



Planning Inspectorate  
Arolygiaeth Gynllunio

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# **SCOPING OPINION:**

## **Proposed Shepway Energy Park**

**Case Reference: EN0110017**

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Adopted by the Planning Inspectorate (on behalf of the Secretary of State) to  
Regulation 10 of The Infrastructure Planning (Environmental Impact  
Assessment) Regulations 2017

**10 July 2025**

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## **APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED**

## **APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES**

## 1. INTRODUCTION

- 1.0.1 On 30 May 2025, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from SSE Newchurch Solar Limited (the applicant) under regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) for the proposed Shepway Energy Park (the proposed development). The applicant notified the Secretary of State (SoS) under regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the proposed development and by virtue of regulation 6(2)(a), the proposed development is 'EIA development'.
- 1.0.2 The applicant provided the necessary information to inform a request under EIA regulation 10(3) in the form of a Scoping Report, available from:  
<http://infrastructure.planninginspectorate.gov.uk/document/EN0110017>
- 1.0.3 This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the proposed development as currently described by the applicant. This Opinion should be read in conjunction with the applicant's Scoping Report.
- 1.0.4 The Inspectorate has set out in the following sections of this Opinion where it has / has not agreed to scope out certain aspects / matters on the basis of the information provided as part of the Scoping Report. The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects / matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 1.0.5 Before adopting this Opinion, the Inspectorate has consulted the 'consultation bodies' listed in appendix 1 in accordance with EIA regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in appendix 2. These comments have been taken into account in the preparation of this Opinion.
- 1.0.6 The Inspectorate has published a series of advice pages, including '[Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping \(AN7\)](#)'. AN7 and its annexes provide guidance on EIA processes during the pre-application stages and advice to support applicants in the preparation of their ES.
- 1.0.7 Applicants should have particular regard to the standing advice in AN7, alongside other advice notes on the Planning Act 2008 (PA2008) process, available from:  
'[Nationally Significant Infrastructure Projects: Advice pages](#)'  
'[Advice notes | National Infrastructure Planning \(planninginspectorate.gov.uk\)](#)'

- 1.0.8 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (e.g. on formal submission of the application) that any development identified by the applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or associated development or development that does not require development consent.

## 2. OVERARCHING COMMENTS

### 2.1 Description of the Proposed Development

(Scoping Report Section 2.3)

ID	Ref	Description	Inspectorate's comments
21.1	Paragraph 2.3.7	Construction compounds	The Scoping Report states that the proposed development would require temporary construction compounds. However, the exact locations are yet to be determined. To ensure a robust assessment of likely significant effects, the ES should provide details regarding the number, location and dimensions of construction compounds, and include these in any relevant assessment such as construction phase flood risk.
21.2	Section 2.3	Rochdale envelope	The Scoping Report refers to a Rochdale envelope approach to maintain a degree of optionality for the Proposed Development. Where flexibility is sought, the ES should clearly set out and justify the maximum design parameters that would apply for each option assessed and how these have been used to inform an adequate assessment in the ES.
21.3	Paragraphs 2.3.29 to 2.3.36	Battery Energy Storage System (BESS)	The description of the physical characteristics and technical capacity of the BESS should be developed in the ES to include details such as battery technology type / specification and anticipated number of containerised battery units.
21.4	Paragraph 2.3.52	Surface Water Drainage Systems	The Scoping Report states that new drainage systems will be placed at least 10 metres away from watercourses where possible. The ES should contain robust justification where this is not possible. The Applicant's attention is drawn to the consultation response from the Environment Agency (Appendix 2 of this opinion) for further information.
21.5	Paragraphs 2.3.53 to 2.3.54	Biodiversity and Landscaping	The ES should make a clear distinction between measures that are considered to be mitigation for potential effects and where measures are enhancement compared to the existing baseline conditions. In relation to Biodiversity Net Gain (BNG), the applicant should ensure that mitigation for loss of habitat is not double counted as enhancement. The ES should also demonstrate how the mitigation hierarchy has been followed.

ID	Ref	Description	Inspectorate's comments
216	Paragraphs 2.4.6 to 2.4.9	Construction access	The ES should describe the proposed site entrance(s) and the routes to be used for all vehicular access during construction and operation of the proposed development. This information should be clearly presented on supporting plans within the ES. The ES should describe and assess the potential impacts (both positive and negative) associated with any improvements/ changes to the access routes which are either required to facilitate construction of the proposed development or restoration on completion of the works. For the assessment of impacts during construction, the ES should explain how the proposed access route(s) relate to sensitive receptors.
217	Paragraph 2.4.10	Construction Environmental Management Plan (CEMP)	The Scoping Report provides a list of construction impacts which will be mitigated by measures secured in the CEMP. The Inspectorate notes that impacts from flood risk is not included on this list. It is the Inspectorate's opinion that construction impacts related to flood risk could be mitigated through the CEMP. The Applicant's attention is drawn to the consultation response from the Environment Agency (Appendix 2 of this opinion) for further information.
218	Section 2.6	Decommissioning	The ES should provide a proportionate description of the activities and works which are likely to be required to decommission the proposed development or extend its operational life, and the anticipated duration.

## 2.2 EIA Methodology and Scope of Assessment

(Scoping Report Sections 3 to 5)

ID	Ref	Description	Inspectorate's comments
221	Paragraph 3.2.1	Alternatives	The Scoping Report states that the alternatives analysis will focus on scheme layouts, sizing, technologies and design parameters. The ES should also provide full details of any alternative sites considered and include a comparison of the environmental effects.
222	Paragraph 5.5.10	Professional judgement	The ES should provide evidence to support conclusions or clearly identify where professional judgement has been relied upon to determine the level of significance of effects. Any use of professional judgement to assess significance should be fully justified within the ES.
223	N/A	Environment Agency data	The Environment Agency has published new flood and coastal erosion risk data in 2025 following the release of its "National assessment of flood and coastal erosion risk in England 2024". Further updates are also expected to follow. The applicant should ensure that assessments take account of updated data sets as these become available through Defra's Data Services Platform. Where relevant, the applicant is encouraged to liaise with the Environment Agency to determine the implications for project design and the scope of assessments.
224	Section 2.6	Decommissioning	Where significant effects are likely to occur because of decommissioning the Proposed Development these should be described and assessed in the ES.  It is not currently known whether the decommissioning phase would require works in areas that had not previously been subject to impacts during construction and operation, for example with new access / haul roads. Therefore, it is the Inspectorate's opinion that the

ID	Ref	Description	Inspectorate's comments
			decommissioning phase should be considered as distinct from construction with any potential effects considered separately.
225	N/A	Mitigation	The ES should include a description of all proposed mitigation or compensatory measures. Effort should be made to agree any proposed mitigation measures with the relevant consultation bodies, and it should be clear how these are secured through the DCO or any other legal mechanism.
226	Paragraph 12.7.8 and 12.8.1 Table 12-1	Qualitative assessment	The Scoping Report states that the assessment of some effects can only be evaluated on a qualitative basis and would use professional judgement. Where a qualitative assessment has been applied this should be clearly stated and suitably justified in the ES with reference to supporting evidence.
227	Paragraph 9.2.3	Zone of Theoretical Visibility (ZTV)	The Scoping Report states that the ZTV has been calculated based on an indicative PV module height of 5m. However, it is noted that other infrastructure associated with the Proposed Development, such as the switchgear building and substation, would have heights of up to 7m and 12m respectively. As such, the Inspectorate considers that the ZTV may not represent the full visual extent of the Proposed Development. The ES should provide justification for the extent of the ZTV, including an explanation of how it represents a worst-case scenario for the assessment.
228	N/A	Transboundary	The Inspectorate, on behalf of the SoS, has considered the proposed development and concludes that the proposed development is unlikely to have a significant effect either alone or cumulatively on the environment in a European Economic Area State. In reaching this conclusion the Inspectorate has identified and considered the proposed development's likely impacts including consideration of potential pathways and the

ID	Ref	Description	Inspectorate's comments
			<p>extent, magnitude, probability, duration, frequency and reversibility of the impacts.</p> <p>The Inspectorate considers that the likelihood of transboundary effects resulting from the proposed development is so low that it does not warrant the issue of a detailed transboundary screening. However, this position will remain under review and will have regard to any new or materially different information coming to light which may alter that decision.</p> <p>Note: The SoS' duty under regulation 32 of the 2017 EIA Regulations continues throughout the application process.</p> <p>The Inspectorate's screening of transboundary issues is based on the relevant considerations specified in the annex to its Advice Page 'Nationally Significant Infrastructure Projects: Advice on Transboundary Impacts and Process', links for which can be found in paragraph 1.0.7 above.</p>

### 3. ENVIRONMENTAL ASPECT COMMENTS

#### 3.0 Climate Change

(Scoping Report Section 6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
30.1	Paragraph 6.6.11 and Table 6-4	In-combination Climate Impact Assessment (ICCI): <ul style="list-style-type: none"> <li>• Temperature change</li> <li>• Sea level rise</li> <li>• Precipitation change</li> <li>• Wind</li> </ul>	The Scoping Report proposes to scope out an ICCI on the basis that, whilst impacts as a result of the stated climate parameters are expected, they are not expected to be any more significant in combination with the Proposed Development. The Inspectorate agrees that the Proposed Development is not likely to contribute significantly to impacts associated with temperature change, sea level rise, precipitation change and wind. These matters can therefore be scoped out of further assessment.

ID	Ref	Description	Inspectorate's comments
30.2	Paragraph 6.6.2	Mitigation	Limited information has been provided with regard to mitigation measures. See comment I.D. 2.2.5.

### 3.1 Cultural Heritage

(Scoping Report Section 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
31.1	Paragraph 7.6.2 and Table 7-3	Archaeology - Operation	The Scoping Report proposes to scope this matter out on the basis that any archaeological impacts would be addressed prior to and/or during construction. The Inspectorate notes the comments from Historic England (Appendix 2 of this opinion) so does not agree that this matter can be scoped out of further assessment. In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope these matters from the assessment. Accordingly, the ES should include an assessment of these matters, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a LSE.

ID	Ref	Description	Inspectorate's comments
312	N/A	Viewpoints and photomontages	The Inspectorate is of the opinion that where views contribute to the setting of an asset, verified viewpoints and photomontages should be provided in addition to those provided for the Landscape and Visual assessment. The Applicant's attention is drawn to the consultation response from Historic England (Appendix 2 of this opinion) for further information.
31.3	Section 7.2	Study area	Whilst the Inspectorate agrees with the flexible approach applied in respect of the highest value designated assets, it is not clear how the 3km study area for designated assets was established. It is the Inspectorates opinion that the overall study area should reflect the furthest extent of likely significant effects and include reference to the Zone of Theoretical Visibility (ZTV).

## 3.2 Ecology and Nature Conservation

(Scoping Report Section 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
321	Table 8-8	Impacts to European sites beyond 10km from the site without mobile qualifying criteria – All phases	The Scoping Report proposes to scope this matter out on the basis that there are no potential impact pathways to these sites beyond 10km. While limited justification has been presented in the scoping report, the Inspectorate has considered the characteristics of the proposed development and is content to scope this matter out on the basis that significant effects are unlikely.
322	Table 8-8	Impacts to Statutorily designated sites of National importance beyond 5km from the site without mobile qualifying criteria – All phases	The Scoping Report proposes to scope this matter out on the basis that there are no potential impact pathways to these sites. The Inspectorate agrees that the distance between the proposed development and statutory designated sites without mobile features, the nature and scale of the development and the standard mitigation proposed, limits the potential for significant effects. However, the ES should demonstrate that all potential pathways for effects, have been adequately considered, including for example any hydrological pathways. Assuming that this can be clearly demonstrated within the ES, then the Inspectorate is content to scope this matter out of further assessment.
323	Table 8-8	Impacts to non-statutory designated sites beyond 2km – All phases	The Scoping Report proposes to scope this matter out on the basis that there are no potential impact pathways to these sites. On this basis, the Inspectorate agrees that significant effects are not likely to occur on non-statutorily designated sites beyond 2km. This matter can be scoped out from further assessment.
324	Table 8-8	Impacts to common and widespread habitats of no conservation value – All phases	In the absence of full extended habitat survey data, and given the scale of the proposed development, the Inspectorate is not content to scope out impacts on common and widespread habitats of low sensitivity and/or conservation interest. Accordingly, the ES should include an assessment of this matter, or evidence

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			demonstrating agreement with the relevant consultation bodies and the absence of LSE.
325	Table 8-8	<p>Impacts to common and widespread species of no conservation value and species outside of the Proposed Development and not categorised as IEFs:</p> <ul style="list-style-type: none"> <li>• Terrestrial invertebrates</li> <li>• Aquatic macroinvertebrates</li> </ul> <p>- All phases</p>	<p>The Scoping Report proposes to scope these matters out of assessment, as the majority of the existing habitats on the current site will be retained as part of the proposed development. Additionally, the Scoping Report states good practice methods will be followed during the construction phase to prevent effects to such species and their habitats. The Inspectorate is content with this approach and agrees to scope this matter out of further assessment.</p>
326	Table 8-8	<p>Impacts from potential collision / attraction to solar PV modules from breeding or non-breeding birds - Operation</p>	<p>The Scoping Report proposes to scope this matter out, as given the location of the proposed development birds transiting over the site would be spread out and not concentrated. The Scoping Report also states in Table 8-3 that surveys of breeding and non-breeding birds will confirm the usage of the site by birds, including of birds flying over the site. In the absence of evidence of agreement with consultation bodies and as bird surveys are yet to be completed, the Inspectorate considers that collision effects on birds cannot be scoped out of the assessment at this stage.</p>
327	Table 8-8	<p>Impacts to Hazel Dormouse and European Beaver – All phases</p>	<p>The Scoping Report proposes to scope this matter out on the basis that these species are not known to be present on Romney Marsh. The Inspectorate notes that habitat surveys are currently still outstanding. As such, it is considered that there is insufficient information to rule out the presence of these species at this stage. In the absence of information such as evidence demonstrating clear agreement with</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			relevant statutory bodies, the Inspectorate is not in a position to agree to scope these matters from the assessment. Accordingly the ES should include an assessment of these matters or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a LSE.
328	Table 8-8	Impacts to other mammals, e.g. common and widespread species of no conservation value (such as Deer) – All phases	The Scoping Report proposes to scope this matter out on the basis that the absence of legal protections for these species means that formal assessment would not be required and the design of the proposed development would incorporate general measures to mitigate any impacts such as gaps in the perimeter fence to allow mammals to pass through. The Inspectorate therefore agrees to scope this matter out. The ES should, however, detail how the design of fencing to enable this is secured in the draft DCO.

ID	Ref	Description	Inspectorate's comments
329	N/A	Lighting disturbance - mitigation	The ES should assess impacts on ecological receptors from lighting where significant effects are likely to occur, and demonstrate measures taken to avoid disruption of ecological corridors such as hedgerows that provide flight-lines for bats. The ES should clearly explain how the measures will avoid or limit lighting impacts on ecological receptors.  See also comment I.D. 3.3.2.
3210	Table 8-8	Widespread and 'Common' Habitats and Species	The ES should further clarify the definition of 'Widespread and Common Habitats' and provide examples of the habitats that would be defined as such.

ID	Ref	Description	Inspectorate's comments
3211	Appendix D	Invasive Non-Native Species (INNS) - mink Management	The Inspectorate notes the comments from the Environment Agency (appendix 2 of this opinion) and considers that commitment ID EC-06 should also include a commitment to manage the population of American mink, in addition to other INNS.

### 3.3 Landscape and Visual Amenity

(Scoping Report Section 9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
331	Table 9-3 Figure 9-3 Paragraphs 9.5.13 9.5.23 9.5.35 and 9.6.19	Landscape designations, including setting	<p>The Scoping Report states that landscape designations and any areas considered to form the setting would be reflected in the value and sensitivity of relevant Landscape Character Area (LCA) as part of the landscape assessment and value and sensitivity would also be considered for any representative viewpoints within a designated landscape, or where these are considered to reflect the setting.</p> <p>The northeastern part of the LVIA study area is within the Kent Downs National Landscape (KDNL) and the northern edge of Site 4 of the proposed development is adjacent to the KDNL designation boundary. As such, the Inspectorate does not agree that landscape designations and setting should be scoped out of the assessment. The ES should assess any significant effects to landscape designations including the KDNL or provide evidence to demonstrate the absence of LSE including agreement with relevant consultation bodies.</p> <p>The ES should explain with evidence how value and sensitivity of a designated landscape and setting have been used to determine any LSE as part of the assessment.</p>
332	Table 9-3	Lighting	<p>The Scoping Report assumes that any lighting during the construction phase would be directional and temporary, and designed to minimise potential for light spillage beyond the proposed development site as reasonably practicable, particularly towards residential properties, live traffic and ecological habitats. The Scoping Report also states that lighting during the operational phase would be directed at infrastructure and only used for critical or essential purposes, and that no significant effects are expected to arise from lighting with respect to landscape and visual matters. As such, lighting is proposed to be scoped out from further assessment.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>The Inspectorate considers that the ES should describe the light levels likely to be generated during construction, operation and decommissioning.</p> <p>The ES should provide an assessment of any LSE resulting from lighting for all phases of the development, including a night-time assessment. Where mitigation is being relied on to avoid LSE this should be described, including any embedded mitigation such as the design of the lighting or layout.</p>

ID	Ref	Description	Inspectorate's comments
333	Paragraphs 9.2.1 -9.2.10 Figures 9.1a-h	Study area – Zones of Theoretical Visibility (ZTV)	<p>The Scoping Report states that a 5km LVIA study area is considered appropriate for the Energy Park Site although the extent of the full LVIA study area is to be reviewed throughout the iterative design process, subsequent ZTV production and further fieldwork.</p> <p>The Inspectorate considers that the study area should be informed by the extent of likely effects rather than an arbitrary study area boundary.</p> <p>The ES should justify the extent of the study area with reference to recognised professional guidance and the extent of the likely impacts, informed by fieldwork and relevant models or approaches such as the ZTV.</p>
334	Paragraph 9.2.7	LVIA Study Area for the Interconnecting Cable Corridors and the Grid Connection Route	<p>The Scoping Report states that the LVIA study area for the interconnecting cable corridors and the grid connection route would reflect the temporary nature of impacts likely to arise for these elements, with no permanent above-ground structures, and the Applicant does not anticipate that ZTVs would be provided for these elements and the study area, which would be refined once the extents are defined, will be proportionate to the expected effects.</p> <p>The Inspectorate considers that the ES should evidence how the study area has been derived to ensure it is representative of the project's effects and should be agreed with relevant consultation bodies where possible.</p>

ID	Ref	Description	Inspectorate's comments
335	Paragraphs 9.5.44 and 9.5.45 Figure 9-2	LVIA viewpoints	<p>The ES should explain how the number of viewpoints for the LVIA have been chosen and explain how these are representative. Viewpoints should be consulted on and where possible agreed with relevant consultation bodies.</p> <p>The Applicant's attention is directed to the comments of Natural England, Ashford Borough Council and Folkestone and Hythe District Council on this matter included in Appendix 2 of the Scoping Opinion.</p>
336	Paragraphs 9.5.46 and 9.5.47	Visualisations and photomontages	<p>The assessment should be supported by appropriate visualisations such as photomontages to help illustrate the likely impacts of the proposed development and should be based on the latest best practice guidance from the Landscape Institute.</p> <p>Effort should be made to agree the assessment approach, sensitive receptors and appropriate viewpoint locations for visualisations with relevant consultation bodies.</p> <p>Photomontages and visualisations used to illustrate the landscape and visual effects of the proposed development should be provided for both winter and summer assessment periods to demonstrate the impact of any landscape mitigation proposed.</p> <p>The Applicant's attention is directed to Folkestone and Hythe District Council's comments on this matter included in their response in Appendix 2 of the Scoping Opinion.</p>
337	Paragraph 9.9.5	Residential amenity assessment	<p>The Scoping Report states that the Applicant does not intend to carry out an assessment from private residential properties or undertake a residential amenity assessment, in line with the Landscape Institute's Technical Guidance Note 02/19, unless requested during consultation and agreement with respect to access. The Applicant states that where significant effects may arise for representative views for residential receptors these effects would not reach a threshold where residential visual amenity would be a consideration. No further justification is provided for scoping this matter out. In line with guidance, the requirement for a RVAA is generally dependent on the outcome of a Landscape and Visual Impact Assessment</p>

ID	Ref	Description	Inspectorate's comments
			(LVIA). Therefore, in the absence of LVIA conclusions, the Inspectorate does not agree to scope out a RVAA at this time. The need for an RVAA should be justified based on the conclusions of the LVIA presented in the ES and agreed with the relevant consultation bodies.

### 3.4 Materials and Waste

(Scoping Report Section 10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
34.1	Table 10-15	Changes in availability of materials – all phases	<p>The Scoping Report proposes to scope this matter out on the basis that materials for the construction of the Proposed Development are not likely to be required in large quantities (more than 10% of regional or national construction material availability). However, table 10-10 categorises a moderate adverse effect as 6-10% of national availability and based on the overarching methodology of the scoping report and the topic specific methodology, a moderate effect is considered to be significant.</p> <p>As the material use is not specified at this stage and therefore has the potential to be of a moderate level of effect, the Inspectorate is not in agreement that an assessment of material availability can be scoped out of the ES. The ES should either incorporate an assessment or provide further justification to exclude the potential for significant effects including any potential for moderate adverse effects from the anticipated material use.</p>
34.2	Table 10-15	Waste arising from extraction, processing, and manufacture of construction components and products.	<p>This matter is proposed to be scoped out of assessment on the basis that these matters cannot be predicted/assessed as they relate to procurement decisions that cannot be assured. The Inspectorate agrees that waste arising from extraction, processing and manufacture of construction components and products can be scoped out of further assessment.</p>
34.3	Table 10-15	Environmental impacts associated with the management of waste from the Scheme eg, on water resources, air quality, noise, or traffic resulting from the	<p>The Scoping Report proposes to scope these matters out on the basis that they will be assessed in other relevant aspect chapters of the ES. The Inspectorate agrees that environmental impacts associated with the management of waste from the proposed development can be scoped out of assessment in the materials and waste chapter, providing they are fully assessed within other relevant chapters.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		generation, handling, on-site temporary storage or offsite transport of materials and waste.	
344	Table 10-15	Environmental impacts associated with the operation of offsite waste management facilities used by the Scheme in construction, operation and decommissioning.	This matter is proposed to be scoped out on the basis that these impacts would be considered as part of the planning and permitting process for these facilities themselves. On this basis, the Inspectorate agrees that this matter can be scoped out of further assessment.
345	Table 10-15	Changes to allocated/safeguarded mineral and waste sites	These matters are proposed to be scoped out on the basis that there are no such sites within the Proposed Development boundary. On this basis, the Inspectorate agrees that significant effects are not likely to occur. This matter can be scoped out of further assessment.

ID	Ref	Description	Inspectorate's comments
346	N/A	N/A	N/A

### 3.5 Noise and Vibration

(Scoping Report Section 11)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
35.1	Paragraph 11.7.1	Decommissioning noise assessment	The Scoping Report states that the noise and vibration assessment presented for the construction phase will be considered representative (or an overestimate) of the decommissioning phase and does not propose a separate decommissioning noise assessment. The Inspectorate does not agree that decommissioning noise impacts can be excluded from the ES. The ES should include an assessment of this matter or provide further justification for the assumption that decommissioning activities would be similar or less than that during the construction phase, such as clarification of the likely duration of the decommissioning phase and the likely traffic movements associated with this. With details such as construction traffic routes and operational traffic routes still to be determined, the Inspectorate cannot agree to this matter being scoped out. Any significant effects associated with these matters should be assessed in the ES.
352	Paragraph 11.5.4 and Table 11-5	Construction/Decommissioning traffic vibration	This matter is proposed to be scoped out on the assumption that the highways authority will maintain good quality conditions for the highways used to access the proposed development. The condition of the roads has not been assessed, nor have the worst-case number and type of vehicles been provided to justify why vibration from construction/decommissioning traffic should be scoped out. In the absence of information such as evidence demonstrating clear agreement with relevant consultation bodies, the Inspectorate is not in a position to agree to scope these matters from the assessment. Accordingly, the ES should include an assessment of these matters, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a LSE.
353	Table 11-5	Operational traffic noise	This matter is proposed to be scoped out on the basis that operational traffic flows would be minimal and unlikely to result in a 1db increase in noise. On this basis, the Inspectorate is content that this matter can be scoped out of further assessment.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			However, the ES project description should confirm the operational vehicle types and numbers (with reference to thresholds within guidance) to justify this position.
354	Table 11-5	Vibration from the operation of the Scheme	The Scoping Report proposes to scope this matter out on the basis that there would be no plant that would generate perceptible levels of vibration as part of the proposed development. Having considered the physical aspects of the operational proposed development, the Inspectorate is content to scope this matter out of further assessment. However, the ES should demonstrate that operational plant and equipment is of a type and in locations, unlikely to result in significant vibration impacts on sensitive receptors.

ID	Ref	Description	Inspectorate's comments
355	Paragraph 11.2.2.	Study area	The Scoping Report states that the study area of construction effects is 300m, based on guidance in BS 5228-1:2009+A1:2014 which states that noise predictions are generally reliable up to 300m. However, the operational study area for the energy park is stated to be 500m. The Inspectorate considers that there is a higher potential for noise and vibration impacts during construction and is therefore unclear how these study areas have been established. The ES should explain how the study area and sensitive receptors have been selected with reference to the extent of likely impacts and relevant supporting evidence such as modelling and/or relevant guidance. Effort should be made to agree the study area(s) with relevant consultation bodies.
356	Paragraph 11.4.3	Baseline Noise Survey	Figure 11-1 presents the preliminary baseline monitoring locations. The ES should explain how the baseline noise monitoring locations were identified and determined to be representative, with reference to relevant information including noise modelling/ contour mapping. The location of monitoring locations should be depicted on a supporting plan.

ID	Ref	Description	Inspectorate's comments
35.7	Paragraph 11.5.6	Mitigation	The Scoping Report states that embedded mitigation relevant to the construction phase will be outlined within a CEMP. For the avoidance of doubt, any measures that are envisaged to mitigate likely significant effects, embedded or otherwise, should also be described within the ES.

### 3.6 Socio-economics and Land Use

(Scoping Report Section 12)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
36.1	Table 12-2	Development land - mineral safeguarding areas, mineral consultation areas, waste safeguarding areas, and transport safeguarding areas	<p>The Scoping Report states that there are no mineral safeguarding areas, mineral consultation areas, waste safeguarding areas, or transport safeguarding areas within or adjacent to the proposed development site boundary and assumes these would therefore not experience significant effects arising from the proposed development.</p> <p>On this basis, the Inspectorate is content to scope this matter out of further assessment.</p>
36.2	Table 12-2	Farming businesses	<p>The Scoping Report states that farming businesses would use the renting of their land on the Energy Park Site to support business diversification and farming businesses in the Interconnecting Cable Corridors and Grid Connection Route would only experience temporary loss of land use during the works to lay cables and there would be no change to business use from the baseline after construction. The Scoping Report assumes that these receptors are not likely to experience significant effects from the proposed development as a result.</p> <p>The ES should assess the impacts during the construction, operational and decommissioning phases of potential severance issues for farmers and other landowners. Where relevant, measures should be secured within the DCO to ensure farmers and other landowners' ability to access their land is not hindered.</p>

ID	Ref	Description	Inspectorate's comments
36.3	Section 12.2 Figure 12-1	Study area – indirect effects	The study area for indirect effects is principally the area within 500m of the proposed development boundary, noting that a 2 km radius is used for community, recreation and tourism receptors. The rationale for assessing potential indirect effects within

ID	Ref	Description	Inspectorate's comments
			<p>500 m and 2 km is based on professional judgement and location of sensitive receptors for impacts arising from the proposed as informed by other assessments for solar projects in England. Where professional judgement has been applied this should be clearly stated and suitably justified in the ES with reference to supporting evidence.</p> <p>The Applicant should consult with relevant consultation bodies over the extent of the study area for indirect effects.</p>
364	Paragraphs 12.5.15 12.6.1 and Appendix D	Public Rights of Way (PRoW) - impacts	<p>Appendix D of the Scoping Report summarises the mitigation measures for the disruption and closure of PRoW during construction and operation through a Framework PRoW Management Plan, setting out measures for minimising impacts on the PRoW network during construction and, if required, a Framework Operational Environmental Management Plan (OEMP) would be produced, setting out measures to manage impacts during the operational phase.</p> <p>Mitigation measures for the decommissioning phase of the proposed development should also be set out in the ES if required, or evidence provided justifying why these are not required.</p> <p>The ES should clarify whether mitigation measures for all phases of the proposed development are necessary to avoid any LSE and should demonstrate how they would be secured through the DCO.</p>
365	Paragraph 12.7.6	Assessment of effects - decommissioning	<p>As part of the chapter in the ES, the likely effects on land use that could result from the construction and operation of the proposed development would be considered. The ES should also consider the likely effects during the decommissioning phase.</p>

### 3.7 Soils and Agriculture

(Scoping Report Section 13)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
37.1	Table 13-6	Decommissioning phase	<p>The Scoping Report proposes to scope out the effects of decommissioning as the effects of decommissioning on soils and agricultural land are expected to be similar to or of a lesser magnitude than construction effects with the good practice specified in a Soil Management Plan (SMP). See comment I.D. 2.2.4 for the Inspectorates opinion on this approach.</p> <p>The Inspectorate does not agree that this matter can be scoped out as there is insufficient information in the Scoping Report to rule out any LSE. The ES should therefore provide an assessment of the impact of the decommissioning phase of the proposed development on soils and agriculture.</p>

ID	Ref	Description	Inspectorate's comments
37.2	Paragraphs 13.1.1 and 13.5.6 - 13.5.13	Baseline surveys	<p>The Scoping Report proposes to exclude soil and Agricultural Land Classification (ALC) surveying for the interconnecting cable corridors and grid connection route as there would only be negligible effects to the ALC grade if the soil is properly handled and reinstated following construction activities. ALC surveys of the land within the interconnecting cable corridors and grid connection route are intended to be undertaken post DCO consent, to inform soil handling in these areas during construction.</p> <p>The Inspectorate considers that ALC grade surveys for interconnecting cable corridors and grid connection route should be carried out, in addition to the proposed surveying for the Energy Park Site, prior to submission of the DCO application as part of the baseline information to support the assessment of any LSE from the proposed development on Best and Most Versatile (BMV) agricultural land.</p>

ID	Ref	Description	Inspectorate's comments
			<p>The Applicant should ensure that the surveying has sufficient coverage across the proposed development to accurately inform the assessment in line with relevant guidance and/or standards (e.g. Natural England Technical Information Note TIN049, 2012) or justify why an alternative survey methodology approach is sufficient.</p> <p>The areas of land assessed in the survey should clearly show the classification of each of the areas (e.g. in a table), with justification for the use of the land by grade.</p> <p>The Applicant's attention is directed to Natural England's comments on ALC surveying included in Appendix 2 of the Scoping Opinion for further information.</p>
37.3	Paragraphs 13.5.7 and 13.6.2 - 13.6.3	Best and Most Versatile (BMV) agricultural land	<p>The ES should contain a clear tabulation of the areas of land in each BMV classification to be temporarily or permanently lost as a result of the proposed development, with reference to accompanying map(s) depicting the grades.</p> <p>The Applicant should ensure that the approach for the use of the land by grade is justified, aligns with relevant guidance and/or standards (e.g., Natural England Technical Information Note TIN049, 2012), and/or is agreed with the relevant consultation bodies., and specific justification should be provided</p> <p>The ES should demonstrate that the mitigation hierarchy has been fully applied, to show that options have been considered to avoid or minimise loss of BMV land and maximise use of poorer quality agricultural land and, where use of BMV land is required, to provide a clear justification for why this has been necessary.</p> <p>The assessment of agricultural land loss should include the entire lifespan of the proposed development including the construction, operational, and decommissioning phases.</p> <p>Details should be included within the ES of how much land may be kept in use for agricultural purposes. The description should include reference to proposed grazing densities where relevant to ensure that any biodiversity gain is not offset by overgrazing.</p>

