lead Local Flood Authority notes that no breakdown of the areas within the project substation station site had been previously provided with a total area quoted of 0.68Ha and this was used for the GFRR calculation. The latest version of the OOSWDS now states in paragraph 4.4.4 "The contributing area of the Project Substation is 0. 788ha, however this will be split between impermeable development area, gravel (permeable, but lined) compound and areas for the proposed SuDS features. The breakdown between the land use types is 1,870m2 impermeable and, 4,930m2 permeable areas. and 1,080m2 for open SuDS features (swale)."	Noted.	Agreed
P.2 SuDS	D2 Submission	Outline OSWDS	In order for the above to be acceptable, it will be essential as the design moves forward for it to be demonstrated that the permeable section of the substation proposals are lined so as to effectively become	Noted. As set out in paragraph 4.8.2 of the Outline OSWDS (Doc Ref. 7.14(C)) [REP4-013] , the Inverter Stations and Project Substations compounds will be constructed with an impermeable lining and with stormwater storage	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			<p>impermeable and therefore it's area allocation can be used to derive at the original greenfield runoff rate figure. If it is proposed for the area to actually be unlined, then as advised in the County Council's previous response "The runoff area used in any of the runoff estimation methods should be consistent; for example, if the whole site area is used in the greenfield runoff calculations, the whole site should also be represented in the runoff calculations for the proposed development. If there is a landscaped area in the developed scenario that discharges directly to receiving waters and does not contribute to the drainage system (so is excluded from the calculations) then this area should also be excluded from the greenfield calculations."</p>	<p>provided above this within a gravel subbase.</p> <p>In respect of run-off rates, the Outline OSWDS (Doc Ref. 7.14(C)) [REP4-013] includes measures to ensure that post development runoff rates will not exceed the existing greenfield runoff rates entering the East Stour River, and thus have negligible impact on flood risk.</p> <p>The detailed design would set out how this would be applied, which is secured by Requirement 11 in Schedule 2 to the Draft DCO (Doc Ref. 3.1(F)) [REP5-003]. This ensures that no phase of the authorised development may commence until an OSWDS for that phase has been submitted to and approved by the local planning authority, such approval to be in consultation with the LLFA. This must be in accordance with the Outline OSWDS (Doc Ref. 7.14(C)) [REP4-013] and must be implemented as approved.</p>	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P.2 SuDS	D2 Submission	Outline OSWDS	A similar issue applies with regards to the modelling undertaken in relation to the inverter stations; however on this occasion there is no proposal to line the permeable areas and they have been utilised in the greenfield runoff and hydraulic calculations in contravention to the above guidance taken from the Ciria SuDS design manual para 24.2.2. However, given that the discharges from the inverters are so small this adjustment should be easy to undertake as part of the detailed design going forward given the size of the red line boundary and the minimal additional volumes of water that will be required to be attenuated as result.	See response above. In addition, paragraph 4.4.5 of the Outline OSWDS (Doc Ref. 7.14(C)) [REP4-013] states: <i>"The Inverter Stations which are distributed across the Site are of variable sizes however typical dimensions are approximately 0.097ha / 970m² with approximately 0.048ha / 485m² impermeable area. The remaining 0.048ha / 485m² is available within the Inverter Station footprint for permeable gravel cover (underlined to prevent infiltration)."</i>	Agreed
P.2 SuDS	D2 Submission	Outline OSWDS	Further to the above, the County Council would advise that, with reference to paragraph 4.2.5 of the [outline] OSWDS - the County Council's guidance refers to the requirements of Ashford Borough Council's Local Plan, Policy ENV 9 - Sustainable Drainage.	Noted. The Outline OSWDS (Doc Ref. 7.14(C)) [REP4-013] has been updated to clarify this point at Deadline 4.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P.2 SuDS	D2 Submission	Outline OSWDS	Given the above minimal issues and obviously subject to the applicant confirming their acceptance to deal with as part of the detailed design, the County Council as Lead Local Flood Authority will continue to engage and confirm matters through the SoCG.	Noted.	Agreed
