

# Stonestreet Green Solar

## Final Statement of Common Ground with Kent County Council (Tracked)

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EP Rule 8(1)(e)

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010



## Revision History

| Revision | Revision Date | Authorised By | Position                                                | Comment                                         |
|----------|---------------|---------------|---------------------------------------------------------|-------------------------------------------------|
| Issue 1  | 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           |
| Issue 8  | 29/04/25      | MS            | Senior Director | Review of draft           |
| Issue 9  | 09/05/25      | MS            | Senior Director | Cultural heritage updates |

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# 1 Introduction

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## 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 guidance<sup>1</sup>.
- 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"> <li>■ PRow</li> <li>■ Agricultural Land and Soils</li> <li>■ Land Contaminations (Minerals and Waste)</li> <li>■ Cultural Heritage</li> <li>■ Biodiversity</li> <li>■ Water Environment</li> <li>■ Socio Economics</li> <li>■ Traffic and Access</li> <li>■ Noise</li> <li>■ Cumulative Effects</li> </ul> |
| 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"> <li>■ KCC PRow strategy</li> <li>■ key challenges in the local area</li> <li>■ KCC's response to the Scoping Report</li> </ul>                                                                                                                                                                                                         |
| 17 June 2022              | Meeting with KCC and ABC                                                                                                                                      | <p>Key Topics:</p> <ul style="list-style-type: none"> <li>■ KCC's response to the Scoping Report related to archaeological matters raised</li> </ul>                                                                                                                                                                                                                                         |
| 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"> <li>PPA</li> <li>SoCC</li> </ul>                                                                                                                                                                                                                                                                                    |
| 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"> <li>Potential PRow impacts</li> </ul>                                                                                                                                                                                                                                                                    |
| 25 October to 29 November 2022 | Statutory Consultation 2022 – KCC consultation response | Key Topics: <ul style="list-style-type: none"> <li>Approach to PRow network</li> <li>Scope of heritage assessment</li> <li>Consultation with KCCs officers in relation to the Draft DCO Requirements.</li> <li>Assessment of landscape on the nearby Kent Downs National Landscape.</li> <li>Agreement of cumulative schemes for assessment</li> </ul> |
| 1 March 2023                   | Meeting with KCC and ABC                                | Key Topics: <ul style="list-style-type: none"> <li>Project update</li> <li>Programme update</li> <li>Spring/summer consultation 2023</li> </ul>                                                                                                                                                                                                        |



| 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"> <li>Programme update</li> <li>Landscape and visual</li> <li>Heritage</li> <li>Archaeology</li> <li>PRoWs</li> <li>Cumulative impacts</li> <li>Overview of SoCC 3</li> </ul> |
| 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"> <li>2022 Statutory Consultation comments</li> </ul>                                                                                                                         |
| 19 April 2023 | Meeting with KCC ecology officers                                             | <p>Key Topics:</p> <ul style="list-style-type: none"> <li>Overview of the ecology proposals</li> <li>Changes in response to the 2022 Statutory Consultation feedback</li> </ul>                                                   |
| 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"> <li>Project development update</li> <li>Engagement with stakeholders</li> <li>Cumulative schemes</li> <li>Alternatives</li> </ul>                                           |