ID	Ref	Description	Inspectorate's comments
			<p>In addition to soil management measures, the ES should explain how the design has taken into account BMV land in order to avoid, prevent, or reduce any potential likely significant effects on BMV land or explain why this is not feasible. The ES should cross-refer to specific mitigation measures within the Framework Soil Management Plan (SMP) which are relied on for a conclusion of no LSE.</p> <p>The ES should also have regard to the potential for cumulative impacts at a regional scale with other plans and projects that result in a reduction of available BMV land.</p> <p>The Applicant's attention is directed to Natural England's comments on BMV land included in Appendix 2 of the Scoping Opinion for further information.</p>
374	Paragraphs 13.5.1213.6.1 13.6.4 – 13.6.22	Soil resources – construction and decommissioning phases	<p>The ES should explain the approach to construction, including any measures embedded to avoid LSE to the soil resource, such as any excavation and preservation of topsoil, the selection of any piling methods if used, and choice of machinery to reduce the impact of compaction, timing (e.g. during drier conditions), and a commitment to applying the relevant codes of practice in relation to soil handling.</p> <p>The ES should also include details of the decommissioning phase including the after use of the proposed development with details relating to proposed methods of returning land to its previous condition with respect to the baseline ALC survey, including an appropriate aftercare programme and opportunities for continued agricultural use and / or grassland management for biodiversity.</p> <p>The Applicants attention is drawn to Natural England's response (Appendix 2 of this Opinion) for further information on this matter.</p>

### 3.8 Transport and Access

(Scoping Report Section 14)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
38.1	Table 14-7	Impact of the decommissioning phase	<p>The Scoping Report proposes to scope out decommissioning phase impacts as these are expected to be no greater than those during the construction phase. The Scoping Report concludes that the magnitude of effects will be the same or less than those already determined for the construction phase and assumes that the significance of effects would be the same or less than the construction phase.</p> <p>The Inspectorate does not agree that an assessment of decommissioning phase impacts can be excluded from the ES. See box I.D. 2.2.4 for further information on this matter. The ES should provide information on the likely trip generation during decommissioning and confirm the assessment conclusions for this phase based on reasonable assumptions. Further details on any specific mitigation measures if required to avoid LSE should also be provided.</p>
382	Table 14-7 Paragraphs 14.7.28 and 14.7.29	Hazardous/large loads during construction, operation and decommissioning phases	<p>The Scoping Report proposes to scope out hazardous/large loads from the assessment. However, paragraph 14.7.29 states that the impacts of hazardous/large loads would be considered in a qualitative risk assessment for the construction period.</p> <p>The Scoping Report also states in paragraph 14.7.28 that, where the number of movements is likely to be significant, a risk or catastrophe analysis should be carried out, and appropriate routes for abnormal (large) load movements should be considered, with mitigation strategies to secure safe passage. The Inspectorate agrees that the ES should commit to a risk/catastrophe analysis where movements are likely to be significant.</p> <p>No information has been provided in the Scoping Report on anticipated vehicle movements of potential Abnormal Indivisible Loads (AILs) and the type and nature of</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>potential hazardous and/or large loads, and consequently the Inspectorate does not agree that this matter can be scoped out of further assessment.</p> <p>The ES should describe the anticipated number and composition of any hazardous and large loads and describe any safety measures as necessary. Any mitigation measures to avoid or reduce LSE should be set out in the ES with evidence of how such measures would be secured through the DCO.</p> <p>The Applicant should consult with and seek agreement with relevant consultation bodies on the assessment and any proposed mitigation. The Applicant's attention is drawn to Kent County Council's response as Highways Authority in Appendix 2 of the Scoping Opinion for further information on this matter.</p>
383	Table 14-7 Paragraph 14.6.16	Impact of the operational phase	<p>The Scoping Report proposes to scope out operational phase transport effects from the ES because of the low level of trips likely to be generated during the operational phase of the proposed development as these are expected to be nominal and therefore not result in a significant impact. Further details of the operational stage transport arrangements are to be set out in the PEI Report and ES to support this approach.</p> <p>The Inspectorate agrees that this matter can be scoped out subject to confirmation that the frequency and type of trips and vehicles are not likely to give rise to a significant effect, with reference to relevant thresholds such as those set out in the Guidelines for Environmental Assessment of Road Traffic, 1993) and taking account of any potential cumulative traffic effects.</p>

ID	Ref	Description	Inspectorate's comments
384	Paragraphs 14.2.1 - 14.2.3	Study area	The ES should confirm the final study area for the assessment and explain how it has been selected. In addition to engagement with relevant consultation bodies,

ID	Ref	Description	Inspectorate's comments
			<p>consideration should also be given to industry guidance, the extent of the potential impacts and likely receptors, both human and ecological.</p> <p>A plan illustrating the extent of the study area, and the expected route(s) of construction traffic, should be included in the ES.</p>
385	Paragraphs 14.5.14 - 14.5.18 14.6.12 14.7.9 14.7.30 and Appendix D	Public Rights of Way (PRoW) and recreational routes – baseline surveys and assessment	<p>There are a number of PRoW within, or in close proximity to, the Energy Park Site and the other areas within the proposed development site are presented in figure 2-2 of the Scoping Report, and the proposed development could affect a number of the PRoW through temporary disruption and closure of routes.</p> <p>Surveys should be undertaken to establish the existing use of the PRoWs affected by the proposed development, to understand the baseline use of these PRoWs and to allow an assessment to define the change in characteristics of tourism and recreational use of each PRoW and other recreational routes.</p> <p>The ES should assess impacts to users of PRoW, cycle networks or other recreational routes (including severance, delay, amenity and fear/ intimidation) during construction, operation and decommissioning which are likely to result in significant effects. Any such assessment should be supported by pedestrian/ user counts where possible, with effort made to agree the locations for such counts with relevant consultation bodies.</p> <p>Where relevant, the ES should assess potential interactions between aspect assessments (transport, noise, dust, and visual impact, for example).</p> <p>The locations of any diversions or closures should be illustrated on suitable figures in the ES.</p>
386	Paragraphs 14.5.2 14.5.8 14.5.11 - 14.5.12 and	Access routes	<p>The assessment of construction access routes to the proposed development site from the main road network should be consulted on with relevant consultation bodies to ensure that proposed construction vehicles use the most appropriate vehicle routes, including potential haul roads between land parcels, in order to minimise the impact</p>

ID	Ref	Description	Inspectorate's comments
	14.6.4 14.6.12		<p>on the local rural highway network from construction vehicles, due to the current limited width of many of the rural roads which may be unsuitable for HGVs.</p> <p>Evidence of this consultation and how it has informed the assessment should be provided in the ES particularly where mitigation such as the widening of rural roads may be required so that construction vehicles do not have a potential adverse impact on highway safety.</p> <p>The Applicant's attention is drawn to the comments of Kent County Council as Highways Authority, and Aldington and Bonnington Parish Council (Appendix 2 of this Opinion) for further information on this matter.</p>
38.7	Paragraphs 14.6.10- 14.6.11	Assessment of vehicle movements	<p>The Scoping Report states that the proposed numbers of movements of construction vehicles and construction staff during the peak of the construction phase will be reviewed and confirmed in the ES. The ES should provide an assessment of any LSE associated with the construction and decommissioning phases based on the anticipated vehicle movements, type and duration, routing and access.</p>
38.8	Paragraphs 14.6.8 14.6.12 and 14.7.28 – 14.7.29 Appendix D	Mitigation measures	<p>The Scoping Report states that the outline Construction Traffic Management Plan (CTMP) would include details of measures used to support the safe transport of components to and from the proposed development. Appendix D of the Scoping Report (Commitments Register) does not set out what these measures might constitute in the CTMP for the construction phase for AIL, hazardous loads or large loads.</p> <p>The proposed CTMP should secure the number of vehicle types and movements, routing and access, and should include measures such as safe transport of hazardous or large loads, and AIL where applicable, routing away from sensitive receptors where possible, temporary diversions, traffic lights, and other relevant road safety measures.</p> <p>If highways works/improvements are required as mitigation for significant effects arising from construction or decommissioning works, these should be fully explained within the ES and an assessment of any LSE from these works should be presented.</p>

ID	Ref	Description	Inspectorate's comments
			<p>This should include consideration of any potential impacts to railway and other assets, such as bridges and level crossings, located on HGV routes.</p> <p>The Applicant's attention is directed to the comments of Folkestone and Hythe District Council, Kent County Council and National Highways in Appendix 2 of the Scoping Opinion for further information on this matter.</p>

### 3.9 Water Environment

(Scoping Report Section 15)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
39.1	Table 15.9	Surface water - all phases – Kent South coastal Water Framework Directive (WFD) water body	<p>The Scoping Report proposes to scope out potential impacts to the Kent South coastal WFD water body because of the distance downstream beyond the study area and its scale, offering potential for dilution and dispersal.</p> <p>On this basis, the Inspectorate agrees that LSE are unlikely to occur to this water body. This matter can be scoped out of further assessment.</p>
39.2	Table 15.9	Nutrient neutrality assessment - all phases	<p>The Scoping Report proposes to scope out potential impacts to the nutrient neutrality of relevant European sites as no hydrologic connectivity between the proposed development site and the designated sites identified by Natural England as requiring assessment. The Scoping Report also considers that the change of land use would reduce use of fertilisers, noting that there may be a small volume of foul waste generated on site during operation.</p> <p>The Inspectorate agrees that this matter can be scoped out of further assessment.</p>

ID	Ref	Description	Inspectorate's comments
39.3	Paragraphs 15.2.1 - 15.2.2	Study area	<p>The Scoping Report states that the proposed study area is based on professional judgment.</p> <p>The ES should provide justification for the study area for the water environment assessment and describe any waterbodies located outside of the established 1km study area that have also been included in the assessment, such as those downstream. This should be supported by appropriate figures in the ES.</p>

ID	Ref	Description	Inspectorate's comments
			<p>The ES should justify the study area applied based on hydrological connectivity of the site to water receptors and the extent of potential flood risk. Consideration of upstream receptors should also be included where appropriate.</p> <p>The ES should provide a figure clearly displaying the study area and should clearly explain and justify the study area used in the assessment.</p>
394	Paragraphs 15.6.3 – 15.6.10	Water quality - mitigation	<p>The ES should include a description of any measures proposed to reduce pollutant runoff into nearby watercourses or other adverse impacts on water quality to be secured via the surface water drainage strategy, Construction Environmental Management Plan (CEMP), Operational Environmental Management Plan (OEMP), and Decommissioning Environmental Management Plan (DEMP).</p> <p>Mitigation should also include consideration of the siting and containment of the BESS with respect to a potential risk of pollutants from firewater entering watercourses and the impact this could have on sensitive water receptors. A Battery Safety Management Plan should be included as part of the mitigation measures.</p> <p>The Applicant's attention is drawn to the comments of the Environment Agency, and from Aldington and Bonnington Parish Council on protection of water quality in Appendix 2 of this Scoping Opinion for further information on this matter.</p>
395	Sections 15.6 and 15.9	Thermal impacts on water quality - buried cables	<p>The ES should consider the potential thermal impacts of high voltage buried electricity cables on the water environment, for example in relation to groundwater quality, or provide justification for it to be scoped out if applicable.</p> <p>The Applicant's attention is directed to the comments of the Environment Agency in Appendix 2 of this Scoping Opinion for further information on this matter.</p>
396	Paragraphs 15.7.12 and 15.8.4	Watercourse crossings	<p>The ES should describe the number, location and types of watercourse crossings required for the proposed development and assess impacts where there is the potential for significant effects to occur. Effort should be made to agree the approach and appropriate locations with relevant consultation bodies.</p>

ID	Ref	Description	Inspectorate's comments
39.7	Paragraphs 15.7.16 and 15.7.17	Sustainable urban drainage systems (SUDs)	The Inspectorate notes the proposed use of Sustainable urban drainage (SUDs) as mitigation. The design of SUDs should be informed by relevant up to date climate change allowances for the lifetime of the proposed development.
39.8	Appendices D and H	Horizontal directional drilling (HDD) - impacts	<p>The Inspectorate notes that Horizontal Directional Drilling (HDD) may be used with cable laying for watercourse crossings.</p> <p>The ES should include an assessment of the potential effects from release of drilling fluids into watercourse crossings and consider if there would be any potential effects on existing flood defences through vibration effects. This assessment should make cross reference to the ground conditions and noise and vibration aspect assessments where appropriate.</p> <p>The Inspectorate considers that if drilling fluid is used in construction, a drilling fluid breakout plan should be produced, submitted and secured through the DCO application, submitted with the application to support the proposed site-specific hydraulic breakout risk assessment.</p> <p>The Applicant's attention is directed to the comments of the Environment Agency in Appendix 2 of the Scoping Opinion for further information on this matter.</p>

### 3.10 Air Quality (Other Environmental Topics)

(Scoping Report Section 16.1)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.1	Section 16.1	Air Quality ES Chapter	The Scoping Report proposes that air quality will be assessed within an 'Other Environmental Topics' chapter rather than in a standalone ES Chapter. The Inspectorate has considered the nature and characteristics of the Proposed Development and is content with this approach.
3.10.2	Paragraph 16.1.48	Air Quality - Operation	The Scoping Report proposes to scope out operational air quality impacts on the basis that the on-site infrastructure would not emit any pollutants and maintenance activities would only generate low numbers of vehicle movements. On this basis, the Inspectorate agrees that operational air quality effects are not likely to occur. This matter can be scoped out from the ES.

ID	Ref	Description	Inspectorate's comments
3.10.3	N/A	N/A	N/A

### 3.11 Electromagnetic Fields (Other Environmental Topics)

(Scoping Report Section 16.2)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.11.1	Section 16.2	Electromagnetic Fields (EMF) ES Chapter	The Scoping Report proposes that the assessment of EMF associated with the Proposed Development will be summarised within the 'Other Environmental Topics' chapter of the ES. The Inspectorate is content with this approach. The 'Other Environmental Topics' chapter of the ES should identify any significant effects resulting from EMF. ES aspect chapters should cross refer to the EMF assessment where relevant.

ID	Ref	Description	Inspectorate's comments
3.11.2	N/A	N/A	N/A

### 3.12 Glint and Glare (Other Environmental Topics)

(Scoping Report Section 16.3)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.121	Section 16.3	Glint and Glare ES Chapter	The Scoping Report proposes that the assessment of glint and glare effects will be set out in full in a Technical Appendix to the ES and summarised within the 'Other Environmental Topics' chapter of the ES. The Inspectorate is content with this approach. The 'Other Environmental Topics' chapter of the ES should identify any significant effects resulting from glint and glare. ES aspect chapters (such as LVIA and Cultural Heritage) should cross refer to the Glint and Glare assessment where relevant.

ID	Ref	Description	Inspectorate's comments
3.122	N/A	N/A	N/A

### 3.13 Ground Conditions (Other Environmental Topics)

(Scoping Report Section 16.4)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.13.1	Table 16-2	Ground Conditions - Construction and Operation Phase Impacts	The Scoping Report proposes to scope this matter out on the basis that the findings and recommendations of the Preliminary Risk Assessment (PRA) will be incorporated into the Framework CEMP/DEMP and maintenance activities will be managed through the OEMP. The Inspectorate considers that the information provided aligns with the requirements of the Nationally Significant Infrastructure Projects: Technical Advice Page for Scoping Solar Development and accompanying Solar Scoping Table. On this basis and providing that the recommendations for further works made in Appendix I Land Contamination Preliminary Risk Assessment (PRA) are completed as proposed, the Inspectorate is in agreement that these matters can be scoped out of further assessment.

ID	Ref	Description	Inspectorate's comments
3.13.2	Paragraph 16.4.18	Sensitive receptors	The Scoping Report lists the sensitive receptors identified for the assessment. The Inspectorate is of the opinion that groundwater and surface water abstractions in the vicinity should be considered as sensitive receptors for the purposes of this assessment. The Applicant's attention is drawn to the consultation response from the Environment Agency (appendix 2 of this opinion) for further information on this matter.

### 3.14 Human Health (Other Environmental Topics)

(Scoping Report Section 16.5)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.14.1	Section 16.5	Human Health ES Chapter	The Scoping Report proposes to scope this matter out on the basis that impacts to Human Health will be assessed in other relevant ES aspect chapters. The Inspectorate is content with this approach; however, the ES should clearly set out potential impacts to human health from the proposed development during construction, operation and decommissioning and cross-reference to where impacts are assessed within the ES.

ID	Ref	Description	Inspectorate's comments
3.14.2	N/A	N/A	N/A

### 3.15 Major Accidents and Disasters (Other Environmental Topics)

(Scoping Report Section 16.6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.15.1	Section 16.6	Major Accidents and Disasters ES Chapter	The Scoping Report proposes to scope out a full Major Accidents and Disasters (MA&D) ES aspect chapter and provide a high-level assessment within the 'Other Environmental Topics' chapter. Having considered the characteristics of the Proposed Development and taking into account the matters outlined in Table 16-4, the Inspectorate is content with this approach. Any potentially significant effects relating to MA&D should be outlined within the 'Other Environmental Topics' chapter, along with any measures that are relied upon to mitigate them.
3.15.2	Table 16-4	Flood risk and Flood Defence Failure	The Scoping Report proposes to scope out an assessment of MA&D from flood risk here, on the basis that flood risk will be assessed within ES Chapter 15: Water Environment and within a FRA. The Inspectorate is content with this approach. An assessment of Flood risk can be scoped out of the 'Other Environmental Topics' Major Accidents and Disasters chapter of the ES.
3.15.3	Table 16-4	Fire	This matter is proposed to be scoped out on the basis that fire risks relating to battery storage will be considered within a Framework Battery Safety Management Plan. The Inspectorate considers that any likely significant effects from the risk of battery fire/explosion should be addressed in the ES. Details of measures to minimise impacts on the environment in the event of such an occurrence should be described. This should also include consideration of the impact of run-off of water/foam used in fire fighting on sensitive water receptors in proximity.
3.15.4	Table 16-4	Road Accidents	This matter is proposed to be scoped out on the basis that traffic related accidents will be considered within Chapter 14: Transport and access. Providing this matter is fully considered within the Transport and Access chapter, the Inspectorate is content to

			scope this matter out of further assessment as an aspect of major accidents and disaster.
3.155	Table 16-4	Utilities Failure	This matter is proposed to be scoped out on the basis that impacts to utilities will be discussed within the telecommunications and utilities section of Chapter 16: Other Environmental Topics. Providing the potential for MA&D arising from this matter is considered within the telecommunications and utilities section, the Inspectorate is content to scope this matter out of further assessment as an aspect of major accidents and disaster.
3.156	Table 16-4	Mining Extractive Industry	This matter is proposed to be scoped out on the basis that MA&D related to the mining extractive industry will be considered as part of the geotechnical design of the Proposed Development. On this basis, the Inspectorate is content to scope this matter out of further assessment as an aspect of major accidents and disaster
3.157	Table 16-4	Plant Disease	This matter is proposed to be scoped out on the basis that MA&D related to plant diseases will be detailed within the planting design and Framework LEMP. In the absence of the framework LEMP, the Inspectorate is currently not in a position to scope this matter out. The risk of MA&D related to plant diseases should be considered within the ES.

ID	Ref	Description	Inspectorate's comments
3.158	N/A	N/A	N/A

### 3.16 Telecommunications and Utilities (Other Environmental Topics)

(Scoping Report Section 16.7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.16.1	Section 16.7	Telecommunications and Utilities ES Chapter	The Inspectorate is content to scope out an aspect chapter provided that the findings of the desk-based assessment are summarised within the 'Other Environmental Topics' chapter of the ES. The 'Other Environmental Topics' chapter of the ES should identify any significant effects resulting from telecommunications and utilities.

ID	Ref	Description	Inspectorate's comments
3.162	N/A	N/A	N/A

## APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

**TABLE A1: PRESCRIBED CONSULTATION BODIES**

Bodies prescribed in schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the 'APFP Regulations (as amended)')

SCHEDULE 1 DESCRIPTION	ORGANISATION
The relevant parish council or, where the application relates to land in Wales or Scotland, the relevant community council	Ivychurch Parish Council
	Brenzett Parish Council
	Newchurch Village Parish Council
	St. Mary in the Marsh Parish Council
	Dymchurch Parish Council
	Lympne Parish Council
	Hythe Town Council
	Burmash Parish Council
	Orlestone Parish Council
	Ruckinge Parish Council
	Bilsington Parish Council
	Aldington and Bonnington Parish Council
	Mersham Parish Council
	Shadoxhurst Parish Council
	Kingsnorth Parish Council
The Environment Agency	The Environment Agency
Natural England	Natural England
The Forestry Commission	The Forestry Commission South East and London

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
The Historic Buildings and Monuments Commission for England (known as Historic England)	Historic England
The relevant internal drainage board	Romney Marshes Area Internal Drainage Board
	River Stour Internal Drainage Board
The relevant Highways Authority	Kent County Council Highways
	National Highways
The Health and Safety Executive	Health and Safety Executive
United Kingdom Health Security Agency, an executive agency of the Department of Health and Social Care	United Kingdom Health Security Agency
NHS England	NHS England
Relevant statutory undertakers	See Table 2 below
The relevant police authority	Kent Police and Crime Commissioner
The relevant ambulance service	South East Coast Ambulance Service NHS Foundation Trust
The relevant fire and rescue authority	Kent Fire and Rescue Service

## TABLE A2: RELEVANT STATUTORY UNDERTAKERS

‘Statutory undertaker’ is defined in The APFP Regulations (as amended) as having the same meaning as in section 127 of the Planning Act 2008 (PA2008)

<b>STATUTORY UNDERTAKER</b>	<b>ORGANISATION</b>
The relevant Integrated Care Board	NHS Kent and Medway Intergrated Care Board
NHS England	NHS England

STATUTORY UNDERTAKER	ORGANISATION
The relevant NHS Foundation Trust	South East Coast Ambulance Service NHS Foundation Trust
Railways	Network Rail Infrastructure Ltd
	National Highways Historical Railways Estate
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The relevant Environment Agency	The Environment Agency
The relevant water and sewage undertaker	Affinity Water
	Southern Water
The relevant public gas transporter	Cadent Gas Limited
	Northern Gas Networks Limited
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	CNG Services Ltd
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Harlaxton Gas Networks Limited
	Independent Pipelines Limited

STATUTORY UNDERTAKER	ORGANISATION
	Indigo Pipelines Limited
	Inovyn Enterprises Ltd
	Last Mile Gas Ltd
	Leep Gas Networks Limited
	Mua Gas Limited
	Quadrant Pipelines Limited
	Stark Infra-Gas Limited
	National Gas
The relevant electricity distributor with CPO Powers	Advanced Electricity Networks Ltd
	Aidien Ltd
	Aurora Utilities Ltd
	Eclipse Power Network Limited
	Energy Assets Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	Green Generation Energy Networks Cymru Ltd
	Harlaxton Energy Networks Limited
	Independent Distribution Connection Specialists Ltd
	Independent Power Networks Limited
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited
	Mua Electricity Limited
	Optimal Power Networks Limited

STATUTORY UNDERTAKER	ORGANISATION
	Stark Infra-Electricity Ltd
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited
	UK Power Networks Limited
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc
	National Grid Electricity System Operation Limited

**TABLE A3: LOCAL AUTHORITIES AS DEFINED IN SECTION 43(3) OF THE PA2008**

LOCAL AUTHORITY
Folkestone and Hythe District Council
Canterbury City Council
Dover District Council
Rother District Council
Ashford Borough Council
Maidstone Borough Council
Swale Borough Council
Tunbridge Wells Borough Council
London Borough of Bexley
London Borough of Bromley
Thurrock Council
Medway Council
Surrey County Council

LOCAL AUTHORITY
East Sussex County Council

**TABLE A4: THE MARINE MANAGEMENT ORGANISATION**

Section 42(1)(a) of the PA2008 requires consultation with the Marine Management Organisation in any case where the proposed development would affect, or would be likely to affect, any of the areas specified in subsection 42(2).

ORGANISATION
The Marine Management Organisation

## APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
Aldington and Bonnington Parish Council
Ashford Borough Council
Burmarsh Parish Council
Dover District Council
Dymchurch Parish Council
Environment Agency
Folkestone and Hythe District Council
Health and Safety Executive
Historic England
Kent County Council Highways
Kent County Council
Lympne Parish Council
National Grid Electricity Transmission
Natural England
Newchurch Parish Council
Rother District Council
St. Mary in the Marsh Parish Council
UK Power Networks

## Aldington & Bonnington Parish Council Response to PINS Scoping request for Shepway Energy Park EN0110017

Aldington & Bonnington Parish Council thanks the Planning Inspectorate for this early opportunity to comment upon the Scoping Report compiled by SSE Renewables regarding the proposed Shepway Energy Park. Though not sited within Aldington & Bonnington Parish, this application immediately abuts our southernmost parish boundary and is overlooked by Aldington village due to its location on the ridge and so very much affects the setting of the parish. We outline our main concerns below;

Visual Impact and impact on Kent Downs National Landscape: The visual impact of this proposal will be significant. The Aldington & Bonnington Neighbourhood Plan contains several locally significant views. View 11a looks south east from Aldington Knoll towards Romney Marsh and Dymchurch and is identified in the documents submitted for this Scoping Report as 90% likely to be impacted. As acknowledged by the applicant the landscape character will be significantly harmed by this proposal and we hope that the Examiner will accordingly give this significant weight in the consideration of this application. Whilst National Policy describes flat landscapes as suitable for ground mounted solar, we would like to suggest that the unique, low lying, open, green and agricultural natural of the Romney Marshes, which are part of the setting for a National Landscape, makes the visual harm unacceptable. The Kent Downs National Landscape comes right up to our parish boundary and that of the proposed site. The usual mitigation methods of planting tree or hedges to screen will not work in this environment. We request that serious consideration is given to the removal of Field 4 from the plan and, should this application proceed, the application as a whole is scaled down and the height of all the elements reduced.

Cumulative Impact: Our parish currently has multiple applications for ground mounted solar arrays, on varying scales, so we believe that all should be taken into account in order to evaluate the cumulative impact on the whole area. We specifically ask that alongside the multiple applications for the marsh, this being just one, you also consider:

Stonestreet Green Solar EN010135

East Stour Solar APP/E2205/W/24/3352427

OTH/ 2025/1056 Land East of Forty Acre Wood, The Street, Brabourne

And the fact that Folkestone & Hythe District Council propose a total of 96 acres at Court-at-Street to 'power the 10,000 homes that will be built there'. Quite why this is necessary when, by the time the houses are built, policy will require that there solar panels are fitted on the roofs.

Land Use: It is clear that, due to our proximity to the Sellindge Converter Station, our corner of Kent is highly desirable to companies looking to generate and export electricity for profit. The cumulative impact of the multiple applications will significantly impact the landscape character, tourism and trade in the area as well as change the reputation of Kent as a rural environment known as the Garden of England. Most of the villages in this area have strong agricultural history which forms part of their local identity as well as a reason that draws visitors to the area. Crops are giving way to ground mounted solar on land that has fed the nation for generations. Soil quality will be, of course, be assessed and considered as part of this Examination. A considerable proportion of the site proposed is known by local farmers to

be high quality and we very much hope that the soil assessment is honest and will show the correct proportion that is Best & Most Versatile land. Effective land use is a material Planning consideration. Considering the significant increased threats to the UK, the Government have recently increased defence spending. In the past, when under military threat, the ability to produce food was a high priority. We hope that the high quality of this agricultural land will be given significant weight in the evaluation of this application as this is also a national need that strengthens our resilience and contributes to Net Zero in terms of reduced food miles.

Climate Change and Biodiversity: We are pleased to see stated at para 6.9.3 that sea level rise will be scoped into the PIER. The application site is on historic reclaimed land which lies behind the Dymchurch Wall and which is predicted to return to the sea if sea levels rise as anticipated. This landscape is a fragile one that is maintained through a network of dykes and ditches that require regular maintenance, and which are, in themselves, important ecological features, rich with flora and fauna that thrive alongside the agricultural land use. This means that the typical ecological analysis that counts agricultural land as devoid of wildlife is not appropriate in this location. We therefore request that the Examiner takes special note of the unique contribution of the Romney Marshes to biodiversity. We note that Para 8.5.12 acknowledge the significance to birds. The Romney Marshes are a unique landscape that currently balances the often-conflicting needs of people and nature. Their value for food production should be given significant planning weight. Para 8.8.2 alludes to watercourses, but references ponds, rivers and 'small crossings of minor watercourses'. It is important that the Examiner is made aware of the significance of the dykes on Romney Marsh and that the impact of the proposed change of land use is thoroughly investigated. The ditches have evolved over many hundreds of years to keep the land suitable for agriculture. The installation of acres of sloping, solid, glass panels will dramatically change the way that water is absorbed by this landscape. Specialist investigation is needed to understand how this will impact flood risk.

Flooding & Pollution: The flood risk map/ assessment (which is provided by Shepway council as ABC doesn't have one) shows this is a major issue when it comes to any planning proposals on the Romney Marsh ( [strategic-flood-risk-assessment](#) ). Not only is this a risk for the community living in or adjacent to the Romney Marshlands, it also presents significant risk to the electrical generation infrastructure which would probably be unusable and in need of a complete rebuild in the event of flooding as the panels/Battery's would be damaged by the flood water. Contamination from battery leaks is another concern as the water table on Romney Marsh is very shallow and all connected, so if there was a pollution leak in one area it would have a far-reaching impact on a large area by travelling through the well-connected waterways.

Traffic: Lastly, the impact of construction and decommissioning traffic on our rural villages will be significant as the proposed site has no direct access from a main road. The Construction Management Plan will no doubt attempt to address this but National Policy states that this is an important consideration. In the recent informal Public Consultation the applicant representatives appeared to believe that Wey Street is suitable for HGV traffic. It is not. On the contrary, this single-track lane is built for light traffic use. HGV vehicles will damage it, wreck the verges and create a nightmare for residents living in this currently fairly remote location. Whilst internal tracks will keep vehicles off the lanes once they arrive at the site, they must get there first. Apart from Wey Street, which is linked to the B2070, the only other potential routes involve coming through Aldington from the A20, or through Hamstreet,

Ruckinge or Bilsington from the B2067. None of those routes are appropriate for this level or size of traffic. The proposed application site is therefore inappropriate. Despite construction and decommissioning being temporary phases, the period for each is significant - as will be the damage to local infrastructure. We therefore request an independent traffic assessment ascertains the impact upon the rural lanes in addition to predicting vehicle flows and includes compensation for the damage that will inevitably arise. Finally, the traffic impacts should also be taken into account in the assessment of cumulative impact and we request that the Examiner take the Traffic Management Plans of any other site in the area into account when making his/ her assessment as, due to the prevalence of applications currently being considered, it is highly likely that construction phases could overlap. The traffic impact of other potential applications should therefore be scoped into the assessment of this application.