P.2 dDCO	D3 Submission	Requirement 4 and 11 of the dDCO	<p>The County Council, as Lead Local Flood Authority, recommends that a minor amendment is made to Requirement 11 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 <u>Lead Local Flood Authority</u>"</p> <p>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</p>	<p>Relevant Lead Local Flood Authority</p> <p>The Applicant notes KCC's requests. It should be noted that the inclusion of KCC as a consultee was at KCC's request in their Relevant Representation, which the Applicant included at Deadline 1. In the First Written Questions, the ExA then sought the inclusion of '<i>as the Local Lead Flood Authority</i>', which was included at Deadline 3. The Applicant has amended the wording of requirement 11 in Schedule 2 of the Draft DCO (Doc Ref. 3.1(F)) [REP5-003] to: "<i>No phase of the authorised development may commence until a OSWDS for that phase has been</i>"</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			<p>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.</p> <p>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</p>	<p><i>submitted to and approved by the local planning authority, such approval to be in consultation with the Environment Agency and the lead local flood authority.”</i></p> <p>Trigger for Requirement 11 (Operational Surface Water Drainage Strategy)</p> <p>The Applicant has clarified with KCC that the wording of Requirement 11 is set out in the Draft DCO (Doc Ref.3.1(F)) [REP5-003]. The timing of Requirement 11 was amended to ‘<i>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</i>’ at Deadline 1 (Doc Ref. 3.1(B)) [REP1-006], following ABC and KCC’s request.</p> <p>Requirement 4 – Detailed Design Approval</p> <p>The Applicant has clarified this comment with KCC. The amendment made at Deadline 1 to</p>	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			Council with the relevant Lead Local Flood Authority"	Requirement 11 has responded to KCC's comment. The Applicant therefore considers the current drafting is appropriate.	
P9 SuDs	RR	Compliance with Ashford Borough Council Local Plan - Policy ENV 9 – Sustainable Drainage (Proposed Discharge Rates)	<p>In addition to this, the County Council, as Lead Local Flood Authority, raises concerns with regards to the proposed discharge rates complying with the Ashford Borough Council Local Plan, where Policy ENV 9 - Sustainable Drainage states:</p> <p><i>"On greenfield sites, development should discharge at a maximum of 4l/s/ha, or 10% below current greenfield rates for the existing 1:100 storm event, whichever is lower. There must be no increase in discharge rate from less severe rainfall events, with evidence submitted to demonstrate this principle."</i></p> <p>The discharge rates as proposed in the Outline Operational Surface Water Drainage Strategy (OOSWDS) (APP-159) do not appear to comply with the</p>	<p>Noted.</p> <p>Project substation: The Applicant amended the specification of the hydrobrake to align with the requirements of Policy ENV9 and this has captured in Section 4.2 of the the Outline OSWDS (Doc Ref. 7.14(A)) [REP1-054], which was submitted at Deadline 1.</p> <p>Inverters: The Applicant has committed to reducing the peak discharge rate for the 1 in 100 AEP + 45% climate change storm, for each inverter station from 1l/s to 0.4l/s to align with the requirements of Policy ENV9. This is captured in the Deadline 1 version of the Outline Operation Surface Water Drainage Strategy. This has been agreed with the LLFA.</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			<p>requirements of the policy above. Whilst accepting of the principles proposed for the 3.6l/s outfall in association with the substation area, subject to the alterations requested above, the inverter station area(s) would appear to be discharging in excess of the requirements of Policy ENV9. It is proposed for the inverter stations to discharge individually at 1l/s for all events. However, given that table 4.1 of the OOSWDS states for all events below the 3.3% AEP the greenfield runoff rate is below 1l/s (0.9l/s for the 3.3% and 0.4l/s for the 50% and 100%), this would appear to be contrary to the policy requirements. This becomes more evident as an issue when considering the total number of inverter stations proposed - circa 30 Inverter Stations at 1l/s = total discharge rate of 30l/s, existing 100% run off rate = 30 x 0.4l/s = 12l/s an excessive discharge of 18l/s.</p> <p>Whilst understanding the practicalities associated with low</p>		