| Date                         | Form of Feedback                                         | Key topics discussed and outcomes (the topics should align with the issues table)                                                                                                                                                                                   |
|------------------------------|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                              |                                                          | <ul style="list-style-type: none"> <li>2023 Consultation</li> </ul>                                                                                                                                                                                                 |
| 4 May 2023                   | Meeting with KCC PRoW officer                            | Key Topics: <ul style="list-style-type: none"> <li>Proposed PRoW strategy</li> </ul>                                                                                                                                                                                |
| 5 June 2023                  | Meeting with ABC, FHDC and KCC planning officers         | Key Topics: <ul style="list-style-type: none"> <li>Project Overview</li> <li>Draft Site layout</li> <li>Landscape strategy plans</li> <li>Engagement with stakeholders</li> <li>Approach to PEIR Addendum</li> <li>Update on 2023 Statutory Consultation</li> </ul> |
| 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"> <li>KCC's 2023 Statutory Consultation feedback</li> </ul>                                                                                                                                                            |
| 13 November to December 2023 | Targeted Consultation 2023 – KCC Response                | Key Topics: <ul style="list-style-type: none"> <li>Traffic and Access (Site Access)</li> <li>Changes to Order limits</li> </ul>                                                                                                                                     |
| 12 February to 12 March 2024 | Targeted Consultation 2024 – KCC Response                | Key Topics: <ul style="list-style-type: none"> <li>PRoW Red line boundary change</li> </ul>                                                                                                                                                                         |
| 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"> <li>Archaeology Management Strategy</li> <li>SoCG</li> </ul>  |
| 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 <b>Outline LEMP (Doc Ref. 7.10(B))</b> <a href="#">[REP3-020]</a> .                     |
| 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 <b>ES Volume 2, Chapter 5: Alternatives and Design Evolution</b> (Doc Ref. 5.2(A)) <a href="#">[AS-010]</a> and <b>ES Volume 4, Appendix 5.2: Site Selection Influencing Factors</b> (Doc Ref.5.4) <a href="#">[APP-067]</a> . | 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 <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b> <a href="#">[REP1-026]</a> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 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><b>ES Volume 2, Chapter 2: Site and Context (Doc Ref. 5.2(A))</b> <a href="#">[REP1-016]</a> includes a description of the Site's location and context. <b>ES Volume 3, Figure 2.1: Field Boundaries and Site Area Plan (Doc Ref. 5.3)</b> <a href="#">[APP-044]</a> 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 <b>ES Volume 3, Figure 13.1: Construction Traffic Route and Traffic Data Location Plan (Doc. Ref. 5.3)</b> <a href="#">[APP-056]</a> .and <b>ES Volume 3, Figure 3.1: Existing Access Network (Ref. Doc Ref. 5.3)</b> <a href="#">[APP-045]</a>. 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 <b>ES Volume 4, Appendix 13.3: Traffic Survey Data (Doc Ref. 5.4)</b> <a href="#">[APP-109]</a> .                                                                                                                                                                                                                                                            | 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 <b>ES Volume 4, Appendix 13.4: Summary of Traffic Data</b> <a href="#">[APP-109]</a> .                                                                                                                                                                                                     | 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 <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b> <a href="#">[REP1-026]</a> and <b>ES Volume 3, Figure 13.4: Sensitive Receptor Location Plan (Doc Ref. 5.3)</b> <a href="#">[APP-056]</a> 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 <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b> [ <a href="#">REP1-026</a> ] 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 |
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|     |                               |                       | <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 |
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| 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 |
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|                                    |                               |                                              | 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 |
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| 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 |
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| 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 |
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|                      |                               |                                                    | 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<br>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 |
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|                   |                               |                                                                     | 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 |
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| 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.<br><br>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 <b>Section 6.6</b> 'Condition Survey' of the | Agreed |

| Ref                  | Relevant Application Document | Description of Matter             | KCC Position                                                                                                                                                                                                                                                                                                                                                                                                                           | Applicant Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Status |
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|                      |                               |                                   | 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><b>Outline CTMP (Doc Ref. 7.9(C))</b> <a href="#">[REP3-018]</a>.</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 <b>Draft DCO (Doc Ref. 3.1(F))</b> <a href="#">[REP5-003]</a>.</p> |        |
| P.5<br>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 <b>Outline CTMP (Doc Ref. 7.9(C))</b> <a href="#">[REP3-018]</a> 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 |
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|       |                                                          |                       | <p>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.</p> <p>Revision/clarification on this issue is required by the County Council ahead of the commencement of the Examination.</p> | <p>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.</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 <b>Draft DCO (Doc Ref. 3.1(F))</b> <a href="#">[REP5-003]</a>.</p> |        |
| 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 |
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|       |                                                                                   |                                               |                                                                                                                                                                                                                              | <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 <b>Negligible to Minor Adverse</b> (not significant) effect.</p> <p>A summary of residual effects is provided in Table 13.14: Summary of Residual Effects of the <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b> <a href="#">[REP1-026]</a>.</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 <b>Post Hearing Submission (dated 10 December 2024)</b> <a href="#">[REP1-088]</a> 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 <b>Outline Operational Management Plan (Doc Ref. 7.11(A))</b> <a href="#">[REP1-050]</a> secured by Requirement 12, Schedule 2 of the <b>Draft DCO (Doc Ref. 3.1(F))</b> <a href="#">[REP5-003]</a> . | Agreed |