Thank you

Best regards

Aldington & Bonnington Parish Council

## Planning and Development

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 @ashfordcouncil

 AshfordBoroughCouncil

By email to:  
ShepwayEnergyPark@planninginspectorate.gov.uk

Our Ref: OTH/2025/1052  
Your Ref: EN0110017

Date: 27 June 2025

Dear Mr Jones

### **Scoping consultation in respect of application by SSE Newchurch Solar Limited for an Order granting Development Consent for the Shepway Energy Park**

I refer to your letter dated 30 May 2025 consulting the Council on SSE Newchurch Solar Limited's request for an EIA scoping opinion in relation to the installation of a solar photovoltaic farm with an anticipated generating capacity circa 200 MW, together with a Battery Energy Storage System (BESS), security perimeter fencing, ecological enhancements, below ground electrical cable connections, associated development and ancillary works.

The Borough Council makes the following comments in relation to the Shepway Energy Park Environmental Impact Assessment Scoping Report dated May 2025.

#### **Chapter 5: EIA Methodology**

- Cumulative Effects

The Scoping Report does not include a list of 'Other Developments' to be considered in the assessment of cumulative effects though welcomes confirmation in paragraph 5.6.11 that the list will be reviewed and developed in consultation with the local planning authorities, statutory consultees and other relevant organisations. The Council requests

that in response to the consultation the ES should include a figure depicting the locations and extent of cumulative developments in relation to the proposed development.

## **Chapter 6: Climate Change**

Paragraph 6.3.3 sets out the local policies that have been considered. The Council suggests that the EIA should also reference the Borough Plan (2024-2028). This sets out the Council's vision and priorities under the pillars of Planet, People and Place. It includes a commitment to reducing the use of fossil fuels, including by supporting the development of community energy projects as a key route to delivering carbon reductions where solar and wind development led by and directly benefitting communities are encouraged.

## **Chapter 7: Cultural Heritage**

The potential impact of the proposed development on both designated and non-designated heritage assets and their setting should be comprehensively assessed in accordance with National Planning Policy Framework (NPPF), paragraph 194. The Kent Historic Environment Record should be the primary source for assessment of archaeological potential assessing the character, significance and extent of archaeological remains.

Paragraph 7.3.3 sets out the local policies considered to be of relevance to the historic environment: The Council suggests that Policy ENV5 (Protecting Important Rural Features) of the Ashford Local Plan is also relevant and should be referenced in the ES. This is because Policy ENV5 seeks to protect, and where possible enhance, amongst other things "river corridors and tributaries" (criterion 'b') and "rural lanes which have a landscape, nature conservation or historic importance" (criterion 'c'). As acknowledged in paragraph 9.5.5 of the Scoping Report, much of the present landscape pattern reflects the effects of historic drainage, including the winding freshwater ditches (sewers), sinuous rural lanes and nucleated villages. The ES should include a Historic Landscapes Character analysis that considers historic field patterns, PROW, planting, woodlands, ditches/ponds etc.

Any application should be accompanied by a robust Heritage Statement (HS) which considers the level of impact resulting from the proposal on the significance of all designated and non-designated heritage assets. It should implement the staged approach outlined in Historic England - Statements of Heritage Significance: Analysing Significance in Heritage Assets (Historic England Advice Note 12) and include a full discussion of the form, materials and history of any affected heritage asset and an understanding of their significance, and in particular the contribution to significance made by the asset's setting. The analysis of the setting should use the guidance in Historic England - The Setting of Heritage Assets Planning Note 3 (Second Edition). The aspects of setting should be expressed in terms of views but also within the wider definition contained in the NPPF, Glossary, page 71. The Council requests that the borough boundary is shown on Figure 7-1 to aid the identification of heritage assets within the respective administrative areas.

In accordance with Planning Practice Guidance [19] Heritage Appraisals should include analysis of the significance of the asset and its setting, and, where relevant, how this has informed the development of the proposals early appraisals, a conservation plan or targeted specialist investigation can help to identify constraints and opportunities arising from the asset at an early stage. Such appraisals or investigations can identify alternative development options, for example more sensitive designs or different orientations, that will

both conserve the heritage assets and deliver public benefits in a more sustainable and appropriate way.

Without prejudice to any comments from Kent Council's Archaeological Advisor, any application should be informed by a proportionate archaeological assessment based on the importance of the site and may be desk-based or require site investigation. New sites of archaeological importance should be afforded appropriate protection and, where possible, retained in situ. Where archaeological potential is identified but there is no overriding case for any remains to be preserved in situ, development which would destroy or disturb potential remains will be permitted, subject to conditions ensuring an appropriate programme of archaeological investigation, recording, reporting and archiving prior to development commencing.

The Council considers the ES should include reference to the following guidance:

- ABC Heritage Strategy <https://www.ashford.gov.uk/media/50edc0ta/adoptedashfordheritagestrategy.pdf>
- KCC HERS
- Aldington Neighbourhood Plan and accompanying Design Codes
- KLIS <https://webapps.kent.gov.uk/KCC.KLIS.Web.Sites.Public/ViewMap.aspx>
- AONB - Kent Downs Design Guide <https://kentdowns.org.uk/wp-content/uploads/2018/04/Landscape-Design-Handbook.pdf>
- Kent Downs AONB – Guidance On The Use Of Colour In Development. (Document refers to power infrastructure) <https://kentdowns.org.uk/wp-content/uploads/2020/07/KDAONB-Colour-guidance-final-SCREEN.pdf>
- [Ashford Borough Council - Dark Skies policy](#)
- [Historic England - Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15](#) <https://historicengland.org.uk/images-books/publications/commercial-renewable-energy-development-historic-environment-advice-note-15/heag302-commercial-renewable-energy-development-historic-environment/>

## **Chapter 8: Ecology and Nature Conservation**

The Council defers to Kent County Council in their role as ecological advisors to Ashford Borough Council for any comments on the scope of this topic, though notes that paragraph 1.2.4 of the Preliminary Ecological Appraisal incorrectly states that the Energy Park Site lies within the administrative district of Folkestone and Hythe. Part of the site also lies within the administrative area of Ashford Borough Council.

## **Chapter 9: Landscape and Visual**

Paragraph 9.3.9 sets out the key relevant policies of the Ashford Local Plan. The Council considers that Policy SP1 (Strategic Objectives) and Policy ENV4 (Light Pollution and Promoting Dark Skies) and the Dark Skies SPD are also relevant and requests that they should be included in the ES.

Paragraph 9.5.23 refers to the Folkestone and Hythe Local Plan policy requirement relating to setting impacts and the need for development proposals to comply with the Kent Downs National Landscape Management Plan. The Council notes that Ashford Local Plan Policy ENV3b (Landscape Character and Design in the AONBs) also requires all

proposals within or affecting the setting of AONBs to amongst other things, have regard to the relevant AONB management plan and any associated guidance. The Council also notes that s.245 of the Levelling-up and Regeneration Act 2023 (LURA) amends the duty on relevant authorities by replacing the previous duty to 'have regard to' their statutory purposes to now 'seek to further' the statutory purposes of National Landscapes and that this duty applies to consideration of setting impacts outside of the designation boundary which affects land within it.

We note that Lighting is proposed to be scoped out of the assessment of Landscape and Visual amenity (Table 9-3). Paragraph 2.3.49 states that "Lighting may be installed on the CCTV columns, around the Energy Park Site perimeter, and throughout the Energy Park Site near to critical equipment (such as MV stations, welfare buildings, etc.)". No details on this lighting have been provided in the Scoping Report. The Council only considers that impacts on landscape and visual amenity from lighting may be scoped out subject to the ES providing a detailed description of the lighting design and the measures taken to avoid or minimise lighting impacts, including any issues arising from directional security lighting. The Scoping Report also does not include any reference to impacts on the night-sky during construction or operation and the Council requests that further details are provided.

Paragraph 9.2.3 of the Scoping Report states that the Zones of Theoretical Visibility (ZTV) have been calculated based on an indicative 5m proposed PV module height. Paragraph 9.2.5 acknowledges that the location of other infrastructure such as BESS is not fixed and the ZTVs may be updated for the ES to include the BESS infrastructure which could be of slightly higher height (4.5m).

The Council notes however that the proposed development involves associated infrastructure, including switchgear buildings which paragraph 2.3.35 indicates would have a height up to 7m and an onsite substation which paragraph 2.3.42 indicates would have a height up to 12m. Consequently, the ZTV may not be representative of the full extent of visibility and the ES should clearly evidence and justify the final extent of the ZTV used and ensure that any assessment of significance is based on the worst-case scenario taking account of all infrastructure.

- Representative viewpoints

The Council welcomes confirmation that the locations of the representative viewpoints have been determined in consultation with Natural England and the Kent Downs AONB Unit. In the absence of baseline photography in the Scoping Report it has been difficult to assess the appropriateness of the specific locations, for example to understand whether the location of trees or other obstructions have been taken into account.

Notwithstanding this, the Council is concerned that only 17 representative viewpoints are proposed to be included in the ES. The inclusion of only 17 viewpoints (of which 8 are longer distance views) is inadequate for a nationally significant infrastructure project of this scale in a rural location and would not be representative of the range and type of visual effects likely to be experienced by visual receptors. For comparison purposes, the nearby Stonestreet Green Solar NSIP (ref. EN010135) included 37 viewpoints.

There is a dense network of PRow within and adjacent to the site and the Council is particularly concerned about the absence of any representative viewpoints from visual receptors, including local PRow within the site. Viewpoint 13 is located at the site

boundary and cannot be representative of the impact of the proposed development on users of the PRoW within the site. The Council considers these are required to provide consultees and the decision maker with an understanding of the extent of the visual receptors affected and assessment of effects on visual amenity from those receptors. PRoW should be safeguarded with a significant planted buffer either side.

Paragraph 7.2.2 of the Scoping Report recognises that the Energy Park Site may result in setting impacts up to 5km beyond the site boundary and paragraph 9.5.43 confirms that the selection of representative views from heritage assets will be undertaken in conjunction with the preparation of the Cultural Heritage assessment and stakeholder input. It is vital that potential impacts on key buildings/archaeology takes into consideration vistas and views of the local churches and their cultural role in landscape by looking at each designated asset individually with an analysis of setting, surrounding topography, natural landscape features and views (backdrop) using photographs, annotated diagrams and scaled cross sections to show relationship of buildings/CA's/SAM/archaeological sites to the proposed development. This might include comparing different design and orientation, structure heights etc. A simpler approach may be appropriate for non-designated heritage assets.

As annotated by the purple circles on the plan at **Appendix 1**, the Council requests that the ES particularly includes (but is not necessarily limited to) further representative viewpoints from the following locations:

- A suitable point from PRoW HM196 and HM199 within the site
- A suitable point from the SE corner of Bilsington Conservation Area
- A suitable point from PRoW AE530 south of The Priory GI listed building
- A suitable point within the Port Lympne Grade II\* Registered Park and Garden
- A suitable point(s) from the Royal Military Canal /Royal Military Canal Path AE645/AE646
- A suitable point from PRoW AE510 within the NL north of parcel 4.

The Council also requests careful consideration is given to potential views from the following receptors:

- Aldington / Hamstreet / Warehorne / Leacon and Appledore Conservation Areas
- Military Canal; Bilsington Priory; Aldington Knol Roman Barrow & Later Beacon; Roman-British Building; South of Burchs Rough Scheduled Ancient Monuments

The Council requests confirmation that proposed viewpoint 4 aligns with the locally significant view identified in the Aldington and Bonnington Neighbourhood Plan. The Council also requests the opportunity to provide further input to the viewpoint and visualisation selection process.

Paragraph 9.5.47 refers to the visualisations being provided for 15 viewpoints to illustrate the effects of the proposed development in year 1 (winter) only. The Council suggests the ES should include a sequence of visualisations from baseline, wireline, year 1 and year 15 of operation to facilitate an assessment of the effectiveness of any proposed mitigation. There is a commitment to include both winter and summer views in the final ES. The Council requests that the visualisations should also include summer and winter visualisations.

The Council is concerned that Landscape Designations, including Setting is proposed to be scoped out of the ES (Table 9-3) and by reason of the proximity of the site to the National Landscape requests that this is scoped into the ES. As previously stated, the 'duty to further' applies to the National Landscape as a protected landscape and analysis of impact on setting is therefore important in relation to the discharge of that duty.

### **Chapter 11: Noise and Vibration**

This chapter scopes the proposed assessment of noise and vibration levels at the construction phase, operational phase and decommissioning phase. A noise and vibration assessment will be required. The baseline monitoring locations are acceptable. During the construction phase, the report states there will be some periods and activities that could potentially cause a disturbance, however these will be within set working hours and with the necessary controls and measures. The Construction Management Plan will be required prior to commencement. The construction phase outline is acceptable. During the operational phase, there is the potential for noise from maintenance, emergency work and from day-to-day operation. The Operational Environmental Management Plan will be required prior to commencement to mitigate exceedances. During the decommissioning phase, it is proposed this stage will be similar to the construction phase. A Construction Environmental Management Plan will be required.

### **Chapter 12: Socio-Economics and Land Use**

Paragraph 12.3.4 of the Scoping Report sets out the relevant policies of the Ashford Local Plan. In recognition of the potential for the proposed development to effect the tourism industry in the local area (paragraph 12.6.1 of the Scoping Report) the Council requests that Ashford Local Plan Policy EMP11 (Tourism) should be included in the ES.

### **Chapter 13: Soils and Agricultural Land**

This chapter acknowledges that the proposed development presents a potential pathway to affecting soils through land contamination. A Phase 1 Preliminary Risk Assessment has been submitted (detailed in Chapter 16). A Soil Resources and Management Plan is proposed and will be required.

### **Chapter 14: Transport and Access**

The Council defers to Kent County Council in their role as Highway Authority for any comments on the scope of this topic.

### **Chapter 15: Water Environment**

The Council defers to Kent County Council in their role as Local Lead Flood Authority for any comments on the scope of this topic.

### **Chapter 16: Other Environmental Topics**

- Air Quality

Management of dust from construction, operation and decommissioning phases will need to be addressed through appropriate Environmental Management Plans. Potential impacts

have been identified as dust, vehicle and plant emissions from the construction/decommissioning phases, and impacts during the operational phase due to changes in vehicle emissions. Section 16.1 outlines the main areas of guidance and legislation to consider for the report along with Defra background maps and current (distant) diffusion tubes sites within Folkestone and Hythe District and Ashford Borough Council boundaries.

- Ground Conditions

A Phase 1 Land Contamination Preliminary Risk Assessment (AECOM Ltd 2025) has been undertaken. Investigation was carried out between October 2024 and April 2025. Historic land uses were identified (World War II advanced landing ground (ALG) between 07/43 and 09/44, made ground and current use - agricultural). The risk ranges from very low to moderate risk depending on specific locations, however the majority of the site is moderate/low. The report recommended a Phase 2 (intrusive survey) is carried out and assessment of ground gas from the neighbouring historic landfill (6m to east of the site) and signs of potential contamination from the ALG. The scope of this topic is acceptable.

### **Other matters**

Although not relevant to the EIA scoping opinion the Council wishes to stress the importance of ensuring all material, including images produced by the applicant for the purposes of consultation or for submission as part of any DCO application is as accurate as possible and consistent with the relevant Landscape Institute's guidelines. In this respect the Council notes that the photographs at Plate 2-7 and Plate 2-8 appear to be misleading as they are not consistent with the written description of the scheme in Chapter 2.3.

Paragraph 2.3.47 (Fencing and Security) states "It is anticipated that this fencing could be of palisade or 358 mesh type (Plate 2-7)." Paragraph 2.3.48 refers to pole-mounted closed circuit television (CCTV) systems and states "It is anticipated that these would be up to 5m in height". The Council is concerned that the photograph at Plate 2-7 "Stock Proof Fencing and CCTV Pole", which shows stock proof fencing that is considerably more open than 358 mesh type fencing or palisade fencing and depicts pole-mounted CCTV that is considerably lower than 5m in height does not accurately reflect the description of development for a proposal which would include palisade or 358 mesh type fencing or pole mounted CCTV up to 5m in height.

Paragraph 2.3.50 (Access Tracks) states "access tracks will be constructed across the Energy Park Site. These would typically be up to 6 m wide compacted stone tracks with 1:2 gradient slopes on either side (where required). An example access track within a solar PV facility is shown on Plate 2-8." The Council is concerned that the photograph at Plate 2-8 "Typical crushed stone access track laid on hardcore and geotextile", shows an access track considerably narrower than 6m in width and set beyond stock proof fencing which does not accurately reflect the description of development for a proposal which would include an access track up to 6m wide.

The Council looks forward to working with the applicant and the Planning Inspectorate as the project progresses through the DCO process.

Yours sincerely,

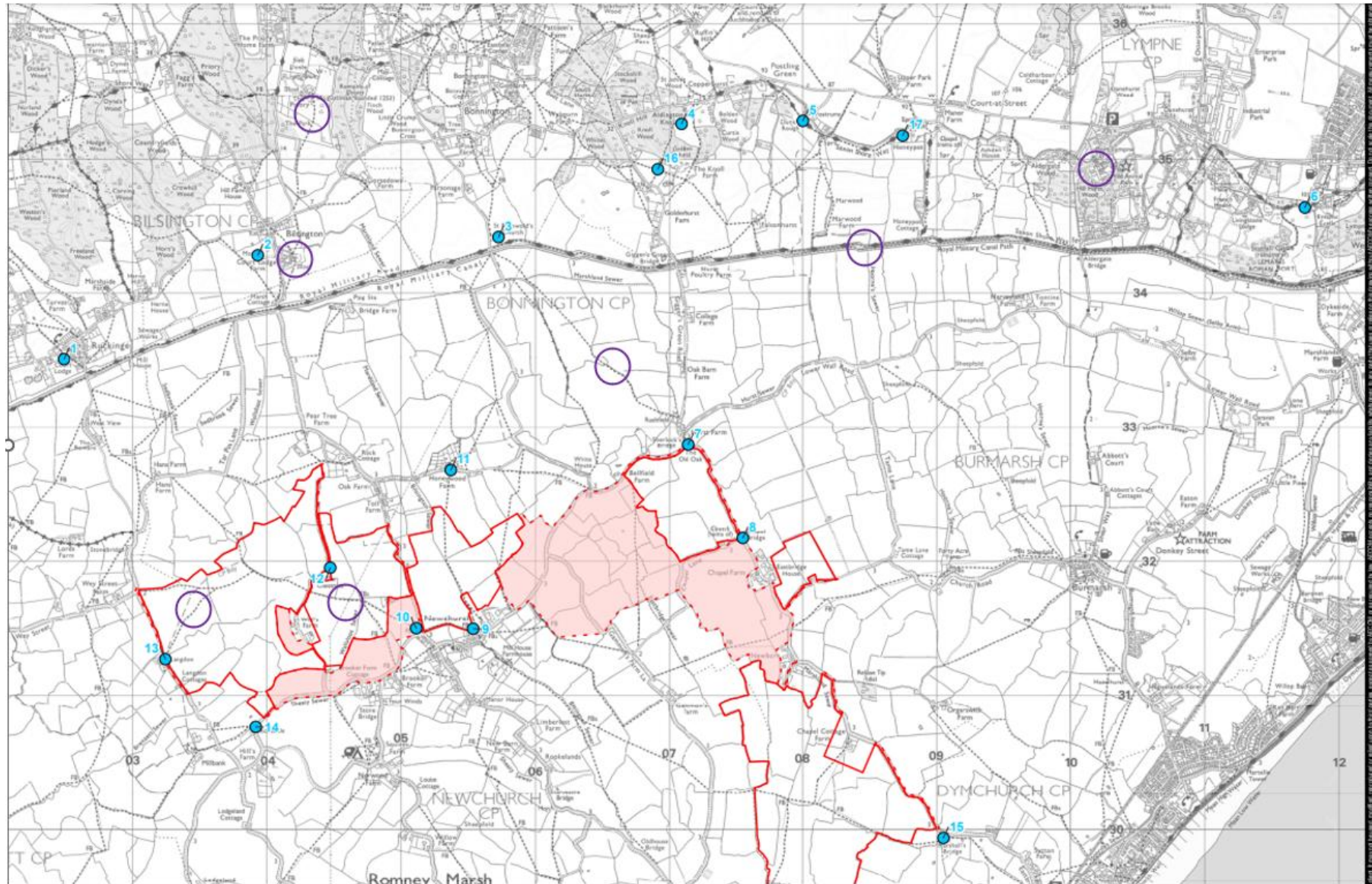
[REDACTED]

Deputy Team Leader

Strategic Applications Team, Strategic Development & Delivery

Planning & Development Service

## Appendix 1 – Representative viewpoints



Response to the request for comments on the Scoping Environmental Impact Assessment (EIA) Report for SSE Renewables “Shepway” solar park.

The Romney Marsh is an iconically unique and historically significant world wide landscape environment that plays host to a large number of important species of wildlife, is drained by watercourses - dykes and sewers - that were established when Romney Marsh proper (the area to the east of the A259 that stretches from Old Romney to Hythe) was initially “inned” in the early medieval period, and which function today to drain the land that lies below sea level. The Romney Marsh is a living functioning economy that is characterised by big skies and expansive views across farm land dissected by a network of drainage facilities that retain this area as a haven of tranquility for the very many British and international tourists who come here to enjoy the chance to become immersed in the natural world by walking and cycling the lanes and pathways. Visitors also come to see the historically significant churches that dot the expansive landscape and to retreat from the hustle and bustle of the 21st century into an environment that is replete with quiet and calm. This tourism is essential, along with agriculture, for the economic stability of this area and without which the area of Romney Marsh would become a seriously deprived economic and social environment.

Burmarsh Parish Council has reviewed the relevant Environmental Impact Assessment (EIA) report. We highlight below the issues that we consider the report has overlooked, issues that have been wrongly “scoped out” and matters that have been inadequately scoped as well as noting other factual considerations that we consider materially necessary in your consideration of this EIA.

We wish to lodge the following observation with you with regard to the EIA. We feel that this EIA does not address all of those issue that should be central to the impact of this development on the environment of Romney Marsh, neither does it address the relevant issues that arise from such a large development.

### **Introduction**

1. The “proposed scope of the work” has not been satisfactorily set out with regard to the routes of inter-connectivity of the underground cables. (1.1.6, 1.1.7, 1.1.12, 1.1.13) All of these sections indicate that SSE have no information re the location of the NGER proposed substation. This being so they cannot make an inform judgement on the effects of the development on the location or of the trenching and deployment of the location of the interconnection cables and the required connection to the National Grid. This being so the EIA has not fulfilled the “proposed scope of the work”.
2. With regard to the under ground cabling the EIA states that they have only done an “indicative search area” - this is speculation and therefore provides uncertain grounds for the veracity of the rest of the EIA.

### **Scheme and Scheme Location**

1. The area envisaged for the Scheme is disproportionate at a total of approx 191 hectares of Grade 1 and Grade 2 BMV agricultural land that at present is used for food production. To use this food production land for solar panels and the associated infrastructure and thus take the land out of food production is against all government guidance. The National Planning Policy Framework states that BMV land (Grade1 & 2) should be protected as a priority for food production. Likewise it states that lower grade land or brown field sites should be used for solar installations. This proposed solar development, on this vast swathe of land, would remove almost 200 hectares of land from food production for 40 years. Food security should be a priority and we, therefore, maintain that this proposal is not appropriate for this area of land on Romney Marsh. Additionally FHDC CC6 - Solar Farms - states that developments will only be acceptable if they do not cause an adverse impact on sensitive local landscapes or heritage assets. The company’s reference to soil testing should be undertaken by wholly independent government appointed organisation.
2. The area indicated in the proposal is entirely located in a flood risk area. (Flood zone 3 - high risk). In very recent years, with heavy rainfall, the land across the Romney Marsh has flooded with ground water. It has taken a considerable time for this water to be absorbed even with the extensive and usually excellent field drainage system. We believe that this development will significantly add to the flood risk, most particularly with the proposed size and elevation of the large solar panels and the resultant “run off”. We note that throughout the EIA there is no apparent plan for management of run off water as the result of

heavy rainfall. Apart from the obvious flood risk of this omission the effect on soil quality and compaction as well as the possibility of the natural creation of water gullies has not been considered. We believe this to be a very serious omission.

3. The size, elevation and type of mounting structures are a cause for concern. SSE have not determined any of these facts. Their suggestion that panels could be 3 metres high is utterly overwhelming for a landscape that is essentially flat with long views and big skies without significant hedges and trees. Likewise, it would mean the destruction of a historic and ancient landscape that is characterised by field boundaries that are reed lined drainage ditches (dykes) and sewers. The network of drainage in this area was established as early as Saxon times when the land was used for agriculture. The views across this area of Romney Marsh allow residents and tourists alike to see for many miles across the Marsh.
4. The associated infrastructure associated with the Solar Park will also be intrusive in the landscape. This is a very serious concern.
5. BESS. (BATTERY ENERGY STORAGE SYSTEM) We are very concerned about the inclusion of a BESS unit in this proposed development. This concern is driven by the exclusion of detailed information and the “scoping out” of material related to BESS. The map provided shows a location for the BESS unit but in another part of the document it states that the location of the BESS unit is not yet fully determined and will only be determined once the NGER have decided the location for the new substation. Recent information makes plain that BESS units should not be located close to habitation. The location marked is within .5 kilometre of habitation. The residents will be subject to possible noise pollution, light pollution and in the eventuality of a fire, toxic fumes with a serious danger to their health. We believe that the EIA should have addressed issues associated with BESS particularly in the light of very recent debates that have taken place in the UK Parliament.
6. BESS fires. The health and environment risk aspects and fire risks associated with BESS have been “scoped out”. We would argue that extensive and detailed considerations of fire and other serious risk associated with BESS should be “scoped in”. There have been three major fires in BESS installations in 2025. Most notably in February at Tilbury. As these fires are impossible to extinguish, give off fumes that are toxic to humans and wildlife, and can spread to adjacent units detailed consideration of how such events would be managed should be central to the EIA.
7. BESS fires and the wider environment. We are concerned about the ongoing effects that would result from a BESS fire. The water used to douse down and cool adjacent units will contain toxins and will inevitably drain into the watercourses and main sewers. All of these watercourses across the entire Romney Marsh are interconnected and pollution of them would be catastrophic for wildlife and possibly soil and livestock across the whole area.
8. The local fire brigade are not equipped to deal with BESS fires. On the Romney Marsh we have volunteer firefighters who cannot always respond. Other more distant fire brigades would take some time to access the site and the surrounding road network of narrow lanes presents an obstacle to access for fire fighting equipment. There have been instances in the past when even local fire vehicles have not been able to use Eastbridge Road for example because of its narrowness and susceptibility to subsidence.
9. In view of points 5,6,7,8 we would argue that this EIA should “scope in” detailed considerations of the installation and use of the BESS units and it should address the points made above.
10. The size of the BESS units. The EIA suggests that there could be 300 - 400 units of storage. It would appear that this is far greater than that which is required for the number of panels etc that are indicated. It would suggest that the company are intending to store energy on site from other sources. If this is so this should be “scoped in” and made plain in the EIA.
11. PV Modules. The EIA suggests that the PV Modules could be 3m high and possibly not be fixed units but rather tracked ones that will ‘follow’ the path of the sun. The decision on the type of Modules that will be used should be “scoped in”. The Modules that are used and the size of these Modules across the designated area, with their associated glare etc, will have a serious visual impact on the wider Romney Marsh and the Greensand ridge that overlooks the Marsh. The EIA suggestion that hedges and trees would be used for screening would be incompatible with the historic landscape of Romney Marsh - the area has sparse hedge and tree cover and this is usually only located around small residential areas.
12. The associated infrastructure associated with this development - BESS, Inverters, Support and associated buildings etc - will be invasive in the landscape - painting them green will not remove that intrusiveness.

13. We note that the EIA does not address the configuration of the associated infrastructure. We would suggest that this should be “scoped in” because the infrastructure around and across the development is relevant to the environmental impact of this scheme.

14. Noise. When in construction the noise of machinery will be disruptive for wildlife as well as residents. Because the Romney Marsh is flat sound travels long distances and therefore construction noise will be heard and be disruptive to settlements in the local area as well as to the residents of Newchurch. The parishes of Burmarsh and Dymchurch will certainly be impacted. We note that there appears to be no mitigation etc of this noise pollution for these parishes.

15. Construction. During the construction stage of this project the map shows a number of access points to the relevant areas designated for the installations. There is no consideration in the EIA of the road accesses and the ability of these to carry HGV and Hazardous Large Loads. The roads indicated are approx 2 metres wide in many cases. We understand that the standard size of a HGV is 2.5 metres. The ditches and sewers that border the roads are closely adjacent to the road surface proper and do not have a verge. The banks of the watercourses are prone to collapse and subsidence under the pressure of heavy vehicles. For example the Eastbridge Road has been closed on several occasions recently because there has been collapse of the sides of the road and/ or bridges across watercourse. The roads indicated will not take the traffic envisaged in the EIA and therefore this scheme is totally unrealistic particularly for the construction years.

16. Wild life. Although the EIA mentions some protected species it makes no mention of many more that will be present in this area. Water voles, medicinal leeches, barn owls, tawny owls, rare tree sparrows, a number of migratory birds that return to the same area each year, marsh mallow and its associated moths as well as a number of other plants and insects. There is no material “scoped in” that describes how the construction phase will ensure that these species are not harmed or disturbed in any way. The desk top surveys that appear to have taken place so far appear to be inadequate in the information that they have provided. To provide accurate information we would like to see that every field and watercourse has been diligently surveyed throughout the year.

17. If wild life is displaced or leaves the site there is no detail in the EIA to explain how the company will make absolutely sure that these species will be returned to the environment. In many cases these species are unique to Romney Marsh.

18. Cultural Heritage. The Romney Marsh is an ancient landscape with a historical significance. The visibility of the solar park will impact upon conservation areas most notably the grade I and II properties on the Greensand ridge and the conservation area of Newchurch. The EIA appears to be dismissive of the historic value of this landscape - they reference that the Marsh has “canals” - they are sewers and dykes and they are essential to the drainage of the Romney Marsh with the oldest dating back to the early middle ages.

19. The archeological impact surveys have not been included in this EIA - most notably for the lost village of Eastbridge and the possible remains of the village of Orgarswick. We feel that such impact surveys should be included in the EIA and we do not agree that a desk based survey is sufficient for judging the impact of the solar park on local archaeology and cultural heritage. Detailed surveying needs to be undertaken of all fields included in the park area.

20. The site is within the Romney Marsh Mixed Farmlands CA and has a high visual sensitivity. As such the conservation of the isolation and infrequency of built form should be maintained at all costs. This proposed development is not in keeping in any way with this.

21 Tourism. Although the EIA identifies the value of tourism to the local economy but it focuses only upon the coastal area. The wider Romney Marsh is also a centre for tourism and makes a valuable contribution to the local economy. Walkers and cyclists frequent the narrow roads and footpaths that criss cross the designated site, visit the many isolated and historically valuable churches with coach trips etc across the whole Marsh area. These tourists want to see the flat isolated environment and enjoy the peace and quiet as they walk the fields and enjoy the splendid panoramic views. These tourists stay in caravan sites, camp sites, and B&Bs throughout the Marsh proper. They visit Port Lympne, walk the Military Canal and visit Lympne Castle. The visual impact of this development will detrimentally impact these businesses and the economy of the

rural Romney Marsh. Nobody will want to walk among solar panels or see them as they walk the fields or from the ridge.