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			discharge rates, the County Council would suggest modifications to the design, such as the provision of additional attenuation with controls as part of the network, and not individually locating these at each inverter station position. These changes are in order to demonstrate compliance with the requirements of Policy ENV9 in association with the total area associated with the inverter stations.		

2.5 Minerals and Waste

Table 2.5: Minerals and Waste

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

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			locality would, in all probability, give rise to unacceptable impacts on the environment and communities.		
2.5.1	S42 Consultation Response to 2023 Statutory Consultation	Minerals Safeguarding	KCC agree that the Project is temporary and will not result in any new areas of mineral sterilisation. Post decommissioning the overwhelming majority of the Site can be returned to a condition that does not prevent any potential future mineral extraction. Further existing Site constraints have effectively already sterilised a significant portion of the minerals indicated as being present on-Site. As a result the Project complies with applicable local minerals safeguarding policies.	Noted.	Agreed

2.6 Heritage Conservation

Table 2.6: Heritage Conservation

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.6.1	S42 Consultation Response to 2023 Statutory Consultation	Scope of Cultural Heritage Assessment	The scope and methodology of the Applicant's Cultural Heritage assessment is agreed.	Table 7.1 of ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] provides a summary of the responses to the EIA Scoping Report (ES Volume 4, Appendix 1.1: EIA Scoping Report (Doc Ref. 5.4)) [APP-059] , [APP-060] and [APP-061] .	Agreed
2.6.2	S42 Consultation Response to 2023 Statutory Consultation	Scope of Heritage Receptor Viewpoints	The scope of the Applicants heritage receptor viewpoints are agreed.	ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012] sets out the agreed scope of the heritage receptor viewpoints between the Applicant and KCC.	Agreed
2.6.3	S42 Consultation Response to 2023 Statutory Consultation	Study Area for the Assessment	The study area of the Applicant's Cultural Heritage assessment is agreed.	Paragraphs 7.4.14-7.4.22 of ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] establishes the study area for the Cultural and Heritage assessment.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.6.4	S42 Consultation Response to 2023 Statutory Consultation	Baseline Data (Archaeological remains and Heritage Assets)	The baseline data of the Applicant's Cultural Heritage assessment is agreed.	A summary of the findings of the baseline reporting is provided in Section 7.5 of ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] . Full details of the baseline conditions are included within ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref. 5.4) [APP-070] and [APP-071] and Appendix 7.2: Heritage Statement (Doc Ref. 5.4) [APP-072] .	Agreed
2.6.5	S42 Consultation Response to 2023 Statutory Consultation	Identification of Sensitive Receptors	The sensitive receptors identified within the Applicant's Cultural Heritage assessment are agreed.	<p>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] sets out a summary of receptor sensitivity as part of the Cultural and Heritage assessment.</p> <p>In summary, having accounted for the desk-based baseline information and Site observations, the potential cultural heritage receptors (heritage assets) identified as being potentially sensitive to the Project those included within Table 7.9 of ES Volume 2, Chapter 7: Cultural</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				Heritage (Doc Ref. 5.2(A)) [AS-011] .	
2.6.6	S42 Consultation Response to 2023 Statutory Consultation	Assessment Methodology	The scope and methodology of the Applicant's Cultural Heritage assessment is agreed.	Section 7.4 of ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] sets out the agreed assessment methodology.	Agreed
2.6.7	S42 Consultation Response to 2023 Statutory Consultation	Assessment of Designated Heritage Assets	The Applicant's assessment has reported a number of effects to Designated Heritage Assets, which are considered to be of less than substantial harm. KCC agree to the level of harm and assessment presented in the Appendix 7.2: Heritage Statement (Doc Ref. 5.4) [APP-072] .	Noted.	Agreed
P.10 Heritage Conservation	RR	Engagement	The County Council has welcomed engagement on this project and has reviewed the documents and archaeological reports submitted at this stage.	Noted.	Agreed
P.10 Heritage Conservation	RR	Further field assessment work, (Geophysical survey and some	The County Council has welcomed the liaison to date from the applicant's heritage team. County Council Officers have also engaged in meetings and	The archaeological investigations followed a structured sequence starting with a desk-based assessment, which was enhanced by a geophysical survey to identify	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
		localised, targeted fieldwork trenching.)	discussed archaeological assessment approaches and requirements. The County Council recognises that the submitted documents include updated desk based assessment, Archaeological Landscape Assessment as well as Archaeological Management Strategy (AMS) and the inclusion of archaeological mitigation in general scheme documentation. The County Council has welcomed the further field assessment work undertaken by the Applicant. The County Council is now satisfied that a reasonable amount of targeted ground truthing has been carried out. KCC notes that the revised AMS now requires the approach to mitigation would be agreed with KCC in advance of construction. This relates to Fields 2, 9, 10 and 26.	<p>anomalies. Following discussions with the KCC Archaeological Officer, the Applicant conducted intrusive investigations, including geoarchaeological surveys and preliminary trial trench evaluations, focusing on high-potential areas.</p> <p>The preliminary evaluation provided a proportionate baseline to assess potential significant effects on archaeological assets. Further trial trenching is proposed before construction to fully investigate archaeological potential and mitigate any residual risk.</p> <p>The approach to archaeological mitigation is set out within the AMS (Doc Ref. 7.17(A)).</p> <p>A full response to the approach to the scope and proportionality of the archaeological assessment work is set out below (See paragraph 2.6.1 onwards).</p>	
P.10 Heritage Conservation	RR	Preliminary Ground Truthing through Evaluation Trenches	Overall, the KCC is now content with the preliminary ground truthing through evaluation trenches.	The Applicant discussed the approach to this matter with the KCC and the Planning Inspectorate during the pre-	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p>application stage. The Applicant has continued discussing this matter with KCC and has undertaken further trial trenching since submission.</p> <p>A full response to the approach to the scope and proportionality of the archaeological assessment work is set out below (See paragraph 2.6.1 onwards).</p>	
P.10 Heritage Conservation	RR	Archaeological Management Strategy and Mitigation	The County Council considers that the Archaeological Management Strategy and archaeological mitigation is now acceptable.	<p>The AMS (Doc Ref. 7.17(A)) sets out the scope, guiding principles and methods for the planning and implementation of the required WSI(s) for the programme of archaeological mitigation post DCO consent and prior to any construction works.</p> <p>The AMS (Doc Ref. 7.17(A)) [APP-162] sets out the approach to archaeological management, which will be submitted to the local planning authority for approval prior to commencement as secured by a Requirement in the Draft DCO (Doc Ref. 3.1(G)).</p> <p>Requirement 9 in the Draft DCO (Doc Ref. 3.1(G)) requires that</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				<p>each phase of work will require a standalone Written Scheme of Investigation (WSI) to be submitted to and approved by the local planning authority in consultation with KCC, for the areas of archaeological interest within that phase post DCO consent.</p> <p>If archaeological findings are identified, the Works Plans (Doc Ref. 2.3(B)) [REP1-003] secure flexibility to relocate infrastructure and the Design Principles (Doc Ref. 7.5(C)) [REP5-017] allow flexibility for the use of alternative construction techniques for the PV array areas to reduce impacts. The only exception to this is the location of the Project Substation (Works No. 3) and therefore trial trenching in this area was undertaken during the pre-examination stage.</p> <p>A full response to the approach to the scope and proportionality of the archaeological assessment work is set out below (See paragraph 2.6.1 onwards).</p>	