## 2.3 PRow

Table 2.3 PRow

| Ref      | Relevant Application Document | Description of Matter    | KCC Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Applicant's Current Position                                                                                                                                                                                                                                                                                                                  | Status |
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| 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"> <li>▪ National Planning Policy Framework, December 2023 – Paragraph 104 and 124</li> <li>▪ National Policy Statement for Renewable Energy Infrastructure (EN3) including paragraph 2.10.42 to 2.10.45.</li> <li>▪ National Policy Statement for Electricity Networks Infrastructure (EN-5)</li> <li>▪ Kent County Council Rights of Way Improvement Plan 2018-2028 (ROWIP)</li> </ul> | <p>The Applicant recognises the policies and strategies referenced by KCC and has reflected their importance and requirements within <b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b> <a href="#">[REP1-024]</a> and the <b>Outline Rights of Way and Access Strategy (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a>.</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 |
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|          |                               |                                           | 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 <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> and the <b>Draft DCO (Doc Ref. 3.1(F))</b> <a href="#">[REP5-003]</a> (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 <b>ES Volume 2, Chapter 12: Socio-Economics (Doc Ref. 5.2(B))</b> <a href="#">[REP1-024]</a> from</p> | Agreed |

| Ref | Relevant Application Document | Description of Matter | KCC Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Applicant's Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Status |
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|     |                               |                       | <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 <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> seeks to manage the effects on connectivity, and user amenity and enjoyment where practicable.</p> <p>The <b>Outline Landscape and Ecological Management Plan ('LEMP') (Doc Ref. 7.10(B))</b> <a href="#">[REP3-020]</a> sets out plans for annual inspection and maintenance/management of this environment. The <b>Design Principles (Doc Ref. 7.5(C))</b> <a href="#">[REP5-017]</a> secure the design of PRowS.</p> |        |

| Ref | Relevant Application Document | Description of Matter | KCC Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Applicant's Current Position | Status |
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|     |                               |                       | <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 |
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| 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 <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> 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 |
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|          |                               |                                    | <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 <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> as stated from paragraphs 6.1.4 to 6.1.6, and the <b>Draft DCO (Doc Ref. 3.1(F))</b> <a href="#">[REP5-003]</a> (Schedule 8).</p> | Agreed |



| Ref      | Relevant Application Document | Description of Matter           | KCC Current Position                                                                                                                                                                                                             | Applicant's Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Status |
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|          |                               |                                 |                                                                                                                                                                                                                                  | 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 <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> 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 <b>Draft DCO (Doc Ref. 3.1(F))</b> <a href="#">[REP5-003]</a> 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 |
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| 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 <b>ES Volume 2, Chapter 13: Traffic and Access (Doc Ref. 5.2(B))</b> <a href="#">[REP1-026]</a> 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 <b>Outline CTMP (Doc Ref. 7.9(C))</b> <a href="#">[REP3-</a></p> | Agreed |

| Ref      | Relevant Application Document | Description of Matter            | KCC Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Applicant's Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Status     |
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|          |                               |                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <a href="#">018</a> ] and <b>Outline DTMP (Doc Ref. 7.13(C))</b> <a href="#">[REP3-022]</a> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |            |
| 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 <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> which includes:</p> <ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ A 'riverside walk' will be created by FN-3 / New 3 running east to west through the north of the Site and connecting existing</li> </ul> | Not agreed |

| Ref | Relevant Application Document | Description of Matter | KCC Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Applicant's Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Status |
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|     |                               |                       | <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"> <li>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.</li> <li>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,</li> </ul> |        |