22. GHG (Greenhouse Gases) In terms of the effect on Climate change we note that locally the GHG will rise and therefore for this area of the UK Climate change will be accelerated. The PV modules give off heat and contribute to a rise in temperature in the immediate area creating a micro climate. At present this area has very, very low GHG.

23. Waste. We are concerned with the importation of materials into this environment and are concerned that the EIA does not fully address the impact of this to the historical environment and the possibility that it will permanently change the nature of that environment. The management of waste has been “scoped out” - we find this unsatisfactory.

24. Water and Sea inundation. The consideration of sea inundation does not consider the possibility of sea incursion via the MOD sites at Lydd and Hythe. Should the sea break through in either of these it is estimated that the water would take approx 1-2 hours to reach the site.

25. Construction damage. We are concerned that construction will destroy the clay pipe network of drainage across the site. If this occurs it is very likely that the area will flood. Likewise we are concerned about the soil damage from compaction and the ability of water logged soil to return to the condition it is at present prior to any incursion for construction etc.



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Contact: [REDACTED]  
Direct Line:  
Email:  
Your Ref: 25/00626

23rd June 2025

Dear Sir/Madam

**Town and Country Planning Act 1990 (As Amended)**

**Proposal:**

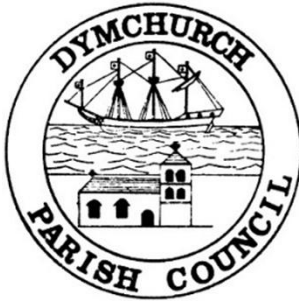
**Location:** Shepway Energy Park

The above proposal has been considered and I write to inform you that NO OBJECTION IS RAISED.

Yours faithfully

[REDACTED]

**Head of Planning, Regeneration & Development**



**Dymchurch Parish Council**

**13 Orgarswick Avenue**

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**clerk@dymchurchparishcouncil.gov.uk**

**Mr Joseph Jones**  
**Planning Inspectorate**  
Environmental Services  
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Temple Quay House  
2 The Square  
Bristol,  
BS1 6PN

---

**Your Ref:** EN0110017

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**Dear Sir/Madam,**

**Re: Application by SSE Newchurch Solar Limited for Development Consent for Shepway Energy Park – EIA Scoping Consultation Response**

Thank you for your letter dated 30 May 2025, inviting comments on the scope of the Environmental Statement (ES) for the proposed Shepway Energy Park.

Dymchurch Parish council welcomes the opportunity to contribute to the scoping consultation and wishes to raise the following points.

---

### **General Position**

**Romney Marsh** has had a substantial history in the provision of power to the country over many years in respect of the nuclear power stations of **Dungeness A and B** which although it did have an impact on the local environment the benefits

to the **local economy have been substantial** during construction and operation and continue to be so in decommissioning.

In later years a wind farm was established at **Little Chainey Court Farm**, although this does not bring anything like the local benefits to community.

The Parish Council wishes to make clear that **it does not object to the principal of solar power** and recognises the national importance of transitioning to renewable energy sources. However, the **scale and location** of the proposed Shepway Energy Park — particularly when considered **in combination with other proposed solar developments across Romney Marsh**- are considered **excessive and disproportionate in this unique setting**.

There is significant concern within the community that such proposals, in aggregate, risk permanently altering the unique character of the Romney Marsh and its rural landscape, eroding agricultural productivity, and damaging local biodiversity.

We would urge consideration of **alternative solar generation opportunities**, including the **integration of panels on new housing developments, commercial buildings, brownfield sites, and industrial units**, which would be **more appropriate and sustainable** than the extensive conversion of greenfield and agricultural land.

---

## **Key Issues for Inclusion in the Environmental Statement**

### **Landscape and Visual Impact**

- Full Landscape and Visual Impact Assessment (LVIA), including photomontages from nearby villages and public rights of way
- Assessment of visual harm to the open landscape character of the Romney Marsh
- Cumulative visual impact of multiple solar schemes in the area

### **Land Use and Agricultural Impact**

- Loss of productive agricultural land is of **paramount concern**, especially in the context of increasing national and global concerns about **food security**
- The Environmental Statement must assess whether the land falls within the **Best and Most Versatile (BMV)** classification
- The ES should evaluate the economic and long-term environmental consequences of removing viable farmland from production

### **Ecology and Biodiversity**

- Baseline surveys and impact assessments for local species, habitats, and ecological corridors
- Identification of appropriate mitigation and biodiversity net gain strategies

### **Flood Risk and Drainage**

- A full Flood Risk Assessment (FRA), including surface water and run-off changes
- Sustainable Drainage Systems (SuDS) proposals and assessment of impacts on neighbouring land

### **Traffic and Transport**

- Construction and operational traffic volumes, access routes, and potential disruption to rural lanes
- Impact on local road users including pedestrians, cyclists, and horse riders

### **Noise and Vibration**

- Assessment of noise generated during construction and operation (e.g. from inverters or transformers), especially in a quiet rural setting

### **Cultural Heritage and Archaeology**

- Identification of heritage assets and assessment of impact on their setting
- Evaluation of archaeological potential and any required investigations

### **Socio-Economic and Community Impacts**

- Potential disruption to rural amenity, local tourism, and recreation
- Balance between temporary construction jobs and long-term community impact

### **Cumulative and In-Combination Effects**

- Analysis of combined impacts of this and other solar or infrastructure projects across Romney Marsh
- Need for joined-up thinking on energy generation, land use, and environmental protection

### **Public Consultation**

- The Parish Council expects meaningful community consultation from the applicant and wishes to be fully engaged at each stage of the process

In conclusion, Dymchurch Parish Council urges the Planning Inspectorate to ensure that the Environmental Statement addresses the full breadth of potential impacts associated with this proposal — not only in isolation, but in the wider context of cumulative development pressure on Romney Marsh and its unique environment. We remain committed to constructive engagement and request to be kept informed as the application progresses.

Yours faithfully,

|Cllr. Chris McCreedy (BY EMAIL)

Chair of Dymchurch Parish Council



Planning Inspectorate  
National Infrastructure Planning  
Temple Quay  
Bristol  
BS1 6PN

**Our ref:** XA/2025/100397/01-L01  
**Your ref:** EN0110017  
**Date:** 27 June 2025

Dear Mr Jones

## ENVIRONMENTAL IMPACT ASSESSMENT SCOPING REPORT

### SHEPWAY ENERGY PARK

Thank you for consulting the Environment Agency (EA), on the 30 May 2025, to review the Environmental Impact Assessment (EIA) Scoping Report for Shepway Energy Park. We have reviewed the document and have the following comments:

We do not agree with the scope of the EIA and would recommend the issues outlined in **Table 1.1 Headline Comments** are included in the process to meet the requirements of the EIA regulations. Please see attached **Appendix A - EIA Scoping Assessment** for detailed comments, followed by advice to the Applicant.

**Table 1.1 Headline Comments**

Aspect	Matters	Developer position	EA position
Water Environment	Heat Pollution.	Not Considered.	Request to be scoped in.
	Water Supply.	Not Considered.	Request to be scoped in.

We have included additional information to assist the Applicant with their proposals:

- **Appendix B – Other Documents:**
  - Water Framework Directive (WFD) Screening Report
  - Land Contamination Preliminary Risk Assessment
  - Environmental Mitigation and Commitments Register
- **Annex I Additional Informatives**

Our advice has been provided under our chargeable service agreement with the Applicant: **ENVPAC/1/NIT/00073**.

Please note this review is on the EIA process only. Other assessments required, such as Flood Risk Assessment (FRA) and Habit Regulations Assessment (HRA) have not been included. We recommend the developer consult us on the scopes of these studies in due course.

We suggest the developer requests to disapply any permits or consents should be sent to us in writing as soon as possible, to allow us sufficient time for their consideration (minimum 6 months). Sufficient time is required to ensure we can appropriately respond to discharge of requirements and protective provision consultations. The Development Consent Order (DCO) should specify a minimum of 21 days as a response time for the discharge of requirements, and a minimum of 61 days for protective provisions.

Please note, this response does not represent our final view in relation to any environmental permit applications made to us. Our final views will be based on all relevant information, including applications and guidance available at the time of submission.

We look forward to working with the Applicant as the detailed proposals continue to develop, and to review and provide advice on relevant supporting documents as these are generated.

Yours sincerely

**Mr [REDACTED]**  
**Planning Advisor**

E-mail [Nlteam@environment-agency.gov.uk](mailto:Nlteam@environment-agency.gov.uk)

## **LIST OF APPENDICES**

### **APPENDIX A – EIA SCOPING ASSESSMENT**

- **CHAPTER 2 - THE SCHEME AND SCHEME LOCATION**
- **CHAPTER 8 - ECOLOGY AND NATURE CONSERVATION**
- **CHAPTER 15 - WATER ENVIRONMENT**
- **CHAPTER 16 - OTHER ENVIRONMENTAL TOPICS**

### **APPENDIX B – OTHER DOCUMENTS**

- **WATER FRAMEWORK DIRECTIVE SCREENING ASSESSMENT**
- **LAND CONTAMINATION PRELIMINARY RISK ASSESSMENT**
- **ENVIRONMENTAL MITIGATION AND COMMITMENTS REGISTER**

### **ANNEX I – INFORMATIVES**

## **APPENDIX A – EIA SCOPING ASSESSMENT**

The below sections provide justification to the aspects and matters we request be scoped in for further assessment. Regarding Chapter 15 - Water Environment, we request Heat Pollution and Water Supply be scoped in for further assessment. These issues have not been adequately assessed at this stage and present an unacceptable risk to the environment.

Regarding Chapter 2 - The Scheme and Scheme Location, Chapter 8 - Ecology and Nature Conservation and Chapter 16 - Other Environmental Topics, we are satisfied with the scope of the assessments and provide additional advice to the Applicant to consider further.

## **CHAPTER 2 - THE SCHEME AND SCHEME LOCATION**

We are satisfied that Chapter 2 – The Scheme and Scheme Location report has scoped in all impacts that pertain to our remit. We have the following advice to the Applicant.

### ***Surface Water Drainage Systems***

Section 2.3.52 suggests new drainage systems will be placed at least 10 metres away from watercourses where possible. Justification will need to be provided as to why this would not be possible. As the drainage system is within Flood Zone 3, consultation with the Environment Agency may be required on the proposed design, to prevent adverse effects on tidal / fluvial flood risk.

### ***Construction Phase Flood Risk***

Section 2.4.10 does not include flood risk as an impact to be mitigated through the Construction Environmental Management Plan (CEMP). For example, flood risks associated with the construction phase for the installation of buried cables and crossings could be addressed within the CEMP.

### ***Request Applicant Clarification***

- We request clarification on what is meant by “cable bridging” stated in section 2.4.2.

## **CHAPTER 8 - ECOLOGY AND NATURE CONSERVATION**

We are satisfied the report has scoped in all impacts that pertain to our remit within Chapter 8 – Ecology and Nature Conservation, and we provide the following advice to the Applicant.

### **Environmental Mitigation and Commitments Register**

We are pleased to see the Ecology and Nature Conservation commitments made within Appendix D Environmental Mitigation and Commitments Register. The inclusion of these commitments has provided us with confidence that some of our main concerns will be addressed/managed accordingly. These are:

- EC-01 Habitat Avoidance Measures (10m buffer from the bank-top of watercourses)
- EC-02 General Construction Management Measures for Ecology (Measures to avoid animals being injured or killed within work areas or entrapped from excavations. With excavations being covered or means of escape ramp)
- EC-06 Invasive Non-native Species (INNS)
- EC-08 Biodiversity Net Gain (BNG)

### **Advice to Applicant regarding Chapter 8 - Ecology and Nature Conservation**

#### ***Culverts***

Culverts have the potential to fragment habitats and reduce connectivity, making dispersal and commuting for some species difficult. Culverts also put an added pressure on otters during periods of high water-levels, as they offer little room for conveyance and put otters at risk of being killed when crossing roads.

Should any access tracks cross watercourses or ditches, we would expect to see open-span bridge design. There may be potential for existing watercourse crossing points to be improved for ecology, for example, through the removal of a culvert and replacement with an open span bridge.

#### ***Widespread and 'Common' Habitats, Species etc***

We request to see what is classified as 'common habitat/species/' under your descriptions. For example, common habitat rivers and riverbanks would be of interest for WFD and biodiversity value.

#### ***Environmental Legislation Section***

We request that the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 be included. Not including this legislation risks not considering new environmental definitions in legislation in respect of Biodiversity Net Gain (BNG), such as 'irreplaceable habitat', along with related offences to said habitats. Please include this legislation, policy and guidance for completeness.

## CHAPTER 15 - WATER ENVIRONMENT

We are not satisfied that Chapter 15 – Water Environment has scoped in all the appropriate impacts for the EIA assessment. The following issues relating to Heat Pollution and Water Supply should be scoped in for further assessment.

We agree with the scoping approach to Hydromorphology; it is appropriately scoped in for crossings and structures where direct watercourse interactions occur. Changes in site topography that could affect flood flow pathways are more appropriately addressed within the FRA. This approach is proportionate and avoids duplicating assessments across chapters.

EA Request to scope in: Heat Pollution		
Document Reference: EIA Scoping Report Chapter 15 – Water Environment		
Section/ pages/ table reference:	Issue	Thermal impacts have not been discussed or considered relating to buried cables.
	Impact	Heat is a pollutant, and its impact on the environment should be considered.
	Solution	Consider heat as a pollutant in the Preliminary Environmental Impact Report (PEIR), Environmental Statement (ES), and other relevant reports, or provide justification for it to be scoped out (if applicable).
Table 15-6		
<b>Additional comments:</b> Please note this comment also applies to the WFD assessment (Appendix H).  Underground electrical cables generate heat that dissipates naturally to the surrounding ground during power transmission. The levels of heat loss and dissipation will be dependent on numerous factors including cable design, soil structure, transmission voltage and engineering design. Where underground cables interact with groundwater bodies this could result in local degradation of groundwater quality and negatively impact nearby abstractions via the generation of a heat plume.  <b>Further information</b> Heat as a groundwater pollutant was introduced in 2023 via the <a href="#">Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2023 SI No.2023/651</a> : “pollutant”, in relation to England, means any— a. substance, b. heat, or c. biological entity or micro-organism, which is liable to cause pollution;”  We are mindful that work is being carried out in this area in relation to heating of groundwater from ground source heating and cooling systems but there is currently no guidance relating to the potential thermal implications of high voltage buried electricity cables.		

The EA's Chief Scientist's Group has published a report for Ground Source Heating and Cooling (GSHC) systems ([Environmental Impacts of Temperature Changes from Ground Source Heating and Cooling Systems](#)). In this study, a 'thermal plume' was defined as the region around a GSHC system that experiences a 1 degree C temperature change or greater. While the study is not directly applicable to thermal emission from underground cables, an equivalent benchmark could be considered when assessing heat pollution from underground HV cables.

The Chief Scientist's Group states that the environmental factors with the greatest influence on thermal plume development include groundwater flow and bulk thermal conductivity. It identifies that impacts may occur by direct (temperature change) and indirect (e.g. changes in water chemistry) means.

At this stage we are asking Applicants to consider the potential thermal implications of buried cables, in relation to risks to groundwater, via desk-based assessment.

<b>EA Request to Scope In: Water Supply</b>		
<b>Document Reference:</b> EIA Scoping Report Chapter 15 – Water Environment		
<b>Section/ pages/ table reference:</b>	<b>Issue</b>	Water supply and abstraction requirements of the scheme have not been assessed.
	<b>Impact</b>	Access to water to meet construction demands may be problematic and may increase the demands on local water resources through unsustainable usage.
	<b>Solution</b>	We request a water supply strategy be conducted to evaluate the consumptive water requirements of the project.
<b>Additional comments:</b>		
The scoping report identifies water supply and abstraction as potential receptors, but it does not identify the water supply and abstraction requirements of the scheme itself.		
Consumptive uses of water described in the report include (but are not limited to) dust suppression; potable/domestic supply for welfare stations/laydown areas; wheel/concrete washing; bentonite clay mixing and drilling fluids for HDD.		
Access to and availability of water can come with problems that should be addressed during the planning phases.		
<ul style="list-style-type: none"> <li>• Water company supply from mains connections may not be practical in remote areas;</li> <li>• Tankering water will add traffic to local roads</li> <li>• Abstraction of surface water or groundwater from the site will require an abstraction licence issued from the Environment Agency* which will determine any local environmental impacts.</li> </ul>		

We recommend a basic water supply strategy is undertaken to evaluate all consumptive requirements for water use associated with the scheme to be included in the Water Environment chapter of the ES.

The assessment should provide a simple options appraisal of sources of supply available to the site. Any practical constraints can be problem solved as early in the planning process as possible, and permitting requirements can be identified in good time of commencement.

Water availability for abstraction from surface water in Romney Marsh level dependent area of the Lower Rother Catchment is good. However, potential licence conditions may restrict abstraction during periods of prolonged dry weather or drought. Abstraction from groundwater aquifers may be possible but are assessed on a case-by-case basis, due to the complex nature of geological faulting and risks of saline intrusion.

## **Advice to Applicant regarding Chapter 15 – Water Environment**

### ***Sensitivity to Private Groundwater Supplies (Table 15-6)***

Private domestic potable groundwater abstractions have not been given a high enough level of importance. The development may pose an unacceptable risk and impact private domestic potable groundwater abstractions if not attributed sufficient importance. We request all potable groundwater abstractions, including single dwelling private supply (<25m<sup>3</sup>/day), should be High or Very High Importance (currently it would be “Low”).

Design Manual for Roads and Bridges: LA 113 ‘Road drainage and the water environment’, which was used as a template for this table, does not specifically include private groundwater supplies. The Applicant should ensure they consider all receptors relevant to this site. We note in Section 15.8.2, the Applicant identifies that information about these receptors has not yet been obtained.

### ***Magnitude of Impact Criteria (Table 15-7)***

The Impact and significance criteria relating to flood risk lacks specificity. The assessment methodology in the context of flood risk is not robust. We request a detailed description of impact and significance in the context of flood risk.

### ***Fluvial Flood Risk - Ordinary Watercourses***

It should be acknowledged that fluvial flood risk can derive from main rivers and ordinary watercourses. In sections 15.5.12-15.5.14, it is noted that the main sources of flooding used to steer development at the planning stage are main rivers and the sea. This could lead to an inadequate assessment of fluvial flood risk from ordinary

watercourses. We request the impacts from fluvial flood risk from all watercourses be assessed.

Note that The Flood Map for Planning (FMfP) does not show flood risk for catchments less than 3km<sup>2</sup>. There must be a consideration if any evidence gaps exist within the study area relating to fluvial flood risk (whether this is from ordinary watercourses or main rivers).

Section 15.6.5 suggests that culvert installation could cause temporary changes in flood risk from changes in surface water runoff. Please be advised that crossings, such as culverts, may adversely affect fluvial flood risk too.

### ***Pollution Control Measures***

Section 15.7.9 states “Where there is a risk of pollution, mitigation measures will be described with reference to best practice guidance (such as Guidance on Pollution Prevention Notes and Construction Industry Research and Information Association (CIRIA) guidance, Ref 15-63)”. We acknowledge this and we request to review the mitigation and pollution prevention measures once developed.

There are several activities which pose a higher risk to the water environment and these activities, cited below, could result in pollution if not anticipated and managed:

- Horizontal Directional Drilling (HDD) - frac-outs are not uncommon and can result in fine sediments being released.
- Construction of concrete pad foundation - concrete is a known source of hazardous substances, particularly during the curing phase.
- Compounds and hardstanding - you may need to install an oil separator (interceptor) or other device to remove oil from water that drains off hard surfaces. See guidance here: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>
- Fires affecting the Battery Energy Storage System (BESS) and substation compounds - hydrogen fluoride is a colourless gas that readily dissolves in water to form hydrofluoric acid. We typically expect some form of containment at a BESS or substation compound to ensure containment in all scenarios. The Applicant must take all the steps that are reasonably practicable to minimise pollution from firewater.

Pollution prevention/mitigation measures should be detailed to ensure these activities do not cause a deterioration in waterbodies Water Quality (WQ). Once produced, we request to review the following:

- Outline Surface Water Drainage Strategy
- WFD Assessment
- Framework Operational Environmental Management Plan
- Outline Construction Environmental Management Plan (OCEMP)

***Water Quality Monitoring***

We welcome the approach to complete water quality monitoring measures outlined in section 15.6.8. We advise the Applicant that WQ monitoring should reflect locational variation in the site, seasonal variation and weather variation, where possible. We request further discussion be held regarding the proposed WQ monitoring program relating to quantity and sampling durations.

***Foul Drainage***

If any treatment measures are required, the discharge hierarchy for foul sewage should be followed ([BR PDF AD H 2015.pdf](#)). Connection to the nearest available public sewer should always be prioritised and only if this is not feasible, then non-mains alternative/private treatment systems can be used.

If sewage will be discharged to public sewer, you should consult with the local water company to ensure that adequate sewer capacity is available, and no adverse effects will occur because of the connection. If treatment and discharge at the site is required, you should consider any potential impacts of this discharge and confirm that a water discharge activity permit will be sought. If road transport to an offsite disposal facility is required, there should be consideration for this within the waste management procedures.

***Request Applicant Clarification***

- Please clarify “other drainage features” which may be crossed (stated in section 15.6.7).

## **CHAPTER 16 - OTHER ENVIRONMENTAL TOPICS**

We are satisfied that all impacts in Chapter 16 – Other Environmental Topics have been scoped in for the EIA assessment. We provide the below advice for the Applicant to further develop their EIA report.

### **Advice to Applicant regarding Chapter 16 – Other Environmental Topics**

#### ***Risks To and From Ground Conditions***

We agree with the approach to scope out the ‘risks to and from ground conditions’ on the basis that recommendations for further works made in Appendix I Land Contamination Preliminary Risk Assessment (PRA) will be completed as proposed. We are satisfied that commitment ‘GC-02, *Ground Conditions: Pre-commencement Activities*’ outlines that limited intrusive site investigations and generic quantitative risk assessment (GQRA) will be completed post consent and prior to commencement. However, we request that the commitment GC-02 includes remediation works, to provide us with confidence that the project will not cause the pollution of controlled waters.

We generally agree with the discussion in Chapter 16, Table 16-2, that most risks will be addressed through incorporation of recommendations in the framework Decommissioning Environmental Management Plan, Operational Environmental Management Plan and CEMP. However, some of the recommended works will be required pre-construction. The final site design may need to be amended following the recommended surveys, and so the CEMP may not be an appropriate document to capture these.

#### ***Groundwater and Surface Water Abstractions***

In section 16.4.18, we request that groundwater and surface water abstractions should be included in this list. Impacts on nearby abstractions may not be adequately assessed if they are not listed. Ensure potential impacts on nearby abstractions are acknowledged in future relevant reports and the OCEMP.

The introduction to this sub-chapter (16.4.4) mentions groundwater abstractions, but the Applicant does not discuss the presence or absence of abstractions within the search area in later sections. Impacts cannot be scoped out if they have not been considered. We note that this subject is addressed within Appendix I. Data on private water supplies should be obtained from the local authority, as noted in 15.4.2.

#### ***Controlled Waters (16.6 Major Incidents)***

Table 16-3 does not include controlled waters as a specific receptor for firewater. We are concerned the risks from firewater to controlled waters may be overlooked. We request the inclusion of controlled waters as a specific receptor. The Applicant should propose mitigation to address risks to controlled waters. Whilst risks from fire

to controlled waters are addressed in commitment WE-11 and relevant mitigation is proposed, we request them to be listed as a receptor in this section.

## **APPENDIX B – OTHER DOCUMENTS**

The comments made within the below sections are advice to the Applicant regarding the additional submitted documents that supported the EIA scoping report. We make these comments to advise the Applicant in their development of their WFD assessment, Land Contamination Preliminary Risk Assessment and Environmental Mitigation and Commitments Register.

## WATER FRAMEWORK DIRECTIVE SCREENING ASSESSMENT

We request the below issues are scoped into the WFD assessment for further consideration. We have provided further advice to the Applicant below.

<b>Document Reference:</b> Appendix H - Water Framework Directive Screening Assessment		
<b>Section/ pages/ table reference:</b>  Table 3	<b>Issue</b>	Thermal conditions are scoped in with the context of shading, but not due to transmission from infrastructure (such as cables).
	<b>Impact</b>	Heat is a pollutant, and its impact on the environment should be considered.
	<b>Solution</b>	Consider thermal conditions relating to transmission from electrical cables in subsequent phases of the WFD assessment.
<b>Additional comments:</b> We are pleased to see groundwater quantitative and chemical elements scoped in. For further detail, see comments relating to the matter submitted with the EIA Scoping Report response.		

<b>Document Reference:</b> Appendix H - Water Framework Directive Screening Assessment		
<b>Section/ pages/ table reference:</b>  Table 2	<b>Issue</b>	BESS design and firewater discharge.
	<b>Impact</b>	Firewater pollution to sensitive water receptors. This will cause a deterioration in WFD water quality.
	<b>Solution</b>	Scope in firewater impacts to surface waterbodies.
<b>Additional comments:</b> The WFD screening assessment outlines: <ul style="list-style-type: none"> <li>• “The BESS Area should not be located within close proximity (&lt;10 m) of surface water bodies”</li> <li>• “Any potentially contaminated fire water would be captured and temporarily stored before testing and being released or pumped out for off-site disposal if required.”</li> <li>• “On the basis of these controls, impacts from firewater would likely be screened out of further assessment.”</li> </ul> <p>Although, the chance of a fire occurring is low, the consequences for WFD water quality are high. Until detailed designs have been decided and the Outline Battery Safety Management Plan reviewed, we request that impacts to waterbodies be scoped into the WFD assessment. We further request the BESS area be located away from sensitive water receptors and firewater contained to minimise the risk of pollutants entering the watercourse.</p>		

Firewater should be contained and disposed of offsite. If the intentions are to store, treat and discharge to waterbodies onsite then a disposal method must be outlined, and a discharge permit will be required. The risk of this method must be fully considered and appropriate mitigation implemented to reduce the associated environmental risks.

### **Advice to Applicant regarding Water Framework Directive Screening Assessment**

The Applicant must ensure the construction of the Energy Park does not cause deterioration to any of the local WFD waterbodies & ensure that construction does not prevent Good WFD status from being achieved.

### ***Completeness***

For completeness, we request the inclusion of the Battery Safety Management Plan within sections 1.5.12 to 1.5.18, as BESS firewater is mentioned as a risk in section 1.5.10.

## LAND CONTAMINATION PRELIMINARY RISK ASSESSMENT

### ***Request for Information:***

In section 3.1.1, it states that copies of historical maps and the Groundsure Report are available upon request. We request the Groundsure Report and Historical maps be included for review.

### ***Full Data Set Required***

Section 4.2.4 states there are 7 abstractions on site, and three within 250m. The summary of these, Table 4, has only 5 entries. We anticipate that the reports requested in relation to 3.1.1 will contain the information we require, but clarification would be welcomed. We request the full dataset be included to ensure important detail is not missed.

### ***Data Range***

In Section 4.4.1, it states the chemical status of groundwater failed in 2019 for mercury and its compounds and polybrominated diphenyl ethers (PBDE). As these contaminants are known to be present in elevated concentrations in the region, we would expect these to be specifically included in the Conceptual Site Model (CSM)>

We request all information from the data search is included in CSM, and appropriate testing is included in subsequent investigations.

Please note we are pleased to see that PFAS is listed as a potential contaminant relating to the historic landfill.

### ***Private Groundwater Abstractions***

We request that private domestic groundwater abstractions be assessed. The Impacts on these cannot be assessed if presence is not known and risk existing abstractions.

It states: "No Licensed Groundwater Abstractions have been identified within 500m of the Site." There is no mention of liaison with local authorities to identify the presence of any private water supplies in this area. These abstractions are unlikely to be included in the Groundsure data search.

### ***Existing Abstractions***

Existing abstractions not listed as receptor in CSM. Impacts on these may be overlooked if not included in the model. Ensure these are considered. Existing surface water abstractions are discussed in section 4.2.4 but are not included in the CSM. The presence of private water abstractions has not yet been identified and cannot currently be scoped out of the WFDa .

## ENVIRONMENTAL MITIGATION AND COMMITMENTS REGISTER

### ***EC-06 (INNS Mink Management)***

The Applicant has committed to implement measures to prevent the spread of INNS on the site (ID EC-06). However, it is not clear if the control of INNS will include American Mink in addition to botanical INNS.

American Mink are the single biggest threat to populations of water voles. Water vole populations have shown signs of recovery in areas where strategic mink control and habitat enhancement has been carried out in England.

Evidence of water vole has been recorded on the site (Section 5.1.60, Appendix G). We therefore request the Applicant also commits to managing the population of American mink, in addition to other INNS.

### ***MW-02 and SA-02 (DoW CoP)***

It is noted the environmental commitment SA-02 soil and agricultural land outlines that no soil resources will be removed from the site and will be retained for reuse.

A Definition of Waste: Code of Practice (DoW CoP) declaration may be suitable for this project, but without further information we are unable to comment. The DoW CoP provides a process which enables the reuse of excavated materials on-site or their movement between sites.

### ***GC-02 (Remediation Works)***

We request the inclusion of 'remediation works' into commitment GC-02 Ground Conditions: Pre-commencement activities. The inclusion of a commitment to agree any necessary land remediation measures and timescales with the local planning authority, and the Environment Agency if necessary. The prior commencement activities would provide us with the assurance that remediation works will be completed before construction begins.

### ***GC-05 (Piling Risk Guidance)***

For guidance on piling risk, we recommend reference to:

CL:AIRE (2025) Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention, available at: <https://claire.co.uk/home/news/2083-piling-and-penetrative-ground-improvement-methods-on-land-affected-by-contamination-guidance-on-pollution-prevention>

### ***GC-07 & GC-08 (Waste Classification)***

It is noted there is reference to the Waste Acceptance Criteria classification in relation to landfill acceptance. It should be noted this is different to waste classification. Therefore, any classifying of waste must be in line with all relevant legislation and technical guidance. It must also be completed at the point of production.

Should there be a reason that any waste could be considered hazardous waste, such as historical use of the site, contamination with other waste/products, full hazardous waste classification should be carried out, as part of a sampling regime.

For further information on waste classification and sampling refer to [Technical Guidance WM3: Waste Classification - Guidance on the classification and assessment of waste](#)

#### ***GC-12 (Unexpected Contamination)***

We strongly suggest the procedure for dealing with unexpected contamination is replicated in the OEMP and DEMP. There is the potential for excavation in areas not accessed during construction where contamination may be present. There may also be new contamination (such as from an off-site source) which was not present at the time of construction.

#### ***WE-02 and WE-03 (Controls on Dewatering)***

Controls on dewatering are not mentioned within the commitments. Dewatering activities may be carried out without workers knowing to ensure the necessary permit or exemption is in place. We request requirements for dewatering permits or exemptions are understood prior to commencement of works, and sufficient time is allowed to obtain the necessary permissions.

This applies to dewatering at any stage of the process and not just Watercourse Crossings as covered by WE-02 and WE-03. A general commitment on this subject is covered within WE-08, but we suggest it should be specifically mentioned for any activities where a requirement is anticipated beforehand.

Shallow groundwater is likely to be encountered across the site and this should be considered for all works, but especially site drainage including BESS drainage design.

#### ***WE-05 (Management of Flood Risk During Operation)***

We welcome the offset of 10m from ordinary watercourses. If the watercourse is tidally influenced this will need to be extended to 16m. Please clarify cases where the 10m offset may not be possible.