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.6.7	S42 Consultation Response to 2023 Statutory Consultation	Archaeology Mitigation (Decommissioning Phase)	KCC confirms that the DCO and AMS secures the controls that have been agreed with the Applicant in relation to decommissioning phase works.	Section 4.2, 'Cultural Heritage' of the Outline DEMP (Doc Ref. 7.12) [APP-157] sets out the archaeological mitigation, secured during the decommissioning phase.	Agreed
2.6.8	S42 Consultation Response to 2023 Statutory Consultation	Messerschmitt Bf109E crash site	KCC confirms the controls that have been agreed with the Applicant in relation to this matter.	The Schedule of Other Consents and Licences (Doc Ref. 3.4) [APP-018] sets out the applicant's mitigation approach to the Messerschmitt Bf109E crash site. This includes the obtaining of a licence from the Ministry of Defence (Licence 1921) to excavate any remains associated with the PMR crash.	Agreed
2.6.9	S42 Consultation Response to 2023 Statutory Consultation	Assessment of Effects	KCC consider that significant effects upon below ground archaeological remains and heritage assets from the project are possible but can be appropriately mitigated.	ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] outlines the potential for the Project to impact upon below ground archaeological remains and heritage assets during the construction, operational and decommissioning phase. The archaeological investigations followed a structured sequence starting with a desk-based	Partially agreed

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

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

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

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

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.6.10	S42 Consultation Response to 2023 Statutory Consultation	Assessment of Effects (Cumulative Effects)	KCC agree that no likely significant cumulative effects are considered to result from the Project.	Section 7.10 'Cumulative Effects of ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] assesses the likely cultural heritage effects of the Project in cumulation with the effects of the schemes as outlined within ES Volume 4, Appendix 6.1: List of Cumulative Schemes (Doc Ref. 5.4) [APP-068] .	Agreed