| Ref | Relevant Application Document | Description of Matter | KCC Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Applicant's Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Status |
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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"> <li>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.</li> <li>New circular walks will be created around the edge of Fields 19 and 23 through the diversion of AE 378, AE 448</li> </ul> |        |

| Ref | Relevant Application Document | Description of Matter | KCC Current Position | Applicant's Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Status |
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|     |                               |                       |                      | <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     |
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| P16<br>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 <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a>, 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 <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> 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     |
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|          |                               |                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 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/<br>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 |
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|     |                               |                       |                      | <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     |
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|          |                               |                       |                                                                                                                                                                                                                                                                                                                                                                                           | <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 <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> 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     |
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|          |                               |                                | 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 <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> was shared                                                                                                                                                                                                                                                                                                                                                                                                                            | Agreed     |

| Ref   | Relevant Application Document                            | Description of Matter                                                                                                                                      | KCC Current Position                                                                                                                                                                                                                                                                                | Applicant's Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Status |
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|       | Response to 2023 Statutory Consultation                  | (e.g. widths and surfacing) and the management of PRowS via the principle of the <b>Outline Rights of Way and Access Strategy ('RoWAS')</b> (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 <b>Streets, Rights of Way and Access Plans (Doc Ref. 2.5)</b> <a href="#">[APP-011]</a> and Schedules 8 and 9 from the <b>Draft DCO (Doc Ref. 3.1(F))</b> <a href="#">[REP5-003]</a> 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 <b>Draft Development Consent Order (Doc Ref 3.1)</b> and <b>Section 6 of the Outline Rights of Way and Access Strategy (Doc Ref. 7.15)</b> is agreed. | As agreed with KCC, this is reflected in Schedules 8 and 9 from the <b>Draft DCO (Doc Ref. 3.1(F))</b> <a href="#">[REP5-003]</a> and Section 6 of the <b>Outline RoWAS (Doc Ref. 7.15(A))</b> <a href="#">[REP1-056]</a> .                                                                                                                                                                                                                                                                         | 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 |
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| 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 |
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| 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 1,870m <sup>2</sup> impermeable and, 4,930m <sup>2</sup> permeable areas. and 1,080m <sup>2</sup> 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 <b>Outline OSWDS (Doc Ref. 7.14(C))</b> <a href="#">[REP4-013]</a> , 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 |
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|     |                               |                       | <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 <b>Outline OSWDS (Doc Ref. 7.14(C))</b> <a href="#">[REP4-013]</a> 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 <b>Draft DCO (Doc Ref. 3.1(F))</b> <a href="#">[REP5-003]</a>. 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 <b>Outline OSWDS (Doc Ref. 7.14(C))</b> <a href="#">[REP4-013]</a> and must be implemented as approved.</p> |        |

| Ref      | Relevant Application Document | Description of Matter | KCC Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Applicant's Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Status |
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| 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 <b>Outline OSWDS (Doc Ref. 7.14(C))</b> <a href="#">[REP4-013]</a> states:<br><br><i>"The Inverter Stations which are distributed across the Site are of variable sizes however typical dimensions are approximately 0.097ha / 970m<sup>2</sup> with approximately 0.048ha / 485m<sup>2</sup> impermeable area. The remaining 0.048ha / 485m<sup>2</sup> 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 ( <b>Doc Ref. 7.14(C)</b> ) <a href="#">[REP4-013]</a> 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 |
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| 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 <del>Kent County Council</del> 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><b>Relevant Lead Local Flood Authority</b></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 <b>Draft DCO (Doc Ref. 3.1(F))</b> <a href="#">[REP5-003]</a> 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 |
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|     |                               |                       | <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><b>Trigger for Requirement 11 (Operational Surface Water Drainage Strategy)</b></p> <p>The Applicant has clarified with KCC that the wording of Requirement 11 is set out in the <b>Draft DCO (Doc Ref.3.1(F))</b> <a href="#">[REP5-003]</a>. 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 (<b>Doc Ref. 3.1(B)</b>) <a href="#">[REP1-006]</a>, following ABC and KCC’s request.</p> <p><b>Requirement 4 – Detailed Design Approval</b></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 |
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|         |                               |                                                                                                                     | Council with the relevant Lead Local Flood Authority"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Requirement 11 has responded to KCC's comment.<br><br>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><b>Project substation:</b> 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 <b>Outline OSWDS (Doc Ref. 7.14(A)) [REP1-054]</b>, which was submitted at Deadline 1.</p> <p><b>Inverters:</b> 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 <b>Outline Operation Surface Water Drainage Strategy</b>. 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 = <math>30 \times 0.4\text{l/s} = 12\text{l/s}</math> an excessive discharge of 18l/s.</p> <p>Whilst understanding the practicalities associated with low</p> |                              |        |