We note commitment WE-05 which suggests that The PV modules will be offset from watercourses by 10 m from the top of the bank of watercourses. Please clarify if other components could be built within this 10m buffer. Note that where flood assets exist, offset should be measured from the landward toe (inclusive of any buried elements).

#### ***WE-06 (Permanent Access Track Crossings of Watercourses)***

Culverting existing watercourses / drainage ditches should be avoided. We are pleased to see commitment WE-06 Permanent Access Tracks outline the least impactful design approach and agree with the hierarchy proposed.

We have a anti-culverting policy and where culverting for access is unavoidable, we request the project demonstrate that no reasonable alternatives exist. Where necessary it will only be in place temporarily for the construction period. We therefore request more information of the proposed crossing designs and proximities.

***WE-11 (BESS Safety Management Plan)***

We support the development of a BSMP. It should be made clear that due to high risk of contamination the developer should take the appropriate actions to mitigate and control firewater from polluting watercourses. We will request to review the detailed BSMP and Outline Environmental Management Plan.

The Applicant should ensure the proposed development would not impact groundwater quality during the operation phase, including potential fires at the BESS. BESS flood protection systems, and proposed fire-water containment systems, need to be designed to prevent impacts on groundwater quality, in the event of a combined flood event and catastrophic BESS fire.

We request to review the projects outline drainage strategy and expect to see the following details:

- In the event of an emergency, contaminated firewater can be adequately contained within the site, to ensure that there is no discharge of polluted water to ground or surface water bodies.
- An impermeable base or layer beneath the battery unit compound to ensure infiltration beneath the site can be controlled.
- Any system for the storage of contaminated firewater should have sufficient capacity/headroom for the volumes expected in the event of a fire, even during periods of intense rainfall.
- The system for containing firefighting effluent should be automatic, with a backup system in place in case of power failure.

***CC-01 (Sequential Approach)***

Ensure a sequential approach to all components. The most vulnerable components should be steered to areas of lowest flood risk. This will need differentiation between Flood Zones 3a and Flood Zone 3b. This is inclusive of temporary components such as;

- Construction compounds.
- Construction / welfare compounds.
- The storage of spoil from excavations (which should be positioned outside of the 1 in 100-year flood extent where possible and outside of Flood Zone 3b in all cases.)

We welcome commitment CC-01 that materials will be stored outside the 1 in 100-year flood plain extent. We request this commitment be update to additionally state that all the above 'will be stored outside of Flood Zone 3b as a minimum'.

## **ANNEX I – INFORMATIVES**

### **Dewatering**

If dewatering is required, it will require an abstraction licence if it doesn't meet the criteria for exemption in [\*The Water Abstraction and Impounding \(Exemptions\) Regulations 2017 Section 5: Small scale dewatering in the course of building or engineering works\*](#). It may also require a discharge permit if it falls outside of our [\*regulatory position statement for de-watering discharges\*](#).

If the Applicant does not meet the exemption and requires a full abstraction licence, Applicants should be aware that some aquifer units may be closed for new consumptive abstractions in this area. More information can be found here: [Abstraction licensing strategies \(CAMS process\) - GOV.UK \(www.gov.uk\)](#) and [Apply for a water abstraction or impounding licence - GOV.UK \(www.gov.uk\)](#)

If the dewatering activity can be demonstrated to be discharged to the same source of supply without intervening use (i.e. non-consumptive), this will increase the likelihood of a licence being granted.

Please note that the typical timescale to process a licence application is 9-12 months. The Applicant may wish to consider whether a scheme-wide dewatering application rather than individual applications would be beneficial. We suggest talking to our National Permitting Service early in the project planning.

Temporary dewatering of wholly or mainly rainwater that has accumulated in an excavation may be exempt from an Environmental Permit for a Water Discharge Activity. More information can be found on our website: [Temporary dewatering from excavations to surface water: RPS 261 - GOV.UK](#). Note that this does not permit discharge of groundwater from a passive or active dewatering activity or permit the abstraction of groundwater.

The Applicant may also need to consider discharge of groundwater, especially if it is contaminated. More information can be found here: [Discharges to surface water and groundwater: environmental permits – GOV.UK](#).

The use of drilling muds for the directional drilling may require a groundwater activity permit unless the 'de minimis' exemption applies. Early discussion about this is also recommended.

### **Waste**

Please note that permitting application time frames vary and we suggest applications should be submitted alongside the DCO application. This may reduce delays to the project construction phase.

### **Waste Permits**

There are various references to crushed stone, temporary construction compounds, waste generation. Some of these activities may require relevant authorisation, such as registering waste exemptions or environmental permits. Should authorisation be

required they should ensure their application is submitted in good time to allow for the application to be validated, reviewed and determined.

[Environmental permit application form: standard rules, installations, mining waste or waste operation - GOV.UK](#)

Should they be required, they may wish to consider pre-application advice:  
[Get advice before you apply for an environmental permit - GOV.UK](#)

### ***Waste Management***

We are pleased to see the environmental commitment MW-02 that outlines that all waste will be managed in accordance with the relevant regulations, licensed haulier and permitted sites.

Further details about managing waste and the public register are also available here:  
[www.gov.uk/topic/environmental-management/waste](http://www.gov.uk/topic/environmental-management/waste)

[Public Registers Online](#)

### **FRA Informative**

#### ***Infrastructure Classification***

As the proposed project is designated as essential infrastructure. The Applicant needs to ensure the site remains operational in the design event and has safe access and egress.

#### ***Freeboard***

Provide a freeboard of 600mm above the design flood level (this would be to the finished floor level in the case of proposed buildings unless justified otherwise). The freeboard is applicable to sensitive equipment and may be applicable to:

- PV modules
- central / string inverters
- MV Stations
- standalone transformers
- switchgear/switchgear buildings
- BESS compound
- on-site substation
- welfare buildings
- spares buildings
- control buildings
- storage buildings
- combiner boxes

Please note in the case of a Single Axis Track system, we need the consideration of freeboard should the mechanism become stuck in the lowest point to help ensure mitigation measures are passive.

### ***Climate Change Projections and Design Life***

Section 2.6.1 has stated a proposed operational life of 40 years and suggested this could be extended. The proposed design life should be inclusive of the construction and decommissioning phases. We request a precautionary approach be taken when deciding the epoch for climate change in the assessment of flood risk. The project risks producing an inadequate assessment of flood risk depending on the chosen epoch associated with climate change.

### ***Initial FRA Advice***

Useful links for developing a FRA:

- [Flood risk assessments: applying for planning permission - GOV.UK](#)
- [Flood risk assessments: climate change allowances - GOV.UK](#)
- [Flood risk and coastal change - GOV.UK](#)
- [Using modelling for flood risk assessments - GOV.UK](#)

The FRA will need to consider any dependence on pumping to maintain levels. The Applicant will need to assess flood risk from breach scenarios. Please provide the FRA for comment at an early stage in the DCO process.

### ***Flood Defence Conditions***

Residual flood risk is required to be safely managed. The Applicant will need to demonstrate what is flood risk (from the design event) and residual flood risk. This should consider using the source-pathway-receptor model and where proportionate use hydraulic modelling.

For example, overtopping of the flood assets during the design event would be consider flood risk rather than residual flood risk.

- [Asset Information and Maintenance Programme](#)
- [Asset Categories](#)

The site may not be adequately protected by flood defences throughout the lifetime of the development. This will require assessment of the flood defences conditions and standard of protection for the design event. This could be used to help inform the breach analysis scenario(s) in addition to topography.

### ***Compensatory Flood Storage (CFS)***

CFS may be needed for submerged components within the design flood extent which the Applicant has acknowledged. Components (temporary or permanent) should not inhibit flood flow routes. This includes but is not limited to:

- Buildings
- Fencing (358 mesh type shown in Plate 2-7 seems appropriate)
- Roadways / tracks (temporary)
- Spoil and proposed excavations

### ***Sustainable Urban Drainage Systems (SuDS)***

SuDS will need to be considered for all proposed impermeable area (e.g., parking provisions or roadways / tracks). We suggest discussions should be held with the LLFA / IDB on this matter. The design proposed in Plate 2-8 seems permeable – please clarify this matter.

### ***Receptor Vulnerability***

The Applicant is proposing to use the vulnerability classification within the NPPF to determine receptor sensitivity. The Applicant should consider vulnerable receptors in the context of risk to life. This should inform emergency evacuation routes, safe access and egress during the design event.

### ***Crossings Register***

We request the submission of a crossings register that outlines:

- Proposed location
- Methodology (e.g., HDD)
- Type (e.g., clear span bridge)
- Temporal nature (temporary or permanent)
- Cable burial depths and dimensions
- Elevation and dimensions of crossing

This will support the projects' ability to adequately assess the environmental risks associated with crossing type.

It should be noted that clear span bridges will need a soffit level 600mm above the design flood level if permanent, and 600mm above the 1 in 100-year flood level if temporary.

We require clarity on the proposed depths of cables beneath watercourses and flood assets. Where cabling crosses main rivers, consideration should be given to the potential installation of future flood assets e.g. Sheet piling. A cabling depth of 1.5m below bed level of a watercourse could be insufficient.

Other schemes have committed to surveying the watercourse and installing cables at a depth of 5m below the lowest point of the watercourse and adjacent existing flood assets. This is relevant for the non-intrusive installation of cables across main rivers.

Erosion should be considered in the decision-making process for a suitable depth below watercourses to ensure the cables do not become exposed.

Our Ref: 25/1010/FH  
Your Ref: EN0110017  
Date: 27 June 2025



By email only  
ShepwayEnergyPark@planninginspectorate.gov.uk

Dear Mr Jones,

**Re: Scoping Opinion for Shepway Energy Park, Romney Marsh, Kent**

I refer to your letter dated 30<sup>th</sup> May in respect of the request for a Scoping Opinion submitted to the Planning Inspectorate for the above development, which is a Nationally Significant Infrastructure Project. Folkestone and Hythe District Council is classed as a host authority as part of the NSIP process.

The Council would make the following comments on some of the details provided within the applicant's submission using the paragraph numbers or chapters referred to in the report.

Paragraph 1.1.6 states that the scheme aims to connect to a proposed NGET substation along the Sellindge to Dungeness OHL, and that this would be a subject to a separate planning or DCO application. Such development would not fall within the applicant's control. The ES should consider the situation if the NGET substation is not built or does not receive permission, what other alternatives would be available to the applicant to connect to the grid, and any associated environmental effects relating to this.

Chapter 3 – In addition to alternatives considered for the development as a whole, the ES should set out the alternatives considered to the specific siting of parcel 4 in relation to its immediate proximity to the Kent Downs National Landscape.

Chapter 5.6 (cumulative effects) – The document does not include a list of other developments to be scoped in or out of the ES. The Council would request that a list is compiled in consultation with this authority and Ashford Borough Council. The Council would also highlight the following current proposals for solar farm developments within the surrounding area:

- 25/0542/FH – Land opposite Marten Farm, St Mary's Road, Romney Marsh - Construction of a solar farm including solar photovoltaic panel arrays to generate electricity, with ancillary substations, inverters, perimeter stock fencing and gates, CCTV, lighting, access tracks, landscaping and other associated works – under consideration. (N.B this site is located immediately to the southwest of site 6) - [BE Register View](#)
- South Kent Energy Park, Old Romney – This project is anticipated to have a generation capacity of up to 500 megawatts. The proposals will be subject to the NSIP process. The applicant is currently seeking feedback from the local community.

If additional solar developments are proposed within the area as the Shepway Energy Park scheme progresses, these should also be added to the developments to be assessed for their cumulative effects.

Chapter 6 (Climate Change) – This chapter includes the assessment of greenhouse gas emissions arising from activities within the site and indirect activities including emissions embedded within the production of construction materials and transportation. This assessment should consider the likely lifespan of components of the infrastructure (such as solar panels and batteries) and the emissions from replacement components during the lifetime of the solar farm. With reference to paragraph 6.3.3, account should be taken of the district council's new corporate plan 'Our district, our world' (June 2025).

With reference to paragraph 7.3.3, account should also be taken of the district council's Heritage Strategy which supports local plan's heritage policies, particularly theme papers: 1a – Landscape – Romney Marsh; 3b – Seaside Leisure and Tourism, Dymchurch, St Mary's Bay and Romney Sands; 3c – Seaside Leisure and Tourism – The Romney Hythe & Dymchurch Railway; 5c – Defence – Napoleonic; 6 – Church; 7 – Settlement; 8 – Farming and Farmsteads; 11 – Archaeology; and 13 – Conservation Areas.

Chapter 8 (Ecology and Nature Conservation) – The Council would generally defer to advice from the Kent County Council Ecology team and Natural England on the scope of this topic matter. The effects of lighting should be assessed under this chapter in relation to wildlife and protected species, including on bats and bird flightpaths. With reference to paragraph 8.3.12, account should also be taken of the emerging Kent and Medway Local Nature Recovery Strategy 'Making Space for the County's Nature', and the Folkestone and Hythe District Green and Blue Infrastructure Strategy (July 2023), which identifies priorities for biodiversity enhancement.

Chapter 9 (Landscape and Visual Amenity) – Section 85 of the Countryside and Rights of Way (CROW) Act, as amended by the Levelling-Up and Regeneration Act 2023, places a legal requirement on all relevant authorities to ensure that their actions and decisions '*must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty*', although this requirement is not referenced in the applicant's Scoping Report. The decision maker will need a full assessment of impacts on the Kent Downs National Landscape to fulfil their responsibilities under the Act.

Paragraph 9.2.3 of the report states that Zones of Theoretical Visibility have been calculated using an indicative height of 5m and that further ZTV's may be produced to include the BESS infrastructure. However, it is noted that other buildings and infrastructure associated with the development would be taller in height including switchgear buildings (up to 7m) and an on-site substation (up to 12m). This should be scoped and assessed within the ES.

Figure 9-2 provides details of 17 proposed LVIA viewpoint locations. The Council is concerned that this is a low number of viewpoints taking into account the scale and extent of the development within a landscape characterised as being flat, open and with far-reaching views, as identified in both the County and District Landscape Character Assessments referred to in the report. There is a high likelihood of visual effects from a wide range of receptor points both within and beyond the proposed development. It is also noted that the viewpoints do not include those from public footpaths running through the development, where the degree of visual change will be particularly high. The Council is of the opinion that the number of viewpoints should be substantially increased to assess the visual impact of the development. For example, although sites 3, 4, 5 and 6 appear to be highly visible from

areas to the east, south and west (Figures 9-1d, 9-1e, 9-1f, 9-1g), there are no viewpoints proposed in these areas, such as from roads or footpaths around Lower Wall Road, Tame Lane, Church Road, St Mary's Road or Gammon's Farm Lane. The Council would welcome a discussion with representatives for the applicant to agree further viewpoints.

With reference to paragraph 9.5.41, the district council's High Level Landscape Appraisal (HLLA) (AECOM, 2016) relates to all forms of strategic development. Although the term 'strategic' is defined in relation to a threshold of 250 houses, the HLLA is applicable to all forms of strategic development and is also used to inform decisions on smaller scale developments. The proposed scheme falls within the HLLA's Landscape Character Area 21, 'Romney Marsh Proper Farmlands' which is scored as having high sensitivity. The applicant needs to take account of the findings of the HLLA in assessing the impacts of the scheme.

Paragraph 9.5.49 sets out that the visual assessment will be undertaken for construction (winter), year 1 (winter), year 15 (summer) year 15 (winter) and decommissioning (winter). However, paragraph 9.5.47 states that visualisations will be provided in year 1 (winter) only. The Council would recommend that visualisations are provided for all assessment periods to illustrate the effects of the scheme throughout the lifetime of the development and the suitability of landscape mitigation proposed.

Paragraphs 9.6.8 – 9.6.10 relate to lighting. The report concludes that the effects of lighting have been scoped out, however there is a lack of detail about the specific lighting requirements for the development. For example, it refers to lighting being installed around the site perimeter for security purposes, yet these perimeters will be vast in area, and it is not clear how many lighting columns would be required or what intensity of lighting would be needed. If motion security lighting is proposed, then the council would question how this would operate without being triggered by wildlife, or grazing animals. Policy NE5 of the FHDC Local Plan should be taken into account when assessing lighting impacts. The Council would question whether lighting impacts should be scoped out given the limited detail provided and remote sensitive location of the site.

The summary table 9-3 states that landscape designations including setting will be scoped out of the ES. This is of concern given the immediate setting of the Kent Downs National Landscape to the north of the proposed development, which should be included in the ES.

9.3.9 - Policy SS3 (sense of place) of the Council's Core Strategy is also of relevance.

Chapter 12 (Socio Economics and Land use). It is noted that impacts upon tourism have been scoped into the ES, although the impacts identified relate to effects on visitor attractions within 2km of the site. Part of the tourist appeal of the area relates to the attractiveness of the unique Romney Marsh landscape and impacts on tourism relating to any loss or degradation of the landscape character or appearance should be considered.

It is noted that table 12-2 scopes out impacts upon farming businesses, on the basis that the development will support farm diversification. Further details should be provided to support this position, including details of the location and size of remaining farm holdings, and an assessment to demonstrate whether these would be likely to remain viable for agricultural businesses. Without this, there is a risk that the impact on the agricultural economy may be greater than simply the confines of the development site. This is also relevant to Chapter 13 (Soils and Agricultural Land) when assessing the extent of BMV agricultural land to be affected by the development.

With reference to paragraph 12.3.3, account should be taken of the UK's Modern Industrial Strategy (UK Government, June 2025).

In addition to the policies listed in 12.3.4, Policy CSD3 of the Council's Core Strategy is also relevant to this chapter.

With reference to paragraph 12.5.26, tourism activities within the 2km buffer zone also include the Romney, Hythe and Dymchurch Railway (RH&DR), a popular tourist attraction which has been operating as a railway since 1927. The track runs north-east/south-west along the coast and approximately 4km of the track lies within the 2km buffer zone, as do the RH&DR's stations at Dymchurch and St. Mary's Bay. To the north, the Royal Military Canal Path runs the entire length of the canal and approximately 7.5km of this recreational route falls within the 2km buffer zone. Potential impacts on these assets should also be addressed in the applicant's assessment of cultural heritage (see above).

With reference to paragraph 13.3.15, account should also be taken of Folkestone & Hythe Places and Policies Local Plan Policy HW3 which states that development proposals should not result in the loss of the best and most versatile agricultural land unless there is a compelling and overriding planning reason to do so and mitigation is provided through the provision of productive landscapes on-site or in the locality.

Chapter 14 (Transport and Access) – The Council would generally defer to Kent County Council as the local highway authority for advice on this topic matter. It is noted that the main transport impacts would be at the construction stage and given the rural character of the area the Council would be concerned about impacts of traffic upon narrow rural lanes and managing the effects of construction traffic on local residents. Paragraph 14.1.2 states that a Framework Construction Traffic Management Plan will be prepared to inform the DCO application. Paragraph 14.5.2 states that anticipated construction routes will be provided. Paragraph 14.6.12 sets out potential mitigation measures. It is recommended that the details also consider the provision and use of HGV waiting areas, the operation of supervised convoys to and from the site, and road condition surveys and measures to repair damage from construction vehicles, to maintain the character of the rural lanes.

Figure 14-1 shows proposed site access points to each parcel. Site access should be designed to be informal and respectful of the rural character of lanes and the area in general. Industrial style gated entrances should be avoided.

Paragraph 14.4.1 – given the potential for up to 400 persons to be employed during construction and the remote and sensitive location of the site, the Council is of the opinion that a Travel Plan should be produced for the construction phase, and this should not be scoped out.

14.3.20 – Policy SS3(c) of the Council's Core Strategy is also relevant to this chapter.

Chapter 15 (Water Environment) - The Council would defer to advice from the Environment Agency, The Romney Marshes Area Internal Drainage Board, and Kent County Council as the lead local flood authority for advice on this topic matter.

15.3.9 – Policy SS3(b) of the Council's Core Strategy is also relevant to this chapter.

Chapter 16.6 (Major accidents and disasters) – This chapter identifies the potential for fire relating to the battery storage element of the scheme, although fire risk is subsequently

scoped out of the assessment. The Council is of the opinion that the potential for fire could carry risks, taking into account the significant battery storage element proposed, that should be scoped into the assessment. Potential impacts on air quality in the event of a battery fire due to the release of chemicals should also be scoped into the assessment.

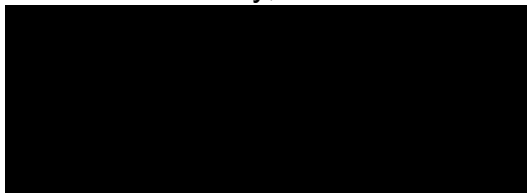
The applicant should engage with the Kent Fire and Rescue Service in respect of the design and layout of the Battery Energy Storage Systems proposed. The assessment should also have regard to guidance produced by the National Fire Chiefs Council in accordance with paragraph 34 of the National Planning Policy Guidance on renewable and low-carbon energy.

#### Other matters

A number of photographs and illustrations are included within the document. The Council notes that these do not necessarily reflect the development as described. For example, the solar arrays shown on plates 2-1 and 2-2 are at a much lower height than described in paragraphs 2.3.15 and 2.3.17 (up to 5 metres), the fencing and CCTV shown in plate 2-7 is entirely different in scale and design to the description in paragraphs 2.3.47 and 2.3.48, and the access tracks shown in plate 2-8 are significantly narrower than as described in paragraph 2.3.50. The same applies to photographs of the inverters and MV station. The Council would express concern that this could be misleading to interested parties and that any photographs or illustrations used in the Environmental Statement should more accurately reflect the development proposed.

The Council looks forward to working with the applicant and Planning Inspectorate and providing further input as this project progresses.

Yours sincerely,



Principal Planning Officer

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Date: 6/06/2025

Dear Sir/Madam,

**PROPOSED SHEPWAY ENERGY PARK PROJECT  
PROPOSAL BY SSE NEWCHURCH SOLAR LTD  
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
REGULATIONS 2017 (AS AMENDED) REGULATIONS 10 AND 11**

Thank you for your email on 30<sup>th</sup> of May 2025 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports, but the following information is likely to be useful to the applicant.

**HSE's land use planning advice:**

**Will the proposed development fall within any of HSE's consultation distances?**

According to HSE's records, the proposed DCO application boundary for this Nationally Significant Infrastructure Project is within the consultation zones of **no** major accident hazard site ['MAHS'] and **no** major accident hazard pipeline ['MAHP']. This is based on the redlines, "energy park site" and "interconnecting cable corridor search area", shown in Figure 1-1 "Scheme Location Plan" page 22 of the Scoping Report Part 1 May 2025 [downloaded from: [EN0110017-000002-Shepway Energy Park EIA Scoping Report Part 1.pdf](#)].

HSE's Land Use Planning advice is dependent on the location of areas where people may be present [[HSE: Land use planning - HSE's land use planning methodology](#)]. Based on the information in the PEIR it is unlikely that HSE would advise against the development. Please note that the advice is based on HSE's existing policy for providing land-use planning advice and the information which has been provided. HSE's advice in response to a subsequent planning application may differ should HSE's policy or the scope of the development change by the time the Development Consent Order application is submitted.

**Would Hazardous Substances Consent be needed?**

Hazard classification is relevant to the potential for accidents. Hazardous substances planning consent is required to store or use any of the Categories of Substances or Named Hazardous Substances set out in Schedule 1 of [The Planning \(Hazardous Substances\) Regulations 2015](#) as amended, if those hazardous substances will be present on, over or under the land at or above the controlled quantities. There is an "addition rule" in Part 4 of Schedule 1 for below-threshold substances.

Based on the Scoping Report it is not clear whether the applicant has considered the hazard classification of any chemicals that are proposed to be present at the development. This may be because there are no in-scope hazardous substances. If hazardous substances planning consent is required, please consult the relevant Hazardous Substance Authority (usually the Local Planning Authority) on the application.

### **Consideration of Risk Assessments**

[Regulation 5\(4\)](#) of the [Infrastructure Planning \(Environmental Impact Assessment\) Regulations 2017](#) requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE's role in NSIPs is summarised in Advice Note 11 "working with public bodies in the infrastructure planning process" Annex G on the Planning Inspectorate's website: [Nationally Significant Infrastructure Projects - Advice on working with public bodies in the infrastructure planning process, Annex G: The Health and Safety Executive - GOV.UK](#). This document includes the applicant's consideration of risk assessments under the heading "Risk assessments".

The Scoping Report Part 4 [[EN0110017-000005-Shepway Energy Park EIA Scoping Report Part 4.pdf](#)] contains Section 16.6 which is titled 'Major Accidents and Disasters'. There are no requirements for any risk assessments submitted to and approved by the relevant planning authority to also be considered by HSE. We would advise Risk Assessments are considered further in line with Advice Note 11 Annex G taking account of the following: *"it may be beneficial for applicants to undertake a risk assessment as early as possible to satisfy themselves that their design and operation will meet the requirements of relevant health and safety legislation as design of the Proposed Development progresses."*

### **Explosives sites**

Explosives Inspectorate has no comment to make as there are no HSE licenced explosives sites in the vicinity of the proposed development.

At this time, please send any further communication on this project directly to the HSE's designated e-mail account for NSIP applications at [nsip.applications@hse.gov.uk](mailto:nsip.applications@hse.gov.uk). We are currently unable to accept hard copies, as our offices have limited access.

Yours sincerely

CEMHD NSIP Consultation Team



Historic England

Joseph Jones  
Environmental Services  
Operations Group 3  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Direct Dial: 02079733015

Our Ref: PL00797452

24 June 2025

Dear Mr Jones

**Re: Application by SSE Newchurch Solar Limited for an Order granting Development Consent for the Shepway Energy Park - EIA Scoping Opinion**

Thank you for your letter of the 30 May 2025 consulting us about the above EIA Scoping Report.

This development could, potentially, have an impact upon a number of designated heritage assets through development within their settings in the area around the site.

In line with the advice in the National Planning Policy Framework (NPPF), we would expect the Environmental Impact Assessment (EIA) to contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets.

We are therefore pleased that the majority of historic environment aspects have been Scoped In for further EIA assessment; however, we disagree that 'archaeology during operation' should be Scoped Out.

Known Heritage Assets

The Scoping Report acknowledges the presence of 101 designated heritage assets within 3km of the development site; this includes nine scheduled monuments, five grade I listed buildings, and six grade II\* listed buildings. Four of these highly graded heritage assets are within very close proximity of the site boundary: the Grade I listed Church of St Peter and St Paul in Newchurch (1278140) and the scheduled monuments of Eastbridge Church (1005132), World War II underground operational post 1/3 mile (540m) SW of Chapel Farm (1003781), and Moat and associated closes



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*Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.*



at Marshall's Bridge (1017659).

We agree that the proposals have limited potential for physical impacts on designated heritage assets. However, the impacts to heritage assets through development within their setting will need careful assessment and consideration.

We would also expect the EIA to consider the potential impacts on non-designated features of historic, architectural, archaeological or artistic interest.

We are therefore pleased to see that all aspects of the historic environment (i.e. 'Archaeology' (taken to be below ground heritage assets), 'Built Heritage', and 'Historic Landscape') are to be assessed within the EIA.

However, we are concerned that 'archaeology during operation' has been 'Scoped Out' of further cultural heritage assessment (Table 7-3). The scoping out of this element has not been fully justified, and we therefore have concerns that some harm to designated and non-designated heritage assets may not be fully assessed during EIA.

Although we agree that physical harm to buried remains will be unlikely during operation, the significance of some archaeological heritage assets may be affected by development within their setting. For example, the designated medieval moated sites which are within the study area (i.e. Moated site and associated fields, 460m north east of Pickney Bush Farm (1016682) and Moat and associated closes at Marshall's Bridge (1017659)). These archaeological assets may not have 'built' remains, but the site and their earthworks are appreciable, and they do have a setting which contributes to their significance.

It is possible that other designated or undesignated archaeological sites within the study area would also have settings that contribute to their significance, which could be affected by the proposed development during operation.

Therefore, we consider that impacts to archaeological remains during operation should also be 'scoped in' to the EIA.

#### Size of the proposed study area

We would expect the assessment to clearly demonstrate that the extent of the proposed study area is of the appropriate size to ensure that all heritage assets likely to be affected by this development have been included and can be properly assessed.

We consider that the approach of allowing for inclusion of selected highly designated



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assets up to 5km from the proposed development, guided by ZTV modelling as well as specialist and stakeholder input, is likely to be appropriate.

### Proposed Assessment Methodology

We largely agree with the proposed assessment methodology.

We consider that early discussions with the KCC archaeological advisor and Historic England are necessary to establish the type and scope of the appropriate pre-determination archaeological investigations.

### Assessment of Potential Impacts

It is important that the assessment is designed to ensure that all impacts are fully understood including the contribution setting makes to the significance of these assets.

Assessment of setting should be undertaken in accordance with Historic England's guidance on the setting of heritage assets (<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/>).

This will involve making a careful assessment of the specific attributes of setting which contribute to the significance of each heritage asset. It is important that all factors affecting setting are considered (e.g. noise, lighting levels, traffic, general 'openness', etc.) and that setting is not conflated simply with views.

Where views are important for their contribution to setting, an analysis of the views from within the site, out of, and across the site in relation to designated heritage assets will be important. Therefore, verified viewpoints and/or photomontages illustrating effects of the development on those views should be submitted in addition to those proposed for the LVIA.

We would expect the EIA to adequately described steps which are taken to avoid or minimise harm to designated heritage. This might be through the location of development, landscaping or the design or new works. We would refer you to the steps and guidance described in Managing Significance in decision taking in the Historic Environment: Historic Environment Good Practice Advice Note in Planning 2.

If you have any queries about any of the above, or would like to discuss anything further, please contact me.

Yours Sincerely



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Historic England

[REDACTED]

Inspector of Ancient Monuments

E-mail: [REDACTED]@historicengland.org.uk

CC:



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**From:** [REDACTED]@kent.gov.uk  
**To:** [Shepway Energy Park](#)  
**Cc:** [REDACTED]@kent.gov.uk  
**Subject:** Shepway Energy Park ES Scoping  
**Date:** 17 June 2025 14:39:22

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You don't often get email from [REDACTED]@kent.gov.uk. [Learn why this is important](#)

Dear Sir / Madam,

I am writing in relation to the above scoping document on the Planning Inspectorate website. Kent County Council Highways and Transportation welcomes the applicant's proposals to undertake consultation to consider the approach and scope of the assessment set out within the PEI Report and ES. A Transport Assessment and Framework Construction Management Plan will be required to be submitted as part of any future application.

However, to date no formal consultation has been undertaken by the applicant. It is strongly suggested the applicant engages with Kent County Council Highways and Transportation at an early stage via our pre-application service. Of key importance will be the proposed access routes to the various parcels of land from the main A-road network in order to minimise the impact on the local rural highway network and to ensure that proposed construction vehicles use the most appropriate vehicle route (including the potential need for haul roads between land parcels). Where rural roads are required to be used the applicant will need to consider what widening improvements can be made to these rural roads in order that construction vehicles do not cause a potential highway safety impact due to the current limited width of many of these rural roads. Some of the roads in question have width restrictions or are unsuitable for HGVs.

Kent County Council Highways and Transportation looks forward to working with the applicant as part of any pre-application consultation on the proposals.