Archaeology: Pre-determination trial trenching

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

- 2.6.1 **Applicant Response:** The Applicant and KCC have discussed and agreed the scope for additional preliminary trial trenching to be undertaken, which has been completed and submitted as part of Deadline 8.
- 2.6.2 For background and context, EN-3 confirms that appropriate desk-based assessment, and where necessary, a field evaluation, in consultation with the local planning authority, should identify archaeological study areas and propose appropriate schemes of investigation, and design measures, to ensure the protection of relevant heritage assets (paragraph 2.10.113).
- 2.6.3 In some instances, field studies *may* include investigation work to assess the impacts of any ground disturbance, such as proposed cabling, substation foundations or mounting supports for solar panels on archaeological assets (paragraph 2.10.114). The extent of investigative work should be proportionate to the sensitivity of, and extent of proposed ground disturbance in, the associated study area (paragraph 2.10.114).

- 2.6.4 Applicants should consider steps to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting (paragraph 2.10.117). Careful consideration should be given to the impact of large-scale solar farms which depending on their scale, design and prominence, may cause substantial harm to the significance of the asset (paragraph 2.10.118).
- 2.6.5 **ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))** [\[AS-011\]](#) recognises that groundworks during construction have the potential to affect buried archaeological remains, although it states that the overall footprint of the development (including piling, topsoil stripping, cable trenching and foundation excavation) is anticipated to be very limited in extent, and subsequently the potential for remains to be potentially encountered and impacted is also limited.
- 2.6.6 In terms of mitigation, EN-3 says that the ability to microsite specific elements during construction should be an important consideration when assessing the risk of damage to archaeology (paragraph 2.10.137) and that the SoS, where requested, should consider granting consents that allow for micro siting (paragraph 2.10.138).
- 2.6.7 The Applicant completed a desk-based assessment and a full geophysical survey was undertaken covering the areas where physical development is proposed within the Order limits to establish a baseline understanding of the potential for sub-surface archaeology.
- 2.6.8 The Applicant recognised and responded to comments raised by the County Archaeologist regarding potential delivery risk for the project in the event that archaeology was identified post-determination. To mitigate this the Applicant has included flexibility in the Works Plans to relocate Project elements and/or utilise non-invasive installation methods (ballast) to avoid any impact on sub-surface archaeology. The exception to this is the Project Substation area as, unlike other aspects of the Project, there is limited flexibility to relocate this infrastructure. To address concerns regarding this area of the site the Applicant undertook a series trial-trenches in this area pre-submission which did not indicate the presence of any archaeological remains.
- 2.6.9 In addition, the Applicant has completed a number of supplementary targeted trenches and boreholes with the County Archaeologist. This has now been supplemented for further trial trenches that are currently being excavated. These have been targeted to the areas of greatest archaeological potential identified during the desk-based assessment and geophysical survey and also where the geophysical survey had interpreted discoveries as being of likely geological origin rather than archaeological interest and in areas where there was no specific intelligence to suggest archaeology, but to test the quality of the geophysical survey.
- 2.6.10 The nature of much of the Proposed Development is considered to result in minimal ground disturbance and a suite of proposed mitigation measures in the **AMS (Doc Ref. 7.17)** [\[APP-162\]](#), including the commitment to pre-construction trial trenching will be

delivered. Following the implementation of the proposed embedded mitigation, the ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A)) [AS-011] concludes that the effects on potential archaeological remains, including Roman Road, Roman roadside features, former field systems, boundary and agricultural features are all assessed as Neutral or Neutral / Slight Adverse (not significant).

- 2.6.11 The Applicant notes the Solar Energy UK Position Statement (“Solar farms and the assessment of buried archaeological remains”) which has been informed by input from the Chartered Institute of Archaeologists (CifA). It suggests the impact of piling in an absolute worse-case scenario equates to 6m² per hectare (or 0.06% of the area), but typically is will be much less than this. By comparison effects for residential or commercial developments are 100% of the area. It also notes that there are disadvantages with pre-determination trial trenching, including carbon emissions, and therefore pre-determination trenching should only be used where absolutely necessary to confirm the significance of a potential asset.
- 2.6.12 The Applicant considers its approach on this matter is appropriate and proportionate. The combination of desk based assessment, geophysical survey and targeted trial trenching has resulted in a thorough understanding of the likely impacts of the Proposed Development, which it considers are relatively limited. Additional pre-construction trial trenching is secured in the AMS and, in the event that this identifies new archaeology, the Works Plans include the flexibility to mitigate any impact on this heritage assets without any significant impact on the delivery of the project.
- 2.6.13 This approach is considered to be consistent with EN-3 and is consistent with recent NSIP decisions, such as the Mallard’s Pass DCO.