| Ref | Relevant Application Document | Description of Matter | KCC Current Position                                                                                                                                                                                                                                                                                                                                                                                            | Applicant's Current Position | Status |
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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 |
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|       |                                                          |                       | 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 <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))</b> <a href="#">[AS-011]</a> provides a summary of the responses to the <b>EIA Scoping Report (ES Volume 4, Appendix 1.1: EIA Scoping Report (Doc Ref. 5.4))</b> <a href="#">[APP-059]</a> , <a href="#">[APP-060]</a> and <a href="#">[APP-061]</a> . | 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.                 | <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a> 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 <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))</b> <a href="#">[AS-011]</a> 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 |
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| 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 <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))</b> <a href="#">[AS-011]</a> . Full details of the baseline conditions are included within <b>ES Volume 4, Appendix 7.1: Archaeological Desk Based Assessment (Doc Ref. 5.4)</b> <a href="#">[APP-070]</a> and <a href="#">[APP-071]</a> and <b>Appendix 7.2: Heritage Statement (Doc Ref. 5.4)</b> <a href="#">[APP-072]</a> .                  | 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><b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))</b> <a href="#">[AS-011]</a> 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 <b>ES Volume 2, Chapter 7: Cultural</b></p> | Agreed |

| Ref                        | Relevant Application Document                            | Description of Matter                                       | KCC Current Position                                                                                                                                                                                                                                                                                   | Applicant's Current Position                                                                                                                                   | Status |
|----------------------------|----------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
|                            |                                                          |                                                             |                                                                                                                                                                                                                                                                                                        | <b>Heritage (Doc Ref. 5.2(A))</b> <a href="#">[AS-011]</a> .                                                                                                   |        |
| 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 <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))</b> <a href="#">[AS-011]</a> 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 <b>Appendix 7.2: Heritage Statement (Doc Ref. 5.4)</b> <a href="#">[APP-072]</a> . | 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 <b>AMS (Doc Ref. 7.17(A))</b>.</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 |
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|                               |                               |                                                   |                                                                                                                           | <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<br>Heritage Conservation | RR                            | Archaeological Management Strategy and Mitigation | The County Council considers that the Archaeological Management Strategy and archaeological mitigation is now acceptable. | <p><b>The AMS (Doc Ref. 7.17(A))</b> 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 <b>AMS (Doc Ref. 7.17(A))</b> <a href="#">[APP-162]</a> 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 <b>Draft DCO (Doc Ref. 3.1(G))</b>.</p> <p>Requirement 9 in the <b>Draft DCO (Doc Ref. 3.1(G))</b> 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 <b>Works Plans (Doc Ref. 2.3(B))</b> <a href="#">[REP1-003]</a> secure flexibility to relocate infrastructure and the <b>Design Principles (Doc Ref. 7.5(C))</b> <a href="#">[REP5-017]</a> 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 <b>Outline DEMP (Doc Ref. 7.12)</b> <a href="#">[APP-157]</a> 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.                                                                       | <b>The Schedule of Other Consents and Licences (Doc Ref. 3.4)</b> <a href="#">[APP-018]</a> 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. | <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))</b> <a href="#">[AS-011]</a> outlines the potential for the Project to impact upon below ground archaeological remains and heritage assets during the construction, operational and decommissioning phase.<br><br>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 <b>Works Plans (Doc Ref. 2.3(B))</b> <a href="#">[REP1-003]</a> 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 |
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|     |                               |                       |                      | <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><b>ES Volume 4, Appendix 1.2: EIA Scoping Opinion (Doc Ref. 5.4)</b> <a href="#">[APP-062]</a> 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 <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))</b> <a href="#">[AS-011]</a> 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><b>ES Volume 4, Appendix 1.2: EIA Scoping Opinion (Doc Ref. 5.4)</b> [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 <b>ES Volume 2, Chapter 7:</b></p> |        |