Regards

[REDACTED] | Principal Transport and Development Planner | Ashford / Folkestone and Hythe | Highways and Transportation | Kent County Council | Kroner House, Eurogate Business Park, Ashford, TN24 8XU | [REDACTED] | [www.kent.gov.uk](http://www.kent.gov.uk)



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Your Ref. EN0110017

## Heritage Conservation

Environment and Circular  
Economy  
Kent County Council  
Invicta House  
Maidstone Kent ME14 1XX

Ask for: [REDACTED]  
Email: [REDACTED]@kent.gov.uk

26 June 2025

Dear Mr Jones,

### **Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (The EIA Regulations) – Regulations 10 and 11**

**Application by SSE Newchurch Solar Limited (the applicant) for an Order  
granting Development Consent for the Shepway Energy Park (the proposed  
development)**

### **Scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested**

Thank you for your request dated 30 May 2025 for a Scoping Opinion under the  
Town and Country Planning (Environmental Impact Assessment) Regulations 2017  
(as amended), specifically in relation to the cultural heritage and archaeological  
aspects of the proposed Shepway Energy Park (proposed development) at  
Newchurch, Kent.

As Senior Archaeological Officer working in the Heritage Conservation department of  
Growth, Environment & Transport at Kent County Council and archaeological advisor  
to Folkestone and Hythe District Council, I provide this Scoping Opinion relating to  
the **archaeological aspects** of cultural heritage. My colleague [REDACTED] is  
providing the scoping opinion relating to **built heritage and the historic landscape**  
aspects of cultural heritage.

### **Designated and non-designated heritage assets and archaeological potential**

The proposed development lies within Romney Marsh in an area of multi-period  
archaeological potential with a large number of recorded designated and non-  
designated heritage assets. The Environmental Statement (ES) must include a  
detailed assessment of the potential impacts of the proposed development on both  
designated and non-designated heritage assets, including on their setting.

Designated heritage assets which lie in very close proximity to the development site  
include scheduled medieval moated sites and listed buildings. My colleague [REDACTED]  
[REDACTED] will comment on this aspect and why the evidence demonstrates that cultural

heritage must be scoped into the EIA process for this proposed development. Folkestone and Hythe District Council's Conservation Officer will no doubt also wish to make recommendations as will Historic England and the applicant is directed towards the Historic England Advice Note 15 'Commercial Renewable Energy Development and the Historic Environment' (HEAG302, 2021) and 'The Setting of Heritage Assets' (Historic Environment Good Practice Advice in Planning: 3 (2<sup>nd</sup> Edition, 2017).

The Kent Historic Environment Record (HER) contains existing data about the proposed development area including for presently known sites with later prehistoric, Romano-British, and early medieval archaeological potential. As the proposed development site lies within Romney Marsh, which is a coastal wetland area with a complex late-glacial and post-glacial geomorphology, there is a high geoarchaeological and palaeoenvironmental potential, including for waterlogged deposits with high archaeological survival potential. There is by contrast, also significant potential for the plough soils to contain archaeological material brought to the surface by cultivation.

The applicant recognises the significant archaeological potential of the proposed development site and has embarked on a programme of desk-based assessment and geophysical surveys as first steps towards understanding the presently unknown surface and below ground archaeological potential and to be able to assess the impacts of the proposed development.

The ES must, therefore, include the results of the desk-based assessment as well as the results of field evaluation, including geophysical surveys, and where necessary intrusive field evaluation (including as appropriate surface artefact collection, metal detecting, boreholes and auger cores, test pits and trial trenching). The results of these investigations will be necessary to determine the presence, extent, date, and significance of any archaeological remains and to assess the likely impact of the proposed development.

The assessment should be undertaken in accordance with the Chartered Institute for Archaeologists (CIfA) and Kent County Council Heritage Conservation standards and guidance, and in consultation with Kent County Council Heritage Conservation.

### **Mitigation**

Where impacts are identified, the ES must outline the appropriate mitigation strategies. These may include design modifications to avoid harm, preservation *in situ*, and/or a programme of archaeological recording and post-excavation analysis, reporting, and dissemination. A draft Written Scheme of Investigation (WSI) may be required at the application stage.

### **Cumulative Effects**

The ES should also consider cumulative impacts on the historic environment in combination with other developments in the vicinity, particularly other infrastructure, or energy projects.

Should you require any further information or clarification, please do not hesitate to contact me.

Yours sincerely

**Casper Johnson** FRSA MCIfA FSA  
Senior Archaeological Officer

cc [REDACTED] (KCC), [REDACTED] (KCC) & [REDACTED] (KCC)



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## Heritage Conservation

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23 June 2025

Dear Sir/Madam

**Planning Act 2008 (as amended) and The Infrastructure Planning  
(Environmental Impact Assessment) Regulations 2017 (The EIA Regulations)  
– Regulations 10 and 11**

**Application by SSE Newchurch Solar Limited (the applicant) for an Order  
granting Development Consent for the Shepway Energy Park (the proposed  
development)**

**Scoping consultation and notification of the applicant's contact details and  
duty to make available information to the applicant if requested**

As Conservation Architect working in the Heritage Conservation department of Growth, Environment & Transport at Kent County Council, I provide our scoping opinion relating to the built heritage. My colleague [REDACTED] will be providing the scoping opinion relating to archaeology under separate cover.

Having carefully reviewed the submitted consultation documents I have researched the proposed site location and made a number of visits to review the immediate setting and broader context of Romney Marsh. Given the scale of the proposals and potential impacts, we consider that it is vital for Cultural Heritage and the Historical Environment to be scoped into the Environmental Assessment for the reasons set out below.

**The unique and fragile character of Romney marsh.**

Romney Marsh is identified by Natural England as National Character Area 123, with a unique, sometimes forbidding, rural character that is extremely flat and open. It is divided by an irregular network of drainage ditches, with occasional clumps of trees, sparsely developed with isolated farmsteads and small settlements with historic churches at their core. This flat landscape has been preserved and is in distinct contrast with the wooded rising land of the old Saxon

***The Environmental Assessment needs to take into account the impact of the proposals on the overall character of Romney marsh and in particular the special characteristics set out in the Natural England National Character Assessment.***

The Romney marsh is a largely man-made environment based on drainage of the tidal marshes, with ditches, banks and field patterns that are all part of the built heritage. Once under water or salt marsh behind the coastal shingle features to the south and east, it was gradually drained and reclaimed from Roman times and in particular after the construction of the Rhee Wall which separated it from Walland marsh to the south. The irregular network of drainage ditches that today shape the fields and pattern of roads and settlements, were dug to drain the salt water off the land. The process was only completed in 1804 with the construction of the Royal Military Canal or The Main Drain, which not only helped to defend the country, but provided an irrigation system.

**Largely intact historic setting.**

2

marsh and relatively low levels of modern intervention, allowing traditional buildings and historic features to survive here in their original setting, which in other areas of the southeast has been lost through alteration and development. ***The Environmental Assessment needs to assess the impact of the proposals on the largely intact historic character of the Romney marsh and the open, sparse rural character as a setting for historic buildings.***



**The unique natural ecology is dependent upon the man-made environment.**

The ditches dug to drain the land provide a network of ecological corridors across the marsh but are linked intrinsically with the areas of cultivation and settlement in between. In this way the ecology and built heritage of the marsh are closely linked and need to be considered in conjunction with each other. The lack of hedges and trees in many areas creates an open landscape with particular ecological as well as visual characteristics.

***The relationship between the man-made landscape and ecology of Romney marsh is blurred as each is shaped by the other, so the Environmental Assessment needs to consider the impact of the proposals on this delicate balance and interdependence.***

**Sense of Place and setting for built heritage.**

The winding lanes that follow the lines of the ditches, with numerous turns, can tantalisingly turn away from objectives clearly visible ahead, or will suddenly reveal isolated farms or houses that could be seen on the skyline many miles back. This increases a sense of isolation and adds to the particular character of these features. The character of the marsh as a whole makes a major contribution to the setting for its built heritage, and this includes the distant views and routes travelled to arrive at each feature as well as an immediate visual context or grouping.

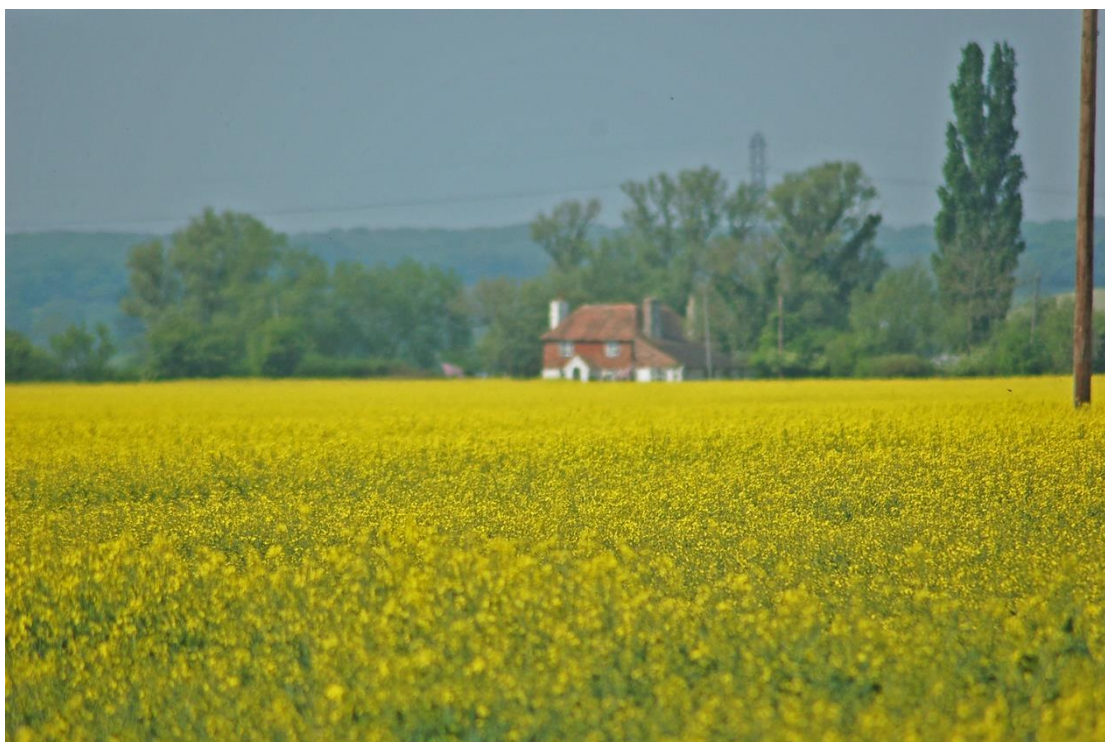
***The Environmental Assessment needs to consider the potential impact of the proposals on the setting of built heritage, which on Romney marsh makes a very specific contribution to a heightened sense of place, that adds considerable value to the significance of each feature. This relates not only to the immediate setting, but to the winding lanes between features and the long-distance views that relate to their experience.***



#### **Cultural heritage of Isolated Churches**

Romney Marsh is unusual in that the country churches remain dominant features in the largely rural landscape. The open flatness of the landscape make the towers key vertical features and points of orientation over long distances. They are linked physically and culturally to the settlement of the area, with each rural hamlet having its own distinctive church, but they have retained a landscape setting and relative isolation through a lack of modern development or expansion. There are 14 distinctive churches across the marsh, and four ruins, all looked after by the Romney Marsh Historic Churches Trust. All have high heritage significance and value, 8 are grade 1 listed and 6 are grade II\*. All gain major value and significance through their setting and distant views of towers across the flat rural landscape is one of the characteristics of the marsh.

***The Environmental Assessment needs to consider the potential impact of the proposal on the setting of the historic churches on the Romney marsh, with particular care due to their high significance and protected status as Grade I & II\* listed assets. This goes beyond the immediate setting but also should assess any impact on distant views and the routes between the churches, taking into account their group value and contribution to the wider historic landscape.***



#### **The setting of Isolated farmsteads**

The flat rural landscape and winding country lanes adds to the feeling of isolation for the sparse habitation across the marsh, whether it is the lone house or dispersed farmstead. The local pattern of development is brick with hipped tiled roofs and many of the buildings have sufficient quality and heritage value to justify listing, but for all the setting is a key component of this value. To these are added a number of moated enclosures, remnants of earlier habitation and now scheduled as ancient monuments, notably at Pickney Bush farm and Marshalls Bridge.

***The Environmental Assessment needs to consider the impact of the proposal on the setting of other built heritage assets, in particular the farmsteads and houses in the broader area, seeking to ensure that their isolation within a soft, natural open landscape is not impaired or compromised. The degree of intrusion into distant views or changes to the character of the landscape setting need to be covered by the assessment.***



**The impact on recent cultural features including war memorials and defensive features.**

Romney Marsh has long been recognised for its strategic importance for the defence of the realm and contains historic features relating to past periods of insecurity or warfare. Most notable are the responses to the Napoleonic threat, with the Royal Military Canal and Martello Towers, but later features relating to WWII have significance and include pill boxes and hard points, vestiges of forward landing grounds, isolated memorials and war graves and an underground operational post, now a Scheduled Monument. All these have historical and cultural significance, in part relating to their landscape setting.

***Any impacts on the setting of defensive heritage features need to be considered by the Environmental Assessment, given the strategic importance of the area in recent conflict and cultural history. The setting of war graves and memorials requires particular sensitivity.***



#### **The impact on National Landscapes.**

The Kent Downs National landscape abuts part of the proposal site. Landscape character area 5B: the Lympne Greensand Escarpment, extends down onto the northeastern edge of Romney Marsh and is particularly sensitive to any changes in character to the adjoining areas, in particular as these are overlooked from the Greensand Ridge and will impact the setting of the national landscape. The “magnificent views” are cited as a key feature and value in the character assessment for the national landscape. The National landscape incorporates important elements of built heritage, including the tumbled walls of the Roman shore fort, grade I listed St Stephens church and grade I listed Lympne castle with its 1912 extensions by Lorimer. For all of these, the setting and views over Romney marsh are key elements to their significance and value.

***The characterisation of the adjacent designated National Landscape of the Kent Downs places high value on the magnificent views across Romney Marsh so the area of consideration in the Environmental Assessment needs to be expanded to ensure any impact on these from the proposals is***

***properly considered. This needs to include the particular views that add to the significance and setting of the listed heritage buildings within the National Landscape.***



**Distant views and vantage points onto Romney Marsh from raised ground.**

The older settlements arranged along the old Saxon Shore overlooking Romney Marsh all benefit from long views across the Marsh towards the English Channel. These views are integral with the setting and significance of key historic churches, including the isolated church of St Rumwold, grade I listed, the grade II\* listed church of St Peter and St Paul at Bilsington and St Mary Magdalene church Ruckinge, grade I listed. Other grade II listed houses and monuments look out from the escarpment across the marsh including the Cosway monument at Bilsington and the unbroken rural expanse of the marsh below is key to the setting and value of all of these.

***The views across Romney Marsh add significantly to the setting of listed buildings along the elevated escarpment to the north. The scope of the Environmental Assessment should be expanded to assess any impact of the proposals on these views from the higher land to assess the impact on the setting of heritage assets that look out across the Romney Marsh.***

**Construction impact on the setting.**

Should the development go ahead, the construction traffic will have an impact on the local network of narrow lanes. The location of the proposal site is rural; some distance from any major road infrastructure, and delivery of materials and components will have a major impact on the local road network and settlements along these routes.

***The Environmental assessment needs to include the impact of construction traffic on the surrounding road network, including in particular the impact on any settlements or heritage buildings along these routes.***

**Operational impact on the setting.**

The full sensory impact of the operational phase of the proposal needs to be considered as the rural isolation of the proposal location currently enjoys very low levels of noise disturbance, light pollution, air pollution or vibration. This makes it extremely sensitive to any slight changes, whether they arise from the

operation or maintenance of the proposal. These matters need to be considered from both the close proximity to the proposals and for any impact on distant views, as both of these are significant to the setting of heritage buildings.

***Currently Romney Marsh provides a rural setting for built heritage, with low levels of light, noise and air pollution, enhancing the setting. The Environmental Assessment needs to consider any change arising from the proposals in light, noise or air pollution from the current low threshold levels in the assessment of impact.***



**Cumulative impact on the setting.**

The proposals already have a significant scale and ground coverage, but when the areas that are between the different development areas are added in, the cumulative area of impact is much greater, with a corresponding increase to the potential to have an effect on the setting of historic buildings. Although the scoping exercise relates to just one solar farm submission, it should be borne in mind that this is just one of a number of solar farms currently under construction or being applied for in Kent and the cumulative impact of these should be taken into account in any scoping exercise or decisions.

***The Environmental Assessment needs to consider the cumulative impact of the proposals on the character of the area, and its setting for built heritage.***



The Romney Marsh has a precious and distinct character, with distant views across an open, flat, rural landscape under a huge sky. It provides a unique setting for many high value built-heritage assets, not all designated as statutory listed buildings, and so is very vulnerable to being damaged by inappropriate development. It is vital therefore that the impact of such a large development proposal as the solar farm is carefully considered and that the Historic Environment and Cultural History is central to any such evaluation. We trust that all the areas we have highlighted above will be covered in the Environmental Statement (ES).

Given the interdependence and the close relationship between the landscape setting and the significance of built heritage, it is important that the Landscape and Visual Assessment ES chapter includes consideration and/or detailed cross-referencing with the Cultural Heritage chapter in terms of setting issues.

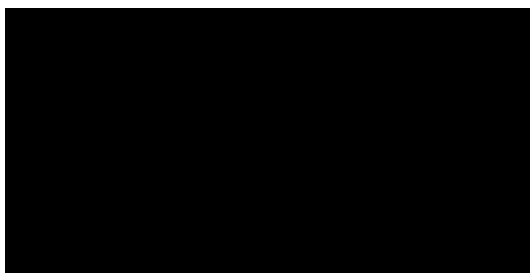
The assessment should be undertaken in accordance with the Historic England's guidance, in particular Sustainability Appraisal and Strategic Environmental Assessment 2016, and Kent County Council Heritage Conservation standards and guidance, in consultation with the Heritage Conservation team.

### **Mitigation**

Where impacts are identified, the ES must outline the appropriate mitigation strategies to prevent loss of significance or damage to the setting of historic or heritage assets. These may include design modifications to avoid harm.

Should you require any further information or clarification, please do not hesitate to contact me.

Yours faithfully



Conservation Architect  
Heritage Conservation

**From:** [REDACTED]@kent.gov.uk  
**To:** [Shepway Energy Park](#)  
**Cc:** [REDACTED]@kent.gov.uk; [REDACTED]@kent.gov.uk  
**Subject:** EIA Scoping Opinion - Environmental Statement for Shepway Energy Park  
**Date:** 27 June 2025 12:12:01

---

You don't often get email from [REDACTED]@kent.gov.uk. [Learn why this is important](#)

Dear Sir/ Madam

## **EIA Scoping Opinion - Environmental Statement for Shepway Energy Park**

I have been notified of the preparation of an Environmental Statement for Shepway Energy Park.

Detailed discussion will be required with the Public Rights of Way and Access Service as the application is prepared and seeks to demonstrate that the relevant policy base has been fully considered and met. (The higher level policies are set out below)

At this point all that I would ask is that the alignments of public rights of way, as are shown on the Shepway Energy Park site masterplan, are derived from the Definitive map and Statement for Kent. We are able to provide this information in an appropriate format to the applicant.

**NPPF : December 2024 Paragraph105.** Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

**National Policy Statement for Renewable Energy Infrastructure (EN-3)** including paragraphs:

- i. 2.10.42 Applicants are encouraged to design the layout and appearance of the site to ensure continued recreational use of public rights of way where possible during construction, and in particular during operation of the site.
- ii. 2.10.43 Applicants are encouraged where possible to minimise the visual impacts of the development for those using existing public rights of way, considering the impacts this may have on any other visual amenities in the surrounding landscape.
- iii. 2.10.44 Applicants should consider and maximise opportunities to facilitate enhancements to the public rights of way and the inclusion, through site layout and design of access, of new opportunities for the public to access and cross proposed solar development sites (whether via the adoption of new public rights of way or the creation of permissive paths)

- iv. 2.10.45 Applicants should set out detail on how public rights of way would be managed to ensure they are safe to use in an outline Public Rights of Way Management Plan.

**KCC Rights of Way Improvement Plan 2018-2028.** KCC strategic policy document setting out its goals and priorities for Public Rights of Way and Access.

[Rights of Way Improvement Plan - Kent County Council](#)

- 1.1 Section 60 of the Countryside and Rights of Way Act 2000 placed KCC as Highway Authority under an obligation to produce a Rights of Way Improvement Plan within 5 years of commencement.
- 1.2 The Rights of Way Improvement Plan addresses:
  - 1.2.1 the extent to which local PROW meet present and future likely needs.
  - 1.2.2 the opportunities provided by local PROW for exercise and other forms of open air recreation and the enjoyment of the authority's area.
  - 1.2.3 accessibility of local PROW to the blind and partially sighted and those with mobility problems.
- 1.3 The Rights of Way Improvement Plan was written in accordance with guidance issued to local authorities by DEFRA: Rights of Way Improvement Plans – Statutory Guidance to Local Authorities in England – November 2002.
- 1.4 Authorities were to develop proposals to improve and manage their PROW networks to meet the needs of the public reflecting modern patterns of demand and land use and providing better for the needs of those users not benefiting from the right of open access (cyclists and equestrians) and those with mobility problems.
- 1.5 The current iteration of the plan was subject to a full public consultation and was formally adopted by the County Council in November 2019. The Plan sets out key themes for improving the PROW network and objectives and targets against those themes for securing those improvements.
- 1.6 The development if consented has the opportunity, through good design and collaboration to contribute to the delivery of the ROWIP policies identified.
  - 1.6.1 Active Lifestyles AL01, AL02 AL03
  - 1.6.2 Evolution of the Network EN01, EL02, EN03, EN04, EN05
  - 1.6.3 Knowing what's out there KT02, KT07, KT08

- 1.6.4 Well-maintained network MN01
- 1.6.5 Rights with responsibilities RR03, RR04
- 1.6.6 Efficient delivery ED05

Department for Environment Food and Rural Affairs (DEFRA):

- 1.7 Rights of Way Circular (1/09) chapter 7 Planning Permission and Public Rights of Way. Advice is provided to local authorities on the statutory framework and the approach to be taken where rights of way are affected by development. This emphasises:

*“the need for adequate consideration of the rights of way before the decision on the planning application is taken and the need, once planning permission has been granted, for the rights of way to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed.”*

Yours faithfully

[Redacted Signature]

[Redacted Name] (MIPROW) | Head of Public Rights of Way and Access Service | Kent County Council | Invicta House, Maidstone, ME14 1XX | Tel: [Redacted] | [www.kent.gov.uk](http://www.kent.gov.uk)



## ECOLOGICAL ADVICE SERVICE

**TO:** [REDACTED]

**FROM:** [REDACTED]

**DATE:** 23 June 2025

**SUBJECT:** Shepway Energy Park EN0110017

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*The following is provided by Kent County Council's Ecological Advice Service (KCC EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the county council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application and if sufficient/appropriate ecological information has been provided.*

*Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the planning officer, who will seek input from the EAS where appropriate and necessary.*

---

The submitted scoping opinion has detailed the following information will be submitted as part of the DCO:

- Habitat Regulations Assessment
- Preliminary ecological appraisal
- Assessment of impacts on local, national and international designated sites
- Assessment of impacts on priority habitats and species
- Assessment of impacts on protected species
- BNG assessment
- Botanical surveys
- Hedgerow surveys
- Aquatic scoping survey and recommended additional surveys
- Terrestrial invertebrate scoping survey
- Amphibian survey
- Reptile survey
- Non breeding bird survey
- Breeding bird survey
- Bat roost assessment on trees and buildings
- Bat emergence surveys where required

- Bat activity surveys
- Riparian mammals
- Badger survey

We advise that the above will provide a good understanding of the ecological impact of the proposed development. We advise that all the survey information and assessment of impacts and details of mitigation required are included within an ecological impact assessment.

Due to the proximity of Dungeness, Romney Marsh and Rye Bay SPA it is possible that the site provides functionally linked land to the designated site. Functionally linked land is land outside of the SPA boundary but used by the species that the site has been designated for. Therefore we highlight that there may be a need for two years' worth of bird surveys to fully consider if the site provides functionally linked land and inform the habitat regulations.

We advise that any habitat retention, creation or enhancement detailed within the Ecological Impact Assessment will be included within the plans submitted with the DCO clearly demonstrating that it can and will occur.

Due to the presence of protected species within the site and the need for mitigation we highlight that all the habitat creation /enhancement cannot count towards the final BNG calculation. Please see the following link about what can be counted towards BNG:

[What you can count towards a development's biodiversity net gain - GOV.UK](#)

We advise that an outline management plan must be submitted as part of the DCO to ensure it can be demonstrated that the habitats on site will be managed appropriately.

We advise that the ecological assessments must be informed by the results of the other assessments being carried out such as noise, air quality and traffic.

If you have any queries regarding our comments, please do not hesitate to get in touch.

**MCIEEM**  
**Biodiversity Officer**

This response was submitted following consideration of the following documents:

- EIA Scoping Report; SSE Renewables; May 2025



Lympne Parish Council  
c/o 29 Honeywood Close  
Lympne  
Hythe  
Kent  
CT21 4JS

[clerk@lympneparishcouncil.gov.uk](mailto:clerk@lympneparishcouncil.gov.uk)

**Mr Joseph Jones**

**Planning Inspectorate**  
Environmental Services  
Operations Group 3  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

---

**Your Ref:** EN0110017

---

**Dear Sir/Madam,**

**Re: Application by SSE Newchurch Solar Limited for Development Consent for Shepway Energy Park – EIA Scoping Consultation Response**

Thank you for your letter dated 30 May 2025, inviting comments on the scope of the Environmental Statement (ES) for the proposed Shepway Energy Park.

Lympne Parish Council welcomes the opportunity to contribute to the scoping consultation and wishes to raise the following points.

---

### **General Position**

The Parish Council wishes to make clear that **it does not object to solar power in principle** and recognises the national importance of transitioning to renewable energy sources.

However, the **scale and location** of the proposed Shepway Energy Park — particularly when considered **in combination with other proposed solar developments across Romney Marsh** — are considered **excessive and disproportionate** in this setting.

There is significant concern within the community that such proposals, in aggregate, risk permanently altering the character of the rural landscape, eroding agricultural productivity, and damaging local biodiversity.

We would urge consideration of **alternative solar generation opportunities**, including the **integration of panels on new housing developments, commercial buildings, brownfield sites, and industrial units**, which would be **more appropriate and sustainable** than the extensive conversion of greenfield and agricultural land.

---

## **Key Issues for Inclusion in the Environmental Statement**

### **Landscape and Visual Impact**

- Full Landscape and Visual Impact Assessment (LVIA), including photomontages from nearby villages and public rights of way
- Assessment of visual harm to the open landscape character of the Romney Marsh
- Cumulative visual impact of multiple solar schemes in the area
- This to include views from the escarpment at Lympne which overlooks the Romney Marsh

### **Land Use and Agricultural Impact**

- Loss of productive agricultural land is of **paramount concern**, especially in the context of increasing national and global concerns about **food security**
- The Environmental Statement must assess whether the land falls within the **Best and Most Versatile (BMV)** classification
- The ES should evaluate the economic and long-term environmental consequences of removing viable farmland from production

### **Ecology and Biodiversity**

- Baseline surveys and impact assessments for local species, habitats, and ecological corridors
- Identification of appropriate mitigation and biodiversity net gain strategies

### **Flood Risk and Drainage**

- A full Flood Risk Assessment (FRA), including surface water and run-off changes
- Sustainable Drainage Systems (SuDS) proposals and assessment of impacts on neighbouring land

### **Traffic and Transport**

- Construction and operational traffic volumes, access routes, and potential disruption to rural lanes
- Impact on local road users including pedestrians, cyclists, and horse riders

### **Noise and Vibration**

- Assessment of noise generated during construction and operation (e.g. from inverters or transformers), especially in a quiet rural setting

### **Cultural Heritage and Archaeology**

- Identification of heritage assets and assessment of impact on their setting
- Evaluation of archaeological potential and any required investigations

### **Socio-Economic and Community Impacts**

- Potential disruption to rural amenity, local tourism, and recreation
- Balance between temporary construction jobs and long-term community impact

### **Cumulative and In-Combination Effects**

- Analysis of combined impacts of this and other solar or infrastructure projects across Romney Marsh
- Need for joined-up thinking on energy generation, land use, and environmental protection

### **Public Consultation**

- The Parish Council expects meaningful community consultation from the applicant and wishes to be fully engaged at each stage of the process

In conclusion, Lympne Parish Council urges the Planning Inspectorate to ensure that the Environmental Statement addresses the full breadth of potential impacts associated with this proposal — not only in isolation, but in the wider context of cumulative development pressure on Romney Marsh. We remain committed to constructive engagement and request to be kept informed as the application progresses.

Yours faithfully,

 (By Email)

Clerk for and on behalf of Lympne Parish Council

Development Liaison Officer  
Land, Planning and External Affairs

[\[REDACTED\]@nationalgrid.com](mailto: [REDACTED]@nationalgrid.com)

[www.nationalgrid.com](http://www.nationalgrid.com)

SUBMITTED ELECTRONICALLY:  
[ShepwayEnergyPark@planninginspectorate.gov.uk](mailto:ShepwayEnergyPark@planninginspectorate.gov.uk)

27 June 2025

Dear Sir/Madam

**APPLICATION BY SENEWCHURCHSOLAR LIMITED (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE SHEWAY ENERGY PARK (THE PROPOSED DEVELOPMENT)**

**SCOPING CONSULTATION RESPONSE**

I refer to your letter dated 30<sup>th</sup> May 2025 in relation to the above proposed application. This is a response on behalf of National Grid Electricity Transmission PLC (NGET).

Having reviewed the scoping report, I would like to make the following comments regarding NGET existing or future infrastructure in close proximity to the current red line boundary.

NGET has high voltage electricity overhead transmission lines within the scoping area. The overhead lines forms an essential part of the electricity transmission network in England and Wales.

**Existing Infrastructure**

**Overhead Lines**

4VO 400 kV OHL                      DUNGENESS - SELLINDGE 1  
DUNGENESS - SELLINDGE 2

I enclose a plan showing the location of NGET's apparatus near the scoping area.

**New infrastructure**

Please refer to the Holistic Network Design (HND) and the National Grid ESO website to view the strategic vision for the UK's ever growing electricity transmission network.  
<https://www.nationalgrideso.com/future-energy/the-pathway-2030-holistic-network-design/hnd>

### Onshore Infrastructure

A new substation will be required to facilitate customer connections along the Dungeness - Sellindge 400 kV Overhead Line. The location of the new substation is still to be confirmed.

NGET requests that all existing and future assets are given due consideration given their criticality to distribution of energy across the UK. We remain committed to working with the promoter in a proactive manner, enabling both parties to deliver successful projects wherever reasonably possible. As such we encourage that ongoing discussion and consultation between both parties is maintained on interactions with existing or future assets, land interests, connections or consents and any other NGET interests which have the potential to be impacted prior to submission of the Proposed DCO.

The Great Grid Upgrade is the largest overhaul of the electricity grid in generations, we are in the middle of a transformation, with the energy we use increasingly coming from cleaner greener sources. Our infrastructure projects across England and Wales are helping to connect more renewable energy to homes and businesses. To find out more about our current projects please refer to our network and infrastructure webpage. <https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/infrastructure-projects>. Where it has been identified that your project interacts with or is in close proximity to one of NGET's infrastructure projects, we would welcome further discussion at the earliest opportunity.