2.7 Biodiversity

Table 2.7: Biodiversity

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

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
P.11 Biodiversity	RR	Skylark Territories	Research indicates that fields with two skylark plots per hectare can accommodate more nesting skylarks compared with conventional winter-sown wheat management (0.3 territories per hectare compared to 0.2 territories per hectare as per - Conservation Evidence; PR 416 SAFFIE Project Report 1 (nerc.ac.uk). If skylark plots are combined with arable field margins, 0.4 territories per hectare could be supported	Noted.	Agreed
P.11 Biodiversity	RR	Nesting Habitat for Skylark	The County Council appreciates that additional foraging opportunities will be created within the wider site, and this will increase foraging opportunities for the wider area. In addition, the County Council acknowledges that the open space will be managed to provide optimum nesting habitat for skylarks. However, the reduction of land where skylarks can breed cannot be ignored. The submitted information has detailed that ongoing monitoring will be carried	<p>The Outline LEMP (Doc Ref. 7.10(B)) [REP3-020] secures the monitoring to be undertaken during the operational phase, this includes:</p> <p>Skylark plot effectiveness during the operation of the Project, the results of monitoring may result in additional or revised management recommendations which will need to be incorporated into future detailed LEMPs.</p> <p>As set out within Annex 3: Indicative Mitigation and</p>	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
			out but if the submitted information demonstrates there has been a reduction in skylark numbers within the wider area, it's not clear how this will then be subsequently addressed.	Enhancement Measures , the Outline LEMP (Doc Ref. 7.10(B)) [REP3-020] detailed information regarding the Species monitoring surveys (wintering and breeding birds) including Skylark is secured for incorporation within a notable bird strategy as part of a detailed LEMP.	
P.11 Biodiversity	RR	Assessment of loss of breeding habitat on the Skylark population.	The County Council has reviewed the additional information provided by the Applicant and is content that the revised mitigation proposals are acceptable.	The Outline LEMP (Doc Ref. 7.10(B)) [REP3-020] , sets out the agreed position between the Applicant and KCC in relation to mitigation for ground nesting birds species.	Agreed
2.7.1	S42 Consultation Response to 2023 Statutory Consultation	Mitigation for Ground Nesting Birds	KCC confirms that the Outline LEMP secures the controls that have been agreed with the Applicant in relation to this matter.		Agreed
2.7.3	S42 Consultation Response to 2023 Statutory Consultation	Biodiversity Net Gain (BNG)	KCC agree the Project will provide significant Biodiversity Net Gain benefits through landscape improvements, well managed habitat and a landscape strategy	The Biodiversity Net Gain Assessment (Doc Ref. 7.1) [APP-146] confirms that BNG of at least 100% for habitat units and above 10% for hedgerow and river units can be achieved for the Project and is secured via a Requirement	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
				within the Draft DCO (Doc Ref. 3.1(F)) [REP5-003] .	
2.7.4	S42 Consultation Response to 2023 Statutory Consultation	Assessment of impacts on Designated Sites	KCC agree that no likely significant effects upon Designated Sites are considered to result from the Project.	The Information to Inform Habitats Regulations Assessment (Doc Ref. 7.19(A)) [REP1-058] is submitted with the DCO application, confirming that the Project will not have an adverse effect on the integrity of a European site either alone or in combination.	Agreed

2.8 Landscape and Views

Table 2.8: Landscape and Views

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.8.1	S42 Consultation Response to 2023 Statutory Consultation	Visual impact on users of the PRow network	It is agreed that the assessment adequately considers the impact of the proposed Project on the PRow network and the necessary mitigation to limit the impact.	The assessment of the likely effects to landscape and views of PRow users is set out in Section 8.7 'Assessment of Effects' of ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A)) [AS-012] .	Agreed