| Ref | Relevant Application Document | Description of Matter | KCC Current Position | Applicant's Current Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Status |
|-----|-------------------------------|-----------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
|     |                               |                       |                      | <p><b>Cultural Heritage (Doc Ref. 5.2(A))</b> <a href="#">[AS-011]</a> and the <b>AMS (Doc Ref. 7.17)</b> <a href="#">[APP-162]</a>.</p> <p>Table 7.9 of <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))</b> <a href="#">[AS-011]</a> presents a 'Summary of Residual Effects.'</p> <p>Measures set out in the <b>AMS (Doc Ref. 7.17)</b> <a href="#">[APP-162]</a> and the <b>Works Plans (Doc Ref. 2.3(B))</b> <a href="#">[REP1-003]</a> 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 <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))</b> <a href="#">[AS-011]</a> 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 <b>ES Volume 2, Chapter 7: Cultural Heritage (Doc Ref. 5.2(A))</b> <a href="#">[AS-011]</a> assesses the likely cultural heritage effects of the Project in cumulation with the effects of the schemes as outlined within <b>ES Volume 4, Appendix 6.1: List of Cumulative Schemes (Doc Ref. 5.4)</b> <a href="#">[APP-068]</a> . | 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 6m<sup>2</sup> 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 <b>Outline LEMP (Doc Ref. 7.10(B))</b> <a href="#">[REP3-020]</a> 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 <b>Annex 3: Indicative Mitigation and</b></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. | <b>Enhancement Measures</b> , the <b>Outline LEMP (Doc Ref. 7.10(B))</b> <a href="#">[REP3-020]</a> 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 <b>Outline LEMP (Doc Ref. 7.10(B))</b> <a href="#">[REP3-020]</a> , 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 <b>Biodiversity Net Gain Assessment (Doc Ref. 7.1)</b> <a href="#">[APP-146]</a> 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 <b>Draft DCO (Doc Ref. 3.1(F))</b> <a href="#">[REP5-003]</a> .                                                                                                                                                                                                            |        |
| 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 <b>Information to Inform Habitats Regulations Assessment (Doc Ref. 7.19(A))</b> <a href="#">[REP1-058]</a> 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 <b>ES Volume 2, Chapter 8: Landscape and Views (Doc Ref. 5.2(A))</b> <a href="#">[AS-012]</a> . | 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 <b>ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B))</b> <a href="#">[REP1-022]</a> 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 <b>ES Volume 4, Appendix 10.2: Flood Risk Assessment (Doc Ref. 5.4(A))</b> <a href="#">[REP1-036]</a> <a href="#">[REP1-037]</a> and <a href="#">[REP1-038]</a> .     | 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 <b>ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B))</b> <a href="#">[REP1-022]</a> 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 <b>ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B))</b> <a href="#">[REP1-022]</a> 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 <b>ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B))</b> <a href="#">[REP1-022]</a> 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 <b>Outline CEMP (Doc Ref. 7.8(A))</b> <a href="#">[REP1-044]</a> 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 <b>Outline Operational Surface Water Drainage Strategy (OSWDS) (Doc Ref. 7.14(A))</b> <a href="#">[REP1-054]</a> 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 <b>ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B))</b> <a href="#">[REP1-022]</a> .                                                                                                                                                                                                                                                                                                                                                                       | 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 <b>ES Volume 2, Chapter 10: Water Environment (Doc Ref. 5.2(B))</b> <a href="#">[REP1-022]</a> , subject to the implementation of the Outline CEMP (Doc Ref. 7.8(B) <a href="#">[INSERT REF]</a> ), 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

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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:

.....

On behalf of Kent County Council

Name:

Signature:

Position:

Date:

.....

## References

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<sup>1</sup> *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]