These projects are all essential to increase the overall network capability to connect the numerous new offshore wind farms that are being developed, and transport new clean green energy to the homes and businesses where it is needed.

#### Specific Comments – Electricity Infrastructure:

- NGET's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. NGET recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for “overhead line clearances Issue 5 (2019)”.
- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's ([www.hse.gov.uk](http://www.hse.gov.uk)) Guidance Note GS 6 “Avoidance of Danger from Overhead Electric Lines” and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum “sag” and “swing” and overhead line profile (maximum “sag” and “swing”) drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or “pillars of support” of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation (“pillar of support”) drawings can be obtained using the contact details above.
- NGET high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide NGET full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with NGET prior to any works taking place.
- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

To download a copy of the HSE Guidance HS(G)47, please use the following link:  
<http://www.hse.gov.uk/pubns/books/hsg47.htm>

## **Further Advice**

**We would request that the potential impact of the proposed scheme on NGET's existing and future assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.**

**Where any diversion of apparatus may be required to facilitate a scheme, NGET is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by NGET. Further information relating to this can be obtained by contacting the email address below.**

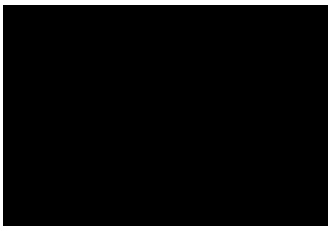
**Where the promoter intends to acquire land, extinguish rights, or interfere with any of NGET apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO.**

NGET requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following email address: [box.landandacquisitions@nationalgrid.com](mailto:box.landandacquisitions@nationalgrid.com)

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

The information in this letter is provided notwithstanding any discussions taking place in relation to connections with electricity customer services.

Yours faithfully



**Development Liaison Officer  
Commercial and Customer Connections  
Land, Planning and External Affairs**



**Legend**

Fibre Cable

- Fibre Cable
- Commissioned

Towers

- Towers
- Commissioned

OHL 400Kv

- OHL 400Kv
- Commissioned

**Notes**



Technical Guidance Note 287

# Third-party guidance for working near National Grid Electricity Transmission equipment

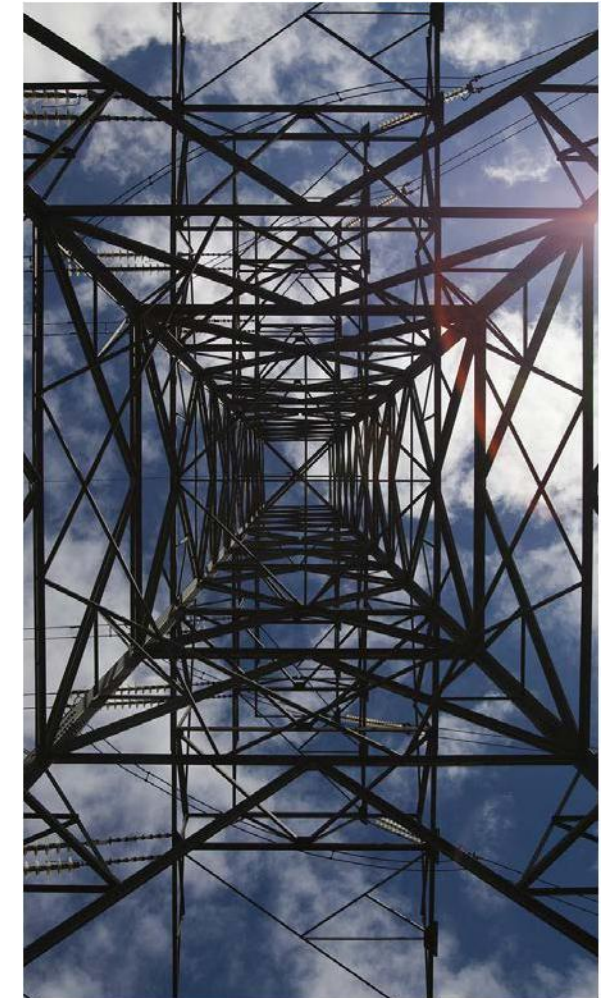
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nationalgrid





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#### Disclaimer

National Grid Gas Transmission and National Grid Electricity Transmission or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law, nor does it supersede the express terms of any related agreements.



# Purpose and scope

The purpose of this document is to give guidance and information to third parties who are proposing, scheduling or designing developments close to National Grid Electricity Transmission assets.

The scope of the report covers information on basic safety and the location of our assets – and also highlights key issues around particular types of development and risk areas.

In the case of electrical assets, National Grid does not authorise or agree safe systems of work with developers and contractors. However, we will advise on issues such as electrical safety clearances and the location of towers and cables. We also work with developers to minimise the impact of any National Grid assets that are nearby.

## How to identify specific National Grid sites

### Substations

The name of the Substation and emergency contact number will be on the site sign.



### Overhead Lines

The reference number of the tower and the emergency contact number will be on this type of sign.



## Contact National Grid

### Plant protection

For routine enquiries regarding planned or scheduled works, contact the Asset Protection team online, by email or phone.

**www.lsbud.co.uk**

**Email:** [assetprotection@nationalgrid.com](mailto:assetprotection@nationalgrid.com)

**Phone:** 0800 001 4282

### Emergencies

In the event of occurrences such as a cable strike, coming into contact with an overhead line conductor or identifying any hazards or problems with National Grid's equipment, phone our emergency number 0800 404 090 (option 1).

If you have apparatus within 30m of a National Grid asset, please ensure that the emergency number is included in your site's emergency procedures.

### Consider safety

Consider the hazards identified in this document when working near electrical equipment



## Part 1

### Electricity transmission infrastructure

National Grid owns and maintains the high-voltage electricity transmission network in England and Wales (Scotland has its own networks). It's responsible for balancing supply with demand on a minute-by-minute basis across the network.

#### Overhead lines

Overhead lines consist of two main parts – pylons (also called towers) and conductors (or wires). Pylons are typically steel lattice structures mounted on concrete foundations. A pylon's design can vary due to factors such as voltage, conductor type and the strength of structure required.

Conductors, which are the 'live' part of the overhead line, hang from pylons on insulators. Conductors come in several different designs depending on the amount of power that is transmitted on the circuit.

In addition to the two main components, some Overhead Line Routes carry a Fibre Optic cable between the towers with an final underground connection to the Substations.

In most cases, National Grid's overhead lines operate at 275kV or 400kV.

#### Underground cables

Underground cables are a growing feature of National Grid's network. They consist of a conducting core surrounded by layers of insulation and armour. Cables can be laid in the road, across open land or in tunnels. They operate at a range of voltages, up to 400kV.

#### Substations

Substations are found at points on the network where circuits come together or where a rise or fall in voltage is required. Transmission substations tend to be large facilities containing equipment such as power transformers, circuit breakers, reactors and capacitors. In addition Diesel generators and compressed air systems can be located there.

## Part 2

### Statutory requirements for working near high-voltage electricity

The legal framework that regulates electrical safety in the UK is *The Electricity Safety, Quality and Continuity Regulations (ESQCR) 2002*. This also details the minimum electrical safety clearances, which are used as a basis for the Energy Networks Association (ENA) TS 43-8. These standards have been agreed by CENELEC (European Committee for Electrotechnical Standardisation) and also form part of the *British Standard BS EN 50341-1:2012 Overhead Electrical Lines exceeding AC 1kV*. All electricity companies are bound by these rules, standards and technical specifications. They are required to uphold them by their operator's licence.

#### Electrical safety clearances

It is essential that a safe distance is kept between the exposed conductors and people and objects when working near National Grid's electrical assets. A person does not have to touch an exposed conductor to get a life-threatening

electric shock. At the voltages National Grid operates at, it is possible for electricity to jump up to several metres from an exposed conductor and kill or cause serious injury to anyone who is nearby. For this reason, there are several legal requirements and safety standards that must be met.

Any breach of legal safety clearances will be enforced in the courts. This can and has resulted in the removal of an infringement, which is normally at the cost of the developer or whoever caused it to be there. Breaching safety clearances, even temporarily, risks a serious incident that could cause serious injury or death.

National Grid will, on request, advise planning authorities, developers or third parties on any safety clearances and associated issues. We can supply detailed drawings of all our overhead line assets marked up with relevant safe areas.



« Section continued from previous page

### **Your Responsibilities - Overhead lines**

Work which takes place near overhead power lines carries a significant risk of coming into proximity with the wires. If any person, object or material gets too close to the wires, electricity could 'flashover' and be conducted to earth, causing death or serious injury. You do not need to touch the wires for this to happen. The law requires that work is carried out in close proximity to live overhead power lines only when there is no alternative, and only when the risks are acceptable and can be properly controlled. Statutory clearances exist which must be maintained, as prescribed by the Electricity Safety, Quality and Continuity Regulations 2002.

Under the Health and Safety at Work etc. Act 1974 and Management of Health and Safety at Work Regulations 1999, you are responsible for preparing a suitable and sufficient risk assessment and safe systems of work, to ensure that risks are managed properly and the safety of your workforce and others is maintained. Your risk assessment must consider and manage all of the significant risks and put in place suitable precautions/controls in order to manage the work safely. You are also responsible for ensuring that the precautions identified are properly implemented and stay in place throughout the work.

Work near overhead power lines must always be conducted in accordance with GS6, 'avoiding danger from overhead power lines', and any legislation which is relevant to the work you are completing.

.

### **What National Grid will provide**

National Grid can supply profile drawings in PDF and CAD format showing tower locations and relevant clearances to assist you in the risk assessment process.

### **What National Grid will not provide**

National Grid will not approve safe systems of work or approve design proposals

## Part 3

### What National Grid will do for you and your development

#### Provision of information

National Grid should be notified during the planning stage of any works or developments taking place near our electrical assets, ideally a minimum notification period of 8 weeks to allow National Grid to provide the following services:

#### Drawings

National Grid will provide relevant drawings of overhead lines or underground cables to make sure the presence and location of our services are known. Once a third party or developer has contacted us, we will supply the drawings for free.

# 400kV

*The maximum nominal voltage of the underground cables in National Grid's network*

#### Risk or impact identification

National Grid can help identify any hazards or risks that the presence of our assets might bring to any works or developments. This includes both the risk to safety from high-voltage electricity and longer-term issues, such as induced currents, noise and maintenance access that may affect the outcome of the development. National Grid will not authorise specific working procedures, but we can provide advice on best practice.





## Risks or hazards to be aware of

This section includes a brief description of some of the hazards and issues that a third party or developer might face when working or developing close to our electrical infrastructure.

### Land and access

National Grid has land rights in place with landowners and occupiers, which cover our existing overhead lines and underground cable network. These agreements, together with legislation set out under the *Electricity Act 1989*, allow us to access our assets to maintain, repair and renew them. The agreements also lay down restrictions and covenants to protect the integrity of our assets and meet safety regulations. Anyone proposing a development close to our assets should carefully examine these agreements.

Our agreements often affect land both inside and outside the immediate vicinity of an asset. Rights will include the provision of access, along with restrictions that ban the development of land through building, changing levels, planting and other operations. Anyone looking to develop close to our assets must consult with National Grid first.

### For further information, contact Asset Protection:

Email: [assetprotection@nationalgrid.com](mailto:assetprotection@nationalgrid.com)  
Phone: 0800 001 4282

### Electrical clearance from overhead lines

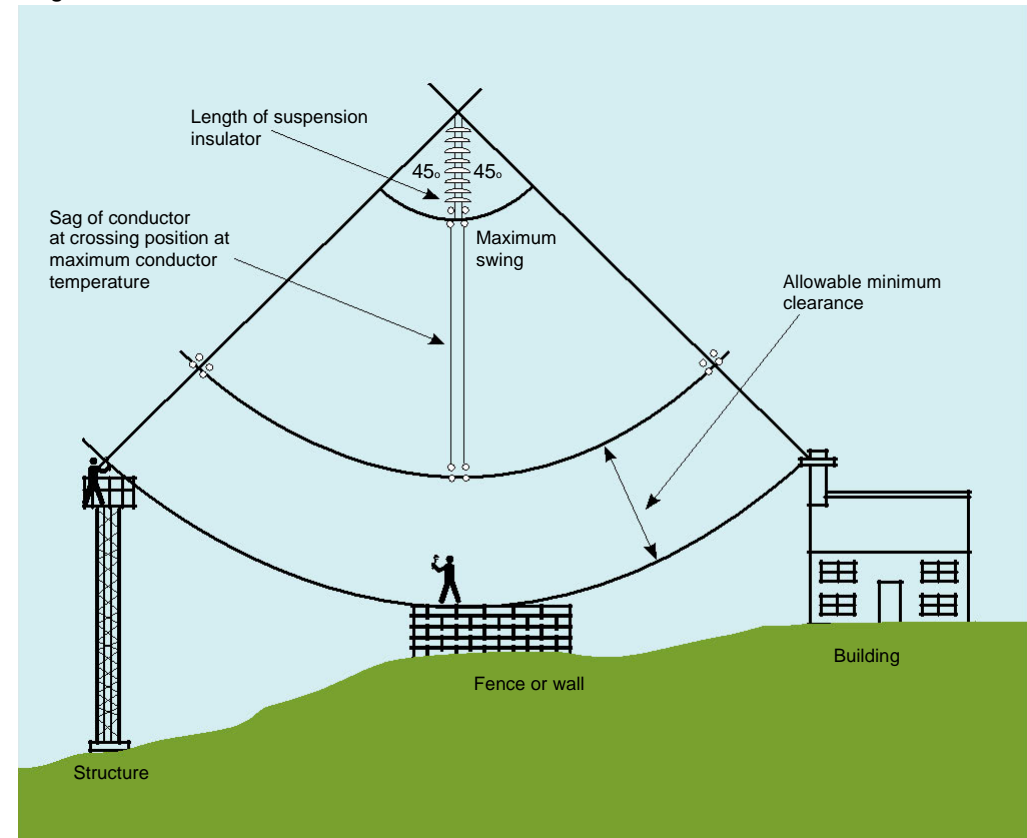
*The clearance distances referred to in this section are specific to 400kV overhead lines. National Grid can advise on the distances required around different voltages i.e. 132kV and 275kV.*

As we explained earlier, *Electrical Networks Association TS 43-8* details the legal clearances to our overhead lines. The minimum clearance between the conductors of an overhead line and the ground is 7.3m at maximum sag. The sag is the vertical distance between the wire's highest and lowest point. Certain conditions, such as power flow, wind speed and air temperature can cause conductors to move and allowances should be made for this.

The required clearance from the point where a person can stand to the conductors is 5.3m. To be clear, this means there should be at least 5.3m from where someone could stand on any structure (i.e. mobile and construction equipment) to the conductors. Available clearances will be assessed by National Grid on an individual basis.

National Grid expects third parties to implement a safe system of work whenever they are near Overhead Lines.

Diagram not to scale



*There should be at least 5.3m between the conductors and any structure someone could stand on*

We recommend that guidance such as *HSE Guidance Note GS6 (Avoiding Danger from Overhead Power Lines)* is followed, which provides advice on how to avoid danger from all overhead lines, at all voltages. If you are carrying out work near overhead lines you must contact National Grid, who will provide the relevant profile drawings.

# 7.3m

*The required minimum clearance between the conductors of an overhead line, at maximum sag, and the ground*

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The undergrounding of electricity cables at Ross-on-Wye

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**Underground cables** Underground cables operating at up to 400kV are a significant part of the National Grid Electricity Transmission network. When your works will involve any ground disturbance it is expected that a safe system of work is put in place and that you follow guidance such as *HSG 47 (Avoiding Danger from Underground Services)*.

You must contact National Grid to find out if there are any underground cables near your proposed works. If there are, we will provide cable profiles and location drawings and, if required, on-site supervision of the works. Cables can be laid under roads or across industrial or agricultural land. They can even be layed in canal towpaths and other areas that you would not expect.

Cables crossing any National Grid high-voltage (HV) cables directly buried in the ground are required to maintain a minimum separation that will be determined by National Grid on a case-by-case basis. National Grid will need to do a rating study on the existing cable to work out if there are any adverse effects on either cable rating. We will only allow a cable to cross such an area once we know the results of the re-rating. As a result, the clearance distance may need to be increased or alternative methods of crossing found.

For other cables and services crossing the path of our HV cables, National Grid will need confirmation that published standards and clearances are met.

### Impressed voltage

Any conducting materials installed near high-voltage equipment could be raised to an elevated voltage compared to the local earth, even when there is no direct contact with the high-voltage equipment. These impressed voltages are caused by inductive or capacitive coupling between the high-voltage equipment and nearby conducting materials and can occur at distances of several metres away from the

equipment. Impressed voltages may damage your equipment and could potentially injure people and animals, depending on their severity. Third parties should take impressed voltages into account during the early stages and initial design of any development, ensuring that all structures and equipment are adequately earthed at all times.

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next page »

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### Earth potential rise

Under certain system fault conditions – and during lightning storms – a rise in the earth potential from the base of an overhead line tower or substation is possible. This is a rare phenomenon that occurs when large amounts of electricity enter the earth. This can pose a serious hazard to people or equipment that are close by.

We advise that developments and works are not carried out close to our tower bases, particularly during lightning storms.

### Noise

Noise is a by-product of National Grid's operations and is carefully assessed during the planning and construction of any of our equipment. Developers should consider the noise emitted from National Grid's sites or overhead lines when planning any developments, particularly housing. Low-frequency hum from substations can, in some circumstances, be heard up to 1km or more from the site, so it is essential that developers find adequate solutions for this in their design. Further information about likely noise levels can be provided by National Grid.

### Maintenance access

National Grid needs to have safe access for vehicles around its assets and work that restricts this will not be allowed.

In terms of our overhead lines, we wouldn't want to see any excavations made, or permanent structures built, that might affect the foundations of our towers. The size of the foundations around a tower base depends on the type of tower that is built there. If you wish to carry out works within 30m of the tower base, contact National Grid for more information. Our business has to maintain access routes to tower bases with land owners. For that reason, a route wide enough for an HGV must be permanently available. We may need to access our sites, towers, conductors and underground cables at short notice.

# 30m

*If you wish to carry out work within this distance of the tower base, you must contact National Grid for more information*

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## Fires and firefighting

National Grid does not recommend that any type of flammable material is stored under overhead lines. Developers should be aware that in certain cases the local fire authority will not use water hoses to put out a fire if there are live, high-voltage conductors within 30m of the seat of the fire (*as outlined in ENA TS 43-8*).

In these situations, National Grid would have to be notified and reconfigure the system – to allow staff to switch out the overhead line – before any firefighting could take place. This could take several hours.

We recommend that any site which has a specific hazard relating to fire or flammable material should include National Grid's emergency contact details (found at the beginning and end of this document) in its fire plan information, so any incidents can be reported.

Developers should also make sure their insurance cover takes into account the challenge of putting out fires near our overhead lines.

## Excavations, piling or tunnelling

You must inform National Grid of any works that have the potential to disturb the foundations of our substations or overhead line towers. This will have to be assessed by National Grid engineers before any work begins.

*BS ISO 4866:2010* states that a minimum distance of 200m should be maintained when carrying out quarry blasting near our assets. However, this can be reduced with specific site surveys and changes to the maximum instantaneous charge (the amount of explosive detonated at a particular time).

All activities should observe guidance layed out in *BS 5228-2:2009*.

## Microshocks

High-voltage overhead power lines produce an electric field. Any person or object inside this field that isn't earthed picks up an electrical charge. When two conducting objects – one that is grounded and one that isn't – touch, the charge can equalise and cause a small shock, known as a microshock. While they are not harmful, they can be disturbing for the person or animal that suffers the shock.

For these reasons, metal-framed and metal-clad buildings which are close to existing overhead lines should be earthed to minimise the risk of microshocks. Anything that isn't earthed, is conductive and sits close to the lines is likely to pick up a charge. Items such as deer fences, metal palisade fencing, chain-link fences and metal gates underneath overhead lines all need to be earthed.

For further information on microshocks please visit [www.emfs.info](http://www.emfs.info).



# 200m

*The minimum distance that should be maintained from National Grid assets when quarry blasting*

## Specific development guidance

### Wind farms

National Grid's policy towards wind farm development is closely connected to the *Electricity Networks Association Engineering Recommendation L44 Separation between Wind Turbines and Overhead Lines, Principles of Good Practice*. The advice is based on national guidelines and global research. It may be adjusted to suit specific local applications.

There are two main criteria in the document:

- (i) The turbine shall be far enough away to avoid the possibility of toppling onto the overhead line
- (ii) The turbine shall be far enough away to avoid damage to the overhead line from downward wake effects, also known as turbulence

The toppling distance is the minimum horizontal distance between the worst-case pivot point of the wind turbine and the conductors hanging in still air. It is the greater of:

- the tip height of the turbine plus 10%
- or, the tip height of the turbine plus the electrical safety distance that applies to the voltage of the overhead line.

To minimise the downward wake effect on an overhead line, the wind turbine should be three times the rotor distance away from the centre of the overhead line.

Wake effects can prematurely age conductors and fittings, significantly reducing the life of the asset. For that reason, careful consideration should be taken if a wind turbine needs to be sited within the above limits. Agreement from National Grid will be required.

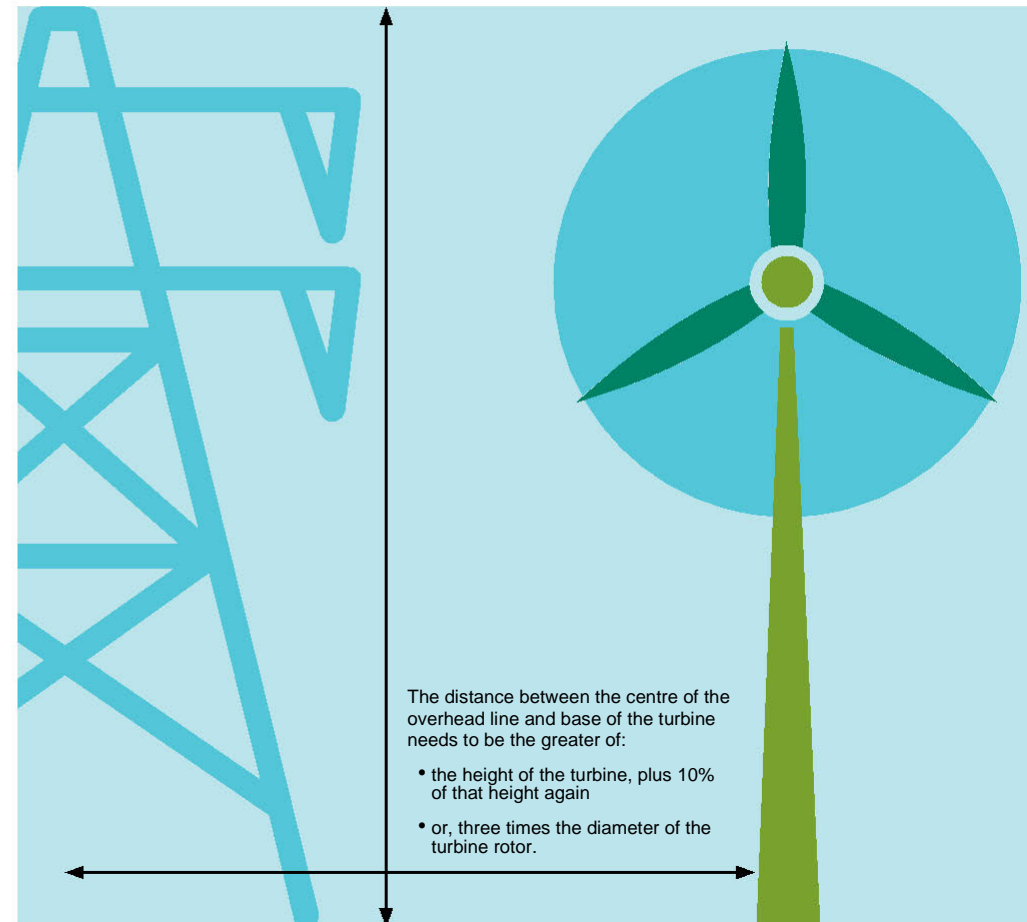
### Commercial and housing developments

National Grid has developed a document called *Design guidelines for development near pylons and HVO power lines*, which gives advice to anyone involved in planning or designing large-scale developments that are crossed by, or close to, overhead lines.

The document focuses on existing 275kV and 400kV overhead lines on steel lattice towers, but can equally apply to 132kV and below. The document explains how to design large-scale developments close to high-voltage lines, while respecting clearances and the development's visual and environmental impact.

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Diagram not to scale



Turbines should be far enough away to avoid the possibility of toppling onto the overhead line



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The advice is intended for developers, designers, landowners, local authorities and communities, but is not limited to those organisations.

Overall, developers should be aware of all the hazards and issues relating to the electrical equipment that we have discussed when designing new housing.

As we explored earlier, National Grid's assets have the potential to create noise. This can be low frequency and tonal, which makes it quite noticeable. It is the responsibility of developers to take this into account during the design stage and find an appropriate solution.

### Solar farms

While there is limited research and recommendations available, there are several key factors to consider when designing Solar Farms in the vicinity of Overhead Power Lines.

Developers may be looking to build on arable land close to National Grid's assets. In keeping with the safety clearance limits that we outlined earlier for solar panels directly underneath overhead line conductors, the highest point on the solar panels must be no more than 5.3m from the lowest conductors.

This means that the maximum height of any structure will need to be determined to make sure safety clearance limits aren't breached. This could be as low as 2m. National Grid will supply profile drawings to aid the planning of solar farms and determine the maximum height of panels and equipment.

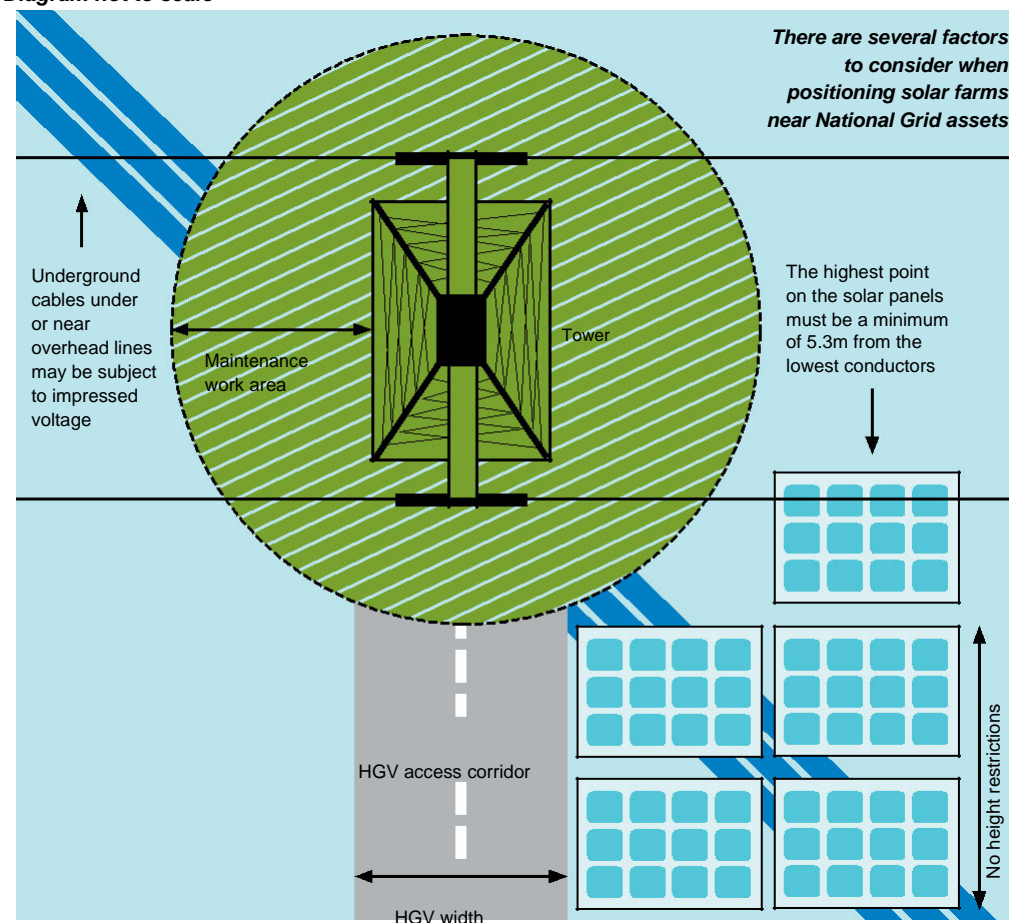
Solar panels that are directly underneath power lines risk being damaged on the rare occasion that a conductor or fitting falls to the ground. A more likely risk is ice falling from conductors or towers in winter and damaging solar panels.

There is also a risk of damage during adverse weather conditions, such as lightning storms, and system faults. As all our towers are earthed, a weather event such as lightning can cause a rise in the earth potential around the base of a tower. Solar panel support structures and supply cables should be adequately earthed and bonded together to minimise the effects of this temporary rise in earth potential.

Any metallic fencing that is located under an overhead line will pick up an electrical charge. For this reason, it will need to be adequately earthed to minimise microshocks to the public.

For normal, routine maintenance and in an emergency National Grid requires unrestricted access to its assets. So if a tower is enclosed in a solar farm compound, we will need full access for our vehicles,

Diagram not to scale



Including access through any compound gates. During maintenance – and especially re-conductoring – National Grid would need enough space near our towers for winches and cable drums. If enough space is not available, we would require solar panels to be temporarily removed.



## Asset protection agreements

In some cases, where there is a risk that development will impact on National Grid's assets, we will insist on an asset protection agreement being put in place. The cost of this will be the responsibility of the developer or third party.

## Contact details

### Emergency situations

If you spot a potential hazard on or near an overhead electricity line, do not approach it, even at ground level. Keep as far away as possible and follow the six steps below:

- Warn anyone close by to evacuate the area
- Call our 24-hour electricity emergency number: 0800 404 090 (Option 1)<sup>1</sup>
- Give your name and contact phone number
- Explain the nature of the issue or hazard
- Give as much information as possible so we can identify the location – i.e. the name of the town or village, numbers of nearby roads, postcode and (ONLY if it can be observed without putting you or others in danger) the tower number of an adjacent pylon
- Await further contact from a National Grid engineer

<sup>1</sup> It is critically important that you don't use this phone number for any other purpose. If you need to contact National Grid for another reason please use our Contact Centre at [www2.nationalgrid.com/contact-us](http://www2.nationalgrid.com/contact-us) to find the appropriate information or call 0800 0014282.