2.9 Water

Table 2.9: Water

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.9.1	S42 Consultation Response to 2023 Statutory Consultation	Engagement with the local Flood and Water Management Team	It is agreed that there has been effective engagement with KCC Flood and Water Management Team and their appointed consultants on the Water Environment assessment.	Section 10.3 of ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B)) [REP1-022] summarises key stakeholder engagement undertaken to inform the assessment.	Agreed
2.9.2	S42 Consultation Response to 2023 Statutory Consultation	Assessment Scope and Methodology (Water Environment Assessment)	KCC agree with the Applicant regarding the scope and methodology of the Applicant's Water Environment assessment.	Noted.	Agreed
2.9.3	S42 Consultation Response to 2023 Statutory Consultation	Assessment Scope (Flood Risk Assessment)	KCC agree with the Applicant regarding the scope of the Applicant's Flood Risk assessment. KCC agree that the FRA is robust.	A site-specific Flood Risk Assessment is included ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A)) [REP1-036] [REP1-037] and [REP1-038] .	Agreed
2.9.4	S42 Consultation Response to 2023 Statutory Consultation	Baseline Data	KCC agree with the Applicant regarding the baseline of the Applicant's Water Environment assessment.	Section 10.5, 'Baseline Conditions' of ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B)) [REP1-022] outlines the baseline conditions for the Applicants Water Environment Assessment.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.9.5	S42 Consultation Response to 2023 Statutory Consultation	Identification of Sensitive Receptors	KCC agree with the Applicant regarding the identified sensitive receptors included within the Water Environment Assessment.	Table 10.13: Summary of Receptors and Sensitivity of ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B)) [REP1-022] provides a summary of the water environment receptors and their sensitivity.	Agreed
2.9.6	S42 Consultation Response to 2023 Statutory Consultation	Assessment Methodology	KCC agree with the Applicant regarding the scope and methodology of the Applicant's Flood Risk assessment.	Section 10.4, 'Assessment Methodology' of ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B)) [REP1-022] sets out the agreed Assessment Methodology.	Agreed
2.9.7	S42 Consultation Response to 2023 Statutory Consultation	Embedded Mitigation	KCC confirms that the Outline CEMP secures the controls that have been agreed with the Applicant in relation to this matter.	Following granting of the DCO, detailed CEMP(s) in accordance with the Outline CEMP (Doc Ref. 7.8(A)) [REP1-044] will be developed to include detail regarding the approach for construction and mitigation to protect the water environment.	Agreed
2.9.8	S42 Consultation Response to 2023 Statutory Consultation	Surface Water Drainage Strategy	KCC confirms that the Outline Operational Surface Water Drainage Strategy secures the controls that have been agreed with the Applicant in relation to this matter.	The Outline Operational Surface Water Drainage Strategy (OSWDS) (Doc Ref. 7.14(A)) [REP1-054] sets out the surface water drainage.	Agreed

Ref	Relevant Application Document	Description of Matter	KCC Current Position	Applicant's Current Position	Status
2.9.9	S42 Consultation Response to 2023 Statutory Consultation	Assessment of Effects (Construction, operational and decommissioning phase)	KCC confirms that the Outline CEMP, Outline OMP, Outline DEMP and Outline Surface Water Drainage Strategy secures the controls that have been agreed with the Applicant in relation to this matter.	Noted.	Agreed
2.9.10	S42 Consultation Response to 2023 Statutory Consultation	Residual Effects (Construction, Operational and Decommissioning Phase)	KCC agree that with mitigation in place no likely significant residual effects are considered to result from the Project.	This is confirmed within Section 10.9 of ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B)) [REP1-022] .	Agreed
2.9.11	S42 Consultation Response to 2023 Statutory Consultation	Cumulative Effects (Construction, Operational and Decommissioning Phase)	KCC agree that with mitigation in place no likely significant cumulative effects are considered to result from the Project.	As confirmed within Section 10.10 of ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B)) [REP1-022] , subject to the implementation of the Outline CEMP (Doc Ref. 7.8(B) [INSERT REF]), cumulative effect on the water quality on the East Stour River would be Minor Adverse (not significant) during the Construction Phase. It also confirmed that no likely significant cumulative effects are predicted during the Operational or Decommissioning Phases.	Agreed

3 Signatures

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

On behalf of EPL 001 Limited

Name:

Signature:

Position:

Date:

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On behalf of Kent County Council

Name:

Signature:

Position:

Date:

.....

References

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