### Routine enquiries

Email:  
[assetprotection@nationalgrid.com](mailto:assetprotection@nationalgrid.com)

Call Asset Protection on:  
0800 0014282

Opening hours:  
Monday to Friday 08:00-16:00

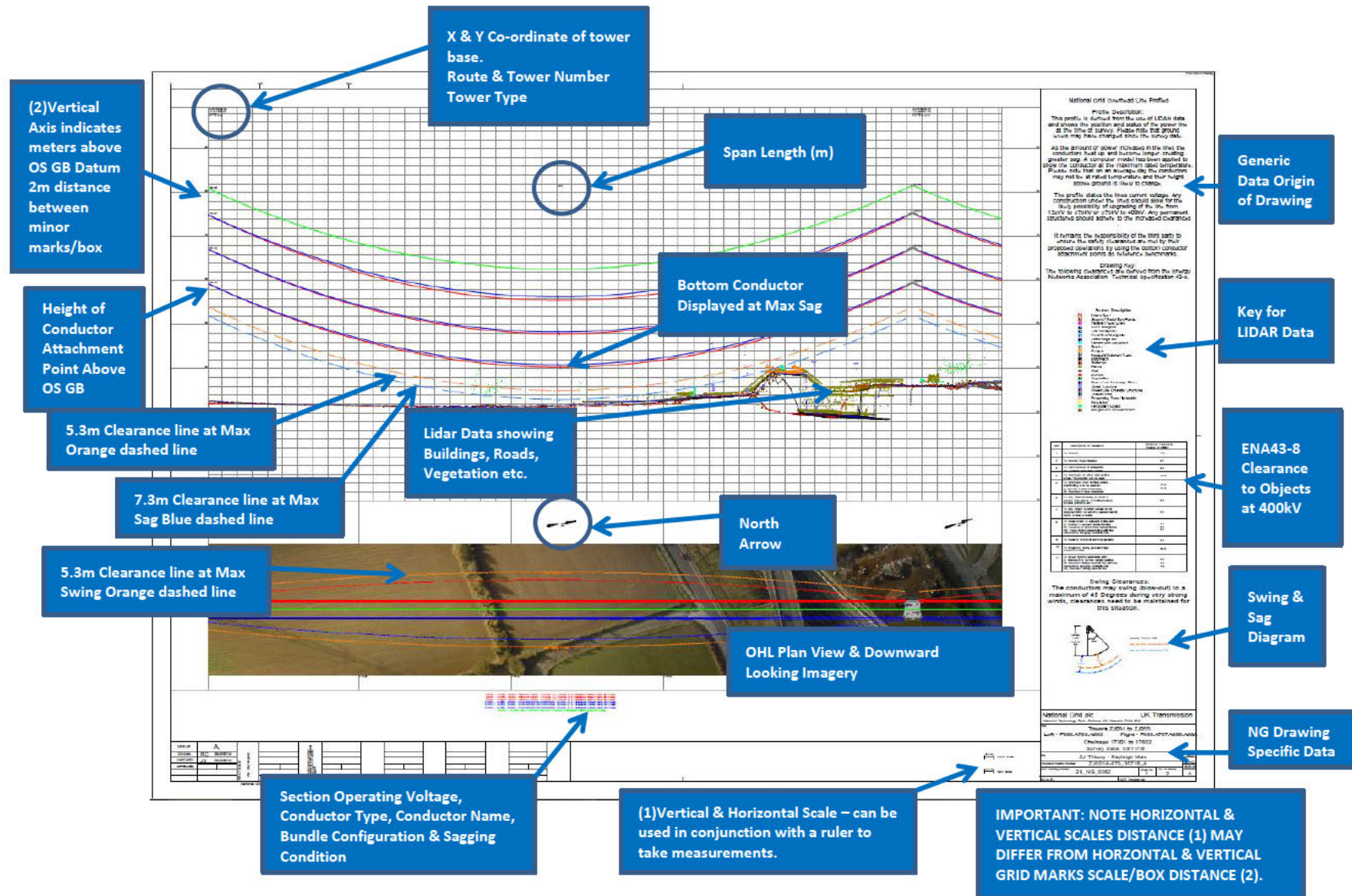
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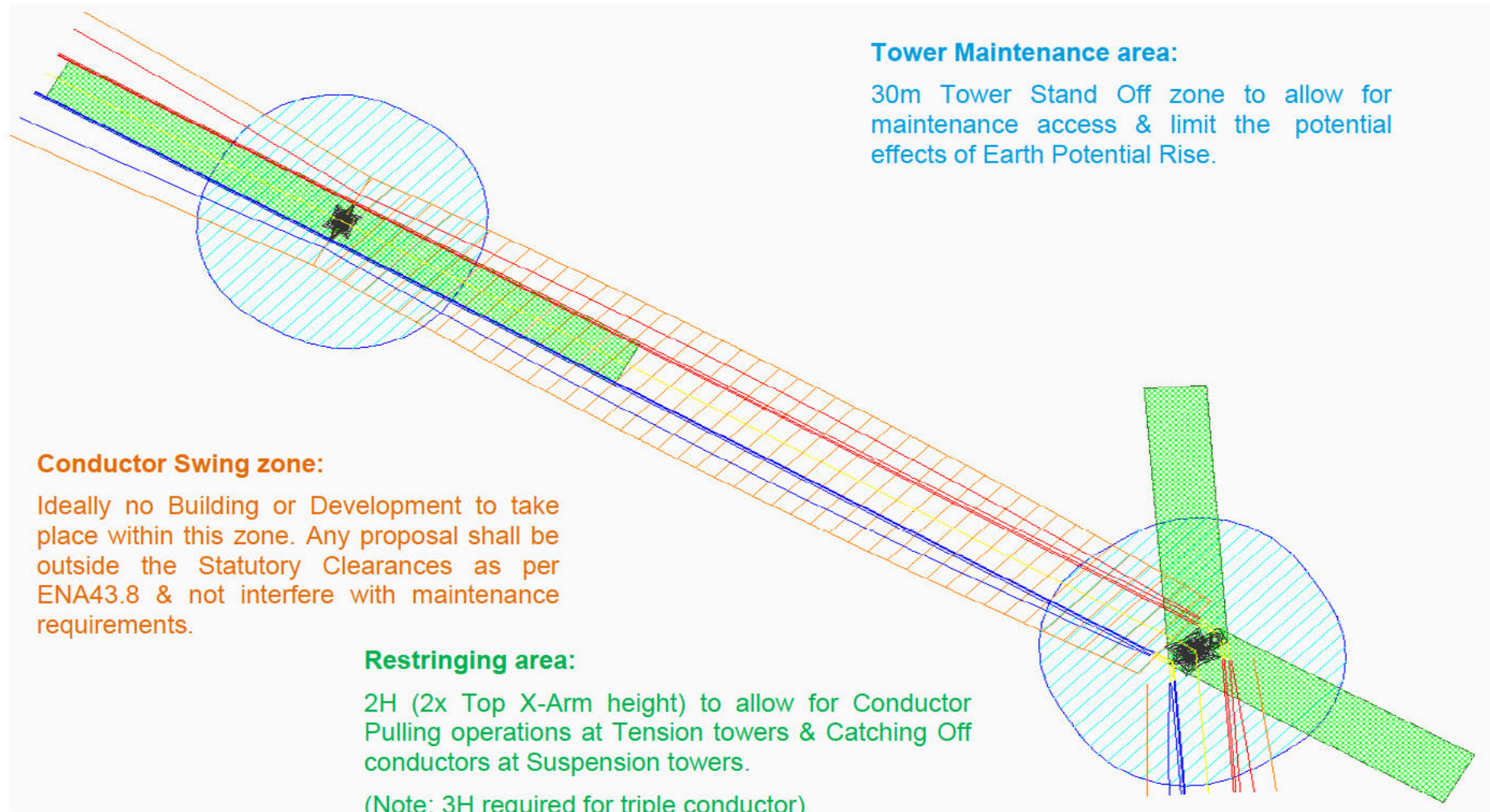
# 14 APPENDIX A



## OHL Profile Drawing Guide



## OHL Tower Stand Off & Reconductoring Area



Date: 27 June 2025  
Our ref: 514319  
Your ref: EN0110017



Planning Inspectorate

**By email only, no hard copy to follow**

Consultations  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 900

Dear Joseph Jones,

**Environmental Impact Assessment Scoping Consultation under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulation 11**

**Proposal: EN0110017 Shepway Energy Park - EIA Scoping Notification and Consultation.**

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 30 May 2025, received on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

A robust assessment of environmental impacts and opportunities, based on relevant and up to date environmental information, should be undertaken prior to an application for a Development Consent Order (DCO). Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

Following positive pre-application engagement with the applicant and their agents, we note that our advice has been taken onboard. Matters raised at that time included;

- Landscape impact on the Kent Downs National Landscape and in particular, the choice of viewpoints;
- Impact on any functionally linked land and the likely need to carry out two years of wintering bird surveys and at different tidal states, where a functional link is likely;
- Protected species surveys will need to be carried out following good practice guidance; given the range expansion of beavers in Kent, we suggested that specific surveys may be required.

In addition, from the information provided, it is unclear how the connection to the national electricity grid will be made, including the location of additional infrastructure. We therefore recommend that the Environmental Statement includes a full assessment of the implications for designated sites, protected landscapes and wider biodiversity associated with the grid

connection including details of how these will be avoided or fully mitigated.

Natural England's detailed advice on scoping the Environmental Statement is available in the attached Annex A.

For any further advice on this consultation please contact the case officer [REDACTED] at [REDACTED] [\[REDACTED\]@naturalengland.org.uk](mailto:[REDACTED]@naturalengland.org.uk) and copy to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely,

[REDACTED] BSc.(Hons), MSc.

**Higher Officer – Sustainable Development  
Sussex & Kent Team  
Natural England**

## **Annex A – Natural England’s Advice on EIA Scoping**

### **1. Cumulative and in-combination effects**

The Environmental Statement (ES) should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.

An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

### **2. Environmental data**

Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at <http://www.naturalengland.org.uk/publications/data/default.aspx>.

Detailed information on the natural environment is available at [www.magic.gov.uk](http://www.magic.gov.uk). This includes Marine Conservation Zone GIS shapefiles.

Natural England’s SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local Wildlife Trust, local geo-conservation group or other recording society.

### **3. Biodiversity and geodiversity**

The assessment will need to include potential impacts of the proposal upon sites and features of nature conservation interest as well as opportunities for nature recovery through biodiversity net gain (BNG). There might also be strategic approaches to take into account.

Ecological Impact Assessment (EclA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. [Guidelines](#) and an [EclA checklist](#) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

Many public authorities e.g. National Highways and National Grid have biodiversity duties including taking opportunities for habitat restoration or enhancement. They might have Key

Performance Indicators (KPIs) to adhere to via Government policy, or have agreed approaches to BNG. Further information around general duties is available [here](#).

### 3.1 Designated nature conservation sites

The Shepway Energy Park has the potential to adversely impact the following designated sites:

- Dungeness, Romney Marsh & Rye Bay Special Protection Area (SPA)
- Dungeness Special Area of Conservation (SAC)
- Dungeness, Romney Marsh and Rye Bay Ramsar site
- Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI)

### 3.2 International and European sites

European site conservation objectives are available at <http://publications.naturalengland.org.uk/category/6490068894089216>.

Evidence Plans are a useful mechanism NSIP applicants can use to agree what information should be provided to the Planning Inspectorate and Natural England when undertaking Habitats Regulations Assessment (HRA). Agreeing the evidence-needs of the project early prior to applying for Development Consent will help reduce delays in the process. More information on Evidence Plans is available [here](#).

Natural England's Impact Risk Zones incorporate internationally designated sites and features and can be used to help identify the potential for the development to impact on a European Site. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

The development site may impact on the following **European/internationally designated nature conservation sites**: Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), Dungeness Special Area of Conservation (SAC) and the Dungeness, Romney Marsh and Rye Bay Ramsar site.

The ES should thoroughly assess the potential for the proposal to affect internationally designated sites of nature conservation importance / European sites, including marine sites where relevant. This includes Special Protection Areas (SPA), Special Areas of Conservation (SAC), listed Ramsar sites, candidate SAC and proposed SPA.

Article 6 (3) of the Habitats Directive requires an appropriate assessment where a plan or project is likely to have a significant effect upon a European Site, either individually or in combination with other plans or projects.

<b>Table 1: Potential risk to international designated sites:</b> the development may impact on the following sites		
<b>Site name with link to conservation objective</b>	<b>Features which the ES will need to consider</b>	<b>Potential impact pathways where further information/assessment is required</b>
<a href="#">European Site Conservation Objectives for Dungeness, Romney Marsh &amp; Rye Bay SPA</a>	Adverse impact on the qualifying bird species.	Loss of or damage to functionally linked land.
<a href="#">European Site Conservation Objectives for Dungeness SAC</a>	Adverse impact on the qualifying habitats and species.	Impacts from water pollution (chemical and organic matter) via hydrological connections such as ditches, particularly during the construction and decommissioning phases, but also from the operational stage, from solar panel cleaning and runoff from hard standings, for example. Effect on water levels from runoff; this designated site being water dependent.
<a href="#">Site Information for Dungeness, Romney Marsh and Rye Bay Ramsar site</a>	Adverse impact on the qualifying habitats and species	<p>Loss of or damage to functionally linked land.</p> <p>Impacts from water pollution (chemical and organic matter) via hydrological connections such as ditches, particularly during the construction and decommissioning phases, but also from the operational stage, from solar panel cleaning and runoff from hard standings, for example. Effect on water levels from runoff; this designated site being water dependent.</p>

During our pre-application engagement with the Applicant, Natural England has provided detailed advice on the winter bird survey methodology required in order to determine whether there is any functional linkage of the application site with the nearby internationally designated sites listed in Table 1. Natural England has recommended that the Applicant conducts two vantage point surveys per month from October to March for two years. These surveys should include nocturnal surveys and surveys carried out during different tidal states and should consider the cropping regime where the land is in arable cultivation. We understand from our engagement with the Applicant that the Applicant has undertaken two non-breeding bird surveys per month from October to March, including nocturnal surveys, following our previous advice, and Natural England welcomes further discussions on their survey results and methodology in our ongoing engagement.

### 3.3 Nationally designated sites

#### Sites of Special Scientific Interest

Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981

(as amended). Further information on the SSSI and its special interest features can be found at [www.magic.gov.uk](http://www.magic.gov.uk).

The development site may impact on the following Site of Special Scientific Interest:

- Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI).

The ES should include a full assessment of the direct and indirect effects of the development on the features of special interest within the Dungeness, Romney Marsh and Rye Bay SSSI, and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects.

<b>Table 2: Potential risks to nationally designated sites:</b> the development may impact on the following sites:		
<b>Site name with link to citation</b>	<b>Features which the ES will need to consider</b>	<b>Potential impact pathways where further information/assessment is required</b>
<a href="#">Dungeness, Romney Marsh and Rye Bay SSSI</a>	The notified nationally important habitats and the nationally important plants and animal species.	Impacts from water pollution (chemical and organic matter) via hydrological connections such as ditches, particularly during the construction and decommissioning phases but also from the operational stage, from solar panel cleaning and runoff from hard standings, for example.

### 3.4 Regionally and Locally Important Sites

The ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. Local Sites are identified by the local wildlife trust, geo-conservation group or other local group and protected under the NPPF (paragraph 180 and 181). Section 5.4..14 of the National Policy Statement for Energy Networks confirms that 'Where the development is subject to EIA, the applicant should ensure that the ES clearly sets out any effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats'. The ES should also set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for enhancement and improving connectivity with wider ecological networks. Contact the relevant local body for further information.

### 3.5 Protected species

The conservation of species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 is explained in Part IV and Annex A of Government Circular 06/2005 [Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System](#).

Applicants should check to see if a mitigation licence is required using Natural England guidance on licensing [Natural England wildlife licences](#). Applicants can also make use of Natural England's charged service [Pre Submission Screening Service](#) for a review of a draft wildlife licence application. Natural England then reviews a full draft licence application to issue a Letter of No Impediment (LONI) which explains that based on the information reviewed to date, that it sees no impediment to a licence being granted in the future should

the DCO be issued. This is done to give the Planning Inspectorate confidence to make a recommendation to the relevant Secretary of State in granting a DCO. See [Advice Note Eleven, Annex C – Natural England and the Planning Inspectorate | National Infrastructure Planning](#) for details of the LONI process.

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

Natural England has adopted [standing advice](#) for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may also be required.

Natural England will be pleased to engage with the Applicant on the scope of the protected species surveys and any mitigation measures required for licensable protected species.

### **3.6 Priority Habitats and Species**

Natural England welcomes the confirmation within the Scoping Report that the ES will consider the potential for impacts to the conservation status of priority habitats and species, and the likely effects of the scheme on their contribution to local, regional and national biodiversity targets.

Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found [here](#). Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England which is freely available to [download](#). Further information is also available [here](#).

An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The ES should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys)
- Additional surveys carried out as part of this proposal

- The habitats and species present
- The status of these habitats and species (e.g. whether priority species or habitat)
- The direct and indirect effects of the development upon those habitats and species
- Full details of any mitigation or compensation measures
- Opportunities for biodiversity net gain or other environmental enhancement

### **3.7 Ancient Woodland, ancient and veteran trees**

The ES should (where required) assess the impacts of the proposal on the ancient woodland and any ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.

Ancient woodland is an irreplaceable habitat of great importance for its wildlife, its history, and the contribution it makes to our diverse landscapes. Paragraph 186 of the National Planning Policy Framework (NPPF) sets out the highest level of protection for irreplaceable habitats and development should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

Natural England maintains the [Ancient Woodland Inventory](#) which can help identify ancient woodland. The [wood pasture and parkland inventory](#) sets out information on wood pasture and parkland.

The [ancient tree inventory](#) provides information on the location of ancient and veteran trees.

Natural England and the Forestry Commission have prepared [standing advice](#) on ancient woodland, ancient and veteran trees.

### **3.8 Biodiversity net gain**

The Environment Act 2021 includes NSIPs in the requirement for BNG, with the biodiversity gain objective for NSIPs defined as at least a 10% increase in the pre-development biodiversity value of the on-site habitat. This includes the intertidal zone but excludes the subtidal zone (an approach to marine net gain is being developed but this will not form part of mandatory BNG). Projects that span both offshore and onshore will be subject to BNG requirements for the onshore components only. Some organisations have made public BNG commitments, and some projects are already delivering BNG on a voluntary basis.

Natural England welcomes the Applicant's commitment to achieve a BNG of at least 10% through enhancement measures including the planting of seed mixes, hedgerows and trees. We understand that enhancement measures will be further detailed in a Framework Landscape and Ecology Management Plan submitted as part of the DCO application. We welcome further engagement from the Applicant regarding any proposed enhancement measures.

## **4. Landscape**

### **4.1 Nationally designated landscapes**

The Shepway Energy Park proposal may impact on the special qualities of the Kent Downs National Landscape (KDNL). Given the proximity of the site to the National Landscape and the potential for impacts to its setting, the EIA should evaluate all landscape and visual impacts on this designated landscape and specifically assess these in relation to impacts to its special qualities.

We note that Table 9-3 states that 'Landscape Designations, including Setting' will be 'Scoped out'. However, we advise that the EIA should include a full assessment of the potential impacts of the development upon the special qualities of the Kent Downs National Landscape (as stated above) and therefore to avoid confusion the Landscape Designations, including Setting should be 'Scoped in' within Table 9-3.

In addition to consideration of the potential impacts to the Kent Downs National Landscape, public bodies (including the Secretary of State) have a duty to seek to further the statutory purposes of designation in carrying out their functions (under section 245 of the Levelling Up and Regeneration Act 2023). This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The Kent Downs National Landscape Unit may be able to offer advice in relation to the duty, including on how the proposed development aligns with and contributes to delivering the aims and objectives of the area's statutory management plan.

## **4.2 Landscape and visual impacts**

We acknowledge and welcome that Section 9.3 of the EIA Scoping Report refers to legislation and the planning policy context and includes reference to the National Policy Statements (NPS), especially Energy NPS EN-1, which gives significant policy protection, including to the setting of protected landscapes. We also welcome that paragraph 9.5.23 refers to Policy NE3 of the Folkestone and Hythe Local Plan regarding the setting and a requirement to accord with the Kent Downs National Landscape Management Plan, and paragraph 9.5.24 refers to the Kent Downs Setting Position Statement.

Consideration should be given to the direct and indirect effects on this protected landscape, and particularly the effect upon its purpose for designation. We therefore advise that the Kent Downs National Landscape Management Plan may also have relevant information that should be considered in the EIA.

The environmental assessment should refer to the relevant [National Character Areas](#), which we acknowledge have been referenced in paragraph 9.5.28 of the EIA Scoping Report (2025). Character area profiles set out descriptions of each landscape area and statements of environmental opportunity.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute (LI) and Institute of Environmental Management and Assessment (IEMA) in 2013. We consider LCA provides a sound basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character. In the EIA Scoping Report (2025) we therefore welcome the reference to the Kent Downs Landscape Character Assessment (KDLCA) in para. 9.5.35. However, we note that the use of LCAs in the EIA does not appear to be confirmed by the applicant as the wording under Landscape Receptors in Table 9-3 says, 'it is anticipated they will include the KDLCA, RMLCA and ALCA'. We would support the landscape and visual impact assessment chapter of the EIA fully considering the potential impacts to the relevant LCAs.

A Landscape and Visual Impact Assessment (LVIA) should also be carried out for the proposed development and surrounding area. Natural England recommends use of the methodology set out in Guidelines for Landscape and Visual Impact Assessment 2013 (3rd edition) produced by LI and IEMA. We welcome that the EIA Scoping Report (Section 9.5, 2025) sets out a LVIA methodology that will be in line with the GLVIA3 process.

As mentioned above, for National Landscapes we advise that the assessment also includes an assessment of the effects on the 'special qualities' of the designated landscape, as set out in the statutory management plan for the area. These identify the particular landscape and related characteristics which underpin the natural beauty of the area and its designation status. Paragraph 9.5.22 references the Kent Downs National Landscape Management Plan in that it identifies the special qualities of the KDNL, however we have not found specific wording that states the EIA will specifically assess the effects of the development against these special qualities and therefore advise this is included.

#### **4.3 LVIA viewpoints**

Natural England gave pre-application advice to the Applicant on 20<sup>th</sup> March 2025, regarding 15 draft representative viewpoints to include in their LVIA. In this advice we were satisfied with 13 of their 15 viewpoints (subject to further information on the direction, field of view and those proposed for visualisations) and queried the suitability of two viewpoints (VP 4 and VP 6) due to surrounding vegetation impeding long views. As such we proposed an additional viewpoint to provide a more open view from Aldington Knoll (VP 4) and advised that the precise location of VP 6 is carefully chosen to provide the most unobscured and representative view. In addition, we proposed a new viewpoint on the Saxon Shore Way to assess impacts on sequential views from the KDNL along the Greensand Ridge.

We welcome that the Applicant has incorporated the two additional viewpoints we proposed into the list of representative viewpoints in Table 9.1 of the Scoping Report. Whilst we have not found reference to our advice for VP 6, we note the Scoping Report suggests that the two new VPs will provide a suitable alternative escarpment view to VP4 and VP 6 and that the KDNL Unit will be consulted on these. We would recommend that Natural England is also consulted on these.

We note that paragraph 9.5.47 states that visualisations will be made to illustrate the effects of the Scheme in year 1 (winter) only for a worst-case scenario. Table 9-1 and paragraph 9.5.46 detail that a total of 17 viewpoints will be used for the assessment, however we notice that paragraph 9.5.47 indicates only 15 viewpoints will have visualisations. We therefore recommend that clarity is provided in this respect. Should the Applicant plan for not all viewpoints to have accompanying visualisations in the LVIA, we would welcome the opportunity to work with them and the KDNL Unit to agree those for which visualisations are to be provided.

We have not found details regarding the direction and field of view for the viewpoints and advise this is confirmed before the LVIA is undertaken. We would welcome the opportunity to work with the applicant and the KDNL Unit to agree these to ensure a robust assessment is undertaken.

The assessment within the ES should also include consideration of the cumulative effect of the development with other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage. Section 5.6 of the EIA Scoping Report (2025) identifies how an assessment of cumulative effects will be included in the EIA. We welcome this, meanwhile we emphasise that the ES should include a specific assessment of cumulative landscape impacts.

To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials. Account should be taken of local design policies, design codes and guides as well as guidance in the [National Design Guide](#) and [National Model Design Code](#). The ES should set out the measures to be taken to ensure the development will deliver high standards of design and green

infrastructure. It should also set out detail of layout alternatives, where appropriate, with a justification of the selected option in terms of landscape impact and benefit.

The National Infrastructure Commission has also produced [Design Principles for National Infrastructure - NIC](#) endorsed by Government in the National Infrastructure Strategy.

## 5. Connecting people with nature

The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 104 and there will be reference in the relevant National Policy Statement. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

## 6. Soils and agricultural land quality

Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered. Further guidance is set out in the Natural England [Guide to assessing development proposals on agricultural land](#).

We welcome the stated intention to carry out detailed soil and agricultural land classification (ALC) survey, to standard Natural England guidelines (section 13.5.8) and in particular, the density of one inspection per hectare and of one soil pit per 10 hectares. However, as set out in our general advice below, we would recommend that inspections be via auger borings to a depth of 1.2m and that soil pits also be sited so as to cover each main soil type.

The following issues should be considered and, where appropriate, included as part of the ES:

- The degree to which soils would be disturbed or damaged as part of the development.
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any BMV agricultural land would be impacted.

This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see [www.magic.gov.uk](http://www.magic.gov.uk).

- Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in **each main soil type** to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).
- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed,

including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

Further information is available in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites and](#) The British Society of Soil Science Guidance Note [Benefitting from Soil Management in Development and Construction](#).

**From:** [Newchurch Parish Council Clerk](#)  
**To:** [Shepway Energy Park](#)  
**Subject:** Newchurch Parish Council Re: EN0110017 Shepway Energy Park - EIA Scoping Notification and Consultation  
**Date:** 24 June 2025 21:16:37  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Dear Joseph Jones, thank you for your email (below) and accompanying letter.

- Newchurch Parish Council (Kent) is pleased to be identified as a consultation body on this matter.
- It has been able to consult with residents widely and very recently through a series of local public meetings.
- It is clear that there is **very strong local opposition** in Newchurch to this scheme.
- The Parish Council is therefore of the opinion that the EIA should be as wide and as thorough as possible, and should take into account the special landscape character of Romney, Walland and Denge Marshes.

Yours sincerely



Clerk

Newchurch Parish Council (Romney Marsh, Kent)

email: pcclerk@newchurchvillage.org

web: www.newchurchvillage.org

**From:** Shepway Energy Park  
**Sent:** Friday, May 30, 2025 2:52 PM  
**Subject:** EN0110017 Shepway Energy Park - EIA Scoping Notification and Consultation

**FAO Parish Clerk**

Dear Sir/Madam

Please see attached correspondence on the proposed Shepway Energy Park.

The Applicant for the Proposed Development intends to make an application for Development Consent under the Planning Act 2008. The Applicant has sought a Scoping Opinion from the Planning Inspectorate, on behalf of the Secretary of State, as to the scope and level of detail of the information to be provided within the Environmental Statement that will accompany its future application.

The Planning Inspectorate has identified you as a consultation body to inform the Scoping Opinion and is therefore inviting you to submit comments by **27 June 2025**. The deadline is a statutory requirement that cannot be extended.

Further information is included within the attached letter.

Kind regards,

Joseph Jones



**Joseph Jones**  
EIA Advisor  
The Planning Inspectorate  
T [REDACTED]



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Please ask for: [REDACTED]  
Direct dial no: [REDACTED]  
Date: 27/06/2025



[REDACTED]  
Chief Executive

Town Hall  
Bexhill-on-Sea  
East Sussex TN39 3JX

By email:  
ShepwayEnergyPark@planninginspectorate.gov.uk  
The Planning Inspectorate  
FAO: Joseph Jones

Dear Joseph Jones

**Development: Shepway Energy Park - EIA Scoping Notification and Consultation**  
**Address: Shepway Energy Park**

I refer to your recent consultation in relation to the above.

Thank you for consulting Rother District Council on this development. Having considered the documentation, we make the following observations:

*Landscape and visual impact*

The closest site is approximately 12km from Rother District Council's boundary. The landscape is flat with far reaching views. However, due to the height of what is proposed, it is not expected to be overtly open to view from any parts of Rother District or impact upon any residential properties within Rother.

However, consideration should be made in relation to any potential glint and glare to surrounding residents and the landscape character.

Whilst it is noted that the site is outside of the High Weald National Landscape (HWNL), which is a defining character of Rother District. Any large-scale development has the potential to impact upon the setting, in terms of both the views to and from the HWNL. The Kent Downs Area of Outstanding Natural Beauty is adjacent to the site (eastwards), which together with the HWNL protect the rolling countryside and picturesque villages of the South of England. Care must be taken to ensure that the works would not harm these protected landscapes.

At this stage we make no further comments.

Yours sincerely

[REDACTED]

Planning - Development Management

**From:** [stmmpc@googlemail.com](mailto:stmmpc@googlemail.com)  
**To:** [Shepway Energy Park](#)  
**Subject:** Views of St. Mary in the Marsh Parish Council  
**Date:** 20 June 2025 13:23:56

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Good afternoon,

Ref: EN0110017

Following the most recent meeting of St. Mary in the Marsh Parish Council and the discussions that were had in relation to the Application by SSE Newchurch Solar Limited, I can provide the views of the Parish Council as follows:

The Environmental Statement should include information on:

- a. how the organisation intend to address the significant impact on the local road network which is already damaged and under pressure, bearing in mind there are already other solar farm projects in progress close by.
- b. How the above will impact emissions and the associated health implications for local residents?
- c. What are the considerations for potential fires and the consequential impact on local residents, their properties etc.?
- d. How will the construction of the energy park impact on local wildlife, bearing in mind the other projects proposed in the area?
- e. What considerations are taken for the impact of other proposed projects in the area?
- f. The origin of the solar panels; where are they manufactured, how are they transported etc.
- g. What are the plans for the panels once they reach the end of their life? Where are they stored, are they recyclable and if so, is the recycling process environmentally friendly?

Kind regards,



Clerk

St. Mary-in-the-Marsh Parish Council

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**From:** [REDACTED] (Property & Consents)  
**To:** [Shepway Energy Park](#)  
**Cc:** [MBX-Consents Enquiries](#)  
**Subject:** Re: EN0110017 Shepway Energy Park - EIA Scoping Notification and Consultation  
**Date:** 02 June 2025 19:16:57  
**Attachments:** [image014.png](#)  
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Dear Mr Jones,

Thank you for your enquiry which has been passed to me to review.

UK Power Networks generally do not contribute to the EIA Scoping Consultations. As a statutory undertaker we will respond accordingly in the main consultation phase of the DCO and respond accordingly in respect of our assets when further details are known.

I hope this is sufficient but if you have any queries please let me know.

Kind regards,

**[REDACTED] MRICS**  
**Property & Consents Operations Manager**  
**LPN Networks & Property Teams | Property & Consents**

**DD:** [REDACTED]  
**E:** [REDACTED]@ukpowernetworks.co.uk  
**A:** Energy House, Hazelwick Avenue, Crawley, West Sussex, RH10 1EX



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**From:** Shepway Energy Park <[ShepwayEnergyPark@planninginspectorate.gov.uk](mailto:ShepwayEnergyPark@planninginspectorate.gov.uk)>  
**Sent:** 30 May 2025 14:47  
**Subject:** EN0110017 Shepway Energy Park - EIA Scoping Notification and Consultation

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Dear Sir/Madam

Please see attached correspondence on the proposed Shepway Energy Park.

The Applicant for the Proposed Development intends to make an application for

Development Consent under the Planning Act 2008. The Applicant has sought a Scoping Opinion from the Planning Inspectorate, on behalf of the Secretary of State, as to the scope and level of detail of the information to be provided within the Environmental Statement that will accompany its future application.

The Planning Inspectorate has identified you as a consultation body to inform the Scoping Opinion and is therefore inviting you to submit comments by **27 June 2025**. The deadline is a statutory requirement that cannot be extended.

Further information is included within the attached letter.

Kind regards,

Joseph Jones



**Joseph Jones**  
EIA Advisor  
The Planning Inspectorate  
T [REDACTED]



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